

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

JAMES M. ATKINSON, *pro se*

Plaintiff,

v.

TOWN OF ROCKPORT;
COMMONWEALTH OF
MASSACHUSETTS; SALEM STATE
COLLEGE; NORTH SHORE
COMMUNITY COLLEGE;
MONTserrat COLLEGE OF ART;
LYONS AMBULANCE, LLC,
RESEARCH ELECTRONICS
INTERNATIONAL, LLC; BEVERLY
HOSPITAL; ADDISON GILBERT
HOSPITAL; ESSEX COUNTY
SHERIFFS DEPARTMENT; A AND L
ENTERPRISES; CAPE ANN
CHAMBER OF COMMERCE;
BEVERLY NATIONAL BANK;
DANVERS BANCORP, INC.; MARY
ELIZABETH HEFFERNAN in her
official capacity and individually as the
Secretary of Public Safety and
Executive Office of Public Safety and
Security; MARK DELANEY in his
official capacity and individually as the
Colonel of the State Police; JAMES F.
SLATER in his official capacity and
individually as Criminal History
Systems Board (CHSB), renamed the
Department of Criminal Justice

11-CV-11073-NMG

4th AMENDED COMPLAINT

DEMAND FOR JURY TRIAL

42 U.S.C. § 1983
*“Civil Action for Deprivation of
Rights”*

42 U.S.C. § 1985
*“Conspiracy to Interfere with Civil
Rights”*

42 U.S.C. § 1985
“Action for Neglect to Prevent”

42 U.S.C. § 1988
“Vindication of Civil Rights”

42 U.S.C. § 1981a
“Civil Rights Damages”

U.S. Constitution, Article Four,
Section 2
*“Privileges and Immunities of
Citizens”*

FIRST AMENDMENT
“Freedom of Expression”

SECOND AMENDMENT
“Right to Keep and Bear Arms”

Information Services (DCJIS); JAMES HURST in his official capacity and individually as a Police Officer for Town of Rockport; DANIEL MAHONEY in his official capacity and individually as a Police Officer for Town of Rockport; MICHAEL MARINO in his official capacity and individually as a Police Officer for Town of Rockport; JOHN T. MCCARTHY in his official capacity and individually as the Chief of Police for Town of Rockport; GREGORY GEORGE in his official capacity and individually as a Police Officer for Town of Rockport; SEAN ANDRUS in his official capacity and individually as a Police Officer for Town of Rockport; JAMES HURST in his official capacity and individually as a Police Officer for Town of Rockport; MARK SCHMINK in his official capacity and individually as a Police Officer for Town of Rockport; ROBERT TIBERT in his official capacity and individually as a Police Officer for Town of Rockport; MICHAEL ANDERSON in his official capacity and individually as a Police Officer for Town of Rockport; TIMOTHY FRITHSEN in his official capacity and individually as a Police Officer for Town of Rockport; CHRISTIAN MCDOWELL in his official capacity and individually as a Special Agent for Federal Bureau of Investigation; ROSEMARY LESCH in her official capacity and individually as a Department Head for Town of Rockport, Emergency Medical Technician (EMT), and Harbormaster;

FOURTH AMENDMENT

“Search and Seizure”

FIFTH AMENDMENT

“Rights of Persons”

SIXTH AMENDMENT

“Rights of Accused in Criminal Prosecutions”

EIGHTH AMENDMENT

“Further Guarantees in Criminal Cases”

NINTH AMENDMENT

“Unenumerated Rights”

FOURTEENTH AMENDMENT

“Rights Guaranteed, Privileges and Immunities of Citizenship, Due Process and Equal Protection”

18 U.S.C. §§ 1961-1968

“Civil Racketeer Influenced and Corrupt Organizations Act”

18 U.S.C. §§ 2510-2522

“Eavesdropping”

31 U.S.C. §§ 3729–3733

“False Claims Act”

47 U.S.C. §§ 2.1–1305

“Telecommunications”

15 U.S.C. §§ 1-38

“Monopolies”

18 U.S.C. § 1831

SCOTT STORY in his official capacity and individually as a Department Head, Emergency Medical Technician (EMT), and Harbormaster for Town of Rockport; RITA BUDROW in her official capacity and individually as an EMT for Town of Rockport; JANE CARR in her official capacity and individually as an EMT for Town of Rockport, EMT for Lyons Ambulance, and EMT and Nurses Aid for Beverly Hospital; DIANE E. CRUDDEN in her official capacity and individually as an EMT for Town of Rockport; HENRY MICHALSKI in his official capacity and individually as an EMT Instructor for Lyons Ambulance Commonwealth of Massachusetts EMT Examiner, and EMT Instructor for North Shore Community College; PENNY MICHALSKI in her official capacity and individually as an Employee for the Attorney Generals Office; KEVIN M. LYONS in his official capacity and individually as an Owner for Lyons Ambulance Service LLC; FRANK CARABELLO in his official capacity and individually as the Director of Operations for Lyons Ambulance Service LLC; DARRELL MOORE in his official capacity and individually as an EMT Instructor for Lyons Ambulance Service LLC and a Commonwealth of Massachusetts EMT Examiner; ROBERT PIEPIORA in his official capacity and individually as an EMT Instructor for Lyons Ambulance Service LLC and a Commonwealth of Massachusetts EMT Examiner; DAVID RAYMOND in his official capacity and

“Economic Espionage”

18 U.S.C. § 1951

“Interference with Commerce”

18 U.S.C. § 2234

“Authority Exceeded in Executing Warrant”

18 U.S.C. § 2235 - 2236

“Illegal Searches and Seizures”

18 U.S.C. § 1341

“Mail Fraud”

18 U.S.C. § 1343

“Wire Fraud”

18 U.S.C. § 1956

“Financial Transactions Involving the Proceeds of Specified Unlawful Activity”

18 U.S.C. §§ 1510 – 1513

“Obstruction of Justice”

18 U.S.C. § 241

“Conspiracy to Injure Citizens in the Exercise of Federal Rights”

18 U.S.C. § 242

“Willful Deprivations of Federal Rights Under Color of Law”

18 U.S.C. § 245

“Interference with Federally Protected Activities”

18 U.S.C. § 1001

“False or Fraudulent Statement to

individually as an EMT Instructor for Lyons Ambulance Service LLC and a Commonwealth of Massachusetts EMT Examiner; JOHN L. GOOD in his official capacity and individually as a Executive Vice President for Beverly National Bank and Executive for Danvers Bancorp, Inc., as an EMT Instructor for Lyons Ambulance, an Executive at Beverly Hospital, and a Bank Officer for Montserrat College of Art, and a Commonwealth of Massachusetts EMT Examiner; MICHAEL COONEY in his official capacity and individually as an Investigator for Massachusetts State Police; PAUL COFFEY in his official capacity and individually as an OEMS Investigator for Commonwealth of Massachusetts; ABDULLAH REHAYEM in his official capacity and individually as an OEMS Director for Commonwealth of Massachusetts; RENEE D. LAKE in her official capacity and individually as an OEMS Compliance Coordinator for Commonwealth of Massachusetts; M. THOMAS QUAIL in his official capacity and individually as an OEMS Clinical Coordinator for Commonwealth of Massachusetts; BRENDAN MURPHY in his official capacity and individually as an OEMS Investigator for Commonwealth of Massachusetts; MARK MILLET in his official capacity and individually as an EMS Coordinator for Beverly Hospital; STEVEN KRENDEL in his official capacity and individually as an Medical Control Physician for Beverly Hospital; JOHN

Government Agency”

18 U.S.C. § 371
“Conspiracy”

19 U.S.C. §§ 1709-3808
“Smuggling”

18 U.S.C. § 554
“Smuggling Goods Out of the US”

42 U.S.C. § 14141
“Deprivation of Rights, Privileges, or Immunities - Pattern or Practice of Conduct”

22 U.S.C. § 401
“Illegal Exportation of War Material”

22 U.S.C. §§ 2778 - 2780
“Arms Export Control Act (AECA)”

36 U.S.C. § 40701 - 40733
“Rifle Practice and Firearms Safety”

28 U.S.C. § 1443
“Removal – Civil Rights Cases”

28 U.S.C. §§ 1446 – 1449
“Removal of State Actions”

50 U.S.C. § 2410
“Export Violations”

22 CFR, § 120 – 130
“International Traffic in Arms Regulations (ITAR)”

AUERBACH in his official capacity and individually as the Commissioner, Department of Public Health for Commonwealth of Massachusetts; MARTHA COAKLEY in her official capacity and individually as the Attorney General for Commonwealth of Massachusetts; KATHERINE HARTIGAN in her official capacity and individually as an Assistant District Attorney for Commonwealth of Massachusetts; JOHN B. BRENNAN in his official capacity and individually as an Assistant District Attorney for Commonwealth of Massachusetts; JOSEPH W. JENNINGS, III in his official capacity and individually as a District Judge for Commonwealth of Massachusetts; MARGARET D. ARTEAU in her official capacity and individually as a Clerk-Magistrate for Commonwealth of Massachusetts; KEVIN P. BURKE in his official capacity and individually as a Clerk-Magistrate for Commonwealth of Massachusetts; MARK PULLI in his official capacity and individually as an Investigator for Commonwealth of Massachusetts; LLOYD A. HOLMES in his official capacity and individually the Dean of Students for North Shore Community College; WAYNE BURTON in his official capacity and individually as the President of North Shore Community College; DONNA RICHEMOND in her official capacity and individually as a Vice President, Student and Enrollment Services for North Shore Community College; DOUG PUSKA in his official capacity

MASSACHUSETTS
CONSTITUTION, PART THE
FIRST, ARTICLE XVII
“Right to Keep and to Bear Arms”

12 M.G.L. § 11H
“Violations of Constitutional Rights”

265 M.G.L. § 13A
“Assault and Battery”

265 M.G.L. § 17
“Armed Robbery”

265 M.G.L. § 18B
“Use of Firearms while Committing a Felony”

265 M.G.L. § 18C
“Entry of Dwelling Place – Use of Force”

265 M.G.L. § 21 *“Stealing by Confining or Putting in Fear”*

265 M.G.L. § 18A
“Dangerous Weapon; Assault in Dwelling House”

265 M.G.L. §§ 26 - 27
“Kidnapping”

265 M.G.L. § 29
“Assault with Intent to Commit a Felony”

265 M.G.L. § 37
“Violations of Constitutional Rights”

and individually as the Chief of Police for North Shore Community College; KENNETH TASHJY in his official capacity and individually as College Legal Counsel for North Shore Community College; MARSHALL J. HANDLY in his official capacity and individually as the Legal Department for Montserrat College of Art; STEPHEN D. IMMERMANN in his official capacity and individually as the President for Montserrat College of Art; BRIAN BICKNELL in his official capacity and individually as an Dean for Montserrat College of Art; LEE DELLICKER in his official capacity and individually as a Trustee for Montserrat College of Art; LECIA TURCOTTE in her official capacity and individually as a Trustee for Montserrat College of Art; DONALD BOWEN in his official capacity and individually as a Trustee for Montserrat College of Art; MARTHA BUSKIRK in her official capacity and individually as a Trustee for Montserrat College of Art; CHRISTOPHER COLLINS in his official capacity and individually as a Trustee for Montserrat College of Art; NANCY CRATE in her official capacity and individually as a Trustee for Montserrat College of Art; CRAIG H. DEERY in his official capacity and individually as a Trustee for Montserrat College of Art; STEVEN DODGE in his official capacity and individually as a Trustee for Montserrat College of Art; HENRIETTA GATES in her official capacity and individually as a Trustee

265 M.G.L. § 39

“Assault or Battery for Purpose of Intimidation”

263 M.G.L. § 1

“Right to Be Informed of Nature of Crime”

263 M.G.L. § 2

“Arrest on False Pretence”

263 M.G.L. § 3

“False Imprisonment”

263 M.G.L. § 9

“Punishment”

268 M.G.L. § 1

“Perjury”

268 M.G.L. § 1A

“False Statement - Perjury”

268 M.G.L. § 2

“Subornation of Perjury”

268 M.G.L. § 3

“Procurement of Perjury”

268 M.G.L. § 4

“Presumption of Perjury”

268 M.G.L. § 6

“False Reports or Testimony”

268 M.G.L. § 6A

“False Written Reports by Public Officers”

for Montserrat College of Art; MIRANDA GOODING in her official capacity and individually as a Trustee for Montserrat College of Art; LINDA HARVEY in her official capacity and individually as a Trustee for Montserrat College of Art; BETSY HOPKINS in her official capacity and individually as a Trustee for Montserrat College of Art; JOHN PETERMAN in his official capacity and individually as a Trustee for Montserrat College of Art; JURRIEN TIMMER in his official capacity and individually as a Trustee for Montserrat College of Art; CHARLES WHITTEN in his official capacity and individually as a Trustee for Montserrat College of Art; ALAN WILSON in his official capacity and individually as a Trustee for Montserrat College of Art; KATHERINE WINTER in her official capacity and individually as a Trustee for Montserrat College of Art; JO BRODERICK in her official capacity and individually as a Dean of College Relations for Montserrat College of Art; RICK LONGO in his official capacity and individually as a Dean of Admissions & Enrollment Management for Montserrat College of Art; LAURA TONELLI in her official capacity and individually as the Dean of Faculty and Academic Affairs for Montserrat College of Art; THERESA SKELLY in her official capacity and individually as the Registrar for Montserrat College of Art; JEFFREY NEWELL in his official capacity and individually as the Director of Admissions for Montserrat College of

268 M.G.L. § 13B
“Intimidation of Witnesses”

268 M.G.L. § 13E
“Tampering with Records”

268A M.G.L. § 9
“Corrupt State Officials”

268 M.G.L. § 36
“Compounding or Concealing Felonies”

272 M.G.L. § 99
“Illegal Interception of Wire and Oral Communications”

272 M.G.L. § 105
“Illegally Photographing, Videotaping or Electronically Surveilling Partially Nude or Nude Person”

276 M.G.L. §§ 1-7
“Search Warrants”

276 M.G.L. § 33A
“Use of Telephone in Places of Detention”

266 M.G.L. § 20A
“Breaking into a Truck, with the Intent to Commit a Felony”

266 M.G.L. § 28
“Malicious Damage to a Motor Vehicle”

274 M.G.L. § 2
“Felony – Accessory Before Fact”

Art; SCOTT JAMES in his official capacity and individually as an Associate Vice President for Salem State College; PATRICIA MAGUIRE MESERVEY in her official capacity and individually as the President for Salem State College; JAMES STOLL in his official capacity and individually as the Associate Vice President and Dean of Students for Salem State College; WILLIAM ANGLIN in his official capacity and individually as a Chief, Public Safety for Salem State College; SHAWN A. NEWTON in his official capacity and individually as an Assistant Dean of Students for Salem State College; SHANE RODRIGUEZ in his official capacity and individually as a Deputy Chief, Campus Police for Salem State College; KEMAH TRAVERS in his/her official capacity and individually as a Judicial Board Member for Salem State College; KRISTINA MASON in her official capacity and individually as a Judicial Board Member for Salem State College; LEE BROSSOIT in his/her official capacity and individually as a Assistant Dean for Graduate Admissions for Salem State College; MELANIE GOODLAXSON in her official capacity and individually as a Nurse for the Essex County Sheriff's Department; FRANK G. COUSINS, JR. in his official capacity and individually as the Sheriff for the Essex County Sheriff's Department; MICHAEL MARKS in his official capacity and individually as a Superintendent - Essex County Correctional Facility for Essex County Sheriff's Department;

274 M.G.L. § 3
"Counseling or Procuring Felony"

274 M.G.L. § 4
"Felony – Accessory After Fact"

18 U.S.C 922
"Unlawful Acts - Firearms"

18 U.S.C. 921
"Definitions - Firearms"

18 U.S.C. 926(a)
"Firearms Owners' Protection Act"

18 U.S.C. § 1951(a)
"Conspiracy to Obstruct Interstate Commerce by Means of Robbery"

18 U.S.C. § 924(o)
"Conspiracy to Use and Carry Firearms During and In Relation to a Crime of Violence"

18 U.S.C. §§ 924(c)(1)(A) and 2
"Using and Carrying Firearms During and In Relation to a Crime of Violence"

18 U.S.C. § 924(c)
"Use and Carrying of Firearms During a Crime of Violence"

18 U.S.C. § 924(c)
"Attempted Murder in Aid of Racketeering, Assault with a Dangerous Weapon in aid of Racketeering."

MICHAEL FROST in his official capacity and individually as the Assistant Superintendent V - Essex County Correctional Facility for Essex County Sheriff's Department; MICHAEL RACICOT in his official capacity and individually as a Town Administrator for Town of Rockport; LINDA SANDERS in her official capacity and individually as a Town Administrator for Town of Rockport; SANDY JACQUES in his official capacity and individually as a Selectman for Town of Rockport; SARAH WILKINSON in her official capacity and individually as a Selectman for Town of Rockport; ANDREW HEINZE in his official capacity and individually as a Selectman for Town of Rockport; ELLEN CANAVAN in her official capacity and individually as a Selectman for Town of Rockport; CHARLES CLARK in her official capacity and individually as a Selectman for Town of Rockport; VINCENT P. MEOLI in his official capacity and individually as a Emergency Room Physician for Addison Gilbert Hospital; MICHAEL ARSENIAN in his official capacity and individually as a Physician for Addison Gilbert Hospital; PETER W. CURATOLO in his official capacity and individually as a Physician for Addison Gilbert Hospital; THOMAS H. JONES in his official capacity and individually as an Owner for Research Electronics International, LLC; BRUCE BARSUMIAN in his official capacity and individually as an Owner for Research Electronics International,

18 USC 1959(a)(3)
"Assault with Dangerous Weapons in Aid of Racketeering Activity"

18 USC 1959(a)(6)
"Conspiracy to Commit Assault with a Dangerous Weapons in Aid of Racketeering"

18 U.S.C. § 541
"Importation of Falsely Classified Goods"

15 CFR §§ 730–774
"Export Administration Regulations"

Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (Public Law 101-246)
"Tiananmen Square Sanctions"

22 CFR, § 120 – 130
ITAR, Munitions Control List, implementing the M.L. 11.a.c. section of the International Arm Control Treaty called the: "Wassenaar Arrangement"

U.S. H.R. 3162, Public Law 107-56), Title III, Subtitle A, Sec. 315
"USA PATRIOT Act"

10 USC § 311(b)(2)
"Unorganized Militia"

LLC; MICHELLE GAW in her official capacity and individually as a Sales Person for Research Electronics International, LLC; TRISH WEBB in her official capacity and individually as an Accounting Manager for Research Electronics International, LLC; PAMELA MCINTYRE in her official capacity and individually as an Employee for Research Electronics International, LLC; LEE JONES in his official capacity and individually as a Sales Manager for Research Electronics International, LLC; ARLENE J. BARSUMIAN in her official capacity and individually as an Owner for Research Electronics International, LLC and A and L Enterprises; DARLENE JONES (aka: LISA JONES) in her official capacity and individually as an Owner for Research Electronics International, LLC and A and L Enterprises; ARTURO DIAZ (aka: ART DIAZ) in his official capacity and individually as an Salesperson and Export Manager for Research Electronics International, LLC; NICOLE RODGERS in her official capacity and individually as a Sales Person and Exporter for Research Electronics International, LLC; DEAN BUTLER (aka: CLYDEAN BUTLER) in her official capacity and individually as an a Notary Public, Officer Manager, Sales Person, and Exporter for Research Electronics International, LLC; LINDA SISCO in her official capacity and individually as an a Sales Person, Exporter, and Purchasing Agent for Research Electronics International,

LLC; MARK S. UKER in his official capacity and individually as an Instructor for Research Electronics International, LLC; CRISMAN MCSPADDEN in his official capacity and individually as an Instructor for Research Electronics International, LLC; STEPHANIE HOEPPNER in her official capacity and individually as an Instructor for Research Electronics International, LLC; ROGER WERRIES in his official capacity and individually as an Instructor for Research Electronics International, LLC; MATT WINNINGHAM in his official capacity and individually as an Instructor for Research Electronics International, LLC; MIKE MILLER in his official capacity and individually as an Accounting Manager for Research Electronics International, LLC; SEAN M. KELLY in his official capacity and individually as an Engineer, Engineering Supervisor, Instructor and Exporter for Research Electronics International, LLC; SARAH BETH JONES in her official capacity and individually as an Sales Person, and Office Assistant for Research Electronics International, LLC; KIMBERLY JONES in her official capacity and individually as a Marketing Consultant for Research Electronics International, LLC; BRAD HENSLEY in his official capacity and individually as a Shipping Manager for Research Electronics International, LLC; CHARLENE BROWN in her official capacity and individually as a Worker

for Cape Ann Chamber of Commerce; TOM HAMILTON in his official capacity and individually as an Agent of the United States Postal Service Inspections Division of the United States Post Office; JACK KELTER in his official capacity and individually as a Special Agent of the United States Bureau of Alcohol, Tobacco, and Firearms (ATF) of the Department of Homeland Security; JAMISON F. WIROLL (aka: JAMIE WIROLL) in his official capacity and individually as a Special Agent of the United States Immigration and Customs Enforcement (ICE) of the Department of Homeland Security; JONATHAN W. BLODGETT in his official capacity and individually as the District Attorney of Essex County; ZORRAN ATANASOVSKI of the Commonwealth of Massachusetts, Executive Office of Public Safety and Security, Criminal History Systems Board, Firearms Records Bureau; JASON GUIDA of the Commonwealth of Massachusetts, Executive Office of Public Safety and Security, Criminal History Systems Board, Firearms Records Bureau; PEGGY HENNIHAN, Attorney for the Commonwealth of Massachusetts Department of Public Health; and JOHN DOE'S 001 – 265 in his/her official capacity and individually.

Defendants.

1 1. Comes now the Plaintiff, **JAMES M. ATKINSON**, who is a U.S.
2 Citizen by birth; a Patriot, a champion of civil liberties; a disabled
3 U.S. Veteran with Honorable Service; and law-abiding, responsible
4 citizen, Plaintiff Atkinson hereby alleges as follows:

5
6 **COMPLAINT**
7

8 2. This action for deprivation of civil rights under color of law, and
9 also challenges to various unconstitutional Massachusetts statutes in
10 regard to the keeping and bearing of arms to the extent that they
11 prohibit otherwise qualified private citizens from keeping or
12 carrying arms for the purpose of self-defense, in violation of Federal
13 law and decisions of the Supreme Court.

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15 3. This complaint is also for violation of the Plaintiffs civil rights in
16 regards to deprivation of 1st, 2nd, 4th, 5th, 6th, 8th, 9th and 14th
17 Amendment Rights, and lack of due process.

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19 4. The complaint is not solely about the right to keep and bear arms
20 or civil right deprivations, but also about illegal arrests, illegal

21 searches, illegal seizures, fabricated warrants, deprivation of due
22 process, felony theft from, and other crimes against the Plaintiff by
23 state actors, arms smuggling, racketeering, complex organized
24 criminal enterprises, and other unlawful activities.

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26 5. This complaint is also about Plaintiff being unlawfully punished by
27 unlawfully suspending or expelling him from three colleges (as a
28 unlawful judicial action taken by the state) were he was enrolled as
29 a student, suspension and revocation of his EMT license (as an
30 unlawful judicial action), and termination of his employment for
31 something which not only is the Plaintiff innocent of, but which is
32 in fact a Federally Protected Activity, a Privilege, a Right, and an
33 Immunity of Citizenship.

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35 6. Certain Defendants have also confected a complex; long-term
36 scheme to facilitate the illegal manufacturing and illegal export of
37 highly controlled munitions or arms and “Arms Smuggling” as an
38 ongoing violation by a criminal enterprise, violations of federal
39 law, and have repeatedly and flagrantly violated the Arms Export
40 Control Act and international treaties. This illegal arm smuggling

41 activity was used as a mechanism to violate the civil right of the
42 Plaintiff.

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44 7. This action is also for **Civil Racketeer Influenced and Corrupt**
45 **Organizations Act (“RICO”)** violations; violations of federal
46 wiretapping statutes; violations of the False Claims Acts and/or to
47 obtain Federal Funds; violation of Electronic Communications
48 laws; Monopolies and Restraint of Trade violations; Economic
49 Espionage Act, 18 U.S.C. 1831 violations; Export Violations;
50 violation of FDA's prohibition against “promoting” before FDA
51 has approved the device for commercial distribution; as well as
52 other criminal violation of the laws and statutes of the United
53 States of America and of the Commonwealth of Massachusetts by
54 state agents, agencies, and private entities working in concert with
55 the state and acting under color of law.

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57 8. Plaintiff seeks a declaratory judgment, injunctive relief, actual
58 damages, general damages, special damages, compensatory
59 damages, punitive damages, attorney’s fees, costs, and other relief
60 this court deems appropriate.

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CONCISE STATEMENTS OF CLAIMS

**Lyons Ambulance EMT Training Fraud
September 8, 2008 – Present Day**

9. On or about September 8, 2008, and continuing continuously until at least February 20, 2009, Defendants Henry Michalski, Darrell Moore, Robert Piepiora, David Raymond individually, and in their official capacity, while acting under color of law as a Emergency Medical Technician Instructor and EMT Examiner, for the Commonwealth of Massachusetts in Boston, MA and Lyons Ambulance, in Danvers, Massachusetts; did with other defendants violate, deprive, or infringe upon the civil rights of Plaintiff James M. Atkinson for the purposes of personal, political, and professional gains, without just cause, or lawful authority and did engage in a Scheme to Defraud against James M. Atkinson in contravention of law, by taking monies for a fraudulent EMT training course, that did not meet the mandatory class times required by law. This specific unlawful action on this date intertwines with other related actions and activities performed on other dates and forms a unbroken continuation of the operation of a

83 organized criminal enterprise functioning prior to this date,
84 spanning this specific date, and continuing onward to the present
85 date, and affecting both historical, present, and future events.

86
87 10. On or about September 8, 2008, and continuing continuously until
88 at least February 20, 2009, Defendants Henry Michalski, Darrell
89 Moore, Robert Piepiora, David Raymond individually, and in their
90 official capacity, while acting under color of law as a Emergency
91 Medical Technician Instructor and EMT Examiner, for the
92 Commonwealth of Massachusetts in Boston, MA and Lyons
93 Ambulance, in Danvers, Massachusetts; did with other defendants
94 violate, deprive, or infringe upon the civil rights of Plaintiff James
95 M. Atkinson for the purposes of personal, political, and
96 professional gains, without just cause, or lawful authority and did
97 engage in a Conspiracy against James M. Atkinson in
98 contravention of law, by way of an agreement between the
99 instructors and certain students to defraud the Commonwealth of
100 Massachusetts Office of EMS (licensing agency) in regards to
101 course duration and course content. This specific unlawful action
102 on this date intertwines with other related actions and activities

103 performed on other dates and forms a unbroken continuation of the
104 operation of a organized criminal enterprise functioning prior to
105 this date, spanning this specific date, and continuing onward to the
106 present date, and affecting both historical, present, and future
107 events.

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109 11. On or about July 23, 2008, and continuing continuously until at
110 least February 20, 2009, Defendants Henry Michalski, Darrell
111 Moore, Robert Piepiora, David Raymond individually, and in their
112 official capacity, while acting under color of law as a Emergency
113 Medical Technician Instructor and EMT Examiner, for the
114 Commonwealth of Massachusetts in Boston, MA and Lyons
115 Ambulance, in Danvers, Massachusetts; did with other defendants
116 violate, deprive, or infringe upon the civil rights of Plaintiff James
117 M. Atkinson for the purposes of personal, political, and
118 professional gains, without just cause, or lawful authority and did
119 engage in a Accessory before the fact against James M. Atkinson
120 in contravention of law. This specific unlawful action on this date
121 intertwines with other related actions and activities performed on
122 other dates and forms a unbroken continuation of the operation of a

123 organized criminal enterprise functioning prior to this date,
124 spanning this specific date, and continuing onward to the present
125 date, and affecting both historical, present, and future events.

126
127 12. On or about September 8, 2008, and continuing continuously until
128 at least February 20, 2009, Defendants Henry Michalski, Darrell
129 Moore, Robert Piepiora, David Raymond individually, and in their
130 official capacity, while acting under color of law as a Emergency
131 Medical Technician Instructor and EMT Examiner, for the
132 Commonwealth of Massachusetts in Boston, MA and Lyons
133 Ambulance, in Danvers, Massachusetts; did with other defendants
134 violate, deprive, or infringe upon the civil rights of Plaintiff James
135 M. Atkinson for the purposes of personal, political, and
136 professional gains, without just cause, or lawful authority and did
137 engage in Accessory after the fact against James M. Atkinson in
138 contravention of law. This specific unlawful action on this date
139 intertwines with other related actions and activities performed on
140 other dates and forms a unbroken continuation of the operation of a
141 organized criminal enterprise functioning prior to this date,

142 spanning this specific date, and continuing onward to the present
143 date, and affecting both historical, present, and future events.

144
145 13. On or about September 8, 2008, and continuing continuously until
146 at least February 20, 2009, Defendant Henry Michalski,
147 individually, and in their official capacity, while acting under color
148 of law as a Emergency Medical Technician Instructor and EMT
149 Examiner, for the Commonwealth of Massachusetts in Boston, MA
150 and Lyons Ambulance, in Danvers, Massachusetts; did with other
151 defendants violate, deprive, or infringe upon the civil rights of
152 Plaintiff James M. Atkinson for the purposes of personal, political,
153 and professional gains, without just cause, or lawful authority and
154 did engage in Mail Fraud against James M. Atkinson in
155 contravention of law by way of sending class rosters and course
156 documents to the Commonwealth of Massachusetts OEMS offices
157 for classes which did not take place at all, or for which hours were
158 reported to be higher than those actually attended by student. This
159 specific unlawful action on this date intertwines with other related
160 actions and activities performed on other dates and forms a
161 unbroken continuation of the operation of a organized criminal

162 enterprise functioning prior to this date, spanning this specific date,
163 and continuing onward to the present date, and affecting both
164 historical, present, and future events.

165
166 14. On or about May 28, 2008, and continuing continuously until at
167 least February 20, 2009, Defendant Henry Michalski, individually,
168 and in their official capacity, while acting under color of law as a
169 Emergency Medical Technician Instructor and EMT Examiner, for
170 the Commonwealth of Massachusetts in Boston, MA and Lyons
171 Ambulance, in Danvers, Massachusetts; did with other defendants
172 violate, deprive, or infringe upon the civil rights of Plaintiff James
173 M. Atkinson for the purposes of personal, political, and
174 professional gains, without just cause, or lawful authority and did
175 engage in Wire Fraud against James M. Atkinson in contravention
176 of law, by way of transmitting fraudulent E-Mail, and using online
177 learning modalities, and falsifying the results of online testing. In
178 addition, the misuse of inter-state electronic communications to
179 perform certain EMT Course functions to include online
180 assignments, online testing, online examinations, and the use of
181 online resources to create the end of course written examination.

182 This specific unlawful action on this date intertwines with other
183 related actions and activities performed on other dates and forms a
184 unbroken continuation of the operation of a organized criminal
185 enterprise functioning prior to this date, spanning this specific date,
186 and continuing onward to the present date, and affecting both
187 historical, present, and future events.

188
189 15. On or about May 28, 2008, and continuing continuously until at
190 least February 20, 2009, Defendant Henry Michalski, individually,
191 and in their official capacity, while acting under color of law as a
192 Emergency Medical Technician Instructor for the Commonwealth
193 of Massachusetts in Boston, MA and North Shore Community
194 College, in Danvers, Massachusetts; did with other defendants
195 violate, deprive, or infringe upon the civil rights of Plaintiff James
196 M. Atkinson for the purposes of personal, political, and
197 professional gains, without just cause, or lawful authority and did
198 engage in Scheme to Defraud against James M. Atkinson in
199 contravention of law, by depriving Atkinson of the required course
200 durations and content required to legitimately obtain an EMT
201 license. This specific unlawful action on this date intertwines with

202 other related actions and activities performed on other dates and
203 forms a unbroken continuation of the operation of a organized
204 criminal enterprise functioning prior to this date, spanning this
205 specific date, and continuing onward to the present date, and
206 affecting both historical, present, and future events.

207
208 16. On or about May 28, 2008, and continuing continuously until at
209 least February 20, 2009, Defendants Henry Michalski, Darrell
210 Moore, Robert Piepiora, David Raymond, John Good, Frank
211 Carabello, and Kevin M. Lyons individually, and in their official
212 capacity, while acting under color of law as a Emergency Medical
213 Technician Instructors, and/or EMT Training School and/or EMT
214 Examiner, for the Commonwealth of Massachusetts in Boston, MA
215 and Lyons Ambulance, in Danvers, Massachusetts; did with other
216 defendants violate, deprive, or infringe upon the civil rights of
217 Plaintiff James M. Atkinson for the purposes of personal, political,
218 and professional gains, without just cause, or lawful authority and
219 did engage in Racketeering against James M. Atkinson in
220 contravention of law, by virtue of the operation of a criminal
221 organization, engaging in conspiracy, obstruction of justice, mail

222 fraud, wire fraud, Medicare/medical fraud, and other actions. This
223 specific unlawful action on this date intertwines with other related
224 actions and activities performed on other dates and forms a
225 unbroken continuation of the operation of a organized criminal
226 enterprise functioning prior to this date, spanning this specific date,
227 and continuing onward to the present date, and affecting both
228 historical, present, and future events.

229
230 17. On or about May 28, 2008, and continuing continuously until at
231 least February 20, 2009, Defendants Henry Michalski, Darrell
232 Moore, Robert Piepiora, David Raymond, John Good, Frank
233 Carabello, and Kevin M. Lyons individually, and in their official
234 capacity, while acting under color of law as a Emergency Medical
235 Technician Instructors, and/or EMT Training School and/or EMT
236 Examiner, for the Commonwealth of Massachusetts in Boston, MA
237 and Lyons Ambulance, in Danvers, Massachusetts; did with other
238 defendants violate, deprive, or infringe upon the civil rights of
239 Plaintiff James M. Atkinson for the purposes of personal, political,
240 and professional gains, without just cause, or lawful authority and
241 did engage in monetary transactions in property derived from

242 specified unlawful activity against James M. Atkinson in
243 contravention of law by way of making monies paid as course
244 tuitions and for books and materials and converting said funds
245 received. This specific unlawful action on this date intertwines
246 with other related actions and activities performed on other dates
247 and forms a unbroken continuation of the operation of a organized
248 criminal enterprise functioning prior to this date, spanning this
249 specific date, and continuing onward to the present date, and
250 affecting both historical, present, and future events.

251
252 18. On or about September 8, 2008, and continuing continuously until
253 at least December 1, 2009, Defendants Henry Michalski, Darrell
254 Moore, Robert Piepiora, David Raymond, John Good, Frank
255 Carabello, and Kevin M. Lyons individually, and in their official
256 capacity, while acting under color of law as a Emergency Medical
257 Technician Instructors, and/or EMT Training School and/or EMT
258 Examiner, for the Commonwealth of Massachusetts in Boston, MA
259 and Lyons Ambulance, in Danvers, Massachusetts; did with other
260 defendants violate, deprive, or infringe upon the civil rights of
261 Plaintiff James M. Atkinson for the purposes of personal, political,

262 and professional gains, without just cause, or lawful authority and
263 did engage in witness tampering against James M. Atkinson in
264 contravention of law by contacting Plaintiff Atkinson both directly
265 and through others and stating they “Everybody would hang, if we
266 got caught, so everybody has to have the same story.” This specific
267 unlawful action on this date intertwines with other related actions
268 and activities performed on other dates and forms a unbroken
269 continuation of the operation of a organized criminal enterprise
270 functioning prior to this date, spanning this specific date, and
271 continuing onward to the present date, and affecting both historical,
272 present, and future events.

273
274 19. On or about December 27, 2008, and continuing continuously until
275 at least December 1, 2009, Defendants Henry Michalski, Darrell
276 Moore, Robert Piepiora, David Raymond, John Good, Frank
277 Carabello, and Kevin M. Lyons individually, and in their official
278 capacity, while acting under color of law as a Emergency Medical
279 Technician Instructors, and/or EMT Training School and/or EMT
280 Examiner, for the Commonwealth of Massachusetts in Boston, MA
281 and Lyons Ambulance, in Danvers, Massachusetts; did with other

282 defendants violate, deprive, or infringe upon the civil rights of
283 Plaintiff James M. Atkinson for the purposes of personal, political,
284 and professional gains, without just cause, or lawful authority and
285 did engage in Felony Larceny against James M. Atkinson in
286 contravention of law, by taking monies for goods and services
287 which were not provided. This specific unlawful action on this date
288 intertwines with other related actions and activities performed on
289 other dates and forms a unbroken continuation of the operation of a
290 organized criminal enterprise functioning prior to this date,
291 spanning this specific date, and continuing onward to the present
292 date, and affecting both historical, present, and future events.

293
294 20. On or about September 8, 2008, and continuing continuously until
295 at least December 1, 2009, Defendants Henry Michalski, Darrell
296 Moore, Robert Piepiora, David Raymond, John Good, Frank
297 Carabello, and Kevin M. Lyons individually, and in their official
298 capacity, while acting under color of law as a Emergency Medical
299 Technician Instructors, and/or EMT Training School and/or EMT
300 Examiner, for the Commonwealth of Massachusetts in Boston, MA
301 and Lyons Ambulance, in Danvers, Massachusetts; did with other

302 defendants violate, deprive, or infringe upon the civil rights of
303 Plaintiff James M. Atkinson for the purposes of personal, political,
304 and professional gains, without just cause, or lawful authority and
305 did engage in Obstruction of Justice against James M. Atkinson in
306 contravention of law, by contacting the Plaintiff and instructing
307 him not to talk to state inspectors about the fraudulent EMT course.
308 This specific unlawful action on this date intertwines with other
309 related actions and activities performed on other dates and forms a
310 unbroken continuation of the operation of a organized criminal
311 enterprise functioning prior to this date, spanning this specific date,
312 and continuing onward to the present date, and affecting both
313 historical, present, and future events.

314
315 21. On or about September 8, 2008, and continuing continuously until
316 at least December 1, 2009, Defendants Henry Michalski, Darrell
317 Moore, Robert Piepiora, David Raymond, John Good, Frank
318 Carabello, and Kevin M. Lyons individually, and in their official
319 capacity, while acting under color of law as a Emergency Medical
320 Technician Instructors, and/or EMT Training School and/or EMT
321 Examiner, for the Commonwealth of Massachusetts in Boston, MA

322 and Lyons Ambulance, in Danvers, Massachusetts; did with other
323 defendants violate, deprive, or infringe upon the civil rights of
324 Plaintiff James M. Atkinson for the purposes of personal, political,
325 and professional gains, without just cause, or lawful authority and
326 did engage in Medicaid and Medicare Fraud and False Claims
327 against the United States of America in contravention of law, by
328 way of permitting students to “graduate” who did not meet the
329 minimum times or skills required to be an EMT. This specific
330 unlawful action on this date intertwines with other related actions
331 and activities performed on other dates and forms a unbroken
332 continuation of the operation of a organized criminal enterprise
333 functioning prior to this date, spanning this specific date, and
334 continuing onward to the present date, and affecting both historical,
335 present, and future events.

336
337 22. On or about September 8, 2008, and continuing continuously until
338 at least December 1, 2009, Defendants Henry Michalski, Darrell
339 Moore, Robert Piepiora, David Raymond, John Good, Frank
340 Carabello, and Kevin M. Lyons individually, and in their official
341 capacity, while acting under color of law as a Emergency Medical

342 Technician Instructors, and/or EMT Training School and/or EMT
343 Examiner, for the Commonwealth of Massachusetts in Boston, MA
344 and Lyons Ambulance, in Danvers, Massachusetts; did with other
345 defendants violate, deprive, or infringe upon the civil rights of
346 Plaintiff James M. Atkinson for the purposes of personal, political,
347 and professional gains, without just cause, or lawful authority and
348 did engage in Medicaid and Medicare Fraud and False Claims
349 against the United States of America in contravention of law, by
350 assisting unqualified EMTs to bill Medicaid, Medicare, and
351 numerous insurance companies for services that were not
352 competently being rendered due to fraudulent EMT training. This
353 specific unlawful action on this date intertwines with other related
354 actions and activities performed on other dates and forms a
355 unbroken continuation of the operation of a organized criminal
356 enterprise functioning prior to this date, spanning this specific date,
357 and continuing onward to the present date, and affecting both
358 historical, present, and future events.

359
360 **Lyons Ambulance EMT Training Fraud**
361 **September 8, 2008**
362

363 23. On or about **September 8, 2008**, Defendants Henry Michalski,
364 Darrell Moore, Robert Piepiora, David Raymond, John Good,
365 Frank Carabello, and Kevin M. Lyons individually, and in their
366 official capacity, while acting under color of law as a Emergency
367 Medical Technician Instructors, and/or EMT Training School
368 and/or EMT Examiner, for the Commonwealth of Massachusetts in
369 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
370 did with other defendants violate, deprive, or infringe upon the
371 civil rights of Plaintiff James M. Atkinson for the purposes of
372 personal, political, and professional gains, without just cause, or
373 lawful authority and did engage in a **Scheme to Defraud** against
374 James M. Atkinson in contravention of law, by taking monies for a
375 fraudulent EMT training course, that did not meet the mandatory
376 class times required by law. This specific unlawful action on this
377 date intertwines with other related actions and activities performed
378 on other dates and forms a unbroken continuation of the operation
379 of a organized criminal enterprise functioning prior to this date,
380 spanning this specific date, and continuing onward to the present
381 date, and affecting both historical, present, and future events. This
382 action involved the starting of the class on **9/8/2008** at 6:30 PM,

383 the students were dismissed at 9:25 PM, when in fact the official
384 records provided to the Commonwealth of Massachusetts OEMS
385 for the class fraudulently reflect that the class ran until 10:30 PM.

386
387 24. On or about September 8, 2008, Defendants Henry Michalski,
388 Darrell Moore, Robert Piepiora, David Raymond, John Good,
389 Frank Carabello, and Kevin M. Lyons individually, and in their
390 official capacity, while acting under color of law as a Emergency
391 Medical Technician Instructors, and/or EMT Training School
392 and/or EMT Examiner, for the Commonwealth of Massachusetts in
393 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
394 did with other defendants violate, deprive, or infringe upon the
395 civil rights of Plaintiff James M. Atkinson for the purposes of
396 personal, political, and professional gains, without just cause, or
397 lawful authority and did engage in a Conspiracy to Commit
398 Racketeering against James M. Atkinson in contravention of law,
399 by way of an agreement between the instructors and certain
400 students ("Tilley, Justin R." "Snow, Jeffrey S.", "Sawyer, Kevin C.",
401 "Rush, Brandon D." , "Perrigo, Joan M." , "Modugno, Gary
402 E." , "Merrigan, Sean P." , "Lovasco, Christopher J." , "Hinchion,

403 John JH", "Drawert, Eric M.", "Conway, Ryan P." , "Cabral, Lisa J.",
404 "Bullis, Justin M.", "Bonasoro, Anthony M.", "Beers, Dan L.",
405 "Beausoleil, Daniel R.", "Cloutier, Joseph W.", "Jones, William P.",
406 "Budrow, Paul") and others to defraud the Commonwealth of
407 Massachusetts Office of EMS (licensing agency) in regards to
408 course duration and course content. This specific unlawful action
409 on this date intertwines with other related actions and activities
410 performed on other dates and forms a unbroken continuation of the
411 operation of a organized criminal enterprise functioning prior to
412 this date, spanning this specific date, and continuing onward to the
413 present date, and affecting both historical, present, and future
414 events. This action involved an explicit agreement, planning, and
415 orchestrating of an extended and prolonged scheme of EMT
416 training fraud, professional licensure fraud, false official
417 statements, mail fraud, wire fraud, conspiracy, Medicaid and
418 Medicaid fraud, healthcare fraud, malfeasance, corruption of
419 officials, and the reckless endangerment of medical patients, and
420 felony fraud and corruption of a federal enforcement officer.
421

422 25. On or about **September 8, 2008**, Defendants Henry Michalski,
423 Darrell Moore, Robert Piepiora, David Raymond, John Good,
424 Frank Carabello, and Kevin M. Lyons individually, and in their
425 official capacity, while acting under color of law as a Emergency
426 Medical Technician Instructors, and/or EMT Training School
427 and/or EMT Examiner, for the Commonwealth of Massachusetts in
428 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
429 did with other defendants violate, deprive, or infringe upon the
430 civil rights of Plaintiff James M. Atkinson for the purposes of
431 personal, political, and professional gains, without just cause, or
432 lawful authority and did engage in a **Conspiracy** against James M.
433 Atkinson in contravention of law, by way of an agreement between
434 the instructors and certain students ("Tilley, Justin R." "Snow,
435 Jeffrey S.", "Sawyer, Kevin C.", "Rush, Brandon D." , "Perrigo,
436 Joan M." , "Modugno, Gary E.", "Merrigan, Sean P." , "Lovasco,
437 Christopher J." , "Hinchion, John JH", "Drawert, Eric M.",
438 "Conway, Ryan P." , "Cabral, Lisa J.", "Bullis, Justin M.",
439 "Bonasoro, Anthony M.", "Beers, Dan L.", "Beausoleil, Daniel R.",
440 "Cloutier, Joseph W.", "Jones, William P.", "Budrow, Paul") and
441 others to defraud the Commonwealth of Massachusetts Office of

442 EMS (licensing agency) in regards to course duration and course
443 content. This specific unlawful action on this date intertwines with
444 other related actions and activities performed on other dates and
445 forms a unbroken continuation of the operation of a organized
446 criminal enterprise functioning prior to this date, spanning this
447 specific date, and continuing onward to the present date, and
448 affecting both historical, present, and future events. This action
449 involved the starting of the class on 9/8/2008 at 6:30 PM, the
450 students were dismissed at 9:25 PM, when in fact the official
451 records provided to the Commonwealth of Massachusetts OEMS
452 for the class fraudulently reflect that the class ran until 10:30 PM.
453

454 26. On or about September 8, 2008, Defendants Henry Michalski,
455 Darrell Moore, Robert Piepiora, David Raymond, John Good,
456 Frank Carabello, and Kevin M. Lyons individually, and in their
457 official capacity, while acting under color of law as a Emergency
458 Medical Technician Instructors, and/or EMT Training School
459 and/or EMT Examiner, for the Commonwealth of Massachusetts in
460 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
461 did with other defendants violate, deprive, or infringe upon the

462 civil rights of Plaintiff James M. Atkinson for the purposes of
463 personal, political, and professional gains, without just cause, or
464 lawful authority and did **engage in Mail Fraud** against James M.
465 Atkinson in contravention of law by way of sending class rosters
466 and course documents to the Commonwealth of Massachusetts
467 OEMS offices for classes which did not take place at all, or for
468 which hours were reported to be higher than those actually
469 attended by student. This specific unlawful action on this date
470 intertwines with other related actions and activities performed on
471 other dates and forms a unbroken continuation of the operation of a
472 organized criminal enterprise functioning prior to this date,
473 spanning this specific date, and continuing onward to the present
474 date, and affecting both historical, present, and future events. This
475 action involved the starting of the class on **9/8/2008** at 6:30 PM,
476 the students were dismissed **at 9:25 PM**, when in fact the official
477 records provided to the Commonwealth of Massachusetts OEMS
478 for the class fraudulently reflect that the class ran until 10:30 PM.

479
480 27. On or about **September 8, 2008**, Defendants Henry Michalski,
481 Darrell Moore, Robert Piepiora, David Raymond, John Good,

482 Frank Carabello, and Kevin M. Lyons individually, and in their
483 official capacity, while acting under color of law as a Emergency
484 Medical Technician Instructors, and/or EMT Training School
485 and/or EMT Examiner, for the Commonwealth of Massachusetts in
486 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
487 did with other defendants violate, deprive, or infringe upon the
488 civil rights of Plaintiff James M. Atkinson for the purposes of
489 personal, political, and professional gains, without just cause, or
490 lawful authority and did engage in **Wire Fraud** against James M.
491 Atkinson in contravention of law, by way of transmitting
492 fraudulent E-Mail, and using online learning modalities, and
493 falsifying the results of online testing. Also, the misuse of inter-
494 state electronic communications to perform certain EMT Course
495 functions to include online assignments, online testing, online
496 examinations, and the use of online resources to create the end of
497 course written examination. This specific unlawful action on this
498 date intertwines with other related actions and activities performed
499 on other dates and forms a unbroken continuation of the operation
500 of a organized criminal enterprise functioning prior to this date,
501 spanning this specific date, and continuing onward to the present

502 date, and affecting both historical, present, and future events. This
503 action involved the starting of the class on 9/8/2008 at 6:30 PM,
504 the students were dismissed at 9:25 PM, when in fact the official
505 records provided to the Commonwealth of Massachusetts OEMS
506 for the class fraudulently reflect that the class ran until 10:30 PM.

507
508 28. On or about September 8, 2008, Defendants Henry Michalski,
509 Darrell Moore, Robert Piepiora, David Raymond, John Good,
510 Frank Carabello, and Kevin M. Lyons individually, and in their
511 official capacity, while acting under color of law as a Emergency
512 Medical Technician Instructors, and/or EMT Training School
513 and/or EMT Examiner, for the Commonwealth of Massachusetts in
514 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
515 did with other defendants violate, deprive, or infringe upon the
516 civil rights of Plaintiff James M. Atkinson for the purposes of
517 personal, political, and professional gains, without just cause, or
518 lawful authority and did engage in Scheme to Defraud against
519 James M. Atkinson in contravention of law, by depriving Atkinson
520 of the required course durations and content required to
521 legitimately obtain an EMT license. This specific unlawful action

522 on this date intertwines with other related actions and activities
523 performed on other dates and forms a unbroken continuation of the
524 operation of a organized criminal enterprise functioning prior to
525 this date, spanning this specific date, and continuing onward to the
526 present date, and affecting both historical, present, and future
527 events. This action involved the starting of the class on 9/8/2008 at
528 6:30 PM, the students were dismissed at 9:25 PM, when in fact the
529 official records provided to the Commonwealth of Massachusetts
530 OEMS for the class fraudulently reflect that the class ran until
531 10:30 PM.

532
533 29. On or about September 8, 2008, Defendants Henry Michalski,
534 Darrell Moore, Robert Piepiora, David Raymond, John Good,
535 Frank Carabello, and Kevin M. Lyons individually, and in their
536 official capacity, while acting under color of law as a Emergency
537 Medical Technician Instructors, and/or EMT Training School
538 and/or EMT Examiner, for the Commonwealth of Massachusetts in
539 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
540 did with other defendants violate, deprive, or infringe upon the
541 civil rights of Plaintiff James M. Atkinson for the purposes of

542 personal, political, and professional gains, without just cause, or
543 lawful authority and did engage in **Racketeering** against James M.
544 Atkinson in contravention of law, by virtue of the operation of a
545 criminal organization, engaging in conspiracy, obstruction of
546 justice, mail fraud, wire fraud, Medicare/medical fraud, and other
547 actions. This specific unlawful action on this date intertwines with
548 other related actions and activities performed on other dates and
549 forms a unbroken continuation of the operation of a organized
550 criminal enterprise functioning prior to this date, spanning this
551 specific date, and continuing onward to the present date, and
552 affecting both historical, present, and future events. This action
553 involved the starting of the class on **9/8/2008** at 6:30 PM, the
554 students were dismissed **at 9:25 PM**, when in fact the official
555 records provided to the Commonwealth of Massachusetts OEMS
556 for the class fraudulently reflect that the class ran until 10:30 PM.

557
558 30. On or about **September 8, 2008**, Defendants Henry Michalski,
559 Darrell Moore, Robert Piepiora, David Raymond, John Good,
560 Frank Carabello, and Kevin M. Lyons individually, and in their
561 official capacity, while acting under color of law as a Emergency

562 Medical Technician Instructors, and/or EMT Training School
563 and/or EMT Examiner, for the Commonwealth of Massachusetts in
564 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
565 did with other defendants violate, deprive, or infringe upon the
566 civil rights of Plaintiff James M. Atkinson for the purposes of
567 personal, political, and professional gains, without just cause, or
568 lawful authority and did engage in witness tampering against
569 James M. Atkinson in contravention of law by contacting Plaintiff
570 Atkinson both directly and through others and stating they
571 “Everybody would hang, if we got caught, so everybody has to
572 have the same story” This specific unlawful action on this date
573 intertwines with other related actions and activities performed on
574 other dates and forms a unbroken continuation of the operation of a
575 organized criminal enterprise functioning prior to this date,
576 spanning this specific date, and continuing onward to the present
577 date, and affecting both historical, present, and future events. This
578 action involved the starting of the class on 9/8/2008 at 6:30 PM,
579 the students were dismissed at 9:25 PM, when in fact the official
580 records provided to the Commonwealth of Massachusetts OEMS
581 for the class fraudulently reflect that the class ran until 10:30 PM.

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31. On or about **September 8, 2008**, Defendants Henry Michalski, Darrell Moore, Robert Piepiora, David Raymond, John Good, Frank Carabello, and Kevin M. Lyons individually, and in their official capacity, while acting under color of law as a Emergency Medical Technician Instructors, and/or EMT Training School and/or EMT Examiner, for the Commonwealth of Massachusetts in Boston, MA and Lyons Ambulance, in Danvers, Massachusetts; did with other defendants violate, deprive, or infringe upon the civil rights of Plaintiff James M. Atkinson for the purposes of personal, political, and professional gains, without just cause, or lawful authority and did engage in **Felony Larceny** against James M. Atkinson in contravention of law, by taking monies for goods and services which were not provided. This specific unlawful action on this date intertwines with other related actions and activities performed on other dates and forms a unbroken continuation of the operation of a organized criminal enterprise functioning prior to this date, spanning this specific date, and continuing onward to the present date, and affecting both historical, present, and future events. This action involved the starting of the

602 class on 9/8/2008 at 6:30 PM, the students were dismissed at 9:25
603 PM, when in fact the official records provided to the
604 Commonwealth of Massachusetts OEMS for the class fraudulently
605 reflect that the class ran until 10:30 PM.

606
607 32. On or about September 8, 2008, Defendants Henry Michalski,
608 Darrell Moore, Robert Piepiora, David Raymond, John Good,
609 Frank Carabello, and Kevin M. Lyons individually, and in their
610 official capacity, while acting under color of law as a Emergency
611 Medical Technician Instructors, and/or EMT Training School
612 and/or EMT Examiner, for the Commonwealth of Massachusetts in
613 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
614 did with other defendants violate, deprive, or infringe upon the
615 civil rights of Plaintiff James M. Atkinson for the purposes of
616 personal, political, and professional gains, without just cause, or
617 lawful authority and did engage in Obstruction of Justice against
618 James M. Atkinson in contravention of law, by contacting the
619 Plaintiff and instructing him not to talk to state inspectors about the
620 fraudulent EMT course. This specific unlawful action on this date
621 intertwines with other related actions and activities performed on

622 other dates and forms a unbroken continuation of the operation of a
623 organized criminal enterprise functioning prior to this date,
624 spanning this specific date, and continuing onward to the present
625 date, and affecting both historical, present, and future events. This
626 action involved the starting of the class on 9/8/2008 at 6:30 PM,
627 the students were dismissed at 9:25 PM, when in fact the official
628 records provided to the Commonwealth of Massachusetts OEMS
629 for the class fraudulently reflect that the class ran until 10:30 PM.

630
631 33. On or about September 8, 2008, Defendants Henry Michalski,
632 Darrell Moore, Robert Piepiora, David Raymond, John Good,
633 Frank Carabello, and Kevin M. Lyons individually, and in their
634 official capacity, while acting under color of law as a Emergency
635 Medical Technician Instructors, and/or EMT Training School
636 and/or EMT Examiner, for the Commonwealth of Massachusetts in
637 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
638 did with other defendants violate, deprive, or infringe upon the
639 civil rights of Plaintiff James M. Atkinson for the purposes of
640 personal, political, and professional gains, without just cause, or
641 lawful authority and did engage in Medicaid and Medicare Fraud

642 **and False Claims** against the United States of America in
643 contravention of law, by way of permitting students to “graduate”
644 who did not meet the minimum times or skills required to be an
645 EMT. This specific unlawful action on this date intertwines with
646 other related actions and activities performed on other dates and
647 forms a unbroken continuation of the operation of a organized
648 criminal enterprise functioning prior to this date, spanning this
649 specific date, and continuing onward to the present date, and
650 affecting both historical, present, and future events. This action
651 involved the starting of the class on **9/8/2008** at 6:30 PM, the
652 students were dismissed **at 9:25 PM**, when in fact the official
653 records provided to the Commonwealth of Massachusetts OEMS
654 for the class fraudulently reflect that the class ran until 10:30 PM.

655
656 34. On or about **September 8, 2008**, Defendants Henry Michalski,
657 Darrell Moore, Robert Piepiora, David Raymond, John Good,
658 Frank Carabello, and Kevin M. Lyons individually, and in their
659 official capacity, while acting under color of law as a Emergency
660 Medical Technician Instructors, and/or EMT Training School
661 and/or EMT Examiner, for the Commonwealth of Massachusetts in

662 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
663 did with other defendants violate, deprive, or infringe upon the
664 civil rights of Plaintiff James M. Atkinson for the purposes of
665 personal, political, and professional gains, without just cause, or
666 lawful authority and did engage in **Medicaid and Medicare Fraud**
667 **and False Claims** against the United States of America in
668 contravention of law, by assisting unqualified EMTs to bill
669 Medicaid, Medicare, and numerous insurance companies for
670 services that were not competently being rendered due to
671 fraudulent EMT training. This specific unlawful action on this date
672 intertwines with other related actions and activities performed on
673 other dates and forms a unbroken continuation of the operation of a
674 organized criminal enterprise functioning prior to this date,
675 spanning this specific date, and continuing onward to the present
676 date, and affecting both historical, present, and future events. This
677 action involved the starting of the class on **9/8/2008** at 6:30 PM,
678 the students were dismissed **at 9:25 PM**, when in fact the official
679 records provided to the Commonwealth of Massachusetts OEMS
680 for the class fraudulently reflect that the class ran until 10:30 PM.

681
682 **Lyons Ambulance EMT Training Fraud**

683 **September 11, 2008**

684
685 35. On or about **September 11, 2008**, Defendants Henry Michalski,
686 Darrell Moore, Robert Piepiora, David Raymond, John Good,
687 Frank Carabello, and Kevin M. Lyons individually, and in their
688 official capacity, while acting under color of law as a Emergency
689 Medical Technician Instructors, and/or EMT Training School
690 and/or EMT Examiner, for the Commonwealth of Massachusetts in
691 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
692 did with other defendants violate, deprive, or infringe upon the
693 civil rights of Plaintiff James M. Atkinson for the purposes of
694 personal, political, and professional gains, without just cause, or
695 lawful authority and did engage in a **Scheme to Defraud** against
696 James M. Atkinson in contravention of law, by taking monies for a
697 fraudulent EMT training course, that did not meet the mandatory
698 class times required by law. This specific unlawful action on this
699 date intertwines with other related actions and activities performed
700 on other dates and forms a unbroken continuation of the operation
701 of a organized criminal enterprise functioning prior to this date,
702 spanning this specific date, and continuing onward to the present
703 date, and affecting both historical, present, and future events. This

704 action involved the starting of the class on 9/11/2008 at 6:30 PM,
705 the students were dismissed at 9:35 PM, when in fact the official
706 records provided to the Commonwealth of Massachusetts OEMS
707 for the class fraudulently reflect that the class ran until 10:30 PM.

708
709 36. On or about September 11, 2008, Defendants Henry Michalski,
710 Darrell Moore, Robert Piepiora, David Raymond, John Good,
711 Frank Carabello, and Kevin M. Lyons individually, and in their
712 official capacity, while acting under color of law as a Emergency
713 Medical Technician Instructors, and/or EMT Training School
714 and/or EMT Examiner, for the Commonwealth of Massachusetts in
715 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
716 did with other defendants violate, deprive, or infringe upon the
717 civil rights of Plaintiff James M. Atkinson for the purposes of
718 personal, political, and professional gains, without just cause, or
719 lawful authority and did engage in a Conspiracy against James M.
720 Atkinson in contravention of law, by way of an agreement between
721 the instructors and certain students to defraud the Commonwealth
722 of Massachusetts Office of EMS (licensing agency) in regards to
723 course duration and course content. This specific unlawful action

724 on this date intertwines with other related actions and activities
725 performed on other dates and forms a unbroken continuation of the
726 operation of a organized criminal enterprise functioning prior to
727 this date, spanning this specific date, and continuing onward to the
728 present date, and affecting both historical, present, and future
729 events. This action involved the starting of the class on 9/11/2008
730 at 6:30 PM, the students were dismissed at 9:35 PM, when in fact
731 the official records provided to the Commonwealth of
732 Massachusetts OEMS for the class fraudulently reflect that the
733 class ran until 10:30 PM.

734
735 37. On or about September 11, 2008, Defendants Henry Michalski,
736 Darrell Moore, Robert Piepiora, David Raymond, John Good,
737 Frank Carabello, and Kevin M. Lyons individually, and in their
738 official capacity, while acting under color of law as a Emergency
739 Medical Technician Instructors, and/or EMT Training School
740 and/or EMT Examiner, for the Commonwealth of Massachusetts in
741 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
742 did with other defendants violate, deprive, or infringe upon the
743 civil rights of Plaintiff James M. Atkinson for the purposes of

744 personal, political, and professional gains, without just cause, or
745 lawful authority and did engage in Mail Fraud against James M.
746 Atkinson in contravention of law by way of sending class rosters
747 and course documents to the Commonwealth of Massachusetts
748 OEMS offices for classes which did not take place at all, or for
749 which hours were reported to be higher than those actually
750 attended by student. This specific unlawful action on this date
751 intertwines with other related actions and activities performed on
752 other dates and forms a unbroken continuation of the operation of a
753 organized criminal enterprise functioning prior to this date,
754 spanning this specific date, and continuing onward to the present
755 date, and affecting both historical, present, and future events. This
756 action involved the starting of the class on 9/11/2008 at 6:30 PM,
757 the students were dismissed at 9:35 PM, when in fact the official
758 records provided to the Commonwealth of Massachusetts OEMS
759 for the class fraudulently reflect that the class ran until 10:30 PM.

760
761 38. On or about September 11, 2008, Defendants Henry Michalski,
762 Darrell Moore, Robert Piepiora, David Raymond, John Good,
763 Frank Carabello, and Kevin M. Lyons individually, and in their

764 official capacity, while acting under color of law as a Emergency
765 Medical Technician Instructors, and/or EMT Training School
766 and/or EMT Examiner, for the Commonwealth of Massachusetts in
767 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
768 did with other defendants violate, deprive, or infringe upon the
769 civil rights of Plaintiff James M. Atkinson for the purposes of
770 personal, political, and professional gains, without just cause, or
771 lawful authority and did engage in **Wire Fraud** against James M.
772 Atkinson in contravention of law, by way of transmitting
773 fraudulent E-Mail, and using online learning modalities, and
774 falsifying the results of online testing. Also, the misuse of inter-
775 state electronic communications to perform certain EMT Course
776 functions to include online assignments, online testing, online
777 examinations, and the use of online resources to create the end of
778 course written examination. This specific unlawful action on this
779 date intertwines with other related actions and activities performed
780 on other dates and forms a unbroken continuation of the operation
781 of a organized criminal enterprise functioning prior to this date,
782 spanning this specific date, and continuing onward to the present
783 date, and affecting both historical, present, and future events. This

784 action involved the starting of the class on 9/11/2008 at 6:30 PM,
785 the students were dismissed at 9:35 PM, when in fact the official
786 records provided to the Commonwealth of Massachusetts OEMS
787 for the class fraudulently reflect that the class ran until 10:30 PM.
788

789 39. On or about September 11, 2008, Defendants Henry Michalski,
790 Darrell Moore, Robert Piepiora, David Raymond, John Good,
791 Frank Carabello, and Kevin M. Lyons individually, and in their
792 official capacity, while acting under color of law as a Emergency
793 Medical Technician Instructors, and/or EMT Training School
794 and/or EMT Examiner, for the Commonwealth of Massachusetts in
795 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
796 did with other defendants violate, deprive, or infringe upon the
797 civil rights of Plaintiff James M. Atkinson for the purposes of
798 personal, political, and professional gains, without just cause, or
799 lawful authority and did engage in Scheme to Defraud against
800 James M. Atkinson in contravention of law, by depriving Atkinson
801 of the required course durations and content required to
802 legitimately obtain an EMT license. This specific unlawful action
803 on this date intertwines with other related actions and activities

804 performed on other dates and forms a unbroken continuation of the
805 operation of a organized criminal enterprise functioning prior to
806 this date, spanning this specific date, and continuing onward to the
807 present date, and affecting both historical, present, and future
808 events. This action involved the starting of the class on 9/11/2008
809 at 6:30 PM, the students were dismissed at 9:35 PM, when in fact
810 the official records provided to the Commonwealth of
811 Massachusetts OEMS for the class fraudulently reflect that the
812 class ran until 10:30 PM.

813
814 40. On or about September 11, 2008, Defendants Henry Michalski,
815 Darrell Moore, Robert Piepiora, David Raymond, John Good,
816 Frank Carabello, and Kevin M. Lyons individually, and in their
817 official capacity, while acting under color of law as a Emergency
818 Medical Technician Instructors, and/or EMT Training School
819 and/or EMT Examiner, for the Commonwealth of Massachusetts in
820 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
821 did with other defendants violate, deprive, or infringe upon the
822 civil rights of Plaintiff James M. Atkinson for the purposes of
823 personal, political, and professional gains, without just cause, or

824 lawful authority and did engage in **Racketeering** against James M.
825 Atkinson in contravention of law, by virtue of the operation of a
826 criminal organization, engaging in conspiracy, obstruction of
827 justice, mail fraud, wire fraud, Medicare/medical fraud, and other
828 actions. This specific unlawful action on this date intertwines with
829 other related actions and activities performed on other dates and
830 forms a unbroken continuation of the operation of a organized
831 criminal enterprise functioning prior to this date, spanning this
832 specific date, and continuing onward to the present date, and
833 affecting both historical, present, and future events. This action
834 involved the starting of the class on **9/11/2008** at 6:30 PM, the
835 students were dismissed **at 9:35 PM**, when in fact the official
836 records provided to the Commonwealth of Massachusetts OEMS
837 for the class fraudulently reflect that the class ran until 10:30 PM.

838
839 41. On or about **September 11, 2008**, Defendants Henry Michalski,
840 Darrell Moore, Robert Piepiora, David Raymond, John Good,
841 Frank Carabello, and Kevin M. Lyons individually, and in their
842 official capacity, while acting under color of law as a Emergency
843 Medical Technician Instructors, and/or EMT Training School

844 and/or EMT Examiner, for the Commonwealth of Massachusetts in
845 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
846 did with other defendants violate, deprive, or infringe upon the
847 civil rights of Plaintiff James M. Atkinson for the purposes of
848 personal, political, and professional gains, without just cause, or
849 lawful authority and did engage in witness tampering against
850 James M. Atkinson in contravention of law by contacting Plaintiff
851 Atkinson both directly and through others and stating they
852 “Everybody would hang, if we got caught, so everybody has to
853 have the same story” This specific unlawful action on this date
854 intertwines with other related actions and activities performed on
855 other dates and forms a unbroken continuation of the operation of a
856 organized criminal enterprise functioning prior to this date,
857 spanning this specific date, and continuing onward to the present
858 date, and affecting both historical, present, and future events. This
859 action involved the starting of the class on 9/11/2008 at 6:30 PM,
860 the students were dismissed at 9:35 PM, when in fact the official
861 records provided to the Commonwealth of Massachusetts OEMS
862 for the class fraudulently reflect that the class ran until 10:30 PM.

863

864 42. On or about **September 11, 2008**, Defendants Henry Michalski,
865 Darrell Moore, Robert Piepiora, David Raymond, John Good,
866 Frank Carabello, and Kevin M. Lyons individually, and in their
867 official capacity, while acting under color of law as a Emergency
868 Medical Technician Instructors, and/or EMT Training School
869 and/or EMT Examiner, for the Commonwealth of Massachusetts in
870 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
871 did with other defendants violate, deprive, or infringe upon the
872 civil rights of Plaintiff James M. Atkinson for the purposes of
873 personal, political, and professional gains, without just cause, or
874 lawful authority and did engage in **Felony Larceny** against James
875 M. Atkinson in contravention of law, by taking monies for goods
876 and services which were not provided. This specific unlawful
877 action on this date intertwines with other related actions and
878 activities performed on other dates and forms a unbroken
879 continuation of the operation of a organized criminal enterprise
880 functioning prior to this date, spanning this specific date, and
881 continuing onward to the present date, and affecting both historical,
882 present, and future events. This action involved the starting of the
883 class on **9/11/2008** at 6:30 PM, the students were dismissed **at 9:35**

884 PM, when in fact the official records provided to the
885 Commonwealth of Massachusetts OEMS for the class fraudulently
886 reflect that the class ran until 10:30 PM.

887

888 43. On or about September 11, 2008, Defendants Henry Michalski,
889 Darrell Moore, Robert Piepiora, David Raymond, John Good,
890 Frank Carabello, and Kevin M. Lyons individually, and in their
891 official capacity, while acting under color of law as a Emergency
892 Medical Technician Instructors, and/or EMT Training School
893 and/or EMT Examiner, for the Commonwealth of Massachusetts in
894 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
895 did with other defendants violate, deprive, or infringe upon the
896 civil rights of Plaintiff James M. Atkinson for the purposes of
897 personal, political, and professional gains, without just cause, or
898 lawful authority and did engage in Obstruction of Justice against
899 James M. Atkinson in contravention of law, by contacting the
900 Plaintiff and instructing him not to talk to state inspectors about the
901 fraudulent EMT course. This specific unlawful action on this date
902 intertwines with other related actions and activities performed on
903 other dates and forms a unbroken continuation of the operation of a

904 organized criminal enterprise functioning prior to this date,
905 spanning this specific date, and continuing onward to the present
906 date, and affecting both historical, present, and future events. This
907 action involved the starting of the class on 9/11/2008 at 6:30 PM,
908 the students were dismissed at 9:35 PM, when in fact the official
909 records provided to the Commonwealth of Massachusetts OEMS
910 for the class fraudulently reflect that the class ran until 10:30 PM.
911

912 44. On or about September 11, 2008, Defendants Henry Michalski,
913 Darrell Moore, Robert Piepiora, David Raymond, John Good,
914 Frank Carabello, and Kevin M. Lyons individually, and in their
915 official capacity, while acting under color of law as a Emergency
916 Medical Technician Instructors, and/or EMT Training School
917 and/or EMT Examiner, for the Commonwealth of Massachusetts in
918 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
919 did with other defendants violate, deprive, or infringe upon the
920 civil rights of Plaintiff James M. Atkinson for the purposes of
921 personal, political, and professional gains, without just cause, or
922 lawful authority and did engage in Medicaid and Medicare Fraud
923 and False Claims against the United States of America in

924 contravention of law, by way of permitting students to “graduate”
925 who did not meet the minimum times or skills required to be an
926 EMT. This specific unlawful action on this date intertwines with
927 other related actions and activities performed on other dates and
928 forms a unbroken continuation of the operation of a organized
929 criminal enterprise functioning prior to this date, spanning this
930 specific date, and continuing onward to the present date, and
931 affecting both historical, present, and future events. This action
932 involved the starting of the class on 9/11/2008 at 6:30 PM, the
933 students were dismissed at 9:35 PM, when in fact the official
934 records provided to the Commonwealth of Massachusetts OEMS
935 for the class fraudulently reflect that the class ran until 10:30 PM.

936
937 45. On or about September 11, 2008, Defendants Henry Michalski,
938 Darrell Moore, Robert Piepiora, David Raymond, John Good,
939 Frank Carabello, and Kevin M. Lyons individually, and in their
940 official capacity, while acting under color of law as a Emergency
941 Medical Technician Instructors, and/or EMT Training School
942 and/or EMT Examiner, for the Commonwealth of Massachusetts in
943 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;

944 did with other defendants violate, deprive, or infringe upon the
945 civil rights of Plaintiff James M. Atkinson for the purposes of
946 personal, political, and professional gains, without just cause, or
947 lawful authority and did engage in **Medicaid and Medicare Fraud**
948 **and False Claims** against the United States of America in
949 contravention of law, by assisting unqualified EMTs to bill
950 Medicaid, Medicare, and numerous insurance companies for
951 services that were not competently being rendered due to
952 fraudulent EMT training. This specific unlawful action on this date
953 intertwines with other related actions and activities performed on
954 other dates and forms a unbroken continuation of the operation of a
955 organized criminal enterprise functioning prior to this date,
956 spanning this specific date, and continuing onward to the present
957 date, and affecting both historical, present, and future events. This
958 action involved the starting of the class on **9/11/2008** at 6:30 PM,
959 the students were dismissed **at 9:35 PM**, when in fact the official
960 records provided to the Commonwealth of Massachusetts OEMS
961 for the class fraudulently reflect that the class ran until 10:30 PM.

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963 46. On or about **September 11, 2008**, Defendants Henry Michalski,
964 Darrell Moore, Robert Piepiora, David Raymond, John Good,
965 Frank Carabello, and Kevin M. Lyons individually, and in their
966 official capacity, while acting under color of law as a Emergency
967 Medical Technician Instructors, and/or EMT Training School
968 and/or EMT Examiner, for the Commonwealth of Massachusetts in
969 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
970 did with other defendants violate, deprive, or infringe upon the
971 civil rights of Plaintiff James M. Atkinson for the purposes of
972 personal, political, and professional gains, without just cause, or
973 lawful authority and did engage in Sexual Harassment and/or
974 hostile work or educational environment by State Employees or
975 Agents, towards student James M. Atkinson in the form of crude
976 sexual jokes about a cadaver being used for dissections, and
977 permitting and allowing such sexual explicit and offensive
978 comments, and statements to be made in the presence of Plaintiff
979 Atkinson. This specific unlawful action on this date intertwines
980 with other related actions and activities performed on other dates
981 and forms a unbroken continuation of the operation of a organized
982 criminal enterprise functioning prior to this date, spanning this

983 specific date, and continuing onward to the present date, and
984 affecting both historical, present, and future events.

985 **Lyons Ambulance EMT Training Fraud**
986 **September 15, 2008**

987
988 47. On or about **September 15, 2008**, Defendants Henry Michalski,
989
990 Darrell Moore, Robert Piepiora, David Raymond, John Good,
991 Frank Carabello, and Kevin M. Lyons individually, and in their
992 official capacity, while acting under color of law as a Emergency
993 Medical Technician Instructors, and/or EMT Training School
994 and/or EMT Examiner, for the Commonwealth of Massachusetts in
995 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
996 did with other defendants violate, deprive, or infringe upon the
997 civil rights of Plaintiff James M. Atkinson for the purposes of
998 personal, political, and professional gains, without just cause, or
999 lawful authority and did engage in a **Scheme to Defraud** against
1000 James M. Atkinson in contravention of law, by taking monies for a
1001 fraudulent EMT training course, that did not meet the mandatory
1002 class times required by law. This specific unlawful action on this
1003 date intertwines with other related actions and activities performed
1004 on other dates and forms a unbroken continuation of the operation

1005 of a organized criminal enterprise functioning prior to this date,
1006 spanning this specific date, and continuing onward to the present
1007 date, and affecting both historical, present, and future events. This
1008 action involved the starting of the class on 9/15/2008 at 6:30 PM,
1009 the students were dismissed at 9:15 PM, when in fact the official
1010 records provided to the Commonwealth of Massachusetts OEMS
1011 for the class fraudulently reflect that the class ran until 10:30 PM.

1012
1013 48. On or about September 15, 2008, Defendants Henry Michalski,
1014 Darrell Moore, Robert Piepiora, David Raymond, John Good,
1015 Frank Carabello, and Kevin M. Lyons individually, and in their
1016 official capacity, while acting under color of law as a Emergency
1017 Medical Technician Instructors, and/or EMT Training School
1018 and/or EMT Examiner, for the Commonwealth of Massachusetts in
1019 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
1020 did with other defendants violate, deprive, or infringe upon the
1021 civil rights of Plaintiff James M. Atkinson for the purposes of
1022 personal, political, and professional gains, without just cause, or
1023 lawful authority and did engage in a Conspiracy against James M.
1024 Atkinson in contravention of law, by way of an agreement between

1025 the instructors and certain students to defraud the Commonwealth
1026 of Massachusetts Office of EMS (licensing agency) in regards to
1027 course duration and course content. This specific unlawful action
1028 on this date intertwines with other related actions and activities
1029 performed on other dates and forms a unbroken continuation of the
1030 operation of a organized criminal enterprise functioning prior to
1031 this date, spanning this specific date, and continuing onward to the
1032 present date, and affecting both historical, present, and future
1033 events. This action involved the starting of the class on 9/15/2008
1034 at 6:30 PM, the students were dismissed at 9:15 PM, when in fact
1035 the official records provided to the Commonwealth of
1036 Massachusetts OEMS for the class fraudulently reflect that the
1037 class ran until 10:30 PM.

1038
1039 49. On or about September 15, 2008, Defendants Henry Michalski,
1040 Darrell Moore, Robert Piepiora, David Raymond, John Good,
1041 Frank Carabello, and Kevin M. Lyons individually, and in their
1042 official capacity, while acting under color of law as a Emergency
1043 Medical Technician Instructors, and/or EMT Training School
1044 and/or EMT Examiner, for the Commonwealth of Massachusetts in

1045 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
1046 did with other defendants violate, deprive, or infringe upon the
1047 civil rights of Plaintiff James M. Atkinson for the purposes of
1048 personal, political, and professional gains, without just cause, or
1049 lawful authority and did engage in Mail Fraud against James M.
1050 Atkinson in contravention of law by way of sending class rosters
1051 and course documents to the Commonwealth of Massachusetts
1052 OEMS offices for classes which did not take place at all, or for
1053 which hours were reported to be higher than those actually
1054 attended by student. This specific unlawful action on this date
1055 intertwines with other related actions and activities performed on
1056 other dates and forms a unbroken continuation of the operation of a
1057 organized criminal enterprise functioning prior to this date,
1058 spanning this specific date, and continuing onward to the present
1059 date, and affecting both historical, present, and future events. This
1060 action involved the starting of the class on 9/15/2008 at 6:30 PM,
1061 the students were dismissed at 9:15 PM, when in fact the official
1062 records provided to the Commonwealth of Massachusetts OEMS
1063 for the class fraudulently reflect that the class ran until 10:30 PM.

1064

1065 50. On or about **September 15, 2008**, Defendants Henry Michalski,
1066 Darrell Moore, Robert Piepiora, David Raymond, John Good,
1067 Frank Carabello, and Kevin M. Lyons individually, and in their
1068 official capacity, while acting under color of law as a Emergency
1069 Medical Technician Instructors, and/or EMT Training School
1070 and/or EMT Examiner, for the Commonwealth of Massachusetts in
1071 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
1072 did with other defendants violate, deprive, or infringe upon the
1073 civil rights of Plaintiff James M. Atkinson for the purposes of
1074 personal, political, and professional gains, without just cause, or
1075 lawful authority and did engage in **Wire Fraud** against James M.
1076 Atkinson in contravention of law, by way of transmitting
1077 fraudulent E-Mail, and using online learning modalities, and
1078 falsifying the results of online testing. Also, the misuse of inter-
1079 state electronic communications to perform certain EMT Course
1080 functions to include online assignments, online testing, online
1081 examinations, and the use of online resources to create the end of
1082 course written examination. This specific unlawful action on this
1083 date intertwines with other related actions and activities performed
1084 on other dates and forms a unbroken continuation of the operation

1085 of a organized criminal enterprise functioning prior to this date,
1086 spanning this specific date, and continuing onward to the present
1087 date, and affecting both historical, present, and future events. This
1088 action involved the starting of the class on 9/15/2008 at 6:30 PM,
1089 the students were dismissed at 9:15 PM, when in fact the official
1090 records provided to the Commonwealth of Massachusetts OEMS
1091 for the class fraudulently reflect that the class ran until 10:30 PM.

1092
1093 51. On or about September 15, 2008, Defendants Henry Michalski,
1094 Darrell Moore, Robert Piepiora, David Raymond, John Good,
1095 Frank Carabello, and Kevin M. Lyons individually, and in their
1096 official capacity, while acting under color of law as a Emergency
1097 Medical Technician Instructors, and/or EMT Training School
1098 and/or EMT Examiner, for the Commonwealth of Massachusetts in
1099 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
1100 did with other defendants violate, deprive, or infringe upon the
1101 civil rights of Plaintiff James M. Atkinson for the purposes of
1102 personal, political, and professional gains, without just cause, or
1103 lawful authority and did engage in Scheme to Defraud against
1104 James M. Atkinson in contravention of law, by depriving Atkinson

1105 of the required course durations and content required to
1106 legitimately obtain an EMT license. This specific unlawful action
1107 on this date intertwines with other related actions and activities
1108 performed on other dates and forms a unbroken continuation of the
1109 operation of a organized criminal enterprise functioning prior to
1110 this date, spanning this specific date, and continuing onward to the
1111 present date, and affecting both historical, present, and future
1112 events. This action involved the starting of the class on 9/15/2008
1113 at 6:30 PM, the students were dismissed at 9:15 PM, when in fact
1114 the official records provided to the Commonwealth of
1115 Massachusetts OEMS for the class fraudulently reflect that the
1116 class ran until 10:30 PM.

1117
1118 52. On or about September 15, 2008, Defendants Henry Michalski,
1119 Darrell Moore, Robert Piepiora, David Raymond, John Good,
1120 Frank Carabello, and Kevin M. Lyons individually, and in their
1121 official capacity, while acting under color of law as a Emergency
1122 Medical Technician Instructors, and/or EMT Training School
1123 and/or EMT Examiner, for the Commonwealth of Massachusetts in
1124 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;

1125 did with other defendants violate, deprive, or infringe upon the
1126 civil rights of Plaintiff James M. Atkinson for the purposes of
1127 personal, political, and professional gains, without just cause, or
1128 lawful authority and did engage in **Racketeering** against James M.
1129 Atkinson in contravention of law, by virtue of the operation of a
1130 criminal organization, engaging in conspiracy, obstruction of
1131 justice, mail fraud, wire fraud, Medicare/medical fraud, and other
1132 actions. This specific unlawful action on this date intertwines with
1133 other related actions and activities performed on other dates and
1134 forms a unbroken continuation of the operation of a organized
1135 criminal enterprise functioning prior to this date, spanning this
1136 specific date, and continuing onward to the present date, and
1137 affecting both historical, present, and future events. This action
1138 involved the starting of the class on **9/15/2008** at 6:30 PM, the
1139 students were dismissed **at 9:15 PM**, when in fact the official
1140 records provided to the Commonwealth of Massachusetts OEMS
1141 for the class fraudulently reflect that the class ran until 10:30 PM.

1142
1143 53. On or about **September 15, 2008**, Defendants Henry Michalski,
1144 Darrell Moore, Robert Piepiora, David Raymond, John Good,

1145 Frank Carabello, and Kevin M. Lyons individually, and in their
1146 official capacity, while acting under color of law as a Emergency
1147 Medical Technician Instructors, and/or EMT Training School
1148 and/or EMT Examiner, for the Commonwealth of Massachusetts in
1149 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
1150 did with other defendants violate, deprive, or infringe upon the
1151 civil rights of Plaintiff James M. Atkinson for the purposes of
1152 personal, political, and professional gains, without just cause, or
1153 lawful authority and did engage in witness tampering against
1154 James M. Atkinson in contravention of law by contacting Plaintiff
1155 Atkinson both directly and through others and stating they
1156 “Everybody would hang, if we got caught, so everybody has to
1157 have the same story” This specific unlawful action on this date
1158 intertwines with other related actions and activities performed on
1159 other dates and forms a unbroken continuation of the operation of a
1160 organized criminal enterprise functioning prior to this date,
1161 spanning this specific date, and continuing onward to the present
1162 date, and affecting both historical, present, and future events. This
1163 action involved the starting of the class on 9/15/2008 at 6:30 PM,
1164 the students were dismissed at 9:15 PM, when in fact the official

1165 records provided to the Commonwealth of Massachusetts OEMS
1166 for the class fraudulently reflect that the class ran until 10:30 PM.

1167
1168 54. On or about **September 15, 2008**, Defendants Henry Michalski,
1169 Darrell Moore, Robert Piepiora, David Raymond, John Good,
1170 Frank Carabello, and Kevin M. Lyons individually, and in their
1171 official capacity, while acting under color of law as a Emergency
1172 Medical Technician Instructors, and/or EMT Training School
1173 and/or EMT Examiner, for the Commonwealth of Massachusetts in
1174 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
1175 did with other defendants violate, deprive, or infringe upon the
1176 civil rights of Plaintiff James M. Atkinson for the purposes of
1177 personal, political, and professional gains, without just cause, or
1178 lawful authority and did engage in **Felony Larceny** against James
1179 M. Atkinson in contravention of law, by taking monies for goods
1180 and services which were not provided. This specific unlawful
1181 action on this date intertwines with other related actions and
1182 activities performed on other dates and forms a unbroken
1183 continuation of the operation of a organized criminal enterprise
1184 functioning prior to this date, spanning this specific date, and

1185 continuing onward to the present date, and affecting both historical,
1186 present, and future events. This action involved the starting of the
1187 class on 9/15/2008 at 6:30 PM, the students were dismissed at 9:15
1188 PM, when in fact the official records provided to the
1189 Commonwealth of Massachusetts OEMS for the class fraudulently
1190 reflect that the class ran until 10:30 PM.

1191
1192 55. On or about September 15, 2008, Defendants Henry Michalski,
1193 Darrell Moore, Robert Piepiora, David Raymond, John Good,
1194 Frank Carabello, and Kevin M. Lyons individually, and in their
1195 official capacity, while acting under color of law as a Emergency
1196 Medical Technician Instructors, and/or EMT Training School
1197 and/or EMT Examiner, for the Commonwealth of Massachusetts in
1198 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
1199 did with other defendants violate, deprive, or infringe upon the
1200 civil rights of Plaintiff James M. Atkinson for the purposes of
1201 personal, political, and professional gains, without just cause, or
1202 lawful authority and did engage in Obstruction of Justice against
1203 James M. Atkinson in contravention of law, by contacting the
1204 Plaintiff and instructing him not to talk to state inspectors about the

1205 fraudulent EMT course. This specific unlawful action on this date
1206 intertwines with other related actions and activities performed on
1207 other dates and forms a unbroken continuation of the operation of a
1208 organized criminal enterprise functioning prior to this date,
1209 spanning this specific date, and continuing onward to the present
1210 date, and affecting both historical, present, and future events. This
1211 action involved the starting of the class on 9/15/2008 at 6:30 PM,
1212 the students were dismissed at 9:15 PM, when in fact the official
1213 records provided to the Commonwealth of Massachusetts OEMS
1214 for the class fraudulently reflect that the class ran until 10:30 PM.

1215
1216 56. On or about September 15, 2008, Defendants Henry Michalski,
1217 Darrell Moore, Robert Piepiora, David Raymond, John Good,
1218 Frank Carabello, and Kevin M. Lyons individually, and in their
1219 official capacity, while acting under color of law as a Emergency
1220 Medical Technician Instructors, and/or EMT Training School
1221 and/or EMT Examiner, for the Commonwealth of Massachusetts in
1222 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
1223 did with other defendants violate, deprive, or infringe upon the
1224 civil rights of Plaintiff James M. Atkinson for the purposes of

1225 personal, political, and professional gains, without just cause, or
1226 lawful authority and did engage in Medicaid and Medicare Fraud
1227 and False Claims against the United States of America in
1228 contravention of law, by way of permitting students to “graduate”
1229 who did not meet the minimum times or skills required to be an
1230 EMT. This specific unlawful action on this date intertwines with
1231 other related actions and activities performed on other dates and
1232 forms a unbroken continuation of the operation of a organized
1233 criminal enterprise functioning prior to this date, spanning this
1234 specific date, and continuing onward to the present date, and
1235 affecting both historical, present, and future events. This action
1236 involved the starting of the class on 9/15/2008 at 6:30 PM, the
1237 students were dismissed at 9:15 PM, when in fact the official
1238 records provided to the Commonwealth of Massachusetts OEMS
1239 for the class fraudulently reflect that the class ran until 10:30 PM.

1240

1241 57. On or about September 15, 2008, Defendants Henry Michalski,
1242 Darrell Moore, Robert Piepiora, David Raymond, John Good,
1243 Frank Carabello, and Kevin M. Lyons individually, and in their
1244 official capacity, while acting under color of law as a Emergency

1245 Medical Technician Instructors, and/or EMT Training School
1246 and/or EMT Examiner, for the Commonwealth of Massachusetts in
1247 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
1248 did with other defendants violate, deprive, or infringe upon the
1249 civil rights of Plaintiff James M. Atkinson for the purposes of
1250 personal, political, and professional gains, without just cause, or
1251 lawful authority and did engage in **Medicaid and Medicare Fraud**
1252 **and False Claims** against the United States of America in
1253 contravention of law, by assisting unqualified EMTs to bill
1254 Medicaid, Medicare, and numerous insurance companies for
1255 services that were not competently being rendered due to
1256 fraudulent EMT training. This specific unlawful action on this date
1257 intertwines with other related actions and activities performed on
1258 other dates and forms a unbroken continuation of the operation of a
1259 organized criminal enterprise functioning prior to this date,
1260 spanning this specific date, and continuing onward to the present
1261 date, and affecting both historical, present, and future events. This
1262 action involved the starting of the class on **9/15/2008** at 6:30 PM,
1263 the students were dismissed **at 9:15 PM**, when in fact the official

1264 records provided to the Commonwealth of Massachusetts OEMS
1265 for the class fraudulently reflect that the class ran until 10:30 PM.

1266
1267 **Lyons Ambulance EMT Training Fraud**
1268 **September 18, 2008**

1269
1270 58. On or about **September 18, 2008**, Defendants Henry Michalski,
1271 Darrell Moore, Robert Piepiora, David Raymond, John Good,
1272 Frank Carabello, and Kevin M. Lyons individually, and in their
1273 official capacity, while acting under color of law as a Emergency
1274 Medical Technician Instructors, and/or EMT Training School
1275 and/or EMT Examiner, for the Commonwealth of Massachusetts in
1276 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
1277 did with other defendants violate, deprive, or infringe upon the
1278 civil rights of Plaintiff James M. Atkinson for the purposes of
1279 personal, political, and professional gains, without just cause, or
1280 lawful authority and did engage in a **Scheme to Defraud** against
1281 James M. Atkinson in contravention of law, by taking monies for a
1282 fraudulent EMT training course, that did not meet the mandatory
1283 class times required by law. This specific unlawful action on this
1284 date intertwines with other related actions and activities performed
1285 on other dates and forms a unbroken continuation of the operation

1286 of a organized criminal enterprise functioning prior to this date,
1287 spanning this specific date, and continuing onward to the present
1288 date, and affecting both historical, present, and future events. This
1289 action involved the starting of the class on **September 18, 2008** at
1290 6:30 PM, the students were dismissed **at 9:05 PM**, when in fact the
1291 official records provided to the Commonwealth of Massachusetts
1292 OEMS for the class fraudulently reflect that the class ran until
1293 10:30 PM.

1294
1295 59. On or about **September 18, 2008**, Defendants Henry Michalski,
1296 Darrell Moore, Robert Piepiora, David Raymond, John Good,
1297 Frank Carabello, and Kevin M. Lyons individually, and in their
1298 official capacity, while acting under color of law as a Emergency
1299 Medical Technician Instructors, and/or EMT Training School
1300 and/or EMT Examiner, for the Commonwealth of Massachusetts in
1301 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
1302 did with other defendants violate, deprive, or infringe upon the
1303 civil rights of Plaintiff James M. Atkinson for the purposes of
1304 personal, political, and professional gains, without just cause, or
1305 lawful authority and did engage in a **Conspiracy** against James M.

1306 Atkinson in contravention of law, by way of an agreement between
1307 the instructors and certain students to defraud the Commonwealth
1308 of Massachusetts Office of EMS (licensing agency) in regards to
1309 course duration and course content. This specific unlawful action
1310 on this date intertwines with other related actions and activities
1311 performed on other dates and forms a unbroken continuation of the
1312 operation of a organized criminal enterprise functioning prior to
1313 this date, spanning this specific date, and continuing onward to the
1314 present date, and affecting both historical, present, and future
1315 events. This action involved the starting of the class on **September**
1316 **18, 2008** at 6:30 PM, the students were dismissed **at 9:05 PM**,
1317 when in fact the official records provided to the Commonwealth of
1318 Massachusetts OEMS for the class fraudulently reflect that the
1319 class ran until 10:30 PM.

1320
1321 60. On or about **September 18, 2008**, Defendants Henry Michalski,
1322 Darrell Moore, Robert Piepiora, David Raymond, John Good,
1323 Frank Carabello, and Kevin M. Lyons individually, and in their
1324 official capacity, while acting under color of law as a Emergency
1325 Medical Technician Instructors, and/or EMT Training School

1326 and/or EMT Examiner, for the Commonwealth of Massachusetts in
1327 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
1328 did with other defendants violate, deprive, or infringe upon the
1329 civil rights of Plaintiff James M. Atkinson for the purposes of
1330 personal, political, and professional gains, without just cause, or
1331 lawful authority and did **engage in Mail Fraud** against James M.
1332 Atkinson in contravention of law by way of sending class rosters
1333 and course documents to the Commonwealth of Massachusetts
1334 OEMS offices for classes which did not take place at all, or for
1335 which hours were reported to be higher than those actually
1336 attended by student. This specific unlawful action on this date
1337 intertwines with other related actions and activities performed on
1338 other dates and forms a unbroken continuation of the operation of a
1339 organized criminal enterprise functioning prior to this date,
1340 spanning this specific date, and continuing onward to the present
1341 date, and affecting both historical, present, and future events. This
1342 action involved the starting of the class on **September 18, 2008** at
1343 6:30 PM, the students were dismissed **at 9:05 PM**, when in fact the
1344 official records provided to the Commonwealth of Massachusetts

1345 OEMS for the class fraudulently reflect that the class ran until
1346 10:30 PM.

1347

1348 61. On or about **September 18, 2008**, Defendants Henry Michalski,
1349 Darrell Moore, Robert Piepiora, David Raymond, John Good,
1350 Frank Carabello, and Kevin M. Lyons individually, and in their
1351 official capacity, while acting under color of law as a Emergency
1352 Medical Technician Instructors, and/or EMT Training School
1353 and/or EMT Examiner, for the Commonwealth of Massachusetts in
1354 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
1355 did with other defendants violate, deprive, or infringe upon the
1356 civil rights of Plaintiff James M. Atkinson for the purposes of
1357 personal, political, and professional gains, without just cause, or
1358 lawful authority and did engage in **Wire Fraud** against James M.
1359 Atkinson in contravention of law, by way of transmitting
1360 fraudulent E-Mail, and using online learning modalities, and
1361 falsifying the results of online testing. Also, the misuse of inter-
1362 state electronic communications to perform certain EMT Course
1363 functions to include online assignments, online testing, online
1364 examinations, and the use of online resources to create the end of

1365 course written examination. This specific unlawful action on this
1366 date intertwines with other related actions and activities performed
1367 on other dates and forms a unbroken continuation of the operation
1368 of a organized criminal enterprise functioning prior to this date,
1369 spanning this specific date, and continuing onward to the present
1370 date, and affecting both historical, present, and future events. This
1371 action involved the starting of the class on **September 18, 2008** at
1372 6:30 PM, the students were dismissed **at 9:05 PM**, when in fact the
1373 official records provided to the Commonwealth of Massachusetts
1374 OEMS for the class fraudulently reflect that the class ran until
1375 10:30 PM.

1376
1377 62. On or about **September 18, 2008**, Defendants Henry Michalski,
1378 Darrell Moore, Robert Piepiora, David Raymond, John Good,
1379 Frank Carabello, and Kevin M. Lyons individually, and in their
1380 official capacity, while acting under color of law as a Emergency
1381 Medical Technician Instructors, and/or EMT Training School
1382 and/or EMT Examiner, for the Commonwealth of Massachusetts in
1383 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
1384 did with other defendants violate, deprive, or infringe upon the

1385 civil rights of Plaintiff James M. Atkinson for the purposes of
1386 personal, political, and professional gains, without just cause, or
1387 lawful authority and did engage in **Scheme to Defraud** against
1388 James M. Atkinson in contravention of law, by depriving Atkinson
1389 of the required course durations and content required to
1390 legitimately obtain an EMT license. This specific unlawful action
1391 on this date intertwines with other related actions and activities
1392 performed on other dates and forms a unbroken continuation of the
1393 operation of a organized criminal enterprise functioning prior to
1394 this date, spanning this specific date, and continuing onward to the
1395 present date, and affecting both historical, present, and future
1396 events. This action involved the starting of the class on **September**
1397 **18, 2008** at 6:30 PM, the students were dismissed **at 9:05 PM,**
1398 when in fact the official records provided to the Commonwealth of
1399 Massachusetts OEMS for the class fraudulently reflect that the
1400 class ran until 10:30 PM.

1401
1402 63. On or about **September 18, 2008,** Defendants Henry Michalski,
1403 Darrell Moore, Robert Piepiora, David Raymond, John Good,
1404 Frank Carabello, and Kevin M. Lyons individually, and in their

1405 official capacity, while acting under color of law as a Emergency
1406 Medical Technician Instructors, and/or EMT Training School
1407 and/or EMT Examiner, for the Commonwealth of Massachusetts in
1408 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
1409 did with other defendants violate, deprive, or infringe upon the
1410 civil rights of Plaintiff James M. Atkinson for the purposes of
1411 personal, political, and professional gains, without just cause, or
1412 lawful authority and did engage in **Racketeering** against James M.
1413 Atkinson in contravention of law, by virtue of the operation of a
1414 criminal organization, engaging in conspiracy, obstruction of
1415 justice, mail fraud, wire fraud, Medicare/medical fraud, and other
1416 actions. This specific unlawful action on this date intertwines with
1417 other related actions and activities performed on other dates and
1418 forms a unbroken continuation of the operation of a organized
1419 criminal enterprise functioning prior to this date, spanning this
1420 specific date, and continuing onward to the present date, and
1421 affecting both historical, present, and future events. This action
1422 involved the starting of the class on **September 18, 2008** at 6:30
1423 PM, the students were dismissed **at 9:05 PM**, when in fact the
1424 official records provided to the Commonwealth of Massachusetts

1425 OEMS for the class fraudulently reflect that the class ran until
1426 10:30 PM.

1427

1428 64. On or about **September 18, 2008**, Defendants Henry Michalski,
1429 Darrell Moore, Robert Piepiora, David Raymond, John Good,
1430 Frank Carabello, and Kevin M. Lyons individually, and in their
1431 official capacity, while acting under color of law as a Emergency
1432 Medical Technician Instructors, and/or EMT Training School
1433 and/or EMT Examiner, for the Commonwealth of Massachusetts in
1434 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
1435 did with other defendants violate, deprive, or infringe upon the
1436 civil rights of Plaintiff James M. Atkinson for the purposes of
1437 personal, political, and professional gains, without just cause, or
1438 lawful authority and did **engage in witness tampering** against
1439 James M. Atkinson in contravention of law by contacting Plaintiff
1440 Atkinson both directly and through others and stating they
1441 “Everybody would hang, if we got caught, so everybody has to
1442 have the same story” This specific unlawful action on this date
1443 intertwines with other related actions and activities performed on
1444 other dates and forms a unbroken continuation of the operation of a

1445 organized criminal enterprise functioning prior to this date,
1446 spanning this specific date, and continuing onward to the present
1447 date, and affecting both historical, present, and future events. This
1448 action involved the starting of the class on **September 18, 2008** at
1449 6:30 PM, the students were dismissed **at 9:05 PM**, when in fact the
1450 official records provided to the Commonwealth of Massachusetts
1451 OEMS for the class fraudulently reflect that the class ran until
1452 10:30 PM.

1453
1454 65. On or about **September 18, 2008**, Defendants Henry Michalski,
1455 Darrell Moore, Robert Piepiora, David Raymond, John Good,
1456 Frank Carabello, and Kevin M. Lyons individually, and in their
1457 official capacity, while acting under color of law as a Emergency
1458 Medical Technician Instructors, and/or EMT Training School
1459 and/or EMT Examiner, for the Commonwealth of Massachusetts in
1460 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
1461 did with other defendants violate, deprive, or infringe upon the
1462 civil rights of Plaintiff James M. Atkinson for the purposes of
1463 personal, political, and professional gains, without just cause, or
1464 lawful authority and did engage in **Felony Larceny** against James

1465 M. Atkinson in contravention of law, by taking monies for goods
1466 and services which were not provided. This specific unlawful
1467 action on this date intertwines with other related actions and
1468 activities performed on other dates and forms a unbroken
1469 continuation of the operation of a organized criminal enterprise
1470 functioning prior to this date, spanning this specific date, and
1471 continuing onward to the present date, and affecting both historical,
1472 present, and future events. This action involved the starting of the
1473 class on **September 18, 2008** at 6:30 PM, the students were
1474 dismissed **at 9:05 PM**, when in fact the official records provided to
1475 the Commonwealth of Massachusetts OEMS for the class
1476 fraudulently reflect that the class ran until 10:30 PM.

1477
1478 66. On or about **September 18, 2008**, Defendants Henry Michalski,
1479 Darrell Moore, Robert Piepiora, David Raymond, John Good,
1480 Frank Carabello, and Kevin M. Lyons individually, and in their
1481 official capacity, while acting under color of law as a Emergency
1482 Medical Technician Instructors, and/or EMT Training School
1483 and/or EMT Examiner, for the Commonwealth of Massachusetts in
1484 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;

1485 did with other defendants violate, deprive, or infringe upon the
1486 civil rights of Plaintiff James M. Atkinson for the purposes of
1487 personal, political, and professional gains, without just cause, or
1488 lawful authority and did engage in **Obstruction of Justice** against
1489 James M. Atkinson in contravention of law, by contacting the
1490 Plaintiff and instructing him not to talk to state inspectors about the
1491 fraudulent EMT course. This specific unlawful action on this date
1492 intertwines with other related actions and activities performed on
1493 other dates and forms a unbroken continuation of the operation of a
1494 organized criminal enterprise functioning prior to this date,
1495 spanning this specific date, and continuing onward to the present
1496 date, and affecting both historical, present, and future events. This
1497 action involved the starting of the class on **September 18, 2008** at
1498 6:30 PM, the students were dismissed **at 9:05 PM**, when in fact the
1499 official records provided to the Commonwealth of Massachusetts
1500 OEMS for the class fraudulently reflect that the class ran until
1501 10:30 PM.

1502
1503 67. On or about **September 18, 2008**, Defendants Henry Michalski,
1504 Darrell Moore, Robert Piepiora, David Raymond, John Good,

1505 Frank Carabello, and Kevin M. Lyons individually, and in their
1506 official capacity, while acting under color of law as a Emergency
1507 Medical Technician Instructors, and/or EMT Training School
1508 and/or EMT Examiner, for the Commonwealth of Massachusetts in
1509 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
1510 did with other defendants violate, deprive, or infringe upon the
1511 civil rights of Plaintiff James M. Atkinson for the purposes of
1512 personal, political, and professional gains, without just cause, or
1513 lawful authority and did engage in Medicaid and Medicare Fraud
1514 and False Claims against the United States of America in
1515 contravention of law, by way of permitting students to “graduate”
1516 who did not meet the minimum times or skills required to be an
1517 EMT. This specific unlawful action on this date intertwines with
1518 other related actions and activities performed on other dates and
1519 forms a unbroken continuation of the operation of a organized
1520 criminal enterprise functioning prior to this date, spanning this
1521 specific date, and continuing onward to the present date, and
1522 affecting both historical, present, and future events. This action
1523 involved the starting of the class on September 18, 2008 at 6:30
1524 PM, the students were dismissed at 9:05 PM, when in fact the

1525 official records provided to the Commonwealth of Massachusetts
1526 OEMS for the class fraudulently reflect that the class ran until
1527 10:30 PM.

1528

1529 68. On or about **September 18, 2008**, Defendants Henry Michalski,
1530 Darrell Moore, Robert Piepiora, David Raymond, John Good,
1531 Frank Carabello, and Kevin M. Lyons individually, and in their
1532 official capacity, while acting under color of law as a Emergency
1533 Medical Technician Instructors, and/or EMT Training School
1534 and/or EMT Examiner, for the Commonwealth of Massachusetts in
1535 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
1536 did with other defendants violate, deprive, or infringe upon the
1537 civil rights of Plaintiff James M. Atkinson for the purposes of
1538 personal, political, and professional gains, without just cause, or
1539 lawful authority and did engage in **Medicaid and Medicare Fraud**
1540 **and False Claims** against the United States of America in
1541 contravention of law, by assisting unqualified EMTs to bill
1542 Medicaid, Medicare, and numerous insurance companies for
1543 services that were not competently being rendered due to
1544 fraudulent EMT training. This specific unlawful action on this date

1545 intertwines with other related actions and activities performed on
1546 other dates and forms a unbroken continuation of the operation of a
1547 organized criminal enterprise functioning prior to this date,
1548 spanning this specific date, and continuing onward to the present
1549 date, and affecting both historical, present, and future events. This
1550 action involved the starting of the class on **September 18, 2008** at
1551 6:30 PM, the students were dismissed **at 9:05 PM**, when in fact the
1552 official records provided to the Commonwealth of Massachusetts
1553 OEMS for the class fraudulently reflect that the class ran until
1554 10:30 PM.

1555
1556 **Lyons Ambulance EMT Training Fraud**
1557 **September 22, 2008**
1558

1559 69. On or about **September 22, 2008**, Defendants Henry Michalski,
1560 Darrell Moore, Robert Piepiora, David Raymond, John Good,
1561 Frank Carabello, and Kevin M. Lyons individually, and in their
1562 official capacity, while acting under color of law as a Emergency
1563 Medical Technician Instructors, and/or EMT Training School
1564 and/or EMT Examiner, for the Commonwealth of Massachusetts in
1565 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
1566 did with other defendants violate, deprive, or infringe upon the

1567 civil rights of Plaintiff James M. Atkinson for the purposes of
1568 personal, political, and professional gains, without just cause, or
1569 lawful authority and did engage in a **Scheme to Defraud** against
1570 James M. Atkinson in contravention of law, by taking monies for a
1571 fraudulent EMT training course, that did not meet the mandatory
1572 class times required by law. This specific unlawful action on this
1573 date intertwines with other related actions and activities performed
1574 on other dates and forms a unbroken continuation of the operation
1575 of a organized criminal enterprise functioning prior to this date,
1576 spanning this specific date, and continuing onward to the present
1577 date, and affecting both historical, present, and future events. This
1578 action involved the starting of the class on **September 22, 2008** at
1579 6:30 PM, the students were dismissed **at 8:35 PM**, when in fact the
1580 official records provided to the Commonwealth of Massachusetts
1581 OEMS for the class fraudulently reflect that the class ran until
1582 10:30 PM.

1583
1584 70. On or about **September 22, 2008**, Defendants Henry Michalski,
1585 Darrell Moore, Robert Piepiora, David Raymond, John Good,
1586 Frank Carabello, and Kevin M. Lyons individually, and in their

1587 official capacity, while acting under color of law as a Emergency
1588 Medical Technician Instructors, and/or EMT Training School
1589 and/or EMT Examiner, for the Commonwealth of Massachusetts in
1590 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
1591 did with other defendants violate, deprive, or infringe upon the
1592 civil rights of Plaintiff James M. Atkinson for the purposes of
1593 personal, political, and professional gains, without just cause, or
1594 lawful authority and did engage in a **Conspiracy** against James M.
1595 Atkinson in contravention of law, by way of an agreement between
1596 the instructors and certain students to defraud the Commonwealth
1597 of Massachusetts Office of EMS (licensing agency) in regards to
1598 course duration and course content. This specific unlawful action
1599 on this date intertwines with other related actions and activities
1600 performed on other dates and forms a unbroken continuation of the
1601 operation of a organized criminal enterprise functioning prior to
1602 this date, spanning this specific date, and continuing onward to the
1603 present date, and affecting both historical, present, and future
1604 events. This action involved the starting of the class on **September**
1605 **22, 2008** at 6:30 PM, the students were dismissed **at 8:35 PM**,
1606 when in fact the official records provided to the Commonwealth of

1607 Massachusetts OEMS for the class fraudulently reflect that the
1608 class ran until 10:30 PM.

1609
1610 71. On or about **September 22, 2008**, Defendants Henry Michalski,
1611 individually, and in their official capacity, while acting under color
1612 of law as a Emergency Medical Technician Instructors, and/or
1613 EMT Training School and/or EMT Examiner, for the
1614 Commonwealth of Massachusetts in Boston, MA and Lyons
1615 Ambulance, in Danvers, Massachusetts; did with other defendants
1616 violate, deprive, or infringe upon the civil rights of Plaintiff James
1617 M. Atkinson for the purposes of personal, political, and
1618 professional gains, without just cause, or lawful authority and did
1619 engage in a Solicitation of a Felony against James M. Atkinson in
1620 contravention of law, by stating to both Plaintiff Atkinson and to
1621 other students that they were to make false statements to State
1622 investigators in regards to class times being longer than they were
1623 in reality (while other students did lie to state OEMS investigators,
1624 Defendant Atkinson steadfastly refused to do so, and revealed the
1625 unvarnished truth to the OEMS investigators) defraud the
1626 Commonwealth of Massachusetts Office of EMS (licensing

1627 agency) in regards to course duration and course content. This
1628 specific unlawful action on this date intertwines with other related
1629 actions and activities performed on other dates and forms a
1630 unbroken continuation of the operation of a organized criminal
1631 enterprise functioning prior to this date, spanning this specific date,
1632 and continuing onward to the present date, and affecting both
1633 historical, present, and future events. This action involved the
1634 starting of the class on **September 22, 2008** at 6:30 PM, the
1635 students were dismissed **at 8:35 PM**, when in fact the official
1636 records provided to the Commonwealth of Massachusetts OEMS
1637 for the class fraudulently reflect that the class ran until 10:30 PM.

1638 72.

1639

1640 73. On or about **September 22, 2008**, Defendants Henry Michalski,
1641 Darrell Moore, Robert Piepiora, David Raymond, John Good,
1642 Frank Carabello, and Kevin M. Lyons individually, and in their
1643 official capacity, while acting under color of law as a Emergency
1644 Medical Technician Instructors, and/or EMT Training School
1645 and/or EMT Examiner, for the Commonwealth of Massachusetts in
1646 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;

1647 did with other defendants violate, deprive, or infringe upon the
1648 civil rights of Plaintiff James M. Atkinson for the purposes of
1649 personal, political, and professional gains, without just cause, or
1650 lawful authority and did engage in Mail Fraud against James M.
1651 Atkinson in contravention of law by way of sending class rosters
1652 and course documents to the Commonwealth of Massachusetts
1653 OEMS offices for classes which did not take place at all, or for
1654 which hours were reported to be higher than those actually
1655 attended by student. This specific unlawful action on this date
1656 intertwines with other related actions and activities performed on
1657 other dates and forms a unbroken continuation of the operation of a
1658 organized criminal enterprise functioning prior to this date,
1659 spanning this specific date, and continuing onward to the present
1660 date, and affecting both historical, present, and future events. This
1661 action involved the starting of the class on September 22, 2008 at
1662 6:30 PM, the students were dismissed at 8:35 PM, when in fact the
1663 official records provided to the Commonwealth of Massachusetts
1664 OEMS for the class fraudulently reflect that the class ran until
1665 10:30 PM.

1666

1667 74. On or about **September 22, 2008**, Defendants Henry Michalski,
1668 Darrell Moore, Robert Piepiora, David Raymond, John Good,
1669 Frank Carabello, and Kevin M. Lyons individually, and in their
1670 official capacity, while acting under color of law as a Emergency
1671 Medical Technician Instructors, and/or EMT Training School
1672 and/or EMT Examiner, for the Commonwealth of Massachusetts in
1673 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
1674 did with other defendants violate, deprive, or infringe upon the
1675 civil rights of Plaintiff James M. Atkinson for the purposes of
1676 personal, political, and professional gains, without just cause, or
1677 lawful authority and did engage in **Wire Fraud** against James M.
1678 Atkinson in contravention of law, by way of transmitting
1679 fraudulent E-Mail, and using online learning modalities, and
1680 falsifying the results of online testing. Also, the misuse of inter-
1681 state electronic communications to perform certain EMT Course
1682 functions to include online assignments, online testing, online
1683 examinations, and the use of online resources to create the end of
1684 course written examination. This specific unlawful action on this
1685 date intertwines with other related actions and activities performed
1686 on other dates and forms a unbroken continuation of the operation

1687 of a organized criminal enterprise functioning prior to this date,
1688 spanning this specific date, and continuing onward to the present
1689 date, and affecting both historical, present, and future events. This
1690 action involved the starting of the class on **September 22, 2008** at
1691 6:30 PM, the students were dismissed **at 8:35 PM**, when in fact the
1692 official records provided to the Commonwealth of Massachusetts
1693 OEMS for the class fraudulently reflect that the class ran until
1694 10:30 PM.

1695
1696 75. On or about **September 22, 2008**, Defendants Henry Michalski,
1697 Darrell Moore, Robert Piepiora, David Raymond, John Good,
1698 Frank Carabello, and Kevin M. Lyons individually, and in their
1699 official capacity, while acting under color of law as a Emergency
1700 Medical Technician Instructors, and/or EMT Training School
1701 and/or EMT Examiner, for the Commonwealth of Massachusetts in
1702 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
1703 did with other defendants violate, deprive, or infringe upon the
1704 civil rights of Plaintiff James M. Atkinson for the purposes of
1705 personal, political, and professional gains, without just cause, or
1706 lawful authority and did engage in **Scheme to Defraud** against

1707 James M. Atkinson in contravention of law, by depriving Atkinson
1708 of the required course durations and content required to
1709 legitimately obtain an EMT license. This specific unlawful action
1710 on this date intertwines with other related actions and activities
1711 performed on other dates and forms a unbroken continuation of the
1712 operation of a organized criminal enterprise functioning prior to
1713 this date, spanning this specific date, and continuing onward to the
1714 present date, and affecting both historical, present, and future
1715 events. This action involved the starting of the class on **September**
1716 **22, 2008** at 6:30 PM, the students were dismissed **at 8:35 PM**,
1717 when in fact the official records provided to the Commonwealth of
1718 Massachusetts OEMS for the class fraudulently reflect that the
1719 class ran until 10:30 PM.

1720
1721 76. On or about **September 22, 2008**, Defendants Henry Michalski,
1722 Darrell Moore, Robert Piepiora, David Raymond, John Good,
1723 Frank Carabello, and Kevin M. Lyons individually, and in their
1724 official capacity, while acting under color of law as a Emergency
1725 Medical Technician Instructors, and/or EMT Training School
1726 and/or EMT Examiner, for the Commonwealth of Massachusetts in

1727 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
1728 did with other defendants violate, deprive, or infringe upon the
1729 civil rights of Plaintiff James M. Atkinson for the purposes of
1730 personal, political, and professional gains, without just cause, or
1731 lawful authority and did engage in **Racketeering** against James M.
1732 Atkinson in contravention of law, by virtue of the operation of a
1733 criminal organization, engaging in conspiracy, obstruction of
1734 justice, mail fraud, wire fraud, Medicare/medical fraud, and other
1735 actions. This specific unlawful action on this date intertwines with
1736 other related actions and activities performed on other dates and
1737 forms a unbroken continuation of the operation of a organized
1738 criminal enterprise functioning prior to this date, spanning this
1739 specific date, and continuing onward to the present date, and
1740 affecting both historical, present, and future events. This action
1741 involved the starting of the class on **September 22, 2008** at 6:30
1742 PM, the students were dismissed **at 8:35 PM**, when in fact the
1743 official records provided to the Commonwealth of Massachusetts
1744 OEMS for the class fraudulently reflect that the class ran until
1745 10:30 PM.

1746

1747 77. On or about **September 22, 2008**, Defendants Henry Michalski,
1748 Darrell Moore, Robert Piepiora, David Raymond, John Good,
1749 Frank Carabello, and Kevin M. Lyons individually, and in their
1750 official capacity, while acting under color of law as a Emergency
1751 Medical Technician Instructors, and/or EMT Training School
1752 and/or EMT Examiner, for the Commonwealth of Massachusetts in
1753 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
1754 did with other defendants violate, deprive, or infringe upon the
1755 civil rights of Plaintiff James M. Atkinson for the purposes of
1756 personal, political, and professional gains, without just cause, or
1757 lawful authority and did **engage in witness tampering** against
1758 James M. Atkinson in contravention of law by contacting Plaintiff
1759 Atkinson both directly and through others and stating they
1760 “Everybody would hang, if we got caught, so everybody has to
1761 have the same story” This specific unlawful action on this date
1762 intertwines with other related actions and activities performed on
1763 other dates and forms a unbroken continuation of the operation of a
1764 organized criminal enterprise functioning prior to this date,
1765 spanning this specific date, and continuing onward to the present
1766 date, and affecting both historical, present, and future events. This

1767 action involved the starting of the class on September 22, 2008 at
1768 6:30 PM, the students were dismissed at 8:35 PM, when in fact the
1769 official records provided to the Commonwealth of Massachusetts
1770 OEMS for the class fraudulently reflect that the class ran until
1771 10:30 PM.

1772
1773 78. On or about September 22, 2008, Defendants Henry Michalski,
1774 Darrell Moore, Robert Piepiora, David Raymond, John Good,
1775 Frank Carabello, and Kevin M. Lyons individually, and in their
1776 official capacity, while acting under color of law as a Emergency
1777 Medical Technician Instructors, and/or EMT Training School
1778 and/or EMT Examiner, for the Commonwealth of Massachusetts in
1779 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
1780 did with other defendants violate, deprive, or infringe upon the
1781 civil rights of Plaintiff James M. Atkinson for the purposes of
1782 personal, political, and professional gains, without just cause, or
1783 lawful authority and did engage in Felony Larceny against James
1784 M. Atkinson in contravention of law, by taking monies for goods
1785 and services which were not provided. This specific unlawful
1786 action on this date intertwines with other related actions and

1787 activities performed on other dates and forms a unbroken
1788 continuation of the operation of a organized criminal enterprise
1789 functioning prior to this date, spanning this specific date, and
1790 continuing onward to the present date, and affecting both historical,
1791 present, and future events. This action involved the starting of the
1792 class on **September 22, 2008** at 6:30 PM, the students were
1793 dismissed **at 8:35 PM**, when in fact the official records provided to
1794 the Commonwealth of Massachusetts OEMS for the class
1795 fraudulently reflect that the class ran until 10:30 PM.

1796
1797 79. On or about **September 22, 2008**, Defendants Henry Michalski,
1798 Darrell Moore, Robert Piepiora, David Raymond, John Good,
1799 Frank Carabello, and Kevin M. Lyons individually, and in their
1800 official capacity, while acting under color of law as a Emergency
1801 Medical Technician Instructors, and/or EMT Training School
1802 and/or EMT Examiner, for the Commonwealth of Massachusetts in
1803 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
1804 did with other defendants violate, deprive, or infringe upon the
1805 civil rights of Plaintiff James M. Atkinson for the purposes of
1806 personal, political, and professional gains, without just cause, or

1807 lawful authority and did engage in **Obstruction of Justice** against
1808 James M. Atkinson in contravention of law, by contacting the
1809 Plaintiff and instructing him not to talk to state inspectors about the
1810 fraudulent EMT course. This specific unlawful action on this date
1811 intertwines with other related actions and activities performed on
1812 other dates and forms a unbroken continuation of the operation of a
1813 organized criminal enterprise functioning prior to this date,
1814 spanning this specific date, and continuing onward to the present
1815 date, and affecting both historical, present, and future events. This
1816 action involved the starting of the class on **September 22, 2008** at
1817 6:30 PM, the students were dismissed **at 8:35 PM**, when in fact the
1818 official records provided to the Commonwealth of Massachusetts
1819 OEMS for the class fraudulently reflect that the class ran until
1820 10:30 PM.

1821
1822 80. On or about **September 22, 2008**, Defendants Henry Michalski,
1823 Darrell Moore, Robert Piepiora, David Raymond, John Good,
1824 Frank Carabello, and Kevin M. Lyons individually, and in their
1825 official capacity, while acting under color of law as a Emergency
1826 Medical Technician Instructors, and/or EMT Training School

1827 and/or EMT Examiner, for the Commonwealth of Massachusetts in
1828 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
1829 did with other defendants violate, deprive, or infringe upon the
1830 civil rights of Plaintiff James M. Atkinson for the purposes of
1831 personal, political, and professional gains, without just cause, or
1832 lawful authority and did **engage in Medicaid and Medicare Fraud**
1833 **and False Claims** against the United States of America in
1834 contravention of law, by way of permitting students to “graduate”
1835 who did not meet the minimum times or skills required to be an
1836 EMT. This specific unlawful action on this date intertwines with
1837 other related actions and activities performed on other dates and
1838 forms a unbroken continuation of the operation of a organized
1839 criminal enterprise functioning prior to this date, spanning this
1840 specific date, and continuing onward to the present date, and
1841 affecting both historical, present, and future events. This action
1842 involved the starting of the class on **September 22, 2008** at 6:30
1843 PM, the students were dismissed **at 8:35 PM**, when in fact the
1844 official records provided to the Commonwealth of Massachusetts
1845 OEMS for the class fraudulently reflect that the class ran until
1846 10:30 PM.

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81. On or about **September 22, 2008**, Defendants Henry Michalski, Darrell Moore, Robert Piepiora, David Raymond, John Good, Frank Carabello, and Kevin M. Lyons individually, and in their official capacity, while acting under color of law as a Emergency Medical Technician Instructors, and/or EMT Training School and/or EMT Examiner, for the Commonwealth of Massachusetts in Boston, MA and Lyons Ambulance, in Danvers, Massachusetts; did with other defendants violate, deprive, or infringe upon the civil rights of Plaintiff James M. Atkinson for the purposes of personal, political, and professional gains, without just cause, or lawful authority and did engage in **Medicaid and Medicare Fraud and False Claims** against the United States of America in contravention of law, by assisting unqualified EMTs to bill Medicaid, Medicare, and numerous insurance companies for services that were not competently being rendered due to fraudulent EMT training. This specific unlawful action on this date intertwines with other related actions and activities performed on other dates and forms a unbroken continuation of the operation of a organized criminal enterprise functioning prior to this date,

1867 spanning this specific date, and continuing onward to the present
1868 date, and affecting both historical, present, and future events. This
1869 action involved the starting of the class on **September 22, 2008** at
1870 6:30 PM, the students were dismissed **at 8:35 PM**, when in fact the
1871 official records provided to the Commonwealth of Massachusetts
1872 OEMS for the class fraudulently reflect that the class ran until
1873 10:30 PM.

1874

1875 **Lyons Ambulance EMT Training Fraud**
1876 **September 25, 2008**

1877

1878 82. On or about **September 25, 2008**, Defendants Henry Michalski,
1879 Darrell Moore, Robert Piepiora, David Raymond, John Good,
1880 Frank Carabello, and Kevin M. Lyons individually, and in their
1881 official capacity, while acting under color of law as a Emergency
1882 Medical Technician Instructors, and/or EMT Training School
1883 and/or EMT Examiner, for the Commonwealth of Massachusetts in
1884 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
1885 did with other defendants violate, deprive, or infringe upon the
1886 civil rights of Plaintiff James M. Atkinson for the purposes of
1887 personal, political, and professional gains, without just cause, or
1888 lawful authority and did engage in a **Scheme to Defraud** against

1889 James M. Atkinson in contravention of law, by taking monies for a
1890 fraudulent EMT training course, that did not meet the mandatory
1891 class times required by law. This specific unlawful action on this
1892 date intertwines with other related actions and activities performed
1893 on other dates and forms a unbroken continuation of the operation
1894 of a organized criminal enterprise functioning prior to this date,
1895 spanning this specific date, and continuing onward to the present
1896 date, and affecting both historical, present, and future events. This
1897 action involved the starting of the class on **September 25, 2008** at
1898 6:50 PM, the students were dismissed **at 9:17 PM**, when in fact the
1899 official records provided to the Commonwealth of Massachusetts
1900 OEMS for the class fraudulently reflect that the class ran until
1901 10:30 PM.

1902
1903 83. On or about **September 25, 2008**, Defendants Henry Michalski,
1904 Darrell Moore, Robert Piepiora, David Raymond, John Good,
1905 Frank Carabello, and Kevin M. Lyons individually, and in their
1906 official capacity, while acting under color of law as a Emergency
1907 Medical Technician Instructors, and/or EMT Training School
1908 and/or EMT Examiner, for the Commonwealth of Massachusetts in

1909 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
1910 did with other defendants violate, deprive, or infringe upon the
1911 civil rights of Plaintiff James M. Atkinson for the purposes of
1912 personal, political, and professional gains, without just cause, or
1913 lawful authority and did engage in a **Conspiracy** against James M.
1914 Atkinson in contravention of law, by way of an agreement between
1915 the instructors and certain students to defraud the Commonwealth
1916 of Massachusetts Office of EMS (licensing agency) in regards to
1917 course duration and course content. This specific unlawful action
1918 on this date intertwines with other related actions and activities
1919 performed on other dates and forms a unbroken continuation of the
1920 operation of a organized criminal enterprise functioning prior to
1921 this date, spanning this specific date, and continuing onward to the
1922 present date, and affecting both historical, present, and future
1923 events. This action involved the starting of the class on **September**
1924 **25, 2008** at 6:50 PM, the students were dismissed **at 9:17 PM**,
1925 when in fact the official records provided to the Commonwealth of
1926 Massachusetts OEMS for the class fraudulently reflect that the
1927 class ran until 10:30 PM.

1928

1929 84. On or about **September 25, 2008**, Defendants Henry Michalski,
1930 Darrell Moore, Robert Piepiora, David Raymond, John Good,
1931 Frank Carabello, and Kevin M. Lyons individually, and in their
1932 official capacity, while acting under color of law as a Emergency
1933 Medical Technician Instructors, and/or EMT Training School
1934 and/or EMT Examiner, for the Commonwealth of Massachusetts in
1935 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
1936 did with other defendants violate, deprive, or infringe upon the
1937 civil rights of Plaintiff James M. Atkinson for the purposes of
1938 personal, political, and professional gains, without just cause, or
1939 lawful authority and did **engage in Mail Fraud** against James M.
1940 Atkinson in contravention of law by way of sending class rosters
1941 and course documents to the Commonwealth of Massachusetts
1942 OEMS offices for classes which did not take place at all, or for
1943 which hours were reported to be higher than those actually
1944 attended by student. This specific unlawful action on this date
1945 intertwines with other related actions and activities performed on
1946 other dates and forms a unbroken continuation of the operation of a
1947 organized criminal enterprise functioning prior to this date,
1948 spanning this specific date, and continuing onward to the present

1949 date, and affecting both historical, present, and future events. This
1950 action involved the starting of the class on **September 25, 2008** at
1951 6:50 PM, the students were dismissed **at 9:17 PM**, when in fact the
1952 official records provided to the Commonwealth of Massachusetts
1953 OEMS for the class fraudulently reflect that the class ran until
1954 10:30 PM.

1955
1956 85. On or about **September 25, 2008**, Defendants Henry Michalski,
1957 Darrell Moore, Robert Piepiora, David Raymond, John Good,
1958 Frank Carabello, and Kevin M. Lyons individually, and in their
1959 official capacity, while acting under color of law as a Emergency
1960 Medical Technician Instructors, and/or EMT Training School
1961 and/or EMT Examiner, for the Commonwealth of Massachusetts in
1962 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
1963 did with other defendants violate, deprive, or infringe upon the
1964 civil rights of Plaintiff James M. Atkinson for the purposes of
1965 personal, political, and professional gains, without just cause, or
1966 lawful authority and did engage in **Wire Fraud** against James M.
1967 Atkinson in contravention of law, by way of transmitting
1968 fraudulent E-Mail, and using online learning modalities, and

1969 falsifying the results of online testing. Also, the misuse of inter-
1970 state electronic communications to perform certain EMT Course
1971 functions to include online assignments, online testing, online
1972 examinations, and the use of online resources to create the end of
1973 course written examination. This specific unlawful action on this
1974 date intertwines with other related actions and activities performed
1975 on other dates and forms a unbroken continuation of the operation
1976 of a organized criminal enterprise functioning prior to this date,
1977 spanning this specific date, and continuing onward to the present
1978 date, and affecting both historical, present, and future events. This
1979 action involved the starting of the class on **September 25, 2008** at
1980 6:50 PM, the students were dismissed **at 9:17 PM**, when in fact the
1981 official records provided to the Commonwealth of Massachusetts
1982 OEMS for the class fraudulently reflect that the class ran until
1983 10:30 PM.

1984
1985 86. On or about **September 25, 2008**, Defendants Henry Michalski,
1986 Darrell Moore, Robert Piepiora, David Raymond, John Good,
1987 Frank Carabello, and Kevin M. Lyons individually, and in their
1988 official capacity, while acting under color of law as a Emergency

1989 Medical Technician Instructors, and/or EMT Training School
1990 and/or EMT Examiner, for the Commonwealth of Massachusetts in
1991 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
1992 did with other defendants violate, deprive, or infringe upon the
1993 civil rights of Plaintiff James M. Atkinson for the purposes of
1994 personal, political, and professional gains, without just cause, or
1995 lawful authority and did engage in **Scheme to Defraud** against
1996 James M. Atkinson in contravention of law, by depriving Atkinson
1997 of the required course durations and content required to
1998 legitimately obtain an EMT license. This specific unlawful action
1999 on this date intertwines with other related actions and activities
2000 performed on other dates and forms a unbroken continuation of the
2001 operation of a organized criminal enterprise functioning prior to
2002 this date, spanning this specific date, and continuing onward to the
2003 present date, and affecting both historical, present, and future
2004 events. This action involved the starting of the class on **September**
2005 **25, 2008** at 6:50 PM, the students were dismissed **at 9:17 PM,**
2006 when in fact the official records provided to the Commonwealth of
2007 Massachusetts OEMS for the class fraudulently reflect that the
2008 class ran until 10:30 PM.

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87. On or about **September 25, 2008**, Defendants Henry Michalski, Darrell Moore, Robert Piepiora, David Raymond, John Good, Frank Carabello, and Kevin M. Lyons individually, and in their official capacity, while acting under color of law as a Emergency Medical Technician Instructors, and/or EMT Training School and/or EMT Examiner, for the Commonwealth of Massachusetts in Boston, MA and Lyons Ambulance, in Danvers, Massachusetts; did with other defendants violate, deprive, or infringe upon the civil rights of Plaintiff James M. Atkinson for the purposes of personal, political, and professional gains, without just cause, or lawful authority and did engage in **Racketeering** against James M. Atkinson in contravention of law, by virtue of the operation of a criminal organization, engaging in conspiracy, obstruction of justice, mail fraud, wire fraud, Medicare/medical fraud, and other actions. This specific unlawful action on this date intertwines with other related actions and activities performed on other dates and forms a unbroken continuation of the operation of a organized criminal enterprise functioning prior to this date, spanning this specific date, and continuing onward to the present date, and

2029 affecting both historical, present, and future events. This action
2030 involved the starting of the class on **September 25, 2008** at 6:50
2031 PM, the students were dismissed **at 9:17 PM**, when in fact the
2032 official records provided to the Commonwealth of Massachusetts
2033 OEMS for the class fraudulently reflect that the class ran until
2034 10:30 PM.

2035
2036 88. On or about **September 25, 2008**, Defendants Henry Michalski,
2037 Darrell Moore, Robert Piepiora, David Raymond, John Good,
2038 Frank Carabello, and Kevin M. Lyons individually, and in their
2039 official capacity, while acting under color of law as a Emergency
2040 Medical Technician Instructors, and/or EMT Training School
2041 and/or EMT Examiner, for the Commonwealth of Massachusetts in
2042 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
2043 did with other defendants violate, deprive, or infringe upon the
2044 civil rights of Plaintiff James M. Atkinson for the purposes of
2045 personal, political, and professional gains, without just cause, or
2046 lawful authority and did **engage in witness tampering** against
2047 James M. Atkinson in contravention of law by contacting Plaintiff
2048 Atkinson both directly and through others and stating they

2049 “Everybody would hang, if we got caught, so everybody has to
2050 have the same story” This specific unlawful action on this date
2051 intertwines with other related actions and activities performed on
2052 other dates and forms a unbroken continuation of the operation of a
2053 organized criminal enterprise functioning prior to this date,
2054 spanning this specific date, and continuing onward to the present
2055 date, and affecting both historical, present, and future events. This
2056 action involved the starting of the class on **September 25, 2008** at
2057 6:50 PM, the students were dismissed **at 9:17 PM**, when in fact the
2058 official records provided to the Commonwealth of Massachusetts
2059 OEMS for the class fraudulently reflect that the class ran until
2060 10:30 PM.

2061
2062 89. On or about **September 25, 2008**, Defendants Henry Michalski,
2063 Darrell Moore, Robert Piepiora, David Raymond, John Good,
2064 Frank Carabello, and Kevin M. Lyons individually, and in their
2065 official capacity, while acting under color of law as a Emergency
2066 Medical Technician Instructors, and/or EMT Training School
2067 and/or EMT Examiner, for the Commonwealth of Massachusetts in
2068 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;

2069 did with other defendants violate, deprive, or infringe upon the
2070 civil rights of Plaintiff James M. Atkinson for the purposes of
2071 personal, political, and professional gains, without just cause, or
2072 lawful authority and did engage in **Felony Larceny** against James
2073 M. Atkinson in contravention of law, by taking monies for goods
2074 and services which were not provided. This specific unlawful
2075 action on this date intertwines with other related actions and
2076 activities performed on other dates and forms a unbroken
2077 continuation of the operation of a organized criminal enterprise
2078 functioning prior to this date, spanning this specific date, and
2079 continuing onward to the present date, and affecting both historical,
2080 present, and future events. This action involved the starting of the
2081 class on **September 25, 2008** at 6:50 PM, the students were
2082 dismissed **at 9:17 PM**, when in fact the official records provided to
2083 the Commonwealth of Massachusetts OEMS for the class
2084 fraudulently reflect that the class ran until 10:30 PM.

2085
2086 90. On or about **September 25, 2008**, Defendants Henry Michalski,
2087 Darrell Moore, Robert Piepiora, David Raymond, John Good,
2088 Frank Carabello, and Kevin M. Lyons individually, and in their

2089 official capacity, while acting under color of law as a Emergency
2090 Medical Technician Instructors, and/or EMT Training School
2091 and/or EMT Examiner, for the Commonwealth of Massachusetts in
2092 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
2093 did with other defendants violate, deprive, or infringe upon the
2094 civil rights of Plaintiff James M. Atkinson for the purposes of
2095 personal, political, and professional gains, without just cause, or
2096 lawful authority and did engage in **Obstruction of Justice** against
2097 James M. Atkinson in contravention of law, by contacting the
2098 Plaintiff and instructing him not to talk to state inspectors about the
2099 fraudulent EMT course. This specific unlawful action on this date
2100 intertwines with other related actions and activities performed on
2101 other dates and forms a unbroken continuation of the operation of a
2102 organized criminal enterprise functioning prior to this date,
2103 spanning this specific date, and continuing onward to the present
2104 date, and affecting both historical, present, and future events. This
2105 action involved the starting of the class on **September 25, 2008** at
2106 6:50 PM, the students were dismissed **at 9:17 PM**, when in fact the
2107 official records provided to the Commonwealth of Massachusetts

2108 OEMS for the class fraudulently reflect that the class ran until
2109 10:30 PM.

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2111 91. On or about **September 25, 2008**, Defendants Henry Michalski,
2112 Darrell Moore, Robert Piepiora, David Raymond, John Good,
2113 Frank Carabello, and Kevin M. Lyons individually, and in their
2114 official capacity, while acting under color of law as a Emergency
2115 Medical Technician Instructors, and/or EMT Training School
2116 and/or EMT Examiner, for the Commonwealth of Massachusetts in
2117 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
2118 did with other defendants violate, deprive, or infringe upon the
2119 civil rights of Plaintiff James M. Atkinson for the purposes of
2120 personal, political, and professional gains, without just cause, or
2121 lawful authority and did **engage in Medicaid and Medicare Fraud**
2122 **and False Claims** against the United States of America in
2123 contravention of law, by way of permitting students to “graduate”
2124 who did not meet the minimum times or skills required to be an
2125 EMT. This specific unlawful action on this date intertwines with
2126 other related actions and activities performed on other dates and
2127 forms a unbroken continuation of the operation of a organized

2128 criminal enterprise functioning prior to this date, spanning this
2129 specific date, and continuing onward to the present date, and
2130 affecting both historical, present, and future events. This action
2131 involved the starting of the class on **September 25, 2008** at 6:50
2132 PM, the students were dismissed **at 9:17 PM**, when in fact the
2133 official records provided to the Commonwealth of Massachusetts
2134 OEMS for the class fraudulently reflect that the class ran until
2135 10:30 PM.

2137 92. On or about **September 25, 2008**, Defendants Henry Michalski,
2138 Darrell Moore, Robert Piepiora, David Raymond, John Good,
2139 Frank Carabello, and Kevin M. Lyons individually, and in their
2140 official capacity, while acting under color of law as a Emergency
2141 Medical Technician Instructors, and/or EMT Training School
2142 and/or EMT Examiner, for the Commonwealth of Massachusetts in
2143 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
2144 did with other defendants violate, deprive, or infringe upon the
2145 civil rights of Plaintiff James M. Atkinson for the purposes of
2146 personal, political, and professional gains, without just cause, or
2147 lawful authority and did engage in **Medicaid and Medicare Fraud**

2148 **and False Claims** against the United States of America in
2149 contravention of law, by assisting unqualified EMTs to bill
2150 Medicaid, Medicare, and numerous insurance companies for
2151 services that were not competently being rendered due to
2152 fraudulent EMT training. This specific unlawful action on this date
2153 intertwines with other related actions and activities performed on
2154 other dates and forms a unbroken continuation of the operation of a
2155 organized criminal enterprise functioning prior to this date,
2156 spanning this specific date, and continuing onward to the present
2157 date, and affecting both historical, present, and future events. This
2158 action involved the starting of the class on **September 25, 2008** at
2159 6:50 PM, the students were dismissed **at 9:17 PM**, when in fact the
2160 official records provided to the Commonwealth of Massachusetts
2161 OEMS for the class fraudulently reflect that the class ran until
2162 10:30 PM.

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2165 **Lyons Ambulance EMT Training Fraud**
2166 **September 29, 2008**
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2168 93. On or about **September 29, 2008**, Defendants Henry Michalski,
2169 Darrell Moore, Robert Piepiora, David Raymond, John Good,
2170 Frank Carabello, and Kevin M. Lyons individually, and in their

2171 official capacity, while acting under color of law as a Emergency
2172 Medical Technician Instructors, and/or EMT Training School
2173 and/or EMT Examiner, for the Commonwealth of Massachusetts in
2174 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
2175 did with other defendants violate, deprive, or infringe upon the
2176 civil rights of Plaintiff James M. Atkinson for the purposes of
2177 personal, political, and professional gains, without just cause, or
2178 lawful authority and did engage in a **Scheme to Defraud** against
2179 James M. Atkinson in contravention of law, by taking monies for a
2180 fraudulent EMT training course, that did not meet the mandatory
2181 class times required by law. This specific unlawful action on this
2182 date intertwines with other related actions and activities performed
2183 on other dates and forms a unbroken continuation of the operation
2184 of a organized criminal enterprise functioning prior to this date,
2185 spanning this specific date, and continuing onward to the present
2186 date, and affecting both historical, present, and future events. This
2187 action involved the starting of the class on **September 29, 2008** at
2188 6:30 PM, the students were dismissed **at 8:56 PM**, when in fact the
2189 official records provided to the Commonwealth of Massachusetts

2190 OEMS for the class fraudulently reflect that the class ran until
2191 10:30 PM.

2192

2193 94. On or about **September 29, 2008**, Defendants Henry Michalski,
2194 Darrell Moore, Robert Piepiora, David Raymond, John Good,
2195 Frank Carabello, and Kevin M. Lyons individually, and in their
2196 official capacity, while acting under color of law as a Emergency
2197 Medical Technician Instructors, and/or EMT Training School
2198 and/or EMT Examiner, for the Commonwealth of Massachusetts in
2199 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
2200 did with other defendants violate, deprive, or infringe upon the
2201 civil rights of Plaintiff James M. Atkinson for the purposes of
2202 personal, political, and professional gains, without just cause, or
2203 lawful authority and did engage in a **Conspiracy** against James M.
2204 Atkinson in contravention of law, by way of an agreement between
2205 the instructors and certain students to defraud the Commonwealth
2206 of Massachusetts Office of EMS (licensing agency) in regards to
2207 course duration and course content. This specific unlawful action
2208 on this date intertwines with other related actions and activities
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2211 this date, spanning this specific date, and continuing onward to the
2212 present date, and affecting both historical, present, and future
2213 events. This action involved the starting of the class on **September**
2214 **29, 2008** at 6:30 PM, the students were dismissed **at 8:56 PM**,
2215 when in fact the official records provided to the Commonwealth of
2216 Massachusetts OEMS for the class fraudulently reflect that the
2217 class ran until 10:30 PM.

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2219 95. On or about **September 29, 2008**, Defendants Henry Michalski,
2220 Darrell Moore, Robert Piepiora, David Raymond, John Good,
2221 Frank Carabello, and Kevin M. Lyons individually, and in their
2222 official capacity, while acting under color of law as a Emergency
2223 Medical Technician Instructors, and/or EMT Training School
2224 and/or EMT Examiner, for the Commonwealth of Massachusetts in
2225 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
2226 did with other defendants violate, deprive, or infringe upon the
2227 civil rights of Plaintiff James M. Atkinson for the purposes of
2228 personal, political, and professional gains, without just cause, or
2229 lawful authority and did **engage in Mail Fraud** against James M.

2230 Atkinson in contravention of law by way of sending class rosters
2231 and course documents to the Commonwealth of Massachusetts
2232 OEMS offices for classes which did not take place at all, or for
2233 which hours were reported to be higher than those actually
2234 attended by student. This specific unlawful action on this date
2235 intertwines with other related actions and activities performed on
2236 other dates and forms a unbroken continuation of the operation of a
2237 organized criminal enterprise functioning prior to this date,
2238 spanning this specific date, and continuing onward to the present
2239 date, and affecting both historical, present, and future events. This
2240 action involved the starting of the class on September 29, 2008 at
2241 6:30 PM, the students were dismissed at 8:56 PM, when in fact the
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2246 96. On or about September 29, 2008, Defendants Henry Michalski,
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2248 Frank Carabello, and Kevin M. Lyons individually, and in their
2249 official capacity, while acting under color of law as a Emergency

2250 Medical Technician Instructors, and/or EMT Training School
2251 and/or EMT Examiner, for the Commonwealth of Massachusetts in
2252 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
2253 did with other defendants violate, deprive, or infringe upon the
2254 civil rights of Plaintiff James M. Atkinson for the purposes of
2255 personal, political, and professional gains, without just cause, or
2256 lawful authority and did engage in **Wire Fraud** against James M.
2257 Atkinson in contravention of law, by way of transmitting
2258 fraudulent E-Mail, and using online learning modalities, and
2259 falsifying the results of online testing. Also, the misuse of inter-
2260 state electronic communications to perform certain EMT Course
2261 functions to include online assignments, online testing, online
2262 examinations, and the use of online resources to create the end of
2263 course written examination. This specific unlawful action on this
2264 date intertwines with other related actions and activities performed
2265 on other dates and forms a unbroken continuation of the operation
2266 of a organized criminal enterprise functioning prior to this date,
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2268 date, and affecting both historical, present, and future events. This
2269 action involved the starting of the class on **September 29, 2008** at

2270 6:30 PM, the students were dismissed at 8:56 PM, when in fact the
2271 official records provided to the Commonwealth of Massachusetts
2272 OEMS for the class fraudulently reflect that the class ran until
2273 10:30 PM.

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2276 Darrell Moore, Robert Piepiora, David Raymond, John Good,
2277 Frank Carabello, and Kevin M. Lyons individually, and in their
2278 official capacity, while acting under color of law as a Emergency
2279 Medical Technician Instructors, and/or EMT Training School
2280 and/or EMT Examiner, for the Commonwealth of Massachusetts in
2281 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
2282 did with other defendants violate, deprive, or infringe upon the
2283 civil rights of Plaintiff James M. Atkinson for the purposes of
2284 personal, political, and professional gains, without just cause, or
2285 lawful authority and did engage in Scheme to Defraud against
2286 James M. Atkinson in contravention of law, by depriving Atkinson
2287 of the required course durations and content required to
2288 legitimately obtain an EMT license. This specific unlawful action
2289 on this date intertwines with other related actions and activities

2290 performed on other dates and forms a unbroken continuation of the
2291 operation of a organized criminal enterprise functioning prior to
2292 this date, spanning this specific date, and continuing onward to the
2293 present date, and affecting both historical, present, and future
2294 events. This action involved the starting of the class on September
2295 29, 2008 at 6:30 PM, the students were dismissed at 8:56 PM,
2296 when in fact the official records provided to the Commonwealth of
2297 Massachusetts OEMS for the class fraudulently reflect that the
2298 class ran until 10:30 PM.

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2300 98. On or about September 29, 2008, Defendants Henry Michalski,
2301 Darrell Moore, Robert Piepiora, David Raymond, John Good,
2302 Frank Carabello, and Kevin M. Lyons individually, and in their
2303 official capacity, while acting under color of law as a Emergency
2304 Medical Technician Instructors, and/or EMT Training School
2305 and/or EMT Examiner, for the Commonwealth of Massachusetts in
2306 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
2307 did with other defendants violate, deprive, or infringe upon the
2308 civil rights of Plaintiff James M. Atkinson for the purposes of
2309 personal, political, and professional gains, without just cause, or

2310 lawful authority and did engage in **Racketeering** against James M.
2311 Atkinson in contravention of law, by virtue of the operation of a
2312 criminal organization, engaging in conspiracy, obstruction of
2313 justice, mail fraud, wire fraud, Medicare/medical fraud, and other
2314 actions. This specific unlawful action on this date intertwines with
2315 other related actions and activities performed on other dates and
2316 forms a unbroken continuation of the operation of a organized
2317 criminal enterprise functioning prior to this date, spanning this
2318 specific date, and continuing onward to the present date, and
2319 affecting both historical, present, and future events. This action
2320 involved the starting of the class on **September 29, 2008** at 6:30
2321 PM, the students were dismissed **at 8:56 PM**, when in fact the
2322 official records provided to the Commonwealth of Massachusetts
2323 OEMS for the class fraudulently reflect that the class ran until
2324 10:30 PM.

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2326 99. On or about **September 29, 2008**, Defendants Henry Michalski,
2327 Darrell Moore, Robert Piepiora, David Raymond, John Good,
2328 Frank Carabello, and Kevin M. Lyons individually, and in their
2329 official capacity, while acting under color of law as a Emergency

2330 Medical Technician Instructors, and/or EMT Training School
2331 and/or EMT Examiner, for the Commonwealth of Massachusetts in
2332 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
2333 did with other defendants violate, deprive, or infringe upon the
2334 civil rights of Plaintiff James M. Atkinson for the purposes of
2335 personal, political, and professional gains, without just cause, or
2336 lawful authority and did engage in witness tampering against
2337 James M. Atkinson in contravention of law by contacting Plaintiff
2338 Atkinson both directly and through others and stating they
2339 “Everybody would hang, if we got caught, so everybody has to
2340 have the same story” This specific unlawful action on this date
2341 intertwines with other related actions and activities performed on
2342 other dates and forms a unbroken continuation of the operation of a
2343 organized criminal enterprise functioning prior to this date,
2344 spanning this specific date, and continuing onward to the present
2345 date, and affecting both historical, present, and future events. This
2346 action involved the starting of the class on September 29, 2008 at
2347 6:30 PM, the students were dismissed at 8:56 PM, when in fact the
2348 official records provided to the Commonwealth of Massachusetts

2349 OEMS for the class fraudulently reflect that the class ran until
2350 10:30 PM.

2351

2352 100. On or about **September 29, 2008**, Defendants Henry Michalski,
2353 Darrell Moore, Robert Piepiora, David Raymond, John Good,
2354 Frank Carabello, and Kevin M. Lyons individually, and in their
2355 official capacity, while acting under color of law as a Emergency
2356 Medical Technician Instructors, and/or EMT Training School
2357 and/or EMT Examiner, for the Commonwealth of Massachusetts in
2358 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
2359 did with other defendants violate, deprive, or infringe upon the
2360 civil rights of Plaintiff James M. Atkinson for the purposes of
2361 personal, political, and professional gains, without just cause, or
2362 lawful authority and did engage in **Felony Larceny** against James
2363 M. Atkinson in contravention of law, by taking monies for goods
2364 and services which were not provided. This specific unlawful
2365 action on this date intertwines with other related actions and
2366 activities performed on other dates and forms a unbroken
2367 continuation of the operation of a organized criminal enterprise
2368 functioning prior to this date, spanning this specific date, and

2369 continuing onward to the present date, and affecting both historical,
2370 present, and future events. This action involved the starting of the
2371 class on **September 29, 2008** at 6:30 PM, the students were
2372 dismissed **at 8:56 PM**, when in fact the official records provided to
2373 the Commonwealth of Massachusetts OEMS for the class
2374 fraudulently reflect that the class ran until 10:30 PM.

2375
2376 101. On or about **September 29, 2008**, Defendants Henry Michalski,
2377 Darrell Moore, Robert Piepiora, David Raymond, John Good,
2378 Frank Carabello, and Kevin M. Lyons individually, and in their
2379 official capacity, while acting under color of law as a Emergency
2380 Medical Technician Instructors, and/or EMT Training School
2381 and/or EMT Examiner, for the Commonwealth of Massachusetts in
2382 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
2383 did with other defendants violate, deprive, or infringe upon the
2384 civil rights of Plaintiff James M. Atkinson for the purposes of
2385 personal, political, and professional gains, without just cause, or
2386 lawful authority and did engage in **Obstruction of Justice** against
2387 James M. Atkinson in contravention of law, by contacting the
2388 Plaintiff and instructing him not to talk to state inspectors about the

2389 fraudulent EMT course. This specific unlawful action on this date
2390 intertwines with other related actions and activities performed on
2391 other dates and forms a unbroken continuation of the operation of a
2392 organized criminal enterprise functioning prior to this date,
2393 spanning this specific date, and continuing onward to the present
2394 date, and affecting both historical, present, and future events. This
2395 action involved the starting of the class on **September 29, 2008** at
2396 6:30 PM, the students were dismissed **at 8:56 PM**, when in fact the
2397 official records provided to the Commonwealth of Massachusetts
2398 OEMS for the class fraudulently reflect that the class ran until
2399 10:30 PM.

2400
2401 102. On or about **September 29, 2008**, Defendants Henry Michalski,
2402 Darrell Moore, Robert Piepiora, David Raymond, John Good,
2403 Frank Carabello, and Kevin M. Lyons individually, and in their
2404 official capacity, while acting under color of law as a Emergency
2405 Medical Technician Instructors, and/or EMT Training School
2406 and/or EMT Examiner, for the Commonwealth of Massachusetts in
2407 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
2408 did with other defendants violate, deprive, or infringe upon the

2409 civil rights of Plaintiff James M. Atkinson for the purposes of
2410 personal, political, and professional gains, without just cause, or
2411 lawful authority and did engage in Medicaid and Medicare Fraud
2412 and False Claims against the United States of America in
2413 contravention of law, by way of permitting students to “graduate”
2414 who did not meet the minimum times or skills required to be an
2415 EMT. This specific unlawful action on this date intertwines with
2416 other related actions and activities performed on other dates and
2417 forms a unbroken continuation of the operation of a organized
2418 criminal enterprise functioning prior to this date, spanning this
2419 specific date, and continuing onward to the present date, and
2420 affecting both historical, present, and future events. This action
2421 involved the starting of the class on September 29, 2008 at 6:30
2422 PM, the students were dismissed at 8:56 PM, when in fact the
2423 official records provided to the Commonwealth of Massachusetts
2424 OEMS for the class fraudulently reflect that the class ran until
2425 10:30 PM.

2426

2427 103. On or about September 29, 2008, Defendants Henry Michalski,
2428 Darrell Moore, Robert Piepiora, David Raymond, John Good,

2429 Frank Carabello, and Kevin M. Lyons individually, and in their
2430 official capacity, while acting under color of law as a Emergency
2431 Medical Technician Instructors, and/or EMT Training School
2432 and/or EMT Examiner, for the Commonwealth of Massachusetts in
2433 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
2434 did with other defendants violate, deprive, or infringe upon the
2435 civil rights of Plaintiff James M. Atkinson for the purposes of
2436 personal, political, and professional gains, without just cause, or
2437 lawful authority and did engage in **Medicaid and Medicare Fraud**
2438 **and False Claims** against the United States of America in
2439 contravention of law, by assisting unqualified EMTs to bill
2440 Medicaid, Medicare, and numerous insurance companies for
2441 services that were not competently being rendered due to
2442 fraudulent EMT training. This specific unlawful action on this date
2443 intertwines with other related actions and activities performed on
2444 other dates and forms a unbroken continuation of the operation of a
2445 organized criminal enterprise functioning prior to this date,
2446 spanning this specific date, and continuing onward to the present
2447 date, and affecting both historical, present, and future events. This
2448 action involved the starting of the class on **September 29, 2008** at

2449 6:30 PM, the students were dismissed at 8:56 PM, when in fact the
2450 official records provided to the Commonwealth of Massachusetts
2451 OEMS for the class fraudulently reflect that the class ran until
2452 10:30 PM.

2453

2454 **Lyons Ambulance EMT Training Fraud**
2455 **October 2, 2008**

2456

2457 104. On or about October 2, 2008, Defendants Henry Michalski,
2458 Darrell Moore, Robert Piepiora, David Raymond, John Good,
2459 Frank Carabello, and Kevin M. Lyons individually, and in their
2460 official capacity, while acting under color of law as a Emergency
2461 Medical Technician Instructors, and/or EMT Training School
2462 and/or EMT Examiner, for the Commonwealth of Massachusetts in
2463 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
2464 did with other defendants violate, deprive, or infringe upon the
2465 civil rights of Plaintiff James M. Atkinson for the purposes of
2466 personal, political, and professional gains, without just cause, or
2467 lawful authority and did engage in a Scheme to Defraud against
2468 James M. Atkinson in contravention of law, by taking monies for a
2469 fraudulent EMT training course, that did not meet the mandatory
2470 class times required by law. This specific unlawful action on this

2471 date intertwines with other related actions and activities performed
2472 on other dates and forms a unbroken continuation of the operation
2473 of a organized criminal enterprise functioning prior to this date,
2474 spanning this specific date, and continuing onward to the present
2475 date, and affecting both historical, present, and future events. This
2476 action involved the starting of the class on **October 2, 2008** at 6:30
2477 PM, the students were dismissed **at 9:36 PM**, when in fact the
2478 official records provided to the Commonwealth of Massachusetts
2479 OEMS for the class fraudulently reflect that the class ran until
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2481
2482 105. On or about **October 2, 2008**, Defendants Henry Michalski,
2483 Darrell Moore, Robert Piepiora, David Raymond, John Good,
2484 Frank Carabello, and Kevin M. Lyons individually, and in their
2485 official capacity, while acting under color of law as a Emergency
2486 Medical Technician Instructors, and/or EMT Training School
2487 and/or EMT Examiner, for the Commonwealth of Massachusetts in
2488 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
2489 did with other defendants violate, deprive, or infringe upon the
2490 civil rights of Plaintiff James M. Atkinson for the purposes of

2491 personal, political, and professional gains, without just cause, or
2492 lawful authority and did engage in a **Conspiracy** against James M.
2493 Atkinson in contravention of law, by way of an agreement between
2494 the instructors and certain students to defraud the Commonwealth
2495 of Massachusetts Office of EMS (licensing agency) in regards to
2496 course duration and course content. This specific unlawful action
2497 on this date intertwines with other related actions and activities
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2499 operation of a organized criminal enterprise functioning prior to
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2501 present date, and affecting both historical, present, and future
2502 events. This action involved the starting of the class on **October 2,**
2503 **2008** at 6:30 PM, the students were dismissed **at 9:36 PM**, when in
2504 fact the official records provided to the Commonwealth of
2505 Massachusetts OEMS for the class fraudulently reflect that the
2506 class ran until 10:30 PM.

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2508 106. On or about **October 2, 2008**, Defendants Henry Michalski,
2509 Darrell Moore, Robert Piepiora, David Raymond, John Good,
2510 Frank Carabello, and Kevin M. Lyons individually, and in their

2511 official capacity, while acting under color of law as a Emergency
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2513 and/or EMT Examiner, for the Commonwealth of Massachusetts in
2514 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
2515 did with other defendants violate, deprive, or infringe upon the
2516 civil rights of Plaintiff James M. Atkinson for the purposes of
2517 personal, political, and professional gains, without just cause, or
2518 lawful authority and did engage in Mail Fraud against James M.
2519 Atkinson in contravention of law by way of sending class rosters
2520 and course documents to the Commonwealth of Massachusetts
2521 OEMS offices for classes which did not take place at all, or for
2522 which hours were reported to be higher then those actually
2523 attended by student. This specific unlawful action on this date
2524 intertwines with other related actions and activities performed on
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2535 107. On or about **October 2, 2008**, Defendants Henry Michalski,
2536 Darrell Moore, Robert Piepiora, David Raymond, John Good,
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2539 Medical Technician Instructors, and/or EMT Training School
2540 and/or EMT Examiner, for the Commonwealth of Massachusetts in
2541 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
2542 did with other defendants violate, deprive, or infringe upon the
2543 civil rights of Plaintiff James M. Atkinson for the purposes of
2544 personal, political, and professional gains, without just cause, or
2545 lawful authority and did engage in **Wire Fraud** against James M.
2546 Atkinson in contravention of law, by way of transmitting
2547 fraudulent E-Mail, and using online learning modalities, and
2548 falsifying the results of online testing. Also, the misuse of inter-
2549 state electronic communications to perform certain EMT Course
2550 functions to include online assignments, online testing, online

2551 examinations, and the use of online resources to create the end of
2552 course written examination. This specific unlawful action on this
2553 date intertwines with other related actions and activities performed
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2558 action involved the starting of the class on **October 2, 2008** at 6:30
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2564 108. On or about **October 2, 2008**, Defendants Henry Michalski,
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2566 Frank Carabello, and Kevin M. Lyons individually, and in their
2567 official capacity, while acting under color of law as a Emergency
2568 Medical Technician Instructors, and/or EMT Training School
2569 and/or EMT Examiner, for the Commonwealth of Massachusetts in
2570 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;

2571 did with other defendants violate, deprive, or infringe upon the
2572 civil rights of Plaintiff James M. Atkinson for the purposes of
2573 personal, political, and professional gains, without just cause, or
2574 lawful authority and did engage in **Scheme to Defraud** against
2575 James M. Atkinson in contravention of law, by depriving Atkinson
2576 of the required course durations and content required to
2577 legitimately obtain an EMT license. This specific unlawful action
2578 on this date intertwines with other related actions and activities
2579 performed on other dates and forms a unbroken continuation of the
2580 operation of a organized criminal enterprise functioning prior to
2581 this date, spanning this specific date, and continuing onward to the
2582 present date, and affecting both historical, present, and future
2583 events. This action involved the starting of the class on **October 2,**
2584 **2008** at 6:30 PM, the students were dismissed **at 9:36 PM**, when in
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2586 Massachusetts OEMS for the class fraudulently reflect that the
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2589 109. On or about **October 2, 2008**, Defendants Henry Michalski,
2590 Darrell Moore, Robert Piepiora, David Raymond, John Good,

2591 Frank Carabello, and Kevin M. Lyons individually, and in their
2592 official capacity, while acting under color of law as a Emergency
2593 Medical Technician Instructors, and/or EMT Training School
2594 and/or EMT Examiner, for the Commonwealth of Massachusetts in
2595 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
2596 did with other defendants violate, deprive, or infringe upon the
2597 civil rights of Plaintiff James M. Atkinson for the purposes of
2598 personal, political, and professional gains, without just cause, or
2599 lawful authority and did engage in **Racketeering** against James M.
2600 Atkinson in contravention of law, by virtue of the operation of a
2601 criminal organization, engaging in conspiracy, obstruction of
2602 justice, mail fraud, wire fraud, Medicare/medical fraud, and other
2603 actions. This specific unlawful action on this date intertwines with
2604 other related actions and activities performed on other dates and
2605 forms a unbroken continuation of the operation of a organized
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2618 Medical Technician Instructors, and/or EMT Training School
2619 and/or EMT Examiner, for the Commonwealth of Massachusetts in
2620 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
2621 did with other defendants violate, deprive, or infringe upon the
2622 civil rights of Plaintiff James M. Atkinson for the purposes of
2623 personal, political, and professional gains, without just cause, or
2624 lawful authority and did **engage in witness tampering** against
2625 James M. Atkinson in contravention of law by contacting Plaintiff
2626 Atkinson both directly and through others and stating they
2627 “Everybody would hang, if we got caught, so everybody has to
2628 have the same story” This specific unlawful action on this date
2629 intertwines with other related actions and activities performed on
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2637 OEMS for the class fraudulently reflect that the class ran until
2638 10:30 PM.

2639
2640 111. On or about **October 2, 2008**, Defendants Henry Michalski,
2641 Darrell Moore, Robert Piepiora, David Raymond, John Good,
2642 Frank Carabello, and Kevin M. Lyons individually, and in their
2643 official capacity, while acting under color of law as a Emergency
2644 Medical Technician Instructors, and/or EMT Training School
2645 and/or EMT Examiner, for the Commonwealth of Massachusetts in
2646 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
2647 did with other defendants violate, deprive, or infringe upon the
2648 civil rights of Plaintiff James M. Atkinson for the purposes of
2649 personal, political, and professional gains, without just cause, or
2650 lawful authority and did engage in **Felony Larceny** against James

2651 M. Atkinson in contravention of law, by taking monies for goods
2652 and services which were not provided. This specific unlawful
2653 action on this date intertwines with other related actions and
2654 activities performed on other dates and forms a unbroken
2655 continuation of the operation of a organized criminal enterprise
2656 functioning prior to this date, spanning this specific date, and
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2658 present, and future events. This action involved the starting of the
2659 class on **October 2, 2008** at 6:30 PM, the students were dismissed
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2668 Medical Technician Instructors, and/or EMT Training School
2669 and/or EMT Examiner, for the Commonwealth of Massachusetts in
2670 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;

2671 did with other defendants violate, deprive, or infringe upon the
2672 civil rights of Plaintiff James M. Atkinson for the purposes of
2673 personal, political, and professional gains, without just cause, or
2674 lawful authority and did engage in **Obstruction of Justice** against
2675 James M. Atkinson in contravention of law, by contacting the
2676 Plaintiff and instructing him not to talk to state inspectors about the
2677 fraudulent EMT course. This specific unlawful action on this date
2678 intertwines with other related actions and activities performed on
2679 other dates and forms a unbroken continuation of the operation of a
2680 organized criminal enterprise functioning prior to this date,
2681 spanning this specific date, and continuing onward to the present
2682 date, and affecting both historical, present, and future events. This
2683 action involved the starting of the class on **October 2, 2008** at 6:30
2684 PM, the students were dismissed **at 9:36 PM**, when in fact the
2685 official records provided to the Commonwealth of Massachusetts
2686 OEMS for the class fraudulently reflect that the class ran until
2687 10:30 PM.

2688
2689 113. On or about **October 2, 2008**, Defendants Henry Michalski,
2690 Darrell Moore, Robert Piepiora, David Raymond, John Good,

2691 Frank Carabello, and Kevin M. Lyons individually, and in their
2692 official capacity, while acting under color of law as a Emergency
2693 Medical Technician Instructors, and/or EMT Training School
2694 and/or EMT Examiner, for the Commonwealth of Massachusetts in
2695 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
2696 did with other defendants violate, deprive, or infringe upon the
2697 civil rights of Plaintiff James M. Atkinson for the purposes of
2698 personal, political, and professional gains, without just cause, or
2699 lawful authority and did engage in Medicaid and Medicare Fraud
2700 and False Claims against the United States of America in
2701 contravention of law, by way of permitting students to “graduate”
2702 who did not meet the minimum times or skills required to be an
2703 EMT. This specific unlawful action on this date intertwines with
2704 other related actions and activities performed on other dates and
2705 forms a unbroken continuation of the operation of a organized
2706 criminal enterprise functioning prior to this date, spanning this
2707 specific date, and continuing onward to the present date, and
2708 affecting both historical, present, and future events. This action
2709 involved the starting of the class on October 2, 2008 at 6:30 PM,
2710 the students were dismissed at 9:36 PM, when in fact the official

2711 records provided to the Commonwealth of Massachusetts OEMS
2712 for the class fraudulently reflect that the class ran until 10:30 PM.

2713

2714 114. On or about **October 2, 2008**, Defendants Henry Michalski,
2715 Darrell Moore, Robert Piepiora, David Raymond, John Good,
2716 Frank Carabello, and Kevin M. Lyons individually, and in their
2717 official capacity, while acting under color of law as a Emergency
2718 Medical Technician Instructors, and/or EMT Training School
2719 and/or EMT Examiner, for the Commonwealth of Massachusetts in
2720 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
2721 did with other defendants violate, deprive, or infringe upon the
2722 civil rights of Plaintiff James M. Atkinson for the purposes of
2723 personal, political, and professional gains, without just cause, or
2724 lawful authority and did engage in **Medicaid and Medicare Fraud**
2725 **and False Claims** against the United States of America in
2726 contravention of law, by assisting unqualified EMTs to bill
2727 Medicaid, Medicare, and numerous insurance companies for
2728 services that were not competently being rendered due to
2729 fraudulent EMT training. This specific unlawful action on this date
2730 intertwines with other related actions and activities performed on

2731 other dates and forms a unbroken continuation of the operation of a
2732 organized criminal enterprise functioning prior to this date,
2733 spanning this specific date, and continuing onward to the present
2734 date, and affecting both historical, present, and future events. This
2735 action involved the starting of the class on **October 2, 2008** at 6:30
2736 PM, the students were dismissed **at 9:36 PM**, when in fact the
2737 official records provided to the Commonwealth of Massachusetts
2738 OEMS for the class fraudulently reflect that the class ran until
2739 10:30 PM.

2740
2741
2742 **Lyons Ambulance EMT Training Fraud**
2743 **October 9, 2008**
2744

2745 115. On or about **October 9, 2008**, Defendants Henry Michalski,
2746 Darrell Moore, Robert Piepiora, David Raymond, John Good,
2747 Frank Carabello, and Kevin M. Lyons individually, and in their
2748 official capacity, while acting under color of law as a Emergency
2749 Medical Technician Instructors, and/or EMT Training School
2750 and/or EMT Examiner, for the Commonwealth of Massachusetts in
2751 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
2752 did with other defendants violate, deprive, or infringe upon the
2753 civil rights of Plaintiff James M. Atkinson for the purposes of

2754 personal, political, and professional gains, without just cause, or
2755 lawful authority and did engage in a **Scheme to Defraud** against
2756 James M. Atkinson in contravention of law, by taking monies for a
2757 fraudulent EMT training course, that did not meet the mandatory
2758 class times required by law. This specific unlawful action on this
2759 date intertwines with other related actions and activities performed
2760 on other dates and forms a unbroken continuation of the operation
2761 of a organized criminal enterprise functioning prior to this date,
2762 spanning this specific date, and continuing onward to the present
2763 date, and affecting both historical, present, and future events. This
2764 action involved the starting of the class on **October 9, 2008** at 6:30
2765 PM, the students were dismissed **at 8:52 PM**, when in fact the
2766 official records provided to the Commonwealth of Massachusetts
2767 OEMS for the class fraudulently reflect that the class ran until
2768 10:30 PM.

2769
2770 116. On or about **October 9, 2008**, Defendants Henry Michalski,
2771 Darrell Moore, Robert Piepiora, David Raymond, John Good,
2772 Frank Carabello, and Kevin M. Lyons individually, and in their
2773 official capacity, while acting under color of law as a Emergency

2774 Medical Technician Instructors, and/or EMT Training School
2775 and/or EMT Examiner, for the Commonwealth of Massachusetts in
2776 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
2777 did with other defendants violate, deprive, or infringe upon the
2778 civil rights of Plaintiff James M. Atkinson for the purposes of
2779 personal, political, and professional gains, without just cause, or
2780 lawful authority and did engage in a **Conspiracy** against James M.
2781 Atkinson in contravention of law, by way of an agreement between
2782 the instructors and certain students to defraud the Commonwealth
2783 of Massachusetts Office of EMS (licensing agency) in regards to
2784 course duration and course content. This specific unlawful action
2785 on this date intertwines with other related actions and activities
2786 performed on other dates and forms a unbroken continuation of the
2787 operation of a organized criminal enterprise functioning prior to
2788 this date, spanning this specific date, and continuing onward to the
2789 present date, and affecting both historical, present, and future
2790 events. This action involved the starting of the class on **October 9,**
2791 **2008** at 6:30 PM, the students were dismissed **at 8:52 PM**, when in
2792 fact the official records provided to the Commonwealth of

2793 Massachusetts OEMS for the class fraudulently reflect that the
2794 class ran until 10:30 PM.

2795

2796 117. On or about **October 9, 2008**, Defendants Henry Michalski,
2797 Darrell Moore, Robert Piepiora, David Raymond, John Good,
2798 Frank Carabello, and Kevin M. Lyons individually, and in their
2799 official capacity, while acting under color of law as a Emergency
2800 Medical Technician Instructors, and/or EMT Training School
2801 and/or EMT Examiner, for the Commonwealth of Massachusetts in
2802 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
2803 did with other defendants violate, deprive, or infringe upon the
2804 civil rights of Plaintiff James M. Atkinson for the purposes of
2805 personal, political, and professional gains, without just cause, or
2806 lawful authority and did **engage in Mail Fraud** against James M.
2807 Atkinson in contravention of law by way of sending class rosters
2808 and course documents to the Commonwealth of Massachusetts
2809 OEMS offices for classes which did not take place at all, or for
2810 which hours were reported to be higher then those actually
2811 attended by student. This specific unlawful action on this date
2812 intertwines with other related actions and activities performed on

2813 other dates and forms a unbroken continuation of the operation of a
2814 organized criminal enterprise functioning prior to this date,
2815 spanning this specific date, and continuing onward to the present
2816 date, and affecting both historical, present, and future events. This
2817 action involved the starting of the class on **October 9, 2008** at 6:30
2818 PM, the students were dismissed **at 8:52 PM**, when in fact the
2819 official records provided to the Commonwealth of Massachusetts
2820 OEMS for the class fraudulently reflect that the class ran until
2821 10:30 PM.

2822
2823 118. On or about **October 9, 2008**, Defendants Henry Michalski,
2824 Darrell Moore, Robert Piepiora, David Raymond, John Good,
2825 Frank Carabello, and Kevin M. Lyons individually, and in their
2826 official capacity, while acting under color of law as a Emergency
2827 Medical Technician Instructors, and/or EMT Training School
2828 and/or EMT Examiner, for the Commonwealth of Massachusetts in
2829 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
2830 did with other defendants violate, deprive, or infringe upon the
2831 civil rights of Plaintiff James M. Atkinson for the purposes of
2832 personal, political, and professional gains, without just cause, or

2833 lawful authority and did engage in **Wire Fraud** against James M.
2834 Atkinson in contravention of law, by way of transmitting
2835 fraudulent E-Mail, and using online learning modalities, and
2836 falsifying the results of online testing. Also, the misuse of inter-
2837 state electronic communications to perform certain EMT Course
2838 functions to include online assignments, online testing, online
2839 examinations, and the use of online resources to create the end of
2840 course written examination. This specific unlawful action on this
2841 date intertwines with other related actions and activities performed
2842 on other dates and forms a unbroken continuation of the operation
2843 of a organized criminal enterprise functioning prior to this date,
2844 spanning this specific date, and continuing onward to the present
2845 date, and affecting both historical, present, and future events. This
2846 action involved the starting of the class on **October 9, 2008** at 6:30
2847 PM, the students were dismissed **at 8:52 PM**, when in fact the
2848 official records provided to the Commonwealth of Massachusetts
2849 OEMS for the class fraudulently reflect that the class ran until
2850 10:30 PM.
2851

2852 119. On or about **October 9, 2008**, Defendants Henry Michalski,
2853 Darrell Moore, Robert Piepiora, David Raymond, John Good,
2854 Frank Carabello, and Kevin M. Lyons individually, and in their
2855 official capacity, while acting under color of law as a Emergency
2856 Medical Technician Instructors, and/or EMT Training School
2857 and/or EMT Examiner, for the Commonwealth of Massachusetts in
2858 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
2859 did with other defendants violate, deprive, or infringe upon the
2860 civil rights of Plaintiff James M. Atkinson for the purposes of
2861 personal, political, and professional gains, without just cause, or
2862 lawful authority and did engage in **Scheme to Defraud** against
2863 James M. Atkinson in contravention of law, by depriving Atkinson
2864 of the required course durations and content required to
2865 legitimately obtain an EMT license. This specific unlawful action
2866 on this date intertwines with other related actions and activities
2867 performed on other dates and forms a unbroken continuation of the
2868 operation of a organized criminal enterprise functioning prior to
2869 this date, spanning this specific date, and continuing onward to the
2870 present date, and affecting both historical, present, and future
2871 events. This action involved the starting of the class on **October 9,**

2872 2008 at 6:30 PM, the students were dismissed at 8:52 PM, when in
2873 fact the official records provided to the Commonwealth of
2874 Massachusetts OEMS for the class fraudulently reflect that the
2875 class ran until 10:30 PM.

2876

2877 120. On or about October 9, 2008, Defendants Henry Michalski,
2878 Darrell Moore, Robert Piepiora, David Raymond, John Good,
2879 Frank Carabello, and Kevin M. Lyons individually, and in their
2880 official capacity, while acting under color of law as a Emergency
2881 Medical Technician Instructors, and/or EMT Training School
2882 and/or EMT Examiner, for the Commonwealth of Massachusetts in
2883 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
2884 did with other defendants violate, deprive, or infringe upon the
2885 civil rights of Plaintiff James M. Atkinson for the purposes of
2886 personal, political, and professional gains, without just cause, or
2887 lawful authority and did engage in Racketeering against James M.
2888 Atkinson in contravention of law, by virtue of the operation of a
2889 criminal organization, engaging in conspiracy, obstruction of
2890 justice, mail fraud, wire fraud, Medicare/medical fraud, and other
2891 actions. This specific unlawful action on this date intertwines with

2892 other related actions and activities performed on other dates and
2893 forms a unbroken continuation of the operation of a organized
2894 criminal enterprise functioning prior to this date, spanning this
2895 specific date, and continuing onward to the present date, and
2896 affecting both historical, present, and future events. This action
2897 involved the starting of the class on **October 9, 2008** at 6:30 PM,
2898 the students were dismissed **at 8:52 PM**, when in fact the official
2899 records provided to the Commonwealth of Massachusetts OEMS
2900 for the class fraudulently reflect that the class ran until 10:30 PM.

2901

2902 121. On or about **October 9, 2008**, Defendants Henry Michalski,
2903 Darrell Moore, Robert Piepiora, David Raymond, John Good,
2904 Frank Carabello, and Kevin M. Lyons individually, and in their
2905 official capacity, while acting under color of law as a Emergency
2906 Medical Technician Instructors, and/or EMT Training School
2907 and/or EMT Examiner, for the Commonwealth of Massachusetts in
2908 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
2909 did with other defendants violate, deprive, or infringe upon the
2910 civil rights of Plaintiff James M. Atkinson for the purposes of
2911 personal, political, and professional gains, without just cause, or

2912 lawful authority and did engage in witness tampering against
2913 James M. Atkinson in contravention of law by contacting Plaintiff
2914 Atkinson both directly and through others and stating they
2915 “Everybody would hang, if we got caught, so everybody has to
2916 have the same story” This specific unlawful action on this date
2917 intertwines with other related actions and activities performed on
2918 other dates and forms a unbroken continuation of the operation of a
2919 organized criminal enterprise functioning prior to this date,
2920 spanning this specific date, and continuing onward to the present
2921 date, and affecting both historical, present, and future events. This
2922 action involved the starting of the class on October 9, 2008 at 6:30
2923 PM, the students were dismissed at 8:52 PM, when in fact the
2924 official records provided to the Commonwealth of Massachusetts
2925 OEMS for the class fraudulently reflect that the class ran until
2926 10:30 PM.

2927
2928 122. On or about October 9, 2008, Defendants Henry Michalski,
2929 Darrell Moore, Robert Piepiora, David Raymond, John Good,
2930 Frank Carabello, and Kevin M. Lyons individually, and in their
2931 official capacity, while acting under color of law as a Emergency

2932 Medical Technician Instructors, and/or EMT Training School
2933 and/or EMT Examiner, for the Commonwealth of Massachusetts in
2934 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
2935 did with other defendants violate, deprive, or infringe upon the
2936 civil rights of Plaintiff James M. Atkinson for the purposes of
2937 personal, political, and professional gains, without just cause, or
2938 lawful authority and did engage in **Felony Larceny** against James
2939 M. Atkinson in contravention of law, by taking monies for goods
2940 and services which were not provided. This specific unlawful
2941 action on this date intertwines with other related actions and
2942 activities performed on other dates and forms a unbroken
2943 continuation of the operation of a organized criminal enterprise
2944 functioning prior to this date, spanning this specific date, and
2945 continuing onward to the present date, and affecting both historical,
2946 present, and future events. This action involved the starting of the
2947 class on **October 9, 2008** at 6:30 PM, the students were dismissed
2948 **at 8:52 PM**, when in fact the official records provided to the
2949 Commonwealth of Massachusetts OEMS for the class fraudulently
2950 reflect that the class ran until 10:30 PM.

2951

2952 123. On or about **October 9, 2008**, Defendants Henry Michalski,
2953 Darrell Moore, Robert Piepiora, David Raymond, John Good,
2954 Frank Carabello, and Kevin M. Lyons individually, and in their
2955 official capacity, while acting under color of law as a Emergency
2956 Medical Technician Instructors, and/or EMT Training School
2957 and/or EMT Examiner, for the Commonwealth of Massachusetts in
2958 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
2959 did with other defendants violate, deprive, or infringe upon the
2960 civil rights of Plaintiff James M. Atkinson for the purposes of
2961 personal, political, and professional gains, without just cause, or
2962 lawful authority and did engage in **Obstruction of Justice** against
2963 James M. Atkinson in contravention of law, by contacting the
2964 Plaintiff and instructing him not to talk to state inspectors about the
2965 fraudulent EMT course. This specific unlawful action on this date
2966 intertwines with other related actions and activities performed on
2967 other dates and forms a unbroken continuation of the operation of a
2968 organized criminal enterprise functioning prior to this date,
2969 spanning this specific date, and continuing onward to the present
2970 date, and affecting both historical, present, and future events. This
2971 action involved the starting of the class on **October 9, 2008** at 6:30

2972 PM, the students were dismissed at 8:52 PM, when in fact the
2973 official records provided to the Commonwealth of Massachusetts
2974 OEMS for the class fraudulently reflect that the class ran until
2975 10:30 PM.

2976
2977 124. On or about October 9, 2008, Defendants Henry Michalski,
2978 Darrell Moore, Robert Piepiora, David Raymond, John Good,
2979 Frank Carabello, and Kevin M. Lyons individually, and in their
2980 official capacity, while acting under color of law as a Emergency
2981 Medical Technician Instructors, and/or EMT Training School
2982 and/or EMT Examiner, for the Commonwealth of Massachusetts in
2983 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
2984 did with other defendants violate, deprive, or infringe upon the
2985 civil rights of Plaintiff James M. Atkinson for the purposes of
2986 personal, political, and professional gains, without just cause, or
2987 lawful authority and did engage in Medicaid and Medicare Fraud
2988 and False Claims against the United States of America in
2989 contravention of law, by way of permitting students to “graduate”
2990 who did not meet the minimum times or skills required to be an
2991 EMT. This specific unlawful action on this date intertwines with

2992 other related actions and activities performed on other dates and
2993 forms a unbroken continuation of the operation of a organized
2994 criminal enterprise functioning prior to this date, spanning this
2995 specific date, and continuing onward to the present date, and
2996 affecting both historical, present, and future events. This action
2997 involved the starting of the class on **October 9, 2008** at 6:30 PM,
2998 the students were dismissed **at 8:52 PM**, when in fact the official
2999 records provided to the Commonwealth of Massachusetts OEMS
3000 for the class fraudulently reflect that the class ran until 10:30 PM.

3001

3002 125. On or about **October 9, 2008**, Defendants Henry Michalski,
3003 Darrell Moore, Robert Piepiora, David Raymond, John Good,
3004 Frank Carabello, and Kevin M. Lyons individually, and in their
3005 official capacity, while acting under color of law as a Emergency
3006 Medical Technician Instructors, and/or EMT Training School
3007 and/or EMT Examiner, for the Commonwealth of Massachusetts in
3008 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
3009 did with other defendants violate, deprive, or infringe upon the
3010 civil rights of Plaintiff James M. Atkinson for the purposes of
3011 personal, political, and professional gains, without just cause, or

3012 lawful authority and did engage in **Medicaid and Medicare Fraud**
3013 **and False Claims** against the United States of America in
3014 contravention of law, by assisting unqualified EMTs to bill
3015 Medicaid, Medicare, and numerous insurance companies for
3016 services that were not competently being rendered due to
3017 fraudulent EMT training. This specific unlawful action on this date
3018 intertwines with other related actions and activities performed on
3019 other dates and forms a unbroken continuation of the operation of a
3020 organized criminal enterprise functioning prior to this date,
3021 spanning this specific date, and continuing onward to the present
3022 date, and affecting both historical, present, and future events. This
3023 action involved the starting of the class on **October 9, 2008** at 6:30
3024 PM, the students were dismissed **at 8:52 PM**, when in fact the
3025 official records provided to the Commonwealth of Massachusetts
3026 OEMS for the class fraudulently reflect that the class ran until
3027 10:30 PM.

3028
3029 **Lyons Ambulance EMT Training Fraud**
3030 **October 13, 2008**

3031
3032 126. On or about **October 13, 2008**, Defendants Henry Michalski,
3033 Darrell Moore, Robert Piepiora, David Raymond, John Good,

3034 Frank Carabello, and Kevin M. Lyons individually, and in their
3035 official capacity, while acting under color of law as a Emergency
3036 Medical Technician Instructors, and/or EMT Training School
3037 and/or EMT Examiner, for the Commonwealth of Massachusetts in
3038 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
3039 did with other defendants violate, deprive, or infringe upon the
3040 civil rights of Plaintiff James M. Atkinson for the purposes of
3041 personal, political, and professional gains, without just cause, or
3042 lawful authority and did engage in a **Scheme to Defraud** against
3043 James M. Atkinson in contravention of law, by taking monies for a
3044 fraudulent EMT training course, that did not meet the mandatory
3045 class times required by law. This specific unlawful action on this
3046 date intertwines with other related actions and activities performed
3047 on other dates and forms a unbroken continuation of the operation
3048 of a organized criminal enterprise functioning prior to this date,
3049 spanning this specific date, and continuing onward to the present
3050 date, and affecting both historical, present, and future events. This
3051 action involved the starting of the class on **October 13, 2008** at
3052 6:30 PM, the students were dismissed **at 8:47 PM**, when in fact the
3053 official records provided to the Commonwealth of Massachusetts

3054 OEMS for the class fraudulently reflect that the class ran until
3055 10:30 PM.

3056
3057 127. On or about **October 13, 2008**, Defendants Henry Michalski,
3058 Darrell Moore, Robert Piepiora, David Raymond, John Good,
3059 Frank Carabello, and Kevin M. Lyons individually, and in their
3060 official capacity, while acting under color of law as a Emergency
3061 Medical Technician Instructors, and/or EMT Training School
3062 and/or EMT Examiner, for the Commonwealth of Massachusetts in
3063 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
3064 did with other defendants violate, deprive, or infringe upon the
3065 civil rights of Plaintiff James M. Atkinson for the purposes of
3066 personal, political, and professional gains, without just cause, or
3067 lawful authority and did engage in a **Conspiracy** against James M.
3068 Atkinson in contravention of law, by way of an agreement between
3069 the instructors and certain students to defraud the Commonwealth
3070 of Massachusetts Office of EMS (licensing agency) in regards to
3071 course duration and course content. This specific unlawful action
3072 on this date intertwines with other related actions and activities
3073 performed on other dates and forms a unbroken continuation of the

3074 operation of a organized criminal enterprise functioning prior to
3075 this date, spanning this specific date, and continuing onward to the
3076 present date, and affecting both historical, present, and future
3077 events. This action involved the starting of the class on **October 13,**
3078 **2008** at 6:30 PM, the students were dismissed **at 8:47 PM**, when in
3079 fact the official records provided to the Commonwealth of
3080 Massachusetts OEMS for the class fraudulently reflect that the
3081 class ran until 10:30 PM.

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3084 Darrell Moore, Robert Piepiora, David Raymond, John Good,
3085 Frank Carabello, and Kevin M. Lyons individually, and in their
3086 official capacity, while acting under color of law as a Emergency
3087 Medical Technician Instructors, and/or EMT Training School
3088 and/or EMT Examiner, for the Commonwealth of Massachusetts in
3089 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
3090 did with other defendants violate, deprive, or infringe upon the
3091 civil rights of Plaintiff James M. Atkinson for the purposes of
3092 personal, political, and professional gains, without just cause, or
3093 lawful authority and did **engage in Mail Fraud** against James M.

3094 Atkinson in contravention of law by way of sending class rosters
3095 and course documents to the Commonwealth of Massachusetts
3096 OEMS offices for classes which did not take place at all, or for
3097 which hours were reported to be higher than those actually
3098 attended by student. This specific unlawful action on this date
3099 intertwines with other related actions and activities performed on
3100 other dates and forms a unbroken continuation of the operation of a
3101 organized criminal enterprise functioning prior to this date,
3102 spanning this specific date, and continuing onward to the present
3103 date, and affecting both historical, present, and future events. This
3104 action involved the starting of the class on **October 13, 2008** at
3105 6:30 PM, the students were dismissed **at 8:47 PM**, when in fact the
3106 official records provided to the Commonwealth of Massachusetts
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3110 129. On or about **October 13, 2008**, Defendants Henry Michalski,
3111 Darrell Moore, Robert Piepiora, David Raymond, John Good,
3112 Frank Carabello, and Kevin M. Lyons individually, and in their
3113 official capacity, while acting under color of law as a Emergency

3114 Medical Technician Instructors, and/or EMT Training School
3115 and/or EMT Examiner, for the Commonwealth of Massachusetts in
3116 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
3117 did with other defendants violate, deprive, or infringe upon the
3118 civil rights of Plaintiff James M. Atkinson for the purposes of
3119 personal, political, and professional gains, without just cause, or
3120 lawful authority and did engage in **Wire Fraud** against James M.
3121 Atkinson in contravention of law, by way of transmitting
3122 fraudulent E-Mail, and using online learning modalities, and
3123 falsifying the results of online testing. Also, the misuse of inter-
3124 state electronic communications to perform certain EMT Course
3125 functions to include online assignments, online testing, online
3126 examinations, and the use of online resources to create the end of
3127 course written examination. This specific unlawful action on this
3128 date intertwines with other related actions and activities performed
3129 on other dates and forms a unbroken continuation of the operation
3130 of a organized criminal enterprise functioning prior to this date,
3131 spanning this specific date, and continuing onward to the present
3132 date, and affecting both historical, present, and future events. This
3133 action involved the starting of the class on **October 13, 2008** at

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3135 official records provided to the Commonwealth of Massachusetts
3136 OEMS for the class fraudulently reflect that the class ran until
3137 10:30 PM.

3138
3139 130. On or about October 13, 2008, Defendants Henry Michalski,
3140 Darrell Moore, Robert Piepiora, David Raymond, John Good,
3141 Frank Carabello, and Kevin M. Lyons individually, and in their
3142 official capacity, while acting under color of law as a Emergency
3143 Medical Technician Instructors, and/or EMT Training School
3144 and/or EMT Examiner, for the Commonwealth of Massachusetts in
3145 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
3146 did with other defendants violate, deprive, or infringe upon the
3147 civil rights of Plaintiff James M. Atkinson for the purposes of
3148 personal, political, and professional gains, without just cause, or
3149 lawful authority and did engage in Scheme to Defraud against
3150 James M. Atkinson in contravention of law, by depriving Atkinson
3151 of the required course durations and content required to
3152 legitimately obtain an EMT license. This specific unlawful action
3153 on this date intertwines with other related actions and activities

3154 performed on other dates and forms a unbroken continuation of the
3155 operation of a organized criminal enterprise functioning prior to
3156 this date, spanning this specific date, and continuing onward to the
3157 present date, and affecting both historical, present, and future
3158 events. This action involved the starting of the class on **October 13,**
3159 **2008** at 6:30 PM, the students were dismissed **at 8:47 PM,** when in
3160 fact the official records provided to the Commonwealth of
3161 Massachusetts OEMS for the class fraudulently reflect that the
3162 class ran until 10:30 PM.

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3165 Darrell Moore, Robert Piepiora, David Raymond, John Good,
3166 Frank Carabello, and Kevin M. Lyons individually, and in their
3167 official capacity, while acting under color of law as a Emergency
3168 Medical Technician Instructors, and/or EMT Training School
3169 and/or EMT Examiner, for the Commonwealth of Massachusetts in
3170 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
3171 did with other defendants violate, deprive, or infringe upon the
3172 civil rights of Plaintiff James M. Atkinson for the purposes of
3173 personal, political, and professional gains, without just cause, or

3174 lawful authority and did engage in **Racketeering** against James M.
3175 Atkinson in contravention of law, by virtue of the operation of a
3176 criminal organization, engaging in conspiracy, obstruction of
3177 justice, mail fraud, wire fraud, Medicare/medical fraud, and other
3178 actions. This specific unlawful action on this date intertwines with
3179 other related actions and activities performed on other dates and
3180 forms a unbroken continuation of the operation of a organized
3181 criminal enterprise functioning prior to this date, spanning this
3182 specific date, and continuing onward to the present date, and
3183 affecting both historical, present, and future events. This action
3184 involved the starting of the class on **October 13, 2008** at 6:30 PM,
3185 the students were dismissed **at 8:47 PM**, when in fact the official
3186 records provided to the Commonwealth of Massachusetts OEMS
3187 for the class fraudulently reflect that the class ran until 10:30 PM.

3188
3189 132. On or about **October 13, 2008**, Defendants Henry Michalski,
3190 Darrell Moore, Robert Piepiora, David Raymond, John Good,
3191 Frank Carabello, and Kevin M. Lyons individually, and in their
3192 official capacity, while acting under color of law as a Emergency
3193 Medical Technician Instructors, and/or EMT Training School

3194 and/or EMT Examiner, for the Commonwealth of Massachusetts in
3195 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
3196 did with other defendants violate, deprive, or infringe upon the
3197 civil rights of Plaintiff James M. Atkinson for the purposes of
3198 personal, political, and professional gains, without just cause, or
3199 lawful authority and did engage in witness tampering against
3200 James M. Atkinson in contravention of law by contacting Plaintiff
3201 Atkinson both directly and through others and stating they
3202 “Everybody would hang, if we got caught, so everybody has to
3203 have the same story” This specific unlawful action on this date
3204 intertwines with other related actions and activities performed on
3205 other dates and forms a unbroken continuation of the operation of a
3206 organized criminal enterprise functioning prior to this date,
3207 spanning this specific date, and continuing onward to the present
3208 date, and affecting both historical, present, and future events. This
3209 action involved the starting of the class on October 13, 2008 at
3210 6:30 PM, the students were dismissed at 8:47 PM, when in fact the
3211 official records provided to the Commonwealth of Massachusetts
3212 OEMS for the class fraudulently reflect that the class ran until
3213 10:30 PM.

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133. On or about **October 13, 2008**, Defendants Henry Michalski, Darrell Moore, Robert Piepiora, David Raymond, John Good, Frank Carabello, and Kevin M. Lyons individually, and in their official capacity, while acting under color of law as a Emergency Medical Technician Instructors, and/or EMT Training School and/or EMT Examiner, for the Commonwealth of Massachusetts in Boston, MA and Lyons Ambulance, in Danvers, Massachusetts; did with other defendants violate, deprive, or infringe upon the civil rights of Plaintiff James M. Atkinson for the purposes of personal, political, and professional gains, without just cause, or lawful authority and did engage in **Felony Larceny** against James M. Atkinson in contravention of law, by taking monies for goods and services which were not provided. This specific unlawful action on this date intertwines with other related actions and activities performed on other dates and forms a unbroken continuation of the operation of a organized criminal enterprise functioning prior to this date, spanning this specific date, and continuing onward to the present date, and affecting both historical, present, and future events. This action involved the starting of the

3234 class on **October 13, 2008** at 6:30 PM, the students were dismissed
3235 **at 8:47 PM**, when in fact the official records provided to the
3236 Commonwealth of Massachusetts OEMS for the class fraudulently
3237 reflect that the class ran until 10:30 PM.

3238
3239 134. On or about **October 13, 2008**, Defendants Henry Michalski,
3240 Darrell Moore, Robert Piepiora, David Raymond, John Good,
3241 Frank Carabello, and Kevin M. Lyons individually, and in their
3242 official capacity, while acting under color of law as a Emergency
3243 Medical Technician Instructors, and/or EMT Training School
3244 and/or EMT Examiner, for the Commonwealth of Massachusetts in
3245 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
3246 did with other defendants violate, deprive, or infringe upon the
3247 civil rights of Plaintiff James M. Atkinson for the purposes of
3248 personal, political, and professional gains, without just cause, or
3249 lawful authority and did engage in **Obstruction of Justice** against
3250 James M. Atkinson in contravention of law, by contacting the
3251 Plaintiff and instructing him not to talk to state inspectors about the
3252 fraudulent EMT course. This specific unlawful action on this date
3253 intertwines with other related actions and activities performed on

3254 other dates and forms a unbroken continuation of the operation of a
3255 organized criminal enterprise functioning prior to this date,
3256 spanning this specific date, and continuing onward to the present
3257 date, and affecting both historical, present, and future events. This
3258 action involved the starting of the class on **October 13, 2008** at
3259 6:30 PM, the students were dismissed **at 8:47 PM**, when in fact the
3260 official records provided to the Commonwealth of Massachusetts
3261 OEMS for the class fraudulently reflect that the class ran until
3262 10:30 PM.

3263
3264 135. On or about **October 13, 2008**, Defendants Henry Michalski,
3265 Darrell Moore, Robert Piepiora, David Raymond, John Good,
3266 Frank Carabello, and Kevin M. Lyons individually, and in their
3267 official capacity, while acting under color of law as a Emergency
3268 Medical Technician Instructors, and/or EMT Training School
3269 and/or EMT Examiner, for the Commonwealth of Massachusetts in
3270 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
3271 did with other defendants violate, deprive, or infringe upon the
3272 civil rights of Plaintiff James M. Atkinson for the purposes of
3273 personal, political, and professional gains, without just cause, or

3274 lawful authority and did engage in Medicaid and Medicare Fraud
3275 and False Claims against the United States of America in
3276 contravention of law, by way of permitting students to “graduate”
3277 who did not meet the minimum times or skills required to be an
3278 EMT. This specific unlawful action on this date intertwines with
3279 other related actions and activities performed on other dates and
3280 forms a unbroken continuation of the operation of a organized
3281 criminal enterprise functioning prior to this date, spanning this
3282 specific date, and continuing onward to the present date, and
3283 affecting both historical, present, and future events. This action
3284 involved the starting of the class on October 13, 2008 at 6:30 PM,
3285 the students were dismissed at 8:47 PM, when in fact the official
3286 records provided to the Commonwealth of Massachusetts OEMS
3287 for the class fraudulently reflect that the class ran until 10:30 PM.

3288
3289 136. On or about October 13, 2008, Defendants Henry Michalski,
3290 Darrell Moore, Robert Piepiora, David Raymond, John Good,
3291 Frank Carabello, and Kevin M. Lyons individually, and in their
3292 official capacity, while acting under color of law as a Emergency
3293 Medical Technician Instructors, and/or EMT Training School

3294 and/or EMT Examiner, for the Commonwealth of Massachusetts in
3295 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
3296 did with other defendants violate, deprive, or infringe upon the
3297 civil rights of Plaintiff James M. Atkinson for the purposes of
3298 personal, political, and professional gains, without just cause, or
3299 lawful authority and did engage in **Medicaid and Medicare Fraud**
3300 **and False Claims** against the United States of America in
3301 contravention of law, by assisting unqualified EMTs to bill
3302 Medicaid, Medicare, and numerous insurance companies for
3303 services that were not competently being rendered due to
3304 fraudulent EMT training. This specific unlawful action on this date
3305 intertwines with other related actions and activities performed on
3306 other dates and forms a unbroken continuation of the operation of a
3307 organized criminal enterprise functioning prior to this date,
3308 spanning this specific date, and continuing onward to the present
3309 date, and affecting both historical, present, and future events. This
3310 action involved the starting of the class on **October 13, 2008** at
3311 6:30 PM, the students were dismissed **at 8:47 PM**, when in fact the
3312 official records provided to the Commonwealth of Massachusetts

3313 OEMS for the class fraudulently reflect that the class ran until
3314 10:30 PM.

3315
3316 **Lyons Ambulance EMT Training Fraud**
3317 **October 20, 2008**
3318

3319 137. On or about **October 20, 2008**, Defendants Henry Michalski,
3320 Darrell Moore, Robert Piepiora, David Raymond, John Good,
3321 Frank Carabello, and Kevin M. Lyons individually, and in their
3322 official capacity, while acting under color of law as a Emergency
3323 Medical Technician Instructors, and/or EMT Training School
3324 and/or EMT Examiner, for the Commonwealth of Massachusetts in
3325 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
3326 did with other defendants violate, deprive, or infringe upon the
3327 civil rights of Plaintiff James M. Atkinson for the purposes of
3328 personal, political, and professional gains, without just cause, or
3329 lawful authority and did engage in a **Scheme to Defraud** against
3330 James M. Atkinson in contravention of law, by taking monies for a
3331 fraudulent EMT training course, that did not meet the mandatory
3332 class times required by law. This specific unlawful action on this
3333 date intertwines with other related actions and activities performed
3334 on other dates and forms a unbroken continuation of the operation

3335 of a organized criminal enterprise functioning prior to this date,
3336 spanning this specific date, and continuing onward to the present
3337 date, and affecting both historical, present, and future events. This
3338 action involved the starting of the class on **October 20, 2008** at
3339 6:30 PM, the students were dismissed **at 9:10 PM**, when in fact the
3340 official records provided to the Commonwealth of Massachusetts
3341 OEMS for the class fraudulently reflect that the class ran until
3342 10:30 PM.

3343

3344 138. On or about **October 20, 2008**, Defendants Henry Michalski,
3345 Darrell Moore, Robert Piepiora, David Raymond, John Good,
3346 Frank Carabello, and Kevin M. Lyons individually, and in their
3347 official capacity, while acting under color of law as a Emergency
3348 Medical Technician Instructors, and/or EMT Training School
3349 and/or EMT Examiner, for the Commonwealth of Massachusetts in
3350 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
3351 did with other defendants violate, deprive, or infringe upon the
3352 civil rights of Plaintiff James M. Atkinson for the purposes of
3353 personal, political, and professional gains, without just cause, or
3354 lawful authority and did engage in a **Conspiracy** against James M.

3355 Atkinson in contravention of law, by way of an agreement between
3356 the instructors and certain students to defraud the Commonwealth
3357 of Massachusetts Office of EMS (licensing agency) in regards to
3358 course duration and course content. This specific unlawful action
3359 on this date intertwines with other related actions and activities
3360 performed on other dates and forms a unbroken continuation of the
3361 operation of a organized criminal enterprise functioning prior to
3362 this date, spanning this specific date, and continuing onward to the
3363 present date, and affecting both historical, present, and future
3364 events. This action involved the starting of the class on **October 20,**
3365 **2008** at 6:30 PM, the students were dismissed **at 9:10 PM,** when in
3366 fact the official records provided to the Commonwealth of
3367 Massachusetts OEMS for the class fraudulently reflect that the
3368 class ran until 10:30 PM.

3369
3370 139. On or about **October 20, 2008,** Defendants Henry Michalski,
3371 Darrell Moore, Robert Piepiora, David Raymond, John Good,
3372 Frank Carabello, and Kevin M. Lyons individually, and in their
3373 official capacity, while acting under color of law as a Emergency
3374 Medical Technician Instructors, and/or EMT Training School

3375 and/or EMT Examiner, for the Commonwealth of Massachusetts in
3376 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
3377 did with other defendants violate, deprive, or infringe upon the
3378 civil rights of Plaintiff James M. Atkinson for the purposes of
3379 personal, political, and professional gains, without just cause, or
3380 lawful authority and did engage in Mail Fraud against James M.
3381 Atkinson in contravention of law by way of sending class rosters
3382 and course documents to the Commonwealth of Massachusetts
3383 OEMS offices for classes which did not take place at all, or for
3384 which hours were reported to be higher than those actually
3385 attended by student. This specific unlawful action on this date
3386 intertwines with other related actions and activities performed on
3387 other dates and forms a unbroken continuation of the operation of a
3388 organized criminal enterprise functioning prior to this date,
3389 spanning this specific date, and continuing onward to the present
3390 date, and affecting both historical, present, and future events. This
3391 action involved the starting of the class on October 20, 2008 at
3392 6:30 PM, the students were dismissed at 9:10 PM, when in fact the
3393 official records provided to the Commonwealth of Massachusetts

3394 OEMS for the class fraudulently reflect that the class ran until
3395 10:30 PM.

3396

3397 140. On or about **October 20, 2008**, Defendants Henry Michalski,
3398 Darrell Moore, Robert Piepiora, David Raymond, John Good,
3399 Frank Carabello, and Kevin M. Lyons individually, and in their
3400 official capacity, while acting under color of law as a Emergency
3401 Medical Technician Instructors, and/or EMT Training School
3402 and/or EMT Examiner, for the Commonwealth of Massachusetts in
3403 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
3404 did with other defendants violate, deprive, or infringe upon the
3405 civil rights of Plaintiff James M. Atkinson for the purposes of
3406 personal, political, and professional gains, without just cause, or
3407 lawful authority and did engage in **Wire Fraud** against James M.
3408 Atkinson in contravention of law, by way of transmitting
3409 fraudulent E-Mail, and using online learning modalities, and
3410 falsifying the results of online testing. Also, the misuse of inter-
3411 state electronic communications to perform certain EMT Course
3412 functions to include online assignments, online testing, online
3413 examinations, and the use of online resources to create the end of

3414 course written examination. This specific unlawful action on this
3415 date intertwines with other related actions and activities performed
3416 on other dates and forms a unbroken continuation of the operation
3417 of a organized criminal enterprise functioning prior to this date,
3418 spanning this specific date, and continuing onward to the present
3419 date, and affecting both historical, present, and future events. This
3420 action involved the starting of the class on **October 20, 2008** at
3421 6:30 PM, the students were dismissed **at 9:10 PM**, when in fact the
3422 official records provided to the Commonwealth of Massachusetts
3423 OEMS for the class fraudulently reflect that the class ran until
3424 10:30 PM.

3425
3426 141. On or about **October 20, 2008**, Defendants Henry Michalski,
3427 Darrell Moore, Robert Piepiora, David Raymond, John Good,
3428 Frank Carabello, and Kevin M. Lyons individually, and in their
3429 official capacity, while acting under color of law as a Emergency
3430 Medical Technician Instructors, and/or EMT Training School
3431 and/or EMT Examiner, for the Commonwealth of Massachusetts in
3432 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
3433 did with other defendants violate, deprive, or infringe upon the

3434 civil rights of Plaintiff James M. Atkinson for the purposes of
3435 personal, political, and professional gains, without just cause, or
3436 lawful authority and did engage in **Scheme to Defraud** against
3437 James M. Atkinson in contravention of law, by depriving Atkinson
3438 of the required course durations and content required to
3439 legitimately obtain an EMT license. This specific unlawful action
3440 on this date intertwines with other related actions and activities
3441 performed on other dates and forms a unbroken continuation of the
3442 operation of a organized criminal enterprise functioning prior to
3443 this date, spanning this specific date, and continuing onward to the
3444 present date, and affecting both historical, present, and future
3445 events. This action involved the starting of the class on **October 20,**
3446 **2008** at 6:30 PM, the students were dismissed **at 9:10 PM**, when in
3447 fact the official records provided to the Commonwealth of
3448 Massachusetts OEMS for the class fraudulently reflect that the
3449 class ran until 10:30 PM.

3450
3451 142. On or about **October 20, 2008**, Defendants Henry Michalski,
3452 Darrell Moore, Robert Piepiora, David Raymond, John Good,
3453 Frank Carabello, and Kevin M. Lyons individually, and in their

3454 official capacity, while acting under color of law as a Emergency
3455 Medical Technician Instructors, and/or EMT Training School
3456 and/or EMT Examiner, for the Commonwealth of Massachusetts in
3457 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
3458 did with other defendants violate, deprive, or infringe upon the
3459 civil rights of Plaintiff James M. Atkinson for the purposes of
3460 personal, political, and professional gains, without just cause, or
3461 lawful authority and did engage in **Racketeering** against James M.
3462 Atkinson in contravention of law, by virtue of the operation of a
3463 criminal organization, engaging in conspiracy, obstruction of
3464 justice, mail fraud, wire fraud, Medicare/medical fraud, and other
3465 actions. This specific unlawful action on this date intertwines with
3466 other related actions and activities performed on other dates and
3467 forms a unbroken continuation of the operation of a organized
3468 criminal enterprise functioning prior to this date, spanning this
3469 specific date, and continuing onward to the present date, and
3470 affecting both historical, present, and future events. This action
3471 involved the starting of the class on **October 20, 2008** at 6:30 PM,
3472 the students were dismissed **at 9:10 PM**, when in fact the official

3473 records provided to the Commonwealth of Massachusetts OEMS
3474 for the class fraudulently reflect that the class ran until 10:30 PM.
3475
3476 143. On or about **October 20, 2008**, Defendants Henry Michalski,
3477 Darrell Moore, Robert Piepiora, David Raymond, John Good,
3478 Frank Carabello, and Kevin M. Lyons individually, and in their
3479 official capacity, while acting under color of law as a Emergency
3480 Medical Technician Instructors, and/or EMT Training School
3481 and/or EMT Examiner, for the Commonwealth of Massachusetts in
3482 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
3483 did with other defendants violate, deprive, or infringe upon the
3484 civil rights of Plaintiff James M. Atkinson for the purposes of
3485 personal, political, and professional gains, without just cause, or
3486 lawful authority and did **engage in witness tampering** against
3487 James M. Atkinson in contravention of law by contacting Plaintiff
3488 Atkinson both directly and through others and stating they
3489 “Everybody would hang, if we got caught, so everybody has to
3490 have the same story” This specific unlawful action on this date
3491 intertwines with other related actions and activities performed on
3492 other dates and forms a unbroken continuation of the operation of a

3493 organized criminal enterprise functioning prior to this date,
3494 spanning this specific date, and continuing onward to the present
3495 date, and affecting both historical, present, and future events. This
3496 action involved the starting of the class on **October 20, 2008** at
3497 6:30 PM, the students were dismissed **at 9:10 PM**, when in fact the
3498 official records provided to the Commonwealth of Massachusetts
3499 OEMS for the class fraudulently reflect that the class ran until
3500 10:30 PM.

3501
3502 144. On or about **October 20, 2008**, Defendants Henry Michalski,
3503 Darrell Moore, Robert Piepiora, David Raymond, John Good,
3504 Frank Carabello, and Kevin M. Lyons individually, and in their
3505 official capacity, while acting under color of law as a Emergency
3506 Medical Technician Instructors, and/or EMT Training School
3507 and/or EMT Examiner, for the Commonwealth of Massachusetts in
3508 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
3509 did with other defendants violate, deprive, or infringe upon the
3510 civil rights of Plaintiff James M. Atkinson for the purposes of
3511 personal, political, and professional gains, without just cause, or
3512 lawful authority and did engage in **Felony Larceny** against James

3513 M. Atkinson in contravention of law, by taking monies for goods
3514 and services which were not provided. This specific unlawful
3515 action on this date intertwines with other related actions and
3516 activities performed on other dates and forms a unbroken
3517 continuation of the operation of a organized criminal enterprise
3518 functioning prior to this date, spanning this specific date, and
3519 continuing onward to the present date, and affecting both historical,
3520 present, and future events. This action involved the starting of the
3521 class on **October 20, 2008** at 6:30 PM, the students were dismissed
3522 **at 9:10 PM**, when in fact the official records provided to the
3523 Commonwealth of Massachusetts OEMS for the class fraudulently
3524 reflect that the class ran until 10:30 PM.

3525
3526 145. On or about **October 20, 2008**, Defendants Henry Michalski,
3527 Darrell Moore, Robert Piepiora, David Raymond, John Good,
3528 Frank Carabello, and Kevin M. Lyons individually, and in their
3529 official capacity, while acting under color of law as a Emergency
3530 Medical Technician Instructors, and/or EMT Training School
3531 and/or EMT Examiner, for the Commonwealth of Massachusetts in
3532 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;

3533 did with other defendants violate, deprive, or infringe upon the
3534 civil rights of Plaintiff James M. Atkinson for the purposes of
3535 personal, political, and professional gains, without just cause, or
3536 lawful authority and did engage in **Obstruction of Justice** against
3537 James M. Atkinson in contravention of law, by contacting the
3538 Plaintiff and instructing him not to talk to state inspectors about the
3539 fraudulent EMT course. This specific unlawful action on this date
3540 intertwines with other related actions and activities performed on
3541 other dates and forms a unbroken continuation of the operation of a
3542 organized criminal enterprise functioning prior to this date,
3543 spanning this specific date, and continuing onward to the present
3544 date, and affecting both historical, present, and future events. This
3545 action involved the starting of the class on **October 20, 2008** at
3546 6:30 PM, the students were dismissed **at 9:10 PM**, when in fact the
3547 official records provided to the Commonwealth of Massachusetts
3548 OEMS for the class fraudulently reflect that the class ran until
3549 10:30 PM.

3550

3551 146. On or about **October 20, 2008**, Defendants Henry Michalski,
3552 Darrell Moore, Robert Piepiora, David Raymond, John Good,

3553 Frank Carabello, and Kevin M. Lyons individually, and in their
3554 official capacity, while acting under color of law as a Emergency
3555 Medical Technician Instructors, and/or EMT Training School
3556 and/or EMT Examiner, for the Commonwealth of Massachusetts in
3557 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
3558 did with other defendants violate, deprive, or infringe upon the
3559 civil rights of Plaintiff James M. Atkinson for the purposes of
3560 personal, political, and professional gains, without just cause, or
3561 lawful authority and did engage in Medicaid and Medicare Fraud
3562 and False Claims against the United States of America in
3563 contravention of law, by way of permitting students to “graduate”
3564 who did not meet the minimum times or skills required to be an
3565 EMT. This specific unlawful action on this date intertwines with
3566 other related actions and activities performed on other dates and
3567 forms a unbroken continuation of the operation of a organized
3568 criminal enterprise functioning prior to this date, spanning this
3569 specific date, and continuing onward to the present date, and
3570 affecting both historical, present, and future events. This action
3571 involved the starting of the class on October 20, 2008 at 6:30 PM,
3572 the students were dismissed at 9:10 PM, when in fact the official

3573 records provided to the Commonwealth of Massachusetts OEMS
3574 for the class fraudulently reflect that the class ran until 10:30 PM.

3575

3576 147. On or about **October 20, 2008**, Defendants Henry Michalski,
3577 Darrell Moore, Robert Piepiora, David Raymond, John Good,
3578 Frank Carabello, and Kevin M. Lyons individually, and in their
3579 official capacity, while acting under color of law as a Emergency
3580 Medical Technician Instructors, and/or EMT Training School
3581 and/or EMT Examiner, for the Commonwealth of Massachusetts in
3582 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
3583 did with other defendants violate, deprive, or infringe upon the
3584 civil rights of Plaintiff James M. Atkinson for the purposes of
3585 personal, political, and professional gains, without just cause, or
3586 lawful authority and did engage in **Medicaid and Medicare Fraud**
3587 **and False Claims** against the United States of America in
3588 contravention of law, by assisting unqualified EMTs to bill
3589 Medicaid, Medicare, and numerous insurance companies for
3590 services that were not competently being rendered due to
3591 fraudulent EMT training. This specific unlawful action on this date
3592 intertwines with other related actions and activities performed on

3593 other dates and forms a unbroken continuation of the operation of a
3594 organized criminal enterprise functioning prior to this date,
3595 spanning this specific date, and continuing onward to the present
3596 date, and affecting both historical, present, and future events. This
3597 action involved the starting of the class on **October 20, 2008** at
3598 6:30 PM, the students were dismissed **at 9:10 PM**, when in fact the
3599 official records provided to the Commonwealth of Massachusetts
3600 OEMS for the class fraudulently reflect that the class ran until
3601 10:30 PM.

3602
3603 **Lyons Ambulance EMT Training Fraud**
3604 **October 23, 2008**
3605

3606 148. On or about **October 23, 2008**, Defendants Henry Michalski,
3607 Darrell Moore, Robert Piepiora, David Raymond, John Good,
3608 Frank Carabello, and Kevin M. Lyons individually, and in their
3609 official capacity, while acting under color of law as a Emergency
3610 Medical Technician Instructors, and/or EMT Training School
3611 and/or EMT Examiner, for the Commonwealth of Massachusetts in
3612 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
3613 did with other defendants violate, deprive, or infringe upon the
3614 civil rights of Plaintiff James M. Atkinson for the purposes of

3615 personal, political, and professional gains, without just cause, or
3616 lawful authority and did engage in a **Scheme to Defraud** against
3617 James M. Atkinson in contravention of law, by taking monies for a
3618 fraudulent EMT training course, that did not meet the mandatory
3619 class times required by law. This specific unlawful action on this
3620 date intertwines with other related actions and activities performed
3621 on other dates and forms a unbroken continuation of the operation
3622 of a organized criminal enterprise functioning prior to this date,
3623 spanning this specific date, and continuing onward to the present
3624 date, and affecting both historical, present, and future events. This
3625 action involved the starting of the class on **October 23, 2008** at
3626 6:30 PM, the students were dismissed **at 8:55 PM**, when in fact the
3627 official records provided to the Commonwealth of Massachusetts
3628 OEMS for the class fraudulently reflect that the class ran until
3629 10:30 PM.

3630
3631 149. On or about **October 23, 2008**, Defendants Henry Michalski,
3632 Darrell Moore, Robert Piepiora, David Raymond, John Good,
3633 Frank Carabello, and Kevin M. Lyons individually, and in their
3634 official capacity, while acting under color of law as a Emergency

3635 Medical Technician Instructors, and/or EMT Training School
3636 and/or EMT Examiner, for the Commonwealth of Massachusetts in
3637 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
3638 did with other defendants violate, deprive, or infringe upon the
3639 civil rights of Plaintiff James M. Atkinson for the purposes of
3640 personal, political, and professional gains, without just cause, or
3641 lawful authority and did engage in a **Conspiracy** against James M.
3642 Atkinson in contravention of law, by way of an agreement between
3643 the instructors and certain students to defraud the Commonwealth
3644 of Massachusetts Office of EMS (licensing agency) in regards to
3645 course duration and course content. This specific unlawful action
3646 on this date intertwines with other related actions and activities
3647 performed on other dates and forms a unbroken continuation of the
3648 operation of a organized criminal enterprise functioning prior to
3649 this date, spanning this specific date, and continuing onward to the
3650 present date, and affecting both historical, present, and future
3651 events. This action involved the starting of the class on **October 23,**
3652 **2008** at 6:30 PM, the students were dismissed **at 8:55 PM**, when in
3653 fact the official records provided to the Commonwealth of

3654 Massachusetts OEMS for the class fraudulently reflect that the
3655 class ran until 10:30 PM.

3656

3657 150. On or about **October 23, 2008**, Defendants Henry Michalski,
3658 Darrell Moore, Robert Piepiora, David Raymond, John Good,
3659 Frank Carabello, and Kevin M. Lyons individually, and in their
3660 official capacity, while acting under color of law as a Emergency
3661 Medical Technician Instructors, and/or EMT Training School
3662 and/or EMT Examiner, for the Commonwealth of Massachusetts in
3663 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
3664 did with other defendants violate, deprive, or infringe upon the
3665 civil rights of Plaintiff James M. Atkinson for the purposes of
3666 personal, political, and professional gains, without just cause, or
3667 lawful authority and did **engage in Mail Fraud** against James M.
3668 Atkinson in contravention of law by way of sending class rosters
3669 and course documents to the Commonwealth of Massachusetts
3670 OEMS offices for classes which did not take place at all, or for
3671 which hours were reported to be higher then those actually
3672 attended by student. This specific unlawful action on this date
3673 intertwines with other related actions and activities performed on

3674 other dates and forms a unbroken continuation of the operation of a
3675 organized criminal enterprise functioning prior to this date,
3676 spanning this specific date, and continuing onward to the present
3677 date, and affecting both historical, present, and future events. This
3678 action involved the starting of the class on **October 23, 2008** at
3679 6:30 PM, the students were dismissed **at 8:55 PM**, when in fact the
3680 official records provided to the Commonwealth of Massachusetts
3681 OEMS for the class fraudulently reflect that the class ran until
3682 10:30 PM.

3683
3684 151. On or about **October 23, 2008**, Defendants Henry Michalski,
3685 Darrell Moore, Robert Piepiora, David Raymond, John Good,
3686 Frank Carabello, and Kevin M. Lyons individually, and in their
3687 official capacity, while acting under color of law as a Emergency
3688 Medical Technician Instructors, and/or EMT Training School
3689 and/or EMT Examiner, for the Commonwealth of Massachusetts in
3690 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
3691 did with other defendants violate, deprive, or infringe upon the
3692 civil rights of Plaintiff James M. Atkinson for the purposes of
3693 personal, political, and professional gains, without just cause, or

3694 lawful authority and did engage in **Wire Fraud** against James M.
3695 Atkinson in contravention of law, by way of transmitting
3696 fraudulent E-Mail, and using online learning modalities, and
3697 falsifying the results of online testing. Also, the misuse of inter-
3698 state electronic communications to perform certain EMT Course
3699 functions to include online assignments, online testing, online
3700 examinations, and the use of online resources to create the end of
3701 course written examination. This specific unlawful action on this
3702 date intertwines with other related actions and activities performed
3703 on other dates and forms a unbroken continuation of the operation
3704 of a organized criminal enterprise functioning prior to this date,
3705 spanning this specific date, and continuing onward to the present
3706 date, and affecting both historical, present, and future events. This
3707 action involved the starting of the class on **October 23, 2008** at
3708 6:30 PM, the students were dismissed **at 8:55 PM**, when in fact the
3709 official records provided to the Commonwealth of Massachusetts
3710 OEMS for the class fraudulently reflect that the class ran until
3711 10:30 PM.

3712

3713 152. On or about **October 23, 2008**, Defendants Henry Michalski,
3714 Darrell Moore, Robert Piepiora, David Raymond, John Good,
3715 Frank Carabello, and Kevin M. Lyons individually, and in their
3716 official capacity, while acting under color of law as a Emergency
3717 Medical Technician Instructors, and/or EMT Training School
3718 and/or EMT Examiner, for the Commonwealth of Massachusetts in
3719 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
3720 did with other defendants violate, deprive, or infringe upon the
3721 civil rights of Plaintiff James M. Atkinson for the purposes of
3722 personal, political, and professional gains, without just cause, or
3723 lawful authority and did engage in **Scheme to Defraud** against
3724 James M. Atkinson in contravention of law, by depriving Atkinson
3725 of the required course durations and content required to
3726 legitimately obtain an EMT license. This specific unlawful action
3727 on this date intertwines with other related actions and activities
3728 performed on other dates and forms a unbroken continuation of the
3729 operation of a organized criminal enterprise functioning prior to
3730 this date, spanning this specific date, and continuing onward to the
3731 present date, and affecting both historical, present, and future
3732 events. This action involved the starting of the class on **October 23,**

3733 2008 at 6:30 PM, the students were dismissed at 8:55 PM, when in
3734 fact the official records provided to the Commonwealth of
3735 Massachusetts OEMS for the class fraudulently reflect that the
3736 class ran until 10:30 PM.

3737

3738 153. On or about October 23, 2008, Defendants Henry Michalski,
3739 Darrell Moore, Robert Piepiora, David Raymond, John Good,
3740 Frank Carabello, and Kevin M. Lyons individually, and in their
3741 official capacity, while acting under color of law as a Emergency
3742 Medical Technician Instructors, and/or EMT Training School
3743 and/or EMT Examiner, for the Commonwealth of Massachusetts in
3744 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
3745 did with other defendants violate, deprive, or infringe upon the
3746 civil rights of Plaintiff James M. Atkinson for the purposes of
3747 personal, political, and professional gains, without just cause, or
3748 lawful authority and did engage in Racketeering against James M.
3749 Atkinson in contravention of law, by virtue of the operation of a
3750 criminal organization, engaging in conspiracy, obstruction of
3751 justice, mail fraud, wire fraud, Medicare/medical fraud, and other
3752 actions. This specific unlawful action on this date intertwines with

3753 other related actions and activities performed on other dates and
3754 forms a unbroken continuation of the operation of a organized
3755 criminal enterprise functioning prior to this date, spanning this
3756 specific date, and continuing onward to the present date, and
3757 affecting both historical, present, and future events. This action
3758 involved the starting of the class on **October 23, 2008** at 6:30 PM,
3759 the students were dismissed **at 8:55 PM**, when in fact the official
3760 records provided to the Commonwealth of Massachusetts OEMS
3761 for the class fraudulently reflect that the class ran until 10:30 PM.

3762
3763 154. On or about **October 23, 2008**, Defendants Henry Michalski,
3764 Darrell Moore, Robert Piepiora, David Raymond, John Good,
3765 Frank Carabello, and Kevin M. Lyons individually, and in their
3766 official capacity, while acting under color of law as a Emergency
3767 Medical Technician Instructors, and/or EMT Training School
3768 and/or EMT Examiner, for the Commonwealth of Massachusetts in
3769 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
3770 did with other defendants violate, deprive, or infringe upon the
3771 civil rights of Plaintiff James M. Atkinson for the purposes of
3772 personal, political, and professional gains, without just cause, or

3773 lawful authority and did engage in witness tampering against
3774 James M. Atkinson in contravention of law by contacting Plaintiff
3775 Atkinson both directly and through others and stating they
3776 “Everybody would hang, if we got caught, so everybody has to
3777 have the same story” This specific unlawful action on this date
3778 intertwines with other related actions and activities performed on
3779 other dates and forms a unbroken continuation of the operation of a
3780 organized criminal enterprise functioning prior to this date,
3781 spanning this specific date, and continuing onward to the present
3782 date, and affecting both historical, present, and future events. This
3783 action involved the starting of the class on October 23, 2008 at
3784 6:30 PM, the students were dismissed at 8:55 PM, when in fact the
3785 official records provided to the Commonwealth of Massachusetts
3786 OEMS for the class fraudulently reflect that the class ran until
3787 10:30 PM.

3788

3789 155. On or about October 23, 2008, Defendants Henry Michalski,
3790 Darrell Moore, Robert Piepiora, David Raymond, John Good,
3791 Frank Carabello, and Kevin M. Lyons individually, and in their
3792 official capacity, while acting under color of law as a Emergency

3793 Medical Technician Instructors, and/or EMT Training School
3794 and/or EMT Examiner, for the Commonwealth of Massachusetts in
3795 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
3796 did with other defendants violate, deprive, or infringe upon the
3797 civil rights of Plaintiff James M. Atkinson for the purposes of
3798 personal, political, and professional gains, without just cause, or
3799 lawful authority and did engage in **Felony Larceny** against James
3800 M. Atkinson in contravention of law, by taking monies for goods
3801 and services which were not provided. This specific unlawful
3802 action on this date intertwines with other related actions and
3803 activities performed on other dates and forms a unbroken
3804 continuation of the operation of a organized criminal enterprise
3805 functioning prior to this date, spanning this specific date, and
3806 continuing onward to the present date, and affecting both historical,
3807 present, and future events. This action involved the starting of the
3808 class on **October 23, 2008** at 6:30 PM, the students were dismissed
3809 **at 8:55 PM**, when in fact the official records provided to the
3810 Commonwealth of Massachusetts OEMS for the class fraudulently
3811 reflect that the class ran until 10:30 PM.

3812

3813 156. On or about **October 23, 2008**, Defendants Henry Michalski,
3814 Darrell Moore, Robert Piepiora, David Raymond, John Good,
3815 Frank Carabello, and Kevin M. Lyons individually, and in their
3816 official capacity, while acting under color of law as a Emergency
3817 Medical Technician Instructors, and/or EMT Training School
3818 and/or EMT Examiner, for the Commonwealth of Massachusetts in
3819 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
3820 did with other defendants violate, deprive, or infringe upon the
3821 civil rights of Plaintiff James M. Atkinson for the purposes of
3822 personal, political, and professional gains, without just cause, or
3823 lawful authority and did engage in **Obstruction of Justice** against
3824 James M. Atkinson in contravention of law, by contacting the
3825 Plaintiff and instructing him not to talk to state inspectors about the
3826 fraudulent EMT course. This specific unlawful action on this date
3827 intertwines with other related actions and activities performed on
3828 other dates and forms a unbroken continuation of the operation of a
3829 organized criminal enterprise functioning prior to this date,
3830 spanning this specific date, and continuing onward to the present
3831 date, and affecting both historical, present, and future events. This
3832 action involved the starting of the class on **October 23, 2008** at

3833 6:30 PM, the students were dismissed at 8:55 PM, when in fact the
3834 official records provided to the Commonwealth of Massachusetts
3835 OEMS for the class fraudulently reflect that the class ran until
3836 10:30 PM.

3837

3838 157. On or about October 23, 2008, Defendants Henry Michalski,
3839 Darrell Moore, Robert Piepiora, David Raymond, John Good,
3840 Frank Carabello, and Kevin M. Lyons individually, and in their
3841 official capacity, while acting under color of law as a Emergency
3842 Medical Technician Instructors, and/or EMT Training School
3843 and/or EMT Examiner, for the Commonwealth of Massachusetts in
3844 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
3845 did with other defendants violate, deprive, or infringe upon the
3846 civil rights of Plaintiff James M. Atkinson for the purposes of
3847 personal, political, and professional gains, without just cause, or
3848 lawful authority and did engage in Medicaid and Medicare Fraud
3849 and False Claims against the United States of America in
3850 contravention of law, by way of permitting students to “graduate”
3851 who did not meet the minimum times or skills required to be an
3852 EMT. This specific unlawful action on this date intertwines with

3853 other related actions and activities performed on other dates and
3854 forms a unbroken continuation of the operation of a organized
3855 criminal enterprise functioning prior to this date, spanning this
3856 specific date, and continuing onward to the present date, and
3857 affecting both historical, present, and future events. This action
3858 involved the starting of the class on **October 23, 2008** at 6:30 PM,
3859 the students were dismissed **at 8:55 PM**, when in fact the official
3860 records provided to the Commonwealth of Massachusetts OEMS
3861 for the class fraudulently reflect that the class ran until 10:30 PM.

3862
3863 158. On or about **October 23, 2008**, Defendants Henry Michalski,
3864 Darrell Moore, Robert Piepiora, David Raymond, John Good,
3865 Frank Carabello, and Kevin M. Lyons individually, and in their
3866 official capacity, while acting under color of law as a Emergency
3867 Medical Technician Instructors, and/or EMT Training School
3868 and/or EMT Examiner, for the Commonwealth of Massachusetts in
3869 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
3870 did with other defendants violate, deprive, or infringe upon the
3871 civil rights of Plaintiff James M. Atkinson for the purposes of
3872 personal, political, and professional gains, without just cause, or

3873 lawful authority and did engage in **Medicaid and Medicare Fraud**
3874 **and False Claims** against the United States of America in
3875 contravention of law, by assisting unqualified EMTs to bill
3876 Medicaid, Medicare, and numerous insurance companies for
3877 services that were not competently being rendered due to
3878 fraudulent EMT training. This specific unlawful action on this date
3879 intertwines with other related actions and activities performed on
3880 other dates and forms a unbroken continuation of the operation of a
3881 organized criminal enterprise functioning prior to this date,
3882 spanning this specific date, and continuing onward to the present
3883 date, and affecting both historical, present, and future events. This
3884 action involved the starting of the class on **October 23, 2008** at
3885 6:30 PM, the students were dismissed **at 8:55 PM**, when in fact the
3886 official records provided to the Commonwealth of Massachusetts
3887 OEMS for the class fraudulently reflect that the class ran until
3888 10:30 PM.

3889
3890 **Lyons Ambulance EMT Training Fraud**
3891 **October 27, 2008**
3892

3893 159. On or about **October 27, 2008**, Defendants Henry Michalski,
3894 Darrell Moore, Robert Piepiora, David Raymond, John Good,

3895 Frank Carabello, and Kevin M. Lyons individually, and in their
3896 official capacity, while acting under color of law as a Emergency
3897 Medical Technician Instructors, and/or EMT Training School
3898 and/or EMT Examiner, for the Commonwealth of Massachusetts in
3899 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
3900 did with other defendants violate, deprive, or infringe upon the
3901 civil rights of Plaintiff James M. Atkinson for the purposes of
3902 personal, political, and professional gains, without just cause, or
3903 lawful authority and did engage in a **Scheme to Defraud** against
3904 James M. Atkinson in contravention of law, by taking monies for a
3905 fraudulent EMT training course, that did not meet the mandatory
3906 class times required by law. This specific unlawful action on this
3907 date intertwines with other related actions and activities performed
3908 on other dates and forms a unbroken continuation of the operation
3909 of a organized criminal enterprise functioning prior to this date,
3910 spanning this specific date, and continuing onward to the present
3911 date, and affecting both historical, present, and future events. This
3912 action involved the starting of the class on **October 27, 2008** at
3913 6:30 PM, the students were dismissed **at 9:10 PM**, when in fact the
3914 official records provided to the Commonwealth of Massachusetts

3915 OEMS for the class fraudulently reflect that the class ran until
3916 10:30 PM.

3917
3918 160. On or about **October 27, 2008**, Defendants Henry Michalski,
3919 Darrell Moore, Robert Piepiora, David Raymond, John Good,
3920 Frank Carabello, and Kevin M. Lyons individually, and in their
3921 official capacity, while acting under color of law as a Emergency
3922 Medical Technician Instructors, and/or EMT Training School
3923 and/or EMT Examiner, for the Commonwealth of Massachusetts in
3924 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
3925 did with other defendants violate, deprive, or infringe upon the
3926 civil rights of Plaintiff James M. Atkinson for the purposes of
3927 personal, political, and professional gains, without just cause, or
3928 lawful authority and did engage in a **Conspiracy** against James M.
3929 Atkinson in contravention of law, by way of an agreement between
3930 the instructors and certain students to defraud the Commonwealth
3931 of Massachusetts Office of EMS (licensing agency) in regards to
3932 course duration and course content. This specific unlawful action
3933 on this date intertwines with other related actions and activities
3934 performed on other dates and forms a unbroken continuation of the

3935 operation of a organized criminal enterprise functioning prior to
3936 this date, spanning this specific date, and continuing onward to the
3937 present date, and affecting both historical, present, and future
3938 events. This action involved the starting of the class on **October 27,**
3939 **2008** at 6:30 PM, the students were dismissed **at 9:10 PM,** when in
3940 fact the official records provided to the Commonwealth of
3941 Massachusetts OEMS for the class fraudulently reflect that the
3942 class ran until 10:30 PM.

3943
3944 161. On or about **October 27, 2008,** Defendants Henry Michalski,
3945 Darrell Moore, Robert Piepiora, David Raymond, John Good,
3946 Frank Carabello, and Kevin M. Lyons individually, and in their
3947 official capacity, while acting under color of law as a Emergency
3948 Medical Technician Instructors, and/or EMT Training School
3949 and/or EMT Examiner, for the Commonwealth of Massachusetts in
3950 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
3951 did with other defendants violate, deprive, or infringe upon the
3952 civil rights of Plaintiff James M. Atkinson for the purposes of
3953 personal, political, and professional gains, without just cause, or
3954 lawful authority and did **engage in Mail Fraud** against James M.

3955 Atkinson in contravention of law by way of sending class rosters
3956 and course documents to the Commonwealth of Massachusetts
3957 OEMS offices for classes which did not take place at all, or for
3958 which hours were reported to be higher than those actually
3959 attended by student. This specific unlawful action on this date
3960 intertwines with other related actions and activities performed on
3961 other dates and forms a unbroken continuation of the operation of a
3962 organized criminal enterprise functioning prior to this date,
3963 spanning this specific date, and continuing onward to the present
3964 date, and affecting both historical, present, and future events. This
3965 action involved the starting of the class on **October 27, 2008** at
3966 6:30 PM, the students were dismissed **at 9:10 PM**, when in fact the
3967 official records provided to the Commonwealth of Massachusetts
3968 OEMS for the class fraudulently reflect that the class ran until
3969 10:30 PM.

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3971 162. On or about **October 27, 2008**, Defendants Henry Michalski,
3972 Darrell Moore, Robert Piepiora, David Raymond, John Good,
3973 Frank Carabello, and Kevin M. Lyons individually, and in their
3974 official capacity, while acting under color of law as a Emergency

3975 Medical Technician Instructors, and/or EMT Training School
3976 and/or EMT Examiner, for the Commonwealth of Massachusetts in
3977 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
3978 did with other defendants violate, deprive, or infringe upon the
3979 civil rights of Plaintiff James M. Atkinson for the purposes of
3980 personal, political, and professional gains, without just cause, or
3981 lawful authority and did engage in **Wire Fraud** against James M.
3982 Atkinson in contravention of law, by way of transmitting
3983 fraudulent E-Mail, and using online learning modalities, and
3984 falsifying the results of online testing. Also, the misuse of inter-
3985 state electronic communications to perform certain EMT Course
3986 functions to include online assignments, online testing, online
3987 examinations, and the use of online resources to create the end of
3988 course written examination. This specific unlawful action on this
3989 date intertwines with other related actions and activities performed
3990 on other dates and forms a unbroken continuation of the operation
3991 of a organized criminal enterprise functioning prior to this date,
3992 spanning this specific date, and continuing onward to the present
3993 date, and affecting both historical, present, and future events. This
3994 action involved the starting of the class on **October 27, 2008** at

3995 6:30 PM, the students were dismissed at 9:10 PM, when in fact the
3996 official records provided to the Commonwealth of Massachusetts
3997 OEMS for the class fraudulently reflect that the class ran until
3998 10:30 PM.

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4000 163. On or about October 27, 2008, Defendants Henry Michalski,
4001 Darrell Moore, Robert Piepiora, David Raymond, John Good,
4002 Frank Carabello, and Kevin M. Lyons individually, and in their
4003 official capacity, while acting under color of law as a Emergency
4004 Medical Technician Instructors, and/or EMT Training School
4005 and/or EMT Examiner, for the Commonwealth of Massachusetts in
4006 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
4007 did with other defendants violate, deprive, or infringe upon the
4008 civil rights of Plaintiff James M. Atkinson for the purposes of
4009 personal, political, and professional gains, without just cause, or
4010 lawful authority and did engage in Scheme to Defraud against
4011 James M. Atkinson in contravention of law, by depriving Atkinson
4012 of the required course durations and content required to
4013 legitimately obtain an EMT license. This specific unlawful action
4014 on this date intertwines with other related actions and activities

4015 performed on other dates and forms a unbroken continuation of the
4016 operation of a organized criminal enterprise functioning prior to
4017 this date, spanning this specific date, and continuing onward to the
4018 present date, and affecting both historical, present, and future
4019 events. This action involved the starting of the class on **October 27,**
4020 **2008** at 6:30 PM, the students were dismissed **at 9:10 PM,** when in
4021 fact the official records provided to the Commonwealth of
4022 Massachusetts OEMS for the class fraudulently reflect that the
4023 class ran until 10:30 PM.

4024
4025 164. On or about **October 27, 2008,** Defendants Henry Michalski,
4026 Darrell Moore, Robert Piepiora, David Raymond, John Good,
4027 Frank Carabello, and Kevin M. Lyons individually, and in their
4028 official capacity, while acting under color of law as a Emergency
4029 Medical Technician Instructors, and/or EMT Training School
4030 and/or EMT Examiner, for the Commonwealth of Massachusetts in
4031 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
4032 did with other defendants violate, deprive, or infringe upon the
4033 civil rights of Plaintiff James M. Atkinson for the purposes of
4034 personal, political, and professional gains, without just cause, or

4035 lawful authority and did engage in **Racketeering** against James M.
4036 Atkinson in contravention of law, by virtue of the operation of a
4037 criminal organization, engaging in conspiracy, obstruction of
4038 justice, mail fraud, wire fraud, Medicare/medical fraud, and other
4039 actions. This specific unlawful action on this date intertwines with
4040 other related actions and activities performed on other dates and
4041 forms a unbroken continuation of the operation of a organized
4042 criminal enterprise functioning prior to this date, spanning this
4043 specific date, and continuing onward to the present date, and
4044 affecting both historical, present, and future events. This action
4045 involved the starting of the class on **October 27, 2008** at 6:30 PM,
4046 the students were dismissed **at 9:10 PM**, when in fact the official
4047 records provided to the Commonwealth of Massachusetts OEMS
4048 for the class fraudulently reflect that the class ran until 10:30 PM.

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4050 165. On or about **October 27, 2008**, Defendants Henry Michalski,
4051 Darrell Moore, Robert Piepiora, David Raymond, John Good,
4052 Frank Carabello, and Kevin M. Lyons individually, and in their
4053 official capacity, while acting under color of law as a Emergency
4054 Medical Technician Instructors, and/or EMT Training School

4055 and/or EMT Examiner, for the Commonwealth of Massachusetts in
4056 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
4057 did with other defendants violate, deprive, or infringe upon the
4058 civil rights of Plaintiff James M. Atkinson for the purposes of
4059 personal, political, and professional gains, without just cause, or
4060 lawful authority and did engage in witness tampering against
4061 James M. Atkinson in contravention of law by contacting Plaintiff
4062 Atkinson both directly and through others and stating they
4063 “Everybody would hang, if we got caught, so everybody has to
4064 have the same story” This specific unlawful action on this date
4065 intertwines with other related actions and activities performed on
4066 other dates and forms a unbroken continuation of the operation of a
4067 organized criminal enterprise functioning prior to this date,
4068 spanning this specific date, and continuing onward to the present
4069 date, and affecting both historical, present, and future events. This
4070 action involved the starting of the class on October 27, 2008 at
4071 6:30 PM, the students were dismissed at 9:10 PM, when in fact the
4072 official records provided to the Commonwealth of Massachusetts
4073 OEMS for the class fraudulently reflect that the class ran until
4074 10:30 PM.

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166. On or about **October 27, 2008**, Defendants Henry Michalski, Darrell Moore, Robert Piepiora, David Raymond, John Good, Frank Carabello, and Kevin M. Lyons individually, and in their official capacity, while acting under color of law as a Emergency Medical Technician Instructors, and/or EMT Training School and/or EMT Examiner, for the Commonwealth of Massachusetts in Boston, MA and Lyons Ambulance, in Danvers, Massachusetts; did with other defendants violate, deprive, or infringe upon the civil rights of Plaintiff James M. Atkinson for the purposes of personal, political, and professional gains, without just cause, or lawful authority and did engage in **Felony Larceny** against James M. Atkinson in contravention of law, by taking monies for goods and services which were not provided. This specific unlawful action on this date intertwines with other related actions and activities performed on other dates and forms a unbroken continuation of the operation of a organized criminal enterprise functioning prior to this date, spanning this specific date, and continuing onward to the present date, and affecting both historical, present, and future events. This action involved the starting of the

4095 class on **October 27, 2008** at 6:30 PM, the students were dismissed
4096 **at 9:10 PM**, when in fact the official records provided to the
4097 Commonwealth of Massachusetts OEMS for the class fraudulently
4098 reflect that the class ran until 10:30 PM.

4099
4100 167. On or about **October 27, 2008**, Defendants Henry Michalski,
4101 Darrell Moore, Robert Piepiora, David Raymond, John Good,
4102 Frank Carabello, and Kevin M. Lyons individually, and in their
4103 official capacity, while acting under color of law as a Emergency
4104 Medical Technician Instructors, and/or EMT Training School
4105 and/or EMT Examiner, for the Commonwealth of Massachusetts in
4106 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
4107 did with other defendants violate, deprive, or infringe upon the
4108 civil rights of Plaintiff James M. Atkinson for the purposes of
4109 personal, political, and professional gains, without just cause, or
4110 lawful authority and did engage in **Obstruction of Justice** against
4111 James M. Atkinson in contravention of law, by contacting the
4112 Plaintiff and instructing him not to talk to state inspectors about the
4113 fraudulent EMT course. This specific unlawful action on this date
4114 intertwines with other related actions and activities performed on

4115 other dates and forms a unbroken continuation of the operation of a
4116 organized criminal enterprise functioning prior to this date,
4117 spanning this specific date, and continuing onward to the present
4118 date, and affecting both historical, present, and future events. This
4119 action involved the starting of the class on **October 27, 2008** at
4120 6:30 PM, the students were dismissed **at 9:10 PM**, when in fact the
4121 official records provided to the Commonwealth of Massachusetts
4122 OEMS for the class fraudulently reflect that the class ran until
4123 10:30 PM.

4124
4125 168. On or about **October 27, 2008**, Defendants Henry Michalski,
4126 Darrell Moore, Robert Piepiora, David Raymond, John Good,
4127 Frank Carabello, and Kevin M. Lyons individually, and in their
4128 official capacity, while acting under color of law as a Emergency
4129 Medical Technician Instructors, and/or EMT Training School
4130 and/or EMT Examiner, for the Commonwealth of Massachusetts in
4131 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
4132 did with other defendants violate, deprive, or infringe upon the
4133 civil rights of Plaintiff James M. Atkinson for the purposes of
4134 personal, political, and professional gains, without just cause, or

4135 lawful authority and did engage in Medicaid and Medicare Fraud
4136 and False Claims against the United States of America in
4137 contravention of law, by way of permitting students to “graduate”
4138 who did not meet the minimum times or skills required to be an
4139 EMT. This specific unlawful action on this date intertwines with
4140 other related actions and activities performed on other dates and
4141 forms a unbroken continuation of the operation of a organized
4142 criminal enterprise functioning prior to this date, spanning this
4143 specific date, and continuing onward to the present date, and
4144 affecting both historical, present, and future events. This action
4145 involved the starting of the class on October 27, 2008 at 6:30 PM,
4146 the students were dismissed at 9:10 PM, when in fact the official
4147 records provided to the Commonwealth of Massachusetts OEMS
4148 for the class fraudulently reflect that the class ran until 10:30 PM.

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4150 169. On or about October 27, 2008, Defendants Henry Michalski,
4151 Darrell Moore, Robert Piepiora, David Raymond, John Good,
4152 Frank Carabello, and Kevin M. Lyons individually, and in their
4153 official capacity, while acting under color of law as a Emergency
4154 Medical Technician Instructors, and/or EMT Training School

4155 and/or EMT Examiner, for the Commonwealth of Massachusetts in
4156 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
4157 did with other defendants violate, deprive, or infringe upon the
4158 civil rights of Plaintiff James M. Atkinson for the purposes of
4159 personal, political, and professional gains, without just cause, or
4160 lawful authority and did engage in **Medicaid and Medicare Fraud**
4161 **and False Claims** against the United States of America in
4162 contravention of law, by assisting unqualified EMTs to bill
4163 Medicaid, Medicare, and numerous insurance companies for
4164 services that were not competently being rendered due to
4165 fraudulent EMT training. This specific unlawful action on this date
4166 intertwines with other related actions and activities performed on
4167 other dates and forms a unbroken continuation of the operation of a
4168 organized criminal enterprise functioning prior to this date,
4169 spanning this specific date, and continuing onward to the present
4170 date, and affecting both historical, present, and future events. This
4171 action involved the starting of the class on **October 27, 2008** at
4172 6:30 PM, the students were dismissed **at 9:10 PM**, when in fact the
4173 official records provided to the Commonwealth of Massachusetts

4174 OEMS for the class fraudulently reflect that the class ran until
4175 10:30 PM.

4176
4177
4178 **Lyons Ambulance EMT Training Fraud**
4179 **October 30, 2008**

4180
4181 170. On or about **October 30, 2008**, Defendants Henry Michalski,
4182 Darrell Moore, Robert Piepiora, David Raymond, John Good,
4183 Frank Carabello, and Kevin M. Lyons individually, and in their
4184 official capacity, while acting under color of law as a Emergency
4185 Medical Technician Instructors, and/or EMT Training School
4186 and/or EMT Examiner, for the Commonwealth of Massachusetts in
4187 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
4188 did with other defendants violate, deprive, or infringe upon the
4189 civil rights of Plaintiff James M. Atkinson for the purposes of
4190 personal, political, and professional gains, without just cause, or
4191 lawful authority and did engage in a **Scheme to Defraud** against
4192 James M. Atkinson in contravention of law, by taking monies for a
4193 fraudulent EMT training course, that did not meet the mandatory
4194 class times required by law. This specific unlawful action on this
4195 date intertwines with other related actions and activities performed
4196 on other dates and forms a unbroken continuation of the operation

4197 of a organized criminal enterprise functioning prior to this date,
4198 spanning this specific date, and continuing onward to the present
4199 date, and affecting both historical, present, and future events. This
4200 action involved the starting of the class on **October 30, 2008** at
4201 6:30 PM, the students were dismissed **at 7:52 PM**, when in fact the
4202 official records provided to the Commonwealth of Massachusetts
4203 OEMS for the class fraudulently reflect that the class ran until
4204 10:30 PM.

4205
4206 171. On or about **October 30, 2008**, Defendants Henry Michalski,
4207 Darrell Moore, Robert Piepiora, David Raymond, John Good,
4208 Frank Carabello, and Kevin M. Lyons individually, and in their
4209 official capacity, while acting under color of law as a Emergency
4210 Medical Technician Instructors, and/or EMT Training School
4211 and/or EMT Examiner, for the Commonwealth of Massachusetts in
4212 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
4213 did with other defendants violate, deprive, or infringe upon the
4214 civil rights of Plaintiff James M. Atkinson for the purposes of
4215 personal, political, and professional gains, without just cause, or
4216 lawful authority and did engage in a **Conspiracy** against James M.

4217 Atkinson in contravention of law, by way of an agreement between
4218 the instructors and certain students to defraud the Commonwealth
4219 of Massachusetts Office of EMS (licensing agency) in regards to
4220 course duration and course content. This specific unlawful action
4221 on this date intertwines with other related actions and activities
4222 performed on other dates and forms a unbroken continuation of the
4223 operation of a organized criminal enterprise functioning prior to
4224 this date, spanning this specific date, and continuing onward to the
4225 present date, and affecting both historical, present, and future
4226 events. This action involved the starting of the class on **October 30,**
4227 **2008** at 6:30 PM, the students were dismissed **at 7:52 PM,** when in
4228 fact the official records provided to the Commonwealth of
4229 Massachusetts OEMS for the class fraudulently reflect that the
4230 class ran until 10:30 PM.

4231
4232 172. On or about **October 30, 2008,** Defendants Henry Michalski,
4233 Darrell Moore, Robert Piepiora, David Raymond, John Good,
4234 Frank Carabello, and Kevin M. Lyons individually, and in their
4235 official capacity, while acting under color of law as a Emergency
4236 Medical Technician Instructors, and/or EMT Training School

4237 and/or EMT Examiner, for the Commonwealth of Massachusetts in
4238 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
4239 did with other defendants violate, deprive, or infringe upon the
4240 civil rights of Plaintiff James M. Atkinson for the purposes of
4241 personal, political, and professional gains, without just cause, or
4242 lawful authority and did engage in Mail Fraud against James M.
4243 Atkinson in contravention of law by way of sending class rosters
4244 and course documents to the Commonwealth of Massachusetts
4245 OEMS offices for classes which did not take place at all, or for
4246 which hours were reported to be higher than those actually
4247 attended by student. This specific unlawful action on this date
4248 intertwines with other related actions and activities performed on
4249 other dates and forms a unbroken continuation of the operation of a
4250 organized criminal enterprise functioning prior to this date,
4251 spanning this specific date, and continuing onward to the present
4252 date, and affecting both historical, present, and future events. This
4253 action involved the starting of the class on October 30, 2008 at
4254 6:30 PM, the students were dismissed at 7:52 PM, when in fact the
4255 official records provided to the Commonwealth of Massachusetts

4256 OEMS for the class fraudulently reflect that the class ran until
4257 10:30 PM.

4258

4259 173. On or about **October 30, 2008**, Defendants Henry Michalski,
4260 Darrell Moore, Robert Piepiora, David Raymond, John Good,
4261 Frank Carabello, and Kevin M. Lyons individually, and in their
4262 official capacity, while acting under color of law as a Emergency
4263 Medical Technician Instructors, and/or EMT Training School
4264 and/or EMT Examiner, for the Commonwealth of Massachusetts in
4265 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
4266 did with other defendants violate, deprive, or infringe upon the
4267 civil rights of Plaintiff James M. Atkinson for the purposes of
4268 personal, political, and professional gains, without just cause, or
4269 lawful authority and did engage in **Wire Fraud** against James M.
4270 Atkinson in contravention of law, by way of transmitting
4271 fraudulent E-Mail, and using online learning modalities, and
4272 falsifying the results of online testing. Also, the misuse of inter-
4273 state electronic communications to perform certain EMT Course
4274 functions to include online assignments, online testing, online
4275 examinations, and the use of online resources to create the end of

4276 course written examination. This specific unlawful action on this
4277 date intertwines with other related actions and activities performed
4278 on other dates and forms a unbroken continuation of the operation
4279 of a organized criminal enterprise functioning prior to this date,
4280 spanning this specific date, and continuing onward to the present
4281 date, and affecting both historical, present, and future events. This
4282 action involved the starting of the class on **October 30, 2008** at
4283 6:30 PM, the students were dismissed **at 7:52 PM**, when in fact the
4284 official records provided to the Commonwealth of Massachusetts
4285 OEMS for the class fraudulently reflect that the class ran until
4286 10:30 PM.

4287
4288 174. On or about **October 30, 2008**, Defendants Henry Michalski,
4289 Darrell Moore, Robert Piepiora, David Raymond, John Good,
4290 Frank Carabello, and Kevin M. Lyons individually, and in their
4291 official capacity, while acting under color of law as a Emergency
4292 Medical Technician Instructors, and/or EMT Training School
4293 and/or EMT Examiner, for the Commonwealth of Massachusetts in
4294 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
4295 did with other defendants violate, deprive, or infringe upon the

4296 civil rights of Plaintiff James M. Atkinson for the purposes of
4297 personal, political, and professional gains, without just cause, or
4298 lawful authority and did engage in **Scheme to Defraud** against
4299 James M. Atkinson in contravention of law, by depriving Atkinson
4300 of the required course durations and content required to
4301 legitimately obtain an EMT license. This specific unlawful action
4302 on this date intertwines with other related actions and activities
4303 performed on other dates and forms a unbroken continuation of the
4304 operation of a organized criminal enterprise functioning prior to
4305 this date, spanning this specific date, and continuing onward to the
4306 present date, and affecting both historical, present, and future
4307 events. This action involved the starting of the class on **October 30,**
4308 **2008** at 6:30 PM, the students were dismissed **at 7:52 PM**, when in
4309 fact the official records provided to the Commonwealth of
4310 Massachusetts OEMS for the class fraudulently reflect that the
4311 class ran until 10:30 PM.

4312
4313 175. On or about **October 30, 2008**, Defendants Henry Michalski,
4314 Darrell Moore, Robert Piepiora, David Raymond, John Good,
4315 Frank Carabello, and Kevin M. Lyons individually, and in their

4316 official capacity, while acting under color of law as a Emergency
4317 Medical Technician Instructors, and/or EMT Training School
4318 and/or EMT Examiner, for the Commonwealth of Massachusetts in
4319 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
4320 did with other defendants violate, deprive, or infringe upon the
4321 civil rights of Plaintiff James M. Atkinson for the purposes of
4322 personal, political, and professional gains, without just cause, or
4323 lawful authority and did engage in **Racketeering** against James M.
4324 Atkinson in contravention of law, by virtue of the operation of a
4325 criminal organization, engaging in conspiracy, obstruction of
4326 justice, mail fraud, wire fraud, Medicare/medical fraud, and other
4327 actions. This specific unlawful action on this date intertwines with
4328 other related actions and activities performed on other dates and
4329 forms a unbroken continuation of the operation of a organized
4330 criminal enterprise functioning prior to this date, spanning this
4331 specific date, and continuing onward to the present date, and
4332 affecting both historical, present, and future events. This action
4333 involved the starting of the class on **October 30, 2008** at 6:30 PM,
4334 the students were dismissed **at 7:52 PM**, when in fact the official

4335 records provided to the Commonwealth of Massachusetts OEMS
4336 for the class fraudulently reflect that the class ran until 10:30 PM.
4337
4338 176. On or about **October 30, 2008**, Defendants Henry Michalski,
4339 Darrell Moore, Robert Piepiora, David Raymond, John Good,
4340 Frank Carabello, and Kevin M. Lyons individually, and in their
4341 official capacity, while acting under color of law as a Emergency
4342 Medical Technician Instructors, and/or EMT Training School
4343 and/or EMT Examiner, for the Commonwealth of Massachusetts in
4344 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
4345 did with other defendants violate, deprive, or infringe upon the
4346 civil rights of Plaintiff James M. Atkinson for the purposes of
4347 personal, political, and professional gains, without just cause, or
4348 lawful authority and did **engage in witness tampering** against
4349 James M. Atkinson in contravention of law by contacting Plaintiff
4350 Atkinson both directly and through others and stating they
4351 “Everybody would hang, if we got caught, so everybody has to
4352 have the same story” This specific unlawful action on this date
4353 intertwines with other related actions and activities performed on
4354 other dates and forms a unbroken continuation of the operation of a

4355 organized criminal enterprise functioning prior to this date,
4356 spanning this specific date, and continuing onward to the present
4357 date, and affecting both historical, present, and future events. This
4358 action involved the starting of the class on **October 30, 2008** at
4359 6:30 PM, the students were dismissed **at 7:52 PM**, when in fact the
4360 official records provided to the Commonwealth of Massachusetts
4361 OEMS for the class fraudulently reflect that the class ran until
4362 10:30 PM.

4363

4364 177. On or about **October 30, 2008**, Defendants Henry Michalski,
4365 Darrell Moore, Robert Piepiora, David Raymond, John Good,
4366 Frank Carabello, and Kevin M. Lyons individually, and in their
4367 official capacity, while acting under color of law as a Emergency
4368 Medical Technician Instructors, and/or EMT Training School
4369 and/or EMT Examiner, for the Commonwealth of Massachusetts in
4370 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
4371 did with other defendants violate, deprive, or infringe upon the
4372 civil rights of Plaintiff James M. Atkinson for the purposes of
4373 personal, political, and professional gains, without just cause, or
4374 lawful authority and did engage in **Felony Larceny** against James

4375 M. Atkinson in contravention of law, by taking monies for goods
4376 and services which were not provided. This specific unlawful
4377 action on this date intertwines with other related actions and
4378 activities performed on other dates and forms a unbroken
4379 continuation of the operation of a organized criminal enterprise
4380 functioning prior to this date, spanning this specific date, and
4381 continuing onward to the present date, and affecting both historical,
4382 present, and future events. This action involved the starting of the
4383 class on **October 30, 2008** at 6:30 PM, the students were dismissed
4384 **at 7:52 PM**, when in fact the official records provided to the
4385 Commonwealth of Massachusetts OEMS for the class fraudulently
4386 reflect that the class ran until 10:30 PM.

4387
4388 178. On or about **October 30, 2008**, Defendants Henry Michalski,
4389 Darrell Moore, Robert Piepiora, David Raymond, John Good,
4390 Frank Carabello, and Kevin M. Lyons individually, and in their
4391 official capacity, while acting under color of law as a Emergency
4392 Medical Technician Instructors, and/or EMT Training School
4393 and/or EMT Examiner, for the Commonwealth of Massachusetts in
4394 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;

4395 did with other defendants violate, deprive, or infringe upon the
4396 civil rights of Plaintiff James M. Atkinson for the purposes of
4397 personal, political, and professional gains, without just cause, or
4398 lawful authority and did engage in **Obstruction of Justice** against
4399 James M. Atkinson in contravention of law, by contacting the
4400 Plaintiff and instructing him not to talk to state inspectors about the
4401 fraudulent EMT course. This specific unlawful action on this date
4402 intertwines with other related actions and activities performed on
4403 other dates and forms a unbroken continuation of the operation of a
4404 organized criminal enterprise functioning prior to this date,
4405 spanning this specific date, and continuing onward to the present
4406 date, and affecting both historical, present, and future events. This
4407 action involved the starting of the class on **October 30, 2008** at
4408 6:30 PM, the students were dismissed **at 7:52 PM**, when in fact the
4409 official records provided to the Commonwealth of Massachusetts
4410 OEMS for the class fraudulently reflect that the class ran until
4411 10:30 PM.

4412
4413 179. On or about **October 30, 2008**, Defendants Henry Michalski,
4414 Darrell Moore, Robert Piepiora, David Raymond, John Good,

4415 Frank Carabello, and Kevin M. Lyons individually, and in their
4416 official capacity, while acting under color of law as a Emergency
4417 Medical Technician Instructors, and/or EMT Training School
4418 and/or EMT Examiner, for the Commonwealth of Massachusetts in
4419 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
4420 did with other defendants violate, deprive, or infringe upon the
4421 civil rights of Plaintiff James M. Atkinson for the purposes of
4422 personal, political, and professional gains, without just cause, or
4423 lawful authority and did **engage in Medicaid and Medicare Fraud**
4424 **and False Claims** against the United States of America in
4425 contravention of law, by way of permitting students to “graduate”
4426 who did not meet the minimum times or skills required to be an
4427 EMT. This specific unlawful action on this date intertwines with
4428 other related actions and activities performed on other dates and
4429 forms a unbroken continuation of the operation of a organized
4430 criminal enterprise functioning prior to this date, spanning this
4431 specific date, and continuing onward to the present date, and
4432 affecting both historical, present, and future events. This action
4433 involved the starting of the class on **October 30, 2008** at 6:30 PM,
4434 the students were dismissed **at 7:52 PM**, when in fact the official

4435 records provided to the Commonwealth of Massachusetts OEMS
4436 for the class fraudulently reflect that the class ran until 10:30 PM.
4437
4438 180. On or about **October 30, 2008**, Defendants Henry Michalski,
4439 Darrell Moore, Robert Piepiora, David Raymond, John Good,
4440 Frank Carabello, and Kevin M. Lyons individually, and in their
4441 official capacity, while acting under color of law as a Emergency
4442 Medical Technician Instructors, and/or EMT Training School
4443 and/or EMT Examiner, for the Commonwealth of Massachusetts in
4444 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
4445 did with other defendants violate, deprive, or infringe upon the
4446 civil rights of Plaintiff James M. Atkinson for the purposes of
4447 personal, political, and professional gains, without just cause, or
4448 lawful authority and did engage in **Medicaid and Medicare Fraud**
4449 **and False Claims** against the United States of America in
4450 contravention of law, by assisting unqualified EMTs to bill
4451 Medicaid, Medicare, and numerous insurance companies for
4452 services that were not competently being rendered due to
4453 fraudulent EMT training. This specific unlawful action on this date
4454 intertwines with other related actions and activities performed on

4455 other dates and forms a unbroken continuation of the operation of a
4456 organized criminal enterprise functioning prior to this date,
4457 spanning this specific date, and continuing onward to the present
4458 date, and affecting both historical, present, and future events. This
4459 action involved the starting of the class on **October 30, 2008** at
4460 6:30 PM, the students were dismissed **at 7:52 PM**, when in fact the
4461 official records provided to the Commonwealth of Massachusetts
4462 OEMS for the class fraudulently reflect that the class ran until
4463 10:30 PM.

4464
4465 **Lyons Ambulance EMT Training Fraud**
4466 **November 6, 2008**
4467

4468 181. On or about **November 6, 2008**, Defendants Henry Michalski,
4469 Darrell Moore, Robert Piepiora, David Raymond, John Good,
4470 Frank Carabello, and Kevin M. Lyons individually, and in their
4471 official capacity, while acting under color of law as a Emergency
4472 Medical Technician Instructors, and/or EMT Training School
4473 and/or EMT Examiner, for the Commonwealth of Massachusetts in
4474 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
4475 did with other defendants violate, deprive, or infringe upon the
4476 civil rights of Plaintiff James M. Atkinson for the purposes of

4477 personal, political, and professional gains, without just cause, or
4478 lawful authority and did engage in a **Scheme to Defraud** against
4479 James M. Atkinson in contravention of law, by taking monies for a
4480 fraudulent EMT training course, that did not meet the mandatory
4481 class times required by law. This specific unlawful action on this
4482 date intertwines with other related actions and activities performed
4483 on other dates and forms a unbroken continuation of the operation
4484 of a organized criminal enterprise functioning prior to this date,
4485 spanning this specific date, and continuing onward to the present
4486 date, and affecting both historical, present, and future events. This
4487 action involved the starting of the class on **November 6, 2008** at
4488 6:30 PM, the students were dismissed **at 9:06 PM**, when in fact the
4489 official records provided to the Commonwealth of Massachusetts
4490 OEMS for the class fraudulently reflect that the class ran until
4491 10:30 PM.

4492

4493 182. On or about **November 6, 2008**, Defendants Henry Michalski,
4494 Darrell Moore, Robert Piepiora, David Raymond, John Good,
4495 Frank Carabello, and Kevin M. Lyons individually, and in their
4496 official capacity, while acting under color of law as a Emergency

4497 Medical Technician Instructors, and/or EMT Training School
4498 and/or EMT Examiner, for the Commonwealth of Massachusetts in
4499 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
4500 did with other defendants violate, deprive, or infringe upon the
4501 civil rights of Plaintiff James M. Atkinson for the purposes of
4502 personal, political, and professional gains, without just cause, or
4503 lawful authority and did engage in a **Conspiracy** against James M.
4504 Atkinson in contravention of law, by way of an agreement between
4505 the instructors and certain students to defraud the Commonwealth
4506 of Massachusetts Office of EMS (licensing agency) in regards to
4507 course duration and course content. This specific unlawful action
4508 on this date intertwines with other related actions and activities
4509 performed on other dates and forms a unbroken continuation of the
4510 operation of a organized criminal enterprise functioning prior to
4511 this date, spanning this specific date, and continuing onward to the
4512 present date, and affecting both historical, present, and future
4513 events. This action involved the starting of the class on **November**
4514 **6, 2008** at 6:30 PM, the students were dismissed **at 9:06 PM**, when
4515 in fact the official records provided to the Commonwealth of

4516 Massachusetts OEMS for the class fraudulently reflect that the
4517 class ran until 10:30 PM.

4518
4519 183. On or about **November 6, 2008**, Defendants Henry Michalski,
4520 Darrell Moore, Robert Piepiora, David Raymond, John Good,
4521 Frank Carabello, and Kevin M. Lyons individually, and in their
4522 official capacity, while acting under color of law as a Emergency
4523 Medical Technician Instructors, and/or EMT Training School
4524 and/or EMT Examiner, for the Commonwealth of Massachusetts in
4525 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
4526 did with other defendants violate, deprive, or infringe upon the
4527 civil rights of Plaintiff James M. Atkinson for the purposes of
4528 personal, political, and professional gains, without just cause, or
4529 lawful authority and did **engage in Mail Fraud** against James M.
4530 Atkinson in contravention of law by way of sending class rosters
4531 and course documents to the Commonwealth of Massachusetts
4532 OEMS offices for classes which did not take place at all, or for
4533 which hours were reported to be higher then those actually
4534 attended by student. This specific unlawful action on this date
4535 intertwines with other related actions and activities performed on

4536 other dates and forms a unbroken continuation of the operation of a
4537 organized criminal enterprise functioning prior to this date,
4538 spanning this specific date, and continuing onward to the present
4539 date, and affecting both historical, present, and future events. This
4540 action involved the starting of the class on November 6, 2008 at
4541 6:30 PM, the students were dismissed at 9:06 PM, when in fact the
4542 official records provided to the Commonwealth of Massachusetts
4543 OEMS for the class fraudulently reflect that the class ran until
4544 10:30 PM.

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4546 184. On or about November 6, 2008, Defendants Henry Michalski,
4547 Darrell Moore, Robert Piepiora, David Raymond, John Good,
4548 Frank Carabello, and Kevin M. Lyons individually, and in their
4549 official capacity, while acting under color of law as a Emergency
4550 Medical Technician Instructors, and/or EMT Training School
4551 and/or EMT Examiner, for the Commonwealth of Massachusetts in
4552 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
4553 did with other defendants violate, deprive, or infringe upon the
4554 civil rights of Plaintiff James M. Atkinson for the purposes of
4555 personal, political, and professional gains, without just cause, or

4556 lawful authority and did engage in **Wire Fraud** against James M.
4557 Atkinson in contravention of law, by way of transmitting
4558 fraudulent E-Mail, and using online learning modalities, and
4559 falsifying the results of online testing. Also, the misuse of inter-
4560 state electronic communications to perform certain EMT Course
4561 functions to include online assignments, online testing, online
4562 examinations, and the use of online resources to create the end of
4563 course written examination. This specific unlawful action on this
4564 date intertwines with other related actions and activities performed
4565 on other dates and forms a unbroken continuation of the operation
4566 of a organized criminal enterprise functioning prior to this date,
4567 spanning this specific date, and continuing onward to the present
4568 date, and affecting both historical, present, and future events. This
4569 action involved the starting of the class on **November 6, 2008** at
4570 6:30 PM, the students were dismissed **at 9:06 PM**, when in fact the
4571 official records provided to the Commonwealth of Massachusetts
4572 OEMS for the class fraudulently reflect that the class ran until
4573 10:30 PM.

4574

4575 185. On or about **November 6, 2008**, Defendants Henry Michalski,
4576 Darrell Moore, Robert Piepiora, David Raymond, John Good,
4577 Frank Carabello, and Kevin M. Lyons individually, and in their
4578 official capacity, while acting under color of law as a Emergency
4579 Medical Technician Instructors, and/or EMT Training School
4580 and/or EMT Examiner, for the Commonwealth of Massachusetts in
4581 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
4582 did with other defendants violate, deprive, or infringe upon the
4583 civil rights of Plaintiff James M. Atkinson for the purposes of
4584 personal, political, and professional gains, without just cause, or
4585 lawful authority and did engage in **Scheme to Defraud** against
4586 James M. Atkinson in contravention of law, by depriving Atkinson
4587 of the required course durations and content required to
4588 legitimately obtain an EMT license. This specific unlawful action
4589 on this date intertwines with other related actions and activities
4590 performed on other dates and forms a unbroken continuation of the
4591 operation of a organized criminal enterprise functioning prior to
4592 this date, spanning this specific date, and continuing onward to the
4593 present date, and affecting both historical, present, and future
4594 events. This action involved the starting of the class on **November**

4595 6, 2008 at 6:30 PM, the students were dismissed at 9:06 PM, when
4596 in fact the official records provided to the Commonwealth of
4597 Massachusetts OEMS for the class fraudulently reflect that the
4598 class ran until 10:30 PM.

4599

4600 186. On or about November 6, 2008, Defendants Henry Michalski,
4601 Darrell Moore, Robert Piepiora, David Raymond, John Good,
4602 Frank Carabello, and Kevin M. Lyons individually, and in their
4603 official capacity, while acting under color of law as a Emergency
4604 Medical Technician Instructors, and/or EMT Training School
4605 and/or EMT Examiner, for the Commonwealth of Massachusetts in
4606 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
4607 did with other defendants violate, deprive, or infringe upon the
4608 civil rights of Plaintiff James M. Atkinson for the purposes of
4609 personal, political, and professional gains, without just cause, or
4610 lawful authority and did engage in Racketeering against James M.
4611 Atkinson in contravention of law, by virtue of the operation of a
4612 criminal organization, engaging in conspiracy, obstruction of
4613 justice, mail fraud, wire fraud, Medicare/medical fraud, and other
4614 actions. This specific unlawful action on this date intertwines with

4615 other related actions and activities performed on other dates and
4616 forms a unbroken continuation of the operation of a organized
4617 criminal enterprise functioning prior to this date, spanning this
4618 specific date, and continuing onward to the present date, and
4619 affecting both historical, present, and future events. This action
4620 involved the starting of the class on **November 6, 2008** at 6:30 PM,
4621 the students were dismissed **at 9:06 PM**, when in fact the official
4622 records provided to the Commonwealth of Massachusetts OEMS
4623 for the class fraudulently reflect that the class ran until 10:30 PM.

4624
4625 187. On or about **November 6, 2008**, Defendants Henry Michalski,
4626 Darrell Moore, Robert Piepiora, David Raymond, John Good,
4627 Frank Carabello, and Kevin M. Lyons individually, and in their
4628 official capacity, while acting under color of law as a Emergency
4629 Medical Technician Instructors, and/or EMT Training School
4630 and/or EMT Examiner, for the Commonwealth of Massachusetts in
4631 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
4632 did with other defendants violate, deprive, or infringe upon the
4633 civil rights of Plaintiff James M. Atkinson for the purposes of
4634 personal, political, and professional gains, without just cause, or

4635 lawful authority and did engage in witness tampering against
4636 James M. Atkinson in contravention of law by contacting Plaintiff
4637 Atkinson both directly and through others and stating they
4638 “Everybody would hang, if we got caught, so everybody has to
4639 have the same story” This specific unlawful action on this date
4640 intertwines with other related actions and activities performed on
4641 other dates and forms a unbroken continuation of the operation of a
4642 organized criminal enterprise functioning prior to this date,
4643 spanning this specific date, and continuing onward to the present
4644 date, and affecting both historical, present, and future events. This
4645 action involved the starting of the class on November 6, 2008 at
4646 6:30 PM, the students were dismissed at 9:06 PM, when in fact the
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4648 OEMS for the class fraudulently reflect that the class ran until
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4651 188. On or about November 6, 2008, Defendants Henry Michalski,
4652 Darrell Moore, Robert Piepiora, David Raymond, John Good,
4653 Frank Carabello, and Kevin M. Lyons individually, and in their
4654 official capacity, while acting under color of law as a Emergency

4655 Medical Technician Instructors, and/or EMT Training School
4656 and/or EMT Examiner, for the Commonwealth of Massachusetts in
4657 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
4658 did with other defendants violate, deprive, or infringe upon the
4659 civil rights of Plaintiff James M. Atkinson for the purposes of
4660 personal, political, and professional gains, without just cause, or
4661 lawful authority and did engage in **Felony Larceny** against James
4662 M. Atkinson in contravention of law, by taking monies for goods
4663 and services which were not provided. This specific unlawful
4664 action on this date intertwines with other related actions and
4665 activities performed on other dates and forms a unbroken
4666 continuation of the operation of a organized criminal enterprise
4667 functioning prior to this date, spanning this specific date, and
4668 continuing onward to the present date, and affecting both historical,
4669 present, and future events. This action involved the starting of the
4670 class on **November 6, 2008** at 6:30 PM, the students were
4671 dismissed **at 9:06 PM**, when in fact the official records provided to
4672 the Commonwealth of Massachusetts OEMS for the class
4673 fraudulently reflect that the class ran until 10:30 PM.

4674

4675 189. On or about **November 6, 2008**, Defendants Henry Michalski,
4676 Darrell Moore, Robert Piepiora, David Raymond, John Good,
4677 Frank Carabello, and Kevin M. Lyons individually, and in their
4678 official capacity, while acting under color of law as a Emergency
4679 Medical Technician Instructors, and/or EMT Training School
4680 and/or EMT Examiner, for the Commonwealth of Massachusetts in
4681 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
4682 did with other defendants violate, deprive, or infringe upon the
4683 civil rights of Plaintiff James M. Atkinson for the purposes of
4684 personal, political, and professional gains, without just cause, or
4685 lawful authority and did engage in **Obstruction of Justice** against
4686 James M. Atkinson in contravention of law, by contacting the
4687 Plaintiff and instructing him not to talk to state inspectors about the
4688 fraudulent EMT course. This specific unlawful action on this date
4689 intertwines with other related actions and activities performed on
4690 other dates and forms a unbroken continuation of the operation of a
4691 organized criminal enterprise functioning prior to this date,
4692 spanning this specific date, and continuing onward to the present
4693 date, and affecting both historical, present, and future events. This
4694 action involved the starting of the class on **November 6, 2008** at

4695 6:30 PM, the students were dismissed at 9:06 PM, when in fact the
4696 official records provided to the Commonwealth of Massachusetts
4697 OEMS for the class fraudulently reflect that the class ran until
4698 10:30 PM.

4699
4700 190. On or about November 6, 2008, Defendants Henry Michalski,
4701 Darrell Moore, Robert Piepiora, David Raymond, John Good,
4702 Frank Carabello, and Kevin M. Lyons individually, and in their
4703 official capacity, while acting under color of law as a Emergency
4704 Medical Technician Instructors, and/or EMT Training School
4705 and/or EMT Examiner, for the Commonwealth of Massachusetts in
4706 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
4707 did with other defendants violate, deprive, or infringe upon the
4708 civil rights of Plaintiff James M. Atkinson for the purposes of
4709 personal, political, and professional gains, without just cause, or
4710 lawful authority and did engage in Medicaid and Medicare Fraud
4711 and False Claims against the United States of America in
4712 contravention of law, by way of permitting students to “graduate”
4713 who did not meet the minimum times or skills required to be an
4714 EMT. This specific unlawful action on this date intertwines with

4715 other related actions and activities performed on other dates and
4716 forms a unbroken continuation of the operation of a organized
4717 criminal enterprise functioning prior to this date, spanning this
4718 specific date, and continuing onward to the present date, and
4719 affecting both historical, present, and future events. This action
4720 involved the starting of the class on **November 6, 2008** at 6:30 PM,
4721 the students were dismissed **at 9:06 PM**, when in fact the official
4722 records provided to the Commonwealth of Massachusetts OEMS
4723 for the class fraudulently reflect that the class ran until 10:30 PM.

4724

4725 191. On or about **November 6, 2008**, Defendants Henry Michalski,
4726 Darrell Moore, Robert Piepiora, David Raymond, John Good,
4727 Frank Carabello, and Kevin M. Lyons individually, and in their
4728 official capacity, while acting under color of law as a Emergency
4729 Medical Technician Instructors, and/or EMT Training School
4730 and/or EMT Examiner, for the Commonwealth of Massachusetts in
4731 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
4732 did with other defendants violate, deprive, or infringe upon the
4733 civil rights of Plaintiff James M. Atkinson for the purposes of
4734 personal, political, and professional gains, without just cause, or

4735 lawful authority and did engage in **Medicaid and Medicare Fraud**
4736 **and False Claims** against the United States of America in
4737 contravention of law, by assisting unqualified EMTs to bill
4738 Medicaid, Medicare, and numerous insurance companies for
4739 services that were not competently being rendered due to
4740 fraudulent EMT training. This specific unlawful action on this date
4741 intertwines with other related actions and activities performed on
4742 other dates and forms a unbroken continuation of the operation of a
4743 organized criminal enterprise functioning prior to this date,
4744 spanning this specific date, and continuing onward to the present
4745 date, and affecting both historical, present, and future events. This
4746 action involved the starting of the class on **November 6, 2008** at
4747 6:30 PM, the students were dismissed **at 9:06 PM**, when in fact the
4748 official records provided to the Commonwealth of Massachusetts
4749 OEMS for the class fraudulently reflect that the class ran until
4750 10:30 PM.

4751
4752
4753 **Lyons Ambulance EMT Training Fraud**
4754 **November 13, 2008**

4755
4756 192. On or about **November 13, 2008**, Defendants Henry Michalski,
4757 Darrell Moore, Robert Piepiora, David Raymond, John Good,

4758 Frank Carabello, and Kevin M. Lyons individually, and in their
4759 official capacity, while acting under color of law as a Emergency
4760 Medical Technician Instructors, and/or EMT Training School
4761 and/or EMT Examiner, for the Commonwealth of Massachusetts in
4762 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
4763 did with other defendants violate, deprive, or infringe upon the
4764 civil rights of Plaintiff James M. Atkinson for the purposes of
4765 personal, political, and professional gains, without just cause, or
4766 lawful authority and did engage in a **Scheme to Defraud** against
4767 James M. Atkinson in contravention of law, by taking monies for a
4768 fraudulent EMT training course, that did not meet the mandatory
4769 class times required by law. This specific unlawful action on this
4770 date intertwines with other related actions and activities performed
4771 on other dates and forms a unbroken continuation of the operation
4772 of a organized criminal enterprise functioning prior to this date,
4773 spanning this specific date, and continuing onward to the present
4774 date, and affecting both historical, present, and future events. This
4775 action involved the starting of the class on **November 13, 2008** at
4776 6:30 PM, the students were dismissed **at 7:50 PM** (so that the
4777 instructors could watch the ball game at their home at 8:00 PM),

4778 when in fact the official records provided to the Commonwealth of
4779 Massachusetts OEMS for the class fraudulently reflect that the
4780 class ran until 10:30 PM.

4781

4782 193. On or about **November 13, 2008**, Defendants Henry Michalski,
4783 Darrell Moore, Robert Piepiora, David Raymond, John Good,
4784 Frank Carabello, and Kevin M. Lyons individually, and in their
4785 official capacity, while acting under color of law as a Emergency
4786 Medical Technician Instructors, and/or EMT Training School
4787 and/or EMT Examiner, for the Commonwealth of Massachusetts in
4788 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
4789 did with other defendants violate, deprive, or infringe upon the
4790 civil rights of Plaintiff James M. Atkinson for the purposes of
4791 personal, political, and professional gains, without just cause, or
4792 lawful authority and did engage in a **Conspiracy** against James M.
4793 Atkinson in contravention of law, by way of an agreement between
4794 the instructors and certain students to defraud the Commonwealth
4795 of Massachusetts Office of EMS (licensing agency) in regards to
4796 course duration and course content. This specific unlawful action
4797 on this date intertwines with other related actions and activities

4798 performed on other dates and forms a unbroken continuation of the
4799 operation of a organized criminal enterprise functioning prior to
4800 this date, spanning this specific date, and continuing onward to the
4801 present date, and affecting both historical, present, and future
4802 events. This action involved the starting of the class on **November**
4803 **13, 2008** at 6:30 PM, the students were dismissed **at 7:50 PM,**
4804 when in fact the official records provided to the Commonwealth of
4805 Massachusetts OEMS for the class fraudulently reflect that the
4806 class ran until 10:30 PM.

4807
4808 194. On or about **November 13, 2008,** Defendants Henry Michalski,
4809 Darrell Moore, Robert Piepiora, David Raymond, John Good,
4810 Frank Carabello, and Kevin M. Lyons individually, and in their
4811 official capacity, while acting under color of law as a Emergency
4812 Medical Technician Instructors, and/or EMT Training School
4813 and/or EMT Examiner, for the Commonwealth of Massachusetts in
4814 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
4815 did with other defendants violate, deprive, or infringe upon the
4816 civil rights of Plaintiff James M. Atkinson for the purposes of
4817 personal, political, and professional gains, without just cause, or

4818 lawful authority and did engage in Mail Fraud against James M.
4819 Atkinson in contravention of law by way of sending class rosters
4820 and course documents to the Commonwealth of Massachusetts
4821 OEMS offices for classes which did not take place at all, or for
4822 which hours were reported to be higher than those actually
4823 attended by student. This specific unlawful action on this date
4824 intertwines with other related actions and activities performed on
4825 other dates and forms a unbroken continuation of the operation of a
4826 organized criminal enterprise functioning prior to this date,
4827 spanning this specific date, and continuing onward to the present
4828 date, and affecting both historical, present, and future events. This
4829 action involved the starting of the class on November 13, 2008 at
4830 6:30 PM, the students were dismissed at 7:50 PM, when in fact the
4831 official records provided to the Commonwealth of Massachusetts
4832 OEMS for the class fraudulently reflect that the class ran until
4833 10:30 PM.

4834
4835 195. On or about November 13, 2008, Defendants Henry Michalski,
4836 Darrell Moore, Robert Piepiora, David Raymond, John Good,
4837 Frank Carabello, and Kevin M. Lyons individually, and in their

4838 official capacity, while acting under color of law as a Emergency
4839 Medical Technician Instructors, and/or EMT Training School
4840 and/or EMT Examiner, for the Commonwealth of Massachusetts in
4841 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
4842 did with other defendants violate, deprive, or infringe upon the
4843 civil rights of Plaintiff James M. Atkinson for the purposes of
4844 personal, political, and professional gains, without just cause, or
4845 lawful authority and did engage in **Wire Fraud** against James M.
4846 Atkinson in contravention of law, by way of transmitting
4847 fraudulent E-Mail, and using online learning modalities, and
4848 falsifying the results of online testing. Also, the misuse of inter-
4849 state electronic communications to perform certain EMT Course
4850 functions to include online assignments, online testing, online
4851 examinations, and the use of online resources to create the end of
4852 course written examination. This specific unlawful action on this
4853 date intertwines with other related actions and activities performed
4854 on other dates and forms a unbroken continuation of the operation
4855 of a organized criminal enterprise functioning prior to this date,
4856 spanning this specific date, and continuing onward to the present
4857 date, and affecting both historical, present, and future events. This

4858 action involved the starting of the class on **November 13, 2008** at
4859 6:30 PM, the students were dismissed **at 7:50 PM**, when in fact the
4860 official records provided to the Commonwealth of Massachusetts
4861 OEMS for the class fraudulently reflect that the class ran until
4862 10:30 PM.

4863
4864 196. On or about **November 13, 2008**, Defendants Henry Michalski,
4865 Darrell Moore, Robert Piepiora, David Raymond, John Good,
4866 Frank Carabello, and Kevin M. Lyons individually, and in their
4867 official capacity, while acting under color of law as a Emergency
4868 Medical Technician Instructors, and/or EMT Training School
4869 and/or EMT Examiner, for the Commonwealth of Massachusetts in
4870 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
4871 did with other defendants violate, deprive, or infringe upon the
4872 civil rights of Plaintiff James M. Atkinson for the purposes of
4873 personal, political, and professional gains, without just cause, or
4874 lawful authority and did engage in **Scheme to Defraud** against
4875 James M. Atkinson in contravention of law, by depriving Atkinson
4876 of the required course durations and content required to
4877 legitimately obtain an EMT license. This specific unlawful action

4878 on this date intertwines with other related actions and activities
4879 performed on other dates and forms a unbroken continuation of the
4880 operation of a organized criminal enterprise functioning prior to
4881 this date, spanning this specific date, and continuing onward to the
4882 present date, and affecting both historical, present, and future
4883 events. This action involved the starting of the class on **November**
4884 **13, 2008** at 6:30 PM, the students were dismissed **at 7:50 PM**,
4885 when in fact the official records provided to the Commonwealth of
4886 Massachusetts OEMS for the class fraudulently reflect that the
4887 class ran until 10:30 PM.

4888
4889 197. On or about **November 13, 2008**, Defendants Henry Michalski,
4890 Darrell Moore, Robert Piepiora, David Raymond, John Good,
4891 Frank Carabello, and Kevin M. Lyons individually, and in their
4892 official capacity, while acting under color of law as a Emergency
4893 Medical Technician Instructors, and/or EMT Training School
4894 and/or EMT Examiner, for the Commonwealth of Massachusetts in
4895 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
4896 did with other defendants violate, deprive, or infringe upon the
4897 civil rights of Plaintiff James M. Atkinson for the purposes of

4898 personal, political, and professional gains, without just cause, or
4899 lawful authority and did engage in **Racketeering** against James M.
4900 Atkinson in contravention of law, by virtue of the operation of a
4901 criminal organization, engaging in conspiracy, obstruction of
4902 justice, mail fraud, wire fraud, Medicare/medical fraud, and other
4903 actions. This specific unlawful action on this date intertwines with
4904 other related actions and activities performed on other dates and
4905 forms a unbroken continuation of the operation of a organized
4906 criminal enterprise functioning prior to this date, spanning this
4907 specific date, and continuing onward to the present date, and
4908 affecting both historical, present, and future events. This action
4909 involved the starting of the class on **November 13, 2008** at 6:30
4910 PM, the students were dismissed **at 7:50 PM**, when in fact the
4911 official records provided to the Commonwealth of Massachusetts
4912 OEMS for the class fraudulently reflect that the class ran until
4913 10:30 PM.

4914
4915 198. On or about **November 13, 2008**, Defendants Henry Michalski,
4916 Darrell Moore, Robert Piepiora, David Raymond, John Good,
4917 Frank Carabello, and Kevin M. Lyons individually, and in their

4918 official capacity, while acting under color of law as a Emergency
4919 Medical Technician Instructors, and/or EMT Training School
4920 and/or EMT Examiner, for the Commonwealth of Massachusetts in
4921 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
4922 did with other defendants violate, deprive, or infringe upon the
4923 civil rights of Plaintiff James M. Atkinson for the purposes of
4924 personal, political, and professional gains, without just cause, or
4925 lawful authority and did engage in witness tampering against
4926 James M. Atkinson in contravention of law by contacting Plaintiff
4927 Atkinson both directly and through others and stating they
4928 “Everybody would hang, if we got caught, so everybody has to
4929 have the same story” This specific unlawful action on this date
4930 intertwines with other related actions and activities performed on
4931 other dates and forms a unbroken continuation of the operation of a
4932 organized criminal enterprise functioning prior to this date,
4933 spanning this specific date, and continuing onward to the present
4934 date, and affecting both historical, present, and future events. This
4935 action involved the starting of the class on November 13, 2008 at
4936 6:30 PM, the students were dismissed at 7:50 PM, when in fact the
4937 official records provided to the Commonwealth of Massachusetts

4938 OEMS for the class fraudulently reflect that the class ran until
4939 10:30 PM.

4940
4941 199. On or about **November 13, 2008**, Defendants Henry Michalski,
4942 Darrell Moore, Robert Piepiora, David Raymond, John Good,
4943 Frank Carabello, and Kevin M. Lyons individually, and in their
4944 official capacity, while acting under color of law as a Emergency
4945 Medical Technician Instructors, and/or EMT Training School
4946 and/or EMT Examiner, for the Commonwealth of Massachusetts in
4947 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
4948 did with other defendants violate, deprive, or infringe upon the
4949 civil rights of Plaintiff James M. Atkinson for the purposes of
4950 personal, political, and professional gains, without just cause, or
4951 lawful authority and did engage in **Felony Larceny** against James
4952 M. Atkinson in contravention of law, by taking monies for goods
4953 and services which were not provided. This specific unlawful
4954 action on this date intertwines with other related actions and
4955 activities performed on other dates and forms a unbroken
4956 continuation of the operation of a organized criminal enterprise
4957 functioning prior to this date, spanning this specific date, and

4958 continuing onward to the present date, and affecting both historical,
4959 present, and future events. This action involved the starting of the
4960 class on **November 13, 2008** at 6:30 PM, the students were
4961 dismissed **at 7:50 PM**, when in fact the official records provided to
4962 the Commonwealth of Massachusetts OEMS for the class
4963 fraudulently reflect that the class ran until 10:30 PM.

4964
4965 200. On or about **November 13, 2008**, Defendants Henry Michalski,
4966 Darrell Moore, Robert Piepiora, David Raymond, John Good,
4967 Frank Carabello, and Kevin M. Lyons individually, and in their
4968 official capacity, while acting under color of law as a Emergency
4969 Medical Technician Instructors, and/or EMT Training School
4970 and/or EMT Examiner, for the Commonwealth of Massachusetts in
4971 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
4972 did with other defendants violate, deprive, or infringe upon the
4973 civil rights of Plaintiff James M. Atkinson for the purposes of
4974 personal, political, and professional gains, without just cause, or
4975 lawful authority and did engage in **Obstruction of Justice** against
4976 James M. Atkinson in contravention of law, by contacting the
4977 Plaintiff and instructing him not to talk to state inspectors about the

4978 fraudulent EMT course. This specific unlawful action on this date
4979 intertwines with other related actions and activities performed on
4980 other dates and forms a unbroken continuation of the operation of a
4981 organized criminal enterprise functioning prior to this date,
4982 spanning this specific date, and continuing onward to the present
4983 date, and affecting both historical, present, and future events. This
4984 action involved the starting of the class on **November 13, 2008** at
4985 6:30 PM, the students were dismissed **at 7:50 PM**, when in fact the
4986 official records provided to the Commonwealth of Massachusetts
4987 OEMS for the class fraudulently reflect that the class ran until
4988 10:30 PM.

4989
4990 201. On or about **November 13, 2008**, Defendants Henry Michalski,
4991 Darrell Moore, Robert Piepiora, David Raymond, John Good,
4992 Frank Carabello, and Kevin M. Lyons individually, and in their
4993 official capacity, while acting under color of law as a Emergency
4994 Medical Technician Instructors, and/or EMT Training School
4995 and/or EMT Examiner, for the Commonwealth of Massachusetts in
4996 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
4997 did with other defendants violate, deprive, or infringe upon the

4998 civil rights of Plaintiff James M. Atkinson for the purposes of
4999 personal, political, and professional gains, without just cause, or
5000 lawful authority and did **engage in Medicaid and Medicare Fraud**
5001 **and False Claims** against the United States of America in
5002 contravention of law, by way of permitting students to “graduate”
5003 who did not meet the minimum times or skills required to be an
5004 EMT. This specific unlawful action on this date intertwines with
5005 other related actions and activities performed on other dates and
5006 forms a unbroken continuation of the operation of a organized
5007 criminal enterprise functioning prior to this date, spanning this
5008 specific date, and continuing onward to the present date, and
5009 affecting both historical, present, and future events. This action
5010 involved the starting of the class on **November 13, 2008** at 6:30
5011 PM, the students were dismissed **at 7:50 PM**, when in fact the
5012 official records provided to the Commonwealth of Massachusetts
5013 OEMS for the class fraudulently reflect that the class ran until
5014 10:30 PM.

5015

5016 202. On or about **November 13, 2008**, Defendants Henry Michalski,
5017 Darrell Moore, Robert Piepiora, David Raymond, John Good,

5018 Frank Carabello, and Kevin M. Lyons individually, and in their
5019 official capacity, while acting under color of law as a Emergency
5020 Medical Technician Instructors, and/or EMT Training School
5021 and/or EMT Examiner, for the Commonwealth of Massachusetts in
5022 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
5023 did with other defendants violate, deprive, or infringe upon the
5024 civil rights of Plaintiff James M. Atkinson for the purposes of
5025 personal, political, and professional gains, without just cause, or
5026 lawful authority and did engage in **Medicaid and Medicare Fraud**
5027 **and False Claims** against the United States of America in
5028 contravention of law, by assisting unqualified EMTs to bill
5029 Medicaid, Medicare, and numerous insurance companies for
5030 services that were not competently being rendered due to
5031 fraudulent EMT training. This specific unlawful action on this date
5032 intertwines with other related actions and activities performed on
5033 other dates and forms a unbroken continuation of the operation of a
5034 organized criminal enterprise functioning prior to this date,
5035 spanning this specific date, and continuing onward to the present
5036 date, and affecting both historical, present, and future events. This
5037 action involved the starting of the class on **November 13, 2008** at

5038 6:30 PM, the students were dismissed at 7:50 PM, when in fact the
5039 official records provided to the Commonwealth of Massachusetts
5040 OEMS for the class fraudulently reflect that the class ran until
5041 10:30 PM.

5042
5043 **Lyons Ambulance EMT Training Fraud**
5044 **November 17, 2008**
5045

5046 203. On or about November 17, 2008, Defendants Henry Michalski,
5047 Darrell Moore, Robert Piepiora, David Raymond, John Good,
5048 Frank Carabello, and Kevin M. Lyons individually, and in their
5049 official capacity, while acting under color of law as a Emergency
5050 Medical Technician Instructors, and/or EMT Training School
5051 and/or EMT Examiner, for the Commonwealth of Massachusetts in
5052 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
5053 did with other defendants violate, deprive, or infringe upon the
5054 civil rights of Plaintiff James M. Atkinson for the purposes of
5055 personal, political, and professional gains, without just cause, or
5056 lawful authority and did engage in a Scheme to Defraud against
5057 James M. Atkinson in contravention of law, by taking monies for a
5058 fraudulent EMT training course, that did not meet the mandatory
5059 class times required by law. This specific unlawful action on this

5060 date intertwines with other related actions and activities performed
5061 on other dates and forms a unbroken continuation of the operation
5062 of a organized criminal enterprise functioning prior to this date,
5063 spanning this specific date, and continuing onward to the present
5064 date, and affecting both historical, present, and future events. This
5065 action involved the starting of the class on **November 17, 2008** at
5066 6:30 PM, the students were dismissed **at 9:15 PM**, when in fact the
5067 official records provided to the Commonwealth of Massachusetts
5068 OEMS for the class fraudulently reflect that the class ran until
5069 10:30 PM.

5070
5071 204. On or about **November 17, 2008**, Defendants Henry Michalski,
5072 Darrell Moore, Robert Piepiora, David Raymond, John Good,
5073 Frank Carabello, and Kevin M. Lyons individually, and in their
5074 official capacity, while acting under color of law as a Emergency
5075 Medical Technician Instructors, and/or EMT Training School
5076 and/or EMT Examiner, for the Commonwealth of Massachusetts in
5077 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
5078 did with other defendants violate, deprive, or infringe upon the
5079 civil rights of Plaintiff James M. Atkinson for the purposes of

5080 personal, political, and professional gains, without just cause, or
5081 lawful authority and did engage in a **Conspiracy** against James M.
5082 Atkinson in contravention of law, by way of an agreement between
5083 the instructors and certain students to defraud the Commonwealth
5084 of Massachusetts Office of EMS (licensing agency) in regards to
5085 course duration and course content. This specific unlawful action
5086 on this date intertwines with other related actions and activities
5087 performed on other dates and forms a unbroken continuation of the
5088 operation of a organized criminal enterprise functioning prior to
5089 this date, spanning this specific date, and continuing onward to the
5090 present date, and affecting both historical, present, and future
5091 events. This action involved the starting of the class on **November**
5092 **17, 2008** at 6:30 PM, the students were dismissed **at 9:15 PM,**
5093 when in fact the official records provided to the Commonwealth of
5094 Massachusetts OEMS for the class fraudulently reflect that the
5095 class ran until 10:30 PM.

5096
5097 205. On or about **November 17, 2008,** Defendants Henry Michalski,
5098 Darrell Moore, Robert Piepiora, David Raymond, John Good,
5099 Frank Carabello, and Kevin M. Lyons individually, and in their

5100 official capacity, while acting under color of law as a Emergency
5101 Medical Technician Instructors, and/or EMT Training School
5102 and/or EMT Examiner, for the Commonwealth of Massachusetts in
5103 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
5104 did with other defendants violate, deprive, or infringe upon the
5105 civil rights of Plaintiff James M. Atkinson for the purposes of
5106 personal, political, and professional gains, without just cause, or
5107 lawful authority and did engage in Mail Fraud against James M.
5108 Atkinson in contravention of law by way of sending class rosters
5109 and course documents to the Commonwealth of Massachusetts
5110 OEMS offices for classes which did not take place at all, or for
5111 which hours were reported to be higher then those actually
5112 attended by student. This specific unlawful action on this date
5113 intertwines with other related actions and activities performed on
5114 other dates and forms a unbroken continuation of the operation of a
5115 organized criminal enterprise functioning prior to this date,
5116 spanning this specific date, and continuing onward to the present
5117 date, and affecting both historical, present, and future events. This
5118 action involved the starting of the class on November 17, 2008 at
5119 6:30 PM, the students were dismissed at 9:15 PM, when in fact the

5120 official records provided to the Commonwealth of Massachusetts
5121 OEMS for the class fraudulently reflect that the class ran until
5122 10:30 PM.

5123

5124 206. On or about **November 17, 2008**, Defendants Henry Michalski,
5125 Darrell Moore, Robert Piepiora, David Raymond, John Good,
5126 Frank Carabello, and Kevin M. Lyons individually, and in their
5127 official capacity, while acting under color of law as a Emergency
5128 Medical Technician Instructors, and/or EMT Training School
5129 and/or EMT Examiner, for the Commonwealth of Massachusetts in
5130 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
5131 did with other defendants violate, deprive, or infringe upon the
5132 civil rights of Plaintiff James M. Atkinson for the purposes of
5133 personal, political, and professional gains, without just cause, or
5134 lawful authority and did engage in **Wire Fraud** against James M.
5135 Atkinson in contravention of law, by way of transmitting
5136 fraudulent E-Mail, and using online learning modalities, and
5137 falsifying the results of online testing. Also, the misuse of inter-
5138 state electronic communications to perform certain EMT Course
5139 functions to include online assignments, online testing, online

5140 examinations, and the use of online resources to create the end of
5141 course written examination. This specific unlawful action on this
5142 date intertwines with other related actions and activities performed
5143 on other dates and forms a unbroken continuation of the operation
5144 of a organized criminal enterprise functioning prior to this date,
5145 spanning this specific date, and continuing onward to the present
5146 date, and affecting both historical, present, and future events. This
5147 action involved the starting of the class on **November 17, 2008** at
5148 6:30 PM, the students were dismissed **at 9:15 PM**, when in fact the
5149 official records provided to the Commonwealth of Massachusetts
5150 OEMS for the class fraudulently reflect that the class ran until
5151 10:30 PM.

5152
5153 207. On or about **November 17, 2008**, Defendants Henry Michalski,
5154 Darrell Moore, Robert Piepiora, David Raymond, John Good,
5155 Frank Carabello, and Kevin M. Lyons individually, and in their
5156 official capacity, while acting under color of law as a Emergency
5157 Medical Technician Instructors, and/or EMT Training School
5158 and/or EMT Examiner, for the Commonwealth of Massachusetts in
5159 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;

5160 did with other defendants violate, deprive, or infringe upon the
5161 civil rights of Plaintiff James M. Atkinson for the purposes of
5162 personal, political, and professional gains, without just cause, or
5163 lawful authority and did engage in **Scheme to Defraud** against
5164 James M. Atkinson in contravention of law, by depriving Atkinson
5165 of the required course durations and content required to
5166 legitimately obtain an EMT license. This specific unlawful action
5167 on this date intertwines with other related actions and activities
5168 performed on other dates and forms a unbroken continuation of the
5169 operation of a organized criminal enterprise functioning prior to
5170 this date, spanning this specific date, and continuing onward to the
5171 present date, and affecting both historical, present, and future
5172 events. This action involved the starting of the class on **November**
5173 **17, 2008** at 6:30 PM, the students were dismissed **at 9:15 PM,**
5174 when in fact the official records provided to the Commonwealth of
5175 Massachusetts OEMS for the class fraudulently reflect that the
5176 class ran until 10:30 PM.

5177

5178 208. On or about **November 17, 2008**, Defendants Henry Michalski,
5179 Darrell Moore, Robert Piepiora, David Raymond, John Good,

5180 Frank Carabello, and Kevin M. Lyons individually, and in their
5181 official capacity, while acting under color of law as a Emergency
5182 Medical Technician Instructors, and/or EMT Training School
5183 and/or EMT Examiner, for the Commonwealth of Massachusetts in
5184 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
5185 did with other defendants violate, deprive, or infringe upon the
5186 civil rights of Plaintiff James M. Atkinson for the purposes of
5187 personal, political, and professional gains, without just cause, or
5188 lawful authority and did engage in **Scheme to Defraud** against
5189 James M. Atkinson in contravention of law, by depriving Atkinson
5190 of the required course durations and content required to
5191 legitimately obtain an EMT license. This specific unlawful action
5192 on this date intertwines with other related actions and activities
5193 performed on other dates and forms a unbroken continuation of the
5194 operation of a organized criminal enterprise functioning prior to
5195 this date, spanning this specific date, and continuing onward to the
5196 present date, and affecting both historical, present, and future
5197 events. This action involved the fraudulent issuing of American
5198 Heart Association Professional Level Cardio Pulmonary
5199 Resuscitation (CPR) credentials to over 20 students who had not in

5200 fact been trained in the subject matter, and where were merely
5201 given credentials without the required training, written testing, and
5202 practical testing.

5203

5204 209. On or about **November 17, 2008**, Defendants Henry Michalski,
5205 Darrell Moore, Robert Piepiora, David Raymond, John Good,
5206 Frank Carabello, and Kevin M. Lyons individually, and in their
5207 official capacity, while acting under color of law as a Emergency
5208 Medical Technician Instructors, and/or EMT Training School
5209 and/or EMT Examiner, for the Commonwealth of Massachusetts in
5210 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
5211 did with other defendants violate, deprive, or infringe upon the
5212 civil rights of Plaintiff James M. Atkinson for the purposes of
5213 personal, political, and professional gains, without just cause, or
5214 lawful authority and did engage in **Racketeering** against James M.
5215 Atkinson in contravention of law, by virtue of the operation of a
5216 criminal organization, engaging in conspiracy, obstruction of
5217 justice, mail fraud, wire fraud, Medicare/medical fraud, and other
5218 actions. This specific unlawful action on this date intertwines with
5219 other related actions and activities performed on other dates and

5220 forms a unbroken continuation of the operation of a organized
5221 criminal enterprise functioning prior to this date, spanning this
5222 specific date, and continuing onward to the present date, and
5223 affecting both historical, present, and future events. This action
5224 involved the starting of the class on November 17, 2008 at 6:30
5225 PM, the students were dismissed at 9:15 PM, when in fact the
5226 official records provided to the Commonwealth of Massachusetts
5227 OEMS for the class fraudulently reflect that the class ran until
5228 10:30 PM.

5229
5230 210. On or about November 17, 2008, Defendants Henry Michalski,
5231 Darrell Moore, Robert Piepiora, David Raymond, John Good,
5232 Frank Carabello, and Kevin M. Lyons individually, and in their
5233 official capacity, while acting under color of law as a Emergency
5234 Medical Technician Instructors, and/or EMT Training School
5235 and/or EMT Examiner, for the Commonwealth of Massachusetts in
5236 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
5237 did with other defendants violate, deprive, or infringe upon the
5238 civil rights of Plaintiff James M. Atkinson for the purposes of
5239 personal, political, and professional gains, without just cause, or

5240 lawful authority and did engage in witness tampering against
5241 James M. Atkinson in contravention of law by contacting Plaintiff
5242 Atkinson both directly and through others and stating they
5243 “Everybody would hang, if we got caught, so everybody has to
5244 have the same story” This specific unlawful action on this date
5245 intertwines with other related actions and activities performed on
5246 other dates and forms a unbroken continuation of the operation of a
5247 organized criminal enterprise functioning prior to this date,
5248 spanning this specific date, and continuing onward to the present
5249 date, and affecting both historical, present, and future events. This
5250 action involved the starting of the class on November 17, 2008 at
5251 6:30 PM, the students were dismissed at 9:15 PM, when in fact the
5252 official records provided to the Commonwealth of Massachusetts
5253 OEMS for the class fraudulently reflect that the class ran until
5254 10:30 PM.

5255
5256 211. On or about November 17, 2008, Defendants Henry Michalski,
5257 Darrell Moore, Robert Piepiora, David Raymond, John Good,
5258 Frank Carabello, and Kevin M. Lyons individually, and in their
5259 official capacity, while acting under color of law as a Emergency

5260 Medical Technician Instructors, and/or EMT Training School
5261 and/or EMT Examiner, for the Commonwealth of Massachusetts in
5262 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
5263 did with other defendants violate, deprive, or infringe upon the
5264 civil rights of Plaintiff James M. Atkinson for the purposes of
5265 personal, political, and professional gains, without just cause, or
5266 lawful authority and did engage in **Felony Larceny** against James
5267 M. Atkinson in contravention of law, by taking monies for goods
5268 and services which were not provided. This specific unlawful
5269 action on this date intertwines with other related actions and
5270 activities performed on other dates and forms a unbroken
5271 continuation of the operation of a organized criminal enterprise
5272 functioning prior to this date, spanning this specific date, and
5273 continuing onward to the present date, and affecting both historical,
5274 present, and future events. This action involved the starting of the
5275 class on **November 17, 2008** at 6:30 PM, the students were
5276 dismissed **at 9:15 PM**, when in fact the official records provided to
5277 the Commonwealth of Massachusetts OEMS for the class
5278 fraudulently reflect that the class ran until 10:30 PM.

5279

5280 212. On or about **November 17, 2008**, Defendants Henry Michalski,
5281 Darrell Moore, Robert Piepiora, David Raymond, John Good,
5282 Frank Carabello, and Kevin M. Lyons individually, and in their
5283 official capacity, while acting under color of law as a Emergency
5284 Medical Technician Instructors, and/or EMT Training School
5285 and/or EMT Examiner, for the Commonwealth of Massachusetts in
5286 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
5287 did with other defendants violate, deprive, or infringe upon the
5288 civil rights of Plaintiff James M. Atkinson for the purposes of
5289 personal, political, and professional gains, without just cause, or
5290 lawful authority and did engage in **Obstruction of Justice** against
5291 James M. Atkinson in contravention of law, by contacting the
5292 Plaintiff and instructing him not to talk to state inspectors about the
5293 fraudulent EMT course. This specific unlawful action on this date
5294 intertwines with other related actions and activities performed on
5295 other dates and forms a unbroken continuation of the operation of a
5296 organized criminal enterprise functioning prior to this date,
5297 spanning this specific date, and continuing onward to the present
5298 date, and affecting both historical, present, and future events. This
5299 action involved the starting of the class on **November 17, 2008** at

5300 6:30 PM, the students were dismissed at 9:15 PM, when in fact the
5301 official records provided to the Commonwealth of Massachusetts
5302 OEMS for the class fraudulently reflect that the class ran until
5303 10:30 PM.

5304
5305 213. On or about November 17, 2008, Defendants Henry Michalski,
5306 Darrell Moore, Robert Piepiora, David Raymond, John Good,
5307 Frank Carabello, and Kevin M. Lyons individually, and in their
5308 official capacity, while acting under color of law as a Emergency
5309 Medical Technician Instructors, and/or EMT Training School
5310 and/or EMT Examiner, for the Commonwealth of Massachusetts in
5311 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
5312 did with other defendants violate, deprive, or infringe upon the
5313 civil rights of Plaintiff James M. Atkinson for the purposes of
5314 personal, political, and professional gains, without just cause, or
5315 lawful authority and did engage in Medicaid and Medicare Fraud
5316 and False Claims against the United States of America in
5317 contravention of law, by way of permitting students to “graduate”
5318 who did not meet the minimum times or skills required to be an
5319 EMT. This specific unlawful action on this date intertwines with

5320 other related actions and activities performed on other dates and
5321 forms a unbroken continuation of the operation of a organized
5322 criminal enterprise functioning prior to this date, spanning this
5323 specific date, and continuing onward to the present date, and
5324 affecting both historical, present, and future events. This action
5325 involved the starting of the class on **November 17, 2008** at 6:30
5326 PM, the students were dismissed **at 9:15 PM**, when in fact the
5327 official records provided to the Commonwealth of Massachusetts
5328 OEMS for the class fraudulently reflect that the class ran until
5329 10:30 PM.

5330
5331 214. On or about **November 17, 2008**, Defendants Henry Michalski,
5332 Darrell Moore, Robert Piepiora, David Raymond, John Good,
5333 Frank Carabello, and Kevin M. Lyons individually, and in their
5334 official capacity, while acting under color of law as a Emergency
5335 Medical Technician Instructors, and/or EMT Training School
5336 and/or EMT Examiner, for the Commonwealth of Massachusetts in
5337 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
5338 did with other defendants violate, deprive, or infringe upon the
5339 civil rights of Plaintiff James M. Atkinson for the purposes of

5340 personal, political, and professional gains, without just cause, or
5341 lawful authority and did engage in **Medicaid and Medicare Fraud**
5342 **and False Claims** against the United States of America in
5343 contravention of law, by assisting unqualified EMTs to bill
5344 Medicaid, Medicare, and numerous insurance companies for
5345 services that were not competently being rendered due to
5346 fraudulent EMT training. This specific unlawful action on this date
5347 intertwines with other related actions and activities performed on
5348 other dates and forms a unbroken continuation of the operation of a
5349 organized criminal enterprise functioning prior to this date,
5350 spanning this specific date, and continuing onward to the present
5351 date, and affecting both historical, present, and future events. This
5352 action involved the starting of the class on **November 17, 2008** at
5353 6:30 PM, the students were dismissed **at 9:15 PM**, when in fact the
5354 official records provided to the Commonwealth of Massachusetts
5355 OEMS for the class fraudulently reflect that the class ran until
5356 10:30 PM.

5357
5358 **Lyons Ambulance EMT Training Fraud**
5359 **November 20, 2008**
5360

5361 215. On or about **November 20, 2008**, Defendants Henry Michalski,
5362 Darrell Moore, Robert Piepiora, David Raymond, John Good,
5363 Frank Carabello, and Kevin M. Lyons individually, and in their
5364 official capacity, while acting under color of law as a Emergency
5365 Medical Technician Instructors, and/or EMT Training School
5366 and/or EMT Examiner, for the Commonwealth of Massachusetts in
5367 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
5368 did with other defendants violate, deprive, or infringe upon the
5369 civil rights of Plaintiff James M. Atkinson for the purposes of
5370 personal, political, and professional gains, without just cause, or
5371 lawful authority and did engage in a **Scheme to Defraud** against
5372 James M. Atkinson in contravention of law, by taking monies for a
5373 fraudulent EMT training course, that did not meet the mandatory
5374 class times required by law. This specific unlawful action on this
5375 date intertwines with other related actions and activities performed
5376 on other dates and forms a unbroken continuation of the operation
5377 of a organized criminal enterprise functioning prior to this date,
5378 spanning this specific date, and continuing onward to the present
5379 date, and affecting both historical, present, and future events. This
5380 action involved the starting of the class on **November 20, 2008** at

5381 6:30 PM, the students were dismissed at 9:05 PM, when in fact the
5382 official records provided to the Commonwealth of Massachusetts
5383 OEMS for the class fraudulently reflect that the class ran until
5384 10:30 PM.

5385
5386 216. On or about November 20, 2008, Defendants Henry Michalski,
5387 Darrell Moore, Robert Piepiora, David Raymond, John Good,
5388 Frank Carabello, and Kevin M. Lyons individually, and in their
5389 official capacity, while acting under color of law as a Emergency
5390 Medical Technician Instructors, and/or EMT Training School
5391 and/or EMT Examiner, for the Commonwealth of Massachusetts in
5392 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
5393 did with other defendants violate, deprive, or infringe upon the
5394 civil rights of Plaintiff James M. Atkinson for the purposes of
5395 personal, political, and professional gains, without just cause, or
5396 lawful authority and did engage in a Conspiracy against James M.
5397 Atkinson in contravention of law, by way of an agreement between
5398 the instructors and certain students to defraud the Commonwealth
5399 of Massachusetts Office of EMS (licensing agency) in regards to
5400 course duration and course content. This specific unlawful action

5401 on this date intertwines with other related actions and activities
5402 performed on other dates and forms a unbroken continuation of the
5403 operation of a organized criminal enterprise functioning prior to
5404 this date, spanning this specific date, and continuing onward to the
5405 present date, and affecting both historical, present, and future
5406 events. This action involved the starting of the class on **November**
5407 **20, 2008** at 6:30 PM, the students were dismissed **at 9:05 PM**,
5408 when in fact the official records provided to the Commonwealth of
5409 Massachusetts OEMS for the class fraudulently reflect that the
5410 class ran until 10:30 PM.

5411
5412 217. On or about **November 20, 2008**, Defendants Henry Michalski,
5413 Darrell Moore, Robert Piepiora, David Raymond, John Good,
5414 Frank Carabello, and Kevin M. Lyons individually, and in their
5415 official capacity, while acting under color of law as a Emergency
5416 Medical Technician Instructors, and/or EMT Training School
5417 and/or EMT Examiner, for the Commonwealth of Massachusetts in
5418 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
5419 did with other defendants violate, deprive, or infringe upon the
5420 civil rights of Plaintiff James M. Atkinson for the purposes of

5421 personal, political, and professional gains, without just cause, or
5422 lawful authority and did engage in Mail Fraud against James M.
5423 Atkinson in contravention of law by way of sending class rosters
5424 and course documents to the Commonwealth of Massachusetts
5425 OEMS offices for classes which did not take place at all, or for
5426 which hours were reported to be higher then those actually
5427 attended by student. This specific unlawful action on this date
5428 intertwines with other related actions and activities performed on
5429 other dates and forms a unbroken continuation of the operation of a
5430 organized criminal enterprise functioning prior to this date,
5431 spanning this specific date, and continuing onward to the present
5432 date, and affecting both historical, present, and future events. This
5433 action involved the starting of the class on November 20, 2008 at
5434 6:30 PM, the students were dismissed at 9:05 PM, when in fact the
5435 official records provided to the Commonwealth of Massachusetts
5436 OEMS for the class fraudulently reflect that the class ran until
5437 10:30 PM.

5438
5439 218. On or about November 20, 2008, Defendants Henry Michalski,
5440 Darrell Moore, Robert Piepiora, David Raymond, John Good,

5441 Frank Carabello, and Kevin M. Lyons individually, and in their
5442 official capacity, while acting under color of law as a Emergency
5443 Medical Technician Instructors, and/or EMT Training School
5444 and/or EMT Examiner, for the Commonwealth of Massachusetts in
5445 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
5446 did with other defendants violate, deprive, or infringe upon the
5447 civil rights of Plaintiff James M. Atkinson for the purposes of
5448 personal, political, and professional gains, without just cause, or
5449 lawful authority and did engage in **Wire Fraud** against James M.
5450 Atkinson in contravention of law, by way of transmitting
5451 fraudulent E-Mail, and using online learning modalities, and
5452 falsifying the results of online testing. Also, the misuse of inter-
5453 state electronic communications to perform certain EMT Course
5454 functions to include online assignments, online testing, online
5455 examinations, and the use of online resources to create the end of
5456 course written examination. This specific unlawful action on this
5457 date intertwines with other related actions and activities performed
5458 on other dates and forms a unbroken continuation of the operation
5459 of a organized criminal enterprise functioning prior to this date,
5460 spanning this specific date, and continuing onward to the present

5461 date, and affecting both historical, present, and future events. This
5462 action involved the starting of the class on **November 20, 2008** at
5463 6:30 PM, the students were dismissed **at 9:05 PM**, when in fact the
5464 official records provided to the Commonwealth of Massachusetts
5465 OEMS for the class fraudulently reflect that the class ran until
5466 10:30 PM.

5467
5468 219. On or about **November 20, 2008**, Defendants Henry Michalski,
5469 Darrell Moore, Robert Piepiora, David Raymond, John Good,
5470 Frank Carabello, and Kevin M. Lyons individually, and in their
5471 official capacity, while acting under color of law as a Emergency
5472 Medical Technician Instructors, and/or EMT Training School
5473 and/or EMT Examiner, for the Commonwealth of Massachusetts in
5474 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
5475 did with other defendants violate, deprive, or infringe upon the
5476 civil rights of Plaintiff James M. Atkinson for the purposes of
5477 personal, political, and professional gains, without just cause, or
5478 lawful authority and did engage in **Scheme to Defraud** against
5479 James M. Atkinson in contravention of law, by depriving Atkinson
5480 of the required course durations and content required to

5481 legitimately obtain an EMT license. This specific unlawful action
5482 on this date intertwines with other related actions and activities
5483 performed on other dates and forms a unbroken continuation of the
5484 operation of a organized criminal enterprise functioning prior to
5485 this date, spanning this specific date, and continuing onward to the
5486 present date, and affecting both historical, present, and future
5487 events. This action involved the starting of the class on **November**
5488 **20, 2008** at 6:30 PM, the students were dismissed **at 9:05 PM**,
5489 when in fact the official records provided to the Commonwealth of
5490 Massachusetts OEMS for the class fraudulently reflect that the
5491 class ran until 10:30 PM.

5492
5493 220. On or about **November 20, 2008**, Defendants Henry Michalski,
5494 Darrell Moore, Robert Piepiora, David Raymond, John Good,
5495 Frank Carabello, and Kevin M. Lyons individually, and in their
5496 official capacity, while acting under color of law as a Emergency
5497 Medical Technician Instructors, and/or EMT Training School
5498 and/or EMT Examiner, for the Commonwealth of Massachusetts in
5499 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
5500 did with other defendants violate, deprive, or infringe upon the

5501 civil rights of Plaintiff James M. Atkinson for the purposes of
5502 personal, political, and professional gains, without just cause, or
5503 lawful authority and did engage in **Racketeering** against James M.
5504 Atkinson in contravention of law, by virtue of the operation of a
5505 criminal organization, engaging in conspiracy, obstruction of
5506 justice, mail fraud, wire fraud, Medicare/medical fraud, and other
5507 actions. This specific unlawful action on this date intertwines with
5508 other related actions and activities performed on other dates and
5509 forms a unbroken continuation of the operation of a organized
5510 criminal enterprise functioning prior to this date, spanning this
5511 specific date, and continuing onward to the present date, and
5512 affecting both historical, present, and future events. This action
5513 involved the starting of the class on **November 20, 2008** at 6:30
5514 PM, the students were dismissed **at 9:05 PM**, when in fact the
5515 official records provided to the Commonwealth of Massachusetts
5516 OEMS for the class fraudulently reflect that the class ran until
5517 10:30 PM.

5518

5519 221. On or about **November 20, 2008**, Defendants Henry Michalski,
5520 Darrell Moore, Robert Piepiora, David Raymond, John Good,

5521 Frank Carabello, and Kevin M. Lyons individually, and in their
5522 official capacity, while acting under color of law as a Emergency
5523 Medical Technician Instructors, and/or EMT Training School
5524 and/or EMT Examiner, for the Commonwealth of Massachusetts in
5525 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
5526 did with other defendants violate, deprive, or infringe upon the
5527 civil rights of Plaintiff James M. Atkinson for the purposes of
5528 personal, political, and professional gains, without just cause, or
5529 lawful authority and did engage in witness tampering against
5530 James M. Atkinson in contravention of law by contacting Plaintiff
5531 Atkinson both directly and through others and stating they
5532 “Everybody would hang, if we got caught, so everybody has to
5533 have the same story” This specific unlawful action on this date
5534 intertwines with other related actions and activities performed on
5535 other dates and forms a unbroken continuation of the operation of a
5536 organized criminal enterprise functioning prior to this date,
5537 spanning this specific date, and continuing onward to the present
5538 date, and affecting both historical, present, and future events. This
5539 action involved the starting of the class on November 20, 2008 at
5540 6:30 PM, the students were dismissed at 9:05 PM, when in fact the

5541 official records provided to the Commonwealth of Massachusetts
5542 OEMS for the class fraudulently reflect that the class ran until
5543 10:30 PM.

5544

5545 222. On or about **November 20, 2008**, Defendants Henry Michalski,
5546 Darrell Moore, Robert Piepiora, David Raymond, John Good,
5547 Frank Carabello, and Kevin M. Lyons individually, and in their
5548 official capacity, while acting under color of law as a Emergency
5549 Medical Technician Instructors, and/or EMT Training School
5550 and/or EMT Examiner, for the Commonwealth of Massachusetts in
5551 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
5552 did with other defendants violate, deprive, or infringe upon the
5553 civil rights of Plaintiff James M. Atkinson for the purposes of
5554 personal, political, and professional gains, without just cause, or
5555 lawful authority and did engage in **Felony Larceny** against James
5556 M. Atkinson in contravention of law, by taking monies for goods
5557 and services which were not provided. This specific unlawful
5558 action on this date intertwines with other related actions and
5559 activities performed on other dates and forms a unbroken
5560 continuation of the operation of a organized criminal enterprise

5561 functioning prior to this date, spanning this specific date, and
5562 continuing onward to the present date, and affecting both historical,
5563 present, and future events. This action involved the starting of the
5564 class on **November 20, 2008** at 6:30 PM, the students were
5565 dismissed **at 9:05 PM**, when in fact the official records provided to
5566 the Commonwealth of Massachusetts OEMS for the class
5567 fraudulently reflect that the class ran until 10:30 PM.

5568
5569 223. On or about **November 20, 2008**, Defendants Henry Michalski,
5570 Darrell Moore, Robert Piepiora, David Raymond, John Good,
5571 Frank Carabello, and Kevin M. Lyons individually, and in their
5572 official capacity, while acting under color of law as a Emergency
5573 Medical Technician Instructors, and/or EMT Training School
5574 and/or EMT Examiner, for the Commonwealth of Massachusetts in
5575 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
5576 did with other defendants violate, deprive, or infringe upon the
5577 civil rights of Plaintiff James M. Atkinson for the purposes of
5578 personal, political, and professional gains, without just cause, or
5579 lawful authority and did engage in **Obstruction of Justice** against
5580 James M. Atkinson in contravention of law, by contacting the

5581 Plaintiff and instructing him not to talk to state inspectors about the
5582 fraudulent EMT course. This specific unlawful action on this date
5583 intertwines with other related actions and activities performed on
5584 other dates and forms a unbroken continuation of the operation of a
5585 organized criminal enterprise functioning prior to this date,
5586 spanning this specific date, and continuing onward to the present
5587 date, and affecting both historical, present, and future events. This
5588 action involved the starting of the class on **November 20, 2008** at
5589 6:30 PM, the students were dismissed **at 9:05 PM**, when in fact the
5590 official records provided to the Commonwealth of Massachusetts
5591 OEMS for the class fraudulently reflect that the class ran until
5592 10:30 PM.

5593
5594 224. On or about **November 20, 2008**, Defendants Henry Michalski,
5595 Darrell Moore, Robert Piepiora, David Raymond, John Good,
5596 Frank Carabello, and Kevin M. Lyons individually, and in their
5597 official capacity, while acting under color of law as a Emergency
5598 Medical Technician Instructors, and/or EMT Training School
5599 and/or EMT Examiner, for the Commonwealth of Massachusetts in
5600 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;

5601 did with other defendants violate, deprive, or infringe upon the
5602 civil rights of Plaintiff James M. Atkinson for the purposes of
5603 personal, political, and professional gains, without just cause, or
5604 lawful authority and did engage in Medicaid and Medicare Fraud
5605 and False Claims against the United States of America in
5606 contravention of law, by way of permitting students to “graduate”
5607 who did not meet the minimum times or skills required to be an
5608 EMT. This specific unlawful action on this date intertwines with
5609 other related actions and activities performed on other dates and
5610 forms a unbroken continuation of the operation of a organized
5611 criminal enterprise functioning prior to this date, spanning this
5612 specific date, and continuing onward to the present date, and
5613 affecting both historical, present, and future events. This action
5614 involved the starting of the class on November 20, 2008 at 6:30
5615 PM, the students were dismissed at 9:05 PM, when in fact the
5616 official records provided to the Commonwealth of Massachusetts
5617 OEMS for the class fraudulently reflect that the class ran until
5618 10:30 PM.

5619

5620 225. On or about **November 20, 2008**, Defendants Henry Michalski,
5621 Darrell Moore, Robert Piepiora, David Raymond, John Good,
5622 Frank Carabello, and Kevin M. Lyons individually, and in their
5623 official capacity, while acting under color of law as a Emergency
5624 Medical Technician Instructors, and/or EMT Training School
5625 and/or EMT Examiner, for the Commonwealth of Massachusetts in
5626 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
5627 did with other defendants violate, deprive, or infringe upon the
5628 civil rights of Plaintiff James M. Atkinson for the purposes of
5629 personal, political, and professional gains, without just cause, or
5630 lawful authority and did engage in **Medicaid and Medicare Fraud**
5631 **and False Claims** against the United States of America in
5632 contravention of law, by assisting unqualified EMTs to bill
5633 Medicaid, Medicare, and numerous insurance companies for
5634 services that were not competently being rendered due to
5635 fraudulent EMT training. This specific unlawful action on this date
5636 intertwines with other related actions and activities performed on
5637 other dates and forms a unbroken continuation of the operation of a
5638 organized criminal enterprise functioning prior to this date,
5639 spanning this specific date, and continuing onward to the present

5640 date, and affecting both historical, present, and future events. This
5641 action involved the starting of the class on **November 20, 2008** at
5642 6:30 PM, the students were dismissed **at 9:05 PM**, when in fact the
5643 official records provided to the Commonwealth of Massachusetts
5644 OEMS for the class fraudulently reflect that the class ran until
5645 10:30 PM.

5646
5647
5648 **Lyons Ambulance EMT Training Fraud**
5649 **November 24, 2008**
5650

5651 226. On or about **November 24, 2008**, Defendants Henry Michalski,
5652 Darrell Moore, Robert Piepiora, David Raymond, John Good,
5653 Frank Carabello, and Kevin M. Lyons individually, and in their
5654 official capacity, while acting under color of law as a Emergency
5655 Medical Technician Instructors, and/or EMT Training School
5656 and/or EMT Examiner, for the Commonwealth of Massachusetts in
5657 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
5658 did with other defendants violate, deprive, or infringe upon the
5659 civil rights of Plaintiff James M. Atkinson for the purposes of
5660 personal, political, and professional gains, without just cause, or
5661 lawful authority and did engage in a **Scheme to Defraud** against
5662 James M. Atkinson in contravention of law, by taking monies for a

5663 fraudulent EMT training course, that did not meet the mandatory
5664 class times required by law. This specific unlawful action on this
5665 date intertwines with other related actions and activities performed
5666 on other dates and forms a unbroken continuation of the operation
5667 of a organized criminal enterprise functioning prior to this date,
5668 spanning this specific date, and continuing onward to the present
5669 date, and affecting both historical, present, and future events. This
5670 action involved the starting of the class on November 24, 2008 at
5671 6:30 PM, the students were dismissed at 8:10 PM, when in fact the
5672 official records provided to the Commonwealth of Massachusetts
5673 OEMS for the class fraudulently reflect that the class ran until
5674 10:30 PM.

5675
5676 227. On or about November 24, 2008, Defendants Henry Michalski,
5677 Darrell Moore, Robert Piepiora, David Raymond, John Good,
5678 Frank Carabello, and Kevin M. Lyons individually, and in their
5679 official capacity, while acting under color of law as a Emergency
5680 Medical Technician Instructors, and/or EMT Training School
5681 and/or EMT Examiner, for the Commonwealth of Massachusetts in
5682 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;

5683 did with other defendants violate, deprive, or infringe upon the
5684 civil rights of Plaintiff James M. Atkinson for the purposes of
5685 personal, political, and professional gains, without just cause, or
5686 lawful authority and did engage in a **Conspiracy** against James M.
5687 Atkinson in contravention of law, by way of an agreement between
5688 the instructors and certain students to defraud the Commonwealth
5689 of Massachusetts Office of EMS (licensing agency) in regards to
5690 course duration and course content. This specific unlawful action
5691 on this date intertwines with other related actions and activities
5692 performed on other dates and forms a unbroken continuation of the
5693 operation of a organized criminal enterprise functioning prior to
5694 this date, spanning this specific date, and continuing onward to the
5695 present date, and affecting both historical, present, and future
5696 events. This action involved the starting of the class on **November**
5697 **24, 2008** at 6:30 PM, the students were dismissed **at 8:10 PM**,
5698 when in fact the official records provided to the Commonwealth of
5699 Massachusetts OEMS for the class fraudulently reflect that the
5700 class ran until 10:30 PM.

5701

5702 228. On or about **November 24, 2008**, Defendants Henry Michalski,
5703 Darrell Moore, Robert Piepiora, David Raymond, John Good,
5704 Frank Carabello, and Kevin M. Lyons individually, and in their
5705 official capacity, while acting under color of law as a Emergency
5706 Medical Technician Instructors, and/or EMT Training School
5707 and/or EMT Examiner, for the Commonwealth of Massachusetts in
5708 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
5709 did with other defendants violate, deprive, or infringe upon the
5710 civil rights of Plaintiff James M. Atkinson for the purposes of
5711 personal, political, and professional gains, without just cause, or
5712 lawful authority and did **engage in Mail Fraud** against James M.
5713 Atkinson in contravention of law by way of sending class rosters
5714 and course documents to the Commonwealth of Massachusetts
5715 OEMS offices for classes which did not take place at all, or for
5716 which hours were reported to be higher then those actually
5717 attended by student. This specific unlawful action on this date
5718 intertwines with other related actions and activities performed on
5719 other dates and forms a unbroken continuation of the operation of a
5720 organized criminal enterprise functioning prior to this date,
5721 spanning this specific date, and continuing onward to the present

5722 date, and affecting both historical, present, and future events. This
5723 action involved the starting of the class on **November 24, 2008** at
5724 6:30 PM, the students were dismissed **at 8:10 PM**, when in fact the
5725 official records provided to the Commonwealth of Massachusetts
5726 OEMS for the class fraudulently reflect that the class ran until
5727 10:30 PM.

5728
5729 229. On or about **November 24, 2008**, Defendants Henry Michalski,
5730 Darrell Moore, Robert Piepiora, David Raymond, John Good,
5731 Frank Carabello, and Kevin M. Lyons individually, and in their
5732 official capacity, while acting under color of law as a Emergency
5733 Medical Technician Instructors, and/or EMT Training School
5734 and/or EMT Examiner, for the Commonwealth of Massachusetts in
5735 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
5736 did with other defendants violate, deprive, or infringe upon the
5737 civil rights of Plaintiff James M. Atkinson for the purposes of
5738 personal, political, and professional gains, without just cause, or
5739 lawful authority and did engage in **Wire Fraud** against James M.
5740 Atkinson in contravention of law, by way of transmitting
5741 fraudulent E-Mail, and using online learning modalities, and

5742 falsifying the results of online testing. Also, the misuse of inter-
5743 state electronic communications to perform certain EMT Course
5744 functions to include online assignments, online testing, online
5745 examinations, and the use of online resources to create the end of
5746 course written examination. This specific unlawful action on this
5747 date intertwines with other related actions and activities performed
5748 on other dates and forms a unbroken continuation of the operation
5749 of a organized criminal enterprise functioning prior to this date,
5750 spanning this specific date, and continuing onward to the present
5751 date, and affecting both historical, present, and future events. This
5752 action involved the starting of the class on **November 24, 2008** at
5753 6:30 PM, the students were dismissed **at 8:10 PM**, when in fact the
5754 official records provided to the Commonwealth of Massachusetts
5755 OEMS for the class fraudulently reflect that the class ran until
5756 10:30 PM.

5757
5758 230. On or about **November 24, 2008**, Defendants Henry Michalski,
5759 Darrell Moore, Robert Piepiora, David Raymond, John Good,
5760 Frank Carabello, and Kevin M. Lyons individually, and in their
5761 official capacity, while acting under color of law as a Emergency

5762 Medical Technician Instructors, and/or EMT Training School
5763 and/or EMT Examiner, for the Commonwealth of Massachusetts in
5764 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
5765 did with other defendants violate, deprive, or infringe upon the
5766 civil rights of Plaintiff James M. Atkinson for the purposes of
5767 personal, political, and professional gains, without just cause, or
5768 lawful authority and did engage in **Scheme to Defraud** against
5769 James M. Atkinson in contravention of law, by depriving Atkinson
5770 of the required course durations and content required to
5771 legitimately obtain an EMT license. This specific unlawful action
5772 on this date intertwines with other related actions and activities
5773 performed on other dates and forms a unbroken continuation of the
5774 operation of a organized criminal enterprise functioning prior to
5775 this date, spanning this specific date, and continuing onward to the
5776 present date, and affecting both historical, present, and future
5777 events. This action involved the starting of the class on **November**
5778 **24, 2008** at 6:30 PM, the students were dismissed **at 8:10 PM**,
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5780 Massachusetts OEMS for the class fraudulently reflect that the
5781 class ran until 10:30 PM.

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231. On or about **November 24, 2008**, Defendants Henry Michalski, Darrell Moore, Robert Piepiora, David Raymond, John Good, Frank Carabello, and Kevin M. Lyons individually, and in their official capacity, while acting under color of law as a Emergency Medical Technician Instructors, and/or EMT Training School and/or EMT Examiner, for the Commonwealth of Massachusetts in Boston, MA and Lyons Ambulance, in Danvers, Massachusetts; did with other defendants violate, deprive, or infringe upon the civil rights of Plaintiff James M. Atkinson for the purposes of personal, political, and professional gains, without just cause, or lawful authority and did engage in **Racketeering** against James M. Atkinson in contravention of law, by virtue of the operation of a criminal organization, engaging in conspiracy, obstruction of justice, mail fraud, wire fraud, Medicare/medical fraud, and other actions. This specific unlawful action on this date intertwines with other related actions and activities performed on other dates and forms a unbroken continuation of the operation of a organized criminal enterprise functioning prior to this date, spanning this specific date, and continuing onward to the present date, and

5802 affecting both historical, present, and future events. This action
5803 involved the starting of the class on November 24, 2008 at 6:30
5804 PM, the students were dismissed at 8:10 PM, when in fact the
5805 official records provided to the Commonwealth of Massachusetts
5806 OEMS for the class fraudulently reflect that the class ran until
5807 10:30 PM.

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5809 232. On or about November 24, 2008, Defendants Henry Michalski,
5810 Darrell Moore, Robert Piepiora, David Raymond, John Good,
5811 Frank Carabello, and Kevin M. Lyons individually, and in their
5812 official capacity, while acting under color of law as a Emergency
5813 Medical Technician Instructors, and/or EMT Training School
5814 and/or EMT Examiner, for the Commonwealth of Massachusetts in
5815 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
5816 did with other defendants violate, deprive, or infringe upon the
5817 civil rights of Plaintiff James M. Atkinson for the purposes of
5818 personal, political, and professional gains, without just cause, or
5819 lawful authority and did engage in witness tampering against
5820 James M. Atkinson in contravention of law by contacting Plaintiff
5821 Atkinson both directly and through others and stating they

5822 “Everybody would hang, if we got caught, so everybody has to
5823 have the same story” This specific unlawful action on this date
5824 intertwines with other related actions and activities performed on
5825 other dates and forms a unbroken continuation of the operation of a
5826 organized criminal enterprise functioning prior to this date,
5827 spanning this specific date, and continuing onward to the present
5828 date, and affecting both historical, present, and future events. This
5829 action involved the starting of the class on **November 24, 2008** at
5830 6:30 PM, the students were dismissed **at 8:10 PM**, when in fact the
5831 official records provided to the Commonwealth of Massachusetts
5832 OEMS for the class fraudulently reflect that the class ran until
5833 10:30 PM.

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5835 233. On or about **November 24, 2008**, Defendants Henry Michalski,
5836 Darrell Moore, Robert Piepiora, David Raymond, John Good,
5837 Frank Carabello, and Kevin M. Lyons individually, and in their
5838 official capacity, while acting under color of law as a Emergency
5839 Medical Technician Instructors, and/or EMT Training School
5840 and/or EMT Examiner, for the Commonwealth of Massachusetts in
5841 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;

5842 did with other defendants violate, deprive, or infringe upon the
5843 civil rights of Plaintiff James M. Atkinson for the purposes of
5844 personal, political, and professional gains, without just cause, or
5845 lawful authority and did engage in **Felony Larceny** against James
5846 M. Atkinson in contravention of law, by taking monies for goods
5847 and services which were not provided. This specific unlawful
5848 action on this date intertwines with other related actions and
5849 activities performed on other dates and forms a unbroken
5850 continuation of the operation of a organized criminal enterprise
5851 functioning prior to this date, spanning this specific date, and
5852 continuing onward to the present date, and affecting both historical,
5853 present, and future events. This action involved the starting of the
5854 class on **November 24, 2008** at 6:30 PM, the students were
5855 dismissed **at 8:10 PM**, when in fact the official records provided to
5856 the Commonwealth of Massachusetts OEMS for the class
5857 fraudulently reflect that the class ran until 10:30 PM.

5858

5859 234. On or about **November 24, 2008**, Defendants Henry Michalski,
5860 Darrell Moore, Robert Piepiora, David Raymond, John Good,
5861 Frank Carabello, and Kevin M. Lyons individually, and in their

5862 official capacity, while acting under color of law as a Emergency
5863 Medical Technician Instructors, and/or EMT Training School
5864 and/or EMT Examiner, for the Commonwealth of Massachusetts in
5865 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
5866 did with other defendants violate, deprive, or infringe upon the
5867 civil rights of Plaintiff James M. Atkinson for the purposes of
5868 personal, political, and professional gains, without just cause, or
5869 lawful authority and did engage in **Obstruction of Justice** against
5870 James M. Atkinson in contravention of law, by contacting the
5871 Plaintiff and instructing him not to talk to state inspectors about the
5872 fraudulent EMT course. This specific unlawful action on this date
5873 intertwines with other related actions and activities performed on
5874 other dates and forms a unbroken continuation of the operation of a
5875 organized criminal enterprise functioning prior to this date,
5876 spanning this specific date, and continuing onward to the present
5877 date, and affecting both historical, present, and future events. This
5878 action involved the starting of the class on **November 24, 2008** at
5879 6:30 PM, the students were dismissed **at 8:10 PM**, when in fact the
5880 official records provided to the Commonwealth of Massachusetts

5881 OEMS for the class fraudulently reflect that the class ran until
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5884 235. On or about **November 24, 2008**, Defendants Henry Michalski,
5885 Darrell Moore, Robert Piepiora, David Raymond, John Good,
5886 Frank Carabello, and Kevin M. Lyons individually, and in their
5887 official capacity, while acting under color of law as a Emergency
5888 Medical Technician Instructors, and/or EMT Training School
5889 and/or EMT Examiner, for the Commonwealth of Massachusetts in
5890 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
5891 did with other defendants violate, deprive, or infringe upon the
5892 civil rights of Plaintiff James M. Atkinson for the purposes of
5893 personal, political, and professional gains, without just cause, or
5894 lawful authority and did **engage in Medicaid and Medicare Fraud**
5895 **and False Claims** against the United States of America in
5896 contravention of law, by way of permitting students to “graduate”
5897 who did not meet the minimum times or skills required to be an
5898 EMT. This specific unlawful action on this date intertwines with
5899 other related actions and activities performed on other dates and
5900 forms a unbroken continuation of the operation of a organized

5901 criminal enterprise functioning prior to this date, spanning this
5902 specific date, and continuing onward to the present date, and
5903 affecting both historical, present, and future events. This action
5904 involved the starting of the class on November 24, 2008 at 6:30
5905 PM, the students were dismissed at 8:10 PM, when in fact the
5906 official records provided to the Commonwealth of Massachusetts
5907 OEMS for the class fraudulently reflect that the class ran until
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5910 236. On or about November 24, 2008, Defendants Henry Michalski,
5911 Darrell Moore, Robert Piepiora, David Raymond, John Good,
5912 Frank Carabello, and Kevin M. Lyons individually, and in their
5913 official capacity, while acting under color of law as a Emergency
5914 Medical Technician Instructors, and/or EMT Training School
5915 and/or EMT Examiner, for the Commonwealth of Massachusetts in
5916 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
5917 did with other defendants violate, deprive, or infringe upon the
5918 civil rights of Plaintiff James M. Atkinson for the purposes of
5919 personal, political, and professional gains, without just cause, or
5920 lawful authority and did engage in Medicaid and Medicare Fraud

5921 **and False Claims** against the United States of America in
5922 contravention of law, by assisting unqualified EMTs to bill
5923 Medicaid, Medicare, and numerous insurance companies for
5924 services that were not competently being rendered due to
5925 fraudulent EMT training. This specific unlawful action on this date
5926 intertwines with other related actions and activities performed on
5927 other dates and forms a unbroken continuation of the operation of a
5928 organized criminal enterprise functioning prior to this date,
5929 spanning this specific date, and continuing onward to the present
5930 date, and affecting both historical, present, and future events. This
5931 action involved the starting of the class on **November 24, 2008** at
5932 6:30 PM, the students were dismissed **at 8:10 PM**, when in fact the
5933 official records provided to the Commonwealth of Massachusetts
5934 OEMS for the class fraudulently reflect that the class ran until
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5939 **Lyons Ambulance EMT Training Fraud**
5940 **December 1, 2008**

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5942 237. On or about **December 1, 2008**, Defendants Henry Michalski,
5943 Darrell Moore, Robert Piepiora, David Raymond, John Good,

5944 Frank Carabello, and Kevin M. Lyons individually, and in their
5945 official capacity, while acting under color of law as a Emergency
5946 Medical Technician Instructors, and/or EMT Training School
5947 and/or EMT Examiner, for the Commonwealth of Massachusetts in
5948 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
5949 did with other defendants violate, deprive, or infringe upon the
5950 civil rights of Plaintiff James M. Atkinson for the purposes of
5951 personal, political, and professional gains, without just cause, or
5952 lawful authority and did engage in a **Scheme to Defraud** against
5953 James M. Atkinson in contravention of law, by taking monies for a
5954 fraudulent EMT training course, that did not meet the mandatory
5955 class times required by law. This specific unlawful action on this
5956 date intertwines with other related actions and activities performed
5957 on other dates and forms a unbroken continuation of the operation
5958 of a organized criminal enterprise functioning prior to this date,
5959 spanning this specific date, and continuing onward to the present
5960 date, and affecting both historical, present, and future events. This
5961 action involved the starting of the class on **December 1, 2008** at
5962 6:30 PM, the students were dismissed **at 9:05 PM**, when in fact the
5963 official records provided to the Commonwealth of Massachusetts

5964 OEMS for the class fraudulently reflect that the class ran until
5965 10:30 PM.

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5967 238. On or about **December 1, 2008**, Defendants Henry Michalski,
5968 Darrell Moore, Robert Piepiora, David Raymond, John Good,
5969 Frank Carabello, and Kevin M. Lyons individually, and in their
5970 official capacity, while acting under color of law as a Emergency
5971 Medical Technician Instructors, and/or EMT Training School
5972 and/or EMT Examiner, for the Commonwealth of Massachusetts in
5973 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
5974 did with other defendants violate, deprive, or infringe upon the
5975 civil rights of Plaintiff James M. Atkinson for the purposes of
5976 personal, political, and professional gains, without just cause, or
5977 lawful authority and did engage in a **Conspiracy** against James M.
5978 Atkinson in contravention of law, by way of an agreement between
5979 the instructors and certain students to defraud the Commonwealth
5980 of Massachusetts Office of EMS (licensing agency) in regards to
5981 course duration and course content. This specific unlawful action
5982 on this date intertwines with other related actions and activities
5983 performed on other dates and forms a unbroken continuation of the

5984 operation of a organized criminal enterprise functioning prior to
5985 this date, spanning this specific date, and continuing onward to the
5986 present date, and affecting both historical, present, and future
5987 events. This action involved the starting of the class on December
5988 1, 2008 at 6:30 PM, the students were dismissed at 9:05 PM, when
5989 in fact the official records provided to the Commonwealth of
5990 Massachusetts OEMS for the class fraudulently reflect that the
5991 class ran until 10:30 PM.

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5993 239. On or about December 1, 2008, Defendants Henry Michalski,
5994 Darrell Moore, Robert Piepiora, David Raymond, John Good,
5995 Frank Carabello, and Kevin M. Lyons individually, and in their
5996 official capacity, while acting under color of law as a Emergency
5997 Medical Technician Instructors, and/or EMT Training School
5998 and/or EMT Examiner, for the Commonwealth of Massachusetts in
5999 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
6000 did with other defendants violate, deprive, or infringe upon the
6001 civil rights of Plaintiff James M. Atkinson for the purposes of
6002 personal, political, and professional gains, without just cause, or
6003 lawful authority and did engage in Mail Fraud against James M.

6004 Atkinson in contravention of law by way of sending class rosters
6005 and course documents to the Commonwealth of Massachusetts
6006 OEMS offices for classes which did not take place at all, or for
6007 which hours were reported to be higher than those actually
6008 attended by student. This specific unlawful action on this date
6009 intertwines with other related actions and activities performed on
6010 other dates and forms a unbroken continuation of the operation of a
6011 organized criminal enterprise functioning prior to this date,
6012 spanning this specific date, and continuing onward to the present
6013 date, and affecting both historical, present, and future events. This
6014 action involved the starting of the class on **December 1, 2008** at
6015 6:30 PM, the students were dismissed **at 9:05 PM**, when in fact the
6016 official records provided to the Commonwealth of Massachusetts
6017 OEMS for the class fraudulently reflect that the class ran until
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6019
6020 240. On or about **December 1, 2008**, Defendants Henry Michalski,
6021 Darrell Moore, Robert Piepiora, David Raymond, John Good,
6022 Frank Carabello, and Kevin M. Lyons individually, and in their
6023 official capacity, while acting under color of law as a Emergency

6024 Medical Technician Instructors, and/or EMT Training School
6025 and/or EMT Examiner, for the Commonwealth of Massachusetts in
6026 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
6027 did with other defendants violate, deprive, or infringe upon the
6028 civil rights of Plaintiff James M. Atkinson for the purposes of
6029 personal, political, and professional gains, without just cause, or
6030 lawful authority and did engage in **Wire Fraud** against James M.
6031 Atkinson in contravention of law, by way of transmitting
6032 fraudulent E-Mail, and using online learning modalities, and
6033 falsifying the results of online testing. Also, the misuse of inter-
6034 state electronic communications to perform certain EMT Course
6035 functions to include online assignments, online testing, online
6036 examinations, and the use of online resources to create the end of
6037 course written examination. This specific unlawful action on this
6038 date intertwines with other related actions and activities performed
6039 on other dates and forms a unbroken continuation of the operation
6040 of a organized criminal enterprise functioning prior to this date,
6041 spanning this specific date, and continuing onward to the present
6042 date, and affecting both historical, present, and future events. This
6043 action involved the starting of the class on **December 1, 2008** at

6044 6:30 PM, the students were dismissed at 9:05 PM, when in fact the
6045 official records provided to the Commonwealth of Massachusetts
6046 OEMS for the class fraudulently reflect that the class ran until
6047 10:30 PM.

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6049 241. On or about December 1, 2008, Defendants Henry Michalski,
6050 Darrell Moore, Robert Piepiora, David Raymond, John Good,
6051 Frank Carabello, and Kevin M. Lyons individually, and in their
6052 official capacity, while acting under color of law as a Emergency
6053 Medical Technician Instructors, and/or EMT Training School
6054 and/or EMT Examiner, for the Commonwealth of Massachusetts in
6055 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
6056 did with other defendants violate, deprive, or infringe upon the
6057 civil rights of Plaintiff James M. Atkinson for the purposes of
6058 personal, political, and professional gains, without just cause, or
6059 lawful authority and did engage in Scheme to Defraud against
6060 James M. Atkinson in contravention of law, by depriving Atkinson
6061 of the required course durations and content required to
6062 legitimately obtain an EMT license. This specific unlawful action
6063 on this date intertwines with other related actions and activities

6064 performed on other dates and forms a unbroken continuation of the
6065 operation of a organized criminal enterprise functioning prior to
6066 this date, spanning this specific date, and continuing onward to the
6067 present date, and affecting both historical, present, and future
6068 events. This action involved the starting of the class on **December**
6069 **1, 2008** at 6:30 PM, the students were dismissed **at 9:05 PM**, when
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6071 Massachusetts OEMS for the class fraudulently reflect that the
6072 class ran until 10:30 PM.

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6074 242. On or about **December 1, 2008**, Defendants Henry Michalski,
6075 Darrell Moore, Robert Piepiora, David Raymond, John Good,
6076 Frank Carabello, and Kevin M. Lyons individually, and in their
6077 official capacity, while acting under color of law as a Emergency
6078 Medical Technician Instructors, and/or EMT Training School
6079 and/or EMT Examiner, for the Commonwealth of Massachusetts in
6080 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
6081 did with other defendants violate, deprive, or infringe upon the
6082 civil rights of Plaintiff James M. Atkinson for the purposes of
6083 personal, political, and professional gains, without just cause, or

6084 lawful authority and did engage in **Racketeering** against James M.
6085 Atkinson in contravention of law, by virtue of the operation of a
6086 criminal organization, engaging in conspiracy, obstruction of
6087 justice, mail fraud, wire fraud, Medicare/medical fraud, and other
6088 actions. This specific unlawful action on this date intertwines with
6089 other related actions and activities performed on other dates and
6090 forms a unbroken continuation of the operation of a organized
6091 criminal enterprise functioning prior to this date, spanning this
6092 specific date, and continuing onward to the present date, and
6093 affecting both historical, present, and future events. This action
6094 involved the starting of the class on **December 1, 2008** at 6:30 PM,
6095 the students were dismissed **at 9:05 PM**, when in fact the official
6096 records provided to the Commonwealth of Massachusetts OEMS
6097 for the class fraudulently reflect that the class ran until 10:30 PM.

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6099 243. On or about **December 1, 2008**, Defendants Henry Michalski,
6100 Darrell Moore, Robert Piepiora, David Raymond, John Good,
6101 Frank Carabello, and Kevin M. Lyons individually, and in their
6102 official capacity, while acting under color of law as a Emergency
6103 Medical Technician Instructors, and/or EMT Training School

6104 and/or EMT Examiner, for the Commonwealth of Massachusetts in
6105 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
6106 did with other defendants violate, deprive, or infringe upon the
6107 civil rights of Plaintiff James M. Atkinson for the purposes of
6108 personal, political, and professional gains, without just cause, or
6109 lawful authority and did engage in witness tampering against
6110 James M. Atkinson in contravention of law by contacting Plaintiff
6111 Atkinson both directly and through others and stating they
6112 “Everybody would hang, if we got caught, so everybody has to
6113 have the same story” This specific unlawful action on this date
6114 intertwines with other related actions and activities performed on
6115 other dates and forms a unbroken continuation of the operation of a
6116 organized criminal enterprise functioning prior to this date,
6117 spanning this specific date, and continuing onward to the present
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6119 action involved the starting of the class on December 1, 2008 at
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244. On or about **December 1, 2008**, Defendants Henry Michalski, Darrell Moore, Robert Piepiora, David Raymond, John Good, Frank Carabello, and Kevin M. Lyons individually, and in their official capacity, while acting under color of law as a Emergency Medical Technician Instructors, and/or EMT Training School and/or EMT Examiner, for the Commonwealth of Massachusetts in Boston, MA and Lyons Ambulance, in Danvers, Massachusetts; did with other defendants violate, deprive, or infringe upon the civil rights of Plaintiff James M. Atkinson for the purposes of personal, political, and professional gains, without just cause, or lawful authority and did engage in **Felony Larceny** against James M. Atkinson in contravention of law, by taking monies for goods and services which were not provided. This specific unlawful action on this date intertwines with other related actions and activities performed on other dates and forms a unbroken continuation of the operation of a organized criminal enterprise functioning prior to this date, spanning this specific date, and continuing onward to the present date, and affecting both historical, present, and future events. This action involved the starting of the

6144 class on **December 1, 2008** at 6:30 PM, the students were
6145 dismissed **at 9:05 PM**, when in fact the official records provided to
6146 the Commonwealth of Massachusetts OEMS for the class
6147 fraudulently reflect that the class ran until 10:30 PM.

6148
6149 245. On or about **December 1, 2008**, Defendants Henry Michalski,
6150 Darrell Moore, Robert Piepiora, David Raymond, John Good,
6151 Frank Carabello, and Kevin M. Lyons individually, and in their
6152 official capacity, while acting under color of law as a Emergency
6153 Medical Technician Instructors, and/or EMT Training School
6154 and/or EMT Examiner, for the Commonwealth of Massachusetts in
6155 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
6156 did with other defendants violate, deprive, or infringe upon the
6157 civil rights of Plaintiff James M. Atkinson for the purposes of
6158 personal, political, and professional gains, without just cause, or
6159 lawful authority and did engage in **Obstruction of Justice** against
6160 James M. Atkinson in contravention of law, by contacting the
6161 Plaintiff and instructing him not to talk to state inspectors about the
6162 fraudulent EMT course. This specific unlawful action on this date
6163 intertwines with other related actions and activities performed on

6164 other dates and forms a unbroken continuation of the operation of a
6165 organized criminal enterprise functioning prior to this date,
6166 spanning this specific date, and continuing onward to the present
6167 date, and affecting both historical, present, and future events. This
6168 action involved the starting of the class on December 1, 2008 at
6169 6:30 PM, the students were dismissed at 9:05 PM, when in fact the
6170 official records provided to the Commonwealth of Massachusetts
6171 OEMS for the class fraudulently reflect that the class ran until
6172 10:30 PM.

6173
6174 246. On or about December 1, 2008, Defendants Henry Michalski,
6175 Darrell Moore, Robert Piepiora, David Raymond, John Good,
6176 Frank Carabello, and Kevin M. Lyons individually, and in their
6177 official capacity, while acting under color of law as a Emergency
6178 Medical Technician Instructors, and/or EMT Training School
6179 and/or EMT Examiner, for the Commonwealth of Massachusetts in
6180 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
6181 did with other defendants violate, deprive, or infringe upon the
6182 civil rights of Plaintiff James M. Atkinson for the purposes of
6183 personal, political, and professional gains, without just cause, or

6184 lawful authority and did engage in Medicaid and Medicare Fraud
6185 and False Claims against the United States of America in
6186 contravention of law, by way of permitting students to “graduate”
6187 who did not meet the minimum times or skills required to be an
6188 EMT. This specific unlawful action on this date intertwines with
6189 other related actions and activities performed on other dates and
6190 forms a unbroken continuation of the operation of a organized
6191 criminal enterprise functioning prior to this date, spanning this
6192 specific date, and continuing onward to the present date, and
6193 affecting both historical, present, and future events. This action
6194 involved the starting of the class on December 1, 2008 at 6:30 PM,
6195 the students were dismissed at 9:05 PM, when in fact the official
6196 records provided to the Commonwealth of Massachusetts OEMS
6197 for the class fraudulently reflect that the class ran until 10:30 PM.

6198
6199 247. On or about December 1, 2008, Defendants Henry Michalski,
6200 Darrell Moore, Robert Piepiora, David Raymond, John Good,
6201 Frank Carabello, and Kevin M. Lyons individually, and in their
6202 official capacity, while acting under color of law as a Emergency
6203 Medical Technician Instructors, and/or EMT Training School

6204 and/or EMT Examiner, for the Commonwealth of Massachusetts in
6205 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
6206 did with other defendants violate, deprive, or infringe upon the
6207 civil rights of Plaintiff James M. Atkinson for the purposes of
6208 personal, political, and professional gains, without just cause, or
6209 lawful authority and did engage in **Medicaid and Medicare Fraud**
6210 **and False Claims** against the United States of America in
6211 contravention of law, by assisting unqualified EMTs to bill
6212 Medicaid, Medicare, and numerous insurance companies for
6213 services that were not competently being rendered due to
6214 fraudulent EMT training. This specific unlawful action on this date
6215 intertwines with other related actions and activities performed on
6216 other dates and forms a unbroken continuation of the operation of a
6217 organized criminal enterprise functioning prior to this date,
6218 spanning this specific date, and continuing onward to the present
6219 date, and affecting both historical, present, and future events. This
6220 action involved the starting of the class on **December 1, 2008** at
6221 6:30 PM, the students were dismissed **at 9:05 PM**, when in fact the
6222 official records provided to the Commonwealth of Massachusetts

6223 OEMS for the class fraudulently reflect that the class ran until
6224 10:30 PM.

6225
6226
6227 **Lyons Ambulance EMT Training Fraud**
6228 **December 4, 2008**

6229
6230 248. On or about **December 4, 2008**, Defendants Henry Michalski,
6231 Darrell Moore, Robert Piepiora, David Raymond, John Good,
6232 Frank Carabello, and Kevin M. Lyons individually, and in their
6233 official capacity, while acting under color of law as a Emergency
6234 Medical Technician Instructors, and/or EMT Training School
6235 and/or EMT Examiner, for the Commonwealth of Massachusetts in
6236 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
6237 did with other defendants violate, deprive, or infringe upon the
6238 civil rights of Plaintiff James M. Atkinson for the purposes of
6239 personal, political, and professional gains, without just cause, or
6240 lawful authority and did engage in a **Scheme to Defraud** against
6241 James M. Atkinson in contravention of law, by taking monies for a
6242 fraudulent EMT training course, that did not meet the mandatory
6243 class times required by law. This specific unlawful action on this
6244 date intertwines with other related actions and activities performed
6245 on other dates and forms a unbroken continuation of the operation

6246 of a organized criminal enterprise functioning prior to this date,
6247 spanning this specific date, and continuing onward to the present
6248 date, and affecting both historical, present, and future events. This
6249 action involved the starting of the class on December 4, 2008 at
6250 6:30 PM, the students were dismissed at 8:45 PM, when in fact the
6251 official records provided to the Commonwealth of Massachusetts
6252 OEMS for the class fraudulently reflect that the class ran until
6253 10:30 PM.

6254
6255 249. On or about December 4, 2008, Defendants Henry Michalski,
6256 Darrell Moore, Robert Piepiora, David Raymond, John Good,
6257 Frank Carabello, and Kevin M. Lyons individually, and in their
6258 official capacity, while acting under color of law as a Emergency
6259 Medical Technician Instructors, and/or EMT Training School
6260 and/or EMT Examiner, for the Commonwealth of Massachusetts in
6261 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
6262 did with other defendants violate, deprive, or infringe upon the
6263 civil rights of Plaintiff James M. Atkinson for the purposes of
6264 personal, political, and professional gains, without just cause, or
6265 lawful authority and did engage in a Conspiracy against James M.

6266 Atkinson in contravention of law, by way of an agreement between
6267 the instructors and certain students to defraud the Commonwealth
6268 of Massachusetts Office of EMS (licensing agency) in regards to
6269 course duration and course content. This specific unlawful action
6270 on this date intertwines with other related actions and activities
6271 performed on other dates and forms a unbroken continuation of the
6272 operation of a organized criminal enterprise functioning prior to
6273 this date, spanning this specific date, and continuing onward to the
6274 present date, and affecting both historical, present, and future
6275 events. This action involved the starting of the class on December
6276 4, 2008 at 6:30 PM, the students were dismissed at 8:45 PM, when
6277 in fact the official records provided to the Commonwealth of
6278 Massachusetts OEMS for the class fraudulently reflect that the
6279 class ran until 10:30 PM.

6280
6281 250. On or about December 4, 2008, Defendants Henry Michalski,
6282 Darrell Moore, Robert Piepiora, David Raymond, John Good,
6283 Frank Carabello, and Kevin M. Lyons individually, and in their
6284 official capacity, while acting under color of law as a Emergency
6285 Medical Technician Instructors, and/or EMT Training School

6286 and/or EMT Examiner, for the Commonwealth of Massachusetts in
6287 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
6288 did with other defendants violate, deprive, or infringe upon the
6289 civil rights of Plaintiff James M. Atkinson for the purposes of
6290 personal, political, and professional gains, without just cause, or
6291 lawful authority and did **engage in Mail Fraud** against James M.
6292 Atkinson in contravention of law by way of sending class rosters
6293 and course documents to the Commonwealth of Massachusetts
6294 OEMS offices for classes which did not take place at all, or for
6295 which hours were reported to be higher than those actually
6296 attended by student. This specific unlawful action on this date
6297 intertwines with other related actions and activities performed on
6298 other dates and forms a unbroken continuation of the operation of a
6299 organized criminal enterprise functioning prior to this date,
6300 spanning this specific date, and continuing onward to the present
6301 date, and affecting both historical, present, and future events. This
6302 action involved the starting of the class on **December 4, 2008** at
6303 6:30 PM, the students were dismissed **at 8:45 PM**, when in fact the
6304 official records provided to the Commonwealth of Massachusetts

6305 OEMS for the class fraudulently reflect that the class ran until
6306 10:30 PM.

6307
6308 251. On or about **December 4, 2008**, Defendants Henry Michalski,
6309 Darrell Moore, Robert Piepiora, David Raymond, John Good,
6310 Frank Carabello, and Kevin M. Lyons individually, and in their
6311 official capacity, while acting under color of law as a Emergency
6312 Medical Technician Instructors, and/or EMT Training School
6313 and/or EMT Examiner, for the Commonwealth of Massachusetts in
6314 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
6315 did with other defendants violate, deprive, or infringe upon the
6316 civil rights of Plaintiff James M. Atkinson for the purposes of
6317 personal, political, and professional gains, without just cause, or
6318 lawful authority and did engage in **Wire Fraud** against James M.
6319 Atkinson in contravention of law, by way of transmitting
6320 fraudulent E-Mail, and using online learning modalities, and
6321 falsifying the results of online testing. Also, the misuse of inter-
6322 state electronic communications to perform certain EMT Course
6323 functions to include online assignments, online testing, online
6324 examinations, and the use of online resources to create the end of

6325 course written examination. This specific unlawful action on this
6326 date intertwines with other related actions and activities performed
6327 on other dates and forms a unbroken continuation of the operation
6328 of a organized criminal enterprise functioning prior to this date,
6329 spanning this specific date, and continuing onward to the present
6330 date, and affecting both historical, present, and future events. This
6331 action involved the starting of the class on **December 4, 2008** at
6332 6:30 PM, the students were dismissed **at 8:45 PM**, when in fact the
6333 official records provided to the Commonwealth of Massachusetts
6334 OEMS for the class fraudulently reflect that the class ran until
6335 10:30 PM.

6336
6337 252. On or about **December 4, 2008**, Defendants Henry Michalski,
6338 Darrell Moore, Robert Piepiora, David Raymond, John Good,
6339 Frank Carabello, and Kevin M. Lyons individually, and in their
6340 official capacity, while acting under color of law as a Emergency
6341 Medical Technician Instructors, and/or EMT Training School
6342 and/or EMT Examiner, for the Commonwealth of Massachusetts in
6343 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
6344 did with other defendants violate, deprive, or infringe upon the

6345 civil rights of Plaintiff James M. Atkinson for the purposes of
6346 personal, political, and professional gains, without just cause, or
6347 lawful authority and did engage in **Scheme to Defraud** against
6348 James M. Atkinson in contravention of law, by depriving Atkinson
6349 of the required course durations and content required to
6350 legitimately obtain an EMT license. This specific unlawful action
6351 on this date intertwines with other related actions and activities
6352 performed on other dates and forms a unbroken continuation of the
6353 operation of a organized criminal enterprise functioning prior to
6354 this date, spanning this specific date, and continuing onward to the
6355 present date, and affecting both historical, present, and future
6356 events. This action involved the starting of the class on **December**
6357 **4, 2008** at 6:30 PM, the students were dismissed **at 8:45 PM**, when
6358 in fact the official records provided to the Commonwealth of
6359 Massachusetts OEMS for the class fraudulently reflect that the
6360 class ran until 10:30 PM.

6361
6362 253. On or about **December 4, 2008**, Defendants Henry Michalski,
6363 Darrell Moore, Robert Piepiora, David Raymond, John Good,
6364 Frank Carabello, and Kevin M. Lyons individually, and in their

6365 official capacity, while acting under color of law as a Emergency
6366 Medical Technician Instructors, and/or EMT Training School
6367 and/or EMT Examiner, for the Commonwealth of Massachusetts in
6368 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
6369 did with other defendants violate, deprive, or infringe upon the
6370 civil rights of Plaintiff James M. Atkinson for the purposes of
6371 personal, political, and professional gains, without just cause, or
6372 lawful authority and did engage in **Racketeering** against James M.
6373 Atkinson in contravention of law, by virtue of the operation of a
6374 criminal organization, engaging in conspiracy, obstruction of
6375 justice, mail fraud, wire fraud, Medicare/medical fraud, and other
6376 actions. This specific unlawful action on this date intertwines with
6377 other related actions and activities performed on other dates and
6378 forms a unbroken continuation of the operation of a organized
6379 criminal enterprise functioning prior to this date, spanning this
6380 specific date, and continuing onward to the present date, and
6381 affecting both historical, present, and future events. This action
6382 involved the starting of the class on **December 4, 2008** at 6:30 PM,
6383 the students were dismissed **at 8:45 PM**, when in fact the official

6384 records provided to the Commonwealth of Massachusetts OEMS
6385 for the class fraudulently reflect that the class ran until 10:30 PM.
6386
6387 254. On or about **December 4, 2008**, Defendants Henry Michalski,
6388 Darrell Moore, Robert Piepiora, David Raymond, John Good,
6389 Frank Carabello, and Kevin M. Lyons individually, and in their
6390 official capacity, while acting under color of law as a Emergency
6391 Medical Technician Instructors, and/or EMT Training School
6392 and/or EMT Examiner, for the Commonwealth of Massachusetts in
6393 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
6394 did with other defendants violate, deprive, or infringe upon the
6395 civil rights of Plaintiff James M. Atkinson for the purposes of
6396 personal, political, and professional gains, without just cause, or
6397 lawful authority and did **engage in witness tampering** against
6398 James M. Atkinson in contravention of law by contacting Plaintiff
6399 Atkinson both directly and through others and stating they
6400 “Everybody would hang, if we got caught, so everybody has to
6401 have the same story” This specific unlawful action on this date
6402 intertwines with other related actions and activities performed on
6403 other dates and forms a unbroken continuation of the operation of a

6404 organized criminal enterprise functioning prior to this date,
6405 spanning this specific date, and continuing onward to the present
6406 date, and affecting both historical, present, and future events. This
6407 action involved the starting of the class on December 4, 2008 at
6408 6:30 PM, the students were dismissed at 8:45 PM, when in fact the
6409 official records provided to the Commonwealth of Massachusetts
6410 OEMS for the class fraudulently reflect that the class ran until
6411 10:30 PM.

6412
6413 255. On or about December 4, 2008, Defendants Henry Michalski,
6414 Darrell Moore, Robert Piepiora, David Raymond, John Good,
6415 Frank Carabello, and Kevin M. Lyons individually, and in their
6416 official capacity, while acting under color of law as a Emergency
6417 Medical Technician Instructors, and/or EMT Training School
6418 and/or EMT Examiner, for the Commonwealth of Massachusetts in
6419 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
6420 did with other defendants violate, deprive, or infringe upon the
6421 civil rights of Plaintiff James M. Atkinson for the purposes of
6422 personal, political, and professional gains, without just cause, or
6423 lawful authority and did engage in Felony Larceny against James

6424 M. Atkinson in contravention of law, by taking monies for goods
6425 and services which were not provided. This specific unlawful
6426 action on this date intertwines with other related actions and
6427 activities performed on other dates and forms a unbroken
6428 continuation of the operation of a organized criminal enterprise
6429 functioning prior to this date, spanning this specific date, and
6430 continuing onward to the present date, and affecting both historical,
6431 present, and future events. This action involved the starting of the
6432 class on **December 4, 2008** at 6:30 PM, the students were
6433 dismissed **at 8:45 PM**, when in fact the official records provided to
6434 the Commonwealth of Massachusetts OEMS for the class
6435 fraudulently reflect that the class ran until 10:30 PM.

6436
6437 256. On or about **December 4, 2008**, Defendants Henry Michalski,
6438 Darrell Moore, Robert Piepiora, David Raymond, John Good,
6439 Frank Carabello, and Kevin M. Lyons individually, and in their
6440 official capacity, while acting under color of law as a Emergency
6441 Medical Technician Instructors, and/or EMT Training School
6442 and/or EMT Examiner, for the Commonwealth of Massachusetts in
6443 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;

6444 did with other defendants violate, deprive, or infringe upon the
6445 civil rights of Plaintiff James M. Atkinson for the purposes of
6446 personal, political, and professional gains, without just cause, or
6447 lawful authority and did engage in **Obstruction of Justice** against
6448 James M. Atkinson in contravention of law, by contacting the
6449 Plaintiff and instructing him not to talk to state inspectors about the
6450 fraudulent EMT course. This specific unlawful action on this date
6451 intertwines with other related actions and activities performed on
6452 other dates and forms a unbroken continuation of the operation of a
6453 organized criminal enterprise functioning prior to this date,
6454 spanning this specific date, and continuing onward to the present
6455 date, and affecting both historical, present, and future events. This
6456 action involved the starting of the class on **December 4, 2008** at
6457 6:30 PM, the students were dismissed **at 8:45 PM**, when in fact the
6458 official records provided to the Commonwealth of Massachusetts
6459 OEMS for the class fraudulently reflect that the class ran until
6460 10:30 PM.

6461
6462 257. On or about **December 4, 2008**, Defendants Henry Michalski,
6463 Darrell Moore, Robert Piepiora, David Raymond, John Good,

6464 Frank Carabello, and Kevin M. Lyons individually, and in their
6465 official capacity, while acting under color of law as a Emergency
6466 Medical Technician Instructors, and/or EMT Training School
6467 and/or EMT Examiner, for the Commonwealth of Massachusetts in
6468 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
6469 did with other defendants violate, deprive, or infringe upon the
6470 civil rights of Plaintiff James M. Atkinson for the purposes of
6471 personal, political, and professional gains, without just cause, or
6472 lawful authority and did engage in Medicaid and Medicare Fraud
6473 and False Claims against the United States of America in
6474 contravention of law, by way of permitting students to “graduate”
6475 who did not meet the minimum times or skills required to be an
6476 EMT. This specific unlawful action on this date intertwines with
6477 other related actions and activities performed on other dates and
6478 forms a unbroken continuation of the operation of a organized
6479 criminal enterprise functioning prior to this date, spanning this
6480 specific date, and continuing onward to the present date, and
6481 affecting both historical, present, and future events. This action
6482 involved the starting of the class on December 4, 2008 at 6:30 PM,
6483 the students were dismissed at 8:45 PM, when in fact the official

6484 records provided to the Commonwealth of Massachusetts OEMS
6485 for the class fraudulently reflect that the class ran until 10:30 PM.

6486

6487 258. On or about **December 4, 2008**, Defendants Henry Michalski,
6488 Darrell Moore, Robert Piepiora, David Raymond, John Good,
6489 Frank Carabello, and Kevin M. Lyons individually, and in their
6490 official capacity, while acting under color of law as a Emergency
6491 Medical Technician Instructors, and/or EMT Training School
6492 and/or EMT Examiner, for the Commonwealth of Massachusetts in
6493 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
6494 did with other defendants violate, deprive, or infringe upon the
6495 civil rights of Plaintiff James M. Atkinson for the purposes of
6496 personal, political, and professional gains, without just cause, or
6497 lawful authority and did engage in **Medicaid and Medicare Fraud**
6498 **and False Claims** against the United States of America in
6499 contravention of law, by assisting unqualified EMTs to bill
6500 Medicaid, Medicare, and numerous insurance companies for
6501 services that were not competently being rendered due to
6502 fraudulent EMT training. This specific unlawful action on this date
6503 intertwines with other related actions and activities performed on

6504 other dates and forms a unbroken continuation of the operation of a
6505 organized criminal enterprise functioning prior to this date,
6506 spanning this specific date, and continuing onward to the present
6507 date, and affecting both historical, present, and future events. This
6508 action involved the starting of the class on **December 4, 2008** at
6509 6:30 PM, the students were dismissed **at 8:45 PM**, when in fact the
6510 official records provided to the Commonwealth of Massachusetts
6511 OEMS for the class fraudulently reflect that the class ran until
6512 10:30 PM.

6513
6514
6515 **Lyons Ambulance EMT Training Fraud**
6516 **December 8, 2008**
6517

6518 259. On or about **December 8, 2008**, Defendants Henry Michalski,
6519 Darrell Moore, Robert Piepiora, David Raymond, John Good,
6520 Frank Carabello, and Kevin M. Lyons individually, and in their
6521 official capacity, while acting under color of law as a Emergency
6522 Medical Technician Instructors, and/or EMT Training School
6523 and/or EMT Examiner, for the Commonwealth of Massachusetts in
6524 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
6525 did with other defendants violate, deprive, or infringe upon the
6526 civil rights of Plaintiff James M. Atkinson for the purposes of

6527 personal, political, and professional gains, without just cause, or
6528 lawful authority and did engage in a **Scheme to Defraud** against
6529 James M. Atkinson in contravention of law, by taking monies for a
6530 fraudulent EMT training course, that did not meet the mandatory
6531 class times required by law. This specific unlawful action on this
6532 date intertwines with other related actions and activities performed
6533 on other dates and forms a unbroken continuation of the operation
6534 of a organized criminal enterprise functioning prior to this date,
6535 spanning this specific date, and continuing onward to the present
6536 date, and affecting both historical, present, and future events. This
6537 action involved the starting of the class on **December 8, 2008** at
6538 6:30 PM, the students were dismissed **at 8:45 PM**, when in fact the
6539 official records provided to the Commonwealth of Massachusetts
6540 OEMS for the class fraudulently reflect that the class ran until
6541 10:30 PM.

6543 260. On or about **December 8, 2008**, Defendants Henry Michalski,
6544 Darrell Moore, Robert Piepiora, David Raymond, John Good,
6545 Frank Carabello, and Kevin M. Lyons individually, and in their
6546 official capacity, while acting under color of law as a Emergency

6547 Medical Technician Instructors, and/or EMT Training School
6548 and/or EMT Examiner, for the Commonwealth of Massachusetts in
6549 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
6550 did with other defendants violate, deprive, or infringe upon the
6551 civil rights of Plaintiff James M. Atkinson for the purposes of
6552 personal, political, and professional gains, without just cause, or
6553 lawful authority and did engage in a **Conspiracy** against James M.
6554 Atkinson in contravention of law, by way of an agreement between
6555 the instructors and certain students to defraud the Commonwealth
6556 of Massachusetts Office of EMS (licensing agency) in regards to
6557 course duration and course content. This specific unlawful action
6558 on this date intertwines with other related actions and activities
6559 performed on other dates and forms a unbroken continuation of the
6560 operation of a organized criminal enterprise functioning prior to
6561 this date, spanning this specific date, and continuing onward to the
6562 present date, and affecting both historical, present, and future
6563 events. This action involved the starting of the class on **December**
6564 **8, 2008** at 6:30 PM, the students were dismissed **at 8:45 PM**, when
6565 in fact the official records provided to the Commonwealth of

6566 Massachusetts OEMS for the class fraudulently reflect that the
6567 class ran until 10:30 PM.

6568

6569 261. On or about **December 8, 2008**, Defendants Henry Michalski,
6570 Darrell Moore, Robert Piepiora, David Raymond, John Good,
6571 Frank Carabello, and Kevin M. Lyons individually, and in their
6572 official capacity, while acting under color of law as a Emergency
6573 Medical Technician Instructors, and/or EMT Training School
6574 and/or EMT Examiner, for the Commonwealth of Massachusetts in
6575 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
6576 did with other defendants violate, deprive, or infringe upon the
6577 civil rights of Plaintiff James M. Atkinson for the purposes of
6578 personal, political, and professional gains, without just cause, or
6579 lawful authority and did **engage in Mail Fraud** against James M.
6580 Atkinson in contravention of law by way of sending class rosters
6581 and course documents to the Commonwealth of Massachusetts
6582 OEMS offices for classes which did not take place at all, or for
6583 which hours were reported to be higher then those actually
6584 attended by student. This specific unlawful action on this date
6585 intertwines with other related actions and activities performed on

6586 other dates and forms a unbroken continuation of the operation of a
6587 organized criminal enterprise functioning prior to this date,
6588 spanning this specific date, and continuing onward to the present
6589 date, and affecting both historical, present, and future events. This
6590 action involved the starting of the class on December 8, 2008 at
6591 6:30 PM, the students were dismissed at 8:45 PM, when in fact the
6592 official records provided to the Commonwealth of Massachusetts
6593 OEMS for the class fraudulently reflect that the class ran until
6594 10:30 PM.

6595
6596 262. On or about December 8, 2008, Defendants Henry Michalski,
6597 Darrell Moore, Robert Piepiora, David Raymond, John Good,
6598 Frank Carabello, and Kevin M. Lyons individually, and in their
6599 official capacity, while acting under color of law as a Emergency
6600 Medical Technician Instructors, and/or EMT Training School
6601 and/or EMT Examiner, for the Commonwealth of Massachusetts in
6602 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
6603 did with other defendants violate, deprive, or infringe upon the
6604 civil rights of Plaintiff James M. Atkinson for the purposes of
6605 personal, political, and professional gains, without just cause, or

6606 lawful authority and did engage in **Wire Fraud** against James M.
6607 Atkinson in contravention of law, by way of transmitting
6608 fraudulent E-Mail, and using online learning modalities, and
6609 falsifying the results of online testing. Also, the misuse of inter-
6610 state electronic communications to perform certain EMT Course
6611 functions to include online assignments, online testing, online
6612 examinations, and the use of online resources to create the end of
6613 course written examination. This specific unlawful action on this
6614 date intertwines with other related actions and activities performed
6615 on other dates and forms a unbroken continuation of the operation
6616 of a organized criminal enterprise functioning prior to this date,
6617 spanning this specific date, and continuing onward to the present
6618 date, and affecting both historical, present, and future events. This
6619 action involved the starting of the class on **December 8, 2008** at
6620 6:30 PM, the students were dismissed **at 8:45 PM**, when in fact the
6621 official records provided to the Commonwealth of Massachusetts
6622 OEMS for the class fraudulently reflect that the class ran until
6623 10:30 PM.
6624

6625 263. On or about **December 8, 2008**, Defendants Henry Michalski,
6626 Darrell Moore, Robert Piepiora, David Raymond, John Good,
6627 Frank Carabello, and Kevin M. Lyons individually, and in their
6628 official capacity, while acting under color of law as a Emergency
6629 Medical Technician Instructors, and/or EMT Training School
6630 and/or EMT Examiner, for the Commonwealth of Massachusetts in
6631 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
6632 did with other defendants violate, deprive, or infringe upon the
6633 civil rights of Plaintiff James M. Atkinson for the purposes of
6634 personal, political, and professional gains, without just cause, or
6635 lawful authority and did engage in **Scheme to Defraud** against
6636 James M. Atkinson in contravention of law, by depriving Atkinson
6637 of the required course durations and content required to
6638 legitimately obtain an EMT license. This specific unlawful action
6639 on this date intertwines with other related actions and activities
6640 performed on other dates and forms a unbroken continuation of the
6641 operation of a organized criminal enterprise functioning prior to
6642 this date, spanning this specific date, and continuing onward to the
6643 present date, and affecting both historical, present, and future
6644 events. This action involved the starting of the class on **December**

6645 8, 2008 at 6:30 PM, the students were dismissed at 8:45 PM, when
6646 in fact the official records provided to the Commonwealth of
6647 Massachusetts OEMS for the class fraudulently reflect that the
6648 class ran until 10:30 PM.

6649
6650 264. On or about December 8, 2008, Defendants Henry Michalski,
6651 Darrell Moore, Robert Piepiora, David Raymond, John Good,
6652 Frank Carabello, and Kevin M. Lyons individually, and in their
6653 official capacity, while acting under color of law as a Emergency
6654 Medical Technician Instructors, and/or EMT Training School
6655 and/or EMT Examiner, for the Commonwealth of Massachusetts in
6656 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
6657 did with other defendants violate, deprive, or infringe upon the
6658 civil rights of Plaintiff James M. Atkinson for the purposes of
6659 personal, political, and professional gains, without just cause, or
6660 lawful authority and did engage in Racketeering against James M.
6661 Atkinson in contravention of law, by virtue of the operation of a
6662 criminal organization, engaging in conspiracy, obstruction of
6663 justice, mail fraud, wire fraud, Medicare/medical fraud, and other
6664 actions. This specific unlawful action on this date intertwines with

6665 other related actions and activities performed on other dates and
6666 forms a unbroken continuation of the operation of a organized
6667 criminal enterprise functioning prior to this date, spanning this
6668 specific date, and continuing onward to the present date, and
6669 affecting both historical, present, and future events. This action
6670 involved the starting of the class on **December 8, 2008** at 6:30 PM,
6671 the students were dismissed **at 8:45 PM**, when in fact the official
6672 records provided to the Commonwealth of Massachusetts OEMS
6673 for the class fraudulently reflect that the class ran until 10:30 PM.

6674
6675 265. On or about **December 8, 2008**, Defendants Henry Michalski,
6676 Darrell Moore, Robert Piepiora, David Raymond, John Good,
6677 Frank Carabello, and Kevin M. Lyons individually, and in their
6678 official capacity, while acting under color of law as a Emergency
6679 Medical Technician Instructors, and/or EMT Training School
6680 and/or EMT Examiner, for the Commonwealth of Massachusetts in
6681 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
6682 did with other defendants violate, deprive, or infringe upon the
6683 civil rights of Plaintiff James M. Atkinson for the purposes of
6684 personal, political, and professional gains, without just cause, or

6685 lawful authority and did engage in witness tampering against
6686 James M. Atkinson in contravention of law by contacting Plaintiff
6687 Atkinson both directly and through others and stating they
6688 “Everybody would hang, if we got caught, so everybody has to
6689 have the same story” This specific unlawful action on this date
6690 intertwines with other related actions and activities performed on
6691 other dates and forms a unbroken continuation of the operation of a
6692 organized criminal enterprise functioning prior to this date,
6693 spanning this specific date, and continuing onward to the present
6694 date, and affecting both historical, present, and future events. This
6695 action involved the starting of the class on December 8, 2008 at
6696 6:30 PM, the students were dismissed at 8:45 PM, when in fact the
6697 official records provided to the Commonwealth of Massachusetts
6698 OEMS for the class fraudulently reflect that the class ran until
6699 10:30 PM.

6700

6701 266. On or about December 8, 2008, Defendants Henry Michalski,
6702 Darrell Moore, Robert Piepiora, David Raymond, John Good,
6703 Frank Carabello, and Kevin M. Lyons individually, and in their
6704 official capacity, while acting under color of law as a Emergency

6705 Medical Technician Instructors, and/or EMT Training School
6706 and/or EMT Examiner, for the Commonwealth of Massachusetts in
6707 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
6708 did with other defendants violate, deprive, or infringe upon the
6709 civil rights of Plaintiff James M. Atkinson for the purposes of
6710 personal, political, and professional gains, without just cause, or
6711 lawful authority and did engage in **Felony Larceny** against James
6712 M. Atkinson in contravention of law, by taking monies for goods
6713 and services which were not provided. This specific unlawful
6714 action on this date intertwines with other related actions and
6715 activities performed on other dates and forms a unbroken
6716 continuation of the operation of a organized criminal enterprise
6717 functioning prior to this date, spanning this specific date, and
6718 continuing onward to the present date, and affecting both historical,
6719 present, and future events. This action involved the starting of the
6720 class on **December 8, 2008** at 6:30 PM, the students were
6721 dismissed **at 8:45 PM**, when in fact the official records provided to
6722 the Commonwealth of Massachusetts OEMS for the class
6723 fraudulently reflect that the class ran until 10:30 PM.

6724

6725 267. On or about **December 8, 2008**, Defendants Henry Michalski,
6726 Darrell Moore, Robert Piepiora, David Raymond, John Good,
6727 Frank Carabello, and Kevin M. Lyons individually, and in their
6728 official capacity, while acting under color of law as a Emergency
6729 Medical Technician Instructors, and/or EMT Training School
6730 and/or EMT Examiner, for the Commonwealth of Massachusetts in
6731 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
6732 did with other defendants violate, deprive, or infringe upon the
6733 civil rights of Plaintiff James M. Atkinson for the purposes of
6734 personal, political, and professional gains, without just cause, or
6735 lawful authority and did engage in **Obstruction of Justice** against
6736 James M. Atkinson in contravention of law, by contacting the
6737 Plaintiff and instructing him not to talk to state inspectors about the
6738 fraudulent EMT course. This specific unlawful action on this date
6739 intertwines with other related actions and activities performed on
6740 other dates and forms a unbroken continuation of the operation of a
6741 organized criminal enterprise functioning prior to this date,
6742 spanning this specific date, and continuing onward to the present
6743 date, and affecting both historical, present, and future events. This
6744 action involved the starting of the class on **December 8, 2008** at

6745 6:30 PM, the students were dismissed at 8:45 PM, when in fact the
6746 official records provided to the Commonwealth of Massachusetts
6747 OEMS for the class fraudulently reflect that the class ran until
6748 10:30 PM.

6749
6750 268. On or about December 8, 2008, Defendants Henry Michalski,
6751 Darrell Moore, Robert Piepiora, David Raymond, John Good,
6752 Frank Carabello, and Kevin M. Lyons individually, and in their
6753 official capacity, while acting under color of law as a Emergency
6754 Medical Technician Instructors, and/or EMT Training School
6755 and/or EMT Examiner, for the Commonwealth of Massachusetts in
6756 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
6757 did with other defendants violate, deprive, or infringe upon the
6758 civil rights of Plaintiff James M. Atkinson for the purposes of
6759 personal, political, and professional gains, without just cause, or
6760 lawful authority and did engage in Medicaid and Medicare Fraud
6761 and False Claims against the United States of America in
6762 contravention of law, by way of permitting students to “graduate”
6763 who did not meet the minimum times or skills required to be an
6764 EMT. This specific unlawful action on this date intertwines with

6765 other related actions and activities performed on other dates and
6766 forms a unbroken continuation of the operation of a organized
6767 criminal enterprise functioning prior to this date, spanning this
6768 specific date, and continuing onward to the present date, and
6769 affecting both historical, present, and future events. This action
6770 involved the starting of the class on **December 8, 2008** at 6:30 PM,
6771 the students were dismissed **at 8:45 PM**, when in fact the official
6772 records provided to the Commonwealth of Massachusetts OEMS
6773 for the class fraudulently reflect that the class ran until 10:30 PM.

6774
6775 269. On or about **December 8, 2008**, Defendants Henry Michalski,
6776 Darrell Moore, Robert Piepiora, David Raymond, John Good,
6777 Frank Carabello, and Kevin M. Lyons individually, and in their
6778 official capacity, while acting under color of law as a Emergency
6779 Medical Technician Instructors, and/or EMT Training School
6780 and/or EMT Examiner, for the Commonwealth of Massachusetts in
6781 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
6782 did with other defendants violate, deprive, or infringe upon the
6783 civil rights of Plaintiff James M. Atkinson for the purposes of
6784 personal, political, and professional gains, without just cause, or

6785 lawful authority and did engage in **Medicaid and Medicare Fraud**
6786 **and False Claims** against the United States of America in
6787 contravention of law, by assisting unqualified EMTs to bill
6788 Medicaid, Medicare, and numerous insurance companies for
6789 services that were not competently being rendered due to
6790 fraudulent EMT training. This specific unlawful action on this date
6791 intertwines with other related actions and activities performed on
6792 other dates and forms a unbroken continuation of the operation of a
6793 organized criminal enterprise functioning prior to this date,
6794 spanning this specific date, and continuing onward to the present
6795 date, and affecting both historical, present, and future events. This
6796 action involved the starting of the class on **December 8, 2008** at
6797 6:30 PM, the students were dismissed **at 8:45 PM**, when in fact the
6798 official records provided to the Commonwealth of Massachusetts
6799 OEMS for the class fraudulently reflect that the class ran until
6800 10:30 PM.

6801
6802
6803 **Lyons Ambulance EMT Training Fraud**
6804 **December 11, 2008**

6805
6806 270. On or about **December 11, 2008**, Defendants Henry Michalski,
6807 Darrell Moore, Robert Piepiora, David Raymond, John Good,

6808 Frank Carabello, and Kevin M. Lyons individually, and in their
6809 official capacity, while acting under color of law as a Emergency
6810 Medical Technician Instructors, and/or EMT Training School
6811 and/or EMT Examiner, for the Commonwealth of Massachusetts in
6812 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
6813 did with other defendants violate, deprive, or infringe upon the
6814 civil rights of Plaintiff James M. Atkinson for the purposes of
6815 personal, political, and professional gains, without just cause, or
6816 lawful authority and did engage in a **Scheme to Defraud** against
6817 James M. Atkinson in contravention of law, by taking monies for a
6818 fraudulent EMT training course, that did not meet the mandatory
6819 class times required by law. This specific unlawful action on this
6820 date intertwines with other related actions and activities performed
6821 on other dates and forms a unbroken continuation of the operation
6822 of a organized criminal enterprise functioning prior to this date,
6823 spanning this specific date, and continuing onward to the present
6824 date, and affecting both historical, present, and future events. This
6825 action involved the starting of the class on **December 11, 2008** at
6826 6:30 PM, the students were dismissed **at 8:45 PM**, when in fact the
6827 official records provided to the Commonwealth of Massachusetts

6828 OEMS for the class fraudulently reflect that the class ran until
6829 10:30 PM.

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6831 271. On or about **December 11, 2008**, Defendants Henry Michalski,
6832 Darrell Moore, Robert Piepiora, David Raymond, John Good,
6833 Frank Carabello, and Kevin M. Lyons individually, and in their
6834 official capacity, while acting under color of law as a Emergency
6835 Medical Technician Instructors, and/or EMT Training School
6836 and/or EMT Examiner, for the Commonwealth of Massachusetts in
6837 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
6838 did with other defendants violate, deprive, or infringe upon the
6839 civil rights of Plaintiff James M. Atkinson for the purposes of
6840 personal, political, and professional gains, without just cause, or
6841 lawful authority and did engage in a **Conspiracy** against James M.
6842 Atkinson in contravention of law, by way of an agreement between
6843 the instructors and certain students to defraud the Commonwealth
6844 of Massachusetts Office of EMS (licensing agency) in regards to
6845 course duration and course content. This specific unlawful action
6846 on this date intertwines with other related actions and activities
6847 performed on other dates and forms a unbroken continuation of the

6848 operation of a organized criminal enterprise functioning prior to
6849 this date, spanning this specific date, and continuing onward to the
6850 present date, and affecting both historical, present, and future
6851 events. This action involved the starting of the class on December
6852 11, 2008 at 6:30 PM, the students were dismissed at 8:45 PM,
6853 when in fact the official records provided to the Commonwealth of
6854 Massachusetts OEMS for the class fraudulently reflect that the
6855 class ran until 10:30 PM.

6856
6857 272. On or about December 11, 2008, Defendants Henry Michalski,
6858 Darrell Moore, Robert Piepiora, David Raymond, John Good,
6859 Frank Carabello, and Kevin M. Lyons individually, and in their
6860 official capacity, while acting under color of law as a Emergency
6861 Medical Technician Instructors, and/or EMT Training School
6862 and/or EMT Examiner, for the Commonwealth of Massachusetts in
6863 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
6864 did with other defendants violate, deprive, or infringe upon the
6865 civil rights of Plaintiff James M. Atkinson for the purposes of
6866 personal, political, and professional gains, without just cause, or
6867 lawful authority and did engage in Mail Fraud against James M.

6868 Atkinson in contravention of law by way of sending class rosters
6869 and course documents to the Commonwealth of Massachusetts
6870 OEMS offices for classes which did not take place at all, or for
6871 which hours were reported to be higher than those actually
6872 attended by student. This specific unlawful action on this date
6873 intertwines with other related actions and activities performed on
6874 other dates and forms a unbroken continuation of the operation of a
6875 organized criminal enterprise functioning prior to this date,
6876 spanning this specific date, and continuing onward to the present
6877 date, and affecting both historical, present, and future events. This
6878 action involved the starting of the class on **December 11, 2008** at
6879 6:30 PM, the students were dismissed **at 8:45 PM**, when in fact the
6880 official records provided to the Commonwealth of Massachusetts
6881 OEMS for the class fraudulently reflect that the class ran until
6882 10:30 PM.

6884 273. On or about **December 11, 2008**, Defendants Henry Michalski,
6885 Darrell Moore, Robert Piepiora, David Raymond, John Good,
6886 Frank Carabello, and Kevin M. Lyons individually, and in their
6887 official capacity, while acting under color of law as a Emergency

6888 Medical Technician Instructors, and/or EMT Training School
6889 and/or EMT Examiner, for the Commonwealth of Massachusetts in
6890 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
6891 did with other defendants violate, deprive, or infringe upon the
6892 civil rights of Plaintiff James M. Atkinson for the purposes of
6893 personal, political, and professional gains, without just cause, or
6894 lawful authority and did engage in **Wire Fraud** against James M.
6895 Atkinson in contravention of law, by way of transmitting
6896 fraudulent E-Mail, and using online learning modalities, and
6897 falsifying the results of online testing. Also, the misuse of inter-
6898 state electronic communications to perform certain EMT Course
6899 functions to include online assignments, online testing, online
6900 examinations, and the use of online resources to create the end of
6901 course written examination. This specific unlawful action on this
6902 date intertwines with other related actions and activities performed
6903 on other dates and forms a unbroken continuation of the operation
6904 of a organized criminal enterprise functioning prior to this date,
6905 spanning this specific date, and continuing onward to the present
6906 date, and affecting both historical, present, and future events. This
6907 action involved the starting of the class on **December 11, 2008** at

6908 6:30 PM, the students were dismissed at 8:45 PM, when in fact the
6909 official records provided to the Commonwealth of Massachusetts
6910 OEMS for the class fraudulently reflect that the class ran until
6911 10:30 PM.

6912
6913 274. On or about December 11, 2008, Defendants Henry Michalski,
6914 Darrell Moore, Robert Piepiora, David Raymond, John Good,
6915 Frank Carabello, and Kevin M. Lyons individually, and in their
6916 official capacity, while acting under color of law as a Emergency
6917 Medical Technician Instructors, and/or EMT Training School
6918 and/or EMT Examiner, for the Commonwealth of Massachusetts in
6919 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
6920 did with other defendants violate, deprive, or infringe upon the
6921 civil rights of Plaintiff James M. Atkinson for the purposes of
6922 personal, political, and professional gains, without just cause, or
6923 lawful authority and did engage in Scheme to Defraud against
6924 James M. Atkinson in contravention of law, by depriving Atkinson
6925 of the required course durations and content required to
6926 legitimately obtain an EMT license. This specific unlawful action
6927 on this date intertwines with other related actions and activities

6928 performed on other dates and forms a unbroken continuation of the
6929 operation of a organized criminal enterprise functioning prior to
6930 this date, spanning this specific date, and continuing onward to the
6931 present date, and affecting both historical, present, and future
6932 events. This action involved the starting of the class on December
6933 11, 2008 at 6:30 PM, the students were dismissed at 8:45 PM,
6934 when in fact the official records provided to the Commonwealth of
6935 Massachusetts OEMS for the class fraudulently reflect that the
6936 class ran until 10:30 PM.

6937
6938 275. On or about December 11, 2008, Defendants Henry Michalski,
6939 Darrell Moore, Robert Piepiora, David Raymond, John Good,
6940 Frank Carabello, and Kevin M. Lyons individually, and in their
6941 official capacity, while acting under color of law as a Emergency
6942 Medical Technician Instructors, and/or EMT Training School
6943 and/or EMT Examiner, for the Commonwealth of Massachusetts in
6944 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
6945 did with other defendants violate, deprive, or infringe upon the
6946 civil rights of Plaintiff James M. Atkinson for the purposes of
6947 personal, political, and professional gains, without just cause, or

6948 lawful authority and did engage in **Scheme to Defraud** against
6949 James M. Atkinson in contravention of law, by depriving Atkinson
6950 of the required course durations and content required to
6951 legitimately obtain an EMT license. This specific unlawful action
6952 on this date intertwines with other related actions and activities
6953 performed on other dates and forms a unbroken continuation of the
6954 operation of a organized criminal enterprise functioning prior to
6955 this date, spanning this specific date, and continuing onward to the
6956 present date, and affecting both historical, present, and future
6957 events. This action involved the issuance of a fraudulent EMT
6958 CEU training roster with the students names which Defendants
6959 stated to the class that he/they would fake a state SMART-
6960 TAGS CEU certificate based on the 30-40 minute video we
6961 watched that night in class. In indeed this fictitious training
6962 does in fact show in the files for the students in the class who
6963 did not take the class, as dates post the actual event, but who
6964 did sign the fraudulent rosters, which were sent to OEMS by
6965 U.S. Mail, thus committing Mail Fraud.

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6967 276. On or about **December 11, 2008**, Defendants Henry Michalski,
6968 Darrell Moore, Robert Piepiora, David Raymond, John Good,
6969 Frank Carabello, and Kevin M. Lyons individually, and in their
6970 official capacity, while acting under color of law as a Emergency
6971 Medical Technician Instructors, and/or EMT Training School
6972 and/or EMT Examiner, for the Commonwealth of Massachusetts in
6973 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
6974 did with other defendants violate, deprive, or infringe upon the
6975 civil rights of Plaintiff James M. Atkinson for the purposes of
6976 personal, political, and professional gains, without just cause, or
6977 lawful authority and did engage in **Racketeering** against James M.
6978 Atkinson in contravention of law, by virtue of the operation of a
6979 criminal organization, engaging in conspiracy, obstruction of
6980 justice, mail fraud, wire fraud, Medicare/medical fraud, and other
6981 actions. This specific unlawful action on this date intertwines with
6982 other related actions and activities performed on other dates and
6983 forms a unbroken continuation of the operation of a organized
6984 criminal enterprise functioning prior to this date, spanning this
6985 specific date, and continuing onward to the present date, and
6986 affecting both historical, present, and future events. This action

6987 involved the starting of the class on **December 11, 2008** at 6:30
6988 PM, the students were dismissed **at 8:45 PM**, when in fact the
6989 official records provided to the Commonwealth of Massachusetts
6990 OEMS for the class fraudulently reflect that the class ran until
6991 10:30 PM.

6992
6993 277. On or about **December 11, 2008**, Defendants Henry Michalski,
6994 Darrell Moore, Robert Piepiora, David Raymond, John Good,
6995 Frank Carabello, and Kevin M. Lyons individually, and in their
6996 official capacity, while acting under color of law as a Emergency
6997 Medical Technician Instructors, and/or EMT Training School
6998 and/or EMT Examiner, for the Commonwealth of Massachusetts in
6999 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
7000 did with other defendants violate, deprive, or infringe upon the
7001 civil rights of Plaintiff James M. Atkinson for the purposes of
7002 personal, political, and professional gains, without just cause, or
7003 lawful authority and did **engage in witness tampering** against
7004 James M. Atkinson in contravention of law by contacting Plaintiff
7005 Atkinson both directly and through others and stating they
7006 “Everybody would hang, if we got caught, so everybody has to

7007 have the same story” This specific unlawful action on this date
7008 intertwines with other related actions and activities performed on
7009 other dates and forms a unbroken continuation of the operation of a
7010 organized criminal enterprise functioning prior to this date,
7011 spanning this specific date, and continuing onward to the present
7012 date, and affecting both historical, present, and future events. This
7013 action involved the starting of the class on **December 11, 2008** at
7014 6:30 PM, the students were dismissed **at 8:45 PM**, when in fact the
7015 official records provided to the Commonwealth of Massachusetts
7016 OEMS for the class fraudulently reflect that the class ran until
7017 10:30 PM.

7018
7019 278. On or about **December 11, 2008**, Defendants Henry Michalski,
7020 Darrell Moore, Robert Piepiora, David Raymond, John Good,
7021 Frank Carabello, and Kevin M. Lyons individually, and in their
7022 official capacity, while acting under color of law as a Emergency
7023 Medical Technician Instructors, and/or EMT Training School
7024 and/or EMT Examiner, for the Commonwealth of Massachusetts in
7025 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
7026 did with other defendants violate, deprive, or infringe upon the

7027 civil rights of Plaintiff James M. Atkinson for the purposes of
7028 personal, political, and professional gains, without just cause, or
7029 lawful authority and did engage in **Felony Larceny** against James
7030 M. Atkinson in contravention of law, by taking monies for goods
7031 and services which were not provided. This specific unlawful
7032 action on this date intertwines with other related actions and
7033 activities performed on other dates and forms a unbroken
7034 continuation of the operation of a organized criminal enterprise
7035 functioning prior to this date, spanning this specific date, and
7036 continuing onward to the present date, and affecting both historical,
7037 present, and future events. This action involved the starting of the
7038 class on **December 11, 2008** at 6:30 PM, the students were
7039 dismissed **at 8:45 PM**, when in fact the official records provided to
7040 the Commonwealth of Massachusetts OEMS for the class
7041 fraudulently reflect that the class ran until 10:30 PM.

7042

7043 279. On or about **December 11, 2008**, Defendants Henry Michalski,
7044 Darrell Moore, Robert Piepiora, David Raymond, John Good,
7045 Frank Carabello, and Kevin M. Lyons individually, and in their
7046 official capacity, while acting under color of law as a Emergency

7047 Medical Technician Instructors, and/or EMT Training School
7048 and/or EMT Examiner, for the Commonwealth of Massachusetts in
7049 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
7050 did with other defendants violate, deprive, or infringe upon the
7051 civil rights of Plaintiff James M. Atkinson for the purposes of
7052 personal, political, and professional gains, without just cause, or
7053 lawful authority and did engage in **Obstruction of Justice** against
7054 James M. Atkinson in contravention of law, by contacting the
7055 Plaintiff and instructing him not to talk to state inspectors about the
7056 fraudulent EMT course. This specific unlawful action on this date
7057 intertwines with other related actions and activities performed on
7058 other dates and forms a unbroken continuation of the operation of a
7059 organized criminal enterprise functioning prior to this date,
7060 spanning this specific date, and continuing onward to the present
7061 date, and affecting both historical, present, and future events. This
7062 action involved the starting of the class on **December 11, 2008** at
7063 6:30 PM, the students were dismissed **at 8:45 PM**, when in fact the
7064 official records provided to the Commonwealth of Massachusetts
7065 OEMS for the class fraudulently reflect that the class ran until
7066 10:30 PM.

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280. On or about **December 11, 2008**, Defendants Henry Michalski, Darrell Moore, Robert Piepiora, David Raymond, John Good, Frank Carabello, and Kevin M. Lyons individually, and in their official capacity, while acting under color of law as a Emergency Medical Technician Instructors, and/or EMT Training School and/or EMT Examiner, for the Commonwealth of Massachusetts in Boston, MA and Lyons Ambulance, in Danvers, Massachusetts; did with other defendants violate, deprive, or infringe upon the civil rights of Plaintiff James M. Atkinson for the purposes of personal, political, and professional gains, without just cause, or lawful authority and did **engage in Medicaid and Medicare Fraud and False Claims** against the United States of America in contravention of law, by way of permitting students to “graduate” who did not meet the minimum times or skills required to be an EMT. This specific unlawful action on this date intertwines with other related actions and activities performed on other dates and forms a unbroken continuation of the operation of a organized criminal enterprise functioning prior to this date, spanning this specific date, and continuing onward to the present date, and

7087 affecting both historical, present, and future events. This action
7088 involved the starting of the class on **December 11, 2008** at 6:30
7089 PM, the students were dismissed **at 8:45 PM**, when in fact the
7090 official records provided to the Commonwealth of Massachusetts
7091 OEMS for the class fraudulently reflect that the class ran until
7092 10:30 PM.

7093
7094 281. On or about **December 11, 2008**, Defendants Henry Michalski,
7095 Darrell Moore, Robert Piepiora, David Raymond, John Good,
7096 Frank Carabello, and Kevin M. Lyons individually, and in their
7097 official capacity, while acting under color of law as a Emergency
7098 Medical Technician Instructors, and/or EMT Training School
7099 and/or EMT Examiner, for the Commonwealth of Massachusetts in
7100 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
7101 did with other defendants violate, deprive, or infringe upon the
7102 civil rights of Plaintiff James M. Atkinson for the purposes of
7103 personal, political, and professional gains, without just cause, or
7104 lawful authority and did engage in **Medicaid and Medicare Fraud**
7105 **and False Claims** against the United States of America in
7106 contravention of law, by assisting unqualified EMTs to bill

7107 Medicaid, Medicare, and numerous insurance companies for
7108 services that were not competently being rendered due to
7109 fraudulent EMT training. This specific unlawful action on this date
7110 intertwines with other related actions and activities performed on
7111 other dates and forms a unbroken continuation of the operation of a
7112 organized criminal enterprise functioning prior to this date,
7113 spanning this specific date, and continuing onward to the present
7114 date, and affecting both historical, present, and future events. This
7115 action involved the starting of the class on December 11, 2008 at
7116 6:30 PM, the students were dismissed at 8:45 PM, when in fact the
7117 official records provided to the Commonwealth of Massachusetts
7118 OEMS for the class fraudulently reflect that the class ran until
7119 10:30 PM.

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7121
7122 **Lyons Ambulance EMT Training Fraud**
7123 **December 15, 2008**
7124

7125 282. On or about December 15, 2008, Defendants Henry Michalski,
7126 Darrell Moore, Robert Piepiora, David Raymond, John Good,
7127 Frank Carabello, and Kevin M. Lyons individually, and in their
7128 official capacity, while acting under color of law as a Emergency
7129 Medical Technician Instructors, and/or EMT Training School

7130 and/or EMT Examiner, for the Commonwealth of Massachusetts in
7131 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
7132 did with other defendants violate, deprive, or infringe upon the
7133 civil rights of Plaintiff James M. Atkinson for the purposes of
7134 personal, political, and professional gains, without just cause, or
7135 lawful authority and did engage in a **Scheme to Defraud** against
7136 James M. Atkinson in contravention of law, by taking monies for a
7137 fraudulent EMT training course, that did not meet the mandatory
7138 class times required by law. This specific unlawful action on this
7139 date intertwines with other related actions and activities performed
7140 on other dates and forms a unbroken continuation of the operation
7141 of a organized criminal enterprise functioning prior to this date,
7142 spanning this specific date, and continuing onward to the present
7143 date, and affecting both historical, present, and future events. This
7144 action involved the starting of the class on **December 15, 2008** at
7145 6:30 PM, the students were dismissed **at 9:21 PM**, when in fact the
7146 official records provided to the Commonwealth of Massachusetts
7147 OEMS for the class fraudulently reflect that the class ran until
7148 10:30 PM.

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283. On or about **December 15, 2008**, Defendants Henry Michalski, Darrell Moore, Robert Piepiora, David Raymond, John Good, Frank Carabello, and Kevin M. Lyons individually, and in their official capacity, while acting under color of law as a Emergency Medical Technician Instructors, and/or EMT Training School and/or EMT Examiner, for the Commonwealth of Massachusetts in Boston, MA and Lyons Ambulance, in Danvers, Massachusetts; did with other defendants violate, deprive, or infringe upon the civil rights of Plaintiff James M. Atkinson for the purposes of personal, political, and professional gains, without just cause, or lawful authority and did engage in **Scheme to Defraud** against James M. Atkinson in contravention of law, by depriving Atkinson of the required course durations and content required to legitimately obtain an EMT license. This specific unlawful action on this date intertwines with other related actions and activities performed on other dates and forms a unbroken continuation of the operation of a organized criminal enterprise functioning prior to this date, spanning this specific date, and continuing onward to the present date, and affecting both historical, present, and future

7170 events. This action involved the issuance of a fraudulent EMT
7171 CEU training roster with the students names which Defendants
7172 stated to the class that he/they would fake a state HIPPA CEU
7173 certificate based on the short video we watched that night in
7174 class. In indeed this fictitious training does in fact show in the
7175 files for the students in the class who did not take the class, as
7176 dates post the actual event, but who did sign the fraudulent
7177 rosters, which were sent to OEMS by U.S. Mail, thus committing
7178 Mail Fraud.

7179
7180 284. On or about **December 15, 2008**, Defendants Henry Michalski,
7181 Darrell Moore, Robert Piepiora, David Raymond, John Good,
7182 Frank Carabello, and Kevin M. Lyons individually, and in their
7183 official capacity, while acting under color of law as a Emergency
7184 Medical Technician Instructors, and/or EMT Training School
7185 and/or EMT Examiner, for the Commonwealth of Massachusetts in
7186 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
7187 did with other defendants violate, deprive, or infringe upon the
7188 civil rights of Plaintiff James M. Atkinson for the purposes of
7189 personal, political, and professional gains, without just cause, or

7190 lawful authority and did engage in **Scheme to Defraud** against
7191 James M. Atkinson in contravention of law, by depriving Atkinson
7192 of the required course durations and content required to
7193 legitimately obtain an EMT license. This specific unlawful action
7194 on this date intertwines with other related actions and activities
7195 performed on other dates and forms a unbroken continuation of the
7196 operation of a organized criminal enterprise functioning prior to
7197 this date, spanning this specific date, and continuing onward to the
7198 present date, and affecting both historical, present, and future
7199 events. This action involved the issuance of a fraudulent EMT
7200 CEU training roster with the students names which Defendants
7201 stated to the class that he/they would fake a state EVOC –
7202 Emergency Vehicle Operator Course CEU certificate based on
7203 the short 90-minute video we watched that night in class. In
7204 indeed this fictitious training does in fact show in the files for
7205 the students in the class who did not take the class, as dates
7206 past the actual event, but who did sign the fraudulent rosters,
7207 which were sent to OEMS by U.S. Mail, thus committing Mail
7208 Fraud. Course CEU's where even awarded to students who
7209 passed the course, signed the fraudulent roster, yet failed to

7210 obtain their EMT license, but nonetheless the Commonwealth
7211 OEMS CEO database with there newly graduated persons with
7212 CEO, but no actual licensure, required to actually take the CEU

7213

7214 285. On or about **December 15, 2008**, Defendants Henry Michalski,
7215 Darrell Moore, Robert Piepiora, David Raymond, John Good,
7216 Frank Carabello, and Kevin M. Lyons individually, and in their
7217 official capacity, while acting under color of law as a Emergency
7218 Medical Technician Instructors, and/or EMT Training School
7219 and/or EMT Examiner, for the Commonwealth of Massachusetts in
7220 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
7221 did with other defendants violate, deprive, or infringe upon the
7222 civil rights of Plaintiff James M. Atkinson for the purposes of
7223 personal, political, and professional gains, without just cause, or
7224 lawful authority and did engage in a **Conspiracy** against James M.
7225 Atkinson in contravention of law, by way of an agreement between
7226 the instructors and certain students to defraud the Commonwealth
7227 of Massachusetts Office of EMS (licensing agency) in regards to
7228 course duration and course content. This specific unlawful action
7229 on this date intertwines with other related actions and activities

7230 performed on other dates and forms a unbroken continuation of the
7231 operation of a organized criminal enterprise functioning prior to
7232 this date, spanning this specific date, and continuing onward to the
7233 present date, and affecting both historical, present, and future
7234 events. This action involved the starting of the class on December
7235 15, 2008 at 6:30 PM, the students were dismissed at 9:21 PM,
7236 when in fact the official records provided to the Commonwealth of
7237 Massachusetts OEMS for the class fraudulently reflect that the
7238 class ran until 10:30 PM.

7239
7240 286. On or about December 15, 2008, Defendants Henry Michalski,
7241 Darrell Moore, Robert Piepiora, David Raymond, John Good,
7242 Frank Carabello, and Kevin M. Lyons individually, and in their
7243 official capacity, while acting under color of law as a Emergency
7244 Medical Technician Instructors, and/or EMT Training School
7245 and/or EMT Examiner, for the Commonwealth of Massachusetts in
7246 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
7247 did with other defendants violate, deprive, or infringe upon the
7248 civil rights of Plaintiff James M. Atkinson for the purposes of
7249 personal, political, and professional gains, without just cause, or

7250 lawful authority and did engage in Mail Fraud against James M.
7251 Atkinson in contravention of law by way of sending class rosters
7252 and course documents to the Commonwealth of Massachusetts
7253 OEMS offices for classes which did not take place at all, or for
7254 which hours were reported to be higher then those actually
7255 attended by student. This specific unlawful action on this date
7256 intertwines with other related actions and activities performed on
7257 other dates and forms a unbroken continuation of the operation of a
7258 organized criminal enterprise functioning prior to this date,
7259 spanning this specific date, and continuing onward to the present
7260 date, and affecting both historical, present, and future events. This
7261 action involved the starting of the class on December 15, 2008 at
7262 6:30 PM, the students were dismissed at 9:21 PM, when in fact the
7263 official records provided to the Commonwealth of Massachusetts
7264 OEMS for the class fraudulently reflect that the class ran until
7265 10:30 PM.

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7267 287. On or about December 15, 2008, Defendants Henry Michalski,
7268 Darrell Moore, Robert Piepiora, David Raymond, John Good,
7269 Frank Carabello, and Kevin M. Lyons individually, and in their

7270 official capacity, while acting under color of law as a Emergency
7271 Medical Technician Instructors, and/or EMT Training School
7272 and/or EMT Examiner, for the Commonwealth of Massachusetts in
7273 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
7274 did with other defendants violate, deprive, or infringe upon the
7275 civil rights of Plaintiff James M. Atkinson for the purposes of
7276 personal, political, and professional gains, without just cause, or
7277 lawful authority and did engage in **Wire Fraud** against James M.
7278 Atkinson in contravention of law, by way of transmitting
7279 fraudulent E-Mail, and using online learning modalities, and
7280 falsifying the results of online testing. Also, the misuse of inter-
7281 state electronic communications to perform certain EMT Course
7282 functions to include online assignments, online testing, online
7283 examinations, and the use of online resources to create the end of
7284 course written examination. This specific unlawful action on this
7285 date intertwines with other related actions and activities performed
7286 on other dates and forms a unbroken continuation of the operation
7287 of a organized criminal enterprise functioning prior to this date,
7288 spanning this specific date, and continuing onward to the present
7289 date, and affecting both historical, present, and future events. This

7290 action involved the starting of the class on December 15, 2008 at
7291 6:30 PM, the students were dismissed at 9:21 PM, when in fact the
7292 official records provided to the Commonwealth of Massachusetts
7293 OEMS for the class fraudulently reflect that the class ran until
7294 10:30 PM.

7295
7296 288. On or about December 15, 2008, Defendants Henry Michalski,
7297 Darrell Moore, Robert Piepiora, David Raymond, John Good,
7298 Frank Carabello, and Kevin M. Lyons individually, and in their
7299 official capacity, while acting under color of law as a Emergency
7300 Medical Technician Instructors, and/or EMT Training School
7301 and/or EMT Examiner, for the Commonwealth of Massachusetts in
7302 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
7303 did with other defendants violate, deprive, or infringe upon the
7304 civil rights of Plaintiff James M. Atkinson for the purposes of
7305 personal, political, and professional gains, without just cause, or
7306 lawful authority and did engage in Scheme to Defraud against
7307 James M. Atkinson in contravention of law, by depriving Atkinson
7308 of the required course durations and content required to
7309 legitimately obtain an EMT license. This specific unlawful action

7310 on this date intertwines with other related actions and activities
7311 performed on other dates and forms a unbroken continuation of the
7312 operation of a organized criminal enterprise functioning prior to
7313 this date, spanning this specific date, and continuing onward to the
7314 present date, and affecting both historical, present, and future
7315 events. This action involved the starting of the class on **December**
7316 **15, 2008** at 6:30 PM, the students were dismissed **at 9:21 PM**,
7317 when in fact the official records provided to the Commonwealth of
7318 Massachusetts OEMS for the class fraudulently reflect that the
7319 class ran until 10:30 PM.

7320
7321 289. On or about **December 15, 2008**, Defendants Henry Michalski,
7322 Darrell Moore, Robert Piepiora, David Raymond, John Good,
7323 Frank Carabello, and Kevin M. Lyons individually, and in their
7324 official capacity, while acting under color of law as a Emergency
7325 Medical Technician Instructors, and/or EMT Training School
7326 and/or EMT Examiner, for the Commonwealth of Massachusetts in
7327 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
7328 did with other defendants violate, deprive, or infringe upon the
7329 civil rights of Plaintiff James M. Atkinson for the purposes of

7330 personal, political, and professional gains, without just cause, or
7331 lawful authority and did engage in **Racketeering** against James M.
7332 Atkinson in contravention of law, by virtue of the operation of a
7333 criminal organization, engaging in conspiracy, obstruction of
7334 justice, mail fraud, wire fraud, Medicare/medical fraud, and other
7335 actions. This specific unlawful action on this date intertwines with
7336 other related actions and activities performed on other dates and
7337 forms a unbroken continuation of the operation of a organized
7338 criminal enterprise functioning prior to this date, spanning this
7339 specific date, and continuing onward to the present date, and
7340 affecting both historical, present, and future events. This action
7341 involved the starting of the class on **December 15, 2008** at 6:30
7342 PM, the students were dismissed **at 9:21 PM**, when in fact the
7343 official records provided to the Commonwealth of Massachusetts
7344 OEMS for the class fraudulently reflect that the class ran until
7345 10:30 PM.

7346
7347 290. On or about **December 15, 2008**, Defendants Henry Michalski,
7348 Darrell Moore, Robert Piepiora, David Raymond, John Good,
7349 Frank Carabello, and Kevin M. Lyons individually, and in their

7350 official capacity, while acting under color of law as a Emergency
7351 Medical Technician Instructors, and/or EMT Training School
7352 and/or EMT Examiner, for the Commonwealth of Massachusetts in
7353 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
7354 did with other defendants violate, deprive, or infringe upon the
7355 civil rights of Plaintiff James M. Atkinson for the purposes of
7356 personal, political, and professional gains, without just cause, or
7357 lawful authority and did engage in witness tampering against
7358 James M. Atkinson in contravention of law by contacting Plaintiff
7359 Atkinson both directly and through others and stating they
7360 “Everybody would hang, if we got caught, so everybody has to
7361 have the same story” This specific unlawful action on this date
7362 intertwines with other related actions and activities performed on
7363 other dates and forms a unbroken continuation of the operation of a
7364 organized criminal enterprise functioning prior to this date,
7365 spanning this specific date, and continuing onward to the present
7366 date, and affecting both historical, present, and future events. This
7367 action involved the starting of the class on December 15, 2008 at
7368 6:30 PM, the students were dismissed at 9:21 PM, when in fact the
7369 official records provided to the Commonwealth of Massachusetts

7370 OEMS for the class fraudulently reflect that the class ran until
7371 10:30 PM.

7372
7373 291. On or about **December 15, 2008**, Defendants Henry Michalski,
7374 Darrell Moore, Robert Piepiora, David Raymond, John Good,
7375 Frank Carabello, and Kevin M. Lyons individually, and in their
7376 official capacity, while acting under color of law as a Emergency
7377 Medical Technician Instructors, and/or EMT Training School
7378 and/or EMT Examiner, for the Commonwealth of Massachusetts in
7379 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
7380 did with other defendants violate, deprive, or infringe upon the
7381 civil rights of Plaintiff James M. Atkinson for the purposes of
7382 personal, political, and professional gains, without just cause, or
7383 lawful authority and did engage in **Felony Larceny** against James
7384 M. Atkinson in contravention of law, by taking monies for goods
7385 and services which were not provided. This specific unlawful
7386 action on this date intertwines with other related actions and
7387 activities performed on other dates and forms a unbroken
7388 continuation of the operation of a organized criminal enterprise
7389 functioning prior to this date, spanning this specific date, and

7390 continuing onward to the present date, and affecting both historical,
7391 present, and future events. This action involved the starting of the
7392 class on **December 15, 2008** at 6:30 PM, the students were
7393 dismissed **at 9:21 PM**, when in fact the official records provided to
7394 the Commonwealth of Massachusetts OEMS for the class
7395 fraudulently reflect that the class ran until 10:30 PM.

7396
7397 292. On or about **December 15, 2008**, Defendants Henry Michalski,
7398 Darrell Moore, Robert Piepiora, David Raymond, John Good,
7399 Frank Carabello, and Kevin M. Lyons individually, and in their
7400 official capacity, while acting under color of law as a Emergency
7401 Medical Technician Instructors, and/or EMT Training School
7402 and/or EMT Examiner, for the Commonwealth of Massachusetts in
7403 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
7404 did with other defendants violate, deprive, or infringe upon the
7405 civil rights of Plaintiff James M. Atkinson for the purposes of
7406 personal, political, and professional gains, without just cause, or
7407 lawful authority and did engage in **Obstruction of Justice** against
7408 James M. Atkinson in contravention of law, by contacting the
7409 Plaintiff and instructing him not to talk to state inspectors about the

7410 fraudulent EMT course. This specific unlawful action on this date
7411 intertwines with other related actions and activities performed on
7412 other dates and forms a unbroken continuation of the operation of a
7413 organized criminal enterprise functioning prior to this date,
7414 spanning this specific date, and continuing onward to the present
7415 date, and affecting both historical, present, and future events. This
7416 action involved the starting of the class on **December 15, 2008** at
7417 6:30 PM, the students were dismissed **at 9:21 PM**, when in fact the
7418 official records provided to the Commonwealth of Massachusetts
7419 OEMS for the class fraudulently reflect that the class ran until
7420 10:30 PM.

7421
7422 293. On or about **December 15, 2008**, Defendants Henry Michalski,
7423 Darrell Moore, Robert Piepiora, David Raymond, John Good,
7424 Frank Carabello, and Kevin M. Lyons individually, and in their
7425 official capacity, while acting under color of law as a Emergency
7426 Medical Technician Instructors, and/or EMT Training School
7427 and/or EMT Examiner, for the Commonwealth of Massachusetts in
7428 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
7429 did with other defendants violate, deprive, or infringe upon the

7430 civil rights of Plaintiff James M. Atkinson for the purposes of
7431 personal, political, and professional gains, without just cause, or
7432 lawful authority and did **engage in Medicaid and Medicare Fraud**
7433 **and False Claims** against the United States of America in
7434 contravention of law, by way of permitting students to “graduate”
7435 who did not meet the minimum times or skills required to be an
7436 EMT. This specific unlawful action on this date intertwines with
7437 other related actions and activities performed on other dates and
7438 forms a unbroken continuation of the operation of a organized
7439 criminal enterprise functioning prior to this date, spanning this
7440 specific date, and continuing onward to the present date, and
7441 affecting both historical, present, and future events. This action
7442 involved the starting of the class on **December 15, 2008** at 6:30
7443 PM, the students were dismissed **at 9:21 PM**, when in fact the
7444 official records provided to the Commonwealth of Massachusetts
7445 OEMS for the class fraudulently reflect that the class ran until
7446 10:30 PM.

7447

7448 294. On or about **December 15, 2008**, Defendants Henry Michalski,
7449 Darrell Moore, Robert Piepiora, David Raymond, John Good,

7450 Frank Carabello, and Kevin M. Lyons individually, and in their
7451 official capacity, while acting under color of law as a Emergency
7452 Medical Technician Instructors, and/or EMT Training School
7453 and/or EMT Examiner, for the Commonwealth of Massachusetts in
7454 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
7455 did with other defendants violate, deprive, or infringe upon the
7456 civil rights of Plaintiff James M. Atkinson for the purposes of
7457 personal, political, and professional gains, without just cause, or
7458 lawful authority and did engage in **Medicaid and Medicare Fraud**
7459 **and False Claims** against the United States of America in
7460 contravention of law, by assisting unqualified EMTs to bill
7461 Medicaid, Medicare, and numerous insurance companies for
7462 services that were not competently being rendered due to
7463 fraudulent EMT training. This specific unlawful action on this date
7464 intertwines with other related actions and activities performed on
7465 other dates and forms a unbroken continuation of the operation of a
7466 organized criminal enterprise functioning prior to this date,
7467 spanning this specific date, and continuing onward to the present
7468 date, and affecting both historical, present, and future events. This
7469 action involved the starting of the class on **December 15, 2008** at

7470 6:30 PM, the students were dismissed at 9:21 PM, when in fact the
7471 official records provided to the Commonwealth of Massachusetts
7472 OEMS for the class fraudulently reflect that the class ran until
7473 10:30 PM.

7474
7475
7476 **Lyons Ambulance EMT Training Fraud**
7477 **December 18, 2008**
7478

7479 295. On or about December 18, 2008, Defendants Henry Michalski,
7480 Darrell Moore, Robert Piepiora, David Raymond, John Good,
7481 Frank Carabello, and Kevin M. Lyons individually, and in their
7482 official capacity, while acting under color of law as a Emergency
7483 Medical Technician Instructors, and/or EMT Training School
7484 and/or EMT Examiner, for the Commonwealth of Massachusetts in
7485 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
7486 did with other defendants violate, deprive, or infringe upon the
7487 civil rights of Plaintiff James M. Atkinson for the purposes of
7488 personal, political, and professional gains, without just cause, or
7489 lawful authority and did engage in a Scheme to Defraud against
7490 James M. Atkinson in contravention of law, by taking monies for a
7491 fraudulent EMT training course, that did not meet the mandatory
7492 class times required by law. This specific unlawful action on this

7493 date intertwines with other related actions and activities performed
7494 on other dates and forms a unbroken continuation of the operation
7495 of a organized criminal enterprise functioning prior to this date,
7496 spanning this specific date, and continuing onward to the present
7497 date, and affecting both historical, present, and future events. This
7498 action involved the starting of the class on **December 18, 2008** at
7499 6:30 PM, the students were dismissed **at 9:37 PM**, when in fact the
7500 official records provided to the Commonwealth of Massachusetts
7501 OEMS for the class fraudulently reflect that the class ran until
7502 10:30 PM.

7503
7504 296. On or about **December 18, 2008**, Defendants Henry Michalski,
7505 Darrell Moore, Robert Piepiora, David Raymond, John Good,
7506 Frank Carabello, and Kevin M. Lyons individually, and in their
7507 official capacity, while acting under color of law as a Emergency
7508 Medical Technician Instructors, and/or EMT Training School
7509 and/or EMT Examiner, for the Commonwealth of Massachusetts in
7510 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
7511 did with other defendants violate, deprive, or infringe upon the
7512 civil rights of Plaintiff James M. Atkinson for the purposes of

7513 personal, political, and professional gains, without just cause, or
7514 lawful authority and did engage in a **Conspiracy** against James M.
7515 Atkinson in contravention of law, by way of an agreement between
7516 the instructors and certain students to defraud the Commonwealth
7517 of Massachusetts Office of EMS (licensing agency) in regards to
7518 course duration and course content. This specific unlawful action
7519 on this date intertwines with other related actions and activities
7520 performed on other dates and forms a unbroken continuation of the
7521 operation of a organized criminal enterprise functioning prior to
7522 this date, spanning this specific date, and continuing onward to the
7523 present date, and affecting both historical, present, and future
7524 events. This action involved the starting of the class on **December**
7525 **18, 2008** at 6:30 PM, the students were dismissed **at 9:37 PM,**
7526 when in fact the official records provided to the Commonwealth of
7527 Massachusetts OEMS for the class fraudulently reflect that the
7528 class ran until 10:30 PM.

7529
7530 297. On or about **December 18, 2008,** Defendants Henry Michalski,
7531 Darrell Moore, Robert Piepiora, David Raymond, John Good,
7532 Frank Carabello, and Kevin M. Lyons individually, and in their

7533 official capacity, while acting under color of law as a Emergency
7534 Medical Technician Instructors, and/or EMT Training School
7535 and/or EMT Examiner, for the Commonwealth of Massachusetts in
7536 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
7537 did with other defendants violate, deprive, or infringe upon the
7538 civil rights of Plaintiff James M. Atkinson for the purposes of
7539 personal, political, and professional gains, without just cause, or
7540 lawful authority and did engage in Mail Fraud against James M.
7541 Atkinson in contravention of law by way of sending class rosters
7542 and course documents to the Commonwealth of Massachusetts
7543 OEMS offices for classes which did not take place at all, or for
7544 which hours were reported to be higher then those actually
7545 attended by student. This specific unlawful action on this date
7546 intertwines with other related actions and activities performed on
7547 other dates and forms a unbroken continuation of the operation of a
7548 organized criminal enterprise functioning prior to this date,
7549 spanning this specific date, and continuing onward to the present
7550 date, and affecting both historical, present, and future events. This
7551 action involved the starting of the class on December 18, 2008 at
7552 6:30 PM, the students were dismissed at 9:37 PM, when in fact the

7553 official records provided to the Commonwealth of Massachusetts
7554 OEMS for the class fraudulently reflect that the class ran until
7555 10:30 PM.

7556

7557 298. On or about **December 18, 2008**, Defendants Henry Michalski,
7558 Darrell Moore, Robert Piepiora, David Raymond, John Good,
7559 Frank Carabello, and Kevin M. Lyons individually, and in their
7560 official capacity, while acting under color of law as a Emergency
7561 Medical Technician Instructors, and/or EMT Training School
7562 and/or EMT Examiner, for the Commonwealth of Massachusetts in
7563 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
7564 did with other defendants violate, deprive, or infringe upon the
7565 civil rights of Plaintiff James M. Atkinson for the purposes of
7566 personal, political, and professional gains, without just cause, or
7567 lawful authority and did engage in **Wire Fraud** against James M.
7568 Atkinson in contravention of law, by way of transmitting
7569 fraudulent E-Mail, and using online learning modalities, and
7570 falsifying the results of online testing. Also, the misuse of inter-
7571 state electronic communications to perform certain EMT Course
7572 functions to include online assignments, online testing, online

7573 examinations, and the use of online resources to create the end of
7574 course written examination. This specific unlawful action on this
7575 date intertwines with other related actions and activities performed
7576 on other dates and forms a unbroken continuation of the operation
7577 of a organized criminal enterprise functioning prior to this date,
7578 spanning this specific date, and continuing onward to the present
7579 date, and affecting both historical, present, and future events. This
7580 action involved the starting of the class on **December 18, 2008** at
7581 6:30 PM, the students were dismissed **at 9:37 PM**, when in fact the
7582 official records provided to the Commonwealth of Massachusetts
7583 OEMS for the class fraudulently reflect that the class ran until
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7586 299. On or about **December 18, 2008**, Defendants Henry Michalski,
7587 Darrell Moore, Robert Piepiora, David Raymond, John Good,
7588 Frank Carabello, and Kevin M. Lyons individually, and in their
7589 official capacity, while acting under color of law as a Emergency
7590 Medical Technician Instructors, and/or EMT Training School
7591 and/or EMT Examiner, for the Commonwealth of Massachusetts in
7592 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;

7593 did with other defendants violate, deprive, or infringe upon the
7594 civil rights of Plaintiff James M. Atkinson for the purposes of
7595 personal, political, and professional gains, without just cause, or
7596 lawful authority and did engage in **Scheme to Defraud** against
7597 James M. Atkinson in contravention of law, by depriving Atkinson
7598 of the required course durations and content required to
7599 legitimately obtain an EMT license. This specific unlawful action
7600 on this date intertwines with other related actions and activities
7601 performed on other dates and forms a unbroken continuation of the
7602 operation of a organized criminal enterprise functioning prior to
7603 this date, spanning this specific date, and continuing onward to the
7604 present date, and affecting both historical, present, and future
7605 events. This action involved the starting of the class on **December**
7606 **18, 2008** at 6:30 PM, the students were dismissed **at 9:37 PM,**
7607 when in fact the official records provided to the Commonwealth of
7608 Massachusetts OEMS for the class fraudulently reflect that the
7609 class ran until 10:30 PM.

7610
7611 300. On or about **December 18, 2008**, Defendants Henry Michalski,
7612 Darrell Moore, Robert Piepiora, David Raymond, John Good,

7613 Frank Carabello, and Kevin M. Lyons individually, and in their
7614 official capacity, while acting under color of law as a Emergency
7615 Medical Technician Instructors, and/or EMT Training School
7616 and/or EMT Examiner, for the Commonwealth of Massachusetts in
7617 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
7618 did with other defendants violate, deprive, or infringe upon the
7619 civil rights of Plaintiff James M. Atkinson for the purposes of
7620 personal, political, and professional gains, without just cause, or
7621 lawful authority and did engage in **Racketeering** against James M.
7622 Atkinson in contravention of law, by virtue of the operation of a
7623 criminal organization, engaging in conspiracy, obstruction of
7624 justice, mail fraud, wire fraud, Medicare/medical fraud, and other
7625 actions. This specific unlawful action on this date intertwines with
7626 other related actions and activities performed on other dates and
7627 forms a unbroken continuation of the operation of a organized
7628 criminal enterprise functioning prior to this date, spanning this
7629 specific date, and continuing onward to the present date, and
7630 affecting both historical, present, and future events. This action
7631 involved the starting of the class on **December 18, 2008** at 6:30
7632 PM, the students were dismissed **at 9:37 PM**, when in fact the

7633 official records provided to the Commonwealth of Massachusetts
7634 OEMS for the class fraudulently reflect that the class ran until
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7637 301. On or about **December 18, 2008**, Defendants Henry Michalski,
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7639 Frank Carabello, and Kevin M. Lyons individually, and in their
7640 official capacity, while acting under color of law as a Emergency
7641 Medical Technician Instructors, and/or EMT Training School
7642 and/or EMT Examiner, for the Commonwealth of Massachusetts in
7643 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
7644 did with other defendants violate, deprive, or infringe upon the
7645 civil rights of Plaintiff James M. Atkinson for the purposes of
7646 personal, political, and professional gains, without just cause, or
7647 lawful authority and did **engage in witness tampering** against
7648 James M. Atkinson in contravention of law by contacting Plaintiff
7649 Atkinson both directly and through others and stating they
7650 “Everybody would hang, if we got caught, so everybody has to
7651 have the same story” This specific unlawful action on this date
7652 intertwines with other related actions and activities performed on

7653 other dates and forms a unbroken continuation of the operation of a
7654 organized criminal enterprise functioning prior to this date,
7655 spanning this specific date, and continuing onward to the present
7656 date, and affecting both historical, present, and future events. This
7657 action involved the starting of the class on **December 18, 2008** at
7658 6:30 PM, the students were dismissed **at 9:37 PM**, when in fact the
7659 official records provided to the Commonwealth of Massachusetts
7660 OEMS for the class fraudulently reflect that the class ran until
7661 10:30 PM.

7662
7663 302. On or about **December 18, 2008**, Defendants Henry Michalski,
7664 Darrell Moore, Robert Piepiora, David Raymond, John Good,
7665 Frank Carabello, and Kevin M. Lyons individually, and in their
7666 official capacity, while acting under color of law as a Emergency
7667 Medical Technician Instructors, and/or EMT Training School
7668 and/or EMT Examiner, for the Commonwealth of Massachusetts in
7669 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
7670 did with other defendants violate, deprive, or infringe upon the
7671 civil rights of Plaintiff James M. Atkinson for the purposes of
7672 personal, political, and professional gains, without just cause, or

7673 lawful authority and did engage in **Felony Larceny** against James
7674 M. Atkinson in contravention of law, by taking monies for goods
7675 and services which were not provided. This specific unlawful
7676 action on this date intertwines with other related actions and
7677 activities performed on other dates and forms a unbroken
7678 continuation of the operation of a organized criminal enterprise
7679 functioning prior to this date, spanning this specific date, and
7680 continuing onward to the present date, and affecting both historical,
7681 present, and future events. This action involved the starting of the
7682 class on **December 18, 2008** at 6:30 PM, the students were
7683 dismissed **at 9:37 PM**, when in fact the official records provided to
7684 the Commonwealth of Massachusetts OEMS for the class
7685 fraudulently reflect that the class ran until 10:30 PM.

7686
7687 303. On or about **December 18, 2008**, Defendants Henry Michalski,
7688 Darrell Moore, Robert Piepiora, David Raymond, John Good,
7689 Frank Carabello, and Kevin M. Lyons individually, and in their
7690 official capacity, while acting under color of law as a Emergency
7691 Medical Technician Instructors, and/or EMT Training School
7692 and/or EMT Examiner, for the Commonwealth of Massachusetts in

7693 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
7694 did with other defendants violate, deprive, or infringe upon the
7695 civil rights of Plaintiff James M. Atkinson for the purposes of
7696 personal, political, and professional gains, without just cause, or
7697 lawful authority and did engage in **Obstruction of Justice** against
7698 James M. Atkinson in contravention of law, by contacting the
7699 Plaintiff and instructing him not to talk to state inspectors about the
7700 fraudulent EMT course. This specific unlawful action on this date
7701 intertwines with other related actions and activities performed on
7702 other dates and forms a unbroken continuation of the operation of a
7703 organized criminal enterprise functioning prior to this date,
7704 spanning this specific date, and continuing onward to the present
7705 date, and affecting both historical, present, and future events. This
7706 action involved the starting of the class on **December 18, 2008** at
7707 6:30 PM, the students were dismissed **at 9:37 PM**, when in fact the
7708 official records provided to the Commonwealth of Massachusetts
7709 OEMS for the class fraudulently reflect that the class ran until
7710 10:30 PM.
7711

7712 304. On or about **December 18, 2008**, Defendants Henry Michalski,
7713 Darrell Moore, Robert Piepiora, David Raymond, John Good,
7714 Frank Carabello, and Kevin M. Lyons individually, and in their
7715 official capacity, while acting under color of law as a Emergency
7716 Medical Technician Instructors, and/or EMT Training School
7717 and/or EMT Examiner, for the Commonwealth of Massachusetts in
7718 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
7719 did with other defendants violate, deprive, or infringe upon the
7720 civil rights of Plaintiff James M. Atkinson for the purposes of
7721 personal, political, and professional gains, without just cause, or
7722 lawful authority and did **engage in Medicaid and Medicare Fraud**
7723 **and False Claims** against the United States of America in
7724 contravention of law, by way of permitting students to “graduate”
7725 who did not meet the minimum times or skills required to be an
7726 EMT. This specific unlawful action on this date intertwines with
7727 other related actions and activities performed on other dates and
7728 forms a unbroken continuation of the operation of a organized
7729 criminal enterprise functioning prior to this date, spanning this
7730 specific date, and continuing onward to the present date, and
7731 affecting both historical, present, and future events. This action

7732 involved the starting of the class on **December 18, 2008** at 6:30
7733 PM, the students were dismissed **at 9:37 PM**, when in fact the
7734 official records provided to the Commonwealth of Massachusetts
7735 OEMS for the class fraudulently reflect that the class ran until
7736 10:30 PM.

7737

7738 305. On or about **December 18, 2008**, Defendants Henry Michalski,
7739 Darrell Moore, Robert Piepiora, David Raymond, John Good,
7740 Frank Carabello, and Kevin M. Lyons individually, and in their
7741 official capacity, while acting under color of law as a Emergency
7742 Medical Technician Instructors, and/or EMT Training School
7743 and/or EMT Examiner, for the Commonwealth of Massachusetts in
7744 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
7745 did with other defendants violate, deprive, or infringe upon the
7746 civil rights of Plaintiff James M. Atkinson for the purposes of
7747 personal, political, and professional gains, without just cause, or
7748 lawful authority and did engage in **Medicaid and Medicare Fraud**
7749 **and False Claims** against the United States of America in
7750 contravention of law, by assisting unqualified EMTs to bill
7751 Medicaid, Medicare, and numerous insurance companies for

7752 services that were not competently being rendered due to
7753 fraudulent EMT training. This specific unlawful action on this date
7754 intertwines with other related actions and activities performed on
7755 other dates and forms a unbroken continuation of the operation of a
7756 organized criminal enterprise functioning prior to this date,
7757 spanning this specific date, and continuing onward to the present
7758 date, and affecting both historical, present, and future events. This
7759 action involved the starting of the class on **December 18, 2008** at
7760 6:30 PM, the students were dismissed **at 9:37 PM**, when in fact the
7761 official records provided to the Commonwealth of Massachusetts
7762 OEMS for the class fraudulently reflect that the class ran until
7763 10:30 PM.

7764
7765 **Lyons Ambulance EMT Training Fraud**
7766 **December 27, 2008 – Graduation Day**
7767

7768 306. On or about **December 27, 2008**, Defendants Henry Michalski,
7769 Darrell Moore, Robert Piepiora, David Raymond, John Good,
7770 Frank Carabello, and Kevin M. Lyons individually, and in their
7771 official capacity, while acting under color of law as a Emergency
7772 Medical Technician Instructors, and/or EMT Training School
7773 and/or EMT Examiner, for the Commonwealth of Massachusetts in

7774 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
7775 did with other defendants violate, deprive, or infringe upon the
7776 civil rights of Plaintiff James M. Atkinson for the purposes of
7777 personal, political, and professional gains, without just cause, or
7778 lawful authority and did engage in a **Scheme to Defraud** against
7779 James M. Atkinson in contravention of law, by taking monies for a
7780 fraudulent EMT training course, that did not meet the mandatory
7781 class times required by law. This specific unlawful action on this
7782 date intertwines with other related actions and activities performed
7783 on other dates and forms a unbroken continuation of the operation
7784 of a organized criminal enterprise functioning prior to this date,
7785 spanning this specific date, and continuing onward to the present
7786 date, and affecting both historical, present, and future events. This
7787 action involved the starting of the class on **December 27, 2008** at
7788 8:30 AM, the students were dismissed **at 12:39 PM**, when in fact
7789 the official records provided to the Commonwealth of
7790 Massachusetts OEMS for the class fraudulently reflect that the
7791 class ran until 2:30 PM.

7792

7793 307. On or about **December 27, 2008**, Defendants Henry Michalski,
7794 Darrell Moore, Robert Piepiora, David Raymond, John Good,
7795 Frank Carabello, and Kevin M. Lyons individually, and in their
7796 official capacity, while acting under color of law as a Emergency
7797 Medical Technician Instructors, and/or EMT Training School
7798 and/or EMT Examiner, for the Commonwealth of Massachusetts in
7799 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
7800 did with other defendants violate, deprive, or infringe upon the
7801 civil rights of Plaintiff James M. Atkinson for the purposes of
7802 personal, political, and professional gains, without just cause, or
7803 lawful authority and did engage in a **Conspiracy** against James M.
7804 Atkinson in contravention of law, by way of an agreement between
7805 the instructors and certain students to defraud the Commonwealth
7806 of Massachusetts Office of EMS (licensing agency) in regards to
7807 course duration and course content. This specific unlawful action
7808 on this date intertwines with other related actions and activities
7809 performed on other dates and forms a unbroken continuation of the
7810 operation of a organized criminal enterprise functioning prior to
7811 this date, spanning this specific date, and continuing onward to the
7812 present date, and affecting both historical, present, and future

7813 events. This action involved the starting of the class on December
7814 27, 2008 at 8:30 AM, the students were dismissed at 12:39 PM,
7815 when in fact the official records provided to the Commonwealth of
7816 Massachusetts OEMS for the class fraudulently reflect that the
7817 class ran until 2:30 PM.

7818
7819 308. On or about December 27, 2008, Defendants Henry Michalski,
7820 Darrell Moore, Robert Piepiora, David Raymond, John Good,
7821 Frank Carabello, and Kevin M. Lyons individually, and in their
7822 official capacity, while acting under color of law as a Emergency
7823 Medical Technician Instructors, and/or EMT Training School
7824 and/or EMT Examiner, for the Commonwealth of Massachusetts in
7825 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
7826 did with other defendants violate, deprive, or infringe upon the
7827 civil rights of Plaintiff James M. Atkinson for the purposes of
7828 personal, political, and professional gains, without just cause, or
7829 lawful authority and did engage in Mail Fraud against James M.
7830 Atkinson in contravention of law by way of sending class rosters
7831 and course documents to the Commonwealth of Massachusetts
7832 OEMS offices for classes which did not take place at all, or for

7833 which hours were reported to be higher than those actually
7834 attended by student. This specific unlawful action on this date
7835 intertwines with other related actions and activities performed on
7836 other dates and forms a unbroken continuation of the operation of a
7837 organized criminal enterprise functioning prior to this date,
7838 spanning this specific date, and continuing onward to the present
7839 date, and affecting both historical, present, and future events. This
7840 action involved the starting of the class on **December 27, 2008** at
7841 8:30 AM, the students were dismissed **at 12:39 PM**, when in fact
7842 the official records provided to the Commonwealth of
7843 Massachusetts OEMS for the class fraudulently reflect that the
7844 class ran until 2:30 PM.

7845
7846 309. On or about **December 27, 2008**, Defendants Henry Michalski,
7847 Darrell Moore, Robert Piepiora, David Raymond, John Good,
7848 Frank Carabello, and Kevin M. Lyons individually, and in their
7849 official capacity, while acting under color of law as a Emergency
7850 Medical Technician Instructors, and/or EMT Training School
7851 and/or EMT Examiner, for the Commonwealth of Massachusetts in
7852 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;

7853 did with other defendants violate, deprive, or infringe upon the
7854 civil rights of Plaintiff James M. Atkinson for the purposes of
7855 personal, political, and professional gains, without just cause, or
7856 lawful authority and did engage in **Wire Fraud** against James M.
7857 Atkinson in contravention of law, by way of transmitting
7858 fraudulent E-Mail, and using online learning modalities, and
7859 falsifying the results of online testing. Also, the misuse of inter-
7860 state electronic communications to perform certain EMT Course
7861 functions to include online assignments, online testing, online
7862 examinations, and the use of online resources to create the end of
7863 course written examination. This specific unlawful action on this
7864 date intertwines with other related actions and activities performed
7865 on other dates and forms a unbroken continuation of the operation
7866 of a organized criminal enterprise functioning prior to this date,
7867 spanning this specific date, and continuing onward to the present
7868 date, and affecting both historical, present, and future events. This
7869 action involved the starting of the class on **December 27, 2008** at
7870 8:30 AM, the students were dismissed **at 12:39 PM**, when in fact
7871 the official records provided to the Commonwealth of

7872 Massachusetts OEMS for the class fraudulently reflect that the
7873 class ran until 2:30 PM.
7874
7875 310. On or about **December 27, 2008**, Defendants Henry Michalski,
7876 Darrell Moore, Robert Piepiora, David Raymond, John Good,
7877 Frank Carabello, and Kevin M. Lyons individually, and in their
7878 official capacity, while acting under color of law as a Emergency
7879 Medical Technician Instructors, and/or EMT Training School
7880 and/or EMT Examiner, for the Commonwealth of Massachusetts in
7881 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
7882 did with other defendants violate, deprive, or infringe upon the
7883 civil rights of Plaintiff James M. Atkinson for the purposes of
7884 personal, political, and professional gains, without just cause, or
7885 lawful authority and did engage in **Scheme to Defraud** against
7886 James M. Atkinson in contravention of law, by depriving Atkinson
7887 of the required course durations and content required to
7888 legitimately obtain an EMT license. This specific unlawful action
7889 on this date intertwines with other related actions and activities
7890 performed on other dates and forms a unbroken continuation of the
7891 operation of a organized criminal enterprise functioning prior to

7892 this date, spanning this specific date, and continuing onward to the
7893 present date, and affecting both historical, present, and future
7894 events. This action involved the starting of the class on **December**
7895 **27, 2008** at 8:30 AM, the students were dismissed **at 12:39 PM**,
7896 when in fact the official records provided to the Commonwealth of
7897 Massachusetts OEMS for the class fraudulently reflect that the
7898 class ran until 2:30 PM.

7899
7900 311. On or about **December 27, 2008**, Defendants Henry Michalski,
7901 Darrell Moore, Robert Piepiora, David Raymond, John Good,
7902 Frank Carabello, and Kevin M. Lyons individually, and in their
7903 official capacity, while acting under color of law as a Emergency
7904 Medical Technician Instructors, and/or EMT Training School
7905 and/or EMT Examiner, for the Commonwealth of Massachusetts in
7906 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
7907 did with other defendants violate, deprive, or infringe upon the
7908 civil rights of Plaintiff James M. Atkinson for the purposes of
7909 personal, political, and professional gains, without just cause, or
7910 lawful authority and did engage in **Racketeering** against James M.
7911 Atkinson in contravention of law, by virtue of the operation of a

7912 criminal organization, engaging in conspiracy, obstruction of
7913 justice, mail fraud, wire fraud, Medicare/medical fraud, and other
7914 actions. This specific unlawful action on this date intertwines with
7915 other related actions and activities performed on other dates and
7916 forms a unbroken continuation of the operation of a organized
7917 criminal enterprise functioning prior to this date, spanning this
7918 specific date, and continuing onward to the present date, and
7919 affecting both historical, present, and future events. This action
7920 involved the starting of the class on **December 27, 2008** at 8:30
7921 AM, the students were dismissed **at 12:39 PM**, when in fact the
7922 official records provided to the Commonwealth of Massachusetts
7923 OEMS for the class fraudulently reflect that the class ran until 2:30
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7925
7926 312. On or about **December 27, 2008**, Defendants Henry Michalski,
7927 Darrell Moore, Robert Piepiora, David Raymond, John Good,
7928 Frank Carabello, and Kevin M. Lyons individually, and in their
7929 official capacity, while acting under color of law as a Emergency
7930 Medical Technician Instructors, and/or EMT Training School
7931 and/or EMT Examiner, for the Commonwealth of Massachusetts in

7932 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
7933 did with other defendants violate, deprive, or infringe upon the
7934 civil rights of Plaintiff James M. Atkinson for the purposes of
7935 personal, political, and professional gains, without just cause, or
7936 lawful authority and did engage in witness tampering against
7937 James M. Atkinson in contravention of law by contacting Plaintiff
7938 Atkinson both directly and through others and stating they
7939 “Everybody would hang, if we got caught, so everybody has to
7940 have the same story” This specific unlawful action on this date
7941 intertwines with other related actions and activities performed on
7942 other dates and forms a unbroken continuation of the operation of a
7943 organized criminal enterprise functioning prior to this date,
7944 spanning this specific date, and continuing onward to the present
7945 date, and affecting both historical, present, and future events. This
7946 action involved the starting of the class on December 27, 2008 at
7947 8:30 AM, the students were dismissed at 12:39 PM, when in fact
7948 the official records provided to the Commonwealth of
7949 Massachusetts OEMS for the class fraudulently reflect that the
7950 class ran until 2:30 PM.

7951

7952 313. On or about **December 27, 2008**, Defendants Henry Michalski,
7953 Darrell Moore, Robert Piepiora, David Raymond, John Good,
7954 Frank Carabello, and Kevin M. Lyons individually, and in their
7955 official capacity, while acting under color of law as a Emergency
7956 Medical Technician Instructors, and/or EMT Training School
7957 and/or EMT Examiner, for the Commonwealth of Massachusetts in
7958 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
7959 did with other defendants violate, deprive, or infringe upon the
7960 civil rights of Plaintiff James M. Atkinson for the purposes of
7961 personal, political, and professional gains, without just cause, or
7962 lawful authority and did engage in **Felony Larceny** against James
7963 M. Atkinson in contravention of law, by taking monies for goods
7964 and services which were not provided. This specific unlawful
7965 action on this date intertwines with other related actions and
7966 activities performed on other dates and forms a unbroken
7967 continuation of the operation of a organized criminal enterprise
7968 functioning prior to this date, spanning this specific date, and
7969 continuing onward to the present date, and affecting both historical,
7970 present, and future events. This action involved the starting of the
7971 class on **December 27, 2008** at 8:30 AM, the students were

7972 dismissed at 12:39 PM, when in fact the official records provided
7973 to the Commonwealth of Massachusetts OEMS for the class
7974 fraudulently reflect that the class ran until 2:30 PM.

7975

7976 314. On or about December 27, 2008, Defendants Henry Michalski,
7977 Darrell Moore, Robert Piepiora, David Raymond, John Good,
7978 Frank Carabello, and Kevin M. Lyons individually, and in their
7979 official capacity, while acting under color of law as a Emergency
7980 Medical Technician Instructors, and/or EMT Training School
7981 and/or EMT Examiner, for the Commonwealth of Massachusetts in
7982 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
7983 did with other defendants violate, deprive, or infringe upon the
7984 civil rights of Plaintiff James M. Atkinson for the purposes of
7985 personal, political, and professional gains, without just cause, or
7986 lawful authority and did engage in Obstruction of Justice against
7987 James M. Atkinson in contravention of law, by contacting the
7988 Plaintiff and instructing him not to talk to state inspectors about the
7989 fraudulent EMT course. This specific unlawful action on this date
7990 intertwines with other related actions and activities performed on
7991 other dates and forms a unbroken continuation of the operation of a

7992 organized criminal enterprise functioning prior to this date,
7993 spanning this specific date, and continuing onward to the present
7994 date, and affecting both historical, present, and future events. This
7995 action involved the starting of the class on December 27, 2008 at
7996 8:30 AM, the students were dismissed at 12:39 PM, when in fact
7997 the official records provided to the Commonwealth of
7998 Massachusetts OEMS for the class fraudulently reflect that the
7999 class ran until 2:30 PM.

8000

8001 315. On or about December 27, 2008, Defendants Henry Michalski,
8002 Darrell Moore, Robert Piepiora, David Raymond, John Good,
8003 Frank Carabello, and Kevin M. Lyons individually, and in their
8004 official capacity, while acting under color of law as a Emergency
8005 Medical Technician Instructors, and/or EMT Training School
8006 and/or EMT Examiner, for the Commonwealth of Massachusetts in
8007 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
8008 did with other defendants violate, deprive, or infringe upon the
8009 civil rights of Plaintiff James M. Atkinson for the purposes of
8010 personal, political, and professional gains, without just cause, or
8011 lawful authority and did engage in Medicaid and Medicare Fraud

8012 and False Claims against the United States of America in
8013 contravention of law, by way of permitting students to “graduate”
8014 who did not meet the minimum times or skills required to be an
8015 EMT. This specific unlawful action on this date intertwines with
8016 other related actions and activities performed on other dates and
8017 forms a unbroken continuation of the operation of a organized
8018 criminal enterprise functioning prior to this date, spanning this
8019 specific date, and continuing onward to the present date, and
8020 affecting both historical, present, and future events. This action
8021 involved the starting of the class on December 27, 2008 at 8:30
8022 AM, the students were dismissed at 12:39 PM, when in fact the
8023 official records provided to the Commonwealth of Massachusetts
8024 OEMS for the class fraudulently reflect that the class ran until 2:30
8025 PM.

8026
8027 316. On or about December 27, 2008, Defendants Henry Michalski,
8028 Darrell Moore, Robert Piepiora, David Raymond, John Good,
8029 Frank Carabello, and Kevin M. Lyons individually, and in their
8030 official capacity, while acting under color of law as a Emergency
8031 Medical Technician Instructors, and/or EMT Training School

8032 and/or EMT Examiner, for the Commonwealth of Massachusetts in
8033 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
8034 did with other defendants violate, deprive, or infringe upon the
8035 civil rights of Plaintiff James M. Atkinson for the purposes of
8036 personal, political, and professional gains, without just cause, or
8037 lawful authority and did engage in **Medicaid and Medicare Fraud**
8038 **and False Claims** against the United States of America in
8039 contravention of law, by assisting unqualified EMTs to bill
8040 Medicaid, Medicare, and numerous insurance companies for
8041 services that were not competently being rendered due to
8042 fraudulent EMT training. This specific unlawful action on this date
8043 intertwines with other related actions and activities performed on
8044 other dates and forms a unbroken continuation of the operation of a
8045 organized criminal enterprise functioning prior to this date,
8046 spanning this specific date, and continuing onward to the present
8047 date, and affecting both historical, present, and future events. This
8048 action involved the starting of the class on **December 27, 2008** at
8049 8:30 AM, the students were dismissed **at 12:39 PM**, when in fact
8050 the official records provided to the Commonwealth of

8051 Massachusetts OEMS for the class fraudulently reflect that the
8052 class ran until 2:30 PM.

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**Lyons Ambulance EMT Training Fraud
December 29, 2008 – Practice Session**

317. On or about **December 29, 2008**, Defendants Henry Michalski,
8058 Darrell Moore, Robert Piepiora, David Raymond, John Good,
8059 Frank Carabello, and Kevin M. Lyons individually, and in their
8060 official capacity, while acting under color of law as a Emergency
8061 Medical Technician Instructors, and/or EMT Training School
8062 and/or EMT Examiner, for the Commonwealth of Massachusetts in
8063 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
8064 did with other defendants violate, deprive, or infringe upon the
8065 civil rights of Plaintiff James M. Atkinson for the purposes of
8066 personal, political, and professional gains, without just cause, or
8067 lawful authority and did engage in a **Scheme to Defraud** against
8068 James M. Atkinson in contravention of law, by taking monies for a
8069 fraudulent EMT training course, that did not meet the mandatory
8070 class times required by law. This specific unlawful action on this
8071 date intertwines with other related actions and activities performed
8072 on other dates and forms a unbroken continuation of the operation

8073 of a organized criminal enterprise functioning prior to this date,
8074 spanning this specific date, and continuing onward to the present
8075 date, and affecting both historical, present, and future events. This
8076 action involved the starting of the class on **December 29, 2008** at
8077 6:30 PM, the students were dismissed **at 8:00 PM**, when in fact the
8078 official records provided to the Commonwealth of Massachusetts
8079 OEMS for the class fraudulently reflect that the class ran until
8080 10:30 PM.

8081
8082 318. On or about **December 29, 2008**, Defendants Henry Michalski,
8083 Darrell Moore, Robert Piepiora, David Raymond, John Good,
8084 Frank Carabello, and Kevin M. Lyons individually, and in their
8085 official capacity, while acting under color of law as a Emergency
8086 Medical Technician Instructors, and/or EMT Training School
8087 and/or EMT Examiner, for the Commonwealth of Massachusetts in
8088 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
8089 did with other defendants violate, deprive, or infringe upon the
8090 civil rights of Plaintiff James M. Atkinson for the purposes of
8091 personal, political, and professional gains, without just cause, or
8092 lawful authority and did engage in a **Conspiracy** against James M.

8093 Atkinson in contravention of law, by way of an agreement between
8094 the instructors and certain students to defraud the Commonwealth
8095 of Massachusetts Office of EMS (licensing agency) in regards to
8096 course duration and course content. This specific unlawful action
8097 on this date intertwines with other related actions and activities
8098 performed on other dates and forms a unbroken continuation of the
8099 operation of a organized criminal enterprise functioning prior to
8100 this date, spanning this specific date, and continuing onward to the
8101 present date, and affecting both historical, present, and future
8102 events. This action involved the starting of the class on **December**
8103 **29, 2008** at 6:30 PM, the students were dismissed **at 8:00 PM**,
8104 when in fact the official records provided to the Commonwealth of
8105 Massachusetts OEMS for the class fraudulently reflect that the
8106 class ran until 10:30 PM.

8107
8108 319. On or about **December 29, 2008**, Defendants Henry Michalski,
8109 Darrell Moore, Robert Piepiora, David Raymond, John Good,
8110 Frank Carabello, and Kevin M. Lyons individually, and in their
8111 official capacity, while acting under color of law as a Emergency
8112 Medical Technician Instructors, and/or EMT Training School

8113 and/or EMT Examiner, for the Commonwealth of Massachusetts in
8114 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
8115 did with other defendants violate, deprive, or infringe upon the
8116 civil rights of Plaintiff James M. Atkinson for the purposes of
8117 personal, political, and professional gains, without just cause, or
8118 lawful authority and did **engage in Mail Fraud** against James M.
8119 Atkinson in contravention of law by way of sending class rosters
8120 and course documents to the Commonwealth of Massachusetts
8121 OEMS offices for classes which did not take place at all, or for
8122 which hours were reported to be higher than those actually
8123 attended by student. This specific unlawful action on this date
8124 intertwines with other related actions and activities performed on
8125 other dates and forms a unbroken continuation of the operation of a
8126 organized criminal enterprise functioning prior to this date,
8127 spanning this specific date, and continuing onward to the present
8128 date, and affecting both historical, present, and future events. This
8129 action involved the starting of the class on **December 29, 2008** at
8130 6:30 PM, the students were dismissed **at 8:00 PM**, when in fact the
8131 official records provided to the Commonwealth of Massachusetts

8132 OEMS for the class fraudulently reflect that the class ran until
8133 10:30 PM.

8134

8135 320. On or about **December 29, 2008**, Defendants Henry Michalski,
8136 Darrell Moore, Robert Piepiora, David Raymond, John Good,
8137 Frank Carabello, and Kevin M. Lyons individually, and in their
8138 official capacity, while acting under color of law as a Emergency
8139 Medical Technician Instructors, and/or EMT Training School
8140 and/or EMT Examiner, for the Commonwealth of Massachusetts in
8141 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
8142 did with other defendants violate, deprive, or infringe upon the
8143 civil rights of Plaintiff James M. Atkinson for the purposes of
8144 personal, political, and professional gains, without just cause, or
8145 lawful authority and did engage in **Wire Fraud** against James M.
8146 Atkinson in contravention of law, by way of transmitting
8147 fraudulent E-Mail, and using online learning modalities, and
8148 falsifying the results of online testing. Also, the misuse of inter-
8149 state electronic communications to perform certain EMT Course
8150 functions to include online assignments, online testing, online
8151 examinations, and the use of online resources to create the end of

8152 course written examination. This specific unlawful action on this
8153 date intertwines with other related actions and activities performed
8154 on other dates and forms a unbroken continuation of the operation
8155 of a organized criminal enterprise functioning prior to this date,
8156 spanning this specific date, and continuing onward to the present
8157 date, and affecting both historical, present, and future events. This
8158 action involved the starting of the class on **December 29, 2008** at
8159 6:30 PM, the students were dismissed **at 8:00 PM**, when in fact the
8160 official records provided to the Commonwealth of Massachusetts
8161 OEMS for the class fraudulently reflect that the class ran until
8162 10:30 PM.

8163
8164 321. On or about **December 29, 2008**, Defendants Henry Michalski,
8165 Darrell Moore, Robert Piepiora, David Raymond, John Good,
8166 Frank Carabello, and Kevin M. Lyons individually, and in their
8167 official capacity, while acting under color of law as a Emergency
8168 Medical Technician Instructors, and/or EMT Training School
8169 and/or EMT Examiner, for the Commonwealth of Massachusetts in
8170 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
8171 did with other defendants violate, deprive, or infringe upon the

8172 civil rights of Plaintiff James M. Atkinson for the purposes of
8173 personal, political, and professional gains, without just cause, or
8174 lawful authority and did engage in **Scheme to Defraud** against
8175 James M. Atkinson in contravention of law, by depriving Atkinson
8176 of the required course durations and content required to
8177 legitimately obtain an EMT license. This specific unlawful action
8178 on this date intertwines with other related actions and activities
8179 performed on other dates and forms a unbroken continuation of the
8180 operation of a organized criminal enterprise functioning prior to
8181 this date, spanning this specific date, and continuing onward to the
8182 present date, and affecting both historical, present, and future
8183 events. This action involved the starting of the class on **December**
8184 **29, 2008** at 6:30 PM, the students were dismissed **at 8:00 PM**,
8185 when in fact the official records provided to the Commonwealth of
8186 Massachusetts OEMS for the class fraudulently reflect that the
8187 class ran until 10:30 PM.

8188
8189 322. On or about **December 29, 2008**, Defendants Henry Michalski,
8190 Darrell Moore, Robert Piepiora, David Raymond, John Good,
8191 Frank Carabello, and Kevin M. Lyons individually, and in their

8192 official capacity, while acting under color of law as a Emergency
8193 Medical Technician Instructors, and/or EMT Training School
8194 and/or EMT Examiner, for the Commonwealth of Massachusetts in
8195 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
8196 did with other defendants violate, deprive, or infringe upon the
8197 civil rights of Plaintiff James M. Atkinson for the purposes of
8198 personal, political, and professional gains, without just cause, or
8199 lawful authority and did engage in **Racketeering** against James M.
8200 Atkinson in contravention of law, by virtue of the operation of a
8201 criminal organization, engaging in conspiracy, obstruction of
8202 justice, mail fraud, wire fraud, Medicare/medical fraud, and other
8203 actions. This specific unlawful action on this date intertwines with
8204 other related actions and activities performed on other dates and
8205 forms a unbroken continuation of the operation of a organized
8206 criminal enterprise functioning prior to this date, spanning this
8207 specific date, and continuing onward to the present date, and
8208 affecting both historical, present, and future events. This action
8209 involved the starting of the class on **December 29, 2008** at 6:30
8210 PM, the students were dismissed **at 8:00 PM**, when in fact the
8211 official records provided to the Commonwealth of Massachusetts

8212 OEMS for the class fraudulently reflect that the class ran until
8213 10:30 PM.

8214

8215 323. On or about **December 29, 2008**, Defendants Henry Michalski,
8216 Darrell Moore, Robert Piepiora, David Raymond, John Good,
8217 Frank Carabello, and Kevin M. Lyons individually, and in their
8218 official capacity, while acting under color of law as a Emergency
8219 Medical Technician Instructors, and/or EMT Training School
8220 and/or EMT Examiner, for the Commonwealth of Massachusetts in
8221 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
8222 did with other defendants violate, deprive, or infringe upon the
8223 civil rights of Plaintiff James M. Atkinson for the purposes of
8224 personal, political, and professional gains, without just cause, or
8225 lawful authority and did **engage in witness tampering** against
8226 James M. Atkinson in contravention of law by contacting Plaintiff
8227 Atkinson both directly and through others and stating they
8228 “Everybody would hang, if we got caught, so everybody has to
8229 have the same story” This specific unlawful action on this date
8230 intertwines with other related actions and activities performed on
8231 other dates and forms a unbroken continuation of the operation of a

8232 organized criminal enterprise functioning prior to this date,
8233 spanning this specific date, and continuing onward to the present
8234 date, and affecting both historical, present, and future events. This
8235 action involved the starting of the class on **December 29, 2008** at
8236 6:30 PM, the students were dismissed **at 8:00 PM**, when in fact the
8237 official records provided to the Commonwealth of Massachusetts
8238 OEMS for the class fraudulently reflect that the class ran until
8239 10:30 PM.

8240
8241 324. On or about **December 29, 2008**, Defendants Henry Michalski,
8242 Darrell Moore, Robert Piepiora, David Raymond, John Good,
8243 Frank Carabello, and Kevin M. Lyons individually, and in their
8244 official capacity, while acting under color of law as a Emergency
8245 Medical Technician Instructors, and/or EMT Training School
8246 and/or EMT Examiner, for the Commonwealth of Massachusetts in
8247 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
8248 did with other defendants violate, deprive, or infringe upon the
8249 civil rights of Plaintiff James M. Atkinson for the purposes of
8250 personal, political, and professional gains, without just cause, or
8251 lawful authority and did engage in **Felony Larceny** against James

8252 M. Atkinson in contravention of law, by taking monies for goods
8253 and services which were not provided. This specific unlawful
8254 action on this date intertwines with other related actions and
8255 activities performed on other dates and forms a unbroken
8256 continuation of the operation of a organized criminal enterprise
8257 functioning prior to this date, spanning this specific date, and
8258 continuing onward to the present date, and affecting both historical,
8259 present, and future events. This action involved the starting of the
8260 class on **December 29, 2008** at 6:30 PM, the students were
8261 dismissed **at 8:00 PM**, when in fact the official records provided to
8262 the Commonwealth of Massachusetts OEMS for the class
8263 fraudulently reflect that the class ran until 10:30 PM.

8264

8265 325. On or about **December 29, 2008**, Defendants Henry Michalski,
8266 Darrell Moore, Robert Piepiora, David Raymond, John Good,
8267 Frank Carabello, and Kevin M. Lyons individually, and in their
8268 official capacity, while acting under color of law as a Emergency
8269 Medical Technician Instructors, and/or EMT Training School
8270 and/or EMT Examiner, for the Commonwealth of Massachusetts in
8271 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;

8272 did with other defendants violate, deprive, or infringe upon the
8273 civil rights of Plaintiff James M. Atkinson for the purposes of
8274 personal, political, and professional gains, without just cause, or
8275 lawful authority and did engage in **Obstruction of Justice** against
8276 James M. Atkinson in contravention of law, by contacting the
8277 Plaintiff and instructing him not to talk to state inspectors about the
8278 fraudulent EMT course. This specific unlawful action on this date
8279 intertwines with other related actions and activities performed on
8280 other dates and forms a unbroken continuation of the operation of a
8281 organized criminal enterprise functioning prior to this date,
8282 spanning this specific date, and continuing onward to the present
8283 date, and affecting both historical, present, and future events. This
8284 action involved the starting of the class on **December 29, 2008** at
8285 6:30 PM, the students were dismissed **at 8:00 PM**, when in fact the
8286 official records provided to the Commonwealth of Massachusetts
8287 OEMS for the class fraudulently reflect that the class ran until
8288 10:30 PM.

8289
8290 326. On or about **December 29, 2008**, Defendants Henry Michalski,
8291 Darrell Moore, Robert Piepiora, David Raymond, John Good,

8292 Frank Carabello, and Kevin M. Lyons individually, and in their
8293 official capacity, while acting under color of law as a Emergency
8294 Medical Technician Instructors, and/or EMT Training School
8295 and/or EMT Examiner, for the Commonwealth of Massachusetts in
8296 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
8297 did with other defendants violate, deprive, or infringe upon the
8298 civil rights of Plaintiff James M. Atkinson for the purposes of
8299 personal, political, and professional gains, without just cause, or
8300 lawful authority and did engage in Medicaid and Medicare Fraud
8301 and False Claims against the United States of America in
8302 contravention of law, by way of permitting students to “graduate”
8303 who did not meet the minimum times or skills required to be an
8304 EMT. This specific unlawful action on this date intertwines with
8305 other related actions and activities performed on other dates and
8306 forms a unbroken continuation of the operation of a organized
8307 criminal enterprise functioning prior to this date, spanning this
8308 specific date, and continuing onward to the present date, and
8309 affecting both historical, present, and future events. This action
8310 involved the starting of the class on December 29, 2008 at 6:30
8311 PM, the students were dismissed at 8:00 PM, when in fact the

8312 official records provided to the Commonwealth of Massachusetts
8313 OEMS for the class fraudulently reflect that the class ran until
8314 10:30 PM.

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8316 327. On or about **December 29, 2008**, Defendants Henry Michalski,
8317 Darrell Moore, Robert Piepiora, David Raymond, John Good,
8318 Frank Carabello, and Kevin M. Lyons individually, and in their
8319 official capacity, while acting under color of law as a Emergency
8320 Medical Technician Instructors, and/or EMT Training School
8321 and/or EMT Examiner, for the Commonwealth of Massachusetts in
8322 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
8323 did with other defendants violate, deprive, or infringe upon the
8324 civil rights of Plaintiff James M. Atkinson for the purposes of
8325 personal, political, and professional gains, without just cause, or
8326 lawful authority and did engage in **Medicaid and Medicare Fraud**
8327 **and False Claims** against the United States of America in
8328 contravention of law, by assisting unqualified EMTs to bill
8329 Medicaid, Medicare, and numerous insurance companies for
8330 services that were not competently being rendered due to
8331 fraudulent EMT training. This specific unlawful action on this date

8332 intertwines with other related actions and activities performed on
8333 other dates and forms a unbroken continuation of the operation of a
8334 organized criminal enterprise functioning prior to this date,
8335 spanning this specific date, and continuing onward to the present
8336 date, and affecting both historical, present, and future events. This
8337 action involved the starting of the class on **December 29, 2008** at
8338 6:30 PM, the students were dismissed **at 8:00 PM**, when in fact the
8339 official records provided to the Commonwealth of Massachusetts
8340 OEMS for the class fraudulently reflect that the class ran until
8341 10:30 PM.

8342
8343 **Lyons Ambulance EMT Training Fraud**
8344 **December 30, 2008 – Practice Session**
8345

8346 328. On or about **December 30, 2008**, Defendants Henry Michalski,
8347 Darrell Moore, Robert Piepiora, David Raymond, John Good,
8348 Frank Carabello, and Kevin M. Lyons individually, and in their
8349 official capacity, while acting under color of law as a Emergency
8350 Medical Technician Instructors, and/or EMT Training School
8351 and/or EMT Examiner, for the Commonwealth of Massachusetts in
8352 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
8353 did with other defendants violate, deprive, or infringe upon the

8354 civil rights of Plaintiff James M. Atkinson for the purposes of
8355 personal, political, and professional gains, without just cause, or
8356 lawful authority and did engage in a **Scheme to Defraud** against
8357 James M. Atkinson in contravention of law, by taking monies for a
8358 fraudulent EMT training course, that did not meet the mandatory
8359 class times required by law. This specific unlawful action on this
8360 date intertwines with other related actions and activities performed
8361 on other dates and forms a unbroken continuation of the operation
8362 of a organized criminal enterprise functioning prior to this date,
8363 spanning this specific date, and continuing onward to the present
8364 date, and affecting both historical, present, and future events. This
8365 action involved the starting of the class on **December 30, 2008** at
8366 6:30 PM, the students were dismissed **at 8:55 PM**, when in fact the
8367 official records provided to the Commonwealth of Massachusetts
8368 OEMS for the class fraudulently reflect that the class ran until
8369 10:30 PM.

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8371 329. On or about **December 30, 2008**, Defendants Henry Michalski,
8372 Darrell Moore, Robert Piepiora, David Raymond, John Good,
8373 Frank Carabello, and Kevin M. Lyons individually, and in their

8374 official capacity, while acting under color of law as a Emergency
8375 Medical Technician Instructors, and/or EMT Training School
8376 and/or EMT Examiner, for the Commonwealth of Massachusetts in
8377 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
8378 did with other defendants violate, deprive, or infringe upon the
8379 civil rights of Plaintiff James M. Atkinson for the purposes of
8380 personal, political, and professional gains, without just cause, or
8381 lawful authority and did engage in a **Conspiracy** against James M.
8382 Atkinson in contravention of law, by way of an agreement between
8383 the instructors and certain students to defraud the Commonwealth
8384 of Massachusetts Office of EMS (licensing agency) in regards to
8385 course duration and course content. This specific unlawful action
8386 on this date intertwines with other related actions and activities
8387 performed on other dates and forms a unbroken continuation of the
8388 operation of a organized criminal enterprise functioning prior to
8389 this date, spanning this specific date, and continuing onward to the
8390 present date, and affecting both historical, present, and future
8391 events. This action involved the starting of the class on **December**
8392 **30, 2008** at 6:30 PM, the students were dismissed **at 8:55 PM,**
8393 when in fact the official records provided to the Commonwealth of

8394 Massachusetts OEMS for the class fraudulently reflect that the
8395 class ran until 10:30 PM.

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8397 330. On or about **December 30, 2008**, Defendants Henry Michalski,
8398 Darrell Moore, Robert Piepiora, David Raymond, John Good,
8399 Frank Carabello, and Kevin M. Lyons individually, and in their
8400 official capacity, while acting under color of law as a Emergency
8401 Medical Technician Instructors, and/or EMT Training School
8402 and/or EMT Examiner, for the Commonwealth of Massachusetts in
8403 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
8404 did with other defendants violate, deprive, or infringe upon the
8405 civil rights of Plaintiff James M. Atkinson for the purposes of
8406 personal, political, and professional gains, without just cause, or
8407 lawful authority and did **engage in Mail Fraud** against James M.
8408 Atkinson in contravention of law by way of sending class rosters
8409 and course documents to the Commonwealth of Massachusetts
8410 OEMS offices for classes which did not take place at all, or for
8411 which hours were reported to be higher then those actually
8412 attended by student. This specific unlawful action on this date
8413 intertwines with other related actions and activities performed on

8414 other dates and forms a unbroken continuation of the operation of a
8415 organized criminal enterprise functioning prior to this date,
8416 spanning this specific date, and continuing onward to the present
8417 date, and affecting both historical, present, and future events. This
8418 action involved the starting of the class on December 30, 2008 at
8419 6:30 PM, the students were dismissed at 8:55 PM, when in fact the
8420 official records provided to the Commonwealth of Massachusetts
8421 OEMS for the class fraudulently reflect that the class ran until
8422 10:30 PM.

8423
8424 331. On or about December 30, 2008, Defendants Henry Michalski,
8425 Darrell Moore, Robert Piepiora, David Raymond, John Good,
8426 Frank Carabello, and Kevin M. Lyons individually, and in their
8427 official capacity, while acting under color of law as a Emergency
8428 Medical Technician Instructors, and/or EMT Training School
8429 and/or EMT Examiner, for the Commonwealth of Massachusetts in
8430 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
8431 did with other defendants violate, deprive, or infringe upon the
8432 civil rights of Plaintiff James M. Atkinson for the purposes of
8433 personal, political, and professional gains, without just cause, or

8434 lawful authority and did engage in **Wire Fraud** against James M.
8435 Atkinson in contravention of law, by way of transmitting
8436 fraudulent E-Mail, and using online learning modalities, and
8437 falsifying the results of online testing. Also, the misuse of inter-
8438 state electronic communications to perform certain EMT Course
8439 functions to include online assignments, online testing, online
8440 examinations, and the use of online resources to create the end of
8441 course written examination. This specific unlawful action on this
8442 date intertwines with other related actions and activities performed
8443 on other dates and forms a unbroken continuation of the operation
8444 of a organized criminal enterprise functioning prior to this date,
8445 spanning this specific date, and continuing onward to the present
8446 date, and affecting both historical, present, and future events. This
8447 action involved the starting of the class on **December 30, 2008** at
8448 6:30 PM, the students were dismissed **at 8:55 PM**, when in fact the
8449 official records provided to the Commonwealth of Massachusetts
8450 OEMS for the class fraudulently reflect that the class ran until
8451 10:30 PM.

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8453 332. On or about **December 30, 2008**, Defendants Henry Michalski,
8454 Darrell Moore, Robert Piepiora, David Raymond, John Good,
8455 Frank Carabello, and Kevin M. Lyons individually, and in their
8456 official capacity, while acting under color of law as a Emergency
8457 Medical Technician Instructors, and/or EMT Training School
8458 and/or EMT Examiner, for the Commonwealth of Massachusetts in
8459 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
8460 did with other defendants violate, deprive, or infringe upon the
8461 civil rights of Plaintiff James M. Atkinson for the purposes of
8462 personal, political, and professional gains, without just cause, or
8463 lawful authority and did engage in **Scheme to Defraud** against
8464 James M. Atkinson in contravention of law, by depriving Atkinson
8465 of the required course durations and content required to
8466 legitimately obtain an EMT license. This specific unlawful action
8467 on this date intertwines with other related actions and activities
8468 performed on other dates and forms a unbroken continuation of the
8469 operation of a organized criminal enterprise functioning prior to
8470 this date, spanning this specific date, and continuing onward to the
8471 present date, and affecting both historical, present, and future
8472 events. This action involved the starting of the class on **December**

8473 30, 2008 at 6:30 PM, the students were dismissed at 8:55 PM,
8474 when in fact the official records provided to the Commonwealth of
8475 Massachusetts OEMS for the class fraudulently reflect that the
8476 class ran until 10:30 PM.

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8478 333. On or about December 30, 2008, Defendants Henry Michalski,
8479 Darrell Moore, Robert Piepiora, David Raymond, John Good,
8480 Frank Carabello, and Kevin M. Lyons individually, and in their
8481 official capacity, while acting under color of law as a Emergency
8482 Medical Technician Instructors, and/or EMT Training School
8483 and/or EMT Examiner, for the Commonwealth of Massachusetts in
8484 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
8485 did with other defendants violate, deprive, or infringe upon the
8486 civil rights of Plaintiff James M. Atkinson for the purposes of
8487 personal, political, and professional gains, without just cause, or
8488 lawful authority and did engage in Racketeering against James M.
8489 Atkinson in contravention of law, by virtue of the operation of a
8490 criminal organization, engaging in conspiracy, obstruction of
8491 justice, mail fraud, wire fraud, Medicare/medical fraud, and other
8492 actions. This specific unlawful action on this date intertwines with

8493 other related actions and activities performed on other dates and
8494 forms a unbroken continuation of the operation of a organized
8495 criminal enterprise functioning prior to this date, spanning this
8496 specific date, and continuing onward to the present date, and
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8498 involved the starting of the class on **December 30, 2008** at 6:30
8499 PM, the students were dismissed **at 8:55 PM**, when in fact the
8500 official records provided to the Commonwealth of Massachusetts
8501 OEMS for the class fraudulently reflect that the class ran until
8502 10:30 PM.

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8504 334. On or about **December 30, 2008**, Defendants Henry Michalski,
8505 Darrell Moore, Robert Piepiora, David Raymond, John Good,
8506 Frank Carabello, and Kevin M. Lyons individually, and in their
8507 official capacity, while acting under color of law as a Emergency
8508 Medical Technician Instructors, and/or EMT Training School
8509 and/or EMT Examiner, for the Commonwealth of Massachusetts in
8510 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
8511 did with other defendants violate, deprive, or infringe upon the
8512 civil rights of Plaintiff James M. Atkinson for the purposes of

8513 personal, political, and professional gains, without just cause, or
8514 lawful authority and did engage in witness tampering against
8515 James M. Atkinson in contravention of law by contacting Plaintiff
8516 Atkinson both directly and through others and stating they
8517 “Everybody would hang, if we got caught, so everybody has to
8518 have the same story” This specific unlawful action on this date
8519 intertwines with other related actions and activities performed on
8520 other dates and forms a unbroken continuation of the operation of a
8521 organized criminal enterprise functioning prior to this date,
8522 spanning this specific date, and continuing onward to the present
8523 date, and affecting both historical, present, and future events. This
8524 action involved the starting of the class on December 30, 2008 at
8525 6:30 PM, the students were dismissed at 8:55 PM, when in fact the
8526 official records provided to the Commonwealth of Massachusetts
8527 OEMS for the class fraudulently reflect that the class ran until
8528 10:30 PM.

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8530 335. On or about December 30, 2008, Defendants Henry Michalski,
8531 Darrell Moore, Robert Piepiora, David Raymond, John Good,
8532 Frank Carabello, and Kevin M. Lyons individually, and in their

8533 official capacity, while acting under color of law as a Emergency
8534 Medical Technician Instructors, and/or EMT Training School
8535 and/or EMT Examiner, for the Commonwealth of Massachusetts in
8536 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
8537 did with other defendants violate, deprive, or infringe upon the
8538 civil rights of Plaintiff James M. Atkinson for the purposes of
8539 personal, political, and professional gains, without just cause, or
8540 lawful authority and did engage in **Felony Larceny** against James
8541 M. Atkinson in contravention of law, by taking monies for goods
8542 and services which were not provided. This specific unlawful
8543 action on this date intertwines with other related actions and
8544 activities performed on other dates and forms a unbroken
8545 continuation of the operation of a organized criminal enterprise
8546 functioning prior to this date, spanning this specific date, and
8547 continuing onward to the present date, and affecting both historical,
8548 present, and future events. This action involved the starting of the
8549 class on **December 30, 2008** at 6:30 PM, the students were
8550 dismissed **at 8:55 PM**, when in fact the official records provided to
8551 the Commonwealth of Massachusetts OEMS for the class
8552 fraudulently reflect that the class ran until 10:30 PM.

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336. On or about **December 30, 2008**, Defendants Henry Michalski, Darrell Moore, Robert Piepiora, David Raymond, John Good, Frank Carabello, and Kevin M. Lyons individually, and in their official capacity, while acting under color of law as a Emergency Medical Technician Instructors, and/or EMT Training School and/or EMT Examiner, for the Commonwealth of Massachusetts in Boston, MA and Lyons Ambulance, in Danvers, Massachusetts; did with other defendants violate, deprive, or infringe upon the civil rights of Plaintiff James M. Atkinson for the purposes of personal, political, and professional gains, without just cause, or lawful authority and did engage in **Obstruction of Justice** against James M. Atkinson in contravention of law, by contacting the Plaintiff and instructing him not to talk to state inspectors about the fraudulent EMT course. This specific unlawful action on this date intertwines with other related actions and activities performed on other dates and forms a unbroken continuation of the operation of a organized criminal enterprise functioning prior to this date, spanning this specific date, and continuing onward to the present date, and affecting both historical, present, and future events. This

8573 action involved the starting of the class on **December 30, 2008** at
8574 6:30 PM, the students were dismissed **at 8:55 PM**, when in fact the
8575 official records provided to the Commonwealth of Massachusetts
8576 OEMS for the class fraudulently reflect that the class ran until
8577 10:30 PM.

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8579 337. On or about **December 30, 2008**, Defendants Henry Michalski,
8580 Darrell Moore, Robert Piepiora, David Raymond, John Good,
8581 Frank Carabello, and Kevin M. Lyons individually, and in their
8582 official capacity, while acting under color of law as a Emergency
8583 Medical Technician Instructors, and/or EMT Training School
8584 and/or EMT Examiner, for the Commonwealth of Massachusetts in
8585 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
8586 did with other defendants violate, deprive, or infringe upon the
8587 civil rights of Plaintiff James M. Atkinson for the purposes of
8588 personal, political, and professional gains, without just cause, or
8589 lawful authority and did **engage in Medicaid and Medicare Fraud**
8590 **and False Claims** against the United States of America in
8591 contravention of law, by way of permitting students to “graduate”
8592 who did not meet the minimum times or skills required to be an

8593 EMT. This specific unlawful action on this date intertwines with
8594 other related actions and activities performed on other dates and
8595 forms a unbroken continuation of the operation of a organized
8596 criminal enterprise functioning prior to this date, spanning this
8597 specific date, and continuing onward to the present date, and
8598 affecting both historical, present, and future events. This action
8599 involved the starting of the class on **December 30, 2008** at 6:30
8600 PM, the students were dismissed **at 8:55 PM**, when in fact the
8601 official records provided to the Commonwealth of Massachusetts
8602 OEMS for the class fraudulently reflect that the class ran until
8603 10:30 PM.

8604
8605 338. On or about **December 30, 2008**, Defendants Henry Michalski,
8606 Darrell Moore, Robert Piepiora, David Raymond, John Good,
8607 Frank Carabello, and Kevin M. Lyons individually, and in their
8608 official capacity, while acting under color of law as a Emergency
8609 Medical Technician Instructors, and/or EMT Training School
8610 and/or EMT Examiner, for the Commonwealth of Massachusetts in
8611 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
8612 did with other defendants violate, deprive, or infringe upon the

8613 civil rights of Plaintiff James M. Atkinson for the purposes of
8614 personal, political, and professional gains, without just cause, or
8615 lawful authority and did engage in **Medicaid and Medicare Fraud**
8616 **and False Claims** against the United States of America in
8617 contravention of law, by assisting unqualified EMTs to bill
8618 Medicaid, Medicare, and numerous insurance companies for
8619 services that were not competently being rendered due to
8620 fraudulent EMT training. This specific unlawful action on this date
8621 intertwines with other related actions and activities performed on
8622 other dates and forms a unbroken continuation of the operation of a
8623 organized criminal enterprise functioning prior to this date,
8624 spanning this specific date, and continuing onward to the present
8625 date, and affecting both historical, present, and future events. This
8626 action involved the starting of the class on **December 30, 2008** at
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8629 OEMS for the class fraudulently reflect that the class ran until
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Lyons Ambulance EMT Training Fraud
January 5, 2009 – Practice Session

8635 339. On or about **January 5, 2009**, Defendants Henry Michalski,
8636 Darrell Moore, Robert Piepiora, David Raymond, John Good,
8637 Frank Carabello, and Kevin M. Lyons individually, and in their
8638 official capacity, while acting under color of law as a Emergency
8639 Medical Technician Instructors, and/or EMT Training School
8640 and/or EMT Examiner, for the Commonwealth of Massachusetts in
8641 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
8642 did with other defendants violate, deprive, or infringe upon the
8643 civil rights of Plaintiff James M. Atkinson for the purposes of
8644 personal, political, and professional gains, without just cause, or
8645 lawful authority and did engage in a **Scheme to Defraud** against
8646 James M. Atkinson in contravention of law, by taking monies for a
8647 fraudulent EMT training course, that did not meet the mandatory
8648 class times required by law. This specific unlawful action on this
8649 date intertwines with other related actions and activities performed
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8652 spanning this specific date, and continuing onward to the present
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8654 action involved the starting of the class on **January 5, 2009** at 6:30

8655 PM, the students were dismissed at 8:45 PM, when in fact the
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8668 civil rights of Plaintiff James M. Atkinson for the purposes of
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8670 lawful authority and did engage in a Conspiracy against James M.
8671 Atkinson in contravention of law, by way of an agreement between
8672 the instructors and certain students to defraud the Commonwealth
8673 of Massachusetts Office of EMS (licensing agency) in regards to
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8696 lawful authority and did engage in Mail Fraud against James M.
8697 Atkinson in contravention of law by way of sending class rosters
8698 and course documents to the Commonwealth of Massachusetts
8699 OEMS offices for classes which did not take place at all, or for
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8719 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
8720 did with other defendants violate, deprive, or infringe upon the
8721 civil rights of Plaintiff James M. Atkinson for the purposes of
8722 personal, political, and professional gains, without just cause, or
8723 lawful authority and did engage in **Wire Fraud** against James M.
8724 Atkinson in contravention of law, by way of transmitting
8725 fraudulent E-Mail, and using online learning modalities, and
8726 falsifying the results of online testing. Also, the misuse of inter-
8727 state electronic communications to perform certain EMT Course
8728 functions to include online assignments, online testing, online
8729 examinations, and the use of online resources to create the end of
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8748 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
8749 did with other defendants violate, deprive, or infringe upon the
8750 civil rights of Plaintiff James M. Atkinson for the purposes of
8751 personal, political, and professional gains, without just cause, or
8752 lawful authority and did engage in **Scheme to Defraud** against
8753 James M. Atkinson in contravention of law, by depriving Atkinson
8754 of the required course durations and content required to

8755 legitimately obtain an EMT license. This specific unlawful action
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8772 and/or EMT Examiner, for the Commonwealth of Massachusetts in
8773 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
8774 did with other defendants violate, deprive, or infringe upon the

8775 civil rights of Plaintiff James M. Atkinson for the purposes of
8776 personal, political, and professional gains, without just cause, or
8777 lawful authority and did engage in **Racketeering** against James M.
8778 Atkinson in contravention of law, by virtue of the operation of a
8779 criminal organization, engaging in conspiracy, obstruction of
8780 justice, mail fraud, wire fraud, Medicare/medical fraud, and other
8781 actions. This specific unlawful action on this date intertwines with
8782 other related actions and activities performed on other dates and
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8800 civil rights of Plaintiff James M. Atkinson for the purposes of
8801 personal, political, and professional gains, without just cause, or
8802 lawful authority and did engage in witness tampering against
8803 James M. Atkinson in contravention of law by contacting Plaintiff
8804 Atkinson both directly and through others and stating they
8805 “Everybody would hang, if we got caught, so everybody has to
8806 have the same story” This specific unlawful action on this date
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8822 Medical Technician Instructors, and/or EMT Training School
8823 and/or EMT Examiner, for the Commonwealth of Massachusetts in
8824 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
8825 did with other defendants violate, deprive, or infringe upon the
8826 civil rights of Plaintiff James M. Atkinson for the purposes of
8827 personal, political, and professional gains, without just cause, or
8828 lawful authority and did engage in **Felony Larceny** against James
8829 M. Atkinson in contravention of law, by taking monies for goods
8830 and services which were not provided. This specific unlawful
8831 action on this date intertwines with other related actions and
8832 activities performed on other dates and forms a unbroken
8833 continuation of the operation of a organized criminal enterprise
8834 functioning prior to this date, spanning this specific date, and

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8847 and/or EMT Examiner, for the Commonwealth of Massachusetts in
8848 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
8849 did with other defendants violate, deprive, or infringe upon the
8850 civil rights of Plaintiff James M. Atkinson for the purposes of
8851 personal, political, and professional gains, without just cause, or
8852 lawful authority and did engage in **Obstruction of Justice** against
8853 James M. Atkinson in contravention of law, by contacting the
8854 Plaintiff and instructing him not to talk to state inspectors about the

8855 fraudulent EMT course. This specific unlawful action on this date
8856 intertwines with other related actions and activities performed on
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8872 and/or EMT Examiner, for the Commonwealth of Massachusetts in
8873 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
8874 did with other defendants violate, deprive, or infringe upon the

8875 civil rights of Plaintiff James M. Atkinson for the purposes of
8876 personal, political, and professional gains, without just cause, or
8877 lawful authority and did **engage in Medicaid and Medicare Fraud**
8878 **and False Claims** against the United States of America in
8879 contravention of law, by way of permitting students to “graduate”
8880 who did not meet the minimum times or skills required to be an
8881 EMT. This specific unlawful action on this date intertwines with
8882 other related actions and activities performed on other dates and
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8900 civil rights of Plaintiff James M. Atkinson for the purposes of
8901 personal, political, and professional gains, without just cause, or
8902 lawful authority and did engage in **Medicaid and Medicare Fraud**
8903 **and False Claims** against the United States of America in
8904 contravention of law, by assisting unqualified EMTs to bill
8905 Medicaid, Medicare, and numerous insurance companies for
8906 services that were not competently being rendered due to
8907 fraudulent EMT training. This specific unlawful action on this date
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8919 **Lyons Ambulance EMT Training Fraud**
8920 **January 6, 2009 – Practice Session**
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8957 lawful authority and did engage in a **Conspiracy** against James M.
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8960 of Massachusetts Office of EMS (licensing agency) in regards to
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9011 Atkinson in contravention of law, by way of transmitting
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9062 civil rights of Plaintiff James M. Atkinson for the purposes of
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9064 lawful authority and did engage in **Racketeering** against James M.
9065 Atkinson in contravention of law, by virtue of the operation of a
9066 criminal organization, engaging in conspiracy, obstruction of
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9089 lawful authority and did **engage in witness tampering** against
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9113 civil rights of Plaintiff James M. Atkinson for the purposes of
9114 personal, political, and professional gains, without just cause, or
9115 lawful authority and did engage in **Felony Larceny** against James

9116 M. Atkinson in contravention of law, by taking monies for goods
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9125 **at 8:15 PM**, when in fact the official records provided to the
9126 Commonwealth of Massachusetts OEMS for the class fraudulently
9127 reflect that the class ran until 10:30 PM.

9128
9129 358. On or about **January 6, 2009**, Defendants Henry Michalski,
9130 Darrell Moore, Robert Piepiora, David Raymond, John Good,
9131 Frank Carabello, and Kevin M. Lyons individually, and in their
9132 official capacity, while acting under color of law as a Emergency
9133 Medical Technician Instructors, and/or EMT Training School
9134 and/or EMT Examiner, for the Commonwealth of Massachusetts in
9135 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;

9136 did with other defendants violate, deprive, or infringe upon the
9137 civil rights of Plaintiff James M. Atkinson for the purposes of
9138 personal, political, and professional gains, without just cause, or
9139 lawful authority and did engage in **Obstruction of Justice** against
9140 James M. Atkinson in contravention of law, by contacting the
9141 Plaintiff and instructing him not to talk to state inspectors about the
9142 fraudulent EMT course. This specific unlawful action on this date
9143 intertwines with other related actions and activities performed on
9144 other dates and forms a unbroken continuation of the operation of a
9145 organized criminal enterprise functioning prior to this date,
9146 spanning this specific date, and continuing onward to the present
9147 date, and affecting both historical, present, and future events. This
9148 action involved the starting of the class on **January 6, 2009** at 6:30
9149 PM, the students were dismissed **at 8:15 PM**, when in fact the
9150 official records provided to the Commonwealth of Massachusetts
9151 OEMS for the class fraudulently reflect that the class ran until
9152 10:30 PM.

9153
9154 359. On or about **January 6, 2009**, Defendants Henry Michalski,
9155 Darrell Moore, Robert Piepiora, David Raymond, John Good,

9156 Frank Carabello, and Kevin M. Lyons individually, and in their
9157 official capacity, while acting under color of law as a Emergency
9158 Medical Technician Instructors, and/or EMT Training School
9159 and/or EMT Examiner, for the Commonwealth of Massachusetts in
9160 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
9161 did with other defendants violate, deprive, or infringe upon the
9162 civil rights of Plaintiff James M. Atkinson for the purposes of
9163 personal, political, and professional gains, without just cause, or
9164 lawful authority and did engage in Medicaid and Medicare Fraud
9165 and False Claims against the United States of America in
9166 contravention of law, by way of permitting students to “graduate”
9167 who did not meet the minimum times or skills required to be an
9168 EMT. This specific unlawful action on this date intertwines with
9169 other related actions and activities performed on other dates and
9170 forms a unbroken continuation of the operation of a organized
9171 criminal enterprise functioning prior to this date, spanning this
9172 specific date, and continuing onward to the present date, and
9173 affecting both historical, present, and future events. This action
9174 involved the starting of the class on January 6, 2009 at 6:30 PM,
9175 the students were dismissed at 8:15 PM, when in fact the official

9176 records provided to the Commonwealth of Massachusetts OEMS
9177 for the class fraudulently reflect that the class ran until 10:30 PM.

9178

9179 360. On or about **January 6, 2009**, Defendants Henry Michalski,
9180 Darrell Moore, Robert Piepiora, David Raymond, John Good,
9181 Frank Carabello, and Kevin M. Lyons individually, and in their
9182 official capacity, while acting under color of law as a Emergency
9183 Medical Technician Instructors, and/or EMT Training School
9184 and/or EMT Examiner, for the Commonwealth of Massachusetts in
9185 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
9186 did with other defendants violate, deprive, or infringe upon the
9187 civil rights of Plaintiff James M. Atkinson for the purposes of
9188 personal, political, and professional gains, without just cause, or
9189 lawful authority and did engage in **Medicaid and Medicare Fraud**
9190 **and False Claims** against the United States of America in
9191 contravention of law, by assisting unqualified EMTs to bill
9192 Medicaid, Medicare, and numerous insurance companies for
9193 services that were not competently being rendered due to
9194 fraudulent EMT training. This specific unlawful action on this date
9195 intertwines with other related actions and activities performed on

9196 other dates and forms a unbroken continuation of the operation of a
9197 organized criminal enterprise functioning prior to this date,
9198 spanning this specific date, and continuing onward to the present
9199 date, and affecting both historical, present, and future events. This
9200 action involved the starting of the class on **January 6, 2009** at 6:30
9201 PM, the students were dismissed **at 8:15 PM**, when in fact the
9202 official records provided to the Commonwealth of Massachusetts
9203 OEMS for the class fraudulently reflect that the class ran until
9204 10:30 PM.

9205
9206 **Lyons Ambulance EMT Training Fraud**
9207 **January 7, 2009 – Final Practice Session**
9208

9209 361. On or about **January 7, 2009**, Defendants Henry Michalski,
9210 Darrell Moore, Robert Piepiora, David Raymond, John Good,
9211 Frank Carabello, and Kevin M. Lyons individually, and in their
9212 official capacity, while acting under color of law as a Emergency
9213 Medical Technician Instructors, and/or EMT Training School
9214 and/or EMT Examiner, for the Commonwealth of Massachusetts in
9215 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
9216 did with other defendants violate, deprive, or infringe upon the
9217 civil rights of Plaintiff James M. Atkinson for the purposes of

9218 personal, political, and professional gains, without just cause, or
9219 lawful authority and did engage in a **Scheme to Defraud** against
9220 James M. Atkinson in contravention of law, by taking monies for a
9221 fraudulent EMT training course, that did not meet the mandatory
9222 class times required by law. This specific unlawful action on this
9223 date intertwines with other related actions and activities performed
9224 on other dates and forms a unbroken continuation of the operation
9225 of a organized criminal enterprise functioning prior to this date,
9226 spanning this specific date, and continuing onward to the present
9227 date, and affecting both historical, present, and future events. This
9228 action involved the starting of the class on **January 7, 2009** at 6:30
9229 PM, the students were dismissed **at 8:15 PM**, when in fact the
9230 official records provided to the Commonwealth of Massachusetts
9231 OEMS for the class fraudulently reflect that the class ran until
9232 10:30 PM.

9233
9234 362. On or about **January 7, 2009**, Defendants Henry Michalski,
9235 Darrell Moore, Robert Piepiora, David Raymond, John Good,
9236 Frank Carabello, and Kevin M. Lyons individually, and in their
9237 official capacity, while acting under color of law as a Emergency

9238 Medical Technician Instructors, and/or EMT Training School
9239 and/or EMT Examiner, for the Commonwealth of Massachusetts in
9240 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
9241 did with other defendants violate, deprive, or infringe upon the
9242 civil rights of Plaintiff James M. Atkinson for the purposes of
9243 personal, political, and professional gains, without just cause, or
9244 lawful authority and did engage in a **Conspiracy** against James M.
9245 Atkinson in contravention of law, by way of an agreement between
9246 the instructors and certain students to defraud the Commonwealth
9247 of Massachusetts Office of EMS (licensing agency) in regards to
9248 course duration and course content. This specific unlawful action
9249 on this date intertwines with other related actions and activities
9250 performed on other dates and forms a unbroken continuation of the
9251 operation of a organized criminal enterprise functioning prior to
9252 this date, spanning this specific date, and continuing onward to the
9253 present date, and affecting both historical, present, and future
9254 events. This action involved the starting of the class on **January 7,**
9255 **2009** at 6:30 PM, the students were dismissed **at 8:15 PM**, when in
9256 fact the official records provided to the Commonwealth of

9257 Massachusetts OEMS for the class fraudulently reflect that the
9258 class ran until 10:30 PM.

9259

9260 363. On or about **January 7, 2009**, Defendants Henry Michalski,
9261 Darrell Moore, Robert Piepiora, David Raymond, John Good,
9262 Frank Carabello, and Kevin M. Lyons individually, and in their
9263 official capacity, while acting under color of law as a Emergency
9264 Medical Technician Instructors, and/or EMT Training School
9265 and/or EMT Examiner, for the Commonwealth of Massachusetts in
9266 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
9267 did with other defendants violate, deprive, or infringe upon the
9268 civil rights of Plaintiff James M. Atkinson for the purposes of
9269 personal, political, and professional gains, without just cause, or
9270 lawful authority and did **engage in Mail Fraud** against James M.
9271 Atkinson in contravention of law by way of sending class rosters
9272 and course documents to the Commonwealth of Massachusetts
9273 OEMS offices for classes which did not take place at all, or for
9274 which hours were reported to be higher than those actually
9275 attended by student. This specific unlawful action on this date
9276 intertwines with other related actions and activities performed on

9277 other dates and forms a unbroken continuation of the operation of a
9278 organized criminal enterprise functioning prior to this date,
9279 spanning this specific date, and continuing onward to the present
9280 date, and affecting both historical, present, and future events. This
9281 action involved the starting of the class on **January 7, 2009** at 6:30
9282 PM, the students were dismissed **at 8:15 PM**, when in fact the
9283 official records provided to the Commonwealth of Massachusetts
9284 OEMS for the class fraudulently reflect that the class ran until
9285 10:30 PM.

9286
9287 364. On or about **January 7, 2009**, Defendants Henry Michalski,
9288 Darrell Moore, Robert Piepiora, David Raymond, John Good,
9289 Frank Carabello, and Kevin M. Lyons individually, and in their
9290 official capacity, while acting under color of law as a Emergency
9291 Medical Technician Instructors, and/or EMT Training School
9292 and/or EMT Examiner, for the Commonwealth of Massachusetts in
9293 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
9294 did with other defendants violate, deprive, or infringe upon the
9295 civil rights of Plaintiff James M. Atkinson for the purposes of
9296 personal, political, and professional gains, without just cause, or

9297 lawful authority and did engage in **Wire Fraud** against James M.
9298 Atkinson in contravention of law, by way of transmitting
9299 fraudulent E-Mail, and using online learning modalities, and
9300 falsifying the results of online testing. Also, the misuse of inter-
9301 state electronic communications to perform certain EMT Course
9302 functions to include online assignments, online testing, online
9303 examinations, and the use of online resources to create the end of
9304 course written examination. This specific unlawful action on this
9305 date intertwines with other related actions and activities performed
9306 on other dates and forms a unbroken continuation of the operation
9307 of a organized criminal enterprise functioning prior to this date,
9308 spanning this specific date, and continuing onward to the present
9309 date, and affecting both historical, present, and future events. This
9310 action involved the starting of the class on **January 7, 2009** at 6:30
9311 PM, the students were dismissed **at 8:15 PM**, when in fact the
9312 official records provided to the Commonwealth of Massachusetts
9313 OEMS for the class fraudulently reflect that the class ran until
9314 10:30 PM.

9315

9316 365. On or about **January 7, 2009**, Defendants Henry Michalski,
9317 Darrell Moore, Robert Piepiora, David Raymond, John Good,
9318 Frank Carabello, and Kevin M. Lyons individually, and in their
9319 official capacity, while acting under color of law as a Emergency
9320 Medical Technician Instructors, and/or EMT Training School
9321 and/or EMT Examiner, for the Commonwealth of Massachusetts in
9322 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
9323 did with other defendants violate, deprive, or infringe upon the
9324 civil rights of Plaintiff James M. Atkinson for the purposes of
9325 personal, political, and professional gains, without just cause, or
9326 lawful authority and did engage in **Scheme to Defraud** against
9327 James M. Atkinson in contravention of law, by depriving Atkinson
9328 of the required course durations and content required to
9329 legitimately obtain an EMT license. This specific unlawful action
9330 on this date intertwines with other related actions and activities
9331 performed on other dates and forms a unbroken continuation of the
9332 operation of a organized criminal enterprise functioning prior to
9333 this date, spanning this specific date, and continuing onward to the
9334 present date, and affecting both historical, present, and future
9335 events. This action involved the starting of the class on **January 7,**

9336 2009 at 6:30 PM, the students were dismissed at 8:15 PM, when in
9337 fact the official records provided to the Commonwealth of
9338 Massachusetts OEMS for the class fraudulently reflect that the
9339 class ran until 10:30 PM.

9340

9341 366. On or about January 7, 2009, Defendants Henry Michalski,
9342 Darrell Moore, Robert Piepiora, David Raymond, John Good,
9343 Frank Carabello, and Kevin M. Lyons individually, and in their
9344 official capacity, while acting under color of law as a Emergency
9345 Medical Technician Instructors, and/or EMT Training School
9346 and/or EMT Examiner, for the Commonwealth of Massachusetts in
9347 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
9348 did with other defendants violate, deprive, or infringe upon the
9349 civil rights of Plaintiff James M. Atkinson for the purposes of
9350 personal, political, and professional gains, without just cause, or
9351 lawful authority and did engage in Racketeering against James M.
9352 Atkinson in contravention of law, by virtue of the operation of a
9353 criminal organization, engaging in conspiracy, obstruction of
9354 justice, mail fraud, wire fraud, Medicare/medical fraud, and other
9355 actions. This specific unlawful action on this date intertwines with

9356 other related actions and activities performed on other dates and
9357 forms a unbroken continuation of the operation of a organized
9358 criminal enterprise functioning prior to this date, spanning this
9359 specific date, and continuing onward to the present date, and
9360 affecting both historical, present, and future events. This action
9361 involved the starting of the class on **January 7, 2009** at 6:30 PM,
9362 the students were dismissed **at 8:15 PM**, when in fact the official
9363 records provided to the Commonwealth of Massachusetts OEMS
9364 for the class fraudulently reflect that the class ran until 10:30 PM.

9365
9366 367. On or about **January 7, 2009**, Defendants Henry Michalski,
9367 Darrell Moore, Robert Piepiora, David Raymond, John Good,
9368 Frank Carabello, and Kevin M. Lyons individually, and in their
9369 official capacity, while acting under color of law as a Emergency
9370 Medical Technician Instructors, and/or EMT Training School
9371 and/or EMT Examiner, for the Commonwealth of Massachusetts in
9372 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
9373 did with other defendants violate, deprive, or infringe upon the
9374 civil rights of Plaintiff James M. Atkinson for the purposes of
9375 personal, political, and professional gains, without just cause, or

9376 lawful authority and did engage in witness tampering against
9377 James M. Atkinson in contravention of law by contacting Plaintiff
9378 Atkinson both directly and through others and stating they
9379 “Everybody would hang, if we got caught, so everybody has to
9380 have the same story” This specific unlawful action on this date
9381 intertwines with other related actions and activities performed on
9382 other dates and forms a unbroken continuation of the operation of a
9383 organized criminal enterprise functioning prior to this date,
9384 spanning this specific date, and continuing onward to the present
9385 date, and affecting both historical, present, and future events. This
9386 action involved the starting of the class on January 7, 2009 at 6:30
9387 PM, the students were dismissed at 8:15 PM, when in fact the
9388 official records provided to the Commonwealth of Massachusetts
9389 OEMS for the class fraudulently reflect that the class ran until
9390 10:30 PM.

9391

9392 368. On or about January 7, 2009, Defendants Henry Michalski,
9393 Darrell Moore, Robert Piepiora, David Raymond, John Good,
9394 Frank Carabello, and Kevin M. Lyons individually, and in their
9395 official capacity, while acting under color of law as a Emergency

9396 Medical Technician Instructors, and/or EMT Training School
9397 and/or EMT Examiner, for the Commonwealth of Massachusetts in
9398 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
9399 did with other defendants violate, deprive, or infringe upon the
9400 civil rights of Plaintiff James M. Atkinson for the purposes of
9401 personal, political, and professional gains, without just cause, or
9402 lawful authority and did engage in **Felony Larceny** against James
9403 M. Atkinson in contravention of law, by taking monies for goods
9404 and services which were not provided. This specific unlawful
9405 action on this date intertwines with other related actions and
9406 activities performed on other dates and forms a unbroken
9407 continuation of the operation of a organized criminal enterprise
9408 functioning prior to this date, spanning this specific date, and
9409 continuing onward to the present date, and affecting both historical,
9410 present, and future events. This action involved the starting of the
9411 class on **January 7, 2009** at 6:30 PM, the students were dismissed
9412 **at 8:15 PM**, when in fact the official records provided to the
9413 Commonwealth of Massachusetts OEMS for the class fraudulently
9414 reflect that the class ran until 10:30 PM.

9415

9416 369. On or about **January 7, 2009**, Defendants Henry Michalski,
9417 Darrell Moore, Robert Piepiora, David Raymond, John Good,
9418 Frank Carabello, and Kevin M. Lyons individually, and in their
9419 official capacity, while acting under color of law as a Emergency
9420 Medical Technician Instructors, and/or EMT Training School
9421 and/or EMT Examiner, for the Commonwealth of Massachusetts in
9422 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
9423 did with other defendants violate, deprive, or infringe upon the
9424 civil rights of Plaintiff James M. Atkinson for the purposes of
9425 personal, political, and professional gains, without just cause, or
9426 lawful authority and did engage in **Obstruction of Justice** against
9427 James M. Atkinson in contravention of law, by contacting the
9428 Plaintiff and instructing him not to talk to state inspectors about the
9429 fraudulent EMT course. This specific unlawful action on this date
9430 intertwines with other related actions and activities performed on
9431 other dates and forms a unbroken continuation of the operation of a
9432 organized criminal enterprise functioning prior to this date,
9433 spanning this specific date, and continuing onward to the present
9434 date, and affecting both historical, present, and future events. This
9435 action involved the starting of the class on **January 7, 2009** at 6:30

9436 PM, the students were dismissed at 8:15 PM, when in fact the
9437 official records provided to the Commonwealth of Massachusetts
9438 OEMS for the class fraudulently reflect that the class ran until
9439 10:30 PM.

9440
9441 370. On or about January 7, 2009, Defendants Henry Michalski,
9442 Darrell Moore, Robert Piepiora, David Raymond, John Good,
9443 Frank Carabello, and Kevin M. Lyons individually, and in their
9444 official capacity, while acting under color of law as a Emergency
9445 Medical Technician Instructors, and/or EMT Training School
9446 and/or EMT Examiner, for the Commonwealth of Massachusetts in
9447 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
9448 did with other defendants violate, deprive, or infringe upon the
9449 civil rights of Plaintiff James M. Atkinson for the purposes of
9450 personal, political, and professional gains, without just cause, or
9451 lawful authority and did engage in Medicaid and Medicare Fraud
9452 and False Claims against the United States of America in
9453 contravention of law, by way of permitting students to “graduate”
9454 who did not meet the minimum times or skills required to be an
9455 EMT. This specific unlawful action on this date intertwines with

9456 other related actions and activities performed on other dates and
9457 forms a unbroken continuation of the operation of a organized
9458 criminal enterprise functioning prior to this date, spanning this
9459 specific date, and continuing onward to the present date, and
9460 affecting both historical, present, and future events. This action
9461 involved the starting of the class on **January 7, 2009** at 6:30 PM,
9462 the students were dismissed **at 8:15 PM**, when in fact the official
9463 records provided to the Commonwealth of Massachusetts OEMS
9464 for the class fraudulently reflect that the class ran until 10:30 PM.

9465
9466 371. On or about **January 7, 2009**, Defendants Henry Michalski,
9467 Darrell Moore, Robert Piepiora, David Raymond, John Good,
9468 Frank Carabello, and Kevin M. Lyons individually, and in their
9469 official capacity, while acting under color of law as a Emergency
9470 Medical Technician Instructors, and/or EMT Training School
9471 and/or EMT Examiner, for the Commonwealth of Massachusetts in
9472 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;
9473 did with other defendants violate, deprive, or infringe upon the
9474 civil rights of Plaintiff James M. Atkinson for the purposes of
9475 personal, political, and professional gains, without just cause, or

9476 lawful authority and did engage in **Medicaid and Medicare Fraud**
9477 **and False Claims** against the United States of America in
9478 contravention of law, by assisting unqualified EMTs to bill
9479 Medicaid, Medicare, and numerous insurance companies for
9480 services that were not competently being rendered due to
9481 fraudulent EMT training. This specific unlawful action on this date
9482 intertwines with other related actions and activities performed on
9483 other dates and forms a unbroken continuation of the operation of a
9484 organized criminal enterprise functioning prior to this date,
9485 spanning this specific date, and continuing onward to the present
9486 date, and affecting both historical, present, and future events. This
9487 action involved the starting of the class on **January 7, 2009** at 6:30
9488 PM, the students were dismissed **at 8:15 PM**, when in fact the
9489 official records provided to the Commonwealth of Massachusetts
9490 OEMS for the class fraudulently reflect that the class ran until
9491 10:30 PM.

9492
9493 **Lyons Ambulance EMT Training**
9494 **Expansion, Embracing, and Continued Cover-Up**
9495

9496 372. On or about February 20, 2009, and continuing continuously
9497 until at least December 1, 2009, Defendants Town of Rockport,

9498 ROSEMARY LESCH in her official capacity and individually as a
9499 Department Head for Town of Rockport, Emergency Medical
9500 Technician (EMT), and Harbormaster; SCOTT STORY in his
9501 official capacity and individually as a Department Head,
9502 Emergency Medical Technician (EMT), and Harbormaster for
9503 Town of Rockport; MICHAEL RACICOT in his official capacity
9504 and individually as a Town Administrator for Town of Rockport;
9505 LINDA SANDERS in her official capacity and individually as a
9506 Town Administrator for Town of Rockport; SANDY JACQUES in
9507 his official capacity and individually as a Selectman for Town of
9508 Rockport; SARAH WILKINSON in her official capacity and
9509 individually as a Selectman for Town of Rockport; ANDREW
9510 HEINZE in his official capacity and individually as a Selectman
9511 for Town of Rockport; ELLEN CANAVAN in her official
9512 capacity and individually as a Selectman for Town of Rockport;
9513 CHARLES CLARK in her official capacity and individually as a
9514 Selectman for Town of Rockport; while acting under color of law
9515 as a Emergency Medical Technician Instructors, and/or EMT
9516 Training School and/or EMT Examiner, for the Commonwealth of
9517 Massachusetts in Boston, MA and Lyons Ambulance, in Danvers,

9518 Massachusetts; did with other defendants violate, deprive, or
9519 infringe upon the civil rights of Plaintiff James M. Atkinson for the
9520 purposes of personal, political, and professional gains, without just
9521 cause, or lawful authority and did engage in Medicaid and
9522 Medicare Fraud and False Claims against the United States of
9523 America in contravention of law, by way of submitting bills,
9524 invoices, and charges for services provided to patients by an EMT
9525 with an improper EMT licenses, even after full disclosure that the
9526 EMT license had not been properly issued, and was based on a
9527 fraudulent EMT course.

9528
9529 373. On or about February 20, 2009, and continuing continuously
9530 until at least December 1, 2009, Defendants Town of Rockport,
9531 ROSEMARY LESCH in her official capacity and individually as a
9532 Department Head for Town of Rockport, Emergency Medical
9533 Technician (EMT), and Harbormaster; SCOTT STORY in his
9534 official capacity and individually as a Department Head,
9535 Emergency Medical Technician (EMT), and Harbormaster for
9536 Town of Rockport; MICHAEL RACICOT in his official capacity
9537 and individually as a Town Administrator for Town of Rockport;

9538 LINDA SANDERS in her official capacity and individually as a
9539 Town Administrator for Town of Rockport; SANDY JACQUES in
9540 his official capacity and individually as a Selectman for Town of
9541 Rockport; SARAH WILKINSON in her official capacity and
9542 individually as a Selectman for Town of Rockport; ANDREW
9543 HEINZE in his official capacity and individually as a Selectman
9544 for Town of Rockport; ELLEN CANAVAN in her official
9545 capacity and individually as a Selectman for Town of Rockport;
9546 CHARLES CLARK in her official capacity and individually as a
9547 Selectman for Town of Rockport; while acting under color of law
9548 as a Emergency Medical Technician Instructors, and/or EMT
9549 Training School and/or EMT Examiner, for the Commonwealth of
9550 Massachusetts in Boston, MA and Lyons Ambulance, in Danvers,
9551 Massachusetts; did with other defendants violate, deprive, or
9552 infringe upon the civil rights of Plaintiff James M. Atkinson for the
9553 purposes of personal, political, and professional gains, without just
9554 cause, or lawful authority and Conspiracy against the United States
9555 of America in contravention of law, but covering up the improper
9556 emergency medical training of emergency medical technicians, fire
9557 men, and police officer in the Towne of Rockport.

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374. On or about September 9, 2008, and continuing continuously until at least February 22, 2011, Defendants Commonwealth of Massachusetts; PAUL COFFEY in his official capacity and individually as an OEMS Investigator for Commonwealth of Massachusetts; ABDULLAH REHAYEM in his official capacity and individually as an OEMS Director for Commonwealth of Massachusetts; RENEE D. LAKE in her official capacity and individually as an OEMS Compliance Coordinator for Commonwealth of Massachusetts; M. THOMAS QUAIL in his official capacity and individually as an OEMS Clinical Coordinator for Commonwealth of Massachusetts; BRENDAN MURPHY in his official capacity and individually as an OEMS Investigator for Commonwealth of Massachusetts, while acting under color of law for the Commonwealth of Massachusetts in Boston, MA; did with other defendants violate, deprive, or infringe upon the civil rights of Plaintiff James M. Atkinson for the purposes of personal, political, and professional gains, without just cause, or lawful authority and did engage in a Conspiracy against James M. Atkinson in contravention of law by covering up

9578 rampant EMT training fraud in order to protect Penny Michalski
9579 who was working in her official capacity for the Office of the
9580 Attorney general, and who is the wife of Henry Michalski was
9581 working in is official capability as an OEMS instructor, a OEMS
9582 examiners, and the training director at Lyons Ambulance, and the
9583 subject of a state investigation and cover-up of widespread
9584 EMT/EMS training fraud.

9585
9586 375. On or about September 9, 2008, and continuing continuously
9587 until at least February 22, 2011, Defendants Commonwealth of
9588 Massachusetts; PAUL COFFEY in his official capacity and
9589 individually as an OEMS Investigator for Commonwealth of
9590 Massachusetts; ABDULLAH REHAYEM in his official capacity
9591 and individually as an OEMS Director for Commonwealth of
9592 Massachusetts; RENEE D. LAKE in her official capacity and
9593 individually as an OEMS Compliance Coordinator for
9594 Commonwealth of Massachusetts; M. THOMAS QUAIL in his
9595 official capacity and individually as an OEMS Clinical
9596 Coordinator for Commonwealth of Massachusetts; BRENDAN
9597 MURPHY in his official capacity and individually as an OEMS

9598 Investigator for Commonwealth of Massachusetts, while acting
9599 under color of law for the Commonwealth of Massachusetts in
9600 Boston, MA; did with other defendants violate, deprive, or infringe
9601 upon the civil rights of Plaintiff James M. Atkinson for the
9602 purposes of personal, political, and professional gains, without just
9603 cause, or lawful authority and did engage in a Accessory After the
9604 Fact against James M. Atkinson in contravention of law. By
9605 covering up rampant EMT training fraud in order to protect Penny
9606 Michalski who was working in her official capacity for the Office
9607 of the Attorney general, and who is the wife of Henry Michalski
9608 was working in is official capability as an OEMS instructor, a
9609 OEMS examiners, and the training director at Lyons Ambulance,
9610 and the subject of a state investigation and cover-up of widespread
9611 EMT/EMS training fraud.

9612
9613 376. On or about September 9, 2008, and continuing continuously
9614 until at least December 16, 2011, Defendants Commonwealth of
9615 Massachusetts; PAUL COFFEY in his official capacity and
9616 individually as an OEMS Investigator for Commonwealth of
9617 Massachusetts; ABDULLAH REHAYEM in his official capacity

9618 and individually as an OEMS Director for Commonwealth of
9619 Massachusetts; RENEE D. LAKE in her official capacity and
9620 individually as an OEMS Compliance Coordinator for
9621 Commonwealth of Massachusetts; M. THOMAS QUAIL in his
9622 official capacity and individually as an OEMS Clinical
9623 Coordinator for Commonwealth of Massachusetts; BRENDAN
9624 MURPHY in his official capacity and individually as an OEMS
9625 Investigator for Commonwealth of Massachusetts, while acting
9626 under color of law for the Commonwealth of Massachusetts in
9627 Boston, MA; did with other defendants violate, deprive, or infringe
9628 upon the civil rights of Plaintiff James M. Atkinson for the
9629 purposes of personal, political, and professional gains, without just
9630 cause, or lawful authority and did engage in a Medicaid and
9631 Medicare Fraud and False Claims against the United States of
9632 America in contravention of law. By covering up rampant EMT
9633 training fraud in order to protect Penny Michalski who was
9634 working in her official capacity for the Office of the Attorney
9635 general, and who is the wife of Henry Michalski was working in is
9636 official capability as an OEMS instructor, a OEMS examiners, and

9637 the training director at Lyons Ambulance, and the subject of a state
9638 investigation and cover-up of widespread EMT/EMS training fraud.

9639

9640 377. On or about September 9, 2008, and continuing continuously
9641 until at least December 16, 2011, Defendants Commonwealth of
9642 Massachusetts; PAUL COFFEY in his official capacity and
9643 individually as an OEMS Investigator for Commonwealth of
9644 Massachusetts; ABDULLAH REHAYEM in his official capacity
9645 and individually as an OEMS Director for Commonwealth of
9646 Massachusetts; RENEE D. LAKE in her official capacity and
9647 individually as an OEMS Compliance Coordinator for
9648 Commonwealth of Massachusetts; M. THOMAS QUAIL in his
9649 official capacity and individually as an OEMS Clinical
9650 Coordinator for Commonwealth of Massachusetts; BRENDAN
9651 MURPHY in his official capacity and individually as an OEMS
9652 Investigator for Commonwealth of Massachusetts, while acting
9653 under color of law for the Commonwealth of Massachusetts in
9654 Boston, MA; did with other defendants violate, deprive, or infringe
9655 upon the civil rights of Plaintiff James M. Atkinson for the
9656 purposes of personal, political, and professional gains, without just

9657 cause, or lawful authority and did engage in a Conspiracy against
9658 the United States of America in contravention of law. By covering
9659 up rampant EMT training fraud in order to protect Penny
9660 Michalski who was working in her official capacity for the Office
9661 of the Attorney general, and who is the wife of Henry Michalski
9662 was working in is official capability as an OEMS instructor, a
9663 OEMS examiners, and the training director at Lyons Ambulance,
9664 and the subject of a state investigation and cover-up of widespread
9665 EMT/EMS training fraud.

9666
9667 378. On or about September 9, 2008, and continuing continuously
9668 until at least December 16, 2011, Defendants Commonwealth of
9669 Massachusetts; PAUL COFFEY in his official capacity and
9670 individually as an OEMS Investigator for Commonwealth of
9671 Massachusetts; ABDULLAH REHAYEM in his official capacity
9672 and individually as an OEMS Director for Commonwealth of
9673 Massachusetts; RENEE D. LAKE in her official capacity and
9674 individually as an OEMS Compliance Coordinator for
9675 Commonwealth of Massachusetts; M. THOMAS QUAIL in his
9676 official capacity and individually as an OEMS Clinical

9677 Coordinator for Commonwealth of Massachusetts; BRENDAN
9678 MURPHY in his official capacity and individually as an OEMS
9679 Investigator for Commonwealth of Massachusetts, while acting
9680 under color of law for the Commonwealth of Massachusetts in
9681 Boston, MA; did with other defendants violate, deprive, or infringe
9682 upon the civil rights of Plaintiff James M. Atkinson for the
9683 purposes of personal, political, and professional gains, without just
9684 cause, or lawful authority and did engage in a Obstruction of
9685 Justice against the United States of America in contravention of
9686 law. By covering up rampant EMT training fraud in order to
9687 protect Penny Michalski who was working in her official capacity
9688 for the Office of the Attorney general, and who is the wife of
9689 Henry Michalski was working in is official capability as an OEMS
9690 instructor, a OEMS examiners, and the training director at Lyons
9691 Ambulance, and the subject of a state investigation and cover-up of
9692 widespread EMT/EMS training fraud.

9693
9694 379. On or about September 9, 2008, and continuing continuously
9695 until at least December 16, 2011, Defendants Commonwealth of
9696 Massachusetts; PAUL COFFEY in his official capacity and

9697 individually as an OEMS Investigator for Commonwealth of
9698 Massachusetts; ABDULLAH REHAYEM in his official capacity
9699 and individually as an OEMS Director for Commonwealth of
9700 Massachusetts; RENEE D. LAKE in her official capacity and
9701 individually as an OEMS Compliance Coordinator for
9702 Commonwealth of Massachusetts; M. THOMAS QUAIL in his
9703 official capacity and individually as an OEMS Clinical
9704 Coordinator for Commonwealth of Massachusetts; BRENDAN
9705 MURPHY in his official capacity and individually as an OEMS
9706 Investigator for Commonwealth of Massachusetts, while acting
9707 under color of law for the Commonwealth of Massachusetts in
9708 Boston, MA; did with other defendants violate, deprive, or infringe
9709 upon the civil rights of Plaintiff James M. Atkinson for the
9710 purposes of personal, political, and professional gains, without just
9711 cause, or lawful authority and did engage in a Accessory Before
9712 the Fact against the United States of America in contravention of
9713 law. By covering up rampant EMT training fraud in order to
9714 protect Penny Michalski who was working in her official capacity
9715 for the Office of the Attorney general, and who is the wife of
9716 Henry Michalski was working in is official capability as an OEMS

9717 instructor, a OEMS examiners, and the training director at Lyons
9718 Ambulance, and the subject of a state investigation and cover-up of
9719 widespread EMT/EMS training fraud.

9720

9721 380. On or about September 9, 2008, and continuing continuously
9722 until at least December 16, 2011, Defendants Commonwealth of
9723 Massachusetts; PAUL COFFEY in his official capacity and
9724 individually as an OEMS Investigator for Commonwealth of
9725 Massachusetts; ABDULLAH REHAYEM in his official capacity
9726 and individually as an OEMS Director for Commonwealth of
9727 Massachusetts; RENEE D. LAKE in her official capacity and
9728 individually as an OEMS Compliance Coordinator for
9729 Commonwealth of Massachusetts; M. THOMAS QUAIL in his
9730 official capacity and individually as an OEMS Clinical
9731 Coordinator for Commonwealth of Massachusetts; BRENDAN
9732 MURPHY in his official capacity and individually as an OEMS
9733 Investigator for Commonwealth of Massachusetts, while acting
9734 under color of law for the Commonwealth of Massachusetts in
9735 Boston, MA; did with other defendants violate, deprive, or infringe
9736 upon the civil rights of Plaintiff James M. Atkinson for the

9737 purposes of personal, political, and professional gains, without just
9738 cause, or lawful authority and did engage in a Accessory After the
9739 Fact against the United States of America in contravention of law.
9740 By covering up rampant EMT training fraud in order to protect
9741 Penny Michalski who was working in her official capacity for the
9742 Office of the Attorney general, and who is the wife of Henry
9743 Michalski was working in is official capability as an OEMS
9744 instructor, a OEMS examiners, and the training director at Lyons
9745 Ambulance, and the subject of a state investigation and cover-up of
9746 widespread EMT/EMS training fraud.

9747
9748 381. On or about September 9, 2008, and continuing continuously
9749 until at least December 16, 2011, Defendants Commonwealth of
9750 Massachusetts; PAUL COFFEY in his official capacity and
9751 individually as an OEMS Investigator for Commonwealth of
9752 Massachusetts; ABDULLAH REHAYEM in his official capacity
9753 and individually as an OEMS Director for Commonwealth of
9754 Massachusetts; RENEE D. LAKE in her official capacity and
9755 individually as an OEMS Compliance Coordinator for
9756 Commonwealth of Massachusetts; M. THOMAS QUAIL in his

9757 official capacity and individually as an OEMS Clinical
9758 Coordinator for Commonwealth of Massachusetts; BRENDAN
9759 MURPHY in his official capacity and individually as an OEMS
9760 Investigator for Commonwealth of Massachusetts, while acting
9761 under color of law for the Commonwealth of Massachusetts in
9762 Boston, MA; did with other defendants violate, deprive, or infringe
9763 upon the civil rights of Plaintiff James M. Atkinson for the
9764 purposes of personal, political, and professional gains, without just
9765 cause, or lawful authority and did engage in a Scheme to Defraud
9766 against the United States of America in contravention of law. By
9767 covering up rampant EMT training fraud in order to protect Penny
9768 Michalski who was working in her official capacity for the Office
9769 of the Attorney general, and who is the wife of Henry Michalski
9770 was working in is official capability as an OEMS instructor, a
9771 OEMS examiners, and the training director at Lyons Ambulance,
9772 and the subject of a state investigation and cover-up of widespread
9773 EMT/EMS training fraud.

9774

9775 **Attorney General Pushing for “The Dirt” on**
9776 **Plaintiff Atkinson, AG Tries to Bury Atkinson’s**
9777 **submitted OEMS Report, dated September 2008**
9778 **Focusing attention on Hamilton/Wenham Police Dept.**

9779 **and away from Lyons Ambulance and the Husband**
9780 **of an Employee of AG Martha Coakely who was**
9781 **Engaged with others in Racketeering**
9782

9783 382. On or about June 13, 2009, Defendants MICHAEL COONEY
9784 in his official capacity and individually as an Investigator for
9785 Massachusetts State Police; MARK PULLI in his official capacity
9786 and individually as an Investigator for Commonwealth of
9787 Massachusetts; PAUL COFFEY in his official capacity and
9788 individually as an OEMS Investigator for Commonwealth of
9789 Massachusetts; ABDULLAH REHAYEM in his official capacity
9790 and individually as an OEMS Director for Commonwealth of
9791 Massachusetts; RENEE D. LAKE in her official capacity and
9792 individually as an OEMS Compliance Coordinator for
9793 Commonwealth of Massachusetts; M. THOMAS QUAIL in his
9794 official capacity and individually as an OEMS Clinical
9795 Coordinator for Commonwealth of Massachusetts; BRENDAN
9796 MURPHY in his official capacity and individually as an OEMS
9797 Investigator for Commonwealth of Massachusetts; MARTHA
9798 COAKLEY in her official capacity and individually as the
9799 Attorney General for Commonwealth of Massachusetts JOHN
9800 AUERBACH in his official capacity and individually as the

9801 Commissioner, Department of Public Health for Commonwealth of
9802 Massachusetts, while acting under color of law for the
9803 Commonwealth of Massachusetts in Boston, MA; did with other
9804 defendants violate, deprive, or infringe upon the civil rights of
9805 Plaintiff James M. Atkinson for the purposes of personal, political,
9806 and professional gains, without just cause, or lawful authority and
9807 did engage in a Accessory Before the Fact against James M.
9808 Atkinson in contravention of law by establishing and organizing an
9809 operating a complex criminal enterprise which both encouraged,
9810 and permitted, and embraced to attack Plaintiff James M. Atkinson
9811 to interfere with his ability to testify as to widespread EMT
9812 training fraud, and to harass him as witness, and to intimidate him
9813 and to professionally, economically, medically, and legally cripple
9814 him.

9815
9816 383. On or about June 13, 2009, Defendants MICHAEL COONEY
9817 in his official capacity and individually as an Investigator for
9818 Massachusetts State Police; MARK PULLI in his official capacity
9819 and individually as an Investigator for Commonwealth of
9820 Massachusetts; PAUL COFFEY in his official capacity and

9821 individually as an OEMS Investigator for Commonwealth of
9822 Massachusetts; ABDULLAH REHAYEM in his official capacity
9823 and individually as an OEMS Director for Commonwealth of
9824 Massachusetts; RENEE D. LAKE in her official capacity and
9825 individually as an OEMS Compliance Coordinator for
9826 Commonwealth of Massachusetts; M. THOMAS QUAIL in his
9827 official capacity and individually as an OEMS Clinical
9828 Coordinator for Commonwealth of Massachusetts; BRENDAN
9829 MURPHY in his official capacity and individually as an OEMS
9830 Investigator for Commonwealth of Massachusetts; MARTHA
9831 COAKLEY in her official capacity and individually as the
9832 Attorney General for Commonwealth of Massachusetts JOHN
9833 AUERBACH in his official capacity and individually as the
9834 Commissioner, Department of Public Health for Commonwealth of
9835 Massachusetts, while acting under color of law for the
9836 Commonwealth of Massachusetts in Boston, MA; did with other
9837 defendants violate, deprive, or infringe upon the civil rights of
9838 Plaintiff James M. Atkinson for the purposes of personal, political,
9839 and professional gains, without just cause, or lawful authority and
9840 did engage in a Conspiracy against James M. Atkinson in

9841 contravention of law, by coordinating a program by which the
9842 department would ignore EMS training complaints against Lyons
9843 Ambulance and Henry Michalski.

9844

9845 384. On or about June 13, 2009, Defendants MICHAEL COONEY
9846 in his official capacity and individually as an Investigator for
9847 Massachusetts State Police; MARK PULLI in his official capacity
9848 and individually as an Investigator for Commonwealth of
9849 Massachusetts; PAUL COFFEY in his official capacity and
9850 individually as an OEMS Investigator for Commonwealth of
9851 Massachusetts; ABDULLAH REHAYEM in his official capacity
9852 and individually as an OEMS Director for Commonwealth of
9853 Massachusetts; RENEE D. LAKE in her official capacity and
9854 individually as an OEMS Compliance Coordinator for
9855 Commonwealth of Massachusetts; M. THOMAS QUAIL in his
9856 official capacity and individually as an OEMS Clinical
9857 Coordinator for Commonwealth of Massachusetts; BRENDAN
9858 MURPHY in his official capacity and individually as an OEMS
9859 Investigator for Commonwealth of Massachusetts; MARTHA
9860 COAKLEY in her official capacity and individually as the

9861 Attorney General for Commonwealth of Massachusetts JOHN
9862 AUERBACH in his official capacity and individually as the
9863 Commissioner, Department of Public Health for Commonwealth of
9864 Massachusetts, while acting under color of law for the
9865 Commonwealth of Massachusetts in Boston, MA; did with other
9866 defendants violate, deprive, or infringe upon the civil rights of
9867 Plaintiff James M. Atkinson for the purposes of personal, political,
9868 and professional gains, without just cause, or lawful authority and
9869 did engage in a conspiracy to commit witness tampering against
9870 James M. Atkinson in contravention of law, by contacting Plaintiff
9871 though Michael Cooney and Mark Pulli and asking that Atkinson
9872 “forget about the written report he had made to OEMS”

9873
9874 385. On or about June 13, 2009, Defendants MICHAEL COONEY
9875 in his official capacity and individually as an Investigator for
9876 Massachusetts State Police; MARK PULLI in his official capacity
9877 and individually as an Investigator for Commonwealth of
9878 Massachusetts; PAUL COFFEY in his official capacity and
9879 individually as an OEMS Investigator for Commonwealth of
9880 Massachusetts; ABDULLAH REHAYEM in his official capacity

9881 and individually as an OEMS Director for Commonwealth of
9882 Massachusetts; RENEE D. LAKE in her official capacity and
9883 individually as an OEMS Compliance Coordinator for
9884 Commonwealth of Massachusetts; M. THOMAS QUAIL in his
9885 official capacity and individually as an OEMS Clinical
9886 Coordinator for Commonwealth of Massachusetts; BRENDAN
9887 MURPHY in his official capacity and individually as an OEMS
9888 Investigator for Commonwealth of Massachusetts; MARTHA
9889 COAKLEY in her official capacity and individually as the
9890 Attorney General for Commonwealth of Massachusetts JOHN
9891 AUERBACH in his official capacity and individually as the
9892 Commissioner, Department of Public Health for Commonwealth of
9893 Massachusetts, while acting under color of law for the
9894 Commonwealth of Massachusetts in Boston, MA; did with other
9895 defendants violate, deprive, or infringe upon the civil rights of
9896 Plaintiff James M. Atkinson for the purposes of personal, political,
9897 and professional gains, without just cause, or lawful authority and
9898 did engage in conspiracy to commit Obstruction of Justice against
9899 James M. Atkinson in contravention of law.

9900

9901 386. On or about June 13, 2009, Defendants MICHAEL COONEY
9902 in his official capacity and individually as an Investigator for
9903 Massachusetts State Police; MARK PULLI in his official capacity
9904 and individually as an Investigator for Commonwealth of
9905 Massachusetts; PAUL COFFEY in his official capacity and
9906 individually as an OEMS Investigator for Commonwealth of
9907 Massachusetts; ABDULLAH REHAYEM in his official capacity
9908 and individually as an OEMS Director for Commonwealth of
9909 Massachusetts; RENEE D. LAKE in her official capacity and
9910 individually as an OEMS Compliance Coordinator for
9911 Commonwealth of Massachusetts; M. THOMAS QUAIL in his
9912 official capacity and individually as an OEMS Clinical
9913 Coordinator for Commonwealth of Massachusetts; BRENDAN
9914 MURPHY in his official capacity and individually as an OEMS
9915 Investigator for Commonwealth of Massachusetts; MARTHA
9916 COAKLEY in her official capacity and individually as the
9917 Attorney General for Commonwealth of Massachusetts JOHN
9918 AUERBACH in his official capacity and individually as the
9919 Commissioner, Department of Public Health for Commonwealth of
9920 Massachusetts, while acting under color of law for the

9921 Commonwealth of Massachusetts in Boston, MA; did with other
9922 defendants violate, deprive, or infringe upon the civil rights of
9923 Plaintiff James M. Atkinson for the purposes of personal, political,
9924 and professional gains, without just cause, or lawful authority and
9925 did engage in a conspiracy to commit harassment of a witness
9926 against James M. Atkinson in contravention of law.

9927
9928 387. On or about June 13, 2009, Defendants MICHAEL COONEY
9929 in his official capacity and individually as an Investigator for
9930 Massachusetts State Police; MARK PULLI in his official capacity
9931 and individually as an Investigator for Commonwealth of
9932 Massachusetts; PAUL COFFEY in his official capacity and
9933 individually as an OEMS Investigator for Commonwealth of
9934 Massachusetts; ABDULLAH REHAYEM in his official capacity
9935 and individually as an OEMS Director for Commonwealth of
9936 Massachusetts; RENEE D. LAKE in her official capacity and
9937 individually as an OEMS Compliance Coordinator for
9938 Commonwealth of Massachusetts; M. THOMAS QUAIL in his
9939 official capacity and individually as an OEMS Clinical
9940 Coordinator for Commonwealth of Massachusetts; BRENDAN

9941 MURPHY in his official capacity and individually as an OEMS
9942 Investigator for Commonwealth of Massachusetts; MARTHA
9943 COAKLEY in her official capacity and individually as the
9944 Attorney General for Commonwealth of Massachusetts JOHN
9945 AUERBACH in his official capacity and individually as the
9946 Commissioner, Department of Public Health for Commonwealth of
9947 Massachusetts, while acting under color of law for the
9948 Commonwealth of Massachusetts in Boston, MA; did with other
9949 defendants violate, deprive, or infringe upon the civil rights of
9950 Plaintiff James M. Atkinson for the purposes of personal, political,
9951 and professional gains, without just cause, or lawful authority and
9952 did engage in a conspiracy to commit Medicaid and Medicare
9953 Fraud and False Claims against the United States of America in
9954 contravention of law.

9955
9956 388. On or about June 13, 2009, Defendants MICHAEL COONEY
9957 in his official capacity and individually as an Investigator for
9958 Massachusetts State Police; MARK PULLI in his official capacity
9959 and individually as an Investigator for Commonwealth of
9960 Massachusetts; PAUL COFFEY in his official capacity and

9961 individually as an OEMS Investigator for Commonwealth of
9962 Massachusetts; ABDULLAH REHAYEM in his official capacity
9963 and individually as an OEMS Director for Commonwealth of
9964 Massachusetts; RENEE D. LAKE in her official capacity and
9965 individually as an OEMS Compliance Coordinator for
9966 Commonwealth of Massachusetts; M. THOMAS QUAIL in his
9967 official capacity and individually as an OEMS Clinical
9968 Coordinator for Commonwealth of Massachusetts; BRENDAN
9969 MURPHY in his official capacity and individually as an OEMS
9970 Investigator for Commonwealth of Massachusetts; MARTHA
9971 COAKLEY in her official capacity and individually as the
9972 Attorney General for Commonwealth of Massachusetts JOHN
9973 AUERBACH in his official capacity and individually as the
9974 Commissioner, Department of Public Health for Commonwealth of
9975 Massachusetts, while acting under color of law for the
9976 Commonwealth of Massachusetts in Boston, MA; did with other
9977 defendants violate, deprive, or infringe upon the civil rights of
9978 Plaintiff James M. Atkinson for the purposes of personal, political,
9979 and professional gains, without just cause, or lawful authority and

9980 did engage in a conspiracy to commit Whistleblower Retaliation
9981 against James M. Atkinson in contravention of law.

9982

9983 389. On or about June 13, 2009, Defendants MICHAEL COONEY
9984 in his official capacity and individually as an Investigator for
9985 Massachusetts State Police; MARK PULLI in his official capacity
9986 and individually as an Investigator for Commonwealth of
9987 Massachusetts; PAUL COFFEY in his official capacity and
9988 individually as an OEMS Investigator for Commonwealth of
9989 Massachusetts; ABDULLAH REHAYEM in his official capacity
9990 and individually as an OEMS Director for Commonwealth of
9991 Massachusetts; RENEE D. LAKE in her official capacity and
9992 individually as an OEMS Compliance Coordinator for
9993 Commonwealth of Massachusetts; M. THOMAS QUAIL in his
9994 official capacity and individually as an OEMS Clinical
9995 Coordinator for Commonwealth of Massachusetts; BRENDAN
9996 MURPHY in his official capacity and individually as an OEMS
9997 Investigator for Commonwealth of Massachusetts; MARTHA
9998 COAKLEY in her official capacity and individually as the
9999 Attorney General for Commonwealth of Massachusetts JOHN

10000 AUERBACH in his official capacity and individually as the
10001 Commissioner, Department of Public Health for Commonwealth of
10002 Massachusetts, while acting under color of law for the
10003 Commonwealth of Massachusetts in Boston, MA; did with other
10004 defendants violate, deprive, or infringe upon the civil rights of
10005 Plaintiff James M. Atkinson for the purposes of personal, political,
10006 and professional gains, without just cause, or lawful authority and
10007 did engage in a conspiracy to commit Deprivation of Rights,
10008 Privileges, or Immunities - Pattern or Practice of Conduct against
10009 James M. Atkinson in contravention of law.

10010
10011 390. On or about June 13, 2009, Defendants MICHAEL COONEY
10012 in his official capacity and individually as an Investigator for
10013 Massachusetts State Police; MARK PULLI in his official capacity
10014 and individually as an Investigator for Commonwealth of
10015 Massachusetts; PAUL COFFEY in his official capacity and
10016 individually as an OEMS Investigator for Commonwealth of
10017 Massachusetts; ABDULLAH REHAYEM in his official capacity
10018 and individually as an OEMS Director for Commonwealth of
10019 Massachusetts; RENEE D. LAKE in her official capacity and

10020 individually as an OEMS Compliance Coordinator for
10021 Commonwealth of Massachusetts; M. THOMAS QUAIL in his
10022 official capacity and individually as an OEMS Clinical
10023 Coordinator for Commonwealth of Massachusetts; BRENDAN
10024 MURPHY in his official capacity and individually as an OEMS
10025 Investigator for Commonwealth of Massachusetts; MARTHA
10026 COAKLEY in her official capacity and individually as the
10027 Attorney General for Commonwealth of Massachusetts JOHN
10028 AUERBACH in his official capacity and individually as the
10029 Commissioner, Department of Public Health for Commonwealth of
10030 Massachusetts, while acting under color of law for the
10031 Commonwealth of Massachusetts in Boston, MA; did with other
10032 defendants violate, deprive, or infringe upon the civil rights of
10033 Plaintiff James M. Atkinson for the purposes of personal, political,
10034 and professional gains, without just cause, or lawful authority and
10035 did engage in a conspiracy to commit Extortion against James M.
10036 Atkinson in contravention of law.

10037

10038 391. On or about June 13, 2009, Defendants MICHAEL COONEY
10039 in his official capacity and individually as an Investigator for

10040 Massachusetts State Police; MARK PULLI in his official capacity
10041 and individually as an Investigator for Commonwealth of
10042 Massachusetts; PAUL COFFEY in his official capacity and
10043 individually as an OEMS Investigator for Commonwealth of
10044 Massachusetts; ABDULLAH REHAYEM in his official capacity
10045 and individually as an OEMS Director for Commonwealth of
10046 Massachusetts; RENEE D. LAKE in her official capacity and
10047 individually as an OEMS Compliance Coordinator for
10048 Commonwealth of Massachusetts; M. THOMAS QUAIL in his
10049 official capacity and individually as an OEMS Clinical
10050 Coordinator for Commonwealth of Massachusetts; BRENDAN
10051 MURPHY in his official capacity and individually as an OEMS
10052 Investigator for Commonwealth of Massachusetts; MARTHA
10053 COAKLEY in her official capacity and individually as the
10054 Attorney General for Commonwealth of Massachusetts JOHN
10055 AUERBACH in his official capacity and individually as the
10056 Commissioner, Department of Public Health for Commonwealth of
10057 Massachusetts, while acting under color of law for the
10058 Commonwealth of Massachusetts in Boston, MA; did with other
10059 defendants violate, deprive, or infringe upon the civil rights of

10060 Plaintiff James M. Atkinson for the purposes of personal, political,
10061 and professional gains, without just cause, or lawful authority and
10062 did engage in a conspiracy to commit Conspiracy to Interfere in
10063 the International Commerce against James M. Atkinson in
10064 contravention of law.

10065
10066 392. On or about June 13, 2009, Defendants MICHAEL COONEY
10067 in his official capacity and individually as an Investigator for
10068 Massachusetts State Police; MARK PULLI in his official capacity
10069 and individually as an Investigator for Commonwealth of
10070 Massachusetts; PAUL COFFEY in his official capacity and
10071 individually as an OEMS Investigator for Commonwealth of
10072 Massachusetts; ABDULLAH REHAYEM in his official capacity
10073 and individually as an OEMS Director for Commonwealth of
10074 Massachusetts; RENEE D. LAKE in her official capacity and
10075 individually as an OEMS Compliance Coordinator for
10076 Commonwealth of Massachusetts; M. THOMAS QUAIL in his
10077 official capacity and individually as an OEMS Clinical
10078 Coordinator for Commonwealth of Massachusetts; BRENDAN
10079 MURPHY in his official capacity and individually as an OEMS

10080 Investigator for Commonwealth of Massachusetts; MARTHA
10081 COAKLEY in her official capacity and individually as the
10082 Attorney General for Commonwealth of Massachusetts JOHN
10083 AUERBACH in his official capacity and individually as the
10084 Commissioner, Department of Public Health for Commonwealth of
10085 Massachusetts, while acting under color of law for the
10086 Commonwealth of Massachusetts in Boston, MA; did with other
10087 defendants violate, deprive, or infringe upon the civil rights of
10088 Plaintiff James M. Atkinson for the purposes of personal, political,
10089 and professional gains, without just cause, or lawful authority and
10090 did engage in a conspiracy to commit Conspiracy to Interfere in
10091 the Inter-State Commerce against James M. Atkinson in
10092 contravention of law.

10093
10094 393. On or about June 13, 2009, Defendants MICHAEL COONEY
10095 in his official capacity and individually as an Investigator for
10096 Massachusetts State Police; MARK PULLI in his official capacity
10097 and individually as an Investigator for Commonwealth of
10098 Massachusetts; PAUL COFFEY in his official capacity and
10099 individually as an OEMS Investigator for Commonwealth of

10100 Massachusetts; ABDULLAH REHAYEM in his official capacity
10101 and individually as an OEMS Director for Commonwealth of
10102 Massachusetts; RENEE D. LAKE in her official capacity and
10103 individually as an OEMS Compliance Coordinator for
10104 Commonwealth of Massachusetts; M. THOMAS QUAIL in his
10105 official capacity and individually as an OEMS Clinical
10106 Coordinator for Commonwealth of Massachusetts; BRENDAN
10107 MURPHY in his official capacity and individually as an OEMS
10108 Investigator for Commonwealth of Massachusetts; MARTHA
10109 COAKLEY in her official capacity and individually as the
10110 Attorney General for Commonwealth of Massachusetts JOHN
10111 AUERBACH in his official capacity and individually as the
10112 Commissioner, Department of Public Health for Commonwealth of
10113 Massachusetts, while acting under color of law for the
10114 Commonwealth of Massachusetts in Boston, MA; did with other
10115 defendants violate, deprive, or infringe upon the civil rights of
10116 Plaintiff James M. Atkinson for the purposes of personal, political,
10117 and professional gains, without just cause, or lawful authority and
10118 did engage in Neglect to Prevent Civil Rights Violations against
10119 James M. Atkinson in contravention of law.

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394. On or about June 13, 2009, Defendants MICHAEL COONEY in his official capacity and individually as an Investigator for Massachusetts State Police; MARK PULLI in his official capacity and individually as an Investigator for Commonwealth of Massachusetts; PAUL COFFEY in his official capacity and individually as an OEMS Investigator for Commonwealth of Massachusetts; ABDULLAH REHAYEM in his official capacity and individually as an OEMS Director for Commonwealth of Massachusetts; RENEE D. LAKE in her official capacity and individually as an OEMS Compliance Coordinator for Commonwealth of Massachusetts; M. THOMAS QUAIL in his official capacity and individually as an OEMS Clinical Coordinator for Commonwealth of Massachusetts; BRENDAN MURPHY in his official capacity and individually as an OEMS Investigator for Commonwealth of Massachusetts; MARTHA COAKLEY in her official capacity and individually as the Attorney General for Commonwealth of Massachusetts JOHN AUERBACH in his official capacity and individually as the Commissioner, Department of Public Health for Commonwealth of

10140 Massachusetts, while acting under color of law for the
10141 Commonwealth of Massachusetts in Boston, MA; did with other
10142 defendants violate, deprive, or infringe upon the civil rights of
10143 Plaintiff James M. Atkinson for the purposes of personal, political,
10144 and professional gains, without just cause, or lawful authority and
10145 did engage in a conspiracy to Injure a Citizen in the Exercise of
10146 Federal Rights against James M. Atkinson in contravention of law.

10147
10148 395. On or about June 13, 2009, Defendants MICHAEL COONEY
10149 in his official capacity and individually as an Investigator for
10150 Massachusetts State Police; MARK PULLI in his official capacity
10151 and individually as an Investigator for Commonwealth of
10152 Massachusetts; PAUL COFFEY in his official capacity and
10153 individually as an OEMS Investigator for Commonwealth of
10154 Massachusetts; ABDULLAH REHAYEM in his official capacity
10155 and individually as an OEMS Director for Commonwealth of
10156 Massachusetts; RENEE D. LAKE in her official capacity and
10157 individually as an OEMS Compliance Coordinator for
10158 Commonwealth of Massachusetts; M. THOMAS QUAIL in his
10159 official capacity and individually as an OEMS Clinical

10160 Coordinator for Commonwealth of Massachusetts; BRENDAN
10161 MURPHY in his official capacity and individually as an OEMS
10162 Investigator for Commonwealth of Massachusetts; MARTHA
10163 COAKLEY in her official capacity and individually as the
10164 Attorney General for Commonwealth of Massachusetts JOHN
10165 AUERBACH in his official capacity and individually as the
10166 Commissioner, Department of Public Health for Commonwealth of
10167 Massachusetts, while acting under color of law for the
10168 Commonwealth of Massachusetts in Boston, MA; did with other
10169 defendants violate, deprive, or infringe upon the civil rights of
10170 Plaintiff James M. Atkinson for the purposes of personal, political,
10171 and professional gains, without just cause, or lawful authority and
10172 did engage in a conspiracy to commit Willful Deprivations of
10173 Federal Rights Under Color of Law against James M. Atkinson in
10174 contravention of law.

10175
10176 396. On or about June 13, 2009, Defendants MICHAEL COONEY
10177 in his official capacity and individually as an Investigator for
10178 Massachusetts State Police; MARK PULLI in his official capacity
10179 and individually as an Investigator for Commonwealth of

10180 Massachusetts; PAUL COFFEY in his official capacity and
10181 individually as an OEMS Investigator for Commonwealth of
10182 Massachusetts; ABDULLAH REHAYEM in his official capacity
10183 and individually as an OEMS Director for Commonwealth of
10184 Massachusetts; RENEE D. LAKE in her official capacity and
10185 individually as an OEMS Compliance Coordinator for
10186 Commonwealth of Massachusetts; M. THOMAS QUAIL in his
10187 official capacity and individually as an OEMS Clinical
10188 Coordinator for Commonwealth of Massachusetts; BRENDAN
10189 MURPHY in his official capacity and individually as an OEMS
10190 Investigator for Commonwealth of Massachusetts; MARTHA
10191 COAKLEY in her official capacity and individually as the
10192 Attorney General for Commonwealth of Massachusetts JOHN
10193 AUERBACH in his official capacity and individually as the
10194 Commissioner, Department of Public Health for Commonwealth of
10195 Massachusetts, while acting under color of law for the
10196 Commonwealth of Massachusetts in Boston, MA; did with other
10197 defendants violate, deprive, or infringe upon the civil rights of
10198 Plaintiff James M. Atkinson for the purposes of personal, political,
10199 and professional gains, without just cause, or lawful authority and

10200 did engage in a conspiracy to commit Interference with Federally
10201 Protected Activities against James M. Atkinson in contravention of
10202 law.

10203

10204 397. On or about June 13, 2009, Defendants MICHAEL COONEY
10205 in his official capacity and individually as an Investigator for
10206 Massachusetts State Police; MARK PULLI in his official capacity
10207 and individually as an Investigator for Commonwealth of
10208 Massachusetts; PAUL COFFEY in his official capacity and
10209 individually as an OEMS Investigator for Commonwealth of
10210 Massachusetts; ABDULLAH REHAYEM in his official capacity
10211 and individually as an OEMS Director for Commonwealth of
10212 Massachusetts; RENEE D. LAKE in her official capacity and
10213 individually as an OEMS Compliance Coordinator for
10214 Commonwealth of Massachusetts; M. THOMAS QUAIL in his
10215 official capacity and individually as an OEMS Clinical
10216 Coordinator for Commonwealth of Massachusetts; BRENDAN
10217 MURPHY in his official capacity and individually as an OEMS
10218 Investigator for Commonwealth of Massachusetts; MARTHA
10219 COAKLEY in her official capacity and individually as the

10220 Attorney General for Commonwealth of Massachusetts JOHN
10221 AUERBACH in his official capacity and individually as the
10222 Commissioner, Department of Public Health for Commonwealth of
10223 Massachusetts, while acting under color of law for the
10224 Commonwealth of Massachusetts in Boston, MA; did with other
10225 defendants violate, deprive, or infringe upon the civil rights of
10226 Plaintiff James M. Atkinson for the purposes of personal, political,
10227 and professional gains, without just cause, or lawful authority and
10228 did engage in a conspiracy to Interfere with Civil Rights against
10229 James M. Atkinson in contravention of law.

10230
10231 398. On or about June 13, 2009, Defendants MICHAEL COONEY
10232 in his official capacity and individually as an Investigator for
10233 Massachusetts State Police; MARK PULLI in his official capacity
10234 and individually as an Investigator for Commonwealth of
10235 Massachusetts; PAUL COFFEY in his official capacity and
10236 individually as an OEMS Investigator for Commonwealth of
10237 Massachusetts; ABDULLAH REHAYEM in his official capacity
10238 and individually as an OEMS Director for Commonwealth of
10239 Massachusetts; RENEE D. LAKE in her official capacity and

10240 individually as an OEMS Compliance Coordinator for
10241 Commonwealth of Massachusetts; M. THOMAS QUAIL in his
10242 official capacity and individually as an OEMS Clinical
10243 Coordinator for Commonwealth of Massachusetts; BRENDAN
10244 MURPHY in his official capacity and individually as an OEMS
10245 Investigator for Commonwealth of Massachusetts; MARTHA
10246 COAKLEY in her official capacity and individually as the
10247 Attorney General for Commonwealth of Massachusetts JOHN
10248 AUERBACH in his official capacity and individually as the
10249 Commissioner, Department of Public Health for Commonwealth of
10250 Massachusetts, while acting under color of law for the
10251 Commonwealth of Massachusetts in Boston, MA; did with other
10252 defendants violate, deprive, or infringe upon the civil rights of
10253 Plaintiff James M. Atkinson for the purposes of personal, political,
10254 and professional gains, without just cause, or lawful authority and
10255 did engage in a conspiracy to Falsely Arrest and/or Kidnap against
10256 James M. Atkinson in contravention of law.

10257
10258 399. On or about June 13, 2009, Defendants MICHAEL COONEY
10259 in his official capacity and individually as an Investigator for

10260 Massachusetts State Police; MARK PULLI in his official capacity
10261 and individually as an Investigator for Commonwealth of
10262 Massachusetts; PAUL COFFEY in his official capacity and
10263 individually as an OEMS Investigator for Commonwealth of
10264 Massachusetts; ABDULLAH REHAYEM in his official capacity
10265 and individually as an OEMS Director for Commonwealth of
10266 Massachusetts; RENEE D. LAKE in her official capacity and
10267 individually as an OEMS Compliance Coordinator for
10268 Commonwealth of Massachusetts; M. THOMAS QUAIL in his
10269 official capacity and individually as an OEMS Clinical
10270 Coordinator for Commonwealth of Massachusetts; BRENDAN
10271 MURPHY in his official capacity and individually as an OEMS
10272 Investigator for Commonwealth of Massachusetts; MARTHA
10273 COAKLEY in her official capacity and individually as the
10274 Attorney General for Commonwealth of Massachusetts JOHN
10275 AUERBACH in his official capacity and individually as the
10276 Commissioner, Department of Public Health for Commonwealth of
10277 Massachusetts, while acting under color of law for the
10278 Commonwealth of Massachusetts in Boston, MA; did with other
10279 defendants violate, deprive, or infringe upon the civil rights of

10280 Plaintiff James M. Atkinson for the purposes of personal, political,
10281 and professional gains, without just cause, or lawful authority and
10282 did engage in a conspiracy of Malicious Prosecution against James
10283 M. Atkinson in contravention of law.

10284

10285 400. On or about June 13, 2009, Defendants MICHAEL COONEY
10286 in his official capacity and individually as an Investigator for
10287 Massachusetts State Police; MARK PULLI in his official capacity
10288 and individually as an Investigator for Commonwealth of
10289 Massachusetts; PAUL COFFEY in his official capacity and
10290 individually as an OEMS Investigator for Commonwealth of
10291 Massachusetts; ABDULLAH REHAYEM in his official capacity
10292 and individually as an OEMS Director for Commonwealth of
10293 Massachusetts; RENEE D. LAKE in her official capacity and
10294 individually as an OEMS Compliance Coordinator for
10295 Commonwealth of Massachusetts; M. THOMAS QUAIL in his
10296 official capacity and individually as an OEMS Clinical
10297 Coordinator for Commonwealth of Massachusetts; BRENDAN
10298 MURPHY in his official capacity and individually as an OEMS
10299 Investigator for Commonwealth of Massachusetts; MARTHA

10300 COAKLEY in her official capacity and individually as the
10301 Attorney General for Commonwealth of Massachusetts JOHN
10302 AUERBACH in his official capacity and individually as the
10303 Commissioner, Department of Public Health for Commonwealth of
10304 Massachusetts, while acting under color of law for the
10305 Commonwealth of Massachusetts in Boston, MA; did with other
10306 defendants violate, deprive, or infringe upon the civil rights of
10307 Plaintiff James M. Atkinson for the purposes of personal, political,
10308 and professional gains, without just cause, or lawful authority and
10309 did engage in a conspiracy to Arrest on False Pretenses against
10310 James M. Atkinson in contravention of law.

10311
10312 401. On or about June 13, 2009, Defendants MICHAEL COONEY
10313 in his official capacity and individually as an Investigator for
10314 Massachusetts State Police; MARK PULLI in his official capacity
10315 and individually as an Investigator for Commonwealth of
10316 Massachusetts; PAUL COFFEY in his official capacity and
10317 individually as an OEMS Investigator for Commonwealth of
10318 Massachusetts; ABDULLAH REHAYEM in his official capacity
10319 and individually as an OEMS Director for Commonwealth of

10320 Massachusetts; RENEE D. LAKE in her official capacity and
10321 individually as an OEMS Compliance Coordinator for
10322 Commonwealth of Massachusetts; M. THOMAS QUAIL in his
10323 official capacity and individually as an OEMS Clinical
10324 Coordinator for Commonwealth of Massachusetts; BRENDAN
10325 MURPHY in his official capacity and individually as an OEMS
10326 Investigator for Commonwealth of Massachusetts; MARTHA
10327 COAKLEY in her official capacity and individually as the
10328 Attorney General for Commonwealth of Massachusetts JOHN
10329 AUERBACH in his official capacity and individually as the
10330 Commissioner, Department of Public Health for Commonwealth of
10331 Massachusetts, while acting under color of law for the
10332 Commonwealth of Massachusetts in Boston, MA; did with other
10333 defendants violate, deprive, or infringe upon the civil rights of
10334 Plaintiff James M. Atkinson for the purposes of personal, political,
10335 and professional gains, without just cause, or lawful authority and
10336 did engage in a conspiracy to Falsely Imprison against James M.
10337 Atkinson in contravention of law.
10338

10339 402. On or about June 13, 2009, Defendants MICHAEL COONEY
10340 in his official capacity and individually as an Investigator for
10341 Massachusetts State Police; MARK PULLI in his official capacity
10342 and individually as an Investigator for Commonwealth of
10343 Massachusetts; PAUL COFFEY in his official capacity and
10344 individually as an OEMS Investigator for Commonwealth of
10345 Massachusetts; ABDULLAH REHAYEM in his official capacity
10346 and individually as an OEMS Director for Commonwealth of
10347 Massachusetts; RENEE D. LAKE in her official capacity and
10348 individually as an OEMS Compliance Coordinator for
10349 Commonwealth of Massachusetts; M. THOMAS QUAIL in his
10350 official capacity and individually as an OEMS Clinical
10351 Coordinator for Commonwealth of Massachusetts; BRENDAN
10352 MURPHY in his official capacity and individually as an OEMS
10353 Investigator for Commonwealth of Massachusetts; MARTHA
10354 COAKLEY in her official capacity and individually as the
10355 Attorney General for Commonwealth of Massachusetts JOHN
10356 AUERBACH in his official capacity and individually as the
10357 Commissioner, Department of Public Health for Commonwealth of
10358 Massachusetts, while acting under color of law for the

10359 Commonwealth of Massachusetts in Boston, MA; did with other
10360 defendants violate, deprive, or infringe upon the civil rights of
10361 Plaintiff James M. Atkinson for the purposes of personal, political,
10362 and professional gains, without just cause, or lawful authority and
10363 did engage in a conspiracy to Steal by Confining or Putting in Fear
10364 by intimidation, force or threats against James M. Atkinson in
10365 contravention of law.

10366
10367 403. On or about June 13, 2009, Defendants MICHAEL COONEY
10368 in his official capacity and individually as an Investigator for
10369 Massachusetts State Police; MARK PULLI in his official capacity
10370 and individually as an Investigator for Commonwealth of
10371 Massachusetts; PAUL COFFEY in his official capacity and
10372 individually as an OEMS Investigator for Commonwealth of
10373 Massachusetts; ABDULLAH REHAYEM in his official capacity
10374 and individually as an OEMS Director for Commonwealth of
10375 Massachusetts; RENEE D. LAKE in her official capacity and
10376 individually as an OEMS Compliance Coordinator for
10377 Commonwealth of Massachusetts; M. THOMAS QUAIL in his
10378 official capacity and individually as an OEMS Clinical

10379 Coordinator for Commonwealth of Massachusetts; BRENDAN
10380 MURPHY in his official capacity and individually as an OEMS
10381 Investigator for Commonwealth of Massachusetts; MARTHA
10382 COAKLEY in her official capacity and individually as the
10383 Attorney General for Commonwealth of Massachusetts JOHN
10384 AUERBACH in his official capacity and individually as the
10385 Commissioner, Department of Public Health for Commonwealth of
10386 Massachusetts, while acting under color of law for the
10387 Commonwealth of Massachusetts in Boston, MA; did with other
10388 defendants violate, deprive, or infringe upon the civil rights of
10389 Plaintiff James M. Atkinson for the purposes of personal, political,
10390 and professional gains, without just cause, or lawful authority and
10391 did engage in a conspiracy to commit Assault or Battery for
10392 Purpose of Intimidation against James M. Atkinson in
10393 contravention of law.

10394
10395 404. On or about June 13, 2009, Defendants MICHAEL COONEY
10396 in his official capacity and individually as an Investigator for
10397 Massachusetts State Police; MARK PULLI in his official capacity
10398 and individually as an Investigator for Commonwealth of

10399 Massachusetts; PAUL COFFEY in his official capacity and
10400 individually as an OEMS Investigator for Commonwealth of
10401 Massachusetts; ABDULLAH REHAYEM in his official capacity
10402 and individually as an OEMS Director for Commonwealth of
10403 Massachusetts; RENEE D. LAKE in her official capacity and
10404 individually as an OEMS Compliance Coordinator for
10405 Commonwealth of Massachusetts; M. THOMAS QUAIL in his
10406 official capacity and individually as an OEMS Clinical
10407 Coordinator for Commonwealth of Massachusetts; BRENDAN
10408 MURPHY in his official capacity and individually as an OEMS
10409 Investigator for Commonwealth of Massachusetts; MARTHA
10410 COAKLEY in her official capacity and individually as the
10411 Attorney General for Commonwealth of Massachusetts JOHN
10412 AUERBACH in his official capacity and individually as the
10413 Commissioner, Department of Public Health for Commonwealth of
10414 Massachusetts, while acting under color of law for the
10415 Commonwealth of Massachusetts in Boston, MA; did with other
10416 defendants violate, deprive, or infringe upon the civil rights of
10417 Plaintiff James M. Atkinson for the purposes of personal, political,
10418 and professional gains, without just cause, or lawful authority and

10419 did engage in a conspiracy of Willful Deprivations of Federal
10420 Rights Under Color of Law against James M. Atkinson in
10421 contravention of law.

10422

10423 405. On or about June 13, 2009, Defendants MICHAEL COONEY
10424 in his official capacity and individually as an Investigator for
10425 Massachusetts State Police; MARK PULLI in his official capacity
10426 and individually as an Investigator for Commonwealth of
10427 Massachusetts; PAUL COFFEY in his official capacity and
10428 individually as an OEMS Investigator for Commonwealth of
10429 Massachusetts; ABDULLAH REHAYEM in his official capacity
10430 and individually as an OEMS Director for Commonwealth of
10431 Massachusetts; RENEE D. LAKE in her official capacity and
10432 individually as an OEMS Compliance Coordinator for
10433 Commonwealth of Massachusetts; M. THOMAS QUAIL in his
10434 official capacity and individually as an OEMS Clinical
10435 Coordinator for Commonwealth of Massachusetts; BRENDAN
10436 MURPHY in his official capacity and individually as an OEMS
10437 Investigator for Commonwealth of Massachusetts; MARTHA
10438 COAKLEY in her official capacity and individually as the

10439 Attorney General for Commonwealth of Massachusetts JOHN
10440 AUERBACH in his official capacity and individually as the
10441 Commissioner, Department of Public Health for Commonwealth of
10442 Massachusetts, while acting under color of law for the
10443 Commonwealth of Massachusetts in Boston, MA; did with other
10444 defendants violate, deprive, or infringe upon the civil rights of
10445 Plaintiff James M. Atkinson for the purposes of personal, political,
10446 and professional gains, without just cause, or lawful authority and
10447 did engage in a conspiracy to Violate the Right to Keep and to
10448 Bear Arms against James M. Atkinson in contravention of law.

10449
10450 406. On or about June 13, 2009, Defendants MICHAEL COONEY
10451 in his official capacity and individually as an Investigator for
10452 Massachusetts State Police; MARK PULLI in his official capacity
10453 and individually as an Investigator for Commonwealth of
10454 Massachusetts; PAUL COFFEY in his official capacity and
10455 individually as an OEMS Investigator for Commonwealth of
10456 Massachusetts; ABDULLAH REHAYEM in his official capacity
10457 and individually as an OEMS Director for Commonwealth of
10458 Massachusetts; RENEE D. LAKE in her official capacity and

10459 individually as an OEMS Compliance Coordinator for
10460 Commonwealth of Massachusetts; M. THOMAS QUAIL in his
10461 official capacity and individually as an OEMS Clinical
10462 Coordinator for Commonwealth of Massachusetts; BRENDAN
10463 MURPHY in his official capacity and individually as an OEMS
10464 Investigator for Commonwealth of Massachusetts; MARTHA
10465 COAKLEY in her official capacity and individually as the
10466 Attorney General for Commonwealth of Massachusetts JOHN
10467 AUERBACH in his official capacity and individually as the
10468 Commissioner, Department of Public Health for Commonwealth of
10469 Massachusetts, while acting under color of law for the
10470 Commonwealth of Massachusetts in Boston, MA; did with other
10471 defendants violate, deprive, or infringe upon the civil rights of
10472 Plaintiff James M. Atkinson for the purposes of personal, political,
10473 and professional gains, without just cause, or lawful authority and
10474 did engage in a conspiracy to Violate the Right to Free Speech
10475 against James M. Atkinson in contravention of law.

10476

10477 407. On or about June 13, 2009, Defendants MICHAEL COONEY
10478 in his official capacity and individually as an Investigator for

10479 Massachusetts State Police; MARK PULLI in his official capacity
10480 and individually as an Investigator for Commonwealth of
10481 Massachusetts; PAUL COFFEY in his official capacity and
10482 individually as an OEMS Investigator for Commonwealth of
10483 Massachusetts; ABDULLAH REHAYEM in his official capacity
10484 and individually as an OEMS Director for Commonwealth of
10485 Massachusetts; RENEE D. LAKE in her official capacity and
10486 individually as an OEMS Compliance Coordinator for
10487 Commonwealth of Massachusetts; M. THOMAS QUAIL in his
10488 official capacity and individually as an OEMS Clinical
10489 Coordinator for Commonwealth of Massachusetts; BRENDAN
10490 MURPHY in his official capacity and individually as an OEMS
10491 Investigator for Commonwealth of Massachusetts; MARTHA
10492 COAKLEY in her official capacity and individually as the
10493 Attorney General for Commonwealth of Massachusetts JOHN
10494 AUERBACH in his official capacity and individually as the
10495 Commissioner, Department of Public Health for Commonwealth of
10496 Massachusetts, while acting under color of law for the
10497 Commonwealth of Massachusetts in Boston, MA; did with other
10498 defendants violate, deprive, or infringe upon the civil rights of

10499 Plaintiff James M. Atkinson for the purposes of personal, political,
10500 and professional gains, without just cause, or lawful authority and
10501 did engage in a conspiracy to Violate the Rights Guarantees,
10502 Privileges and Immunities of Citizenship, Due Process and Equal
10503 Protection of U.S. Citizens against James M. Atkinson in
10504 contravention of law.

10505
10506 408. On or about June 13, 2009, Defendants MICHAEL COONEY
10507 in his official capacity and individually as an Investigator for
10508 Massachusetts State Police; MARK PULLI in his official capacity
10509 and individually as an Investigator for Commonwealth of
10510 Massachusetts; PAUL COFFEY in his official capacity and
10511 individually as an OEMS Investigator for Commonwealth of
10512 Massachusetts; ABDULLAH REHAYEM in his official capacity
10513 and individually as an OEMS Director for Commonwealth of
10514 Massachusetts; RENEE D. LAKE in her official capacity and
10515 individually as an OEMS Compliance Coordinator for
10516 Commonwealth of Massachusetts; M. THOMAS QUAIL in his
10517 official capacity and individually as an OEMS Clinical
10518 Coordinator for Commonwealth of Massachusetts; BRENDAN

10519 MURPHY in his official capacity and individually as an OEMS
10520 Investigator for Commonwealth of Massachusetts; MARTHA
10521 COAKLEY in her official capacity and individually as the
10522 Attorney General for Commonwealth of Massachusetts JOHN
10523 AUERBACH in his official capacity and individually as the
10524 Commissioner, Department of Public Health for Commonwealth of
10525 Massachusetts, while acting under color of law for the
10526 Commonwealth of Massachusetts in Boston, MA; did with other
10527 defendants violate, deprive, or infringe upon the civil rights of
10528 Plaintiff James M. Atkinson for the purposes of personal, political,
10529 and professional gains, without just cause, or lawful authority and
10530 did engage in a conspiracy to Unauthorized Access to Computer
10531 System, Commit Economic Espionage, Steal Trade Secrets by
10532 taking away and/or copying valuable trade secrets and proprietary
10533 information, and Unauthorized Access to Computer System
10534 against James M. Atkinson in contravention of law.

10535
10536 **Direct Contact by Cooney and Pulli,**
10537 **Cooney Calls Atkinson, Then Pulli Calls Atkinson,**
10538 **Both Pressures Atkinson to Withdraw**
10539 **the State OEMS Complaint Regarding**
10540 **Lyons Ambulance from September and December 2008**
10541

10542 409. On or about June 22, 2009 and June 23, 2009, Defendants
10543 MICHAEL COONEY in his official capacity and individually as
10544 an Investigator for Massachusetts State Police; MARK PULLI in
10545 his official capacity and individually as an Investigator for
10546 Commonwealth of Massachusetts did with other defendants violate,
10547 deprive, or infringe upon the civil rights of Plaintiff James M.
10548 Atkinson for the purposes of personal, political, and professional
10549 gains, without just cause, or lawful authority and did engage in
10550 witness tampering against James M. Atkinson in contravention of
10551 law, in that they contact the Plaintiff Atkinson directly to dissuade
10552 his testimony in regards to the Hamilton, Wenham, Lyons
10553 Ambulance, Henry Michalski, and others EMT/EMT training
10554 fraud case, and to encourage Plaintiff Atkinson not the testify
10555 before an Essex Country Grand Jury.

10556
10557 410. On or about June 22, 2009 and June 23, 2009, Defendants
10558 MICHAEL COONEY in his official capacity and individually as
10559 an Investigator for Massachusetts State Police; MARK PULLI in
10560 his official capacity and individually as an Investigator for
10561 Commonwealth of Massachusetts did with other defendants violate,

10562 deprive, or infringe upon the civil rights of Plaintiff James M.
10563 Atkinson for the purposes of personal, political, and professional
10564 gains, without just cause, or lawful authority and did engage in
10565 Obstruction of Justice against James M. Atkinson in contravention
10566 of law, in that they contact the Plaintiff Atkinson directly to
10567 dissuade his testimony in regards to the Hamilton, Wenham, Lyons
10568 Ambulance, Henry Michalski, and others EMT/EMT training
10569 fraud case, and to encourage Plaintiff Atkinson not the testify
10570 before an Essex Country Grand Jury.

10571

10572 411. On or about June 22, 2009 and June 23, 2009, Defendants
10573 MICHAEL COONEY in his official capacity and individually as
10574 an Investigator for Massachusetts State Police; MARK PULLI in
10575 his official capacity and individually as an Investigator for
10576 Commonwealth of Massachusetts did with other defendants violate,
10577 deprive, or infringe upon the civil rights of Plaintiff James M.
10578 Atkinson for the purposes of personal, political, and professional
10579 gains, without just cause, or lawful authority and did engage in
10580 harassment of a witness against James M. Atkinson in
10581 contravention of law, in that they contact the Plaintiff Atkinson

10582 directly to dissuade his testimony in regards to the Hamilton,
10583 Wenham, Lyons Ambulance, Henry Michalski, and others
10584 EMT/EMT training fraud case, and to encourage Plaintiff Atkinson
10585 not the testify before an Essex Country Grand Jury.

10586
10587 412. On or about June 22, 2009 and June 23, 2009, Defendants
10588 MICHAEL COONEY in his official capacity and individually as
10589 an Investigator for Massachusetts State Police; MARK PULLI in
10590 his official capacity and individually as an Investigator for
10591 Commonwealth of Massachusetts did with other defendants violate,
10592 deprive, or infringe upon the civil rights of Plaintiff James M.
10593 Atkinson for the purposes of personal, political, and professional
10594 gains, without just cause, or lawful authority and did engage in
10595 infringement upon the right to free speech against James M.
10596 Atkinson in contravention of law, in that they contact the Plaintiff
10597 Atkinson directly to dissuade his testimony in regards to the
10598 Hamilton, Wenham, Lyons Ambulance, Henry Michalski, and
10599 others EMT/EMT training fraud case, and to encourage Plaintiff
10600 Atkinson not the testify before an Essex Country Grand Jury.

10601

10602 413. On or about June 22, 2009 and June 23, 2009, Defendants
10603 MICHAEL COONEY in his official capacity and individually as
10604 an Investigator for Massachusetts State Police; MARK PULLI in
10605 his official capacity and individually as an Investigator for
10606 Commonwealth of Massachusetts did with other defendants violate,
10607 deprive, or infringe upon the civil rights of Plaintiff James M.
10608 Atkinson for the purposes of personal, political, and professional
10609 gains, without just cause, or lawful authority and did engage in
10610 Extortion of James M. Atkinson in contravention of law, in that
10611 they contact the Plaintiff Atkinson directly to dissuade his
10612 testimony in regards to the Hamilton, Wenham, Lyons Ambulance,
10613 Henry Michalski, and others EMT/EMT training fraud case, and
10614 to encourage Plaintiff Atkinson not the testify before an Essex
10615 Country Grand Jury.

10616
10617 414. On or about June 22, 2009 and June 23, 2009, Defendants
10618 MICHAEL COONEY in his official capacity and individually as
10619 an Investigator for Massachusetts State Police; MARK PULLI in
10620 his official capacity and individually as an Investigator for
10621 Commonwealth of Massachusetts did with other defendants violate,

10622 deprive, or infringe upon the civil rights of Plaintiff James M.
10623 Atkinson for the purposes of personal, political, and professional
10624 gains, without just cause, or lawful authority and did engage in
10625 Solicitation of Perjury against James M. Atkinson in contravention
10626 of law, in that they contact the Plaintiff Atkinson directly to
10627 dissuade his testimony in regards to the Hamilton, Wenham, Lyons
10628 Ambulance, Henry Michalski, and others EMT/EMT training
10629 fraud case, and to encourage Plaintiff Atkinson not the testify
10630 before an Essex Country Grand Jury.

10631

10632 **Initial Rockport Ambulance and Police Conspiracy**
10633 **to Protect Henry Michalski and Lyons Ambulance**
10634 **and “Torpedo” and Discredit Atkinson As a States Witness**
10635

10636 415. On or about June 13, 2009, Defendants HENRY MICHALSKI
10637 in his official capacity and individually as an EMT Instructor for
10638 Lyons Ambulance Commonwealth of Massachusetts EMT
10639 Examiner, and EMT Instructor for North Shore Community
10640 College; PENNY MICHALSKI in her official capacity and
10641 individually as an Employee for the Attorney Generals Office;
10642 KEVIN M. LYONS in his official capacity and individually as an
10643 Owner for Lyons Ambulance Service LLC; FRANK

10644 CARABELLO in his official capacity and individually as the
10645 Director of Operations for Lyons Ambulance Service LLC;
10646 DARRELL MOORE in his official capacity and individually as an
10647 EMT Instructor for Lyons Ambulance Service LLC and a
10648 Commonwealth of Massachusetts EMT Examiner; ROBERT
10649 PIEPIORA in his official capacity and individually as an EMT
10650 Instructor for Lyons Ambulance Service LLC and a
10651 Commonwealth of Massachusetts EMT Examiner; DAVID
10652 RAYMOND in his official capacity and individually as an EMT
10653 Instructor for Lyons Ambulance Service LLC and a
10654 Commonwealth of Massachusetts EMT Examiner; JOHN L.
10655 GOOD in his official capacity and individually as a Executive Vice
10656 President for Beverly National Bank and Executive for Danvers
10657 Bancorp, Inc., as an EMT Instructor for Lyons Ambulance, an
10658 Executive at Beverly Hospital, and a Bank Officer for Montserrat
10659 College of Art, and a Commonwealth of Massachusetts EMT
10660 Examiner; MARK MILLET in his official capacity and
10661 individually as an EMS Coordinator for Beverly Hospital;
10662 STEVEN KRENDEL in his official capacity and individually as an
10663 Medical Control Physician for Beverly Hospital; RITA BUDROW

10664 in her official capacity and individually as an EMT for Town of
10665 Rockport; JANE CARR in her official capacity and individually as
10666 an EMT for Town of Rockport, EMT for Lyons Ambulance, and
10667 EMT and Nurses Aid for Beverly Hospital; DIANE E. CRUDDEN
10668 in her official capacity and individually as an EMT for Town of
10669 Rockport; JOHN T. MCCARTHY in his official capacity and
10670 individually as the Chief of Police for Town of Rockport; and
10671 ROBERT TIBERT in his official capacity and individually as a
10672 Police Officer for Town of Rockport did with other defendants
10673 violate, deprive, or infringe upon the civil rights of Plaintiff James
10674 M. Atkinson for the purposes of personal, political, and
10675 professional gains, without just cause, or lawful authority and did
10676 engage in Solicitation of Perjury against James M. Atkinson in
10677 contravention of law, in that Plaintiff Atkinson was asked to lie
10678 about the Lyons Ambulance EMT training course.

10679
10680 416. On or about June 13, 2009, Defendants HENRY MICHALSKI
10681 in his official capacity and individually as an EMT Instructor for
10682 Lyons Ambulance Commonwealth of Massachusetts EMT
10683 Examiner, and EMT Instructor for North Shore Community

10684 College; PENNY MICHALSKI in her official capacity and
10685 individually as an Employee for the Attorney Generals Office;
10686 KEVIN M. LYONS in his official capacity and individually as an
10687 Owner for Lyons Ambulance Service LLC; FRANK
10688 CARABELLO in his official capacity and individually as the
10689 Director of Operations for Lyons Ambulance Service LLC;
10690 DARRELL MOORE in his official capacity and individually as an
10691 EMT Instructor for Lyons Ambulance Service LLC and a
10692 Commonwealth of Massachusetts EMT Examiner; ROBERT
10693 PIEPIORA in his official capacity and individually as an EMT
10694 Instructor for Lyons Ambulance Service LLC and a
10695 Commonwealth of Massachusetts EMT Examiner; DAVID
10696 RAYMOND in his official capacity and individually as an EMT
10697 Instructor for Lyons Ambulance Service LLC and a
10698 Commonwealth of Massachusetts EMT Examiner; JOHN L.
10699 GOOD in his official capacity and individually as a Executive Vice
10700 President for Beverly National Bank and Executive for Danvers
10701 Bancorp, Inc., as an EMT Instructor for Lyons Ambulance, an
10702 Executive at Beverly Hospital, and a Bank Officer for Montserrat
10703 College of Art, and a Commonwealth of Massachusetts EMT

10704 Examiner; MARK MILLET in his official capacity and
10705 individually as an EMS Coordinator for Beverly Hospital;
10706 STEVEN KRENDEL in his official capacity and individually as an
10707 Medical Control Physician for Beverly Hospital; RITA BUDROW
10708 in her official capacity and individually as an EMT for Town of
10709 Rockport; JANE CARR in her official capacity and individually as
10710 an EMT for Town of Rockport, EMT for Lyons Ambulance, and
10711 EMT and Nurses Aid for Beverly Hospital; DIANE E. CRUDDEN
10712 in her official capacity and individually as an EMT for Town of
10713 Rockport; JOHN T. MCCARTHY in his official capacity and
10714 individually as the Chief of Police for Town of Rockport; and
10715 ROBERT TIBERT in his official capacity and individually as a
10716 Police Officer for Town of Rockport did with other defendants
10717 violate, deprive, or infringe upon the civil rights of Plaintiff James
10718 M. Atkinson for the purposes of personal, political, and
10719 professional gains, without just cause, or lawful authority and did
10720 engage in Conspiracy against James M. Atkinson in contravention
10721 of law, in that Plaintiff Atkinson was asked to lie about the Lyons
10722 Ambulance EMT training course.

10723

10724 417. On or about June 13, 2009, Defendants HENRY MICHALSKI
10725 in his official capacity and individually as an EMT Instructor for
10726 Lyons Ambulance Commonwealth of Massachusetts EMT
10727 Examiner, and EMT Instructor for North Shore Community
10728 College; PENNY MICHALSKI in her official capacity and
10729 individually as an Employee for the Attorney Generals Office;
10730 KEVIN M. LYONS in his official capacity and individually as an
10731 Owner for Lyons Ambulance Service LLC; FRANK
10732 CARABELLO in his official capacity and individually as the
10733 Director of Operations for Lyons Ambulance Service LLC;
10734 DARRELL MOORE in his official capacity and individually as an
10735 EMT Instructor for Lyons Ambulance Service LLC and a
10736 Commonwealth of Massachusetts EMT Examiner; ROBERT
10737 PIEPIORA in his official capacity and individually as an EMT
10738 Instructor for Lyons Ambulance Service LLC and a
10739 Commonwealth of Massachusetts EMT Examiner; DAVID
10740 RAYMOND in his official capacity and individually as an EMT
10741 Instructor for Lyons Ambulance Service LLC and a
10742 Commonwealth of Massachusetts EMT Examiner; JOHN L.
10743 GOOD in his official capacity and individually as a Executive Vice

10744 President for Beverly National Bank and Executive for Danvers
10745 Bancorp, Inc., as an EMT Instructor for Lyons Ambulance, an
10746 Executive at Beverly Hospital, and a Bank Officer for Montserrat
10747 College of Art, and a Commonwealth of Massachusetts EMT
10748 Examiner; MARK MILLET in his official capacity and
10749 individually as an EMS Coordinator for Beverly Hospital;
10750 STEVEN KRENDEL in his official capacity and individually as an
10751 Medical Control Physician for Beverly Hospital; RITA BUDROW
10752 in her official capacity and individually as an EMT for Town of
10753 Rockport; JANE CARR in her official capacity and individually as
10754 an EMT for Town of Rockport, EMT for Lyons Ambulance, and
10755 EMT and Nurses Aid for Beverly Hospital; DIANE E. CRUDDEN
10756 in her official capacity and individually as an EMT for Town of
10757 Rockport; JOHN T. MCCARTHY in his official capacity and
10758 individually as the Chief of Police for Town of Rockport; and
10759 ROBERT TIBERT in his official capacity and individually as a
10760 Police Officer for Town of Rockport did with other defendants
10761 violate, deprive, or infringe upon the civil rights of Plaintiff James
10762 M. Atkinson for the purposes of personal, political, and
10763 professional gains, without just cause, or lawful authority and did

10764 engage in Solicitation of Perjury against James M. Atkinson in
10765 contravention of law, in that Plaintiff Atkinson was asked to lie
10766 about the Lyons Ambulance EMT training course.

10767

10768 418. On or about June 13, 2009, Defendants HENRY MICHALSKI
10769 in his official capacity and individually as an EMT Instructor for
10770 Lyons Ambulance Commonwealth of Massachusetts EMT
10771 Examiner, and EMT Instructor for North Shore Community
10772 College; PENNY MICHALSKI in her official capacity and
10773 individually as an Employee for the Attorney Generals Office;
10774 KEVIN M. LYONS in his official capacity and individually as an
10775 Owner for Lyons Ambulance Service LLC; FRANK
10776 CARABELLO in his official capacity and individually as the
10777 Director of Operations for Lyons Ambulance Service LLC;
10778 DARRELL MOORE in his official capacity and individually as an
10779 EMT Instructor for Lyons Ambulance Service LLC and a
10780 Commonwealth of Massachusetts EMT Examiner; ROBERT
10781 PIEPIORA in his official capacity and individually as an EMT
10782 Instructor for Lyons Ambulance Service LLC and a
10783 Commonwealth of Massachusetts EMT Examiner; DAVID

10784 RAYMOND in his official capacity and individually as an EMT
10785 Instructor for Lyons Ambulance Service LLC and a
10786 Commonwealth of Massachusetts EMT Examiner; JOHN L.
10787 GOOD in his official capacity and individually as a Executive Vice
10788 President for Beverly National Bank and Executive for Danvers
10789 Bancorp, Inc., as an EMT Instructor for Lyons Ambulance, an
10790 Executive at Beverly Hospital, and a Bank Officer for Montserrat
10791 College of Art, and a Commonwealth of Massachusetts EMT
10792 Examiner; MARK MILLET in his official capacity and
10793 individually as an EMS Coordinator for Beverly Hospital;
10794 STEVEN KRENDEL in his official capacity and individually as an
10795 Medical Control Physician for Beverly Hospital; RITA BUDROW
10796 in her official capacity and individually as an EMT for Town of
10797 Rockport; JANE CARR in her official capacity and individually as
10798 an EMT for Town of Rockport, EMT for Lyons Ambulance, and
10799 EMT and Nurses Aid for Beverly Hospital; DIANE E. CRUDDEN
10800 in her official capacity and individually as an EMT for Town of
10801 Rockport; JOHN T. MCCARTHY in his official capacity and
10802 individually as the Chief of Police for Town of Rockport; and
10803 ROBERT TIBERT in his official capacity and individually as a

10804 Police Officer for Town of Rockport did with other defendants
10805 violate, deprive, or infringe upon the civil rights of Plaintiff James
10806 M. Atkinson for the purposes of personal, political, and
10807 professional gains, without just cause, or lawful authority and did
10808 engage in Obstruction of Justice against James M. Atkinson in
10809 contravention of law, in that Plaintiff Atkinson was asked to lie
10810 about the Lyons Ambulance EMT training course.

10811
10812 419. On or about June 13, 2009, Defendants HENRY MICHALSKI
10813 in his official capacity and individually as an EMT Instructor for
10814 Lyons Ambulance Commonwealth of Massachusetts EMT
10815 Examiner, and EMT Instructor for North Shore Community
10816 College; PENNY MICHALSKI in her official capacity and
10817 individually as an Employee for the Attorney Generals Office;
10818 KEVIN M. LYONS in his official capacity and individually as an
10819 Owner for Lyons Ambulance Service LLC; FRANK
10820 CARABELLO in his official capacity and individually as the
10821 Director of Operations for Lyons Ambulance Service LLC;
10822 DARRELL MOORE in his official capacity and individually as an
10823 EMT Instructor for Lyons Ambulance Service LLC and a

10824 Commonwealth of Massachusetts EMT Examiner; ROBERT
10825 PIEPIORA in his official capacity and individually as an EMT
10826 Instructor for Lyons Ambulance Service LLC and a
10827 Commonwealth of Massachusetts EMT Examiner; DAVID
10828 RAYMOND in his official capacity and individually as an EMT
10829 Instructor for Lyons Ambulance Service LLC and a
10830 Commonwealth of Massachusetts EMT Examiner; JOHN L.
10831 GOOD in his official capacity and individually as a Executive Vice
10832 President for Beverly National Bank and Executive for Danvers
10833 Bancorp, Inc., as an EMT Instructor for Lyons Ambulance, an
10834 Executive at Beverly Hospital, and a Bank Officer for Montserrat
10835 College of Art, and a Commonwealth of Massachusetts EMT
10836 Examiner; MARK MILLET in his official capacity and
10837 individually as an EMS Coordinator for Beverly Hospital;
10838 STEVEN KRENDEL in his official capacity and individually as an
10839 Medical Control Physician for Beverly Hospital; RITA BUDROW
10840 in her official capacity and individually as an EMT for Town of
10841 Rockport; JANE CARR in her official capacity and individually as
10842 an EMT for Town of Rockport, EMT for Lyons Ambulance, and
10843 EMT and Nurses Aid for Beverly Hospital; DIANE E. CRUDDEN

10844 in her official capacity and individually as an EMT for Town of
10845 Rockport; JOHN T. MCCARTHY in his official capacity and
10846 individually as the Chief of Police for Town of Rockport; and
10847 ROBERT TIBERT in his official capacity and individually as a
10848 Police Officer for Town of Rockport did with other defendants
10849 violate, deprive, or infringe upon the civil rights of Plaintiff James
10850 M. Atkinson for the purposes of personal, political, and
10851 professional gains, without just cause, or lawful authority and did
10852 engage in Medicaid and Medicare Fraud and False Claims against
10853 the United States of America in contravention of law.

10854
10855 420. On or about June 13, 2009, Defendants HENRY MICHALSKI
10856 in his official capacity and individually as an EMT Instructor for
10857 Lyons Ambulance Commonwealth of Massachusetts EMT
10858 Examiner, and EMT Instructor for North Shore Community
10859 College; PENNY MICHALSKI in her official capacity and
10860 individually as an Employee for the Attorney Generals Office;
10861 KEVIN M. LYONS in his official capacity and individually as an
10862 Owner for Lyons Ambulance Service LLC; FRANK
10863 CARABELLO in his official capacity and individually as the

10864 Director of Operations for Lyons Ambulance Service LLC;
10865 DARRELL MOORE in his official capacity and individually as an
10866 EMT Instructor for Lyons Ambulance Service LLC and a
10867 Commonwealth of Massachusetts EMT Examiner; ROBERT
10868 PIEPIORA in his official capacity and individually as an EMT
10869 Instructor for Lyons Ambulance Service LLC and a
10870 Commonwealth of Massachusetts EMT Examiner; DAVID
10871 RAYMOND in his official capacity and individually as an EMT
10872 Instructor for Lyons Ambulance Service LLC and a
10873 Commonwealth of Massachusetts EMT Examiner; JOHN L.
10874 GOOD in his official capacity and individually as a Executive Vice
10875 President for Beverly National Bank and Executive for Danvers
10876 Bancorp, Inc., as an EMT Instructor for Lyons Ambulance, an
10877 Executive at Beverly Hospital, and a Bank Officer for Montserrat
10878 College of Art, and a Commonwealth of Massachusetts EMT
10879 Examiner; MARK MILLET in his official capacity and
10880 individually as an EMS Coordinator for Beverly Hospital;
10881 STEVEN KRENDEL in his official capacity and individually as an
10882 Medical Control Physician for Beverly Hospital; RITA BUDROW
10883 in her official capacity and individually as an EMT for Town of

10884 Rockport; JANE CARR in her official capacity and individually as
10885 an EMT for Town of Rockport, EMT for Lyons Ambulance, and
10886 EMT and Nurses Aid for Beverly Hospital; DIANE E. CRUDDEN
10887 in her official capacity and individually as an EMT for Town of
10888 Rockport; JOHN T. MCCARTHY in his official capacity and
10889 individually as the Chief of Police for Town of Rockport; and
10890 ROBERT TIBERT in his official capacity and individually as a
10891 Police Officer for Town of Rockport did with other defendants
10892 violate, deprive, or infringe upon the civil rights of Plaintiff James
10893 M. Atkinson for the purposes of personal, political, and
10894 professional gains, without just cause, or lawful authority and did
10895 engage in Whistleblower Retaliation against James M. Atkinson in
10896 contravention of law, in that Plaintiff Atkinson was asked to lie
10897 about the Lyons Ambulance EMT training course.

10898
10899 421. On or about June 13, 2009, Defendants HENRY MICHALSKI
10900 in his official capacity and individually as an EMT Instructor for
10901 Lyons Ambulance Commonwealth of Massachusetts EMT
10902 Examiner, and EMT Instructor for North Shore Community
10903 College; PENNY MICHALSKI in her official capacity and

10904 individually as an Employee for the Attorney Generals Office;
10905 KEVIN M. LYONS in his official capacity and individually as an
10906 Owner for Lyons Ambulance Service LLC; FRANK
10907 CARABELLO in his official capacity and individually as the
10908 Director of Operations for Lyons Ambulance Service LLC;
10909 DARRELL MOORE in his official capacity and individually as an
10910 EMT Instructor for Lyons Ambulance Service LLC and a
10911 Commonwealth of Massachusetts EMT Examiner; ROBERT
10912 PIEPIORA in his official capacity and individually as an EMT
10913 Instructor for Lyons Ambulance Service LLC and a
10914 Commonwealth of Massachusetts EMT Examiner; DAVID
10915 RAYMOND in his official capacity and individually as an EMT
10916 Instructor for Lyons Ambulance Service LLC and a
10917 Commonwealth of Massachusetts EMT Examiner; JOHN L.
10918 GOOD in his official capacity and individually as a Executive Vice
10919 President for Beverly National Bank and Executive for Danvers
10920 Bancorp, Inc., as an EMT Instructor for Lyons Ambulance, an
10921 Executive at Beverly Hospital, and a Bank Officer for Montserrat
10922 College of Art, and a Commonwealth of Massachusetts EMT
10923 Examiner; MARK MILLET in his official capacity and

10924 individually as an EMS Coordinator for Beverly Hospital;
10925 STEVEN KRENDEL in his official capacity and individually as an
10926 Medical Control Physician for Beverly Hospital; RITA BUDROW
10927 in her official capacity and individually as an EMT for Town of
10928 Rockport; JANE CARR in her official capacity and individually as
10929 an EMT for Town of Rockport, EMT for Lyons Ambulance, and
10930 EMT and Nurses Aid for Beverly Hospital; DIANE E. CRUDDEN
10931 in her official capacity and individually as an EMT for Town of
10932 Rockport; JOHN T. MCCARTHY in his official capacity and
10933 individually as the Chief of Police for Town of Rockport; and
10934 ROBERT TIBERT in his official capacity and individually as a
10935 Police Officer for Town of Rockport did with other defendants
10936 violate, deprive, or infringe upon the civil rights of Plaintiff James
10937 M. Atkinson for the purposes of personal, political, and
10938 professional gains, without just cause, or lawful authority and did
10939 engage in Conspiracy to Commit Extortion against James M.
10940 Atkinson in contravention of law, in that Plaintiff Atkinson was
10941 asked to lie about the Lyons Ambulance EMT training course.
10942

10943 422. On or about June 13, 2009, Defendants HENRY MICHALSKI
10944 in his official capacity and individually as an EMT Instructor for
10945 Lyons Ambulance Commonwealth of Massachusetts EMT
10946 Examiner, and EMT Instructor for North Shore Community
10947 College; PENNY MICHALSKI in her official capacity and
10948 individually as an Employee for the Attorney Generals Office;
10949 KEVIN M. LYONS in his official capacity and individually as an
10950 Owner for Lyons Ambulance Service LLC; FRANK
10951 CARABELLO in his official capacity and individually as the
10952 Director of Operations for Lyons Ambulance Service LLC;
10953 DARRELL MOORE in his official capacity and individually as an
10954 EMT Instructor for Lyons Ambulance Service LLC and a
10955 Commonwealth of Massachusetts EMT Examiner; ROBERT
10956 PIEPIORA in his official capacity and individually as an EMT
10957 Instructor for Lyons Ambulance Service LLC and a
10958 Commonwealth of Massachusetts EMT Examiner; DAVID
10959 RAYMOND in his official capacity and individually as an EMT
10960 Instructor for Lyons Ambulance Service LLC and a
10961 Commonwealth of Massachusetts EMT Examiner; JOHN L.
10962 GOOD in his official capacity and individually as a Executive Vice

10963 President for Beverly National Bank and Executive for Danvers
10964 Bancorp, Inc., as an EMT Instructor for Lyons Ambulance, an
10965 Executive at Beverly Hospital, and a Bank Officer for Montserrat
10966 College of Art, and a Commonwealth of Massachusetts EMT
10967 Examiner; MARK MILLET in his official capacity and
10968 individually as an EMS Coordinator for Beverly Hospital;
10969 STEVEN KRENDEL in his official capacity and individually as an
10970 Medical Control Physician for Beverly Hospital; RITA BUDROW
10971 in her official capacity and individually as an EMT for Town of
10972 Rockport; JANE CARR in her official capacity and individually as
10973 an EMT for Town of Rockport, EMT for Lyons Ambulance, and
10974 EMT and Nurses Aid for Beverly Hospital; DIANE E. CRUDDEN
10975 in her official capacity and individually as an EMT for Town of
10976 Rockport; JOHN T. MCCARTHY in his official capacity and
10977 individually as the Chief of Police for Town of Rockport; and
10978 ROBERT TIBERT in his official capacity and individually as a
10979 Police Officer for Town of Rockport did with other defendants
10980 violate, deprive, or infringe upon the civil rights of Plaintiff James
10981 M. Atkinson for the purposes of personal, political, and
10982 professional gains, without just cause, or lawful authority and did

10983 engage in Conspiracy for Deprivation of Rights, Privileges, or
10984 Immunities - Pattern or Practice of Conduct against James M.
10985 Atkinson in contravention of law.

10986

10987 423. On or about June 13, 2009, Defendants HENRY MICHALSKI
10988 in his official capacity and individually as an EMT Instructor for
10989 Lyons Ambulance Commonwealth of Massachusetts EMT
10990 Examiner, and EMT Instructor for North Shore Community
10991 College; PENNY MICHALSKI in her official capacity and
10992 individually as an Employee for the Attorney Generals Office;
10993 KEVIN M. LYONS in his official capacity and individually as an
10994 Owner for Lyons Ambulance Service LLC; FRANK
10995 CARABELLO in his official capacity and individually as the
10996 Director of Operations for Lyons Ambulance Service LLC;
10997 DARRELL MOORE in his official capacity and individually as an
10998 EMT Instructor for Lyons Ambulance Service LLC and a
10999 Commonwealth of Massachusetts EMT Examiner; ROBERT
11000 PIEPIORA in his official capacity and individually as an EMT
11001 Instructor for Lyons Ambulance Service LLC and a
11002 Commonwealth of Massachusetts EMT Examiner; DAVID

11003 RAYMOND in his official capacity and individually as an EMT
11004 Instructor for Lyons Ambulance Service LLC and a
11005 Commonwealth of Massachusetts EMT Examiner; JOHN L.
11006 GOOD in his official capacity and individually as a Executive Vice
11007 President for Beverly National Bank and Executive for Danvers
11008 Bancorp, Inc., as an EMT Instructor for Lyons Ambulance, an
11009 Executive at Beverly Hospital, and a Bank Officer for Montserrat
11010 College of Art, and a Commonwealth of Massachusetts EMT
11011 Examiner; MARK MILLET in his official capacity and
11012 individually as an EMS Coordinator for Beverly Hospital;
11013 STEVEN KRENDEL in his official capacity and individually as an
11014 Medical Control Physician for Beverly Hospital; RITA BUDROW
11015 in her official capacity and individually as an EMT for Town of
11016 Rockport; JANE CARR in her official capacity and individually as
11017 an EMT for Town of Rockport, EMT for Lyons Ambulance, and
11018 EMT and Nurses Aid for Beverly Hospital; DIANE E. CRUDDEN
11019 in her official capacity and individually as an EMT for Town of
11020 Rockport; JOHN T. MCCARTHY in his official capacity and
11021 individually as the Chief of Police for Town of Rockport; and
11022 ROBERT TIBERT in his official capacity and individually as a

11023 Police Officer for Town of Rockport did with other defendants
11024 violate, deprive, or infringe upon the civil rights of Plaintiff James
11025 M. Atkinson for the purposes of personal, political, and
11026 professional gains, without just cause, or lawful authority and did
11027 engage in a Conspiracy to Arrest on False Pretenses against James
11028 M. Atkinson in contravention of law.

11029

11030 **Second Round of conspiracy against Atkinson.**
11031 **Calls from State Police, and AG Intimidating and Grilling**
11032 **Atkinson about Prior OEMS reports regarding Lyons Ambulance**
11033 **Attorney General Employee Mark Pulli and Michael Cooney**
11034 **tries to dissuade testimony of Atkinson by way of threats.**

11035

11036 424. On or about August 6 2009, Defendants MICHAEL COONEY

11037

in his official capacity and individually as an Investigator for

11038

Massachusetts State Police; MARK PULLI in his official capacity

11039

and individually as an Investigator for Commonwealth of

11040

Massachusetts did with other defendants violate, deprive, or

11041

infringe upon the civil rights of Plaintiff James M. Atkinson for the

11042

purposes of personal, political, and professional gains, without just

11043

cause, or lawful authority and did engage in witness tampering

11044

against James M. Atkinson in contravention of law, by means of

11045

initiating a complex conspiracy with members of the Rockport

11046 Police Department to charge Plaintiff Atkinson with non delivery
11047 of goods, for goods which were legitimately awaiting proper and
11048 ordinary export approvals from the U.S. Statement PM/DDTC.

11049

11050 425. On or about August 6 2009, Defendants MICHAEL COONEY
11051 in his official capacity and individually as an Investigator for
11052 Massachusetts State Police; MARK PULLI in his official capacity
11053 and individually as an Investigator for Commonwealth of
11054 Massachusetts did with other defendants violate, deprive, or
11055 infringe upon the civil rights of Plaintiff James M. Atkinson for the
11056 purposes of personal, political, and professional gains, without just
11057 cause, or lawful authority and did engage in Obstruction of Justice
11058 against James M. Atkinson in contravention of law. by means of
11059 initiating a complex conspiracy with members of the Rockport
11060 Police Department to charge Plaintiff Atkinson with non delivery
11061 of goods, for goods which were legitimately awaiting proper and
11062 ordinary export approvals from the U.S. Statement PM/DDTC.

11063

11064 426. On or about August 6 2009, Defendants MICHAEL COONEY
11065 in his official capacity and individually as an Investigator for

11066 Massachusetts State Police; MARK PULLI in his official capacity
11067 and individually as an Investigator for Commonwealth of
11068 Massachusetts did with other defendants violate, deprive, or
11069 infringe upon the civil rights of Plaintiff James M. Atkinson for the
11070 purposes of personal, political, and professional gains, without just
11071 cause, or lawful authority and did engage in harassment of a
11072 witness against James M. Atkinson in contravention of law. by
11073 means of initiating a complex conspiracy with members of the
11074 Rockport Police Department to charge Plaintiff Atkinson with non
11075 delivery of goods, for goods which were legitimately awaiting
11076 proper and ordinary export approvals from the U.S. Statement
11077 PM/DDTC.

11078
11079 427. On or about August 6 2009, Defendants MICHAEL COONEY
11080 in his official capacity and individually as an Investigator for
11081 Massachusetts State Police; MARK PULLI in his official capacity
11082 and individually as an Investigator for Commonwealth of
11083 Massachusetts did with other defendants violate, deprive, or
11084 infringe upon the civil rights of Plaintiff James M. Atkinson for the
11085 purposes of personal, political, and professional gains, without just

11086 cause, or lawful authority and did engage in infringement upon the
11087 right to free speech against James M. Atkinson in contravention of
11088 law. By means of initiating a complex conspiracy with members of
11089 the Rockport Police Department to charge Plaintiff Atkinson with
11090 non-delivery of goods, for goods that were legitimately awaiting
11091 proper and ordinary export approvals from the U.S. Statement
11092 PM/DDTC.

11093
11094 428. On or about August 6 2009, Defendants MICHAEL COONEY
11095 in his official capacity and individually as an Investigator for
11096 Massachusetts State Police; MARK PULLI in his official capacity
11097 and individually as an Investigator for Commonwealth of
11098 Massachusetts did with other defendants violate, deprive, or
11099 infringe upon the civil rights of Plaintiff James M. Atkinson for the
11100 purposes of personal, political, and professional gains, without just
11101 cause, or lawful authority and did engage in Extortion of James M.
11102 Atkinson in contravention of law. By means of initiating a
11103 complex conspiracy with members of the Rockport Police
11104 Department to charge Plaintiff Atkinson with non-delivery of

11105 goods, for goods that were legitimately awaiting proper and
11106 ordinary export approvals from the U.S. Statement PM/DDTC.

11107

11108 429. On or about August 6 2009, Defendants MICHAEL COONEY
11109 in his official capacity and individually as an Investigator for
11110 Massachusetts State Police; MARK PULLI in his official capacity
11111 and individually as an Investigator for Commonwealth of
11112 Massachusetts did with other defendants violate, deprive, or
11113 infringe upon the civil rights of Plaintiff James M. Atkinson for the
11114 purposes of personal, political, and professional gains, without just
11115 cause, or lawful authority and did engage in Solicitation of Perjury
11116 against James M. Atkinson in contravention of law. By means of
11117 initiating a complex conspiracy with members of the Rockport
11118 Police Department to charge Plaintiff Atkinson with non delivery
11119 of goods, for goods which were legitimately awaiting proper and
11120 ordinary export approvals from the U.S. Statement PM/DDTC.

11121

11122 **Rockport Ambulance Department**
11123 **Naked Patient Pictures Incident**

11124

11125 430. On August 11, 2009, Defendant Diane Crudden individually,
11126 and in her official capacity, while acting under color of law as a

11127 Emergency Medical Technician, for the Rockport Ambulance
11128 Department, in Rockport, Massachusetts; did with other defendants
11129 violate, deprive, or infringe upon the civil rights of Plaintiff James
11130 M. Atkinson for the purposes of personal, political, and
11131 professional gains, without just cause, or lawful authority and did
11132 engage in Illegal Interception of Oral Communications of James M.
11133 Atkinson in contravention of law, by means of a hand held cellular
11134 phone in the possession of this Defendant being used to covertly
11135 record audio and video of the Plaintiff rendering emergency
11136 medical services to a nude, and elderly patient.

11137
11138 431. On August 11, 2009, Defendant Rita Budrow individually, and
11139 in her official capacity, while acting under color of law as a
11140 Emergency Medical Technician, for the Rockport Ambulance
11141 Department, in Rockport, Massachusetts; did with other defendants
11142 violate, deprive, or infringe upon the civil rights of Plaintiff James
11143 M. Atkinson for the purposes of personal, political, and
11144 professional gains, without just cause, or lawful authority and did
11145 engage in Illegal Interception of Oral Communications of James M.
11146 Atkinson in contravention of law, by means of a hand held cellular

11147 phone in the possession of this Defendant being used to covertly
11148 record audio and video of the Plaintiff rendering emergency
11149 medical services to a nude, and elderly patient.

11150

11151 432. On August 11, 2009, Defendant Dianne Crudden individually,
11152 and in her official capacity, while acting under color of law as a
11153 Emergency Medical Technician, for the Rockport Ambulance
11154 Department, in Rockport, Massachusetts; did with other defendants
11155 violate, deprive, or infringe upon the civil rights of Plaintiff James
11156 M. Atkinson for the purposes of personal, political, and
11157 professional gains, without just cause, or lawful authority and did
11158 engage in the Photographing of a Nude Person without their
11159 consent in contravention of law, by means of a hand held cellular
11160 phone in the possession of this Defendant being used to covertly
11161 record audio and video of the Plaintiff rendering emergency
11162 medical services to a nude, and elderly patient.

11163

11164 433. On August 11, 2009, Defendant Dianne Crudden individually,
11165 and in her official capacity, while acting under color of law as a
11166 Emergency Medical Technician, for the Rockport Ambulance

11167 Department, in Rockport, Massachusetts; did with other defendants
11168 violate, deprive, or infringe upon the civil rights of Plaintiff James
11169 M. Atkinson for the purposes of personal, political, and
11170 professional gains, without just cause, or lawful authority and did
11171 engage in Sexual Abuse or Sexual Exploitation of a Patient in
11172 contravention of law, by means of a hand held cellular phone in the
11173 possession of this Defendant being used to covertly record audio
11174 and video of the Plaintiff rendering emergency medical services to
11175 a nude, and elderly patient.

11176
11177 434. On August 11, 2009, Defendant Dianne Crudden individually,
11178 and in her official capacity, while acting under color of law as a
11179 Emergency Medical Technician, for the Rockport Ambulance
11180 Department, in Rockport, Massachusetts; did with other defendants
11181 violate, deprive, or infringe upon the civil rights of Plaintiff James
11182 M. Atkinson for the purposes of personal, political, and
11183 professional gains, without just cause, or lawful authority and did
11184 engage in Distribution of Nude Pictures, Taken without
11185 Knowledge or Consent, of a Patient in contravention of law, by
11186 means of a hand held cellular phone in the possession of this

11187 Defendant being used to covertly record audio and video of the
11188 Plaintiff rendering emergency medical services to a nude, and
11189 elderly patient.

11190

11191 435. On August 11, 2009 and at various dates afterwards, Defendant
11192 Rita Budrow individually, and in her official capacity, while acting
11193 under color of law as a Emergency Medical Technician, for the
11194 Rockport Ambulance Department, in Rockport, Massachusetts; did
11195 with other defendants violate, deprive, or infringe upon the civil
11196 rights of Plaintiff James M. Atkinson for the purposes of personal,
11197 political, and professional gains, without just cause, or lawful
11198 authority and did engage in a cover-up of aforesaid criminal
11199 actions committed by Defendant Crudden against James M.
11200 Atkinson, and did not report a felony which she had knowledge of
11201 in contravention of law, by neglecting to bring forward and make
11202 report of the “naked patient pictures issue” to their supervisor or
11203 proper authorities.

11204

11205 436. On August 11, 2009 and at various dates afterwards, Defendant
11206 Rita Budrow individually, and in her official capacity, while acting

11207 under color of law as a Emergency Medical Technician, for the
11208 Rockport Ambulance Department, in Rockport, Massachusetts; did
11209 with other defendants violate, deprive, or infringe upon the civil
11210 rights of Plaintiff James M. Atkinson for the purposes of personal,
11211 political, and professional gains, without just cause, or lawful
11212 authority and did engage in Accessory After the Fact against James
11213 M. Atkinson, and did not report a felony which she had knowledge
11214 of in contravention of law.

11215
11216 437. On August 11, 2009 and at various dates afterwards, Defendant
11217 Rita Budrow, Dianne Crudden, Jane Carr individually, and in her
11218 official capacity, while acting under color of law as a Emergency
11219 Medical Technician, for the Rockport Ambulance Department, in
11220 Rockport, Massachusetts; did with other defendants violate,
11221 deprive, or infringe upon the civil rights of Plaintiff James M.
11222 Atkinson for the purposes of personal, political, and professional
11223 gains, without just cause, or lawful authority and did engage in
11224 Conspiracy against James M. Atkinson in contravention of law, in
11225 regards to the “naked patient pictures” in that they did conspire to
11226 force out of the Rockport Ambulance Department in retaliation for

11227 both the Lyons Ambulance fraudulent EMT training courses report,
11228 and for the “naked patient” reports that had been made to the
11229 authorities by the Plaintiff.

11230

11231 **Third Round of Conspiracy against Atkinson**
11232 **Rockport Police and Rockport Ambulance Further Conspire**

11233

11234 438. On or about August 16 2009, Defendants DANIEL

11235 MAHONEY in his official capacity and individually as a Police
11236 Officer for Town of Rockport; MICHAEL MARINO in his official
11237 capacity and individually as a Police Officer for Town of
11238 Rockport; JOHN T. MCCARTHY in his official capacity and
11239 individually as the Chief of Police for Town of Rockport; MARK
11240 SCHMINK in his official capacity and individually as a Police
11241 Officer for Town of Rockport; ROBERT TIBERT in his official
11242 capacity and individually as a Police Officer for Town of
11243 Rockport; ROSEMARY LESCH in her official capacity and
11244 individually as a Department Head for Town of Rockport,
11245 Emergency Medical Technician (EMT), and Harbormaster;
11246 SCOTT STORY in his official capacity and individually as a
11247 Department Head, Emergency Medical Technician (EMT), and
11248 Harbormaster for Town of Rockport; RITA BUDROW in her

11249 official capacity and individually as an EMT for Town of
11250 Rockport; JANE CARR in her official capacity and individually as
11251 an EMT for Town of Rockport, EMT for Lyons Ambulance, and
11252 EMT and Nurses Aid for Beverly Hospital; DIANE E. CRUDDEN
11253 in her official capacity and individually as an EMT for Town of
11254 Rockport; HENRY MICHALSKI in his official capacity and
11255 individually as an EMT Instructor for Lyons Ambulance
11256 Commonwealth of Massachusetts EMT Examiner, and EMT
11257 Instructor for North Shore Community College; PENNY
11258 MICHALSKI in her official capacity and individually as an
11259 Employee for the Attorney Generals Office; KEVIN M. LYONS in
11260 his official capacity and individually as an Owner for Lyons
11261 Ambulance Service LLC; FRANK CARABELLO in his official
11262 capacity and individually as the Director of Operations for Lyons
11263 Ambulance Service LLC; did with other defendants violate,
11264 deprive, or infringe upon the civil rights of Plaintiff James M.
11265 Atkinson for the purposes of personal, political, and professional
11266 gains, without just cause, or lawful authority and did engage in
11267 Conspiracy against James M. Atkinson in contravention of law by
11268 forming a scheme by which they could interfere with the

11269 international shipments of the Plaintiff Atkinson, and which the
11270 good were pending approvals of government agencies for export
11271 licensure would arrest and then charge Plaintiff for not delivering
11272 good, before the goods could be legally delivered to the clients,
11273 thus by these means an improper criminal case was confabulated,
11274 but for which there was no wrong doing on the part of Plaintiff
11275 Atkinson. This was further used against Plaintiff Atkinson to
11276 suspend all state licenses, then to facilitate the expulsions or
11277 suspension from three different colleges, termination of Town of
11278 Rockport employment, harassment of vendors and clients, and
11279 destruction of his property, business, and reputation.

11280
11281 439. On or about August 16 2009, Defendants DANIEL
11282 MAHONEY in his official capacity and individually as a Police
11283 Officer for Town of Rockport; MICHAEL MARINO in his official
11284 capacity and individually as a Police Officer for Town of
11285 Rockport; JOHN T. MCCARTHY in his official capacity and
11286 individually as the Chief of Police for Town of Rockport; MARK
11287 SCHMINK in his official capacity and individually as a Police
11288 Officer for Town of Rockport; ROBERT TIBERT in his official

11289 capacity and individually as a Police Officer for Town of
11290 Rockport; ROSEMARY LESCH in her official capacity and
11291 individually as a Department Head for Town of Rockport,
11292 Emergency Medical Technician (EMT), and Harbormaster;
11293 SCOTT STORY in his official capacity and individually as a
11294 Department Head, Emergency Medical Technician (EMT), and
11295 Harbormaster for Town of Rockport; RITA BUDROW in her
11296 official capacity and individually as an EMT for Town of
11297 Rockport; JANE CARR in her official capacity and individually as
11298 an EMT for Town of Rockport, EMT for Lyons Ambulance, and
11299 EMT and Nurses Aid for Beverly Hospital; DIANE E. CRUDDEN
11300 in her official capacity and individually as an EMT for Town of
11301 Rockport; HENRY MICHALSKI in his official capacity and
11302 individually as an EMT Instructor for Lyons Ambulance
11303 Commonwealth of Massachusetts EMT Examiner, and EMT
11304 Instructor for North Shore Community College; PENNY
11305 MICHALSKI in her official capacity and individually as an
11306 Employee for the Attorney Generals Office; KEVIN M. LYONS in
11307 his official capacity and individually as an Owner for Lyons
11308 Ambulance Service LLC; FRANK CARABELLO in his official

11309 capacity and individually as the Director of Operations for Lyons
11310 Ambulance Service LLC; did with other defendants violate,
11311 deprive, or infringe upon the civil rights of Plaintiff James M.
11312 Atkinson for the purposes of personal, political, and professional
11313 gains, without just cause, or lawful authority and did engage in
11314 Conspiracy to commit witness tampering against James M.
11315 Atkinson in contravention of law by forming a scheme by which
11316 they could interfere with the international shipments of the
11317 Plaintiff Atkinson, and which the good were pending approvals of
11318 government agencies for export licensure would arrest and then
11319 charge Plaintiff for not delivering good, before the goods could be
11320 legally delivered to the clients, thus by these means an improper
11321 criminal case was confabulated, but for which there was no wrong
11322 doing on the part of Plaintiff Atkinson. This was further used
11323 against Plaintiff Atkinson to suspend all state licenses, then to
11324 facilitate the expulsions or suspension from three different colleges,
11325 termination of Town of Rockport employment, harassment of
11326 vendors and clients, and destruction of his property, business, and
11327 reputation.

11328

11329 440. On or about August 16 2009, Defendants DANIEL
11330 MAHONEY in his official capacity and individually as a Police
11331 Officer for Town of Rockport; MICHAEL MARINO in his official
11332 capacity and individually as a Police Officer for Town of
11333 Rockport; JOHN T. MCCARTHY in his official capacity and
11334 individually as the Chief of Police for Town of Rockport; MARK
11335 SCHMINK in his official capacity and individually as a Police
11336 Officer for Town of Rockport; ROBERT TIBERT in his official
11337 capacity and individually as a Police Officer for Town of
11338 Rockport; ROSEMARY LESCH in her official capacity and
11339 individually as a Department Head for Town of Rockport,
11340 Emergency Medical Technician (EMT), and Harbormaster;
11341 SCOTT STORY in his official capacity and individually as a
11342 Department Head, Emergency Medical Technician (EMT), and
11343 Harbormaster for Town of Rockport; RITA BUDROW in her
11344 official capacity and individually as an EMT for Town of
11345 Rockport; JANE CARR in her official capacity and individually as
11346 an EMT for Town of Rockport, EMT for Lyons Ambulance, and
11347 EMT and Nurses Aid for Beverly Hospital; DIANE E. CRUDDEN
11348 in her official capacity and individually as an EMT for Town of

11349 Rockport; HENRY MICHALSKI in his official capacity and
11350 individually as an EMT Instructor for Lyons Ambulance
11351 Commonwealth of Massachusetts EMT Examiner, and EMT
11352 Instructor for North Shore Community College; PENNY
11353 MICHALSKI in her official capacity and individually as an
11354 Employee for the Attorney Generals Office; KEVIN M. LYONS in
11355 his official capacity and individually as an Owner for Lyons
11356 Ambulance Service LLC; FRANK CARABELLO in his official
11357 capacity and individually as the Director of Operations for Lyons
11358 Ambulance Service LLC; did with other defendants violate,
11359 deprive, or infringe upon the civil rights of Plaintiff James M.
11360 Atkinson for the purposes of personal, political, and professional
11361 gains, without just cause, or lawful authority and did engage in
11362 Conspiracy to commit Obstruction of Justice against James M.
11363 Atkinson in contravention of law by forming a scheme by which
11364 they could interfere with the international shipments of the
11365 Plaintiff Atkinson, and which the good were pending approvals of
11366 government agencies for export licensure would arrest and then
11367 charge Plaintiff for not delivering good, before the goods could be
11368 legally delivered to the clients, thus by these means an improper

11369 criminal case was confabulated, but for which there was no wrong
11370 doing on the part of Plaintiff Atkinson. This was further used
11371 against Plaintiff Atkinson to suspend all state licenses, then to
11372 facilitate the expulsions or suspension from three different colleges,
11373 termination of Town of Rockport employment, harassment of
11374 vendors and clients, and destruction of his property, business, and
11375 reputation.

11376
11377 441. On or about August 16 2009, Defendants DANIEL
11378 MAHONEY in his official capacity and individually as a Police
11379 Officer for Town of Rockport; MICHAEL MARINO in his official
11380 capacity and individually as a Police Officer for Town of
11381 Rockport; JOHN T. MCCARTHY in his official capacity and
11382 individually as the Chief of Police for Town of Rockport; MARK
11383 SCHMINK in his official capacity and individually as a Police
11384 Officer for Town of Rockport; ROBERT TIBERT in his official
11385 capacity and individually as a Police Officer for Town of
11386 Rockport; ROSEMARY LESCH in her official capacity and
11387 individually as a Department Head for Town of Rockport,
11388 Emergency Medical Technician (EMT), and Harbormaster;

11389 SCOTT STORY in his official capacity and individually as a
11390 Department Head, Emergency Medical Technician (EMT), and
11391 Harbormaster for Town of Rockport; RITA BUDROW in her
11392 official capacity and individually as an EMT for Town of
11393 Rockport; JANE CARR in her official capacity and individually as
11394 an EMT for Town of Rockport, EMT for Lyons Ambulance, and
11395 EMT and Nurses Aid for Beverly Hospital; DIANE E. CRUDDEN
11396 in her official capacity and individually as an EMT for Town of
11397 Rockport; HENRY MICHALSKI in his official capacity and
11398 individually as an EMT Instructor for Lyons Ambulance
11399 Commonwealth of Massachusetts EMT Examiner, and EMT
11400 Instructor for North Shore Community College; PENNY
11401 MICHALSKI in her official capacity and individually as an
11402 Employee for the Attorney Generals Office; KEVIN M. LYONS in
11403 his official capacity and individually as an Owner for Lyons
11404 Ambulance Service LLC; FRANK CARABELLO in his official
11405 capacity and individually as the Director of Operations for Lyons
11406 Ambulance Service LLC; did with other defendants violate,
11407 deprive, or infringe upon the civil rights of Plaintiff James M.
11408 Atkinson for the purposes of personal, political, and professional

11409 gains, without just cause, or lawful authority and did engage in
11410 Conspiracy to Arrest on False Pretenses against James M.
11411 Atkinson in contravention of law by forming a scheme by which
11412 they could interfere with the international shipments of the
11413 Plaintiff Atkinson, and which the good were pending approvals of
11414 government agencies for export licensure would arrest and then
11415 charge Plaintiff for not delivering good, before the goods could be
11416 legally delivered to the clients, thus by these means an improper
11417 criminal case was confabulated, but for which there was no wrong
11418 doing on the part of Plaintiff Atkinson. This was further used
11419 against Plaintiff Atkinson to suspend all state licenses, then to
11420 facilitate the expulsions or suspension from three different colleges,
11421 termination of Town of Rockport employment, harassment of
11422 vendors and clients, and destruction of his property, business, and
11423 reputation.

11424

11425 442. On or about August 16 2009, Defendants DANIEL
11426 MAHONEY in his official capacity and individually as a Police
11427 Officer for Town of Rockport; MICHAEL MARINO in his official
11428 capacity and individually as a Police Officer for Town of

11429 Rockport; JOHN T. MCCARTHY in his official capacity and
11430 individually as the Chief of Police for Town of Rockport; MARK
11431 SCHMINK in his official capacity and individually as a Police
11432 Officer for Town of Rockport; ROBERT TIBERT in his official
11433 capacity and individually as a Police Officer for Town of
11434 Rockport; ROSEMARY LESCH in her official capacity and
11435 individually as a Department Head for Town of Rockport,
11436 Emergency Medical Technician (EMT), and Harbormaster;
11437 SCOTT STORY in his official capacity and individually as a
11438 Department Head, Emergency Medical Technician (EMT), and
11439 Harbormaster for Town of Rockport; RITA BUDROW in her
11440 official capacity and individually as an EMT for Town of
11441 Rockport; JANE CARR in her official capacity and individually as
11442 an EMT for Town of Rockport, EMT for Lyons Ambulance, and
11443 EMT and Nurses Aid for Beverly Hospital; DIANE E. CRUDDEN
11444 in her official capacity and individually as an EMT for Town of
11445 Rockport; HENRY MICHALSKI in his official capacity and
11446 individually as an EMT Instructor for Lyons Ambulance
11447 Commonwealth of Massachusetts EMT Examiner, and EMT
11448 Instructor for North Shore Community College; PENNY

11449 MICHALSKI in her official capacity and individually as an
11450 Employee for the Attorney Generals Office; KEVIN M. LYONS in
11451 his official capacity and individually as an Owner for Lyons
11452 Ambulance Service LLC; FRANK CARABELLO in his official
11453 capacity and individually as the Director of Operations for Lyons
11454 Ambulance Service LLC; did with other defendants violate,
11455 deprive, or infringe upon the civil rights of Plaintiff James M.
11456 Atkinson for the purposes of personal, political, and professional
11457 gains, without just cause, or lawful authority and did engage in
11458 Conspiracy of False Arrest and/or Kidnapping against James M.
11459 Atkinson in contravention of law by forming a scheme by which
11460 they could interfere with the international shipments of the
11461 Plaintiff Atkinson, and which the good were pending approvals of
11462 government agencies for export licensure would arrest and then
11463 charge Plaintiff for not delivering good, before the goods could be
11464 legally delivered to the clients, thus by these means an improper
11465 criminal case was confabulated, but for which there was no wrong
11466 doing on the part of Plaintiff Atkinson. This was further used
11467 against Plaintiff Atkinson to suspend all state licenses, then to
11468 facilitate the expulsions or suspension from three different colleges,

11469 termination of Town of Rockport employment, harassment of
11470 vendors and clients, and destruction of his property, business, and
11471 reputation.

11472

11473 443. On or about August 16 2009, Defendants DANIEL
11474 MAHONEY in his official capacity and individually as a Police
11475 Officer for Town of Rockport; MICHAEL MARINO in his official
11476 capacity and individually as a Police Officer for Town of
11477 Rockport; JOHN T. MCCARTHY in his official capacity and
11478 individually as the Chief of Police for Town of Rockport; MARK
11479 SCHMINK in his official capacity and individually as a Police
11480 Officer for Town of Rockport; ROBERT TIBERT in his official
11481 capacity and individually as a Police Officer for Town of
11482 Rockport; ROSEMARY LESCH in her official capacity and
11483 individually as a Department Head for Town of Rockport,
11484 Emergency Medical Technician (EMT), and Harbormaster;
11485 SCOTT STORY in his official capacity and individually as a
11486 Department Head, Emergency Medical Technician (EMT), and
11487 Harbormaster for Town of Rockport; RITA BUDROW in her
11488 official capacity and individually as an EMT for Town of

11489 Rockport; JANE CARR in her official capacity and individually as
11490 an EMT for Town of Rockport, EMT for Lyons Ambulance, and
11491 EMT and Nurses Aid for Beverly Hospital; DIANE E. CRUDDEN
11492 in her official capacity and individually as an EMT for Town of
11493 Rockport; HENRY MICHALSKI in his official capacity and
11494 individually as an EMT Instructor for Lyons Ambulance
11495 Commonwealth of Massachusetts EMT Examiner, and EMT
11496 Instructor for North Shore Community College; PENNY
11497 MICHALSKI in her official capacity and individually as an
11498 Employee for the Attorney Generals Office; KEVIN M. LYONS in
11499 his official capacity and individually as an Owner for Lyons
11500 Ambulance Service LLC; FRANK CARABELLO in his official
11501 capacity and individually as the Director of Operations for Lyons
11502 Ambulance Service LLC; did with other defendants violate,
11503 deprive, or infringe upon the civil rights of Plaintiff James M.
11504 Atkinson for the purposes of personal, political, and professional
11505 gains, without just cause, or lawful authority and did engage in
11506 Conspiracy of Willful Deprivations of Federal Rights Under Color
11507 of Law against James M. Atkinson in contravention of law by
11508 forming a scheme by which they could interfere with the

11509 international shipments of the Plaintiff Atkinson, and which the
11510 good were pending approvals of government agencies for export
11511 licensure would arrest and then charge Plaintiff for not delivering
11512 good, before the goods could be legally delivered to the clients,
11513 thus by these means an improper criminal case was confabulated,
11514 but for which there was no wrong doing on the part of Plaintiff
11515 Atkinson. This was further used against Plaintiff Atkinson to
11516 suspend all state licenses, then to facilitate the expulsions or
11517 suspension from three different colleges, termination of Town of
11518 Rockport employment, harassment of vendors and clients, and
11519 destruction of his property, business, and reputation.

11520
11521 444. On or about August 16 2009, Defendants DANIEL
11522 MAHONEY in his official capacity and individually as a Police
11523 Officer for Town of Rockport; MICHAEL MARINO in his official
11524 capacity and individually as a Police Officer for Town of
11525 Rockport; JOHN T. MCCARTHY in his official capacity and
11526 individually as the Chief of Police for Town of Rockport; MARK
11527 SCHMINK in his official capacity and individually as a Police
11528 Officer for Town of Rockport; ROBERT TIBERT in his official

11529 capacity and individually as a Police Officer for Town of
11530 Rockport; ROSEMARY LESCH in her official capacity and
11531 individually as a Department Head for Town of Rockport,
11532 Emergency Medical Technician (EMT), and Harbormaster;
11533 SCOTT STORY in his official capacity and individually as a
11534 Department Head, Emergency Medical Technician (EMT), and
11535 Harbormaster for Town of Rockport; RITA BUDROW in her
11536 official capacity and individually as an EMT for Town of
11537 Rockport; JANE CARR in her official capacity and individually as
11538 an EMT for Town of Rockport, EMT for Lyons Ambulance, and
11539 EMT and Nurses Aid for Beverly Hospital; DIANE E. CRUDDEN
11540 in her official capacity and individually as an EMT for Town of
11541 Rockport; HENRY MICHALSKI in his official capacity and
11542 individually as an EMT Instructor for Lyons Ambulance
11543 Commonwealth of Massachusetts EMT Examiner, and EMT
11544 Instructor for North Shore Community College; PENNY
11545 MICHALSKI in her official capacity and individually as an
11546 Employee for the Attorney Generals Office; KEVIN M. LYONS in
11547 his official capacity and individually as an Owner for Lyons
11548 Ambulance Service LLC; FRANK CARABELLO in his official

11549 capacity and individually as the Director of Operations for Lyons
11550 Ambulance Service LLC; did with other defendants violate,
11551 deprive, or infringe upon the civil rights of Plaintiff James M.
11552 Atkinson for the purposes of personal, political, and professional
11553 gains, without just cause, or lawful authority and did engage in a
11554 Conspiracy to Willful Violate the Rights Guarantees, Privileges
11555 and Immunities of Citizenship, Due Process and Equal Protection
11556 of U.S. Citizens against James M. Atkinson in contravention of
11557 law by forming a scheme by which they could interfere with the
11558 international shipments of the Plaintiff Atkinson, and which the
11559 good were pending approvals of government agencies for export
11560 licensure would arrest and then charge Plaintiff for not delivering
11561 good, before the goods could be legally delivered to the clients,
11562 thus by these means an improper criminal case was confabulated,
11563 but for which there was no wrong doing on the part of Plaintiff
11564 Atkinson. This was further used against Plaintiff Atkinson to
11565 suspend all state licenses, then to facilitate the expulsions or
11566 suspension from three different colleges, termination of Town of
11567 Rockport employment, harassment of vendors and clients, and
11568 destruction of his property, business, and reputation.

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445. On or about August 16 2009, Defendants DANIEL MAHONEY in his official capacity and individually as a Police Officer for Town of Rockport; MICHAEL MARINO in his official capacity and individually as a Police Officer for Town of Rockport; JOHN T. MCCARTHY in his official capacity and individually as the Chief of Police for Town of Rockport; MARK SCHMINK in his official capacity and individually as a Police Officer for Town of Rockport; ROBERT TIBERT in his official capacity and individually as a Police Officer for Town of Rockport; ROSEMARY LESCH in her official capacity and individually as a Department Head for Town of Rockport, Emergency Medical Technician (EMT), and Harbormaster; SCOTT STORY in his official capacity and individually as a Department Head, Emergency Medical Technician (EMT), and Harbormaster for Town of Rockport; RITA BUDROW in her official capacity and individually as an EMT for Town of Rockport; JANE CARR in her official capacity and individually as an EMT for Town of Rockport, EMT for Lyons Ambulance, and EMT and Nurses Aid for Beverly Hospital; DIANE E. CRUDDEN

11589 in her official capacity and individually as an EMT for Town of
11590 Rockport; HENRY MICHALSKI in his official capacity and
11591 individually as an EMT Instructor for Lyons Ambulance
11592 Commonwealth of Massachusetts EMT Examiner, and EMT
11593 Instructor for North Shore Community College; PENNY
11594 MICHALSKI in her official capacity and individually as an
11595 Employee for the Attorney Generals Office; KEVIN M. LYONS in
11596 his official capacity and individually as an Owner for Lyons
11597 Ambulance Service LLC; FRANK CARABELLO in his official
11598 capacity and individually as the Director of Operations for Lyons
11599 Ambulance Service LLC; did with other defendants violate,
11600 deprive, or infringe upon the civil rights of Plaintiff James M.
11601 Atkinson for the purposes of personal, political, and professional
11602 gains, without just cause, or lawful authority and did engage in
11603 Conspiracy of Willful Deprivations of Federal Rights Under Color
11604 of Law against James M. Atkinson in contravention of law by
11605 forming a scheme by which they could interfere with the
11606 international shipments of the Plaintiff Atkinson, and which the
11607 good were pending approvals of government agencies for export
11608 licensure would arrest and then charge Plaintiff for not delivering

11609 good, before the goods could be legally delivered to the clients,
11610 thus by these means an improper criminal case was confabulated,
11611 but for which there was no wrong doing on the part of Plaintiff
11612 Atkinson. This was further used against Plaintiff Atkinson to
11613 suspend all state licenses, then to facilitate the expulsions or
11614 suspension from three different colleges, termination of Town of
11615 Rockport employment, harassment of vendors and clients, and
11616 destruction of his property, business, and reputation.

11617

11618 **Declared “Dead Patient” on Beach Revived**
11619 **Threats of Police Retribution Made**

11620

11621 446. On or about August 16 2009, Defendant ROBERT TIBERT in
11622 his official capacity and individually as a Police Officer for Town
11623 of Rockport; ROSEMARY LESCH in her official capacity and
11624 individually as a Department Head for Town of Rockport,
11625 Emergency Medical Technician (EMT), and Harbormaster;
11626 SCOTT STORY in his official capacity and individually as a
11627 Department Head, Emergency Medical Technician (EMT), and
11628 Harbormaster for Town of Rockport; did with other defendants
11629 violate, deprive, or infringe upon the civil rights of Plaintiff James
11630 M. Atkinson for the purposes of personal, political, and

11631 professional gains, without just cause, or lawful authority and did
11632 engage in Conspiracy of Willful Deprivations of Federal Rights
11633 Under Color of Law against James M. Atkinson in contravention
11634 of law, after Defendant Robert Tibert discovered a “dead” and
11635 unresponsive tourist on Long Beach and initiated no CPR or other
11636 first aid on the “dead” patient. Upon arrival minutes later, Plaintiff
11637 James M. Atkinson and another EMT arrived with the ambulance
11638 and performed proper medical interventions. Atkinson was able to
11639 restore a pulse to the patient, and to revive a previously “dead
11640 tourist” who Defendant Tibert has not nothing to assist. Plaintiff
11641 Atkinson accurately prepared a medical report in regards to the
11642 dead, and yet now recovered patient and submitted it to the
11643 hospital. Further, the next day Defendant Lesch verbally rebuked
11644 Plaintiff Atkinson over the detailed report that was submitted on
11645 the matter as “it was going to get the Town sued, and Tibert fired”
11646 and Plaintiff Atkinson was warned by Defendant Lesch not to
11647 make such a statement in writing about any other Town employee
11648 making such a grave medical error. Within 24 hours Defendant
11649 Story provided a nearly identical verbal rebuke and warning not to
11650 even mention again that any police officers where not rendering

11651 care when the EMTs arrived and he stated Defendant Tibert would
11652 be “gunning for you now”. This infringed upon the Plaintiff’s right
11653 to free speech, and to properly report medical information
11654 regarding his patients.

11655

11656 **Lobster Pool Fire and Death,**
11657 **Carbon Monoxide and Inhaled Cyanide Poisoning Incident**
11658 **Patient “is Just a Junkie” Comments by Rosemarie Lesch**
11659 **Additional Threats of Retribution Made**

11660

11661 447. On or about August 17 2009, Defendant ROSEMARY LESCH
11662 in her official capacity and individually as a Department Head for
11663 Town of Rockport, Emergency Medical Technician (EMT), and
11664 Harbormaster; did with other defendants violate, deprive, or
11665 infringe upon the civil rights of Plaintiff James M. Atkinson for the
11666 purposes of personal, political, and professional gains, without just
11667 cause, or lawful authority and did engage in Conspiracy of Willful
11668 Deprivations of Federal Rights Under Color of Law against James
11669 M. Atkinson in contravention of law, after Defendant Lesch and
11670 Plaintiff Atkinson arrived at the “Lobster Pool Restaurant” and
11671 encountered a patient who was vomiting large volumes of blood.
11672 During this encounter Lesch stated to Atkinson that the patient was
11673 as “Alcoholic and Junkie”; whereas Atkinson correctly recognized

11674 the symptoms instead as acute Carbon Monoxide and Cyanide
11675 poisoning and smoke inhalation injuries, took over the patient and
11676 transported the patient who was near death quickly to the
11677 Emergency Room. Within the several days before this incident,
11678 there has been a smoky fire (which likely generated cyanide) at the
11679 “Lobster Pool Restaurant” and yet the Fire fighters, police, and
11680 EMTs who examined the same patient at that time did not check
11681 for Carbon Monoxide or cyanide poisoning, or render any sort of
11682 care, nor patient assessment or evaluation, nor even to render first
11683 aid, nor obtain patient refusal of care even though there was a high
11684 probability of both lethal inhalation injuries and potentially lethal
11685 Carbon Monoxide inhalation given the nature of the fire.
11686 Defendant Lesch requested that no mention of suspected carbon
11687 monoxide or cyanide poisoning be reported to the hospital or
11688 placed into the medical records or ambulance run report of the
11689 patient. Nonetheless, Plaintiff Atkinson accurately reported his
11690 medical observations to both the hospital verbally, and into the
11691 patients written medical record. In an inquiry later in the day the
11692 Physician at the Emergency Room took Atkinson aside and reveal
11693 that the patient had been exposed to lethal levels of carbon

11694 monoxide and cyanide (due to the Rockport Fire Department not
11695 properly screening the patient on the date of the fire) and the
11696 outlook was grim for the patient. The patient expired on Aug. 11,
11697 2010 due in part to the serious injuries which had not been treated
11698 or detected on the date of the fire and which were detected and
11699 reported by the Plaintiff. The grave mishandling of the patient by
11700 the Town of Rockport on August 16, 2009, which left this patient
11701 with lethal injuries, which also resulted in further pressure by
11702 Lesch to make medical reports in a less straightforward manner.
11703 This infringed upon the Plaintiff's right to free speech, and to
11704 properly report medical information regarding his patients.

11705
11706 **Police Conspiracy to "Make a project" of**
11707 **EMT James M. Atkinson**
11708 **To Discredit Atkinson as a State Witness**
11709 **against Lyons Ambulance for Training Fraud,**
11710 **or Town of Rockport Police or Ambulance**
11711 **Department Misconduct and/or Medical Malpractice.**

11712
11713 448. On or about August 16 2009, Defendants MICHAEL MARINO
11714 in his official capacity and individually as a Police Officer for
11715 Town of Rockport; JOHN T. MCCARTHY in his official capacity
11716 and individually as the Chief of Police for Town of Rockport;
11717 MARK SCHMINK in his official capacity and individually as a

11718 Police Officer for Town of Rockport; ROBERT TIBERT in his
11719 official capacity and individually as a Police Officer for Town of
11720 Rockport; ROSEMARY LESCH in her official capacity and
11721 individually as a Department Head for Town of Rockport,
11722 Emergency Medical Technician (EMT), and Harbormaster;
11723 SCOTT STORY in his official capacity and individually as a
11724 Department Head, Emergency Medical Technician (EMT), and
11725 Harbormaster for Town of Rockport; RITA BUDROW in her
11726 official capacity and individually as an EMT for Town of
11727 Rockport; JANE CARR in her official capacity and individually as
11728 an EMT for Town of Rockport, EMT for Lyons Ambulance, and
11729 EMT and Nurses Aid for Beverly Hospital; HENRY MICHALSKI
11730 in his official capacity and individually as an EMT Instructor for
11731 Lyons Ambulance Commonwealth of Massachusetts EMT
11732 Examiner, and EMT Instructor for North Shore Community
11733 College; PENNY MICHALSKI in her official capacity and
11734 individually as an Employee for the Attorney Generals Office; did
11735 with other defendants violate, deprive, or infringe upon the civil
11736 rights of Plaintiff James M. Atkinson for the purposes of personal,
11737 political, and professional gains, without just cause, or lawful

11738 authority and did engage in Conspiracy of Willful Deprivations of
11739 Federal Rights Under Color of Law against James M. Atkinson in
11740 contravention of law. By forming a scheme by which they could
11741 interfere with the international shipments of the Plaintiff Atkinson,
11742 and which the good were pending approvals of government
11743 agencies for export licensure would arrest and then charge Plaintiff
11744 for not delivering good, before the goods could be legally
11745 delivered to the clients, thus by these means an improper criminal
11746 case was confabulated, but for which there was no wrong doing on
11747 the part of Plaintiff Atkinson. This was further used against
11748 Plaintiff Atkinson to suspend state EMT license, then to facilitate
11749 the expulsions or suspension from three different colleges,
11750 termination of Town of Rockport employment, harassment of
11751 vendors and clients, and destruction of his property, business, and
11752 reputation.

11753

11754 449. On or about August 16 2009, Defendants MICHAEL MARINO
11755 in his official capacity and individually as a Police Officer for
11756 Town of Rockport; JOHN T. MCCARTHY in his official capacity
11757 and individually as the Chief of Police for Town of Rockport;

11758 MARK SCHMINK in his official capacity and individually as a
11759 Police Officer for Town of Rockport; ROBERT TIBERT in his
11760 official capacity and individually as a Police Officer for Town of
11761 Rockport; ROSEMARY LESCH in her official capacity and
11762 individually as a Department Head for Town of Rockport,
11763 Emergency Medical Technician (EMT), and Harbormaster;
11764 SCOTT STORY in his official capacity and individually as a
11765 Department Head, Emergency Medical Technician (EMT), and
11766 Harbormaster for Town of Rockport; RITA BUDROW in her
11767 official capacity and individually as an EMT for Town of
11768 Rockport; JANE CARR in her official capacity and individually as
11769 an EMT for Town of Rockport, EMT for Lyons Ambulance, and
11770 EMT and Nurses Aid for Beverly Hospital; HENRY MICHALSKI
11771 in his official capacity and individually as an EMT Instructor for
11772 Lyons Ambulance Commonwealth of Massachusetts EMT
11773 Examiner, and EMT Instructor for North Shore Community
11774 College; PENNY MICHALSKI in her official capacity and
11775 individually as an Employee for the Attorney Generals Office; did
11776 with other defendants violate, deprive, or infringe upon the civil
11777 rights of Plaintiff James M. Atkinson for the purposes of personal,

11778 political, and professional gains, without just cause, or lawful
11779 authority and did engage in Accessory before the fact against
11780 James M. Atkinson in contravention of law. By forming a scheme
11781 by which they could interfere with the international shipments of
11782 the Plaintiff Atkinson, and which the good were pending approvals
11783 of government agencies for export licensure would arrest and then
11784 charge Plaintiff for not delivering good, before the goods could be
11785 legally delivered to the clients, thus by these means an improper
11786 criminal case was confabulated, but for which there was no wrong
11787 doing on the part of Plaintiff Atkinson. This was further used
11788 against Plaintiff Atkinson to suspend all state licenses, then to
11789 facilitate the expulsions or suspension from three different colleges,
11790 termination of Town of Rockport employment, harassment of
11791 vendors and clients, and destruction of his property, business, and
11792 reputation.

11793

11794 450. On or about August 16 2009, Defendants MICHAEL MARINO
11795 in his official capacity and individually as a Police Officer for
11796 Town of Rockport; JOHN T. MCCARTHY in his official capacity
11797 and individually as the Chief of Police for Town of Rockport;

11798 MARK SCHMINK in his official capacity and individually as a
11799 Police Officer for Town of Rockport; ROBERT TIBERT in his
11800 official capacity and individually as a Police Officer for Town of
11801 Rockport; ROSEMARY LESCH in her official capacity and
11802 individually as a Department Head for Town of Rockport,
11803 Emergency Medical Technician (EMT), and Harbormaster;
11804 SCOTT STORY in his official capacity and individually as a
11805 Department Head, Emergency Medical Technician (EMT), and
11806 Harbormaster for Town of Rockport; RITA BUDROW in her
11807 official capacity and individually as an EMT for Town of
11808 Rockport; JANE CARR in her official capacity and individually as
11809 an EMT for Town of Rockport, EMT for Lyons Ambulance, and
11810 EMT and Nurses Aid for Beverly Hospital; HENRY MICHALSKI
11811 in his official capacity and individually as an EMT Instructor for
11812 Lyons Ambulance Commonwealth of Massachusetts EMT
11813 Examiner, and EMT Instructor for North Shore Community
11814 College; PENNY MICHALSKI in her official capacity and
11815 individually as an Employee for the Attorney Generals Office; did
11816 with other defendants violate, deprive, or infringe upon the civil
11817 rights of Plaintiff James M. Atkinson for the purposes of personal,

11818 political, and professional gains, without just cause, or lawful
11819 authority and did engage in Conspiracy of Witness Tampering and
11820 Obstruction of Justice against James M. Atkinson in contravention
11821 of law. By forming a scheme by which they could interfere with
11822 the international shipments of the Plaintiff Atkinson, and which the
11823 good were pending approvals of government agencies for export
11824 licensure would arrest and then charge Plaintiff for not delivering
11825 good, before the goods could be legally delivered to the clients,
11826 thus by these means an improper criminal case was confabulated,
11827 but for which there was no wrong doing on the part of Plaintiff
11828 Atkinson. This was further used against Plaintiff Atkinson to
11829 suspend all state licenses, then to facilitate the expulsions or
11830 suspension from three different colleges, termination of Town of
11831 Rockport employment, harassment of vendors and clients, and
11832 destruction of his property, business, and reputation.

11833

11834 451. On or about August 16 2009, Defendants MICHAEL MARINO
11835 in his official capacity and individually as a Police Officer for
11836 Town of Rockport; JOHN T. MCCARTHY in his official capacity
11837 and individually as the Chief of Police for Town of Rockport;

11838 MARK SCHMINK in his official capacity and individually as a
11839 Police Officer for Town of Rockport; ROBERT TIBERT in his
11840 official capacity and individually as a Police Officer for Town of
11841 Rockport; ROSEMARY LESCH in her official capacity and
11842 individually as a Department Head for Town of Rockport,
11843 Emergency Medical Technician (EMT), and Harbormaster;
11844 SCOTT STORY in his official capacity and individually as a
11845 Department Head, Emergency Medical Technician (EMT), and
11846 Harbormaster for Town of Rockport; RITA BUDROW in her
11847 official capacity and individually as an EMT for Town of
11848 Rockport; JANE CARR in her official capacity and individually as
11849 an EMT for Town of Rockport, EMT for Lyons Ambulance, and
11850 EMT and Nurses Aid for Beverly Hospital; HENRY MICHALSKI
11851 in his official capacity and individually as an EMT Instructor for
11852 Lyons Ambulance Commonwealth of Massachusetts EMT
11853 Examiner, and EMT Instructor for North Shore Community
11854 College; PENNY MICHALSKI in her official capacity and
11855 individually as an Employee for the Attorney Generals Office; did
11856 with other defendants violate, deprive, or infringe upon the civil
11857 rights of Plaintiff James M. Atkinson for the purposes of personal,

11858 political, and professional gains, without just cause, or lawful
11859 authority and did engage in Conspiracy of Deprivation of Rights,
11860 Privileges, or Immunities - Pattern or Practice of Conduct against
11861 James M. Atkinson in contravention of law. By forming a scheme
11862 by which they could interfere with the international shipments of
11863 the Plaintiff Atkinson, and which the good were pending approvals
11864 of government agencies for export licensure would arrest and then
11865 charge Plaintiff for not delivering good, before the goods could be
11866 legally delivered to the clients, thus by these means an improper
11867 criminal case was confabulated, but for which there was no wrong
11868 doing on the part of Plaintiff Atkinson. This was further used
11869 against Plaintiff Atkinson to suspend all state licenses, then to
11870 facilitate the expulsions or suspension from three different colleges,
11871 termination of Town of Rockport employment, harassment of
11872 vendors and clients, and destruction of his property, business, and
11873 reputation.

11874
11875 452. On or about August 16 2009, Defendants MICHAEL MARINO
11876 in his official capacity and individually as a Police Officer for
11877 Town of Rockport; JOHN T. MCCARTHY in his official capacity

11878 and individually as the Chief of Police for Town of Rockport;
11879 MARK SCHMINK in his official capacity and individually as a
11880 Police Officer for Town of Rockport; ROBERT TIBERT in his
11881 official capacity and individually as a Police Officer for Town of
11882 Rockport; ROSEMARY LESCH in her official capacity and
11883 individually as a Department Head for Town of Rockport,
11884 Emergency Medical Technician (EMT), and Harbormaster;
11885 SCOTT STORY in his official capacity and individually as a
11886 Department Head, Emergency Medical Technician (EMT), and
11887 Harbormaster for Town of Rockport; RITA BUDROW in her
11888 official capacity and individually as an EMT for Town of
11889 Rockport; JANE CARR in her official capacity and individually as
11890 an EMT for Town of Rockport, EMT for Lyons Ambulance, and
11891 EMT and Nurses Aid for Beverly Hospital; HENRY MICHALSKI
11892 in his official capacity and individually as an EMT Instructor for
11893 Lyons Ambulance Commonwealth of Massachusetts EMT
11894 Examiner, and EMT Instructor for North Shore Community
11895 College; PENNY MICHALSKI in her official capacity and
11896 individually as an Employee for the Attorney Generals Office; did
11897 with other defendants violate, deprive, or infringe upon the civil

11898 rights of Plaintiff James M. Atkinson for the purposes of personal,
11899 political, and professional gains, without just cause, or lawful
11900 authority and did engage in Conspiracy of False Arrest and/or
11901 Kidnapping against James M. Atkinson in contravention of law.
11902 By forming a scheme by which they could interfere with the
11903 international shipments of the Plaintiff Atkinson, and which the
11904 good were pending approvals of government agencies for export
11905 licensure would arrest and then charge Plaintiff for not delivering
11906 good, before the goods could be legally delivered to the clients,
11907 thus by these means an improper criminal case was confabulated,
11908 but for which there was no wrong doing on the part of Plaintiff
11909 Atkinson. This was further used against Plaintiff Atkinson to
11910 suspend all state licenses, then to facilitate the expulsions or
11911 suspension from three different colleges, termination of Town of
11912 Rockport employment, harassment of vendors and clients, and
11913 destruction of his property, business, and reputation.

11914
11915 453. On or about August 16 2009, Defendants MICHAEL MARINO
11916 in his official capacity and individually as a Police Officer for
11917 Town of Rockport; JOHN T. MCCARTHY in his official capacity

11918 and individually as the Chief of Police for Town of Rockport;
11919 MARK SCHMINK in his official capacity and individually as a
11920 Police Officer for Town of Rockport; ROBERT TIBERT in his
11921 official capacity and individually as a Police Officer for Town of
11922 Rockport; ROSEMARY LESCH in her official capacity and
11923 individually as a Department Head for Town of Rockport,
11924 Emergency Medical Technician (EMT), and Harbormaster;
11925 SCOTT STORY in his official capacity and individually as a
11926 Department Head, Emergency Medical Technician (EMT), and
11927 Harbormaster for Town of Rockport; RITA BUDROW in her
11928 official capacity and individually as an EMT for Town of
11929 Rockport; JANE CARR in her official capacity and individually as
11930 an EMT for Town of Rockport, EMT for Lyons Ambulance, and
11931 EMT and Nurses Aid for Beverly Hospital; HENRY MICHALSKI
11932 in his official capacity and individually as an EMT Instructor for
11933 Lyons Ambulance Commonwealth of Massachusetts EMT
11934 Examiner, and EMT Instructor for North Shore Community
11935 College; PENNY MICHALSKI in her official capacity and
11936 individually as an Employee for the Attorney Generals Office; did
11937 with other defendants violate, deprive, or infringe upon the civil

11938 rights of Plaintiff James M. Atkinson for the purposes of personal,
11939 political, and professional gains, without just cause, or lawful
11940 authority and did engage in Conspiracy to Arrest on False
11941 Pretenses against James M. Atkinson in contravention of law. By
11942 forming a scheme by which they could interfere with the
11943 international shipments of the Plaintiff Atkinson, and which the
11944 good were pending approvals of government agencies for export
11945 licensure would arrest and then charge Plaintiff for not delivering
11946 good, before the goods could be legally delivered to the clients,
11947 thus by these means an improper criminal case was confabulated,
11948 but for which there was no wrong doing on the part of Plaintiff
11949 Atkinson. This was further used against Plaintiff Atkinson to
11950 suspend all state licenses, then to facilitate the expulsions or
11951 suspension from three different colleges, termination of Town of
11952 Rockport employment, harassment of vendors and clients, and
11953 destruction of his property, business, and reputation.

11954

11955 **Rockport Ambulance Department**
11956 **Witness Harassment of Plaintiff Atkinson**

11957

11958 454. On or about August 22, 2009 and at various dates afterwards,

11959 Defendant Jane Carr individually, and in her official capacity,

11960 while acting under color of law as a Emergency Medical
11961 Technician, for the Rockport Ambulance Department, in Rockport,
11962 Massachusetts; did with other defendants violate, deprive, or
11963 infringe upon the civil rights of Plaintiff James M. Atkinson for the
11964 purposes of personal, political, and professional gains, without just
11965 cause, or lawful authority and did engage in harassment of a
11966 witness James M. Atkinson, who had been a witness to, and did
11967 properly make report of the crimes in regards to Defendant
11968 Crudden who was acting in contravention of law. By way of a
11969 verbal assault on the Plaintiff, and threats that he was going to be
11970 forced off of the Rockport Ambulance Department.

11971
11972 455. On or about August 23, 2009 and at various dates afterwards,
11973 Defendant Dianna Crudden individually, and in her official
11974 capacity, while acting under color of law as a Emergency Medical
11975 Technician, for the Rockport Ambulance Department, in Rockport,
11976 Massachusetts; did with other defendants violate, deprive, or
11977 infringe upon the civil rights of Plaintiff James M. Atkinson for the
11978 purposes of personal, political, and professional gains, without just
11979 cause, or lawful authority and did engage in harassment of a

11980 witness James M. Atkinson, who had been a witness to, and did
11981 properly make report of the crimes in regards to Defendant
11982 Crudden who was acting in contravention of law. By way of a
11983 verbal assault on the Plaintiff, and threats that he was going to be
11984 forced off of the Rockport Ambulance Department.

11985
11986 456. On or about August 23, 2009 and at various dates afterwards,
11987 Defendant Rita Budrow individually, and in her official capacity,
11988 while acting under color of law as a Emergency Medical
11989 Technician, for the Rockport Ambulance Department, in Rockport,
11990 Massachusetts; did with other defendants violate, deprive, or
11991 infringe upon the civil rights of Plaintiff James M. Atkinson for the
11992 purposes of personal, political, and professional gains, without just
11993 cause, or lawful authority and did engage in harassment of a
11994 witness James M. Atkinson, who had been a witness to, and did
11995 properly make report of the crimes in regards to Defendant
11996 Crudden who was acting in contravention of law. By way of a
11997 verbal assault on the Plaintiff, and threats that he was going to be
11998 forced off of the Rockport Ambulance Department.

11999

12000 457. On or about August 22, 2009 and at various dates afterwards,
12001 Defendant Jane Carr individually, and in her official capacity,
12002 while acting under color of law as a Emergency Medical
12003 Technician, for the Rockport Ambulance Department, in Rockport,
12004 Massachusetts; did with other defendants violate, deprive, or
12005 infringe upon the civil rights of Plaintiff James M. Atkinson for the
12006 purposes of personal, political, and professional gains, without just
12007 cause, or lawful authority and did engage in harassment of a
12008 witness James M. Atkinson, who had been a witness to, and did
12009 properly make report of the crimes in regards to Defendant Lyons
12010 Ambulance, Henry Michalski, Kevin M. Lyons, Frank Carabello,
12011 Darrell Moore, Robert Piepiora, David Raymond, and John L.
12012 Good who were acting in contravention of law. By way of a verbal
12013 assault on the Plaintiff, and threats that he was going to be forced
12014 off of the Rockport Ambulance Department.

12015
12016 458. On or about August 23, 2009 and at various dates afterwards,
12017 Defendant Dianna Crudden individually, and in her official
12018 capacity, while acting under color of law as a Emergency Medical
12019 Technician, for the Rockport Ambulance Department, in Rockport,

12020 Massachusetts; did with other defendants violate, deprive, or
12021 infringe upon the civil rights of Plaintiff James M. Atkinson for the
12022 purposes of personal, political, and professional gains, without just
12023 cause, or lawful authority and did engage in harassment of a
12024 witness James M. Atkinson, who had been a witness to, and did
12025 properly make report of the crimes in regards to Defendant Lyons
12026 Ambulance, Henry Michalski, Kevin M. Lyons, Frank Carabello,
12027 Darrell Moore, Robert Piepiora, David Raymond, and John L.
12028 Good who were acting in contravention of law. By way of a verbal
12029 assault on the Plaintiff, and threats that he was going to be forced
12030 off of the Rockport Ambulance Department.

12031
12032 459. On or about August 23, 2009 and at various dates afterwards,
12033 Defendant Rita Budrow individually, and in her official capacity,
12034 while acting under color of law as a Emergency Medical
12035 Technician, for the Rockport Ambulance Department, in Rockport,
12036 Massachusetts; did with other defendants violate, deprive, or
12037 infringe upon the civil rights of Plaintiff James M. Atkinson for the
12038 purposes of personal, political, and professional gains, without just
12039 cause, or lawful authority and did engage in harassment of a

12040 witness James M. Atkinson, who had been a witness to, and did
12041 properly make report of the crimes in regards to Defendant Lyons
12042 Ambulance, Henry Michalski, Kevin M. Lyons, Frank Carabello,
12043 Darrell Moore, Robert Piepiora, David Raymond, and John L.
12044 Good who were acting in contravention of law. By way of a verbal
12045 assault on the Plaintiff, and threats that he was going to be forced
12046 off of the Rockport Ambulance Department.

12047
12048 460. On or about August 22, 2009 and at various dates afterwards,
12049 Defendant Jane Carr individually, and in her official capacity,
12050 while acting under color of law as a Emergency Medical
12051 Technician, for the Lyons Ambulance, in Danvers, Massachusetts;
12052 did with other defendants violate, deprive, or infringe upon the
12053 civil rights of Plaintiff James M. Atkinson for the purposes of
12054 personal, political, and professional gains, without just cause, or
12055 lawful authority and did engage in harassment of a witness James
12056 M. Atkinson, who had been a witness to, and did properly make
12057 report of the crimes in regards to Defendant Lyons Ambulance,
12058 Henry Michalski, Kevin M. Lyons, Frank Carabello, Darrell
12059 Moore, Robert Piepiora, David Raymond, and John L. Good who

12060 were acting in contravention of law. By way of a verbal assault on
12061 the Plaintiff, and threats that he was going to be forced off of the
12062 Rockport Ambulance Department.

12063

12064 **Rockport Ambulance Department**
12065 **Medicaid and Medicare Fraud**

12066

12067 461. On or about February 20, 2009, and continuing continuously
12068 until at least December 1, 2009, Defendants Town of Rockport,
12069 ROSEMARY LESCH in her official capacity and individually as a
12070 Department Head for Town of Rockport, Emergency Medical
12071 Technician (EMT), and Harbormaster; SCOTT STORY in his
12072 official capacity and individually as a Department Head,
12073 Emergency Medical Technician (EMT), and Harbormaster for
12074 Town of Rockport; MICHAEL RACICOT in his official capacity
12075 and individually as a Town Administrator for Town of Rockport;
12076 LINDA SANDERS in her official capacity and individually as a
12077 Town Administrator for Town of Rockport; SANDY JACQUES in
12078 his official capacity and individually as a Selectman for Town of
12079 Rockport; SARAH WILKINSON in her official capacity and
12080 individually as a Selectman for Town of Rockport; ANDREW
12081 HEINZE in his official capacity and individually as a Selectman

12082 for Town of Rockport; ELLEN CANAVAN in her official
12083 capacity and individually as a Selectman for Town of Rockport;
12084 CHARLES CLARK in her official capacity and individually as a
12085 Selectman for Town of Rockport; while acting under color of law
12086 did with other defendants violate, deprive, or infringe upon the
12087 civil rights of Plaintiff James M. Atkinson for the purposes of
12088 personal, political, and professional gains, without just cause, or
12089 lawful authority and did engage in Medicaid and Medicare Fraud
12090 and False Claims against the United States of America in
12091 contravention of law. By way of being told that certain Town of
12092 Rockport EMTs did not have the proper state mandated hours of
12093 initial EMT training or who had fraudulent EMT Continuing
12094 Educational courses, but were nonetheless allowed to operate as
12095 Town EMTs, even after being told formally of such deficit.

12096

12097 **Rockport Ambulance Department**
12098 **Sexual Harassment/Hostile Work Environment**

12099

12100 462. On or about June 6, 2009 and at various dates afterwards until
12101 December 1, 2009, Defendant Jane Carr, Dianna Crudden, and
12102 Rosemary Lesch individually, and in her official capacity, while
12103 acting under color of law as a Emergency Medical Technician, for

12104 the Town of Rockport Ambulance Department for the Town of
12105 Rockport, in Rockport, Massachusetts; did with other defendants
12106 violate, deprive, or infringe upon the civil rights of Plaintiff James
12107 M. Atkinson for the purposes of personal, political, and
12108 professional gains, without just cause, or lawful authority and did
12109 engage in sexual harassment against James M. Atkinson, and who
12110 were acting in contravention of law. By way of uttering crude
12111 sexual remarks, or asking invasive sexual questions of Plaintiff
12112 Atkinson, or of not stopping same from happening, and allowing it
12113 to reoccur when in a work environment which both Plaintiff and
12114 Defendant were working as an Emergency medical technical for
12115 the Town of Rockport.

12116
12117 463. On or about March 7, 2008 and at various dates afterwards until
12118 December 1, 2009, Defendant Jane Carr, Dianna Crudden, Scott
12119 Story, and Rosemary Lesch individually, and in thier official
12120 capacity, while acting under color of law as a Emergency Medical
12121 Technician, for the Town of Rockport Ambulance Department for
12122 the Town of Rockport, in Rockport, Massachusetts; did with other
12123 defendants violate, deprive, or infringe upon the civil rights of

12124 Plaintiff James M. Atkinson for the purposes of personal, political,
12125 and professional gains, without just cause, or lawful authority and
12126 did engage in Creating and Fostering Hostile Work Environment
12127 against James M. Atkinson and who were acting in contravention
12128 of law. By way of uttering crude sexual remarks, or asking
12129 invasive sexual questions of Plaintiff Atkinson, or of not stopping
12130 same from happening, and allowing it to reoccur when in a work
12131 environment which both Plaintiff and Defendant were working as
12132 an Emergency Medical Technician for the Town of Rockport.

12133
12134 464. On or about May 22, 2008 and at various dates afterwards until
12135 December 1, 2009, Defendant Jane Carr, Dianna Crudden, Scott
12136 Story, and Rosemary Lesch individually, and in her official
12137 capacity, while acting under color of law as a Emergency Medical
12138 Technician, for the Town of Rockport Ambulance Department for
12139 the Town of Rockport, in Rockport, Massachusetts; did with other
12140 defendants violate, deprive, or infringe upon the civil rights of
12141 Plaintiff James M. Atkinson for the purposes of personal, political,
12142 and professional gains, without just cause, or lawful authority and
12143 did engage in Creating and Fostering Hostile Work Environment

12144 against James M. Atkinson and who were acting in contravention
12145 of law. By way of poor leadership and supervisory activities
12146 permitted, endorsed, and embraced unrestrained bullying by
12147 Defendants Jane Carr, Dianna Crudden, and Rita Budrow in order
12148 to drive off other volunteer EMT's and Emergency First
12149 Responders form the Rockport Ambulance Department.

12150
12151 465. On or about March 7, 2008 and at various dates afterwards until
12152 December 1, 2009, Defendant Jane Carr, Dianna Crudden, Scott
12153 Story, and Rosemary Lesch individually, and in her official
12154 capacity, while acting under color of law as a Emergency Medical
12155 Technician, for the Town of Rockport Ambulance Department for
12156 the Town of Rockport, in Rockport, Massachusetts; did with other
12157 defendants violate, deprive, or infringe upon the civil rights of
12158 Plaintiff James M. Atkinson for the purposes of personal, political,
12159 and professional gains, without just cause, or lawful authority and
12160 did engage in Conspiracy against James M. Atkinson and who
12161 were acting in contravention of law.

12162

12163 **Rockport Ambulance Department**
12164 **Civil Rights Violations**

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466. On or about March 7, 2008 and at various dates afterwards until December 1, 2009, Defendant Town of Rockport, Scott Story, and Rosemary Lesch individually, and in her official capacity, while acting under color of law as a Emergency Medical Technician and Department head, for the Town of Rockport Ambulance Department for the Town of Rockport, in Rockport, Massachusetts; did with other defendants violate, deprive, or infringe upon the civil rights of Plaintiff James M. Atkinson for the purposes of personal, political, and professional gains, without just cause, or lawful authority and did infringe upon the right to keep and bear arms, protected by the Bill of Rights, and applied to the Town of Rockport though operation of the 14th Amendment against James M. Atkinson and who were acting in contravention of law. By means of publishing and proglamating policy, and verbally briefing newly hired employees of the Rockport Ambulance Department that defensive arms of any sort were forbidding to be on the person of any EMT or emergency first responder (Town of Rockport Employees) when they were on duty in violation of the 14th and 2nd Amendment to the Constitution.

**Rockport Police Department
Burglary and Warrantless Search**

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12187
12188
12189 467. On September 2, 2009, Defendants Daniel Mahoney; Michael
12190 Marino; Robert Tibert; Mark Schmink; Sean Andrus, and others
12191 individually, and in their official capacities, while acting under
12192 color of law as Police Officers, for the Rockport Police
12193 Department, in Rockport, Massachusetts; did with other defendants
12194 violate, deprive, or infringe upon the civil rights of Plaintiff James
12195 M. Atkinson for the purposes of personal, political, and
12196 professional gains, without just cause, or lawful authority and did
12197 covertly enter the home of James M. Atkinson without being in
12198 possession of a properly issued, or valid search warrant, and did
12199 engage in an illegal search and/or seizure of property of James M.
12200 Atkinson in contravention of law.

12201
12202 **Pressure by DHS and FBI to Improperly**
12203 **Delay International Transactions**
12204 **DHS and FBI Attempts to Bypass DOS PM/DDTC**
12205 **DHS and FBI Mention “Uzbekistan Shipment,”**
12206 **No Mention of Switzerland Transaction During Meeting**
12207

12208 468. On or about October 3, 2009, Defendant Christian McDowell
12209 individually, and in his official capacity, while acting under color
12210 of law as a Federal Agent for the Federal Bureau of Investigation

12211 in Boston, Massachusetts; and Jamison F. Wiroll individually, and
12212 in his official capacity while acting under color of law as a Special
12213 Agent of the United States Customs Enforcement and the
12214 Department of Homeland Security did with other defendants
12215 violate, deprive, or infringe upon the civil rights of Plaintiff James
12216 M. Atkinson for the purposes of personal, political, and
12217 professional gains, without just cause, or lawful authority and did
12218 engage in Deprivation of Rights, Privileges, or Immunities -
12219 Pattern or Practice of Conduct against James M. Atkinson in
12220 contravention of law. By way of attempting to interfere with
12221 commercial business transaction by way of extortionate means.

12222
12223 469. On or about October 3, 2009, Defendant Christian McDowell
12224 individually, and in his official capacity, while acting under color
12225 of law as a Federal Agent for the Federal Bureau of Investigation
12226 in Boston, Massachusetts; and Jamison F. Wiroll individually, and
12227 in his official capacity while acting under color of law as a Special
12228 Agent of the United States Customs Enforcement and the
12229 Department of Homeland Security did with other defendants
12230 violate, deprive, or infringe upon the civil rights of Plaintiff James

12231 M. Atkinson for the purposes of personal, political, and
12232 professional gains, without just cause, or lawful authority and did
12233 engage in Illegal Interception of Oral Communications of James M.
12234 Atkinson in contravention of law. By way of an non-consensual
12235 audio recording device disguised as a cellular telephone, and
12236 detected by Plaintiff as both an audio recording device using an
12237 oscillator at 32.76 kHz and also disguised as a non-functional
12238 cellular telephone.

12239
12240 470. On or about October 3, 2009, Defendant Christian McDowell
12241 individually, and in his official capacity, while acting under color
12242 of law as a Federal Agent for the Federal Bureau of Investigation
12243 in Boston, Massachusetts; and Jamison F. Wiroll individually, and
12244 in his official capacity while acting under color of law as a Special
12245 Agent of the United States Customs Enforcement and the
12246 Department of Homeland Security did with other defendants
12247 violate, deprive, or infringe upon the civil rights of Plaintiff James
12248 M. Atkinson for the purposes of personal, political, and
12249 professional gains, without just cause, or lawful authority and did
12250 engage in Extortion of James M. Atkinson in contravention of law.

12251 By means of threats of legal problems unless he improperly
12252 delayed an exportation of equipment to Uzbekistan.

12253

12254 471. On or about October 3, 2009, Defendant Christian McDowell
12255 individually, and in his official capacity, while acting under color
12256 of law as a Federal Agent for the Federal Bureau of Investigation
12257 in Boston, Massachusetts; and Jamison F. Wiroll individually, and
12258 in his official capacity while acting under color of law as a Special
12259 Agent of the United States Customs Enforcement and the
12260 Department of Homeland Security did with other defendants
12261 violate, deprive, or infringe upon the civil rights of Plaintiff James
12262 M. Atkinson for the purposes of personal, political, and
12263 professional gains, without just cause, or lawful authority and did
12264 engage in Conspiracy against James M. Atkinson in contravention
12265 of law.

12266

12267 472. On or about October 3, 2009, Defendant Christian McDowell
12268 individually, and in his official capacity, while acting under color
12269 of law as a Federal Agent for the Federal Bureau of Investigation
12270 in Boston, Massachusetts; and Jamison F. Wiroll individually, and

12271 in his official capacity while acting under color of law as a Special
12272 Agent of the United States Customs Enforcement and the
12273 Department of Homeland Security did with other defendants
12274 violate, deprive, or infringe upon the civil rights of Plaintiff James
12275 M. Atkinson for the purposes of personal, political, and
12276 professional gains, without just cause, or lawful authority and did
12277 engage in Conspiracy to Interfere in the International Commerce of
12278 James M. Atkinson in contravention of law.

12279
12280 473. On or about October 3, 2009, Defendant Christian McDowell
12281 individually, and in his official capacity, while acting under color
12282 of law as a Federal Agent for the Federal Bureau of Investigation
12283 in Boston, Massachusetts; and Jamison F. Wiroll individually, and
12284 in his official capacity while acting under color of law as a Special
12285 Agent of the United States Customs Enforcement and the
12286 Department of Homeland Security did with other defendants
12287 violate, deprive, or infringe upon the civil rights of Plaintiff James
12288 M. Atkinson for the purposes of personal, political, and
12289 professional gains, without just cause, or lawful authority and did

12290 engage in Conspiracy to Interfere in the Inter-State Commerce of
12291 James M. Atkinson in contravention of law.

12292

12293 474. On or about October 3, 2009, Defendant Christian McDowell
12294 individually, and in his official capacity, while acting under color
12295 of law as a Federal Agent for the Federal Bureau of Investigation
12296 in Boston, Massachusetts; and Jamison F. Wiroll individually, and
12297 in his official capacity while acting under color of law as a Special
12298 Agent of the United States Customs Enforcement and the
12299 Department of Homeland Security did with other defendants
12300 violate, deprive, or infringe upon the civil rights of Plaintiff James
12301 M. Atkinson for the purposes of personal, political, and
12302 professional gains, without just cause, or lawful authority and did
12303 engage in Accessory Before the Fact against James M. Atkinson in
12304 contravention of law. By means of threats of legal problems unless
12305 he improperly delayed an exportation of equipment to Uzbekistan.

12306

12307 **Chamber of Commerce Arm Smuggling Issues**
12308 **and Acting on Behalf of a Arm Smuggler**

12309

12310 475. On or about October 6, 2009 until on or about October 9,

12311 2009, Defendant Chamber of Commerce; and Charlene Brown and

12312 other employees acting in behalf of the Rockport Police
12313 Department to engage in a conspiracy against James M. Atkinson
12314 in contravention of law involving illegal arms smuggling, closely
12315 coordinating the conspiracy with members of the Rockport Police
12316 Department, with Defendant Research Electronics, and with
12317 foreign entities, and with a foreign government who were
12318 attempting to illegally, and covertly smuggle controlled military
12319 arms out of United States in violation of both U.S. laws and
12320 international treaties, to subvert U.S. Export laws, and indeed to
12321 subvert nation and international security. By means of
12322 communicating with and acting on behalf of a company in
12323 Switzerland who was in the process of attempting to smuggle arms
12324 out of the United States by subverting export licensure that was
12325 required both by U.S. law and International treaties, and by
12326 Defendants acting as a foil for the Rockport Police Department
12327 who had conspired with others to improperly delay international
12328 shipments so as to falsely accuse Plaintiff Atkinson of a crime by
12329 virtue of these delays.

12330
12331 476. On or about October 6, 2009 until on or about October 9,

12332 2009, Defendant Chamber of Commerce, Charlene Brown, and
12333 other employees of the Chamber of Commerce was acting as an
12334 agent (and acting under color of law) of the Rockport Police
12335 Department, and engaging in a Conspiracy against James M.
12336 Atkinson in contravention of law. Did deprive, or infringe upon the
12337 civil rights of Plaintiff James M. Atkinson for the purposes of
12338 personal, political, and professional gains, without just cause, or
12339 lawful authority against James M. Atkinson in contravention of
12340 law. By means of communicating with and acting on behalf of a
12341 company in Switzerland who was in the process of attempting to
12342 smuggle arms out of the United States by subverting export
12343 licensure that was required both by U.S. law and International
12344 treaties, and by Defendants acting as a foil for the Rockport Police
12345 Department who had conspired with others to improperly delay
12346 international shipments so as to falsely accuse Plaintiff Atkinson of
12347 a crime by virtue of these delays.

12348
12349 477. On or about October 6, 2009 until on or about October 9,
12350 2009, Defendant Chamber of Commerce; and Charlene Brown,
12351 were also acting as un-registered agents of Foreign Influence on

12352 behalf of the government of Kazakhstan and Uzbekistan, without
12353 first registering or maintaining registration in accordance with 22
12354 U.S.C. 612(a) and acting in violation of 22 U.S.C 614(e), and 22
12355 U.S.C. 611-621. Did deprive, or infringe upon the civil rights of
12356 Plaintiff James M. Atkinson for the purposes of personal, political,
12357 and professional gains, without just cause, or lawful authority
12358 against James M. Atkinson in contravention of law. By means of
12359 communicating with and acting on behalf of a company in
12360 Switzerland who was in the process of attempting to smuggle arms
12361 out of the United States by subverting export licensure that was
12362 required both by U.S. law and International treaties, and by
12363 Defendants acting as a foil for the Rockport Police Department
12364 who had conspired with others to improperly delay international
12365 shipments so as to falsely accuse Plaintiff Atkinson of a crime by
12366 virtue of these delays.

12367

12368 478. On or about October 6, 2009 until on or about October 9,
12369 2009, Defendant Chamber of Commerce; and Charlene Brown,
12370 engaged in the act of communicating to any government entity, for
12371 any reason, any information on behalf of any foreign government

12372 which requires prior registration with the FARA unit in accordance
12373 with 22 U.S.C. 611-621. Did deprive, or infringe upon the civil
12374 rights of Plaintiff James M. Atkinson for the purposes of personal,
12375 political, and professional gains, without just cause, or lawful
12376 authority against James M. Atkinson in contravention of law. By
12377 means of communicating with and acting on behalf of a company
12378 in Switzerland who was in the process of attempting to smuggle
12379 arms out of the United States by subverting export licensure that
12380 was required both by U.S. law and International treaties, and by
12381 Defendants acting as a foil for the Rockport Police Department
12382 who had conspired with others to improperly delay international
12383 shipments so as to falsely accuse Plaintiff Atkinson of a crime by
12384 virtue of these delays.

12385
12386 479. On or about October 6, 2009 until on or about October 9,
12387 2009, Chamber of Commerce, Charlene Brown, and other
12388 employees of the Chamber of Commerce acted on behalf of a
12389 foreign government which out being a properly registered agents
12390 of influence, and thus it is unlawful for any of them to be acting on
12391 behalf of a foreign government (to facilitate the improper

12392 exportation of highly controlled and highly regulated military arms
12393 in violation of federal law and international treaty). Did deprive, or
12394 infringe upon the civil rights of Plaintiff James M. Atkinson for the
12395 purposes of personal, political, and professional gains, without just
12396 cause, or lawful authority against James M. Atkinson in
12397 contravention of law. By means of communicating with and acting
12398 on behalf of a company in Switzerland who was in the process of
12399 attempting to smuggle arms out of the United States by subverting
12400 export licensure that was required both by U.S. law and
12401 International treaties, and by Defendants acting as a foil for the
12402 Rockport Police Department who had conspired with others to
12403 improperly delay international shipments so as to falsely accuse
12404 Plaintiff Atkinson of a crime by virtue of these delays.

12405
12406 480. On or about October 6, 2009 until on or about October 9,
12407 2009, Chamber of Commerce, Charlene Brown, and other
12408 employees of the Chamber of Commerce did conspire with the
12409 Rockport Police Department to deprive the Plaintiff of his civil
12410 rights by tampering with a highly controlled and highly regulated
12411 international shipment, and then to file false charges against the

12412 Plaintiff because a normal regulatory approval delay which has
12413 already been confessed to by other co-defendants in this case. Did
12414 deprive, or infringe upon the civil rights of Plaintiff James M.
12415 Atkinson for the purposes of personal, political, and professional
12416 gains, without just cause, or lawful authority against James M.
12417 Atkinson in contravention of law. By means of Defendants acting
12418 as a foil for the Rockport Police Department who had conspired
12419 with others to improperly delay international shipments so as to
12420 falsely accuse Plaintiff Atkinson of a crime by virtue of these
12421 delays.

12422
12423 481. On or about October 6, 2009 until on or about October 9,
12424 2009, Chamber of Commerce, Charlene Brown, and other
12425 employees of the Chamber of Commerce acting under the color of
12426 law and as an agent of the Rockport Police and of foreign
12427 governments, to create a chain of events that did deprive the
12428 Plaintiff of his civil rights and with the Defendant operating other
12429 rights under law. did conspire with the Rockport Police
12430 Department to deprive the Plaintiff of his civil rights by tampering
12431 with a highly controlled and highly regulated international

12432 shipment, and then to file false charges against the Plaintiff
12433 because a normal regulatory approval delay which has already
12434 been confessed to by other co-defendants in this case. Did deprive,
12435 or infringe upon the civil rights of Plaintiff James M. Atkinson for
12436 the purposes of personal, political, and professional gains, without
12437 just cause, or lawful authority against James M. Atkinson in
12438 contravention of law.

12439
12440 482. On or about October 6, 2009 until on or about October 9,
12441 2009, Chamber of Commerce, Charlene Brown, and other
12442 employees of the Chamber of Commerce acting under the color of
12443 law and as an agent of the Rockport Police and of foreign
12444 governments, to create a chain of events that did deprive the
12445 Plaintiff of his civil rights and with the Defendant operating other
12446 rights under law. As this deprivation of rights was a continuum of
12447 interconnected events, and while the Defendant may have had
12448 peripheral involvement, they/she is nonetheless liable for the
12449 entirety of the infringement due to any involvement at all. These
12450 defendants did deprive, or infringe upon the civil rights of Plaintiff
12451 James M. Atkinson for the purposes of personal, political, and

12452 professional gains, without just cause, or lawful authority against
12453 James M. Atkinson in contravention of law.
12454
12455 483. On or about October 6, 2009 until on or about October 9, 2009,
12456 Defendant Christian McDowell individually, and in his official
12457 capacity, while acting under color of law as a Federal Agent for the
12458 Federal Bureau of Investigation in Boston, Massachusetts; and
12459 Jamison F. Wiroll individually, and in his official capacity while
12460 acting under color of law as a Special Agent of the United States
12461 Customs Enforcement and the Department of Homeland Security
12462 did with Defendant Chamber of Commerce; and Charlene Brown
12463 and other employees acting in behalf of the Rockport Police
12464 Department violate, deprive, or infringe upon the civil rights of
12465 Plaintiff James M. Atkinson for the purposes of personal, political,
12466 and professional gains, without just cause, or lawful authority and
12467 did engage in Deprivation of Rights, Privileges, or Immunities -
12468 Pattern or Practice of Conduct against James M. Atkinson in
12469 contravention of law. By means of developing a conspiracy that
12470 lead to the infringement and deprivation of rights of Plaintiff
12471 Atkinson to include unlawful arrest and kidnapping, destruction of

12472 property, assault and battery, illegal search and seizure, violation
12473 of 2nd amendment rights, 4th amendment rights, 14th amendment
12474 rights, and other unlawful acts.

12475

12476 484. On or about October 6, 2009 until on or about October 9, 2009,
12477 Defendant Christian McDowell individually, and in his official
12478 capacity, while acting under color of law as a Federal Agent for the
12479 Federal Bureau of Investigation in Boston, Massachusetts; and
12480 Jamison F. Wiroll individually, and in his official capacity while
12481 acting under color of law as a Special Agent of the United States
12482 Customs Enforcement and the Department of Homeland Security
12483 did with Defendant Chamber of Commerce; and Charlene Brown
12484 and other employees acting in behalf of the Rockport Police
12485 Department violate, deprive, or infringe upon the civil rights of
12486 Plaintiff James M. Atkinson for the purposes of personal, political,
12487 and professional gains, without just cause, or lawful authority and
12488 did engage in Fraud by Wire against James M. Atkinson in
12489 contravention of law. By means of placing fraudulent telephone
12490 calls in furtherance of this scheme.

12491

12492

Rockport Police Department

**Contact and Conspire with FBI to Subvert Shipment
Contact with Research Electronics
to Subvert Arms Shipment**

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485. On or about November 8, 2009, Defendant Christian McDowell individually, and in his official capacity, while acting under color of law as a Federal Agent for the Federal Bureau of Investigation in Boston, Massachusetts; and Jamison F. Wiroll individually, and in his official capacity while acting under color of law as a Special Agent of the United States Customs Enforcement and the Department of Homeland Security did with Defendants Town of Rockport Police Department; Defendant John T. McCarthy; Michael Marino; Robert Tibert; Mark Schmink; individually, and in his official capacity, while acting under color of law as a Police Officer, for the Rockport Police Department, in Rockport, Massachusetts; and others did violate, deprive, or infringe upon the civil rights of Plaintiff James M. Atkinson for the purposes of personal, political, and professional gains, without just cause, or lawful authority and did engage in Deprivation of Rights, Privileges, or Immunities - Pattern or Practice of Conduct against James M. Atkinson in contravention of law by way of a conspiracy to create or exploit delays in export license approvals so as to

12515 falsely accuse Plaintiff of larceny, in turn revoking or suspending
12516 Plaintiff License to Carry Arms, unlawfully confiscate or require
12517 the surrender of arms, wrongful termination of employment,
12518 suspension or expulsion from colleges, interference with
12519 employment and business operation, and to assault and the beat the
12520 Plaintiff, destroy, search, or seize his property and to otherwise
12521 interfere with the life, liberty, and happiness of Plaintiff Atkinson.

12522
12523 486. On or about November 8, 2009, Defendant Christian McDowell
12524 individually, and in his official capacity, while acting under color
12525 of law as a Federal Agent for the Federal Bureau of Investigation
12526 in Boston, Massachusetts; and Jamison F. Wiroll individually, and
12527 in his official capacity while acting under color of law as a Special
12528 Agent of the United States Customs Enforcement and the
12529 Department of Homeland Security did with Defendants Town of
12530 Rockport Police Department; Defendant John T. McCarthy;
12531 Michael Marino; Robert Tibert; Mark Schmink; individually, and
12532 in his official capacity, while acting under color of law as a Police
12533 Officer, for the Rockport Police Department, in Rockport,
12534 Massachusetts; and others did violate, deprive, or infringe upon the

12535 civil rights of Plaintiff James M. Atkinson for the purposes of
12536 personal, political, and professional gains, without just cause, or
12537 lawful authority and did engage in Conspiracy against James M.
12538 Atkinson in contravention of law by way of a conspiracy to create
12539 or exploit delays in export license approvals so as to falsely accuse
12540 Plaintiff of larceny, in turn revoking or suspending Plaintiff
12541 License to Carry Arms, unlawfully confiscate or require the
12542 surrender of arms, wrongful termination of employment,
12543 suspension or expulsion from colleges, interference with
12544 employment and business operation, and to assault and the beat the
12545 Plaintiff, destroy, search, or seize his property and to otherwise
12546 interfere with the life, liberty, and happiness of Plaintiff Atkinson.

12547
12548 487. On or about November 8, 2009, Defendant Christian McDowell
12549 individually, and in his official capacity, while acting under color
12550 of law as a Federal Agent for the Federal Bureau of Investigation
12551 in Boston, Massachusetts; and Jamison F. Wiroll individually, and
12552 in his official capacity while acting under color of law as a Special
12553 Agent of the United States Customs Enforcement and the
12554 Department of Homeland Security did with Defendants Town of

12555 Rockport Police Department; Defendant John T. McCarthy;
12556 Michael Marino; Robert Tibert; Mark Schmink; individually, and
12557 in his official capacity, while acting under color of law as a Police
12558 Officer, for the Rockport Police Department, in Rockport,
12559 Massachusetts; and others did violate, deprive, or infringe upon the
12560 civil rights of Plaintiff James M. Atkinson for the purposes of
12561 personal, political, and professional gains, without just cause, or
12562 lawful authority and did engage in Conspiracy to Interfere in the
12563 International Commerce of James M. Atkinson in contravention of
12564 law by way of a conspiracy to create or exploit delays in export
12565 license approvals so as to falsely accuse Plaintiff of larceny, in turn
12566 revoking or suspending Plaintiff License to Carry Arms,
12567 unlawfully confiscate or require the surrender of arms, wrongful
12568 termination of employment, suspension or expulsion from colleges,
12569 interference with employment and business operation, and to
12570 assault and the beat the Plaintiff, destroy, search, or seize his
12571 property and to otherwise interfere with the life, liberty, and
12572 happiness of Plaintiff Atkinson.

12573

12574 488. On or about November 8, 2009, Defendant Christian McDowell
12575 individually, and in his official capacity, while acting under color
12576 of law as a Federal Agent for the Federal Bureau of Investigation
12577 in Boston, Massachusetts; and Jamison F. Wiroll individually, and
12578 in his official capacity while acting under color of law as a Special
12579 Agent of the United States Customs Enforcement and the
12580 Department of Homeland Security did with Defendants Town of
12581 Rockport Police Department; Defendant John T. McCarthy;
12582 Michael Marino; Robert Tibert; Mark Schmink; individually, and
12583 in his official capacity, while acting under color of law as a Police
12584 Officer, for the Rockport Police Department, in Rockport,
12585 Massachusetts; and others did violate, deprive, or infringe upon the
12586 civil rights of Plaintiff James M. Atkinson for the purposes of
12587 personal, political, and professional gains, without just cause, or
12588 lawful authority and did engage in Conspiracy to Interfere in the
12589 Inter-State Commerce of James M. Atkinson in contravention of
12590 law by way of a conspiracy to create or exploit delays in export
12591 license approvals so as to falsely accuse Plaintiff of larceny, in turn
12592 revoking or suspending Plaintiff License to Carry Arms,
12593 unlawfully confiscate or require the surrender of arms, wrongful

12594 termination of employment, suspension or expulsion from colleges,
12595 interference with employment and business operation, and to
12596 assault and the beat the Plaintiff, destroy, search, or seize his
12597 property and to otherwise interfere with the life, liberty, and
12598 happiness of Plaintiff Atkinson.

12599
12600 489. On or about November 8, 2009, Defendant Christian McDowell
12601 individually, and in his official capacity, while acting under color
12602 of law as a Federal Agent for the Federal Bureau of Investigation
12603 in Boston, Massachusetts; and Jamison F. Wiroll individually, and
12604 in his official capacity while acting under color of law as a Special
12605 Agent of the United States Customs Enforcement and the
12606 Department of Homeland Security did with Defendants Town of
12607 Rockport Police Department; Defendant John T. McCarthy;
12608 Michael Marino; Robert Tibert; Mark Schmink; individually, and
12609 in his official capacity, while acting under color of law as a Police
12610 Officer, for the Rockport Police Department, in Rockport,
12611 Massachusetts; and others did violate, deprive, or infringe upon the
12612 civil rights of Plaintiff James M. Atkinson for the purposes of
12613 personal, political, and professional gains, without just cause, or

12614 lawful authority and did engage in Accessory Before the Fact
12615 against James M. Atkinson in contravention of law by way of a
12616 conspiracy to create or exploit delays in export license approvals
12617 so as to falsely accuse Plaintiff of larceny, in turn revoking or
12618 suspending Plaintiff License to Carry Arms, unlawfully confiscate
12619 or require the surrender of arms, wrongful termination of
12620 employment, suspension or expulsion from colleges, interference
12621 with employment and business operation, and to assault and the
12622 beat the Plaintiff, destroy, search, or seize his property and to
12623 otherwise interfere with the life, liberty, and happiness of Plaintiff
12624 Atkinson.

12625
12626 **Research Electronics International, LLC and**
12627 **Rockport Police Department Conspire to Manipulate**
12628 **An International Shipment of Plaintiff Atkinson**
12629 **In Order to File Improper Criminal Charges Against Atkinson**

12630
12631 490. On or about November 6, 2009, Defendant John T. McCarthy;
12632 Michael Marino; Robert Tibert; Mark Schmink; individually, and
12633 in his official capacity, while acting under color of law as a Police
12634 Officer, for the Rockport Police Department, in Rockport,
12635 Massachusetts; Defendant Research Electronics; Thomas Jones;
12636 Lee Jones; Michelle Gaw; Atrus Diaz, Dean Butler, and Trish

12637 Webb and others did violate, deprive, or infringe upon the civil
12638 rights of Plaintiff James M. Atkinson for the purposes of personal,
12639 political, and professional gains, without just cause, or lawful
12640 authority and did engage in Conspiracy against James M. Atkinson
12641 in contravention of law. By way of inter-state communications
12642 between employees of Research Electronics and the Rockport
12643 Police Department to confect a conspiracy whereby they would get
12644 overseas shipments of the Plaintiff's goods from Research
12645 Electronics delayed by causing export documents (later discovered
12646 not required by law, given an the illegal ECCN codes being used,
12647 but under ITAR a license being required) to be repeatedly rejected
12648 or approval delayed by Research Electronics, and would then arrest
12649 and charge the Plaintiff for not delivering the goods to an overseas
12650 client, falsely charging Plaintiff with a crime by virtue of these
12651 delays in shipment caused by the police and others.

12652
12653 491. On or about November 6, 2009, Defendant John T. McCarthy;
12654 Michael Marino; Robert Tibert; Mark Schmink; individually, and
12655 in his official capacity, while acting under color of law as a Police
12656 Officer, for the Rockport Police Department, in Rockport,

12657 Massachusetts; Defendant Research Electronics; Thomas Jones;
12658 Lee Jones; Michelle Gaw; Atrus Diaz, Dean Butler, and Trish
12659 Webb and others did violate, deprive, or infringe upon the civil
12660 rights of Plaintiff James M. Atkinson for the purposes of personal,
12661 political, and professional gains, without just cause, or lawful
12662 authority and did engage in Conspiracy to Interfere in the
12663 International Commerce of James M. Atkinson in contravention of
12664 law. By way of inter-state communications between employees of
12665 Research Electronics and the Rockport Police Department to
12666 confect a conspiracy whereby they would get overseas shipments
12667 of the Plaintiff's goods from Research Electronics delayed by
12668 causing export documents (later discovered not required by law,
12669 given an the illegal ECCN codes being used, but under ITAR a
12670 license being required) to be repeatedly rejected or approval
12671 delayed by Research Electronics, and would then arrest and charge
12672 the Plaintiff for not delivering the goods to an overseas client,
12673 falsely charging Plaintiff with a crime by virtue of these delays in
12674 shipment caused by the police and others.

12675

12676 492. On or about November 6, 2009, Defendant John T. McCarthy;
12677 Michael Marino; Robert Tibert; Mark Schmink; individually, and
12678 in his official capacity, while acting under color of law as a Police
12679 Officer, for the Rockport Police Department, in Rockport,
12680 Massachusetts; Defendant Research Electronics; Thomas Jones;
12681 Lee Jones; Michelle Gaw; Atrus Diaz, Dean Butler, and Trish
12682 Webb and others did violate, deprive, or infringe upon the civil
12683 rights of Plaintiff James M. Atkinson for the purposes of personal,
12684 political, and professional gains, without just cause, or lawful
12685 authority and did engage in Conspiracy to Interfere in the Inter-
12686 State Commerce of James M. Atkinson in contravention of law. By
12687 way of inter-state communications between employees of Research
12688 Electronics and the Rockport Police Department to confect a
12689 conspiracy whereby they would get overseas shipments of the
12690 Plaintiff's goods from Research Electronics delayed by causing
12691 export documents (later discovered not required by law, given an
12692 the illegal ECCN codes being used, but under ITAR a license
12693 being required) to be repeatedly rejected or approval delayed by
12694 Research Electronics, and would then arrest and charge the
12695 Plaintiff for not delivering the goods to an overseas client, falsely

12696 charging Plaintiff with a crime by virtue of these delays in
12697 shipment caused by the police and others.

12698

12699 493. On or about November 6, 2009, Defendant John T. McCarthy;
12700 Michael Marino; Robert Tibert; Mark Schmink; individually, and
12701 in his official capacity, while acting under color of law as a Police
12702 Officer, for the Rockport Police Department, in Rockport,
12703 Massachusetts; Defendant Research Electronics; Thomas Jones;
12704 Lee Jones; Michelle Gaw; Atrus Diaz, Dean Butler, and Trish
12705 Webb and others did violate, deprive, or infringe upon the civil
12706 rights of Plaintiff James M. Atkinson for the purposes of personal,
12707 political, and professional gains, without just cause, or lawful
12708 authority and did engage in Accessory Before the Fact against
12709 James M. Atkinson in contravention of law. By way of inter-state
12710 communications between employees of Research Electronics and
12711 the Rockport Police Department to confect a conspiracy whereby
12712 they would get overseas shipments of the Plaintiff's goods from
12713 Research Electronics delayed by causing export documents (later
12714 discovered not required by law, given an the illegal ECCN codes
12715 being used, but under ITAR a license being required) to be

12716 repeatedly rejected or approval delayed by Research Electronics,
12717 and would then arrest and charge the Plaintiff for not delivering the
12718 goods to an overseas client, falsely charging Plaintiff with a crime
12719 by virtue of these delays in shipment caused by the police and
12720 others.

12721

12722 494. On or about November 6, 2009, Defendant John T. McCarthy;
12723 Michael Marino; Robert Tibert; Mark Schmink; individually, and
12724 in his official capacity, while acting under color of law as a Police
12725 Officer, for the Rockport Police Department, in Rockport,
12726 Massachusetts; Defendant Research Electronics; Thomas Jones;
12727 Lee Jones; Michelle Gaw; Atrus Diaz, Dean Butler, and Trish
12728 Webb and others did violate, deprive, or infringe upon the civil
12729 rights of Plaintiff James M. Atkinson for the purposes of personal,
12730 political, and professional gains, without just cause, or lawful
12731 authority and did engage in Wire Fraud against James M. Atkinson
12732 in contravention of law. By way of inter-state communications
12733 between employees of Research Electronics and the Rockport
12734 Police Department to confect a conspiracy whereby they would get
12735 overseas shipments of the Plaintiff's goods from Research

12736 Electronics delayed by causing export documents (later discovered
12737 not required by law, given an the illegal ECCN codes being used,
12738 but under ITAR a license being required) to be repeatedly rejected
12739 or approval delayed by Research Electronics, and would then arrest
12740 and charge the Plaintiff for not delivering the goods to an overseas
12741 client, falsely charging Plaintiff with a crime by virtue of these
12742 delays in shipment caused by the police and others.

12743

12744 **Rockport Police Department, Research Electronics,**
12745 **U.S. Customs, and Federal Bureaus of Investigation**
12746 **Conspire to Arrest and Charge Plaintiff Atkinson**

12747

12748 495. On or about November 9, 2009, Defendant Christian McDowell
12749 individually, and in his official capacity, while acting under color
12750 of law as a Federal Agent for the Federal Bureau of Investigation
12751 in Boston, Massachusetts; and Jamison F. Wiroll individually, and
12752 in his official capacity while acting under color of law as a Special
12753 Agent of the United States Customs Enforcement and the
12754 Department of Homeland Security did with other defendants, to
12755 include Defendant Research Electronics; Thomas Jones; Lee
12756 Jones; Michelle Gaw; Atrus Diaz, and Defendants Town of
12757 Rockport Police Department; Defendant Daniel Mahoney

12758 individually, and in his official capacity, while acting under color
12759 of law as a Police Officer, for the Rockport Police Department, in
12760 Rockport, Massachusetts; Defendant John T. McCarthy; Michael
12761 Marino; Robert Tibert; Mark Schmink; individually, and in his
12762 official capacity, while acting under color of law as a Police
12763 Officer, for the Rockport Police Department, in Rockport,
12764 Massachusetts; and others did violate, deprive, or infringe upon the
12765 civil rights of Plaintiff James M. Atkinson for the purposes of
12766 personal, political, and professional gains, without just cause, or
12767 lawful authority and did engage in Deprivation of Rights,
12768 Privileges, or Immunities - Pattern or Practice of Conduct against
12769 James M. Atkinson in contravention of law. By way of inter-state
12770 communications between employees of the FBI, U.S. Customs,
12771 Research Electronics and the Rockport Police Department to
12772 confect a conspiracy whereby they would get overseas shipments
12773 of the Plaintiff's goods from Research Electronics delayed by
12774 causing export documents (later discovered not required by law,
12775 given an the illegal ECCN codes being used, but under ITAR a
12776 license being required) to be repeatedly rejected or approval
12777 delayed by Research Electronics, and would then arrest and charge

12778 the Plaintiff for not delivering the goods to an overseas client,
12779 falsely charging Plaintiff with a crime by virtue of these delays in
12780 shipment caused by the police and others.

12781

12782 496. On or about November 9, 2009, Defendant Christian McDowell
12783 individually, and in his official capacity, while acting under color
12784 of law as a Federal Agent for the Federal Bureau of Investigation
12785 in Boston, Massachusetts; and Jamison F. Wiroll individually, and
12786 in his official capacity while acting under color of law as a Special
12787 Agent of the United States Customs Enforcement and the
12788 Department of Homeland Security did with other defendants, to
12789 include Defendant Research Electronics; Thomas Jones; Lee
12790 Jones; Michelle Gaw; Atrus Diaz, and Defendants Town of
12791 Rockport Police Department; Defendant Daniel Mahoney
12792 individually, and in his official capacity, while acting under color
12793 of law as a Police Officer, for the Rockport Police Department, in
12794 Rockport, Massachusetts; Defendant John T. McCarthy; Michael
12795 Marino; Robert Tibert; Mark Schmink; individually, and in his
12796 official capacity, while acting under color of law as a Police
12797 Officer, for the Rockport Police Department, in Rockport,

12798 Massachusetts; and others did violate, deprive, or infringe upon the
12799 civil rights of Plaintiff James M. Atkinson for the purposes of
12800 personal, political, and professional gains, without just cause, or
12801 lawful authority and did engage in Conspiracy against James M.
12802 Atkinson in contravention of law. By way of inter-state
12803 communications between employees of the FBI, U.S. Customs,
12804 Research Electronics and the Rockport Police Department to
12805 confect a conspiracy whereby they would get overseas shipments
12806 of the Plaintiff's goods from Research Electronics delayed by
12807 causing export documents (later discovered not required by law,
12808 given an the illegal ECCN codes being used, but under ITAR a
12809 license being required) to be repeatedly rejected or approval
12810 delayed by Research Electronics, and would then arrest and charge
12811 the Plaintiff for not delivering the goods to an overseas client,
12812 falsely charging Plaintiff with a crime by virtue of these delays in
12813 shipment caused by the police and others.

12814
12815 497. On or about November 9, 2009, Defendant Christian McDowell
12816 individually, and in his official capacity, while acting under color
12817 of law as a Federal Agent for the Federal Bureau of Investigation

12818 in Boston, Massachusetts; and Jamison F. Wiroll individually, and
12819 in his official capacity while acting under color of law as a Special
12820 Agent of the United States Customs Enforcement and the
12821 Department of Homeland Security did with other defendants, to
12822 include Defendant Research Electronics; Thomas Jones; Lee
12823 Jones; Michelle Gaw; Atrus Diaz, and Defendants Town of
12824 Rockport Police Department; Defendant Daniel Mahoney
12825 individually, and in his official capacity, while acting under color
12826 of law as a Police Officer, for the Rockport Police Department, in
12827 Rockport, Massachusetts; Defendant John T. McCarthy; Michael
12828 Marino; Robert Tibert; Mark Schmink; individually, and in his
12829 official capacity, while acting under color of law as a Police
12830 Officer, for the Rockport Police Department, in Rockport,
12831 Massachusetts; and others did violate, deprive, or infringe upon the
12832 civil rights of Plaintiff James M. Atkinson for the purposes of
12833 personal, political, and professional gains, without just cause, or
12834 lawful authority and did engage in Conspiracy to Interfere in the
12835 International Commerce of James M. Atkinson in contravention of
12836 law. By way of inter-state communications between employees of
12837 the FBI, U.S. Customs, Research Electronics and the Rockport

12838 Police Department to confect a conspiracy whereby they would get
12839 overseas shipments of the Plaintiff's goods from Research
12840 Electronics delayed by causing export documents (later discovered
12841 not required by law, given an the illegal ECCN codes being used,
12842 but under ITAR a license being required) to be repeatedly rejected
12843 or approval delayed by Research Electronics, and would then arrest
12844 and charge the Plaintiff for not delivering the goods to an overseas
12845 client, falsely charging Plaintiff with a crime by virtue of these
12846 delays in shipment caused by the police and others.

12847
12848 498. On or about November 9, 2009, Defendant Christian McDowell
12849 individually, and in his official capacity, while acting under color
12850 of law as a Federal Agent for the Federal Bureau of Investigation
12851 in Boston, Massachusetts; and Jamison F. Wiroll individually, and
12852 in his official capacity while acting under color of law as a Special
12853 Agent of the United States Customs Enforcement and the
12854 Department of Homeland Security did with other defendants, to
12855 include Defendant Research Electronics; Thomas Jones; Lee
12856 Jones; Michelle Gaw; Atrus Diaz, and Defendants Town of
12857 Rockport Police Department; Defendant Daniel Mahoney

12858 individually, and in his official capacity, while acting under color
12859 of law as a Police Officer, for the Rockport Police Department, in
12860 Rockport, Massachusetts; Defendant John T. McCarthy; Michael
12861 Marino; Robert Tibert; Mark Schmink; individually, and in his
12862 official capacity, while acting under color of law as a Police
12863 Officer, for the Rockport Police Department, in Rockport,
12864 Massachusetts; and others did violate, deprive, or infringe upon the
12865 civil rights of Plaintiff James M. Atkinson for the purposes of
12866 personal, political, and professional gains, without just cause, or
12867 lawful authority and did engage in Conspiracy to Interfere in the
12868 Inter-State Commerce of James M. Atkinson in contravention of
12869 law. By way of inter-state communications between employees of
12870 the FBI, U.S. Customs, Research Electronics and the Rockport
12871 Police Department to confect a conspiracy whereby they would get
12872 overseas shipments of the Plaintiff's goods from Research
12873 Electronics delayed by causing export documents (later discovered
12874 not required by law, given an the illegal ECCN codes being used,
12875 but under ITAR a license being required) to be repeatedly rejected
12876 or approval delayed by Research Electronics, and would then arrest
12877 and charge the Plaintiff for not delivering the goods to an overseas

12878 client, falsely charging Plaintiff with a crime by virtue of these
12879 delays in shipment caused by the police and others.

12880

12881 499. On or about November 9, 2009, Defendant Christian McDowell
12882 individually, and in his official capacity, while acting under color
12883 of law as a Federal Agent for the Federal Bureau of Investigation
12884 in Boston, Massachusetts; and Jamison F. Wiroll individually, and
12885 in his official capacity while acting under color of law as a Special
12886 Agent of the United States Customs Enforcement and the
12887 Department of Homeland Security did with other defendants, to
12888 include Defendant Research Electronics; Thomas Jones; Lee
12889 Jones; Michelle Gaw; Atrus Diaz, and Defendants Town of
12890 Rockport Police Department; Defendant Daniel Mahoney
12891 individually, and in his official capacity, while acting under color
12892 of law as a Police Officer, for the Rockport Police Department, in
12893 Rockport, Massachusetts; Defendant John T. McCarthy; Michael
12894 Marino; Robert Tibert; Mark Schmink; individually, and in his
12895 official capacity, while acting under color of law as a Police
12896 Officer, for the Rockport Police Department, in Rockport,
12897 Massachusetts; and others did violate, deprive, or infringe upon the

12898 civil rights of Plaintiff James M. Atkinson for the purposes of
12899 personal, political, and professional gains, without just cause, or
12900 lawful authority and did engage in Accessory Before the Fact
12901 against James M. Atkinson in contravention of law. By way of
12902 inter-state communications between employees of the FBI, U.S.
12903 Customs, Research Electronics and the Rockport Police
12904 Department to confect a conspiracy whereby they would get
12905 overseas shipments of the Plaintiff's goods from Research
12906 Electronics delayed by causing export documents (later discovered
12907 not required by law, given an the illegal ECCN codes being used,
12908 but under ITAR a license being required) to be repeatedly rejected
12909 or approval delayed by Research Electronics, and would then arrest
12910 and charge the Plaintiff for not delivering the goods to an overseas
12911 client, falsely charging Plaintiff with a crime by virtue of these
12912 delays in shipment caused by the police and others.

12913

12914 **Rockport Police Department**
12915 **Unlawful Eavesdropping, Arms Smuggling,**
12916 **and Extortion Attempt**

12917
12918 500. On November 11, 2009, Defendant Daniel Mahoney

12919 individually, and in his official capacity, while acting under color

12920 of law as a Police Officer, for the Rockport Police Department, in
12921 Rockport, Massachusetts; did with other defendants violate,
12922 deprive, or infringe upon the civil rights of Plaintiff James M.
12923 Atkinson for the purposes of personal, political, and professional
12924 gains, without just cause, or lawful authority and did engage in
12925 Illegal Interception of Wire and Oral Communications of James M.
12926 Atkinson in contravention of law, by way of initiating a telephone
12927 call from the Rockport Police Department to Plaintiff Atkinson,
12928 and who did not inform the Plaintiff that the call was being
12929 recorded until the end of the call (there was no such statement at
12930 the beginning of the call), then tried to use the statement that “the
12931 call was just recorded” to extort privileged and proprietary
12932 information out of Plaintiff Atkinson, and to coerce him into
12933 breaking the law by unlawfully exporting military arms to
12934 Uzbekistan absent proper U.S. State Department PM/DDTC export
12935 licenses.

12936 Reference, M.G.L Chapter 272, Section 99(D)
12937

12938 e. for investigative or law enforcement officers to violate the
12939 provisions of this section for the purposes of ensuring the
12940 safety of any law enforcement officer or agent thereof who
12941 is acting in an undercover capacity, or as a witness for the
12942 commonwealth; provided, however, that any such
12943 interception which is not otherwise permitted by this

12944 section shall be deemed unlawful for purposes of paragraph
12945 P.

12946
12947 501. Thus unless Mahoney was acting in an undercover capacity,
12948 or acting as a witness for the Commonwealth AND the
12949 interception or eavesdropping is done for the purposes of
12950 ensuring the safety of the undercover officer, the interception
12951 is thus unlawful, and Defendant Mahoney has committed a
12952 very serious felony.

12953
12954 502. Thus, by Mahoney stating in his narrative that there was a
12955 recorded line in use, anything that he might say, do, or hear is
12956 excluded from evidence as “fruit of the tree”.

12957
12958 503. As his claims that Plaintiff spoke to him, and uttered things
12959 to him, is thus excluded, the criminal complaint that issued
12960 from the statement is excluded, and anything at all which took
12961 place beyond this interception, which built on top of the
12962 interception or which referenced this illegal wiretapping is
12963 thus excluded.

12964

12965 504. By Mahoney recording the call, he thus poisoned everything
12966 that took place later in time).

12967

12968 505. As the interception was not lawful, the contents of if cannot
12969 be used in anyway.

12970

12971 506. Essentially, all evidence, statements, comments or any
12972 utterance he might engage in has to be suppressed.

12973

12974 Reference, M.G.L Chapter 272, Section 99

12975

12976 P. Suppression of evidence.

12977

12978 Any person who is a defendant in a criminal trial in a court
12979 of the commonwealth may move to suppress the contents of
12980 any intercepted wire or oral communication or evidence
12981 derived therefrom, for the following reasons:

12982

12983 1. That the communication was unlawfully
12984 intercepted.

12985

12986 2. That the communication was not intercepted in
12987 accordance with the terms of this section.

12988

12989 3. That the application or renewal application fails to
12990 set forth facts sufficient to establish probable cause
12991 for the issuance of a warrant.

12992

12993 4. That the interception was not made in conformity
12994 with the warrant.

12995

12996 5. That the evidence sought to be introduced was
12997 illegally obtained.

12998
12999 6. That the warrant does not conform to the
13000 provisions of this section.

13001
13002 Q. Civil remedy.

13003
13004 Any aggrieved person whose oral or wire communications
13005 were intercepted, disclosed or used except as permitted or
13006 authorized by this section or whose personal or property
13007 interests or privacy were violated by means of an
13008 interception except as permitted or authorized by this
13009 section shall have a civil cause of action against any person
13010 who so intercepts, discloses or uses such communications
13011 or who so violates his personal, property or privacy interest,
13012 and shall be entitled to recover from any such person—

13013
13014 1. actual damages but not less than liquidated
13015 damages computed at the rate of \$100 per day for
13016 each day of violation or \$1000, whichever is higher;

13017
13018 2. punitive damages; and

13019
13020 3. a reasonable attorney's fee and other litigation
13021 disbursements reasonably incurred. Good faith
13022 reliance on a warrant issued under this section shall
13023 constitute a complete defense to an action brought
13024 under this paragraph.

13025

13026 507. On November 11, 2009, Defendant Daniel Mahoney
13027 individually, and in his official capacity, while acting under color
13028 of law as a Police Officer, for the Rockport Police Department, in
13029 Rockport, Massachusetts; did with other defendants violate,

13030 deprive, or infringe upon the civil rights of Plaintiff James M.
13031 Atkinson for the purposes of personal, political, and professional
13032 gains, without just cause, or lawful authority and did engage in
13033 Extortion of James M. Atkinson in contravention of law. By virtue
13034 of threatening criminal legal actions unless the shipment to
13035 Uzbekistan was made without the required licensees.

13036
13037 508. On November 11, 2009, Defendant Daniel Mahoney
13038 individually, and in his official capacity, while acting under color
13039 of law as a Police Officer, for the Rockport Police Department, in
13040 Rockport, Massachusetts; did with other defendants violate,
13041 deprive, or infringe upon the civil rights of Plaintiff James M.
13042 Atkinson for the purposes of personal, political, and professional
13043 gains, without just cause, or lawful authority and did engage in
13044 Arms Smuggling in violation of International Traffic in Arms
13045 Regulations (ITAR) 22 C.F.R. 120-130 in contravention of law. By
13046 virtue of threats and extortion against the Plaintiff Atkinson to ship
13047 goods to Uzbekistan prior to actual U.S. State Department licenses
13048 being issued for said shipment.

13049

13050 509. On November 11, 2009, Defendant Daniel Mahoney
13051 individually, and in his official capacity, while acting under color
13052 of law as a Police Officer, for the Rockport Police Department, in
13053 Rockport, Massachusetts; did with other defendants violate,
13054 deprive, or infringe upon the civil rights of Plaintiff James M.
13055 Atkinson for the purposes of personal, political, and professional
13056 gains, without just cause, or lawful authority and did engage in
13057 Arms Smuggling in violation of International Traffic in Arms
13058 Regulations (ITAR) 22 C.F.R. 121.1 XI(b) in contravention of law.
13059 By virtue of threats and extortion against the Plaintiff Atkinson to
13060 ship goods to Uzbekistan prior to actual U.S. State Department
13061 licenses being issued for said shipment.

13062
13063 510. On November 11, 2009, Defendant Daniel Mahoney
13064 individually, and in his official capacity, while acting under color
13065 of law as a Police Officer, for the Rockport Police Department, in
13066 Rockport, Massachusetts; did with other defendants violate,
13067 deprive, or infringe upon the civil rights of Plaintiff James M.
13068 Atkinson for the purposes of personal, political, and professional
13069 gains, without just cause, or lawful authority and did engage in

13070 Violation of the Arm Export Control Act in contravention of law.
13071 By virtue of threats and extortion against the Plaintiff Atkinson to
13072 ship goods to Uzbekistan prior to actual U.S. State Department
13073 licenses being issued for said shipment.

13074

13075 511. On November 11, 2009, Defendant Daniel Mahoney
13076 individually, and in his official capacity, while acting under color
13077 of law as a Police Officer, for the Rockport Police Department, in
13078 Rockport, Massachusetts; did with other defendants violate,
13079 deprive, or infringe upon the civil rights of Plaintiff James M.
13080 Atkinson for the purposes of personal, political, and professional
13081 gains, without just cause, or lawful authority and did engage in
13082 Violation of the Wassenaar Arrangement, and ML 11.a.c of the
13083 Arms Control International Treaty in contravention of law. By
13084 virtue of threats and extortion against the Plaintiff Atkinson to ship
13085 goods to Uzbekistan prior to actual U.S. State Department licenses
13086 being issued for said shipment.

13087

13088 512. On November 11, 2009, Defendant Daniel Mahoney
13089 individually, and in his official capacity, while acting under color

13090 of law as a Police Officer, for the Rockport Police Department, in
13091 Rockport, Massachusetts; did with other defendants violate,
13092 deprive, or infringe upon the civil rights of Plaintiff James M.
13093 Atkinson for the purposes of personal, political, and professional
13094 gains, without just cause, or lawful authority and did engage in
13095 Violation of Executive Order 11958 to Attempt Illegal Arms
13096 Exportation in contravention of law. By virtue of threats and
13097 extortion against the Plaintiff Atkinson to ship goods to Uzbekistan
13098 prior to actual U.S. State Department licenses being issued for said
13099 shipment.

13100

13101 **Rockport Police Department**
13102 **Defendant Mahoney Conspires with**
13103 **Defendant McDowell (FBI)**
13104 **and Defendant Wiroll (Customs)**

13105
13106 513. On or about November 25, 2009, Defendant Daniel Mahoney
13107 individually, and in his official capacity, while acting under color
13108 of law as a Police Officer, for the Rockport Police Department, in
13109 Rockport, Massachusetts; and Christian McDowell individually,
13110 and in his official capacity, while acting under color of law as a
13111 Federal Agent for the Federal Bureau of Investigation in Boston,
13112 Massachusetts; and Jamison F. Wiroll individually, and in his

13113 official capacity while acting under color of law as a Special Agent
13114 of the United States Customs Enforcement and the Department of
13115 Homeland Security did with other defendants violate, deprive, or
13116 infringe upon the civil rights of Plaintiff James M. Atkinson for the
13117 purposes of personal, political, and professional gains, without just
13118 cause, or lawful authority and did engage in Conspiracy against
13119 James M. Atkinson and who were acting in contravention of law.
13120 By way of the FBI intercepting document from the Government of
13121 Uzbekistan that was sent to GAZ Turbine in Switzerland and
13122 which was about to be forwarded to Plaintiff Atkinson which
13123 would effect the release of the shipment in question within days of
13124 these documents being provided from GAZ Turbine to Plaintiff
13125 Atkinson, and then the good released for export. The conspiracy
13126 was timed so that Plaintiff Atkinson would have just received the
13127 documents, but before shipment could be effected, as a few days
13128 beyond that the goods would be shipped and pending clearance by
13129 customs hands (and indeed they were). Their plan failed as the
13130 good had already been shipped upon receipt of the documents, but
13131 the Defendants were not aware of this. Indeed shipment had been
13132 effected and the order released before the arrest actually took place.

13133 a. The customer GAZ submitted two fraudulent end user
13134 certificate or letters, which were rejected as being
13135 insufficient to be used to file for an end user license with the
13136 U.S. State Department
13137
13138 b. The customer GAZ (AKA: GAZ Turbine Services) then
13139 submitted a third (now correct and complete) end user
13140 certificate that was dated November 23, 2009 and sent it to
13141 Plaintiff by E-Mail.
13142
13143 c. Of note is that this letter/certificate was finally in the proper
13144 format, with a proper seal, and a signature of a government
13145 official in Tashkent, Uzbekistan.
13146
13147 d. This third End User Certificate now from “Rustam
13148 Mansurov” of the “Deputy Chairman of the State Customs
13149 Committee and Centre of Electromagnetic Compatibility
13150 State Unitary Enterprise” of the “Information Agency of
13151 Uzbekistan” in Tashkent, Uzbekistan.
13152

13153 e. It should be noted that Mr. Rustam Mansurov is known to be
13154 an intelligence officer for the government of Uzbekistan,
13155 responsible for importing electronic surveillance and
13156 electronic counter-surveillance or electronic counter-
13157 measures and other equipment used by the intelligence and
13158 nuclear agencies from Belgium, Switzerland, and other
13159 European countries.

13160
13161 f. Mr. Rustam [Pulatovich] Mansurov is also an officer in the
13162 rank of Colonel in the National Security Service (SNB) of
13163 the Uzbekistan Intelligence Agency (previously known as
13164 the KGB or “Komitet gosudarstvennoy bezopasnosti” before
13165 it became the SNB), which from 2001 until the present date
13166 he has handled importation of weapons grade nuclear
13167 materials from Kazakhstan into Uzbekistan, and thence to
13168 Iran and other states.

13169
13170 g. Further, GTS or “GAZ Turbine Services, S.A.” is in the
13171 business of purchasing and brokering radioactive materials,
13172 including weapons grade nuclear materials and related

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minerals and equipment to and from Uzbekistan and
Kazakhstan.

- h. GAZ Turbine Services – GTS and Gazprom Germania Gmbh also operated under the name of “Zeromax Gmbh” as a Swiss registered, and also as “Zeromax, LLC” a Delaware corporation, but Uzbek controlled company owned by Uzbekistan President Islam Karimov's daughter, Gulnara Islomovna Karimova and the Minister of Finance Rustam Azimov, and operates in the United States and in Great Britain under the name “Oxus Gold”. Gulnora Karimovav, currently resides in Genva Switerland, Spain, Tashkent Uzbekistan and in Boston, MA.

- i. In the early stages of the negotiations of this transaction in February 2009, the customer in Switzerland repeated used the business name of “Zeromax” along with other names including “GAZ turbine” and “GTS”

13192 j. In February 2009, the customer was also informed that the
13193 actual end user needed to initiate contact with the U.S.
13194 Embassy in their area to initiate the pre-licensing inspections
13195 and interviews to facilitate the transaction being expedited
13196 for ITAR 121.1 XI(b) approvals once the end user letter was
13197 issued and the order was placed.
13198
13199 k. Weapons grade nuclear materials imports from Kazakhstan
13200 to Uzbekistan are also controlled by a U.S-owned Nukem
13201 Corporation and the Israeli company Metal-Tech Ltd on
13202 conjunction with Zeromax.
13203
13204 l. Zeromax also does business under the name of JV Bentonite
13205 and Uzbekneftegaz in Uzbekistan as Swiss registered
13206 companies.
13207
13208 m. Patrick Schneider of Schaffhausen, Switzerland is the owner
13209 or/and operator of 27 different other Swiss or Swiss-Uzbek
13210 companies, including “GTS Gaz Turbine Services SA.”
13211

13212 n. Patrick Schneider is engaged in the business of freight
13213 forwarding, mining, oil, and related industries, including
13214 brokering gold and other high value metals or minerals (such
13215 as Uranium and “yellow cake” used to make nuclear
13216 weapons).

13217
13218 o. Of note, is that in the first paragraph of this third end user
13219 certificate, dated November 23, 2009, the signatory (Colonel
13220 Rustam Pulatovich Mansurov) who is a government official
13221 in Uzbekistan acknowledges in this official document that
13222 that the U.S. State Department requires the granting of an
13223 individual export license for equipment of this nature.

13224
13225 “End User Certificate for presentation to the Export
13226 Control Authorities of the United States of America. In
13227 accordance with then regulations of the State
13228 Department of the United States granting of an
13229 individual export license is dependent on the
13230 presentation of and end-user certificate...”
13231

13232 p. Further, in fourth paragraph of the same document the
13233 signatory states:

13234
13235 “We (I) certify that the above-mentioned goods or any
13236 replica thereof will not be used in any nuclear explosive

13237 activity or unsafeguarded nuclear fuel-cycle activity;
13238 that the goods will not be used in any activities related
13239 to the development or production of chemical or
13240 biological weapons; that the goods will only be civil
13241 end-uses...”

13242
13243 q. This fourth paragraph is important, as it needlessly answers
13244 a question in regards to nuclear weapons and nuclear
13245 materials that had not yet been asked or posed in this
13246 transaction, and which was and is out of character for this
13247 type of equipment sale.

13248
13249 r. Nonetheless, the Government of Uzbekistan was purchasing
13250 this equipment so that they might transport it to Kazakhstan
13251 and render TSCM services on the transport rail cars, and
13252 then return the equipment and its operators back to
13253 Uzbekistan. The fourth paragraph does tend to specify the
13254 nuclear nature of the service to be provided.

13255
13256 s. The customer GTS, also sent a carbon copy of this end user
13257 certificate to the Rockport Police Department as a carbon
13258 copy.

13259

13260 t. Hence, Patrolman Mahoney knew full well at this point that
13261 the transaction could not have been consummated prior to
13262 this letter arriving, but that now that the letter was sent so
13263 that the State Department approval could be obtained and
13264 the goods shipped after appropriate approvals and licenses
13265 had been issued.

13266

13267 u. But, what is notable, is that Defendant Mahoney actually
13268 scrambled so fast to get the arrest warrant issued and to get
13269 criminal charges filed mere hours after the end user letter
13270 was sent, and before a reasonable time had passed for the
13271 goods to be shipped.

13272

13273 v. Defendant Mahoney did not wait for 3 weeks after the letter
13274 being issued, or two months, but, he instead waited for two
13275 business days (one actual “active business day”).

13276

13277 w. Indeed Defendant Mahoney was in such a rush to arrest
13278 Plaintiff Atkinson, that he neglected to get an arrest warrant,

13279 and certainly neglected to get the warrant actually signed by
13280 a Judge or Judge Magistrate.

13281

13282 x. Plaintiff received this end-user document on the evening of
13283 November 25, 2009.

13284

13285 y. Due to the Thanksgiving holiday on November 26, 2009,
13286 there was nothing Plaintiff could do at the time to further the
13287 transaction, as Research Electronics remained closed from
13288 November 25, 2009 until November 30, 2009 (which is
13289 normal for them, as they usually take the afternoon before
13290 Thanksgiving off).

13291

13292 z. As the end user letter was signed on November 23, 2009 in
13293 Uzbekistan, sent to Plaintiff by the intermediary customer in
13294 Switzerland on November 24, 2009 and received by Plaintiff
13295 late in the day on November 25, 2009, and sent by the
13296 intermediary next to a major national holiday it is
13297 unreasonable to expect a response of any sort until the
13298 Monday after the holiday (November 30, 2009).

13299

13300

aa. It should be noted that Patrolmen Daniel Mahoney of the

13301

Rockport Police Department knew full well about the

13302

holiday, and that he could reasonably expect that nothing

13303

could be done in regards to the End User Certificate dated

13304

November 23, 2009, as he knew (or should have known)

13305

that it required approval both of the manufacture and the U.S.

13306

Government, which he himself had a copy of directly from

13307

the intermediary (Paccaud of GTS).

13308

13309

bb. As Defendant Mahoney was working closely with REI in

13310

order to set up a fraud upon the court, once the End User

13311

Letter was in the hands of Research Electronics, and

13312

Research Electronics having been paid for the transaction, it

13313

would have been important for Defendant Mahoney to move

13314

quickly to arrest Plaintiff over the pending shipment, which

13315

he did, way too quickly.

13316

13317

cc. Plaintiff asserts that Defendants REI and Mahoney (and

13318

others) were actually in close communication the entire time

13319 (well prior to this date), and they once the EUC was sent to
13320 REI that there was panic with Defendant Mahoney that his
13321 case against Plaintiff Atkinson was collapsing.

13322
13323 dd. Further, Defendant Mahoney on the next business day of his
13324 receipt of the end user later (dated November 23, 2009), did
13325 file a fraudulent criminal complaint against Plaintiff
13326 Atkinson on November 30, 2009, without permitting
13327 reasonable time for the new end user letter to be reviewed by
13328 the government (U.S. State Department) and manufacture,
13329 and for shipment to be made of the goods, nor even
13330 sufficient time for the ITAR license to be issued by the U.S.
13331 Department of State PM/DDTC.

13332
13333 ee. Further, Patrolmen Mahoney rushed to arrest me, as he had
13334 good reason to believe that the goods would be in transit
13335 within mere hours or days of the end user certificate being
13336 approved as the manufacture had already been paid in full
13337 for the goods.

13338

13339 ff. Plaintiff Atkinson asserts that Defendant Mahoney fully
13340 understood that these goods are controlled and regulated
13341 military arms, restricted both by U.S. Law and by
13342 International Treaty, and thus it would be unlawful to export
13343 the goods before a proper State Department licenses were
13344 issued in regards to ITAR 121.1 XI(b) goods.

13345
13346 gg. In fact in the criminal complaint made by Mahoney he
13347 actually seems quite knowledgeable in regards to this
13348 equipment, and he provides a carefully (albeit fraudulent)
13349 statement taken almost verbatim from the REI website about
13350 the exportability of their goods, but fails to mention U.S.
13351 Statutes which directly contradict both the statements made
13352 by Defendant Mahoney and Research Electronics.

13353
13354 hh. Plaintiff asserts that Patrolmen Mahoney and others directed
13355 Paccaud (of GAZ Turbine) to obtain the end user certificate
13356 as close as possible (on November 23, 2009) to the
13357 Thanksgiving holiday as possible as they knew that
13358 Research Electronics would shut down around the holidays,

13359 and that there would be no movement on any paperwork
13360 from November 25, 2009 until November 30, 2009.

13361

13362 ii. Defendant Mahoney upon the next business day filed
13363 criminal charges claiming that now that Plaintiff Atkinson
13364 “had” the end user certificate that there was no further
13365 reason why the goods could not be shipped. The problem is,
13366 that Plaintiff Atkinson was allowed zero business days
13367 between the document being received, and the complaint
13368 being filed in bad faith.

13369

13370 jj. In fact, review of the official published statistics for license
13371 approval by the U.S. State Department for the time in
13372 question for ITAR 121.1 XI(b) (for this exact type of goods)
13373 reflect an actual delay of over 70 days as a minimum, and
13374 153 days for typical approval on related items. Thus, a delay
13375 of at least 70 days beyond the presentation of the end user
13376 certificate to Plaintiff would have been appropriate.

13377

13378 kk. Defendant Mahoney also feigned utter ignorance in regards
13379 to knowing who the Defendant Atkinson was in court papers,
13380 and pretends not to know that Plaintiff Atkinson was a long
13381 term well respected resident of the Town of Rockport, was a
13382 Town of Rockport employee, a local businessman, that
13383 Plaintiff Atkinson was a Town of Rockport EMT, that
13384 Defendant Mahoney had actually been to Plaintiff Atkinson
13385 home several times, that Defendant Mahoney had been
13386 present at the scene of numerous ambulance calls where
13387 Plaintiff Atkinson was summoned as an EMT to come assist.
13388 Defendant Mahoney, and that Plaintiff Atkinson was listed
13389 both on Town of Rockport “EMT” and “Emergency First
13390 Responder” on public safety rosters at the Rockport Police
13391 Station. Yet, on the records for the criminal case, Defendant
13392 Mahoney claims to have any of the knowledge he had.

13393
13394 i. Plaintiff was the only American Red Cross CPR
13395 Instructor on the entire North Shore at the time
13396 who was certified to teach not only professional
13397 level and healthcare CPR, but also oxygen

13398 administration, Epi-Pens, rescue inhalers, and
13399 other related topics, and to issue professional
13400 credentials to the Police, Fire, and to other EMTs,
13401 and to do so at no charge to anybody, it would not
13402 be unheard of for then to call Plaintiff to put on an
13403 emergency CPR or First Aid course.

13404
13405 ii. This credential as a Red Cross instructor at this
13406 level was a somewhat coveted
13407 profession credential, which other EMTs, Police
13408 Officers, and Firefighters in Rockport, Gloucester,
13409 Essex, Ipswich, Danvers, Beverly, and other cities
13410 had been unable to obtain.

13411
13412 iii. Hence, when police officers or EMT's discovered
13413 that their CPR cards were out of date they could
13414 come to Plaintiff at no charge to get them renewed
13415 after taking a recertification course or a re-test,
13416 and Plaintiff was authorized to issue certifications
13417 on behalf of the American Red Cross (for which

13418 Plaintiff charged nothing, and actually paid for all
13419 of the text books and other materials out of his
13420 own pocket).

13421
13422 iv. Plaintiff even had his own personal set of training
13423 equipment, mannequins, AEDS trainers, real, live
13424 AEDS, Oxygen tanks, regulators, masks, cannulas,
13425 pulse oximeters, other training aids, video
13426 projectors, other training aids, and so on.

13427
13428 v. Being the only Red Cross instructor at this level in
13429 the North Shore area, created great friction with
13430 Defendants Jane Carr, Rita Budrow, and Dianne
13431 Crudden as the three of them were issuing similar
13432 credentials from the American heart Association
13433 (for significant monetary gain) and all three
13434 claimed to Plaintiff that he “was taking food out of
13435 their mouths” by teaching free Red Cross courses,
13436 or for that matter offering any certifications that
13437 competed with the AHA course they were teaching.

13438

13439

vi. It is notable that Defendants Rita Burdow and Jane

13440

Carr were getting their blank CPR cards from

13441

Defendant Henry Michalski at Lyons Ambulance,

13442

the Defendant Michalski who pleaded guilty to

13443

being the head of an extensive EMT training fraud

13444

scandal.

13445

13446

ii. Even more curious, is that Defendant Mahoney contacted

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Defendant Lesch (who also know that Plaintiff Atkinson

13448

was a Town EMT, and who had been to Plaintiff Atkinson's

13449

home a number of times) on December 1, 2009 and did

13450

conspired to concealed form the court and the feign

13451

ignorance, but also to use Defendant Lesch to pinpoint

13452

where Plaintiff Atkinson would be home from school for the

13453

day so that Defendant Mahoney might unlawfully arrest

13454

Plaintiff Atkinson (at an address which Defendant Mahoney

13455

claim he knew nothing about, despite having been their

13456

many times).

13457

13458 mm. Paccaud (of GAZ) and Plaintiff engaged in several
13459 hours of debate and argument back and forth by phone
13460 about how TSCM and electronic counter-measure
13461 equipment requires an end user certificate under ITAR
13462 121.1, which he would alternately refuse to provide to
13463 Plaintiff, and then agree to provide, but claim that his
13464 customer had not provided it to him. Then he would
13465 refuse to even ask his customer for the document.

13466
13467 nn. It should be noted that his customer did not actually
13468 issue the End-user Certificate until November 23, 2009.

13469
13470 oo. Paccaud (of GAZ) and Plaintiff repeatedly discussed the
13471 requirement of the end user certificate well before he
13472 placed his order, and it was clear to him that no goods
13473 would ship until the letter was approved both by the
13474 manufacture of the goods and the U.S. Government. The
13475 manufacture and exported has to obtain the license from
13476 the U.S. State Department, who approves or denies the
13477 license based on their own work, the CIA, and DOD/DIA

13478 for the end user in question, but that it could take six (6)
13479 months for the shipment to be legally approved one the
13480 properly completed end user document was issued by
13481 the end user.

13482
13483 pp.GAZ Turbine ultimately did get the good by convincing
13484 Defendant Research Electronics to ship the arms absent any
13485 form of license form the U.S. State Department, and further
13486 had Research Electronics International falsify create
13487 shipping document to under-report the declared value of the
13488 shipment to only \$17,000.

13489
13490 qq.All that Defendant Mahoney really had to do is look in one
13491 of the drivers license databases that the Rockport Police
13492 Department maintain, the firearms databases, the “citizen
13493 databases” or even at the front page of the EMT or First
13494 Responder Rosters that were hanging in front of him is the
13495 same room on a clip board to see who the Plaintiff was.

13496

13497 rr. Failing that, all he had to do was ask his supervisor, or the
13498 Chief of Police if they knew who Plaintiff was as the Chief
13499 had been to school with the Plaintiff, as had all of the senior
13500 police officer in the department, including police officer who
13501 the Plaintiff has taught first aid, First Responder, CPR,
13502 oxygen, and related topic to at the Rockport Police Station.

13503
13504 ss. Plaintiff asserts that Defendant Mahoney knew who Plaintiff
13505 Atkinson was, knew exactly where Plaintiff lived, knew that
13506 Plaintiff had a legitimate home occupation permit from the
13507 Town of Rockport, and a legitimate business license from
13508 the City of Gloucester, AND that he had been to Plaintiffs
13509 house before, and he knew that as a registered voter, that
13510 Plaintiff was listed as a resident of 31R Broadway, and in
13511 short his claims about Plaintiff address are a fiction by him,
13512 and they prove his malicious intentions.

13513
13514 tt. The police chief knew about both the Plaintiffs residential
13515 and business address in full as did Defendants Tibert and
13516 Defendant Schmink as the four (including Plaintiff) had

13517 discussed Plaintiff business address during the FEMA
13518 course sponsored by the Plaintiff at the Rockport Police
13519 Department in 2008.

13520
13521 uu. Additionally, the Town of Rockport would have been
13522 neglectful of their duties had they not confirmed the
13523 residential and businesses addresses of a Town employed
13524 First Responder or a Town employed Emergency Medical
13525 Technician. Hence, there was no mystery about where the
13526 Plaintiff lived and works, and what he did as a living outside
13527 of a volunteer EMT for the Town of Rockport.

13528
13529 vv. Defendant Mahoney is totally full of fictions, or the Town
13530 does not endeavor to perform the most basic of background
13531 checks on any public safety employees, with deliberate
13532 indifference to the safety of the public... pick your poison, it
13533 cannot be both ways.

13534
13535 ww. Plaintiff asserts that he was very well checked out before
13536 being given the combination to the ambulance garage, the

13537 keys to the Town ambulances, unrestricted access to the
13538 drug lockers. Defendant Mahoney knew full well that
13539 Plaintiff was a Town EMT, who lived only 120 feet from the
13540 ambulance bay, and that Plaintiff had been on hundreds of
13541 ambulance calls, including ones in which Defendant
13542 Mahoney and Plaintiff Atkinson lifted the patient into the
13543 back of the ambulance.

13544
13545 xx. Plaintiff Atkinson also assert that Defendant Mahoney and
13546 all of the other Rockport Police officers knew that Plaintiff
13547 was a disabled veteran, and that Plaintiff routinely had to
13548 request extra assistant of police in getting a patient loaded
13549 up due to a service connected bad back, bad knees, and
13550 ankle disabilities, but that it was better to have a disabled
13551 veteran who was willing to make EMT calls and render
13552 competent medical services, albeit with orthopedic
13553 disabilities), then to have no EMT.

13554
13555 yy. Defendant Mahoney had even driven Plaintiff home several
13556 times from ambulance runs where there too many people

13557 (EMT's or Fireman) on a run, and Plaintiff was ask by
13558 Rosemarie Lesch to return to his home and to standby with
13559 an second EMT to responded to other calls that may come in
13560 as the currently call was going to tie up most of the current
13561 crew. This same Defendant Mahoney had repeatedly driven
13562 Defendant home, knew where Plaintiff Atkinson lived, knew
13563 that I was a well respected EMT for the Town, and there is
13564 no reason for him to feign ignorance of either who Plaintiff
13565 Atkinson was or where he lived.

13566
13567 zz. Plaintiff further asserts, that from mid-April 2009 until
13568 November 30, 2009, that usually he wore dark blue mock
13569 turtle necks or T-shirts with name embroidered on them, and
13570 that officer Mahoney knew both Plaintiffs name, had seen
13571 Plaintiffs face, knew Plaintiff was trusted Town employed
13572 EMT, and there was no confusion as to who, or what
13573 Plaintiff was.

13574
13575 aaa. Plaintiff purchased matching winter coat and a stack of
13576 these shirts as other EMT's other showed up for calls

13577 dressed like slobs, wearing clothes covered in grim, grease,
13578 sweat, and rarely washed their “ambulance clothes”, and for
13579 the most part they refused to identify themselves to patients,
13580 who many regarded with an abundance of contempt. A
13581 number of EMT’s also reeked of body odor and would often
13582 have a patients blood, urine, feces, or spit on their clothing
13583 for days and often weeks at a time.

13584
13585 bbb. Also, when Plaintiff Atkinson joined the Ambulance
13586 department in February or March of 2008, he made it clear
13587 on the written employment application, and during the
13588 interview that he was a service connected disabled veteran,
13589 who had suffered long term knee, ankle and back injuries
13590 which required the wearing orthopedic shoes and knee and
13591 ankles braces, and that he have significant problems with
13592 arthritis which make it difficult to walk at times, especially
13593 in cold weather. Plaintiff explained that periodically the
13594 arthritis would flare up and that he would be unable perform
13595 ambulance calls when I did, or if I went on the call, it would
13596 be with impaired physical abilities. Plaintiff also explained

13597 that he could not do any heavy lifting because of his
13598 disabilities, and that he periodically required a cane to be
13599 able to walk. These disabilities were acceptable to
13600 Defendant Lesch (acting as head of the ambulance
13601 department) as she needed by high level of medical
13602 competency and maturity, and not just another head strong
13603 fireman.

13604
13605 ccc. Further, because of the benefit of Plaintiffs very close
13606 proximity to the ambulance station Plaintiff was often able
13607 to prepare the ambulance to depart on emergency calls
13608 within in mere seconds of the call coming in, and move it
13609 out of the ambulance bay, and get the directions to the
13610 incident scene planned out, and initiate the call paperwork.
13611 Then when the second EMT arrived at the ambulance garage
13612 (or I drove the ambulance alone, to meet another EMT on
13613 scene) the patient greatly benefited by this much faster
13614 response.

13615

13616 ddd. In fact, there were numerous calls where only one EMT
13617 besides the Plaintiff showed up, and had he not been there
13618 the ambulance would not have been able to roll as legally
13619 two EMTs are required by state law for any patient transport.

13620
13621 eee. While Plaintiff was physically disabled as a result of his
13622 military service, it did in no way affect his ability to perform
13623 medical services, to drive the ambulance and impacted only
13624 patient movement. But again, since Ambulance Crews
13625 almost always had a group of police officers, and fire fighters
13626 (who lacked EMT credentials) at each scene they were often
13627 involved in the movement of the patient, and hence the
13628 Plaintiffs physical disability was well compensated for.

13629
13630 fff. Because of Plaintiffs disability, during cold weather the
13631 ambulance crews would often pick up or drop off right
13632 Plaintiff at the front of his house when staffing was limited,
13633 so that the department were able to rapidly assemble the
13634 required crew of two EMT's (Plaintiff and one other EMT).

13635

13636 514. On or about November 25, 2009, Defendant Daniel Mahoney
13637 individually, and in his official capacity, while acting under color
13638 of law as a Police Officer, for the Rockport Police Department, in
13639 Rockport, Massachusetts; and Christian McDowell individually,
13640 and in his official capacity, while acting under color of law as a
13641 Federal Agent for the Federal Bureau of Investigation in Boston,
13642 Massachusetts; and Jamison F. Wiroll individually, and in his
13643 official capacity while acting under color of law as a Special Agent
13644 of the United States Customs Enforcement and the Department of
13645 Homeland Security did with other defendants violate, deprive, or
13646 infringe upon the civil rights of Plaintiff James M. Atkinson for the
13647 purposes of personal, political, and professional gains, without just
13648 cause, or lawful authority and did engage in Neglect to Prevent
13649 Civil Rights Violations of James M. Atkinson in contravention of
13650 law. By way of the Defendants knowing that the goods were about
13651 to ship, but to deprive Plaintiff Atkinson of his civil rights did
13652 nothing to stop the arrest of Plaintiff Atkinson, or to stop the
13653 search and seizure of his property, or assault and battery upon his
13654 person, theft of his possessions, and other notable criminal acts.

13655

13656 515. On or about November 25, 2009, Defendant Daniel Mahoney
13657 individually, and in his official capacity, while acting under color
13658 of law as a Police Officer, for the Rockport Police Department, in
13659 Rockport, Massachusetts; and Christian McDowell individually,
13660 and in his official capacity, while acting under color of law as a
13661 Federal Agent for the Federal Bureau of Investigation in Boston,
13662 Massachusetts; and Jamison F. Wiroll individually, and in his
13663 official capacity while acting under color of law as a Special Agent
13664 of the United States Customs Enforcement and the Department of
13665 Homeland Security did with other defendants violate, deprive, or
13666 infringe upon the civil rights of Plaintiff James M. Atkinson for the
13667 purposes of personal, political, and professional gains, without just
13668 cause, or lawful authority and did engage in Conspiracy to Injure
13669 Citizens in the Exercise of Federal Rights of James M. Atkinson in
13670 contravention of law. By way of the Defendants knowing that the
13671 goods were about to ship, but to deprive Plaintiff Atkinson of his
13672 civil rights did nothing to stop the arrest of Plaintiff Atkinson, or to
13673 stop the search and seizure of his property, or assault and battery
13674 upon his person, theft of his possessions, and other notable
13675 criminal acts.

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516. On or about November 25, 2009, Defendant Daniel Mahoney individually, and in his official capacity, while acting under color of law as a Police Officer, for the Rockport Police Department, in Rockport, Massachusetts; and Christian McDowell individually, and in his official capacity, while acting under color of law as a Federal Agent for the Federal Bureau of Investigation in Boston, Massachusetts; and Jamison F. Wiroll individually, and in his official capacity while acting under color of law as a Special Agent of the United States Customs Enforcement and the Department of Homeland Security did with other defendants violate, deprive, or infringe upon the civil rights of Plaintiff James M. Atkinson for the purposes of personal, political, and professional gains, without just cause, or lawful authority and did engage in Deprivation of Rights, Privileges, or Immunities - Pattern or Practice of Conduct against James M. Atkinson in contravention of law. By way of the Defendants knowing that the goods were about to ship, but to deprive Plaintiff Atkinson of his civil rights did nothing to stop the arrest of Plaintiff Atkinson, or to stop the search and seizure of his

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property, or assault and battery upon his person, theft of his possessions, and other notable criminal acts.

517. On or about November 25, 2009, Defendant Daniel Mahoney individually, and in his official capacity, while acting under color of law as a Police Officer, for the Rockport Police Department, in Rockport, Massachusetts; and Christian McDowell individually, and in his official capacity, while acting under color of law as a Federal Agent for the Federal Bureau of Investigation in Boston, Massachusetts; and Jamison F. Wiroll individually, and in his official capacity while acting under color of law as a Special Agent of the United States Customs Enforcement and the Department of Homeland Security did with other defendants violate, deprive, or infringe upon the civil rights of Plaintiff James M. Atkinson for the purposes of personal, political, and professional gains, without just cause, or lawful authority and did engage in Conspiracy for the False Arrest and/or Kidnapping of James M. Atkinson in contravention of law.

13714 518. On or about November 25, 2009, Defendant Daniel Mahoney
13715 individually, and in his official capacity, while acting under color
13716 of law as a Police Officer, for the Rockport Police Department, in
13717 Rockport, Massachusetts; and Christian McDowell individually,
13718 and in his official capacity, while acting under color of law as a
13719 Federal Agent for the Federal Bureau of Investigation in Boston,
13720 Massachusetts; and Jamison F. Wiroll individually, and in his
13721 official capacity while acting under color of law as a Special Agent
13722 of the United States Customs Enforcement and the Department of
13723 Homeland Security did with other defendants violate, deprive, or
13724 infringe upon the civil rights of Plaintiff James M. Atkinson for the
13725 purposes of personal, political, and professional gains, without just
13726 cause, or lawful authority and did engage in Conspiracy to Arrest
13727 on False Pretence of James M. Atkinson in contravention of law.
13728 By way of the Defendants knowing that no criminal act had taken
13729 place, nor was likely to take place did agree to arrest on false
13730 pretense, and to fabricate a criminal case, where there was no
13731 wrong doing.

13732

13733 519. On or about November 25, 2009, Defendant Daniel Mahoney
13734 individually, and in his official capacity, while acting under color
13735 of law as a Police Officer, for the Rockport Police Department, in
13736 Rockport, Massachusetts; and Christian McDowell individually,
13737 and in his official capacity, while acting under color of law as a
13738 Federal Agent for the Federal Bureau of Investigation in Boston,
13739 Massachusetts; and Jamison F. Wiroll individually, and in his
13740 official capacity while acting under color of law as a Special Agent
13741 of the United States Customs Enforcement and the Department of
13742 Homeland Security did with other defendants violate, deprive, or
13743 infringe upon the civil rights of Plaintiff James M. Atkinson for the
13744 purposes of personal, political, and professional gains, without just
13745 cause, or lawful authority and did engage in Conspiracy to Falsely
13746 Imprison James M. Atkinson in contravention of law. By way of
13747 the Defendants knowing that no criminal act had taken place, nor
13748 was likely to take place did agree to falsely imprison, and to
13749 fabricate a criminal case, where there was no wrong doing.

13750
13751 520. On or about November 25, 2009, Defendant Daniel Mahoney
13752 individually, and in his official capacity, while acting under color

13753 of law as a Police Officer, for the Rockport Police Department, in
13754 Rockport, Massachusetts; and Christian McDowell individually,
13755 and in his official capacity, while acting under color of law as a
13756 Federal Agent for the Federal Bureau of Investigation in Boston,
13757 Massachusetts; and Jamison F. Wiroll individually, and in his
13758 official capacity while acting under color of law as a Special Agent
13759 of the United States Customs Enforcement and the Department of
13760 Homeland Security did with other defendants violate, deprive, or
13761 infringe upon the civil rights of Plaintiff James M. Atkinson for the
13762 purposes of personal, political, and professional gains, without just
13763 cause, or lawful authority and did engage in Conspiracy for Willful
13764 Deprivations of Federal Rights Under Color of Law of James M.
13765 Atkinson in contravention of law. By way of the Defendants
13766 knowing that no criminal act had taken place, nor was likely to
13767 take place did agree to deprive Plaintiff of his civil rights, and to
13768 fabricate a criminal case, where there was no wrong doing.

13769
13770 521. On or about November 25, 2009, Defendant Daniel Mahoney
13771 individually, and in his official capacity, while acting under color
13772 of law as a Police Officer, for the Rockport Police Department, in

13773 Rockport, Massachusetts; and Christian McDowell individually,
13774 and in his official capacity, while acting under color of law as a
13775 Federal Agent for the Federal Bureau of Investigation in Boston,
13776 Massachusetts; and Jamison F. Wiroll individually, and in his
13777 official capacity while acting under color of law as a Special Agent
13778 of the United States Customs Enforcement and the Department of
13779 Homeland Security did with other defendants violate, deprive, or
13780 infringe upon the civil rights of Plaintiff James M. Atkinson for the
13781 purposes of personal, political, and professional gains, without just
13782 cause, or lawful authority and did engage in Conspiracy to
13783 Interference with Federally Protected Activities of James M.
13784 Atkinson in contravention of law. By way of the Defendants
13785 knowing that no criminal act had taken place, nor was likely to
13786 take place did agree to deprive Plaintiff of his civil rights, and to
13787 fabricate a criminal case, where there was no wrong doing.

13788
13789 522. On or about November 25, 2009, Defendant Daniel Mahoney
13790 individually, and in his official capacity, while acting under color
13791 of law as a Police Officer, for the Rockport Police Department, in
13792 Rockport, Massachusetts; and Christian McDowell individually,

13793 and in his official capacity, while acting under color of law as a
13794 Federal Agent for the Federal Bureau of Investigation in Boston,
13795 Massachusetts; and Jamison F. Wiroll individually, and in his
13796 official capacity while acting under color of law as a Special Agent
13797 of the United States Customs Enforcement and the Department of
13798 Homeland Security did with other defendants violate, deprive, or
13799 infringe upon the civil rights of Plaintiff James M. Atkinson for the
13800 purposes of personal, political, and professional gains, without just
13801 cause, or lawful authority and did engage in Conspiracy to
13802 Interfere with Civil Rights of James M. Atkinson in contravention
13803 of law. By way of the Defendants knowing that no criminal act had
13804 taken place, nor was likely to take place did agree to deprive
13805 Plaintiff of his civil rights, and to fabricate a criminal case, where
13806 there was no wrong doing.

13807
13808 523. On or about November 25, 2009, Defendant Daniel Mahoney
13809 individually, and in his official capacity, while acting under color
13810 of law as a Police Officer, for the Rockport Police Department, in
13811 Rockport, Massachusetts; and Christian McDowell individually,
13812 and in his official capacity, while acting under color of law as a

13813 Federal Agent for the Federal Bureau of Investigation in Boston,
13814 Massachusetts; and Jamison F. Wiroll individually, and in his
13815 official capacity while acting under color of law as a Special Agent
13816 of the United States Customs Enforcement and the Department of
13817 Homeland Security did with other defendants violate, deprive, or
13818 infringe upon the civil rights of Plaintiff James M. Atkinson for the
13819 purposes of personal, political, and professional gains, without just
13820 cause, or lawful authority and did engage in Conspiracy to
13821 Interfere in the International Commerce of James M. Atkinson in
13822 contravention of law. By way of the Defendants knowing that no
13823 criminal act had taken place, nor was likely to take place did agree
13824 to deprive Plaintiff of his civil rights, and to fabricate a criminal
13825 case, where there was no wrong doing.

13826
13827 524. On or about November 25, 2009, Defendant Daniel Mahoney
13828 individually, and in his official capacity, while acting under color
13829 of law as a Police Officer, for the Rockport Police Department, in
13830 Rockport, Massachusetts; and Christian McDowell individually,
13831 and in his official capacity, while acting under color of law as a
13832 Federal Agent for the Federal Bureau of Investigation in Boston,

13833 Massachusetts; and Jamison F. Wiroll individually, and in his
13834 official capacity while acting under color of law as a Special Agent
13835 of the United States Customs Enforcement and the Department of
13836 Homeland Security did with other defendants violate, deprive, or
13837 infringe upon the civil rights of Plaintiff James M. Atkinson for the
13838 purposes of personal, political, and professional gains, without just
13839 cause, or lawful authority and did engage in Conspiracy to
13840 Interfere in the Inter-State Commerce of James M. Atkinson in
13841 contravention of law. By way of the Defendants knowing that no
13842 criminal act had taken place, nor was likely to take place did agree
13843 to deprive Plaintiff of his civil rights, and to fabricate a criminal
13844 case, where there was no wrong doing.

13845
13846 525. On or about November 25, 2009, Defendant Daniel Mahoney
13847 individually, and in his official capacity, while acting under color
13848 of law as a Police Officer, for the Rockport Police Department, in
13849 Rockport, Massachusetts; and Christian McDowell individually,
13850 and in his official capacity, while acting under color of law as a
13851 Federal Agent for the Federal Bureau of Investigation in Boston,
13852 Massachusetts; and Jamison F. Wiroll individually, and in his

13853 official capacity while acting under color of law as a Special Agent
13854 of the United States Customs Enforcement and the Department of
13855 Homeland Security did with other defendants violate, deprive, or
13856 infringe upon the civil rights of Plaintiff James M. Atkinson for the
13857 purposes of personal, political, and professional gains, without just
13858 cause, or lawful authority and did engage in Accessory Before the
13859 Fact against James M. Atkinson in contravention of law. By way
13860 of the Defendants knowing that no criminal act had taken place,
13861 nor was likely to take place did agree to deprive Plaintiff of his
13862 civil rights, and to fabricate a criminal case, where there was no
13863 wrong doing.

13864
13865 526. On or about November 25, 2009, Defendant Daniel Mahoney
13866 individually, and in his official capacity, while acting under color
13867 of law as a Police Officer, for the Rockport Police Department, in
13868 Rockport, Massachusetts; and Christian McDowell individually,
13869 and in his official capacity, while acting under color of law as a
13870 Federal Agent for the Federal Bureau of Investigation in Boston,
13871 Massachusetts; and Jamison F. Wiroll individually, and in his
13872 official capacity while acting under color of law as a Special Agent

13873 of the United States Customs Enforcement and the Department of
13874 Homeland Security did with other defendants violate, deprive, or
13875 infringe upon the civil rights of Plaintiff James M. Atkinson for the
13876 purposes of personal, political, and professional gains, without just
13877 cause, or lawful authority and did engage in Accessory After the
13878 Fact against James M. Atkinson in contravention of law. By way
13879 of the Defendants knowing that no criminal act had taken place,
13880 nor was likely to take place did agree to deprive Plaintiff of his
13881 civil rights, and to fabricate a criminal case, where there was no
13882 wrong doing.

13883
13884 527. On or about November 25, 2009, Defendant Daniel Mahoney
13885 individually, and in his official capacity, while acting under color
13886 of law as a Police Officer, for the Rockport Police Department, in
13887 Rockport, Massachusetts; and Christian McDowell individually,
13888 and in his official capacity, while acting under color of law as a
13889 Federal Agent for the Federal Bureau of Investigation in Boston,
13890 Massachusetts; and Jamison F. Wiroll individually, and in his
13891 official capacity while acting under color of law as a Special Agent
13892 of the United States Customs Enforcement and the Department of

13893 Homeland Security did with other defendants violate, deprive, or
13894 infringe upon the civil rights of Plaintiff James M. Atkinson for the
13895 purposes of personal, political, and professional gains, without just
13896 cause, or lawful authority and did engage in Wire Fraud against
13897 James M. Atkinson in contravention of law. By way of the
13898 Defendants knowing that no criminal act had taken place, nor was
13899 likely to take place did agree to deprive Plaintiff of his civil rights,
13900 and to fabricate a criminal case, where there was no wrong doing.

13901

13902 528. On or about November 25, 2009, Defendant Daniel Mahoney
13903 individually, and in his official capacity, while acting under color
13904 of law as a Police Officer, for the Rockport Police Department, in
13905 Rockport, Massachusetts; and Christian McDowell individually,
13906 and in his official capacity, while acting under color of law as a
13907 Federal Agent for the Federal Bureau of Investigation in Boston,
13908 Massachusetts; and Jamison F. Wiroll individually, and in his
13909 official capacity while acting under color of law as a Special Agent
13910 of the United States Customs Enforcement and the Department of
13911 Homeland Security did with other defendants violate, deprive, or
13912 infringe upon the civil rights of Plaintiff James M. Atkinson for the

13913 purposes of personal, political, and professional gains, without just
13914 cause, or lawful authority and did engage in Obstruction of Justice
13915 against James M. Atkinson in contravention of law. By way of the
13916 Defendants knowing that no criminal act had taken place, nor was
13917 likely to take place did agree to deprive Plaintiff of his civil rights,
13918 and to fabricate a criminal case, where there was no wrong doing.

13919
13920 **Rockport Police Department**
13921 **Defendant Mahoney Conspires with Defendant McDowell (FBI)**
13922 **and Defendant Wiroll (Customs) to Initiate a Scheme to**
13923 **Defraud the Court, and Scheme and Conspire to Commit**
13924 **Perjury, and to Violate Civil Rights with Defendant**
13925 **McDowell (FBI) and Defendant Wiroll (Customs)**
13926 **In Regards to Concealing Approval Times for**
13927 **22 CR 121.1 XI(b) by DOS-PM/DDTC ITAR/WA Licenses**
13928
13929

13930 529. On or about November 25, 2009, Defendant Daniel Mahoney
13931 individually, and in his official capacity, while acting under color
13932 of law as a Police Officer, for the Rockport Police Department, in
13933 Rockport, Massachusetts; and Christian McDowell individually,
13934 and in his official capacity, while acting under color of law as a
13935 Federal Agent for the Federal Bureau of Investigation in Boston,
13936 Massachusetts; and Jamison F. Wiroll individually, and in his
13937 official capacity while acting under color of law as a Special Agent
of the United States Customs Enforcement and the Department of

13938 Homeland Security did with other defendants violate, deprive, or
13939 infringe upon the civil rights of Plaintiff James M. Atkinson for the
13940 purposes of personal, political, and professional gains, without just
13941 cause, or lawful authority and did engage in Conspiracy against
13942 James M. Atkinson and who were acting in contravention of law.
13943 By means of conspiring to conceal that the normal U.S.
13944 Government approval time of a ITAR 121.1 XI(b) product in
13945 November 2009 was a median (or average) governmental approval
13946 license delay by the U.S. Department of State PM/DDTC of 143.8
13947 days (ranging on 70 to 190 days depending upon the candor the
13948 end user provided to the U.S. State Department) after the customer
13949 provided the properly completed End User Letter or End User
13950 Certificate. As Defendants Mahoney was provided a copy of this
13951 original end user certification letter from the Government of
13952 Uzbekistan on 11/24/2009, then he knew or should have known
13953 that this document would begin a licensing approval period by the
13954 U.S. Department of State PM/DDTC Division of roughly 143.8
13955 days. Defendants Mahoney, McDowell, and Wiroll did conspired
13956 by means of concealing this vitally important fact of this they had
13957 knowledge of from the courts so that Mahoney could file criminal

13958 charges against Atkinson, even though Atkinson had done nothing
13959 wrong.

13960
13961 530. On or about November 25, 2009, Defendant Daniel Mahoney
13962 individually, and in his official capacity, while acting under color
13963 of law as a Police Officer, for the Rockport Police Department, in
13964 Rockport, Massachusetts; and Christian McDowell individually,
13965 and in his official capacity, while acting under color of law as a
13966 Federal Agent for the Federal Bureau of Investigation in Boston,
13967 Massachusetts; and Jamison F. Wiroll individually, and in his
13968 official capacity while acting under color of law as a Special Agent
13969 of the United States Customs Enforcement and the Department of
13970 Homeland Security did with other defendants violate, deprive, or
13971 infringe upon the civil rights of Plaintiff James M. Atkinson for the
13972 purposes of personal, political, and professional gains, without just
13973 cause, or lawful authority and did engage in Obstructing of Justice
13974 against James M. Atkinson and who were acting in contravention
13975 of law. By means of conspiring to conceal that the normal U.S.
13976 Government approval time of a ITAR 121.1 XI(b) product in
13977 November 2009 was a median (or average) governmental approval

13978 license delay by the U.S. Department of State PM/DDTC of 143.8
13979 days (ranging on 70 to 190 days depending upon the candor the
13980 end user provided the U.S. State Department) after the customer
13981 provided the property completed End User Letter or End User
13982 Certificate. As Defendants Mahoney was provided a copy of this
13983 original end user certification letter from the Government of
13984 Uzbekistan on 11/24/2009, then he knew or should have known
13985 that this document would begin a licensing approval period by the
13986 U.S. Department of State PM/DDTC Division of roughly 143.8
13987 days. Defendants Mahoney, McDowell, and Wiroll did conspired
13988 by means of concealing this vitally important fact of this they had
13989 knowledge of.

13990
13991 531. On or about November 25, 2009, Defendant Daniel Mahoney
13992 individually, and in his official capacity, while acting under color
13993 of law as a Police Officer, for the Rockport Police Department, in
13994 Rockport, Massachusetts; and Christian McDowell individually,
13995 and in his official capacity, while acting under color of law as a
13996 Federal Agent for the Federal Bureau of Investigation in Boston,
13997 Massachusetts; and Jamison F. Wiroll individually, and in his

13998 official capacity while acting under color of law as a Special Agent
13999 of the United States Customs Enforcement and the Department of
14000 Homeland Security did with other defendants violate, deprive, or
14001 infringe upon the civil rights of Plaintiff James M. Atkinson for the
14002 purposes of personal, political, and professional gains, without just
14003 cause, or lawful authority and did engage in Wire Fraud against
14004 James M. Atkinson and who were acting in contravention of law.
14005 By means of conspiring to conceal that the normal U.S.
14006 Government approval time of a ITAR 121.1 XI(b) product in
14007 November 2009 was a median (or average) governmental approval
14008 license delay by the U.S. Department of State PM/DDTC of 143.8
14009 days (ranging on 70 to 190 days depending upon the candor the
14010 end user provided the U.S. State Department) after the customer
14011 provided the property completed End User Letter or End User
14012 Certificate. As Defendants Mahoney was provided a copy of this
14013 original end user certification letter from the Government of
14014 Uzbekistan on 11/24/2009, then he knew or should have known
14015 that this document would begin a licensing approval period by the
14016 U.S. Department of State PM/DDTC Division of roughly 143.8
14017 days. Defendants Mahoney, McDowell, and Wiroll did conspired

14018 by means of concealing this vitally important fact of this they had
14019 knowledge of.

14020
14021 532. On or about November 25, 2009, Defendant Daniel Mahoney
14022 individually, and in his official capacity, while acting under color
14023 of law as a Police Officer, for the Rockport Police Department, in
14024 Rockport, Massachusetts; and Christian McDowell individually,
14025 and in his official capacity, while acting under color of law as a
14026 Federal Agent for the Federal Bureau of Investigation in Boston,
14027 Massachusetts; and Jamison F. Wiroll individually, and in his
14028 official capacity while acting under color of law as a Special Agent
14029 of the United States Customs Enforcement and the Department of
14030 Homeland Security did with other defendants violate, deprive, or
14031 infringe upon the civil rights of Plaintiff James M. Atkinson for the
14032 purposes of personal, political, and professional gains, without just
14033 cause, or lawful authority and did Conspire to Engage in Perjury
14034 against James M. Atkinson and who were acting in contravention
14035 of law. By means of conspiring to conceal that the normal U.S.
14036 Government approval time of a ITAR 121.1 XI(b) product in
14037 November 2009 was a median (or average) governmental approval

14038 license delay by the U.S. Department of State PM/DDTC of 143.8
14039 days (ranging on 70 to 190 days depending upon the candor the
14040 end user provided the U.S. State Department) after the customer
14041 provided the property completed End User Letter or End User
14042 Certificate. As Defendants Mahoney was provided a copy of this
14043 original end user certification letter from the Government of
14044 Uzbekistan on 11/24/2009, then he knew or should have known
14045 that this document would begin a licensing approval period by the
14046 U.S. Department of State PM/DDTC Division of roughly 143.8
14047 days. Defendants Mahoney, McDowell, and Wiroll did conspired
14048 by means of concealing this vitally important fact of this they had
14049 knowledge of.

14050
14051 533. On or about November 25, 2009, Defendant Daniel Mahoney
14052 individually, and in his official capacity, while acting under color
14053 of law as a Police Officer, for the Rockport Police Department, in
14054 Rockport, Massachusetts; and Christian McDowell individually,
14055 and in his official capacity, while acting under color of law as a
14056 Federal Agent for the Federal Bureau of Investigation in Boston,
14057 Massachusetts; and Jamison F. Wiroll individually, and in his

14058 official capacity while acting under color of law as a Special Agent
14059 of the United States Customs Enforcement and the Department of
14060 Homeland Security did with other defendants violate, deprive, or
14061 infringe upon the civil rights of Plaintiff James M. Atkinson for the
14062 purposes of personal, political, and professional gains, without just
14063 cause, or lawful authority and did engage in Conspiracy to Injure
14064 Citizens in the Exercise of Federal Rights of James M. Atkinson in
14065 contravention of law. By means of conspiring to conceal that the
14066 normal U.S. Government approval time of a ITAR 121.1 XI(b)
14067 product in November 2009 was a median (or average)
14068 governmental approval license delay by the U.S. Department of
14069 State PM/DDTC of 143.8 days (ranging on 70 to 190 days
14070 depending upon the candor the end user provided the U.S. State
14071 Department) after the customer provided the property completed
14072 End User Letter or End User Certificate. As Defendants Mahoney
14073 was provided a copy of this original end user certification letter
14074 from the Government of Uzbekistan on 11/24/2009, then he knew
14075 or should have known that this document would begin a licensing
14076 approval period by the U.S. Department of State PM/DDTC
14077 Division of roughly 143.8 days. Defendants Mahoney, McDowell,

14078 and Wiroll did conspired by means of concealing this vitally
14079 important fact of this they had knowledge of.

14080

14081 534. On or about November 25, 2009, Defendant Daniel Mahoney
14082 individually, and in his official capacity, while acting under color
14083 of law as a Police Officer, for the Rockport Police Department, in
14084 Rockport, Massachusetts; and Christian McDowell individually,
14085 and in his official capacity, while acting under color of law as a
14086 Federal Agent for the Federal Bureau of Investigation in Boston,
14087 Massachusetts; and Jamison F. Wiroll individually, and in his
14088 official capacity while acting under color of law as a Special Agent
14089 of the United States Customs Enforcement and the Department of
14090 Homeland Security did with other defendants violate, deprive, or
14091 infringe upon the civil rights of Plaintiff James M. Atkinson for the
14092 purposes of personal, political, and professional gains, without just
14093 cause, or lawful authority and did engage in Deprivation of Rights,
14094 Privileges, or Immunities - Pattern or Practice of Conduct against
14095 James M. Atkinson in contravention of law. By way of the
14096 Defendants knowing (or should have known) that the goods were
14097 awaiting approval by the U.S. States Department for release, but to

14098 deprive Plaintiff Atkinson of his civil rights and did nothing to stop
14099 the arrest of Plaintiff Atkinson, or to stop the search and seizure of
14100 his property, or assault and battery upon his person, theft of his
14101 possessions, and other notable criminal acts. By means of
14102 conspiring to conceal that the normal U.S. Government approval
14103 time of a ITAR 121.1 XI(b) product in November 2009 was a
14104 median (or average) governmental approval license delay by the
14105 U.S. Department of State PM/DDTC of 143.8 days (ranging on 70
14106 to 190 days depending upon the candor the end user provided the
14107 U.S. State Department) after the customer provided the property
14108 completed End User Letter or End User Certificate. As Defendants
14109 Mahoney was provided a copy of this original end user
14110 certification letter from the Government of Uzbekistan on
14111 11/24/2009, then he knew or should have known that this
14112 document would begin a licensing approval period by the U.S.
14113 Department of State PM/DDTC Division of roughly 143.8 days.
14114 Defendants Mahoney, McDowell, and Wiroll did conspired by
14115 means of concealing this vitally important fact of this they had
14116 knowledge of.

14117

14118 535. On or about November 25, 2009, Defendant Daniel Mahoney
14119 individually, and in his official capacity, while acting under color
14120 of law as a Police Officer, for the Rockport Police Department, in
14121 Rockport, Massachusetts; and Christian McDowell individually,
14122 and in his official capacity, while acting under color of law as a
14123 Federal Agent for the Federal Bureau of Investigation in Boston,
14124 Massachusetts; and Jamison F. Wiroll individually, and in his
14125 official capacity while acting under color of law as a Special Agent
14126 of the United States Customs Enforcement and the Department of
14127 Homeland Security did with other defendants violate, deprive, or
14128 infringe upon the civil rights of Plaintiff James M. Atkinson for the
14129 purposes of personal, political, and professional gains, without just
14130 cause, or lawful authority and did engage in Conspiracy to Arrest
14131 on False Pretence of James M. Atkinson in contravention of law.
14132 By way of the Defendants knowing that no criminal act had taken
14133 place, nor was By way of the Defendants knowing (or should have
14134 known) that the goods were awaiting approval by the U.S. States
14135 Department for release, but to deprive Plaintiff Atkinson of his
14136 civil rights and did nothing to stop the arrest of Plaintiff Atkinson,
14137 or to stop the search and seizure of his property, or assault and

14138 battery upon his person, theft of his possessions, and other notable
14139 criminal acts. By way of the Defendants knowing (or should have
14140 known) that the goods were awaiting approval by the U.S. States
14141 Department for release, but to deprive Plaintiff Atkinson of his
14142 civil rights and did nothing to stop the arrest of Plaintiff Atkinson,
14143 or to stop the search and seizure of his property, or assault and
14144 battery upon his person, theft of his possessions, and other notable
14145 criminal acts. By means of conspiring to conceal that the normal
14146 U.S. Government approval time of a ITAR 121.1 XI(b) product in
14147 November 2009 was a median (or average) governmental approval
14148 license delay by the U.S. Department of State PM/DDTC of 143.8
14149 days (ranging on 70 to 190 days depending upon the candor the
14150 end user provided the U.S. State Department) after the customer
14151 provided the property completed End User Letter or End User
14152 Certificate. As Defendants Mahoney was provided a copy of this
14153 original end user certification letter from the Government of
14154 Uzbekistan on 11/24/2009, then he knew or should have known
14155 that this document would begin a licensing approval period by the
14156 U.S. Department of State PM/DDTC Division of roughly 143.8
14157 days. Defendants Mahoney, McDowell, and Wiroll did conspired

14158 by means of concealing this vitally important fact of this they had
14159 knowledge

14160

14161 536. On or about November 25, 2009, Defendant Daniel Mahoney
14162 individually, and in his official capacity, while acting under color
14163 of law as a Police Officer, for the Rockport Police Department, in
14164 Rockport, Massachusetts; and Christian McDowell individually,
14165 and in his official capacity, while acting under color of law as a
14166 Federal Agent for the Federal Bureau of Investigation in Boston,
14167 Massachusetts; and Jamison F. Wiroll individually, and in his
14168 official capacity while acting under color of law as a Special Agent
14169 of the United States Customs Enforcement and the Department of
14170 Homeland Security did with other defendants violate, deprive, or
14171 infringe upon the civil rights of Plaintiff James M. Atkinson for the
14172 purposes of personal, political, and professional gains, without just
14173 cause, or lawful authority and did engage in Conspiracy to Falsely
14174 Imprison James M. Atkinson in contravention of law. By way of
14175 the Defendants knowing (or should have known) that the goods
14176 were awaiting approval by the U.S. States Department for release,
14177 but to deprive Plaintiff Atkinson of his civil rights and did nothing

14178 to stop the arrest of Plaintiff Atkinson, or to stop the search and
14179 seizure of his property, or assault and battery upon his person, theft
14180 of his possessions, and other notable criminal acts. By way of the
14181 Defendants knowing (or should have known) that the goods were
14182 awaiting approval by the U.S. States Department for release, but to
14183 deprive Plaintiff Atkinson of his civil rights and did nothing to stop
14184 the arrest of Plaintiff Atkinson, or to stop the search and seizure of
14185 his property, or assault and battery upon his person, theft of his
14186 possessions, and other notable criminal acts. By means of
14187 conspiring to conceal that the normal U.S. Government approval
14188 time of a ITAR 121.1 XI(b) product in November 2009 was a
14189 median (or average) governmental approval license delay by the
14190 U.S. Department of State PM/DDTC of 143.8 days (ranging on 70
14191 to 190 days depending upon the candor the end user provided the
14192 U.S. State Department) after the customer provided the property
14193 completed End User Letter or End User Certificate. As Defendants
14194 Mahoney was provided a copy of this original end user
14195 certification letter from the Government of Uzbekistan on
14196 11/24/2009, then he knew or should have known that this
14197 document would begin a licensing approval period by the U.S.

14198 Department of State PM/DDTC Division of roughly 143.8 days.
14199 Defendants Mahoney, McDowell, and Wiroll did conspired by
14200 means of concealing this vitally important fact of this they had
14201 knowledge

14202
14203 537. On or about November 25, 2009, Defendant Daniel Mahoney
14204 individually, and in his official capacity, while acting under color
14205 of law as a Police Officer, for the Rockport Police Department, in
14206 Rockport, Massachusetts; and Christian McDowell individually,
14207 and in his official capacity, while acting under color of law as a
14208 Federal Agent for the Federal Bureau of Investigation in Boston,
14209 Massachusetts; and Jamison F. Wiroll individually, and in his
14210 official capacity while acting under color of law as a Special Agent
14211 of the United States Customs Enforcement and the Department of
14212 Homeland Security did with other defendants violate, deprive, or
14213 infringe upon the civil rights of Plaintiff James M. Atkinson for the
14214 purposes of personal, political, and professional gains, without just
14215 cause, or lawful authority and did engage in Conspiracy for Willful
14216 Deprivations of Federal Rights Under Color of Law of James M.
14217 Atkinson in contravention of law. By way of the Defendants

14218 knowing (or should have known) that the goods were awaiting
14219 approval by the U.S. States Department for release, but to deprive
14220 Plaintiff Atkinson of his civil rights and did nothing to stop the
14221 arrest of Plaintiff Atkinson, or to stop the search and seizure of his
14222 property, or assault and battery upon his person, theft of his
14223 possessions, and other notable criminal acts. By way of the
14224 Defendants knowing (or should have known) that the goods were
14225 awaiting approval by the U.S. States Department for release, but to
14226 deprive Plaintiff Atkinson of his civil rights and did nothing to stop
14227 the arrest of Plaintiff Atkinson, or to stop the search and seizure of
14228 his property, or assault and battery upon his person, theft of his
14229 possessions, and other notable criminal acts. By means of
14230 conspiring to conceal that the normal U.S. Government approval
14231 time of a ITAR 121.1 XI(b) product in November 2009 was a
14232 median (or average) governmental approval license delay by the
14233 U.S. Department of State PM/DDTC of 143.8 days (ranging on 70
14234 to 190 days depending upon the candor the end user provided the
14235 U.S. State Department) after the customer provided the property
14236 completed End User Letter or End User Certificate. As Defendants
14237 Mahoney was provided a copy of this original end user

14238 certification letter from the Government of Uzbekistan on
14239 11/24/2009, then he knew or should have known that this
14240 document would begin a licensing approval period by the U.S.
14241 Department of State PM/DDTC Division of roughly 143.8 days.
14242 Defendants Mahoney, McDowell, and Wiroll did conspired by
14243 means of concealing this vitally important fact of this they had
14244 knowledge

14245
14246 538. On or about November 25, 2009, Defendant Daniel Mahoney
14247 individually, and in his official capacity, while acting under color
14248 of law as a Police Officer, for the Rockport Police Department, in
14249 Rockport, Massachusetts; and Christian McDowell individually,
14250 and in his official capacity, while acting under color of law as a
14251 Federal Agent for the Federal Bureau of Investigation in Boston,
14252 Massachusetts; and Jamison F. Wiroll individually, and in his
14253 official capacity while acting under color of law as a Special Agent
14254 of the United States Customs Enforcement and the Department of
14255 Homeland Security did with other defendants violate, deprive, or
14256 infringe upon the civil rights of Plaintiff James M. Atkinson for the
14257 purposes of personal, political, and professional gains, without just

14258 cause, or lawful authority and did engage in Conspiracy to
14259 Interference with Federally Protected Activities of James M.
14260 Atkinson in contravention of law. By way of the Defendants
14261 knowing (or should have known) that the goods were awaiting
14262 approval by the U.S. States Department for release, but to deprive
14263 Plaintiff Atkinson of his civil rights and did nothing to stop the
14264 arrest of Plaintiff Atkinson, or to stop the search and seizure of his
14265 property, or assault and battery upon his person, theft of his
14266 possessions, and other notable criminal acts. By way of the
14267 Defendants knowing (or should have known) that the goods were
14268 awaiting approval by the U.S. States Department for release, but to
14269 deprive Plaintiff Atkinson of his civil rights and did nothing to stop
14270 the arrest of Plaintiff Atkinson, or to stop the search and seizure of
14271 his property, or assault and battery upon his person, theft of his
14272 possessions, and other notable criminal acts. By means of
14273 conspiring to conceal that the normal U.S. Government approval
14274 time of a ITAR 121.1 XI(b) product in November 2009 was a
14275 median (or average) governmental approval license delay by the
14276 U.S. Department of State PM/DDTC of 143.8 days (ranging on 70
14277 to 190 days depending upon the candor the end user provided the

14278 U.S. State Department) after the customer provided the property
14279 completed End User Letter or End User Certificate. As Defendants
14280 Mahoney was provided a copy of this original end user
14281 certification letter from the Government of Uzbekistan on
14282 11/24/2009, then he knew or should have known that this
14283 document would begin a licensing approval period by the U.S.
14284 Department of State PM/DDTC Division of roughly 143.8 days.
14285 Defendants Mahoney, McDowell, and Wiroll did conspired by
14286 means of concealing this vitally important fact of this they had
14287 knowledge

14288
14289 539. On or about November 25, 2009, Defendant Daniel Mahoney
14290 individually, and in his official capacity, while acting under color
14291 of law as a Police Officer, for the Rockport Police Department, in
14292 Rockport, Massachusetts; and Christian McDowell individually,
14293 and in his official capacity, while acting under color of law as a
14294 Federal Agent for the Federal Bureau of Investigation in Boston,
14295 Massachusetts; and Jamison F. Wiroll individually, and in his
14296 official capacity while acting under color of law as a Special Agent
14297 of the United States Customs Enforcement and the Department of

14298 Homeland Security did with other defendants violate, deprive, or
14299 infringe upon the civil rights of Plaintiff James M. Atkinson for the
14300 purposes of personal, political, and professional gains, without just
14301 cause, or lawful authority and did engage in Conspiracy to
14302 Interfere with Civil Rights of James M. Atkinson in contravention
14303 of law. By way of the Defendants knowing that no criminal act had
14304 taken place, nor was likely to take place did agree to deprive
14305 Plaintiff of his civil rights, and to fabricate a criminal case, where
14306 there was no wrong doing. By way of the Defendants knowing (or
14307 should have known) that the goods were awaiting approval by the
14308 U.S. States Department for release, but to deprive Plaintiff
14309 Atkinson of his civil rights and did nothing to stop the arrest of
14310 Plaintiff Atkinson, or to stop the search and seizure of his property,
14311 or assault and battery upon his person, theft of his possessions, and
14312 other notable criminal acts. By way of the Defendants knowing (or
14313 should have known) that the goods were awaiting approval by the
14314 U.S. States Department for release, but to deprive Plaintiff
14315 Atkinson of his civil rights and did nothing to stop the arrest of
14316 Plaintiff Atkinson, or to stop the search and seizure of his property,
14317 or assault and battery upon his person, theft of his possessions, and

14318 other notable criminal acts. By means of conspiring to conceal that
14319 the normal U.S. Government approval time of a ITAR 121.1 XI(b)
14320 product in November 2009 was a median (or average)
14321 governmental approval license delay by the U.S. Department of
14322 State PM/DDTC of 143.8 days (ranging on 70 to 190 days
14323 depending upon the candor the end user provided the U.S. State
14324 Department) after the customer provided the property completed
14325 End User Letter or End User Certificate. As Defendants Mahoney
14326 was provided a copy of this original end user certification letter
14327 from the Government of Uzbekistan on 11/24/2009, then he knew
14328 or should have known that this document would begin a licensing
14329 approval period by the U.S. Department of State PM/DDTC
14330 Division of roughly 143.8 days. Defendants Mahoney, McDowell,
14331 and Wiroll did conspired by means of concealing this vitally
14332 important fact of this they had knowledge

14333

14334 540. On or about November 25, 2009, Defendant Daniel Mahoney
14335 individually, and in his official capacity, while acting under color
14336 of law as a Police Officer, for the Rockport Police Department, in
14337 Rockport, Massachusetts; and Christian McDowell individually,

14338 and in his official capacity, while acting under color of law as a
14339 Federal Agent for the Federal Bureau of Investigation in Boston,
14340 Massachusetts; and Jamison F. Wiroll individually, and in his
14341 official capacity while acting under color of law as a Special Agent
14342 of the United States Customs Enforcement and the Department of
14343 Homeland Security did with other defendants violate, deprive, or
14344 infringe upon the civil rights of Plaintiff James M. Atkinson for the
14345 purposes of personal, political, and professional gains, without just
14346 cause, or lawful authority and did engage in Conspiracy to
14347 Interfere in the International Commerce of James M. Atkinson in
14348 contravention of law. By way of the Defendants knowing that no
14349 criminal act had taken place, nor was likely to take place did agree
14350 to deprive Plaintiff of his civil rights, and to fabricate a criminal
14351 case, where there was no wrong doing. By way of the Defendants
14352 knowing (or should have known) that the goods were awaiting
14353 approval by the U.S. States Department for release, but to deprive
14354 Plaintiff Atkinson of his civil rights and did nothing to stop the
14355 arrest of Plaintiff Atkinson, or to stop the search and seizure of his
14356 property, or assault and battery upon his person, theft of his
14357 possessions, and other notable criminal acts. By way of the

14358 Defendants knowing (or should have known) that the goods were
14359 awaiting approval by the U.S. States Department for release, but to
14360 deprive Plaintiff Atkinson of his civil rights and did nothing to stop
14361 the arrest of Plaintiff Atkinson, or to stop the search and seizure of
14362 his property, or assault and battery upon his person, theft of his
14363 possessions, and other notable criminal acts. By means of
14364 conspiring to conceal that the normal U.S. Government approval
14365 time of a ITAR 121.1 XI(b) product in November 2009 was a
14366 median (or average) governmental approval license delay by the
14367 U.S. Department of State PM/DDTC of 143.8 days (ranging on 70
14368 to 190 days depending upon the candor the end user provided the
14369 U.S. State Department) after the customer provided the property
14370 completed End User Letter or End User Certificate. As Defendants
14371 Mahoney was provided a copy of this original end user
14372 certification letter from the Government of Uzbekistan on
14373 11/24/2009, then he knew or should have known that this
14374 document would begin a licensing approval period by the U.S.
14375 Department of State PM/DDTC Division of roughly 143.8 days.
14376 Defendants Mahoney, McDowell, and Wiroll did conspired by

14377 means of concealing this vitally important fact of this they had
14378 knowledge

14379

14380 541. On or about November 25, 2009, Defendant Daniel Mahoney
14381 individually, and in his official capacity, while acting under color
14382 of law as a Police Officer, for the Rockport Police Department, in
14383 Rockport, Massachusetts; and Christian McDowell individually,
14384 and in his official capacity, while acting under color of law as a
14385 Federal Agent for the Federal Bureau of Investigation in Boston,
14386 Massachusetts; and Jamison F. Wiroll individually, and in his
14387 official capacity while acting under color of law as a Special Agent
14388 of the United States Customs Enforcement and the Department of
14389 Homeland Security did with other defendants violate, deprive, or
14390 infringe upon the civil rights of Plaintiff James M. Atkinson for the
14391 purposes of personal, political, and professional gains, without just
14392 cause, or lawful authority and did engage in Conspiracy to
14393 Interfere in the Inter-State Commerce of James M. Atkinson in
14394 contravention of law. By way of the Defendants knowing that no
14395 criminal act had taken place, nor was likely to take place did agree
14396 to deprive Plaintiff of his civil rights, and to fabricate a criminal

14397 case, where there was no wrong doing. By way of the Defendants
14398 knowing (or should have known) that the goods were awaiting
14399 approval by the U.S. States Department for release, but to deprive
14400 Plaintiff Atkinson of his civil rights and did nothing to stop the
14401 arrest of Plaintiff Atkinson, or to stop the search and seizure of his
14402 property, or assault and battery upon his person, theft of his
14403 possessions, and other notable criminal acts. By way of the
14404 Defendants knowing (or should have known) that the goods were
14405 awaiting approval by the U.S. States Department for release, but to
14406 deprive Plaintiff Atkinson of his civil rights and did nothing to stop
14407 the arrest of Plaintiff Atkinson, or to stop the search and seizure of
14408 his property, or assault and battery upon his person, theft of his
14409 possessions, and other notable criminal acts. By means of
14410 conspiring to conceal that the normal U.S. Government approval
14411 time of a ITAR 121.1 XI(b) product in November 2009 was a
14412 median (or average) governmental approval license delay by the
14413 U.S. Department of State PM/DDTC of 143.8 days (ranging on 70
14414 to 190 days depending upon the candor the end user provided the
14415 U.S. State Department) after the customer provided the property
14416 completed End User Letter or End User Certificate. As Defendants

14417 Mahoney was provided a copy of this original end user
14418 certification letter from the Government of Uzbekistan on
14419 11/24/2009, then he knew or should have known that this
14420 document would begin a licensing approval period by the U.S.
14421 Department of State PM/DDTC Division of roughly 143.8 days.
14422 Defendants Mahoney, McDowell, and Wiroll did conspired by
14423 means of concealing this vitally important fact of this they had
14424 knowledge

14425
14426 542. On or about November 25, 2009, Defendant Daniel Mahoney
14427 individually, and in his official capacity, while acting under color
14428 of law as a Police Officer, for the Rockport Police Department, in
14429 Rockport, Massachusetts; and Christian McDowell individually,
14430 and in his official capacity, while acting under color of law as a
14431 Federal Agent for the Federal Bureau of Investigation in Boston,
14432 Massachusetts; and Jamison F. Wiroll individually, and in his
14433 official capacity while acting under color of law as a Special Agent
14434 of the United States Customs Enforcement and the Department of
14435 Homeland Security did with other defendants violate, deprive, or
14436 infringe upon the civil rights of Plaintiff James M. Atkinson for the

14437 purposes of personal, political, and professional gains, without just
14438 cause, or lawful authority and did engage in Accessory Before the
14439 Fact against James M. Atkinson in contravention of law. By way
14440 of the Defendants knowing that no criminal act had taken place,
14441 nor was likely to take place did agree to deprive Plaintiff of his
14442 civil rights, and to fabricate a criminal case, where there was no
14443 wrong doing. By way of the Defendants knowing (or should have
14444 known) that the goods were awaiting approval by the U.S. States
14445 Department for release, but to deprive Plaintiff Atkinson of his
14446 civil rights and did nothing to stop the arrest of Plaintiff Atkinson,
14447 or to stop the search and seizure of his property, or assault and
14448 battery upon his person, theft of his possessions, and other notable
14449 criminal acts. By way of the Defendants knowing (or should have
14450 known) that the goods were awaiting approval by the U.S. States
14451 Department for release, but to deprive Plaintiff Atkinson of his
14452 civil rights and did nothing to stop the arrest of Plaintiff Atkinson,
14453 or to stop the search and seizure of his property, or assault and
14454 battery upon his person, theft of his possessions, and other notable
14455 criminal acts. By means of conspiring to conceal that the normal
14456 U.S. Government approval time of a ITAR 121.1 XI(b) product in

14457 November 2009 was a median (or average) governmental approval
14458 license delay by the U.S. Department of State PM/DDTC of 143.8
14459 days (ranging on 70 to 190 days depending upon the candor the
14460 end user provided the U.S. State Department) after the customer
14461 provided the property completed End User Letter or End User
14462 Certificate. As Defendants Mahoney was provided a copy of this
14463 original end user certification letter from the Government of
14464 Uzbekistan on 11/24/2009, then he knew or should have known
14465 that this document would begin a licensing approval period by the
14466 U.S. Department of State PM/DDTC Division of roughly 143.8
14467 days. Defendants Mahoney, McDowell, and Wiroll did conspired
14468 by means of concealing this vitally important fact of this they had
14469 knowledge

14470
14471 543. On or about November 25, 2009, Defendant Daniel Mahoney
14472 individually, and in his official capacity, while acting under color
14473 of law as a Police Officer, for the Rockport Police Department, in
14474 Rockport, Massachusetts; and Christian McDowell individually,
14475 and in his official capacity, while acting under color of law as a
14476 Federal Agent for the Federal Bureau of Investigation in Boston,

14477 Massachusetts; and Jamison F. Wiroll individually, and in his
14478 official capacity while acting under color of law as a Special Agent
14479 of the United States Customs Enforcement and the Department of
14480 Homeland Security did with other defendants violate, deprive, or
14481 infringe upon the civil rights of Plaintiff James M. Atkinson for the
14482 purposes of personal, political, and professional gains, without just
14483 cause, or lawful authority and did engage in Accessory After the
14484 Fact against James M. Atkinson in contravention of law. By way
14485 of the Defendants knowing that no criminal act had taken place,
14486 nor was likely to take place did agree to deprive Plaintiff of his
14487 civil rights, and to fabricate a criminal case, where there was no
14488 wrong doing. By way of the Defendants knowing (or should have
14489 known) that the goods were awaiting approval by the U.S. States
14490 Department for release, but to deprive Plaintiff Atkinson of his
14491 civil rights and did nothing to stop the arrest of Plaintiff Atkinson,
14492 or to stop the search and seizure of his property, or assault and
14493 battery upon his person, theft of his possessions, and other notable
14494 criminal acts. By way of the Defendants knowing (or should have
14495 known) that the goods were awaiting approval by the U.S. States
14496 Department for release, but to deprive Plaintiff Atkinson of his

14497 civil rights and did nothing to stop the arrest of Plaintiff Atkinson,
14498 or to stop the search and seizure of his property, or assault and
14499 battery upon his person, theft of his possessions, and other notable
14500 criminal acts. By means of conspiring to conceal that the normal
14501 U.S. Government approval time of a ITAR 121.1 XI(b) product in
14502 November 2009 was a median (or average) governmental approval
14503 license delay by the U.S. Department of State PM/DDTC of 143.8
14504 days (ranging on 70 to 190 days depending upon the candor the
14505 end user provided the U.S. State Department) after the customer
14506 provided the property completed End User Letter or End User
14507 Certificate. As Defendants Mahoney was provided a copy of this
14508 original end user certification letter from the Government of
14509 Uzbekistan on 11/24/2009, then he knew or should have known
14510 that this document would begin a licensing approval period by the
14511 U.S. Department of State PM/DDTC Division of roughly 143.8
14512 days. Defendants Mahoney, McDowell, and Wiroll did conspired
14513 by means of concealing this vitally important fact of this they had
14514 knowledge

14515

14516 544. On or about November 25, 2009, Defendant Daniel Mahoney
14517 individually, and in his official capacity, while acting under color
14518 of law as a Police Officer, for the Rockport Police Department, in
14519 Rockport, Massachusetts; and Christian McDowell individually,
14520 and in his official capacity, while acting under color of law as a
14521 Federal Agent for the Federal Bureau of Investigation in Boston,
14522 Massachusetts; and Jamison F. Wiroll individually, and in his
14523 official capacity while acting under color of law as a Special Agent
14524 of the United States Customs Enforcement and the Department of
14525 Homeland Security did with other defendants violate, deprive, or
14526 infringe upon the civil rights of Plaintiff James M. Atkinson for the
14527 purposes of personal, political, and professional gains, without just
14528 cause, or lawful authority and did engage in Wire Fraud against
14529 James M. Atkinson in contravention of law. By way of the
14530 Defendants knowing that no criminal act had taken place, nor was
14531 likely to take place did agree to deprive Plaintiff of his civil rights,
14532 and to fabricate a criminal case, where there was no wrong doing.
14533 By way of the Defendants knowing (or should have known) that
14534 the goods were awaiting approval by the U.S. States Department
14535 for release, but to deprive Plaintiff Atkinson of his civil rights and

14536 did nothing to stop the arrest of Plaintiff Atkinson, or to stop the
14537 search and seizure of his property, or assault and battery upon his
14538 person, theft of his possessions, and other notable criminal acts. By
14539 way of the Defendants knowing (or should have known) that the
14540 goods were awaiting approval by the U.S. States Department for
14541 release, but to deprive Plaintiff Atkinson of his civil rights and did
14542 nothing to stop the arrest of Plaintiff Atkinson, or to stop the
14543 search and seizure of his property, or assault and battery upon his
14544 person, theft of his possessions, and other notable criminal acts. By
14545 means of conspiring to conceal that the normal U.S. Government
14546 approval time of a ITAR 121.1 XI(b) product in November 2009
14547 was a median (or average) governmental approval license delay by
14548 the U.S. Department of State PM/DDTC of 143.8 days (ranging on
14549 70 to 190 days depending upon the candor the end user provided
14550 the U.S. State Department) after the customer provided the
14551 property completed End User Letter or End User Certificate. As
14552 Defendants Mahoney was provided a copy of this original end user
14553 certification letter from the Government of Uzbekistan on
14554 11/24/2009, then he knew or should have known that this
14555 document would begin a licensing approval period by the U.S.

14556 Department of State PM/DDTC Division of roughly 143.8 days.
14557 Defendants Mahoney, McDowell, and Wiroll did conspired by
14558 means of concealing this vitally important fact of this they had
14559 knowledge

14560

14561 545. On or about November 25, 2009, Defendant Daniel Mahoney
14562 individually, and in his official capacity, while acting under color
14563 of law as a Police Officer, for the Rockport Police Department, in
14564 Rockport, Massachusetts; and Christian McDowell individually,
14565 and in his official capacity, while acting under color of law as a
14566 Federal Agent for the Federal Bureau of Investigation in Boston,
14567 Massachusetts; and Jamison F. Wiroll individually, and in his
14568 official capacity while acting under color of law as a Special Agent
14569 of the United States Customs Enforcement and the Department of
14570 Homeland Security did with other defendants violate, deprive, or
14571 infringe upon the civil rights of Plaintiff James M. Atkinson for the
14572 purposes of personal, political, and professional gains, without just
14573 cause, or lawful authority and did engage in Obstruction of Justice
14574 against James M. Atkinson in contravention of law. By way of the
14575 Defendants knowing that no criminal act had taken place, nor was

14576 likely to take place did agree to deprive Plaintiff of his civil rights,
14577 and to fabricate a criminal case, where there was no wrong doing.
14578 By way of the Defendants knowing (or should have known) that
14579 the goods were awaiting approval by the U.S. States Department
14580 for release, but to deprive Plaintiff Atkinson of his civil rights and
14581 did nothing to stop the arrest of Plaintiff Atkinson, or to stop the
14582 search and seizure of his property, or assault and battery upon his
14583 person, theft of his possessions, and other notable criminal acts. By
14584 way of the Defendants knowing (or should have known) that the
14585 goods were awaiting approval by the U.S. States Department for
14586 release, but to deprive Plaintiff Atkinson of his civil rights and did
14587 nothing to stop the arrest of Plaintiff Atkinson, or to stop the
14588 search and seizure of his property, or assault and battery upon his
14589 person, theft of his possessions, and other notable criminal acts. By
14590 means of conspiring to conceal that the normal U.S. Government
14591 approval time of a ITAR 121.1 XI(b) product in November 2009
14592 was a median (or average) governmental approval license delay by
14593 the U.S. Department of State PM/DDTC of 143.8 days (ranging on
14594 70 to 190 days depending upon the candor the end user provided
14595 the U.S. State Department) after the customer provided the

14596 property completed End User Letter or End User Certificate. As
14597 Defendants Mahoney was provided a copy of this original end user
14598 certification letter from the Government of Uzbekistan on
14599 11/24/2009, then he knew or should have known that this
14600 document would begin a licensing approval period by the U.S.
14601 Department of State PM/DDTC Division of roughly 143.8 days.
14602 Defendants Mahoney, McDowell, and Wiroll did conspired by
14603 means of concealing this vitally important fact of this they had
14604 knowledge.

14605
14606 **Rockport Police Department**
14607 **Defendant Mahoney Conspires with Defendant**
14608 **McDowell (FBI) and Defendant Wiroll (Customs)**
14609 **to Conceal the Use of Illegal and Improper ECCN Codes**
14610 **by Research Electronics International to**
14611 **Subvert Arms Smuggling Laws**

14612
14613 546. On or about November 25, 2009, Defendant Daniel Mahoney
14614 individually, and in his official capacity, while acting under color
14615 of law as a Police Officer, for the Rockport Police Department, in
14616 Rockport, Massachusetts; and Christian McDowell individually,
14617 and in his official capacity, while acting under color of law as a
14618 Federal Agent for the Federal Bureau of Investigation in Boston,
14619 Massachusetts; and Jamison F. Wiroll individually, and in his

14620 official capacity while acting under color of law as a Special Agent
14621 of the United States Customs Enforcement and the Department of
14622 Homeland Security did with other defendants violate, deprive, or
14623 infringe upon the civil rights of Plaintiff James M. Atkinson for the
14624 purposes of personal, political, and professional gains, without just
14625 cause, or lawful authority and did engage in Conspiracy against
14626 James M. Atkinson and who were acting in contravention of law.
14627 By means of conspiring to conceal that Research Electronics
14628 International, LLC was using improper and illegal ECCN codes to
14629 effect illegal arm shipments, which the Defendant knew, or
14630 showed have known.

14631
14632 547. On or about November 25, 2009, Defendant Daniel Mahoney
14633 individually, and in his official capacity, while acting under color
14634 of law as a Police Officer, for the Rockport Police Department, in
14635 Rockport, Massachusetts; and Christian McDowell individually,
14636 and in his official capacity, while acting under color of law as a
14637 Federal Agent for the Federal Bureau of Investigation in Boston,
14638 Massachusetts; and Jamison F. Wiroll individually, and in his
14639 official capacity while acting under color of law as a Special Agent

14640 of the United States Customs Enforcement and the Department of
14641 Homeland Security did with other defendants violate, deprive, or
14642 infringe upon the civil rights of Plaintiff James M. Atkinson for the
14643 purposes of personal, political, and professional gains, without just
14644 cause, or lawful authority and did engage in Obstructing of Justice
14645 against James M. Atkinson and who were acting in contravention
14646 of law. By means of conspiring to conceal that Research
14647 Electronics International, LLC was using improper and illegal
14648 ECCN codes to effect illegal arm shipments, which the Defendant
14649 knew, or showed have known.

14650
14651 548. On or about November 25, 2009, Defendant Daniel Mahoney
14652 individually, and in his official capacity, while acting under color
14653 of law as a Police Officer, for the Rockport Police Department, in
14654 Rockport, Massachusetts; and Christian McDowell individually,
14655 and in his official capacity, while acting under color of law as a
14656 Federal Agent for the Federal Bureau of Investigation in Boston,
14657 Massachusetts; and Jamison F. Wiroll individually, and in his
14658 official capacity while acting under color of law as a Special Agent
14659 of the United States Customs Enforcement and the Department of

14660 Homeland Security did with other defendants violate, deprive, or
14661 infringe upon the civil rights of Plaintiff James M. Atkinson for the
14662 purposes of personal, political, and professional gains, without just
14663 cause, or lawful authority and did engage in Wire Fraud against
14664 James M. Atkinson and who were acting in contravention of law.
14665 By means of conspiring to conceal that Research Electronics
14666 International, LLC was using improper and illegal ECCN codes to
14667 effect illegal arm shipments, which the Defendant knew, or
14668 showed have known.

14669
14670 549. On or about November 25, 2009, Defendant Daniel Mahoney
14671 individually, and in his official capacity, while acting under color
14672 of law as a Police Officer, for the Rockport Police Department, in
14673 Rockport, Massachusetts; and Christian McDowell individually,
14674 and in his official capacity, while acting under color of law as a
14675 Federal Agent for the Federal Bureau of Investigation in Boston,
14676 Massachusetts; and Jamison F. Wiroll individually, and in his
14677 official capacity while acting under color of law as a Special Agent
14678 of the United States Customs Enforcement and the Department of
14679 Homeland Security did with other defendants violate, deprive, or

14680 infringe upon the civil rights of Plaintiff James M. Atkinson for the
14681 purposes of personal, political, and professional gains, without just
14682 cause, or lawful authority and did Conspire to Engage in Perjury
14683 against James M. Atkinson and who were acting in contravention
14684 of law. By means of conspiring to conceal that Research
14685 Electronics International, LLC was using improper and illegal
14686 ECCN codes to effect illegal arm shipments, which the Defendant
14687 knew, or showed have known.

14688
14689 550. On or about November 25, 2009, Defendant Daniel Mahoney
14690 individually, and in his official capacity, while acting under color
14691 of law as a Police Officer, for the Rockport Police Department, in
14692 Rockport, Massachusetts; and Christian McDowell individually,
14693 and in his official capacity, while acting under color of law as a
14694 Federal Agent for the Federal Bureau of Investigation in Boston,
14695 Massachusetts; and Jamison F. Wiroll individually, and in his
14696 official capacity while acting under color of law as a Special Agent
14697 of the United States Customs Enforcement and the Department of
14698 Homeland Security did with other defendants violate, deprive, or
14699 infringe upon the civil rights of Plaintiff James M. Atkinson for the

14700 purposes of personal, political, and professional gains, without just
14701 cause, or lawful authority and did engage in Conspiracy to Injure
14702 Citizens in the Exercise of Federal Rights of James M. Atkinson in
14703 contravention of law. By means of conspiring to conceal that
14704 Research Electronics International, LLC was using improper and
14705 illegal ECCN codes to effect illegal arm shipments, which the
14706 Defendant knew, or showed have known.

14707
14708 551. On or about November 25, 2009, Defendant Daniel Mahoney
14709 individually, and in his official capacity, while acting under color
14710 of law as a Police Officer, for the Rockport Police Department, in
14711 Rockport, Massachusetts; and Christian McDowell individually,
14712 and in his official capacity, while acting under color of law as a
14713 Federal Agent for the Federal Bureau of Investigation in Boston,
14714 Massachusetts; and Jamison F. Wiroll individually, and in his
14715 official capacity while acting under color of law as a Special Agent
14716 of the United States Customs Enforcement and the Department of
14717 Homeland Security did with other defendants violate, deprive, or
14718 infringe upon the civil rights of Plaintiff James M. Atkinson for the
14719 purposes of personal, political, and professional gains, without just

14720 cause, or lawful authority and did engage in Deprivation of Rights,
14721 Privileges, or Immunities - Pattern or Practice of Conduct against
14722 James M. Atkinson in contravention of law. By way of the
14723 Defendants knowing (or should have known) that the goods were
14724 awaiting approval by the U.S. States Department for release, but to
14725 deprive Plaintiff Atkinson of his civil rights and did nothing to stop
14726 the arrest of Plaintiff Atkinson, or to stop the search and seizure of
14727 his property, or assault and battery upon his person, theft of his
14728 possessions, and other notable criminal acts. By means of
14729 conspiring to conceal that Research Electronics International, LLC
14730 was using improper and illegal ECCN codes to effect illegal arm
14731 shipments, which the Defendant knew, or showed have known.

14732
14733 552. On or about November 25, 2009, Defendant Daniel Mahoney
14734 individually, and in his official capacity, while acting under color
14735 of law as a Police Officer, for the Rockport Police Department, in
14736 Rockport, Massachusetts; and Christian McDowell individually,
14737 and in his official capacity, while acting under color of law as a
14738 Federal Agent for the Federal Bureau of Investigation in Boston,
14739 Massachusetts; and Jamison F. Wiroll individually, and in his

14740 official capacity while acting under color of law as a Special Agent
14741 of the United States Customs Enforcement and the Department of
14742 Homeland Security did with other defendants violate, deprive, or
14743 infringe upon the civil rights of Plaintiff James M. Atkinson for the
14744 purposes of personal, political, and professional gains, without just
14745 cause, or lawful authority and did engage in Conspiracy to Arrest
14746 on False Pretence of James M. Atkinson in contravention of law.
14747 By way of the Defendants knowing that no criminal act had taken
14748 place, nor was By way of the Defendants knowing (or should have
14749 known) that the goods were awaiting approval by the U.S. States
14750 Department for release, but to deprive Plaintiff Atkinson of his
14751 civil rights and did nothing to stop the arrest of Plaintiff Atkinson,
14752 or to stop the search and seizure of his property, or assault and
14753 battery upon his person, theft of his possessions, and other notable
14754 criminal acts. By way of the Defendants knowing (or should have
14755 known) that the goods were awaiting approval by the U.S. States
14756 Department for release, but to deprive Plaintiff Atkinson of his
14757 civil rights and did nothing to stop the arrest of Plaintiff Atkinson,
14758 or to stop the search and seizure of his property, or assault and
14759 battery upon his person, theft of his possessions, and other notable

14760 criminal acts. By means of conspiring to conceal that Research
14761 Electronics International, LLC was using improper and illegal
14762 ECCN codes to effect illegal arm shipments, which the Defendant
14763 knew, or showed have known.

14764
14765 553. On or about November 25, 2009, Defendant Daniel Mahoney
14766 individually, and in his official capacity, while acting under color
14767 of law as a Police Officer, for the Rockport Police Department, in
14768 Rockport, Massachusetts; and Christian McDowell individually,
14769 and in his official capacity, while acting under color of law as a
14770 Federal Agent for the Federal Bureau of Investigation in Boston,
14771 Massachusetts; and Jamison F. Wiroll individually, and in his
14772 official capacity while acting under color of law as a Special Agent
14773 of the United States Customs Enforcement and the Department of
14774 Homeland Security did with other defendants violate, deprive, or
14775 infringe upon the civil rights of Plaintiff James M. Atkinson for the
14776 purposes of personal, political, and professional gains, without just
14777 cause, or lawful authority and did engage in Conspiracy to Falsely
14778 Imprison James M. Atkinson in contravention of law. By way of
14779 the Defendants knowing (or should have known) that the goods

14780 were awaiting approval by the U.S. States Department for release,
14781 but to deprive Plaintiff Atkinson of his civil rights and did nothing
14782 to stop the arrest of Plaintiff Atkinson, or to stop the search and
14783 seizure of his property, or assault and battery upon his person, theft
14784 of his possessions, and other notable criminal acts. By way of the
14785 Defendants knowing (or should have known) that the goods were
14786 awaiting approval by the U.S. States Department for release, but to
14787 deprive Plaintiff Atkinson of his civil rights and did nothing to stop
14788 the arrest of Plaintiff Atkinson, or to stop the search and seizure of
14789 his property, or assault and battery upon his person, theft of his
14790 possessions, and other notable criminal acts. By means of
14791 conspiring to conceal that Research Electronics International, LLC
14792 was using improper and illegal ECCN codes to effect illegal arm
14793 shipments, which the Defendant knew, or showed have known.

14794
14795 554. On or about November 25, 2009, Defendant Daniel Mahoney
14796 individually, and in his official capacity, while acting under color
14797 of law as a Police Officer, for the Rockport Police Department, in
14798 Rockport, Massachusetts; and Christian McDowell individually,
14799 and in his official capacity, while acting under color of law as a

14800 Federal Agent for the Federal Bureau of Investigation in Boston,
14801 Massachusetts; and Jamison F. Wiroll individually, and in his
14802 official capacity while acting under color of law as a Special Agent
14803 of the United States Customs Enforcement and the Department of
14804 Homeland Security did with other defendants violate, deprive, or
14805 infringe upon the civil rights of Plaintiff James M. Atkinson for the
14806 purposes of personal, political, and professional gains, without just
14807 cause, or lawful authority and did engage in Conspiracy for Willful
14808 Deprivations of Federal Rights Under Color of Law of James M.
14809 Atkinson in contravention of law. By way of the Defendants
14810 knowing (or should have known) that the goods were awaiting
14811 approval by the U.S. States Department for release, but to deprive
14812 Plaintiff Atkinson of his civil rights and did nothing to stop the
14813 arrest of Plaintiff Atkinson, or to stop the search and seizure of his
14814 property, or assault and battery upon his person, theft of his
14815 possessions, and other notable criminal acts. By way of the
14816 Defendants knowing (or should have known) that the goods were
14817 awaiting approval by the U.S. States Department for release, but to
14818 deprive Plaintiff Atkinson of his civil rights and did nothing to stop
14819 the arrest of Plaintiff Atkinson, or to stop the search and seizure of

14820 his property, or assault and battery upon his person, theft of his
14821 possessions, and other notable criminal acts. By means of
14822 conspiring to conceal that Research Electronics International, LLC
14823 was using improper and illegal ECCN codes to effect illegal arm
14824 shipments, which the Defendant knew, or showed have known.

14825
14826 555. On or about November 25, 2009, Defendant Daniel Mahoney
14827 individually, and in his official capacity, while acting under color
14828 of law as a Police Officer, for the Rockport Police Department, in
14829 Rockport, Massachusetts; and Christian McDowell individually,
14830 and in his official capacity, while acting under color of law as a
14831 Federal Agent for the Federal Bureau of Investigation in Boston,
14832 Massachusetts; and Jamison F. Wiroll individually, and in his
14833 official capacity while acting under color of law as a Special Agent
14834 of the United States Customs Enforcement and the Department of
14835 Homeland Security did with other defendants violate, deprive, or
14836 infringe upon the civil rights of Plaintiff James M. Atkinson for the
14837 purposes of personal, political, and professional gains, without just
14838 cause, or lawful authority and did engage in Conspiracy to
14839 Interference with Federally Protected Activities of James M.

14840 Atkinson in contravention of law. By way of the Defendants
14841 knowing (or should have known) that the goods were awaiting
14842 approval by the U.S. States Department for release, but to deprive
14843 Plaintiff Atkinson of his civil rights and did nothing to stop the
14844 arrest of Plaintiff Atkinson, or to stop the search and seizure of his
14845 property, or assault and battery upon his person, theft of his
14846 possessions, and other notable criminal acts. By way of the
14847 Defendants knowing (or should have known) that the goods were
14848 awaiting approval by the U.S. States Department for release, but to
14849 deprive Plaintiff Atkinson of his civil rights and did nothing to stop
14850 the arrest of Plaintiff Atkinson, or to stop the search and seizure of
14851 his property, or assault and battery upon his person, theft of his
14852 possessions, and other notable criminal acts. By means of
14853 conspiring to conceal that Research Electronics International, LLC
14854 was using improper and illegal ECCN codes to effect illegal arm
14855 shipments, which the Defendant knew, or showed have known.

14856
14857 556. On or about November 25, 2009, Defendant Daniel Mahoney
14858 individually, and in his official capacity, while acting under color
14859 of law as a Police Officer, for the Rockport Police Department, in

14860 Rockport, Massachusetts; and Christian McDowell individually,
14861 and in his official capacity, while acting under color of law as a
14862 Federal Agent for the Federal Bureau of Investigation in Boston,
14863 Massachusetts; and Jamison F. Wiroll individually, and in his
14864 official capacity while acting under color of law as a Special Agent
14865 of the United States Customs Enforcement and the Department of
14866 Homeland Security did with other defendants violate, deprive, or
14867 infringe upon the civil rights of Plaintiff James M. Atkinson for the
14868 purposes of personal, political, and professional gains, without just
14869 cause, or lawful authority and did engage in Conspiracy to
14870 Interfere with Civil Rights of James M. Atkinson in contravention
14871 of law. By way of the Defendants knowing that no criminal act had
14872 taken place, nor was likely to take place did agree to deprive
14873 Plaintiff of his civil rights, and to fabricate a criminal case, where
14874 there was no wrong doing. By way of the Defendants knowing (or
14875 should have known) that the goods were awaiting approval by the
14876 U.S. States Department for release, but to deprive Plaintiff
14877 Atkinson of his civil rights and did nothing to stop the arrest of
14878 Plaintiff Atkinson, or to stop the search and seizure of his property,
14879 or assault and battery upon his person, theft of his possessions, and

14880 other notable criminal acts. By way of the Defendants knowing (or
14881 should have known) that the goods were awaiting approval by the
14882 U.S. States Department for release, but to deprive Plaintiff
14883 Atkinson of his civil rights and did nothing to stop the arrest of
14884 Plaintiff Atkinson, or to stop the search and seizure of his property,
14885 or assault and battery upon his person, theft of his possessions, and
14886 other notable criminal acts. By means of conspiring to conceal that
14887 Research Electronics International, LLC was using improper and
14888 illegal ECCN codes to effect illegal arm shipments, which the
14889 Defendant knew, or showed have known.

14890
14891 557. On or about November 25, 2009, Defendant Daniel Mahoney
14892 individually, and in his official capacity, while acting under color
14893 of law as a Police Officer, for the Rockport Police Department, in
14894 Rockport, Massachusetts; and Christian McDowell individually,
14895 and in his official capacity, while acting under color of law as a
14896 Federal Agent for the Federal Bureau of Investigation in Boston,
14897 Massachusetts; and Jamison F. Wiroll individually, and in his
14898 official capacity while acting under color of law as a Special Agent
14899 of the United States Customs Enforcement and the Department of

14900 Homeland Security did with other defendants violate, deprive, or
14901 infringe upon the civil rights of Plaintiff James M. Atkinson for the
14902 purposes of personal, political, and professional gains, without just
14903 cause, or lawful authority and did engage in Conspiracy to
14904 Interfere in the International Commerce of James M. Atkinson in
14905 contravention of law. By way of the Defendants knowing that no
14906 criminal act had taken place, nor was likely to take place did agree
14907 to deprive Plaintiff of his civil rights, and to fabricate a criminal
14908 case, where there was no wrong doing. By way of the Defendants
14909 knowing (or should have known) that the goods were awaiting
14910 approval by the U.S. States Department for release, but to deprive
14911 Plaintiff Atkinson of his civil rights and did nothing to stop the
14912 arrest of Plaintiff Atkinson, or to stop the search and seizure of his
14913 property, or assault and battery upon his person, theft of his
14914 possessions, and other notable criminal acts. By way of the
14915 Defendants knowing (or should have known) that the goods were
14916 awaiting approval by the U.S. States Department for release, but to
14917 deprive Plaintiff Atkinson of his civil rights and did nothing to stop
14918 the arrest of Plaintiff Atkinson, or to stop the search and seizure of
14919 his property, or assault and battery upon his person, theft of his

14920 possessions, and other notable criminal acts. By means of
14921 conspiring to conceal that Research Electronics International, LLC
14922 was using improper and illegal ECCN codes to effect illegal arm
14923 shipments, which the Defendant knew, or showed have known.

14924

14925 558. On or about November 25, 2009, Defendant Daniel Mahoney
14926 individually, and in his official capacity, while acting under color
14927 of law as a Police Officer, for the Rockport Police Department, in
14928 Rockport, Massachusetts; and Christian McDowell individually,
14929 and in his official capacity, while acting under color of law as a
14930 Federal Agent for the Federal Bureau of Investigation in Boston,
14931 Massachusetts; and Jamison F. Wiroll individually, and in his
14932 official capacity while acting under color of law as a Special Agent
14933 of the United States Customs Enforcement and the Department of
14934 Homeland Security did with other defendants violate, deprive, or
14935 infringe upon the civil rights of Plaintiff James M. Atkinson for the
14936 purposes of personal, political, and professional gains, without just
14937 cause, or lawful authority and did engage in Conspiracy to
14938 Interfere in the Inter-State Commerce of James M. Atkinson in
14939 contravention of law. By way of the Defendants knowing that no

14940 criminal act had taken place, nor was likely to take place did agree
14941 to deprive Plaintiff of his civil rights, and to fabricate a criminal
14942 case, where there was no wrong doing. By way of the Defendants
14943 knowing (or should have known) that the goods were awaiting
14944 approval by the U.S. States Department for release, but to deprive
14945 Plaintiff Atkinson of his civil rights and did nothing to stop the
14946 arrest of Plaintiff Atkinson, or to stop the search and seizure of his
14947 property, or assault and battery upon his person, theft of his
14948 possessions, and other notable criminal acts. By way of the
14949 Defendants knowing (or should have known) that the goods were
14950 awaiting approval by the U.S. States Department for release, but to
14951 deprive Plaintiff Atkinson of his civil rights and did nothing to stop
14952 the arrest of Plaintiff Atkinson, or to stop the search and seizure of
14953 his property, or assault and battery upon his person, theft of his
14954 possessions, and other notable criminal acts. By means of
14955 conspiring to conceal that Research Electronics International, LLC
14956 was using improper and illegal ECCN codes to effect illegal arm
14957 shipments, which the Defendant knew, or showed have known.

14958

14959 559. On or about November 25, 2009, Defendant Daniel Mahoney
14960 individually, and in his official capacity, while acting under color
14961 of law as a Police Officer, for the Rockport Police Department, in
14962 Rockport, Massachusetts; and Christian McDowell individually,
14963 and in his official capacity, while acting under color of law as a
14964 Federal Agent for the Federal Bureau of Investigation in Boston,
14965 Massachusetts; and Jamison F. Wiroll individually, and in his
14966 official capacity while acting under color of law as a Special Agent
14967 of the United States Customs Enforcement and the Department of
14968 Homeland Security did with other defendants violate, deprive, or
14969 infringe upon the civil rights of Plaintiff James M. Atkinson for the
14970 purposes of personal, political, and professional gains, without just
14971 cause, or lawful authority and did engage in Accessory Before the
14972 Fact against James M. Atkinson in contravention of law. By way
14973 of the Defendants knowing that no criminal act had taken place,
14974 nor was likely to take place did agree to deprive Plaintiff of his
14975 civil rights, and to fabricate a criminal case, where there was no
14976 wrong doing. By way of the Defendants knowing (or should have
14977 known) that the goods were awaiting approval by the U.S. States
14978 Department for release, but to deprive Plaintiff Atkinson of his

14979 civil rights and did nothing to stop the arrest of Plaintiff Atkinson,
14980 or to stop the search and seizure of his property, or assault and
14981 battery upon his person, theft of his possessions, and other notable
14982 criminal acts. By way of the Defendants knowing (or should have
14983 known) that the goods were awaiting approval by the U.S. States
14984 Department for release, but to deprive Plaintiff Atkinson of his
14985 civil rights and did nothing to stop the arrest of Plaintiff Atkinson,
14986 or to stop the search and seizure of his property, or assault and
14987 battery upon his person, theft of his possessions, and other notable
14988 criminal acts. By means of conspiring to conceal that Research
14989 Electronics International, LLC was using improper and illegal
14990 ECCN codes to effect illegal arm shipments, which the Defendant
14991 knew, or showed have known.

14992
14993 560. On or about November 25, 2009, Defendant Daniel Mahoney
14994 individually, and in his official capacity, while acting under color
14995 of law as a Police Officer, for the Rockport Police Department, in
14996 Rockport, Massachusetts; and Christian McDowell individually,
14997 and in his official capacity, while acting under color of law as a
14998 Federal Agent for the Federal Bureau of Investigation in Boston,

14999 Massachusetts; and Jamison F. Wiroll individually, and in his
15000 official capacity while acting under color of law as a Special Agent
15001 of the United States Customs Enforcement and the Department of
15002 Homeland Security did with other defendants violate, deprive, or
15003 infringe upon the civil rights of Plaintiff James M. Atkinson for the
15004 purposes of personal, political, and professional gains, without just
15005 cause, or lawful authority and did engage in Accessory After the
15006 Fact against James M. Atkinson in contravention of law. By way
15007 of the Defendants knowing that no criminal act had taken place,
15008 nor was likely to take place did agree to deprive Plaintiff of his
15009 civil rights, and to fabricate a criminal case, where there was no
15010 wrong doing. By way of the Defendants knowing (or should have
15011 known) that the goods were awaiting approval by the U.S. States
15012 Department for release, but to deprive Plaintiff Atkinson of his
15013 civil rights and did nothing to stop the arrest of Plaintiff Atkinson,
15014 or to stop the search and seizure of his property, or assault and
15015 battery upon his person, theft of his possessions, and other notable
15016 criminal acts. By way of the Defendants knowing (or should have
15017 known) that the goods were awaiting approval by the U.S. States
15018 Department for release, but to deprive Plaintiff Atkinson of his

15019 civil rights and did nothing to stop the arrest of Plaintiff Atkinson,
15020 or to stop the search and seizure of his property, or assault and
15021 battery upon his person, theft of his possessions, and other notable
15022 criminal acts. By means of conspiring to conceal that Research
15023 Electronics International, LLC was using improper and illegal
15024 ECCN codes to effect illegal arm shipments, which the Defendant
15025 knew, or showed have known.

15026
15027 561. On or about November 25, 2009, Defendant Daniel Mahoney
15028 individually, and in his official capacity, while acting under color
15029 of law as a Police Officer, for the Rockport Police Department, in
15030 Rockport, Massachusetts; and Christian McDowell individually,
15031 and in his official capacity, while acting under color of law as a
15032 Federal Agent for the Federal Bureau of Investigation in Boston,
15033 Massachusetts; and Jamison F. Wiroll individually, and in his
15034 official capacity while acting under color of law as a Special Agent
15035 of the United States Customs Enforcement and the Department of
15036 Homeland Security did with other defendants violate, deprive, or
15037 infringe upon the civil rights of Plaintiff James M. Atkinson for the
15038 purposes of personal, political, and professional gains, without just

15039 cause, or lawful authority and did engage in Wire Fraud against
15040 James M. Atkinson in contravention of law. By way of the
15041 Defendants knowing that no criminal act had taken place, nor was
15042 likely to take place did agree to deprive Plaintiff of his civil rights,
15043 and to fabricate a criminal case, where there was no wrong doing.
15044 By way of the Defendants knowing (or should have known) that
15045 the goods were awaiting approval by the U.S. States Department
15046 for release, but to deprive Plaintiff Atkinson of his civil rights and
15047 did nothing to stop the arrest of Plaintiff Atkinson, or to stop the
15048 search and seizure of his property, or assault and battery upon his
15049 person, theft of his possessions, and other notable criminal acts. By
15050 way of the Defendants knowing (or should have known) that the
15051 goods were awaiting approval by the U.S. States Department for
15052 release, but to deprive Plaintiff Atkinson of his civil rights and did
15053 nothing to stop the arrest of Plaintiff Atkinson, or to stop the
15054 search and seizure of his property, or assault and battery upon his
15055 person, theft of his possessions, and other notable criminal acts. By
15056 means of conspiring to conceal that Research Electronics
15057 International, LLC was using improper and illegal ECCN codes to

15058 effect illegal arm shipments, which the Defendant knew, or
15059 showed have known.

15060

15061 562. On or about November 25, 2009, Defendant Daniel Mahoney
15062 individually, and in his official capacity, while acting under color
15063 of law as a Police Officer, for the Rockport Police Department, in
15064 Rockport, Massachusetts; and Christian McDowell individually,
15065 and in his official capacity, while acting under color of law as a
15066 Federal Agent for the Federal Bureau of Investigation in Boston,
15067 Massachusetts; and Jamison F. Wiroll individually, and in his
15068 official capacity while acting under color of law as a Special Agent
15069 of the United States Customs Enforcement and the Department of
15070 Homeland Security did with other defendants violate, deprive, or
15071 infringe upon the civil rights of Plaintiff James M. Atkinson for the
15072 purposes of personal, political, and professional gains, without just
15073 cause, or lawful authority and did engage in Obstruction of Justice
15074 against James M. Atkinson in contravention of law. By way of the
15075 Defendants knowing that no criminal act had taken place, nor was
15076 likely to take place did agree to deprive Plaintiff of his civil rights,
15077 and to fabricate a criminal case, where there was no wrong doing.

15078 By way of the Defendants knowing (or should have known) that
15079 the goods were awaiting approval by the U.S. States Department
15080 for release, but to deprive Plaintiff Atkinson of his civil rights and
15081 did nothing to stop the arrest of Plaintiff Atkinson, or to stop the
15082 search and seizure of his property, or assault and battery upon his
15083 person, theft of his possessions, and other notable criminal acts. By
15084 way of the Defendants knowing (or should have known) that the
15085 goods were awaiting approval by the U.S. States Department for
15086 release, but to deprive Plaintiff Atkinson of his civil rights and did
15087 nothing to stop the arrest of Plaintiff Atkinson, or to stop the
15088 search and seizure of his property, or assault and battery upon his
15089 person, theft of his possessions, and other notable criminal acts. By
15090 means of conspiring to conceal that Research Electronics
15091 International, LLC was using improper and illegal ECCN codes to
15092 effect illegal arm shipments, which the Defendant knew, or
15093 showed have known.

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**Rockport Police Department
Defendant Mahoney Conspires with Defendant
McDowell (FBI) and Defendant Wiroll (Customs)
to Unlawfully Break Into Vehicles Used in Interstate
Commerce, and to Search Said Vehicles and
Steal or Seize Goods There from Without Being In**

Possession of a Search Warrant

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563. On or about November 25, 2009, Defendant Daniel Mahoney individually, and in his official capacity, while acting under color of law as a Police Officer, for the Rockport Police Department, in Rockport, Massachusetts; and Christian McDowell individually, and in his official capacity, while acting under color of law as a Federal Agent for the Federal Bureau of Investigation in Boston, Massachusetts; and Jamison F. Wiroll individually, and in his official capacity while acting under color of law as a Special Agent of the United States Customs Enforcement and the Department of Homeland Security did with other defendants violate, deprive, or infringe upon the civil rights of Plaintiff James M. Atkinson for the purposes of personal, political, and professional gains, without just cause, or lawful authority and did Conspire to Break into a Truck, with the Intent to Commit a Felony upon James M. Atkinson in contravention of law. By means of conspiring and planning on entering a truck used in inter-state commerce which they had no lawful authority to enter, and searching for items which they had to lawful authority to search for.

15123 564. On or about November 25, 2009, Defendant Daniel Mahoney
15124 individually, and in his official capacity, while acting under color
15125 of law as a Police Officer, for the Rockport Police Department, in
15126 Rockport, Massachusetts; and Christian McDowell individually,
15127 and in his official capacity, while acting under color of law as a
15128 Federal Agent for the Federal Bureau of Investigation in Boston,
15129 Massachusetts; and Jamison F. Wiroll individually, and in his
15130 official capacity while acting under color of law as a Special Agent
15131 of the United States Customs Enforcement and the Department of
15132 Homeland Security did with other defendants violate, deprive, or
15133 infringe upon the civil rights of Plaintiff James M. Atkinson for the
15134 purposes of personal, political, and professional gains, without just
15135 cause, or lawful authority and did Conspire to Break into a Truck
15136 Used in Inter-state and/or International Commerce owned by
15137 James M. Atkinson in contravention of law. By means of
15138 conspiring and planning on entering a truck used in inter-state
15139 commerce which they had no lawful authority to enter, and
15140 searching for items which they had to lawful authority to search for.

15141

15142 565. On or about November 25, 2009, Defendant Daniel Mahoney
15143 individually, and in his official capacity, while acting under color
15144 of law as a Police Officer, for the Rockport Police Department, in
15145 Rockport, Massachusetts; and Christian McDowell individually,
15146 and in his official capacity, while acting under color of law as a
15147 Federal Agent for the Federal Bureau of Investigation in Boston,
15148 Massachusetts; and Jamison F. Wiroll individually, and in his
15149 official capacity while acting under color of law as a Special Agent
15150 of the United States Customs Enforcement and the Department of
15151 Homeland Security did with other defendants violate, deprive, or
15152 infringe upon the civil rights of Plaintiff James M. Atkinson for the
15153 purposes of personal, political, and professional gains, without just
15154 cause, or lawful authority and did Conspire to Exceeded Authority
15155 in Executing Warrant (albeit an improper warrant) against James
15156 M. Atkinson in contravention of law. By means of entering and
15157 searching a Chrysler 300 sedan used in inter-state commerce for
15158 which a search warrant was never obtained (not even after the fact).
15159 By means of conspiring and planning on entering a vehicle which
15160 they had no lawful authority to enter, and searching for items
15161 which they had to lawful authority to search for.

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566. On or about November 25, 2009, Defendant Daniel Mahoney individually, and in his official capacity, while acting under color of law as a Police Officer, for the Rockport Police Department, in Rockport, Massachusetts; and Christian McDowell individually, and in his official capacity, while acting under color of law as a Federal Agent for the Federal Bureau of Investigation in Boston, Massachusetts; and Jamison F. Wiroll individually, and in his official capacity while acting under color of law as a Special Agent of the United States Customs Enforcement and the Department of Homeland Security did with other defendants violate, deprive, or infringe upon the civil rights of Plaintiff James M. Atkinson for the purposes of personal, political, and professional gains, without just cause, or lawful authority and did Conspire to Exceeded Authority in Executing Warrant (albeit an improper warrant) against James M. Atkinson in contravention of law. By means of entering and searching a Ford Econoline E-450 Box Truck used in inter-state commerce for which a search warrant was never obtained (not even after the fact). By means of conspiring and planning on

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entering a truck which they had no lawful authority to enter, and
searching for items which they had to lawful authority to search for.

**Rockport Police Department
Fraudulent Mahoney Criminal Complaint**

567. On November 30, 2009, Defendant Daniel Mahoney
individually, and in his official capacity, while acting under color
of law as a Police Officer, for the Rockport Police Department, in
Rockport, Massachusetts; did with other defendants violate,
deprive, or infringe upon the civil rights of Plaintiff James M.
Atkinson for the purposes of personal, political, and professional
gains, without just cause, or lawful authority and did engage in
Perjury against James M. Atkinson in contravention of law. By
way of filing sworn statements to the Gloucester District Court
which this Defendant knew, or had good reason to believe were
utter false. The untrue, sworn statements were not merely a matter
of the officer misunderstanding an issue, but of calculated malice,
and conspiracy by numerous state actors, and close coordination
with other in regards to the falsehoods.

15202 568. On November 30, 2009, Defendant Daniel Mahoney
15203 individually, and in his official capacity, while acting under color
15204 of law as a Police Officer, for the Rockport Police Department, in
15205 Rockport, Massachusetts; did with other defendants violate,
15206 deprive, or infringe upon the civil rights of Plaintiff James M.
15207 Atkinson for the purposes of personal, political, and professional
15208 gains, without just cause, or lawful authority and did engage in
15209 False Statements against James M. Atkinson in contravention of
15210 law. By way of filing sworn statements to the Gloucester District
15211 Court which this Defendant knew, or had good reason to believe
15212 were utter false. The untrue, sworn statements were not merely a
15213 matter of the officer misunderstanding an issue, but of calculated
15214 malice, and conspiracy by numerous state actors, and close
15215 coordination with other in regards to the falsehoods.

15216
15217 569. On November 30, 2009, Defendant Daniel Mahoney
15218 individually, and in his official capacity, while acting under color
15219 of law as a Police Officer, for the Rockport Police Department, in
15220 Rockport, Massachusetts; did with other defendants violate,
15221 deprive, or infringe upon the civil rights of Plaintiff James M.

15222 Atkinson for the purposes of personal, political, and professional
15223 gains, without just cause, or lawful authority and did engage in
15224 False Written Reports by Public Officers against James M.
15225 Atkinson in contravention of law. By way of filing sworn
15226 statements to the Gloucester District Court which this Defendant
15227 knew, or had good reason to believe were utter false. The untrue,
15228 sworn statements were not merely a matter of the officer
15229 misunderstanding an issue, but of calculated malice, and
15230 conspiracy by numerous state actors, and close coordination with
15231 other in regards to the falsehoods.

15232

15233 **Rockport Police Department and**
15234 **Essex Country District Attorney**
15235 **Not a Detached Function in Regards to Immunity**

15236

15237 570. On or about November 30, 2009, Defendant Daniel Mahoney
15238 individually, and in his official capacity, while acting under color
15239 of law as a Police Officer, for the Rockport Police Department, in
15240 Rockport, Massachusetts; and Katherine Hartigan individually, and
15241 in her official capacity as a Assistant District Attorney for the
15242 Commonwealth of Massachusetts, did with other defendants
15243 violate, deprive, or infringe upon the civil rights of Plaintiff James

15244 M. Atkinson for the purposes of personal, political, and
15245 professional gains, without just cause, or lawful authority and did
15246 engage in Conspiracy against James M. Atkinson in contravention
15247 of law. By conspiring to arrest and charge Plaintiff Atkinson for
15248 something that was not a criminal act, without probable cause, with
15249 full knowledge that the export of these goods required a time
15250 consuming licensure activity by the U.S. State Department prior to
15251 the good being shipped, and knowing that the Plaintiff initiated this
15252 process on November 25, 2009 using official documented dated
15253 November 23, 2009 from the Government of Uzbekistan, and with
15254 the Defendant knowing that the approvals by the U.S. State
15255 Department were roughly 72-163 days, and thus a reasonable
15256 amount of time had not passed for the normal licensure to be
15257 completed.

15258
15259 571. On or about November 30, 2009, Defendant Daniel Mahoney
15260 individually, and in his official capacity, while acting under color
15261 of law as a Police Officer, for the Rockport Police Department, in
15262 Rockport, Massachusetts; and Katherine Hartigan individually, and
15263 in her official capacity as a Assistant District Attorney for the

15264 Commonwealth of Massachusetts, did with other defendants
15265 violate, deprive, or infringe upon the civil rights of Plaintiff James
15266 M. Atkinson for the purposes of personal, political, and
15267 professional gains, without just cause, or lawful authority and did
15268 engage in Neglect to Prevent Civil Rights Violations against James
15269 M. Atkinson in contravention of law. By conspiring to arrest and
15270 charge Plaintiff Atkinson for something that was not a criminal act,
15271 without probable cause, with full knowledge that the export of
15272 these goods required a time consuming licensure activity by the
15273 U.S. State Department prior to the good being shipped, and
15274 knowing that the Plaintiff initiated this process on November 25,
15275 2009 using official documented dated November 23, 2009 from the
15276 Government of Uzbekistan, and with the Defendant knowing that
15277 the approvals by the U.S. State Department were roughly 72-163
15278 days, and thus a reasonable amount of time had not passed for the
15279 normal licensure to be completed.

15280
15281 572. On or about November 30, 2009, Defendant Daniel Mahoney
15282 individually, and in his official capacity, while acting under color
15283 of law as a Police Officer, for the Rockport Police Department, in

15284 Rockport, Massachusetts; and Katherine Hartigan individually, and
15285 in her official capacity as a Assistant District Attorney for the
15286 Commonwealth of Massachusetts, did with other defendants
15287 violate, deprive, or infringe upon the civil rights of Plaintiff James
15288 M. Atkinson for the purposes of personal, political, and
15289 professional gains, without just cause, or lawful authority and did
15290 engage in Conspiracy for Deprivation of Rights, Privileges, or
15291 Immunities - Pattern or Practice of Conduct against James M.
15292 Atkinson in contravention of law. By conspiring to arrest and
15293 charge Plaintiff Atkinson for something that was not a criminal act,
15294 without probable cause, with full knowledge that the export of
15295 these goods required a time consuming licensure activity by the
15296 U.S. State Department prior to the good being shipped, and
15297 knowing that the Plaintiff initiated this process on November 25,
15298 2009 using official documented dated November 23, 2009 from the
15299 Government of Uzbekistan, and with the Defendant knowing that
15300 the approvals by the U.S. State Department were roughly 72-163
15301 days, and thus a reasonable amount of time had not passed for the
15302 normal licensure to be completed.

15303

15304 573. On or about November 30, 2009, Defendant Daniel Mahoney
15305 individually, and in his official capacity, while acting under color
15306 of law as a Police Officer, for the Rockport Police Department, in
15307 Rockport, Massachusetts; and Katherine Hartigan individually, and
15308 in her official capacity as a Assistant District Attorney for the
15309 Commonwealth of Massachusetts, did with other defendants
15310 violate, deprive, or infringe upon the civil rights of Plaintiff James
15311 M. Atkinson for the purposes of personal, political, and
15312 professional gains, without just cause, or lawful authority and did
15313 engage in Conspiracy of False Arrest and/or Kidnapping of James
15314 M. Atkinson in contravention of law. By conspiring to arrest and
15315 charge Plaintiff Atkinson for something that was not a criminal act,
15316 without probable cause, with full knowledge that the export of
15317 these goods required a time consuming licensure activity by the
15318 U.S. State Department prior to the good being shipped, and
15319 knowing that the Plaintiff initiated this process on November 25,
15320 2009 using official documented dated November 23, 2009 from the
15321 Government of Uzbekistan, and with the Defendant knowing that
15322 the approvals by the U.S. State Department were roughly 72-163

15323 days, and thus a reasonable amount of time had not passed for the
15324 normal licensure to be completed.

15325
15326 574. On or about November 30, 2009, Defendant Daniel Mahoney
15327 individually, and in his official capacity, while acting under color
15328 of law as a Police Officer, for the Rockport Police Department, in
15329 Rockport, Massachusetts; and Katherine Hartigan individually, and
15330 in her official capacity as a Assistant District Attorney for the
15331 Commonwealth of Massachusetts, did with other defendants
15332 violate, deprive, or infringe upon the civil rights of Plaintiff James
15333 M. Atkinson for the purposes of personal, political, and
15334 professional gains, without just cause, or lawful authority and did
15335 engage in Conspiracy for Malicious Prosecution of James M.
15336 Atkinson in contravention of law. By conspiring to arrest and
15337 charge Plaintiff Atkinson for something that was not a criminal act,
15338 without probable cause, with full knowledge that the export of
15339 these goods required a time consuming licensure activity by the
15340 U.S. State Department prior to the good being shipped, and
15341 knowing that the Plaintiff initiated this process on November 25,
15342 2009 using official documented dated November 23, 2009 from the

15343 Government of Uzbekistan, and with the Defendant knowing that
15344 the approvals by the U.S. State Department were roughly 72-163
15345 days, and thus a reasonable amount of time had not passed for the
15346 normal licensure to be completed.

15347

15348 575. On or about November 30, 2009, Defendant Daniel Mahoney
15349 individually, and in his official capacity, while acting under color
15350 of law as a Police Officer, for the Rockport Police Department, in
15351 Rockport, Massachusetts; and Katherine Hartigan individually, and
15352 in her official capacity as a Assistant District Attorney for the
15353 Commonwealth of Massachusetts, did with other defendants
15354 violate, deprive, or infringe upon the civil rights of Plaintiff James
15355 M. Atkinson for the purposes of personal, political, and
15356 professional gains, without just cause, or lawful authority and did
15357 engage in Conspiracy to Arrest on False Pretenses James M.
15358 Atkinson in contravention of law. By conspiring to arrest and
15359 charge Plaintiff Atkinson for something that was not a criminal act,
15360 without probable cause, with full knowledge that the export of
15361 these goods required a time consuming licensure activity by the
15362 U.S. State Department prior to the good being shipped, and

15363 knowing that the Plaintiff initiated this process on November 25,
15364 2009 using official documented dated November 23, 2009 from the
15365 Government of Uzbekistan, and with the Defendant knowing that
15366 the approvals by the U.S. State Department were roughly 72-163
15367 days, and thus a reasonable amount of time had not passed for the
15368 normal licensure to be completed.

15369
15370 576. On or about November 30, 2009, Defendant Daniel Mahoney
15371 individually, and in his official capacity, while acting under color
15372 of law as a Police Officer, for the Rockport Police Department, in
15373 Rockport, Massachusetts; and Katherine Hartigan individually, and
15374 in her official capacity as a Assistant District Attorney for the
15375 Commonwealth of Massachusetts, did with other defendants
15376 violate, deprive, or infringe upon the civil rights of Plaintiff James
15377 M. Atkinson for the purposes of personal, political, and
15378 professional gains, without just cause, or lawful authority and did
15379 engage in Conspiracy to Falsely Imprison James M. Atkinson in
15380 contravention of law. By conspiring to arrest and charge Plaintiff
15381 Atkinson for something that was not a criminal act, without
15382 probable cause, with full knowledge that the export of these goods

15383 required a time consuming licensure activity by the U.S. State
15384 Department prior to the good being shipped, and knowing that the
15385 Plaintiff initiated this process on November 25, 2009 using official
15386 documented dated November 23, 2009 from the Government of
15387 Uzbekistan, and with the Defendant knowing that the approvals by
15388 the U.S. State Department were roughly 72-163 days, and thus a
15389 reasonable amount of time had not passed for the normal licensure
15390 to be completed.

15391
15392 577. On or about November 30, 2009, Defendant Daniel Mahoney
15393 individually, and in his official capacity, while acting under color
15394 of law as a Police Officer, for the Rockport Police Department, in
15395 Rockport, Massachusetts; and Katherine Hartigan individually, and
15396 in her official capacity as a Assistant District Attorney for the
15397 Commonwealth of Massachusetts, did with other defendants
15398 violate, deprive, or infringe upon the civil rights of Plaintiff James
15399 M. Atkinson for the purposes of personal, political, and
15400 professional gains, without just cause, or lawful authority and did
15401 engage in Conspiracy for the Willful Deprivations of Federal
15402 Rights Under Color of Law against James M. Atkinson in

15403 contravention of law. By conspiring to arrest and charge Plaintiff
15404 Atkinson for something that was not a criminal act, without
15405 probable cause, with full knowledge that the export of these goods
15406 required a time consuming licensure activity by the U.S. State
15407 Department prior to the good being shipped, and knowing that the
15408 Plaintiff initiated this process on November 25, 2009 using official
15409 documented dated November 23, 2009 from the Government of
15410 Uzbekistan, and with the Defendant knowing that the approvals by
15411 the U.S. State Department were roughly 72-163 days, and thus a
15412 reasonable amount of time had not passed for the normal licensure
15413 to be completed.

15414

15415 578. On or about November 30, 2009, Defendant Daniel Mahoney
15416 individually, and in his official capacity, while acting under color
15417 of law as a Police Officer, for the Rockport Police Department, in
15418 Rockport, Massachusetts; and Katherine Hartigan individually, and
15419 in her official capacity as a Assistant District Attorney for the
15420 Commonwealth of Massachusetts, did with other defendants
15421 violate, deprive, or infringe upon the civil rights of Plaintiff James
15422 M. Atkinson for the purposes of personal, political, and

15423 professional gains, without just cause, or lawful authority and did
15424 engage in Conspiracy to Interfere with Federal Protected Activities
15425 of James M. Atkinson in contravention of law. By conspiring to
15426 arrest and charge Plaintiff Atkinson for something that was not a
15427 criminal act, without probable cause, with full knowledge that the
15428 export of these goods required a time consuming licensure activity
15429 by the U.S. State Department prior to the good being shipped, and
15430 knowing that the Plaintiff initiated this process on November 25,
15431 2009 using official documented dated November 23, 2009 from the
15432 Government of Uzbekistan, and with the Defendant knowing that
15433 the approvals by the U.S. State Department were roughly 72-163
15434 days, and thus a reasonable amount of time had not passed for the
15435 normal licensure to be completed.

15436
15437 579. On or about November 30, 2009, Defendant Daniel Mahoney
15438 individually, and in his official capacity, while acting under color
15439 of law as a Police Officer, for the Rockport Police Department, in
15440 Rockport, Massachusetts; and Katherine Hartigan individually, and
15441 in her official capacity as a Assistant District Attorney for the
15442 Commonwealth of Massachusetts, did with other defendants

15443 violate, deprive, or infringe upon the civil rights of Plaintiff James
15444 M. Atkinson for the purposes of personal, political, and
15445 professional gains, without just cause, or lawful authority and did
15446 engage in Conspiracy to Interfere with the Civil Rights of James M.
15447 Atkinson in contravention of law. By conspiring to arrest and
15448 charge Plaintiff Atkinson for something that was not a criminal act,
15449 without probable cause, with full knowledge that the export of
15450 these goods required a time consuming licensure activity by the
15451 U.S. State Department prior to the good being shipped, and
15452 knowing that the Plaintiff initiated this process on November 25,
15453 2009 using official documented dated November 23, 2009 from the
15454 Government of Uzbekistan, and with the Defendant knowing that
15455 the approvals by the U.S. State Department were roughly 72-163
15456 days, and thus a reasonable amount of time had not passed for the
15457 normal licensure to be completed.

15458
15459 580. On or about November 30, 2009, Defendant Daniel Mahoney
15460 individually, and in his official capacity, while acting under color
15461 of law as a Police Officer, for the Rockport Police Department, in
15462 Rockport, Massachusetts; and Katherine Hartigan individually, and

15463 in her official capacity as a Assistant District Attorney for the
15464 Commonwealth of Massachusetts, did with other defendants
15465 violate, deprive, or infringe upon the civil rights of Plaintiff James
15466 M. Atkinson for the purposes of personal, political, and
15467 professional gains, without just cause, or lawful authority and did
15468 engage in Conspiracy to Interfere in the International Commerce of
15469 James M. Atkinson in contravention of law. By conspiring to arrest
15470 and charge Plaintiff Atkinson for something that was not a criminal
15471 act, without probable cause, with full knowledge that the export of
15472 these goods required a time consuming licensure activity by the
15473 U.S. State Department prior to the good being shipped, and
15474 knowing that the Plaintiff initiated this process on November 25,
15475 2009 using official documented dated November 23, 2009 from the
15476 Government of Uzbekistan, and with the Defendant knowing that
15477 the approvals by the U.S. State Department were roughly 72-163
15478 days, and thus a reasonable amount of time had not passed for the
15479 normal licensure to be completed.

15480
15481 581. On or about November 30, 2009, Defendant Daniel Mahoney
15482 individually, and in his official capacity, while acting under color

15483 of law as a Police Officer, for the Rockport Police Department, in
15484 Rockport, Massachusetts; and Katherine Hartigan individually, and
15485 in her official capacity as a Assistant District Attorney for the
15486 Commonwealth of Massachusetts, did with other defendants
15487 violate, deprive, or infringe upon the civil rights of Plaintiff James
15488 M. Atkinson for the purposes of personal, political, and
15489 professional gains, without just cause, or lawful authority and did
15490 engage in Conspiracy to Interfere with Inter-State Commerce of
15491 James M. Atkinson in contravention of law. By conspiring to arrest
15492 and charge Plaintiff Atkinson for something that was not a criminal
15493 act, without probable cause, with full knowledge that the export of
15494 these goods required a time consuming licensure activity by the
15495 U.S. State Department prior to the good being shipped, and
15496 knowing that the Plaintiff initiated this process on November 25,
15497 2009 using official documented dated November 23, 2009 from the
15498 Government of Uzbekistan, and with the Defendant knowing that
15499 the approvals by the U.S. State Department were roughly 72-163
15500 days, and thus a reasonable amount of time had not passed for the
15501 normal licensure to be completed.

15502

15503 582. On or about November 30, 2009, Defendant Daniel Mahoney
15504 individually, and in his official capacity, while acting under color
15505 of law as a Police Officer, for the Rockport Police Department, in
15506 Rockport, Massachusetts; and Katherine Hartigan individually, and
15507 in her official capacity as a Assistant District Attorney for the
15508 Commonwealth of Massachusetts, did with other defendants
15509 violate, deprive, or infringe upon the civil rights of Plaintiff James
15510 M. Atkinson for the purposes of personal, political, and
15511 professional gains, without just cause, or lawful authority and did
15512 engage in Accessory Before the Fact against James M. Atkinson in
15513 contravention of law. By conspiring to arrest and charge Plaintiff
15514 Atkinson for something that was not a criminal act, without
15515 probable cause, with full knowledge that the export of these goods
15516 required a time consuming licensure activity by the U.S. State
15517 Department prior to the good being shipped, and knowing that the
15518 Plaintiff initiated this process on November 25, 2009 using official
15519 documented dated November 23, 2009 from the Government of
15520 Uzbekistan, and with the Defendant knowing that the approvals by
15521 the U.S. State Department were roughly 72-163 days, and thus a

15522 reasonable amount of time had not passed for the normal licensure
15523 to be completed.

15524

15525 583. On or about November 30, 2009, Defendant Daniel Mahoney
15526 individually, and in his official capacity, while acting under color
15527 of law as a Police Officer, for the Rockport Police Department, in
15528 Rockport, Massachusetts; and Katherine Hartigan individually, and
15529 in her official capacity as a Assistant District Attorney for the
15530 Commonwealth of Massachusetts, did with other defendants
15531 violate, deprive, or infringe upon the civil rights of Plaintiff James
15532 M. Atkinson for the purposes of personal, political, and
15533 professional gains, without just cause, or lawful authority and did
15534 engage in Accessory After the Fact of James M. Atkinson in
15535 contravention of law. By conspiring to arrest and charge Plaintiff
15536 Atkinson for something that was not a criminal act, without
15537 probable cause, with full knowledge that the export of these goods
15538 required a time consuming licensure activity by the U.S. State
15539 Department prior to the good being shipped, and knowing that the
15540 Plaintiff initiated this process on November 25, 2009 using official
15541 documented dated November 23, 2009 from the Government of

15542 Uzbekistan, and with the Defendant knowing that the approvals by
15543 the U.S. State Department were roughly 72-163 days, and thus a
15544 reasonable amount of time had not passed for the normal licensure
15545 to be completed.

15546

15547 **Rosemarie Lesch Surveillance and Integral**
15548 **Involvement in Warrantless Arrest of Plaintiff**
15549 **Atkinson on 12/1/2009**

15550
15551 584. On or about December 1, 2009, Defendant Rosemary Lesch;
15552 individually, and in her official capacity, while acting under color
15553 of law as a Ambulance Department Head and Harbormaster, for
15554 the Town of Rockport, in Rockport, Massachusetts; did with other
15555 defendants violate, deprive, or infringe upon the civil rights of
15556 Plaintiff James M. Atkinson for the purposes of personal, political,
15557 and professional gains, without just cause, or lawful authority and
15558 did engage in Neglect to Prevent Civil Rights Violations of James
15559 M. Atkinson in contravention of law. By way of knowing that
15560 Defendant Daniel Mahoney was about to violated the civil rights of
15561 Plaintiff James M. Atkinson, and did nothing to prevent these civil
15562 rights violations, and did in fact assist in these unlawful acts.

15563

15564 585. On or about December 1, 2009, Defendant Rosemary Lesch;
15565 individually, and in her official capacity, while acting under color
15566 of law as a Ambulance Department Head and Harbormaster, for
15567 the Town of Rockport, in Rockport, Massachusetts; did with other
15568 defendants violate, deprive, or infringe upon the civil rights of
15569 Plaintiff James M. Atkinson for the purposes of personal, political,
15570 and professional gains, without just cause, or lawful authority and
15571 did engage in Conspiracy to Injure Citizens in the Exercise of
15572 Federal Rights of James M. Atkinson in contravention of law. By
15573 way of knowing that Defendant Daniel Mahoney was about to
15574 violated the civil rights of Plaintiff James M. Atkinson, and did
15575 nothing to prevent these civil rights violations, and did in fact
15576 assist in these unlawful acts buy agreed to assist Defendant Daniel
15577 Mahoney with unlawful actions.

15578
15579 586. On or about December 1, 2009, Defendant Rosemary Lesch;
15580 individually, and in her official capacity, while acting under color
15581 of law as a Ambulance Department Head and Harbormaster, for
15582 the Town of Rockport, in Rockport, Massachusetts; did with other
15583 defendants violate, deprive, or infringe upon the civil rights of

15584 Plaintiff James M. Atkinson for the purposes of personal, political,
15585 and professional gains, without just cause, or lawful authority and
15586 did engage in Deprivation of Rights, Privileges, or Immunities -
15587 Pattern or Practice of Conduct against James M. Atkinson in
15588 contravention of law. By way of knowing that Defendant Daniel
15589 Mahoney was about to violated the civil rights of Plaintiff James
15590 M. Atkinson, and did nothing to prevent these civil rights
15591 violations, and did in fact assist in these unlawful acts by
15592 conspiring to assist Defendant Daniel Mahoney with unlawful
15593 actions.

15594
15595 587. On or about December 1, 2009, Defendant Rosemary Lesch;
15596 individually, and in her official capacity, while acting under color
15597 of law as a Ambulance Department Head and Harbormaster, for
15598 the Town of Rockport, in Rockport, Massachusetts; did with other
15599 defendants violate, deprive, or infringe upon the civil rights of
15600 Plaintiff James M. Atkinson for the purposes of personal, political,
15601 and professional gains, without just cause, or lawful authority and
15602 did assist in the False Arrest and/or Kidnapping James M.
15603 Atkinson in contravention of law. By way of knowing that

15604 Defendant Daniel Mahoney was about to violated the civil rights of
15605 Plaintiff James M. Atkinson, and did nothing to prevent these civil
15606 rights violations, and did in fact assist in these unlawful acts buy
15607 agreed to assist Defendant Daniel Mahoney with unlawful actions.
15608 Including performing visual surveillance on Plaintiff and reporting
15609 upon his location to facilitate an unlawful arrest, and then reporting
15610 with the Plaintiff would be at home and able to be arrested.

15611
15612 588. On or about December 1, 2009, Defendant Rosemary Lesch;
15613 individually, and in her official capacity, while acting under color
15614 of law as a Ambulance Department Head and Harbormaster, for
15615 the Town of Rockport, in Rockport, Massachusetts; did with other
15616 defendants violate, deprive, or infringe upon the civil rights of
15617 Plaintiff James M. Atkinson for the purposes of personal, political,
15618 and professional gains, without just cause, or lawful authority and
15619 did assist in the Arrest on False Pretence James M. Atkinson in
15620 contravention of law. By way of conspiring to communicate to
15621 Dependand Mahoney the location of Plaintiff Atkinson, so that a
15622 know unlawful arrest and arrest of false pretenses could take place.

15623

15624 589. On or about December 1, 2009, Defendant Rosemary Lesch;
15625 individually, and in her official capacity, while acting under color
15626 of law as a Ambulance Department Head and Harbormaster, for
15627 the Town of Rockport, in Rockport, Massachusetts; did with other
15628 defendants violate, deprive, or infringe upon the civil rights of
15629 Plaintiff James M. Atkinson for the purposes of personal, political,
15630 and professional gains, without just cause, or lawful authority and
15631 did assist in the Falsely Imprisonment of James M. Atkinson in
15632 contravention of law. By way of conspiring to communicate to
15633 Dependant Mahoney the location of Plaintiff Atkinson, so that a
15634 know unlawful arrest and arrest of false pretenses could take place.

15635
15636 590. On or about December 1, 2009, Defendant Rosemary Lesch;
15637 individually, and in her official capacity, while acting under color
15638 of law as a Ambulance Department Head and Harbormaster, for
15639 the Town of Rockport, in Rockport, Massachusetts; did with other
15640 defendants violate, deprive, or infringe upon the civil rights of
15641 Plaintiff James M. Atkinson for the purposes of personal, political,
15642 and professional gains, without just cause, or lawful authority and
15643 did engage in Willful Deprivations of Federal Rights Under Color

15644 of Law of James M. Atkinson in contravention of law. By way of
15645 conspiring to communicate to Dependant Mahoney the location of
15646 Plaintiff Atkinson, so that a know unlawful arrest and arrest of
15647 false pretenses could take place.

15648
15649 591. On or about December 1, 2009, Defendant Rosemary Lesch;
15650 individually, and in her official capacity, while acting under color
15651 of law as a Ambulance Department Head and Harbormaster, for
15652 the Town of Rockport, in Rockport, Massachusetts; did with other
15653 defendants violate, deprive, or infringe upon the civil rights of
15654 Plaintiff James M. Atkinson for the purposes of personal, political,
15655 and professional gains, without just cause, or lawful authority and
15656 did engage in Interference with Federally Protected Activities of
15657 James M. Atkinson in contravention of law. By way of conspiring
15658 to communicate to Dependant Mahoney the location of Plaintiff
15659 Atkinson, so that a know unlawful arrest and arrest of false
15660 pretenses could take place.

15661
15662 592. On or about December 1, 2009, Defendant Rosemary Lesch;
15663 individually, and in her official capacity, while acting under color

15664 of law as a Ambulance Department Head and Harbormaster, for
15665 the Town of Rockport, in Rockport, Massachusetts; did with other
15666 defendants violate, deprive, or infringe upon the civil rights of
15667 Plaintiff James M. Atkinson for the purposes of personal, political,
15668 and professional gains, without just cause, or lawful authority and
15669 did engage in Conspiracy to Interfere with Civil Rights of James M.
15670 Atkinson in contravention of law. By way of conspiring to
15671 communicate to Dependant Mahoney the location of Plaintiff
15672 Atkinson, so that a know unlawful arrest and arrest of false
15673 pretenses could take place.

15674
15675
15676 **Rockport Police Department**
15677 **Warrantless Arrest of Plaintiff**
15678 **Atkinson by Daniel Mahoney and others**
15679

15680 593. On December 1, 2009, Defendant John T. McCarthy; Michael
15681 Marino; Robert Tibert; Mark Schmink; individually, and in his
15682 official capacity, while acting under color of law as a Police
15683 Officer, for the Rockport Police Department, in Rockport,
15684 Massachusetts; did with other defendants violate, deprive, or
15685 infringe upon the civil rights of Plaintiff James M. Atkinson for the
15686 purposes of personal, political, and professional gains, without just

15687 cause, or lawful authority and did engage in Neglect to Prevent
15688 Civil Rights Violations of James M. Atkinson in contravention of
15689 law. By way of knowing that Defendant Mahoney has filed a
15690 improper and malicious criminal complaint, not only did nothing to
15691 prevent significant civil right violations, but assisted and
15692 encouraged the filing of the improper case and unlawful actions
15693 against the Plaintiff.

15694
15695 594. On December 1, 2009, Defendant John T. McCarthy; Michael
15696 Marino; Robert Tibert; Mark Schmink; and Daniel Mahoney,
15697 individually, and in his official capacity, while acting under color
15698 of law as a Police Officer, for the Rockport Police Department, in
15699 Rockport, Massachusetts; did with other defendants violate,
15700 deprive, or infringe upon the civil rights of Plaintiff James M.
15701 Atkinson for the purposes of personal, political, and professional
15702 gains, without just cause, or lawful authority and did engage in
15703 Conspiracy to Injure Citizens in the Exercise of Federal Rights of
15704 James M. Atkinson in contravention of law. By way of conspiring
15705 with Defendant Mahoney, and encouraging, coaching, prompting,
15706 and directing a rigged and biased investigation with the sole

15707 purpose or attacking Plaintiff Atkinson, and foisting a complex
15708 fraud upon the court.

15709

15710 595. On December 1, 2009, Defendant John T. McCarthy; Michael
15711 Marino; Robert Tibert; Mark Schmink; and Daniel Mahoney,
15712 individually, and in his official capacity, while acting under color
15713 of law as a Police Officer, for the Rockport Police Department, in
15714 Rockport, Massachusetts; did with other defendants violate,
15715 deprive, or infringe upon the civil rights of Plaintiff James M.
15716 Atkinson for the purposes of personal, political, and professional
15717 gains, without just cause, or lawful authority and did engage in
15718 Deprivation of Rights, Privileges, or Immunities - Pattern or
15719 Practice of Conduct against James M. Atkinson in contravention of
15720 law. By way of conspiring with Defendant Mahoney, and
15721 encouraging, coaching, prompting, and directing a rigged and
15722 biased investigation with the sole purpose or attacking Plaintiff
15723 Atkinson, and foisting a complex fraud upon the court.

15724

15725 596. On December 1, 2009, Defendant John T. McCarthy; and
15726 Robert Tibert, individually, and in his official capacity, while

15727 acting under color of law as a Police Officer, for the Rockport
15728 Police Department, in Rockport, Massachusetts; did with other
15729 defendants violate, deprive, or infringe upon the civil rights of
15730 Plaintiff James M. Atkinson for the purposes of personal, political,
15731 and professional gains, without just cause, or lawful authority and
15732 did engage in Deprivation of Right to Keep and to Bear Arms
15733 against James M. Atkinson in contravention of law. By way of
15734 conspiring with Defendant Mahoney, and encouraging, coaching,
15735 prompting, and directing a rigged and biased investigation with the
15736 sole purpose or attacking Plaintiff Atkinson, and foisting a
15737 complex fraud upon the court.

15738
15739 597. On December 1, 2009, Defendant Robert Tibert, individually,
15740 and in his official capacity, while acting under color of law as a
15741 Police Officer, for the Rockport Police Department, in Rockport,
15742 Massachusetts; did with other defendants violate, deprive, or
15743 infringe upon the civil rights of Plaintiff James M. Atkinson for the
15744 purposes of personal, political, and professional gains, without just
15745 cause, or lawful authority and did engage in Stealing by Confining
15746 or Putting in Fear James M. Atkinson in contravention of law. By

15747 uttering threats of violence, unlawful search, unlawful seizure, and
15748 threats of an extortionate manner and placing Plaintiff Atkinson in
15749 fear.

15750

15751 598. On December 1, 2009, Defendant Robert Tibert, individually,
15752 and in his official capacity, while acting under color of law as a
15753 Police Officer, for the Rockport Police Department, in Rockport,
15754 Massachusetts; did with other defendants violate, deprive, or
15755 infringe upon the civil rights of Plaintiff James M. Atkinson for the
15756 purposes of personal, political, and professional gains, without just
15757 cause, or lawful authority and did engage in Stealing by Confining
15758 or Putting in Fear by intimidation, force or threats against James M.
15759 Atkinson in contravention of law. By uttering threats of violence,
15760 unlawful search, unlawful seizure, and threats of an extortionate
15761 manner and placing Plaintiff Atkinson in fear.

15762

15763 599. On December 1, 2009, Defendant Daniel Mahoney individually,
15764 and in his official capacity, while acting under color of law as a
15765 Police Officer, for the Rockport Police Department, in Rockport,
15766 Massachusetts; did with other defendants violate, deprive, or

15767 infringe upon the civil rights of Plaintiff James M. Atkinson for the
15768 purposes of personal, political, and professional gains, without just
15769 cause, or lawful authority and did engage in Illegal Interception of
15770 Oral Communications of James M. Atkinson in contravention of
15771 law. By way of unlawfully eavesdropping upon private and
15772 privileged phone calls made by the Plaintiff to his attorney and
15773 others.

15774
15775 600. On December 1, 2009, Defendant Daniel Mahoney individually,
15776 and in their official capacity, while acting under color of law as
15777 Police Officers, for the Rockport Police Department, in Rockport,
15778 Massachusetts; did with other defendants violate, deprive, or
15779 infringe upon the civil rights of Plaintiff James M. Atkinson for the
15780 purposes of personal, political, and professional gains, without just
15781 cause, or lawful authority and did commit assault and/or battery
15782 and caused serious bodily injury upon James M. Atkinson in
15783 contravention of law. By laying his hand upon the Plaintiff without
15784 either the Plaintiffs consent nor having a legitimate court issued
15785 arrest warrant in his possession, and inflicting bodily injury upon
15786 the Plaintiff.

15787

15788

601. On December 1, 2009, Defendant Daniel Mahoney individually,

15789

and in their official capacity, while acting under color of law as

15790

Police Officers, for the Rockport Police Department, in Rockport,

15791

Massachusetts; did with other defendants violate, deprive, or

15792

infringe upon the civil rights of Plaintiff James M. Atkinson for the

15793

purposes of personal, political, and professional gains, without just

15794

cause, or lawful authority and did use firearms and other dangerous

15795

weapons while committing a felony upon James M. Atkinson in

15796

contravention of law. By way of being in possession with a firearm

15797

and other dangerous weapons while engaging in an unlawful

15798

assault upon the Plaintiff and an unlawful and warrantless arrest.

15799

15800

602. On December 1, 2009, Defendant Daniel Mahoney individually,

15801

and in their official capacity, while acting under color of law as

15802

Police Officers, for the Rockport Police Department, in Rockport,

15803

Massachusetts; did with other defendants violate, deprive, or

15804

infringe upon the civil rights of Plaintiff James M. Atkinson for the

15805

purposes of personal, political, and professional gains, without just

15806

cause, or lawful authority and did Falsely Arrest and/or Kidnap

15807 James M. Atkinson in contravention of law. By way of physically
15808 assaulting and inuring, shackling the Plaintiff, and transporting to
15809 the Police Station without being in possession of any legitimate
15810 court authority, nor of having probable cause for such a
15811 warrantless arrest.

15812
15813 a. In *Giordenello v. United States*, although the Supreme
15814 Court construed the requirement of "probable cause"
15815 contained in Rule 4 of the Federal Rules of Criminal
15816 Procedure, it did so "in light of the constitutional"
15817 requirement of probable cause which that Rule
15818 implements. *Id.*, at 485. The case also involved an arrest
15819 warrant rather than a search warrant, but the Court said:
15820 "The language of the Fourth Amendment, that `... no
15821 Warrants shall issue, but upon probable cause ...' of
15822 course applies to arrest as well as search warrants." *Id.*,
15823 at 485-486. See Ex parte *Burford*, 3 *Cranch* 448;
15824 *McGrain v. Daugherty*, 273 U. S. 135, 154-157. The
15825 principles announced in *Giordenello* derived, therefore,
15826 fore, from the Fourth Amendment, and not from our

15827 supervisory power. Compare *Jencks v. United States*,
15828 353 U. S. 657. Accordingly, under *Ker v. California*, 374
15829 U. S. 23, they may properly guide our determination of
15830 "probable cause" under the Fourteenth Amendment.

15831

15832 603. On December 1, 2009, Defendant Daniel Mahoney individually,
15833 and in their official capacity, while acting under color of law as
15834 Police Officers, for the Rockport Police Department, in Rockport,
15835 Massachusetts; did with other defendants violate, deprive, or
15836 infringe upon the civil rights of Plaintiff James M. Atkinson for the
15837 purposes of personal, political, and professional gains, without just
15838 cause, or lawful authority and did Assault with Intent to Commit a
15839 Felony, and also Did Have Firearms and Other Deadly Weapons In
15840 Their Possession During this Assault upon James M. Atkinson in
15841 contravention of law. By way of physically assaulting and inuring,
15842 shackling the Plaintiff, and transporting to the Police Station
15843 without being in possession of any legitimate court authority, nor
15844 of having probable cause for such a warrantless arrest.

15845

15846 604. On December 1, 2009, Defendant Daniel Mahoney individually,
15847 and in their official capacity, while acting under color of law as
15848 Police Officers, for the Rockport Police Department, in Rockport,
15849 Massachusetts; did with other defendants violate, deprive, or
15850 infringe upon the civil rights of Plaintiff James M. Atkinson for the
15851 purposes of personal, political, and professional gains, without just
15852 cause, or lawful authority and did Assault or Battery for Purpose of
15853 Intimidation upon James M. Atkinson in contravention of law. By
15854 way of physically assaulting and inuring, shackling the Plaintiff
15855 without being in possession of any legitimate court authority, nor
15856 of having probable cause for such a warrantless arrest, for the
15857 reason of intimidating a witness.

15858
15859 605. On December 1, 2009, Defendant Daniel Mahoney individually,
15860 and in their official capacity, while acting under color of law as
15861 Police Officers, for the Rockport Police Department, in Rockport,
15862 Massachusetts; did with other defendants violate, deprive, or
15863 infringe upon the civil rights of Plaintiff James M. Atkinson for the
15864 purposes of personal, political, and professional gains, without just
15865 cause, or lawful authority and did Arrest on False Pretence James

15866 M. Atkinson in contravention of law. By way of claiming that a
15867 blank sheet of paper was an arrest warrant, when it was not, and
15868 claiming to arrest the Plaintiff on a fictional charge.

15869

15870 606. On December 1, 2009, Defendant Daniel Mahoney individually,
15871 and in their official capacity, while acting under color of law as
15872 Police Officers, for the Rockport Police Department, in Rockport,
15873 Massachusetts; did with other defendants violate, deprive, or
15874 infringe upon the civil rights of Plaintiff James M. Atkinson for the
15875 purposes of personal, political, and professional gains, without just
15876 cause, or lawful authority and did Falsely Imprison James M.
15877 Atkinson in contravention of law. By way of committing assault
15878 and battery upon the Plaintiff, shackling him against his will, and
15879 kidnapping his by transporting to the police station, and then
15880 incarcerating him in a locked cell, and refusing to allow him to
15881 leave.

15882

15883 607. On December 1, 2009, Defendant Daniel Mahoney individually,
15884 and in their official capacity, while acting under color of law as
15885 Police Officers, for the Rockport Police Department, in Rockport,

15886 Massachusetts; did with other defendants violate, deprive, or
15887 infringe upon the civil rights of Plaintiff James M. Atkinson for the
15888 purposes of personal, political, and professional gains, without just
15889 cause, or lawful authority and did refuse to inform Plaintiff as to
15890 the nature of the crime for which arrest/false arrest was on James
15891 M. Atkinson in contravention of law. By way of refusing to show
15892 the Plaintiff a copy of the alleged arrest warrant when asked to
15893 produce same as required by law, and then refused to tell the
15894 Plaintiff why he was being arrested.

15895
15896 a. On the bottom of the pages there are signature blocks for the
15897 “Signature of Complainant”, on what was hours later
15898 proffered to be the “Arrest Warrant” to the court (which the
15899 court had no knowledge of) and this block is blank with no
15900 markings, signatures, or initials.

15901
15902 b. The copy which Plaintiff has in hand, does not have a
15903 signature of the Clerk-Magistrate or Judge on the cover page,
15904 hence it is null and void in its entirety and a fabrication by the
15905 police to effect an unlawful arrest.

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- c. The document is stamped on the upper right hand with a 1-cm high and 4-cm wide “WARRANT” stamp, diagonally in the “Court Name and Address” block.

- d. This does not appear to be a legitimate warrant issued by the court, but it is possible that signatures were added to later versions (signed well after the unlawful arrest). Nonetheless, Plaintiff was given by the court a document while stamped “Warrant” lacks the signature required to actually render it in an arrest warrant.

- e. Hence, there was no arrest warrant was actually issued.

- f. While Patrolman Mahoney does request an arrest warrant in his affidavit, there is no record of one ever actually being approved (in advance of Plaintiff being arrested).

- g. In fact, the document is the one given Plaintiffs attorney John Seabrook by the court clerk on December 1, 2009 at

15926 my arraignment, and at that time to record could be found of
15927 the warrant actually having been signed prior to arrest in
15928 violation of the Plaintiffs civil rights.

15929
15930 h. Thus, as it was provided sans a signature AFTER arrest,
15931 to Plaintiffs attorney at the arraignment, it was in fact an
15932 unsigned warrant before the arrest, and thus an illegal
15933 arrest.

15934
15935 i. While an unsigned complaint may have been filed by the
15936 police to the court, it remained unsigned and
15937 unapproved a full day later and in fact at the time of
15938 arrest and arraignment there still was no signed warrant
15939 for the arrest.

15940
15941 j. There is no mechanism by which the Plaintiff or Plaintiff
15942 counsel would have been able to obtain a copy of this
15943 unsigned and unapproved criminal complaint, and it
15944 marks a very serious anomaly in regards to the Fourth
15945 Amendment.

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- k. Should now, a signed and approved arrest warrant be found, Plaintiff asserts that it was fraudulently signed well after arrest, and quite possibly days later, as there has also been similar anomalies and sloppy documentation in the firearms case as well.

- l. The police cannot now claim that the unsigned document which was later signed, as there would be only a single document created, printed, and signed, and not a multitude of versions that were unsigned, or modified, or manipulated. The mere fact that Plaintiff has an unsigned criminal complaint that purports to be a warrant nonetheless means that the document is not an actual warrant, nor for that matter an actual criminal complaint. Rather it is an unexecuted application, upon which Plaintiff was falsely arrested.

- m. This means that it would have been a warrantless arrest at the time.

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- n. Plaintiff asserts that the warrant was not in fact signed prior to arrest, and that if a signed warrant is produced at a later time, Plaintiff asserts that the document was actually signed post-arrest, when it was discovered to be a warrantless or false arrest. Essentially, if a signed warrant is now produced, it will only be because it was signed AFTER arrest, not before.

- o. Plaintiff would also assert that should a signed warrant in this form and cover sheet later be produced that such a document contains a forged signature, and that it was not actually signed prior to arrest.

- p. When Defendant Mahoney (with another officer) came to Plaintiffs house to effect arrest on 12/1/2009, they pounded on the doors for several minutes, and shouted that they had an arrest warrant. Mahoney repeatedly stated that he would rip the door down with a battering ram if Plaintiff did not come outside. Plaintiff asked to see the arrest warrant, which

15986 Defendant Mahoney claimed he had, and he (Mahoney)
15987 refused to produce it, or to show it to Plaintiff Atkinson.
15988
15989 q. As Defendant Mahoney claimed to have an arrest warrant,
15990 but refused to produce it when asked Plaintiff was
15991 reasonably certain that he did not in fact possess an arrest
15992 warrant. Defendant Mahoney did press a half sheet of paper
15993 against the glass (that was rough 5x8 inches), but this was a
15994 sheet of paper that had been torn in two, and had a few lines
15995 of gibberish on it from a dot matrix printer, and nothing
15996 which looks like actual words, and certainly nothing which
15997 looked like a court document, or anything with the words
15998 “warrant”, or “arrest warrant”, nor even Plaintiffs name, or
15999 any signatures, or anything beyond this piece of paper
16000 actually being a random piece of scratch paper. In fact
16001 Plaintiff observed that the piece of paper Mahoney claims to
16002 be the warrant (which he did not possess) was torn along the
16003 longer edge as if someone have taken an 8.5 x 11 inch sheet
16004 of paper and torn it in half to create an 5.5 x 8.5 half sheet.
16005

16006 r. Defendant Mahoney's violent pounding on Plaintiffs doors
16007 continued, and it sounded like he (Mahoney) was body
16008 slamming the door, and Plaintiff became concerned that he
16009 was going to try to forcibly enter my home, and Mahoney
16010 shouted for the other officer to get the battering ram so that
16011 they could break the doors down.

16012

16013 s. It was only under great duress, and fear of further violence
16014 by Mahoney that Plaintiff told them to step away from the
16015 door and they I would step outside to speak to them.

16016

16017 t. When they did lure Plaintiff outside, he was unlawfully
16018 arrested without a warrant, then handcuffed and locked into
16019 the back of a police cruiser, even though Mahoney stated
16020 that he had an arrest warrant in his possession, which he did
16021 not actually possess.

16022

16023 u. Defendant Mahoney did not actually possess such a process,
16024 and steadfastly refused to display it or produce is even when
16025 repeatedly asked, and Plaintiff repeatedly demanded to see it.

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- v. At the police station, Plaintiff requested and demanded to see the arrest warrant, and Mahoney refused to show it to Plaintiff, or to provide a copy and instead stated “you will get it when you get arraigned.”

- w. In fact at the arraignment the court provided Atkinson and his attorney with an unsigned arrest warrant, and no sign warrant could be found in the record even several hours after the actual arrest. Hence, it was an unlawful, and warrantless arrest.

- x. In turn, Plaintiff suffered assault (non-consenting touching) and battery (wounds to wrists and shoulders, and soft tissue injury to the muscles of the back, neck, and chest), and kidnapping as there was no legal basis for the arrest.

- y. Plaintiff was taken into custody WITHOUT LAWFUL AUTHORITY, and was taken by force and confined against this will, by two armed assailants.

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M.G.L CHAPTER 265 CRIMES AGAINST THE PERSON

Section 26 Kidnapping; weapons; child under age 16; punishment

Section 26. Whoever, **without lawful authority**, forcibly or secretly confines or imprisons another person within this commonwealth against his will, or forcibly carries or sends such person out of this commonwealth, or forcibly seizes and confines or inveigles or kidnaps another person, with intent either to cause him to be secretly confined or imprisoned in this commonwealth against his will, or to cause him to be sent out of this commonwealth against his will or in any way held to service against his will, shall be punished by imprisonment in the state prison for not more than ten years or by a fine of not more than one thousand dollars and imprisonment in jail for not more than two years. Whoever commits any offence described in this section with the intent to extort money or other valuable thing thereby shall be punished by imprisonment in the state prison for life or for any term of years.

Whoever commits any offense described in this section while armed with a firearm, rifle, shotgun, machine gun or assault weapon shall be punished by imprisonment in the state prison for not less than ten years or in the house of correction for not more than two and one-half years. The provisions of the preceding sentence shall not apply to the parent of a child under 18 years of age who takes custody of such child. Whoever commits such offense described in this section while being armed with a firearm, rifle, shotgun, machine gun or assault weapon with the intent to extort money or other valuable thing thereby shall be punished by imprisonment in the state prison for life or for any term of years but not less than 20 years.

16084 [Third paragraph effective until November 5, 2010. For text
16085 effective November 5, 2010, see below.]

16086
16087 Whoever commits any offense described in this section
16088 while armed with a dangerous weapon and inflicts serious
16089 bodily injury thereby upon another person or who sexually
16090 assaults such person shall be punished by imprisonment in
16091 the state prison for not less than 25 years. For purposes of
16092 this paragraph the term "serious bodily injury" shall mean
16093 bodily injury which results in a permanent disfigurement,
16094 protracted loss or impairment of a bodily function, limb or
16095 organ or substantial risk of death. For purposes of this
16096 paragraph, the term "sexual assault" shall mean the
16097 commission of any act set forth in sections 13B, 13F, 13H,
16098 22, 22A, 23, 24 or 24B.

16099
16100 [Third paragraph as amended by 2010, 267, Sec. 61
16101 effective November 5, 2010. For text effective until
16102 November 5, 2010, see above.]

16103
16104 Whoever commits any offense described in this section
16105 while armed with a dangerous weapon and inflicts serious
16106 bodily injury thereby upon another person or who sexually
16107 assaults such person shall be punished by imprisonment in
16108 the state prison for not less than 25 years. For purposes of
16109 this paragraph the term "serious bodily injury" shall mean
16110 bodily injury which results in a permanent disfigurement,
16111 protracted loss or impairment of a bodily function, limb or
16112 organ or substantial risk of death. For purposes of this
16113 paragraph, the term "sexual assault" shall mean the
16114 commission of any act set forth in sections 13B, 13B1/2,
16115 13B3/4, 13F, 13H, 22, 22A, 22B, 22C, 23, 23A, 23B, 24 or
16116 24B.

16117
16118 Whoever, without lawful authority, forcibly or secretly
16119 confines or imprisons a child under the age of 16 within the
16120 commonwealth against his will or forcibly carries or sends
16121 such person out of the commonwealth or forcibly seizes and
16122 confines or inveigles or kidnaps a child under the age of 16

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with the intent either to cause him to be secretly confined or imprisoned in the commonwealth against his will or to cause him to be sent out of the commonwealth against his will or in any way held to service against his will, shall be punished by imprisonment in the state prison for not more than 15 years. The provisions of the preceding sentence shall not apply to the parent of a child under 16 years of age who takes custody of such child.

Section 27 Kidnapping; venue

Section 27. A crime described in section twenty-six may be tried in the county where committed or in any county in or to which the person so seized, inveigled or kidnapped is confined, held, carried or brought; and upon the trial of any such crime, the consent thereto of the person so seized, inveigled, kidnapped or confined shall not be a defence unless the jury finds that such consent was not obtained by fraud or extorted by duress or threats.

Section 29 Assault; intent to commit felony; punishment

Section 29. Whoever assaults another with intent to commit a felony shall, if the punishment of such assault is not hereinbefore provided, be punished by imprisonment in the state prison for not more than ten years or by a fine of not more than one thousand dollars and imprisonment in jail for not more than two and one half years.

Section 13A Assault or assault and battery; punishment

Section 13A.

(a) Whoever commits an assault or an assault and battery upon another shall be punished by imprisonment for not more than 2 1/2 years in a house of correction or by a fine of not more than \$1,000.

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A summons may be issued instead of a warrant for the arrest of any person upon a complaint for a violation of any provision of this subsection if in the judgment of the court or justice receiving the complaint there is reason to believe that he will appear upon a summons.

(b) Whoever commits an assault or an assault and battery:

(i) upon another and by such assault and battery causes serious bodily injury;

(ii) upon another who is pregnant at the time of such assault and battery, knowing or having reason to know that the person is pregnant; or

(iii) upon another who he knows has an outstanding temporary or permanent vacate, restraining or no contact order or judgment issued pursuant to section 18, section 34B or 34C of chapter 208, section 32 of chapter 209, section 3, 4 or 5 of chapter 209A, or section 15 or 20 of chapter 209C, in effect against him at the time of such assault or assault and battery; shall be punished by imprisonment in the state prison for not more than 5 years or in the house of correction for not more than 2 1/2 years, or by a fine of not more than \$5,000, or by both such fine and imprisonment.

(c) For the purposes of this section, "serious bodily injury" shall mean bodily injury that results in a permanent disfigurement, loss or impairment of a bodily function, limb or organ, or a substantial risk of death.

Section 18A Dangerous weapon; assault in dwelling house; punishment

Section 18A. Whoever, being armed with a dangerous weapon, enters a dwelling house and while therein assaults

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another with intent to commit a felony shall be punished by imprisonment in the state prison for life, or for a term of not less than ten years. No person imprisoned under this paragraph shall be eligible for parole in less than five years.

Whoever, being armed with a dangerous weapon defined as a firearm, shotgun, rifle or assault weapon, enters a dwelling house and while therein assaults another with intent to commit a felony shall be punished by imprisonment in the state prison for a term of not less than ten years. Such person shall not be eligible for parole prior to the expiration of ten years.

CHAPTER 263 - RIGHTS OF PERSONS ACCUSED OF CRIME

Section 1 Nature of crime; right to be informed; penalty

Section 1. Whoever is arrested by virtue of process, or whoever is taken into custody by an officer, has a right to know from the officer who arrests or claims to detain him the true ground on which the arrest is made; and an officer who refuses to answer a question relative to the reason for such arrest, or answers such question untruly, or assigns to the person arrested an untrue reason for the arrest, or neglects upon request to exhibit to the person arrested, or to any other person acting in his behalf, the precept by virtue of which such arrest has been made, shall be punished by a fine of not more than one thousand dollars or by imprisonment for not more than one year.

Plaintiff Atkinson repeated ask to see the arrest warrant, and Defendant Mahoney refused to show it to him, and waved a 1/2 sheet of scrap paper (claiming it was the warrant), and indeed he did not have it in his possession when Defendant Mahoney placed Plaintiff Atkinson under arrest and assaulted him.

16240 As Defendant Mahoney only stated that Plaintiff was
16241 being arrested for “Intimidation of a Witness” and not
16242 also “Larceny” Plaintiff was thus arrested without
16243 being told the nature of the second charge, which he
16244 is compelled to do by law, and which he failed to do.
16245 He “attested an untrue reason for the arrest”)

16246
16247 As Defendant Mahoney had to warrant in his
16248 possession, and refused to show the warrant to
16249 Plaintiff, it was thus a False Arrest and kidnapping, as
16250 defined by law.

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16253 608. On December 1, 2009, Defendant Daniel Mahoney individually,
16254 and in their official capacity, while acting under color of law as
16255 Police Officers, for the Rockport Police Department, in Rockport,
16256 Massachusetts; did with other defendants violate, deprive, or
16257 infringe upon the civil rights of Plaintiff James M. Atkinson for the
16258 purposes of personal, political, and professional gains, without just
16259 cause, or lawful authority and did engage in Willful Deprivations
16260 of Federal Rights Under Color of Law of James M. Atkinson in
16261 contravention of law. By way of acting color of law, while in
16262 uniform, and violating the civil rights of Plaintiff Atkinson by
16263 assaulting him, committing battery upon him, by shackling him,
16264 further assaulting him, and confining him without lawful authority
16265 to do so, and without probable cause.

- 16266 a. Plaintiff refused to answer most of the questions during the
16267 booking process and invoked his right to remain silent.
16268
- 16269 b. Plaintiff stated he was having considerable arm and chest
16270 pain and was refused medical attention.
16271
- 16272 c. Plaintiff was also having chest pain at the time as well, and
16273 did tell the arresting officers that Plaintiff required
16274 immediate medical care at the time, but they refused medical
16275 care to me. I actually made it a point to tell them three times
16276 that I required medical care, which they ignored.
16277
- 16278 d. When Plaintiff was asked a multitude of questions he had
16279 not yet been read my *Miranda v. Arizona*, 384 U.S. 436
16280 (1966) rights, where were not in fact read to him until the
16281 intake questioning was completed, and Defendant Mahoney
16282 then read Plaintiff his rights and began to question Plaintiff
16283 around the Swiss case. As the inquiry as to the Plaintiff
16284 family, and to the parents name, and intrusive medical
16285 questions medical questions took place while Plaintiff was

16286 in actually custody, but before being read his *Miranda*
16287 Rights thus anything which was stated to the police prior to
16288 such a recitation of my rights must therefore hence be
16289 excluded at the questions were in fact a “custodial
16290 interrogation” and “fruit of the poisoned tree”.

16291
16292 e. Despite the lack of actual coercion at this point, it is a
16293 constitutional rule that a confession resulting from custodial
16294 interrogation not preceded by appropriate warnings is
16295 normally inadmissible against the speaker. *Dickerson v.*
16296 *United States*, 530 U.S. 428, 431-32, 444 (2000).

16297
16298 f. As Plaintiff refused to answer questions, the police may not
16299 inflict a penalty upon Plaintiff for asserting his 5th
16300 Amendment Rights.

16301
16302 g. As the firearms license to carry suspension letter says
16303 nothing at all in regards to my psychiatric history being in
16304 question, it obviously was not an issue at the time.

16305

16306 h. Indeed the matter did not come up until the officers were
16307 later trying to justify their illegal acts, and used the Officer
16308 O’Neal recent homicide attempt (Rockport Police Officer
16309 who tried to kill his wife when taking anti-depressants and
16310 alcohol).

16311
16312 i. Platiff was not read his rights at the moment of arrest, and as
16313 such any utterance which was made prior to the Miranda
16314 Rights being read to me is inadmissible, and must be struck
16315 from the record.

16316
16317 j. Plaintiff was not asked to sign a Mirada card at either this
16318 arrest, or the second arrest a few days later.

16319
16320 k. The Rockport Police based my “punishment” by unlawfully
16321 suspending license to carry due to my invoking my 5th
16322 Amendment Rights.

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16324 609. On December 1, 2009, Defendant Daniel Mahoney individually,
16325 and in their official capacity, while acting under color of law as

16326 Police Officers, for the Rockport Police Department, in Rockport,
16327 Massachusetts; did with other defendants violate, deprive, or
16328 infringe upon the civil rights of Plaintiff James M. Atkinson for the
16329 purposes of personal, political, and professional gains, without just
16330 cause, or lawful authority and did engage in Interference with
16331 Federally Protected Activities of James M. Atkinson in
16332 contravention of law. By depriving Plaintiff of his freedom, theft
16333 of possessions, unlawful confinement, and other actions.

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16335 610. On December 1, 2009, Defendant Daniel Mahoney individually,
16336 and in their official capacity, while acting under color of law as
16337 Police Officers, for the Rockport Police Department, in Rockport,
16338 Massachusetts; did with other defendants violate, deprive, or
16339 infringe upon the civil rights of Plaintiff James M. Atkinson for the
16340 purposes of personal, political, and professional gains, without just
16341 cause, or lawful authority and did engage in Conspiracy to
16342 Interfere with Civil Rights of James M. Atkinson in contravention
16343 of law. By way of Defendant Mahoney conspiring with employees
16344 of Defendant Research Electronics, employees with the Town of
16345 Rockport, Lyons Ambulance, and State Agencies to injure Plaintiff

16346 to the deprive Plaintiff of his civil rights under the 14th, 4th, and
16347 5th Amendment and other laws.
16348
16349 611. On December 1, 2009, Defendant Daniel Mahoney individually,
16350 and in their official capacity, while acting under color of law as
16351 Police Officers, for the Rockport Police Department, in Rockport,
16352 Massachusetts; did with other defendants violate, deprive, or
16353 infringe upon the civil rights of Plaintiff James M. Atkinson for the
16354 purposes of personal, political, and professional gains, without just
16355 cause, or lawful authority and did engage in Conspiracy to
16356 Interfere with Civil Rights of James M. Atkinson in contravention
16357 of law. By way of Defendant Mahoney conspiring with employees
16358 of Defendant Research Electronics, employees with the Town of
16359 Rockport, Lyons Ambulance, and State Agencies to injure Plaintiff
16360 to the deprive Plaintiff of his civil rights under the 14th, 4th, and
16361 5th Amendment and other laws.

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**Rockport Police Department
Illegal Suspension of License to Carry Arms
Violation of 2nd and 14th Amendment Rights**

16367 612. On December 1, 2009, Defendant Robert Tibert and John T.
16368 McCarthy individually, and in their official capacity, while acting
16369 under color of law as Police Officers, for the Rockport Police
16370 Department, in Rockport, Massachusetts; did with other defendants
16371 violate, deprive, or infringe upon the civil rights of Plaintiff James
16372 M. Atkinson for the purposes of personal, political, and
16373 professional gains, without just cause, or lawful authority and did
16374 engage in Conspiracy to Interfere with Civil Rights of James M.
16375 Atkinson in contravention of law. By means of the issuing of a
16376 letter on Rockport Police Department stationary which unlawfully
16377 suspended or revoked the Plaintiffs right to possess arm, which
16378 was in violation of the 2nd Amendment of the Constitution and a
16379 violation of the 14th Amendment to the Constitution of the United
16380 States, and thus depriving the Plaintiff of his civil rights.

16381
16382 a. M.G.L. Chapter 140, Section 131 only allows Plaintiffs
16383 License to Carry to be suspended or revoked AFTER being
16384 convicted of a felony, not merely charged with one.

16385
16386 **Chapter 140, Section 131**
16387

16388 (i) “has, in any state or federal jurisdiction, been convicted or
16389 adjudicated a youthful offender or delinquent child for the
16390 commission of (a) a felony; (b) a misdemeanor punishable by
16391 imprisonment for more than two years; (c) a violent crime as
16392 defined in section 121; (d) a violation of any law regulating the
16393 use, possession, ownership, transfer, purchase, sale, lease,
16394 rental, receipt or transportation of weapons or ammunition for
16395 which a term of imprisonment may be imposed; or (e) a
16396 violation of any law regulating the use, possession or sale of
16397 controlled substances as defined in section 1 of chapter 94C;”

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16399 “(ii) has been confined to any hospital or institution for mental
16400 illness, unless the applicant submits with his application an
16401 affidavit of a registered physician attesting that such physician
16402 is familiar with the applicant's mental illness and that in such
16403 physician's opinion the applicant is not disabled by such an
16404 illness in a manner that should prevent such applicant from
16405 possessing a firearm;”

16406
16407 “(iii) is or has been under treatment for or confinement for drug
16408 addiction or habitual drunkenness, unless such applicant is
16409 deemed to be cured of such condition by a licensed physician,
16410 and such applicant may make application for such license after
16411 the expiration of five years from the date of such confinement
16412 or treatment and upon presentment of an affidavit issued by
16413 such physician stating that such physician knows the applicant's
16414 history of treatment and that in such physician's opinion the
16415 applicant is deemed cured;”

16416

16417 also,

16418 “(f) A license issued under this section shall be revoked or
16419 suspended by the licensing authority, or his designee, upon the
16420 occurrence of any event that would have disqualified the holder
16421 from being issued such license or from having such license
16422 renewed. A license may be revoked or suspended by the
16423 licensing authority if it appears that the holder is no longer a
16424 suitable person to possess such license. Any revocation or
16425 suspension of a license shall be in writing and shall state the

16426 reasons therefor. Upon revocation or suspension, the licensing
16427 authority shall take possession of such license and the person
16428 whose license is so revoked or suspended shall take all actions
16429 required under the provisions of section 129D. No appeal or
16430 post-judgment motion shall operate to stay such revocation or
16431 suspension. Notices of revocation and suspension shall be
16432 forwarded to the executive director of the criminal history
16433 systems board and the commissioner of probation and shall be
16434 included in the criminal justice information system. A revoked
16435 or suspended license may be reinstated only upon the
16436 termination of all disqualifying conditions, if any.”
16437

16438 b. In fact, the letter that Plaintiff was given when his License to
16439 Carry was illegally seized and suspended stated merely that
16440 Plaintiff was charged with a crime, nothing more.

16441
16442 c. The suspension letter was a SUSPENSION letter, but in the
16443 Grand Jury minutes it has been converted to a
16444 REVOCATION.

16445
16446 d. Further, the letter of suspension dated December 1, 2009
16447 said nothing about it being suspended because Plaintiff
16448 refused to answer questions about his family and parents, or
16449 refused to answer questions about the case, or refuse to
16450 answer other questions, and invoke his 5th Amendment
16451 Rights.

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e. Hence, there was no disqualifying condition of any sort, and the police violated Plaintiffs civil rights by punishing him by way of suspending my License to Carry and stripped him of a civil right in violation of federal law.

f. In *Monell v. New York City*, 436 U.S. 658, 98 S. Ct. 2018, 56 (1978). The Supreme Court concluded, "It is when execution of a local government's policy or custom, whether made by its lawmakers or by those whose edicts or acts may fairly be said to represent official policy, inflicts the injury that the local government as an entity is responsible under 1983," Id. At 694, 98 S. Ct. At 2037.

g. The Court further stated that "local governments. May be sued for constitutional deprivations visited pursuant to government 'custom'. Even though such custom has not received formal approval through the body's official decision making channels" Id. At 690-90,98 S.Ct. At 2036. Under these standards of the Supreme Court and in view of the record there is substantial evidence to supports the Town's policy or custom proximately caused constitutional deprivations.

h. But, Plaintiff asserts that the revocation was more sinister than that, and in fact what had happened, is that the police needed to quickly discredit Plaintiff as a states witness against Lyons Ambulance, Henry Michalski, Members of

16482 the Rockport Police Department, and others, and they
16483 needed an excuse to raid Plaintiffs home and to “punish him
16484 up” for turning in the illegal courses being run at Lyons
16485 Ambulance of which quite a few people in the Rockport
16486 Police Department, Fire Department, and Ambulance
16487 Department had been involved. Thus, they once again
16488 “discovered” that Plaintiffs having owned at one time of
16489 another over a period of 25 years around 50 firearms, but
16490 that Plaintiff had sold off all but a small number.

16491
16492 i. Therefore, Rockport Police and others concocted a scheme to
16493 convince the court that Plaintiff was hoarding guns, so that
16494 when they unlawfully suspended Plaintiffs License to Carry
16495 and unlawfully forced Plaintiff to turned in the firearms he
16496 had. Then the Rockport Police Department would claim that
16497 Plaintiff “had not turned in all the guns” they claimed the
16498 Plaintiff had (but a record of a firearm being purchases, also
16499 means they there is also a record of the firearm being sold,
16500 which they neglected to present to the court), instead they
16501 foisted a token amount of records on the court that showed

16502 Plaintiff had disposed of a small number of firearms, yet
16503 they told the court that Plaintiff was still holding over 30
16504 firearms, which he was not.

16505
16506 j. In fact one of the firearms which the Rockport Police
16507 Department, et al “found” is not one that Plaintiff ever
16508 owned, and Plaintiff asserts that it was a cheap throw-down
16509 gun that was planted while Plaintiff was in school before the
16510 search warrant was obtained for “insurance” purposes and
16511 prior to 12/1/2009. This way if Plaintiff did turn in
16512 everything right away; there would still be a revolver that
16513 they could find during a later unlawful search.

16514
16515 613. On December 1, 2009, Defendant Robert Tibert and John T.
16516 McCarthy individually, and in their official capacity, while acting
16517 under color of law as Police Officers, for the Rockport Police
16518 Department, in Rockport, Massachusetts; did with other defendants
16519 violate, deprive, or infringe upon the civil rights of Plaintiff James
16520 M. Atkinson for the purposes of personal, political, and
16521 professional gains, without just cause, or lawful authority and did

16522 engage in Scheme to Defraud against James M. Atkinson in
16523 contravention of law. By means of the issuing of a letter on
16524 Rockport Police Department stationary which unlawfully
16525 suspended or revoked the Plaintiffs right to possess arm, which
16526 was in violation of the 2nd Amendment of the Constitution and a
16527 violation of the 14th Amendment to the Constitution of the United
16528 States, and thus depriving the Plaintiff of his civil rights.

16529
16530 a. Indeed that letter is in the form of an “ORDER” and issued
16531 under the guise of a writ, and indeed the document
16532 ORDERED the Plaintiff to turn in all arms and all
16533 ammunition, and in fact used the word “ORDERED” within
16534 the letter.

16535
16536 b. The police are not authorized to make such an order to a
16537 civilian, only a court may issue AN ORDER, not the police.

16538
16539 c. The police chief of the Town of Rockport may be able to
16540 order one of his own officers to turn in their Town issued

16541 sidearm or firearms, but he lacks the authority to order a
16542 civilian to do the same.

16543
16544 d. It is a violation of Plaintiffs civil rights to require that he
16545 turn in any arms which may be located at his residence, as
16546 per the Supreme Court in *Heller* (2008, *McDonald* (2010),
16547 and other cases such as *Ezzel* (2011)

16548
16549 e. As the Police had already unlawfully seized Plaintiffs
16550 License to Carry, it would be ludicrous for them to therefore
16551 order him to turn in to them again, something which they
16552 had just unlawfully seized and stolen.

16553
16554 f. The police are not authorized by law to order Plaintiff to
16555 turn in or to surrender my arms, or ammunition; the Chief
16556 (despite his delusions to the contrary) does not in fact have
16557 such power.

16558
16559 g. Plaintiff asserts that in fact only, a judge in a court may
16560 make such as order, and then only after have had a hearing

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on the matter, and due processes has been afforded the Plaintiff, which is not the case here.

h. In fact, it is questionable that a District Court judge can legally require me to turn in arms, until a U.S. Citizen has been adjudged a convicted felon or judged insane, which has never happened. The arms in the home are sacred by law, and protected by the Bill of Rights and multiple Supreme Court Rulings, and other laws, and they are outside the scope of the state to include being outside the scope of the Chief of Police of the Town of Rockport and his subordinated.

i. M.G.L. Chapter 140, Section 131, also does not provide any special power to the police to cause the surrender of arms, nor the turn in of arms upon the suspension of a License to Carry, nor does it empower the police or order a citizen to turn in arms, nor does it allow then any mechanism for the police to effect a seizure.

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j. M.G.L. Chapter 140, Section 129D, does however state:

“Section 129D. Upon revocation, suspension or denial of an application for a firearm identification card pursuant to the conditions of section one hundred and twenty-nine B, or of any firearms license if said firearms identification card is not then in force or of any machine gun license, the person whose application was so revoked, suspended or denied shall without delay deliver or surrender, to the licensing authority where he resides, all firearms, rifles, shotguns and machine guns and ammunition which he then possesses unless an appeal is pending. Such person, or his legal representative, shall have the right, at any time up to one year after said delivery or surrender, to transfer such firearms, rifles, shotguns and machine guns and ammunition to any licensed dealer or any other person legally permitted to purchase or take possession of such firearms, rifles, shotguns and machine guns and ammunition and upon notification in writing by the purchaser or transferee and the former owner, the licensing authority shall within ten days deliver such firearms, rifles, shotguns and machine guns and ammunition to the transferee or purchaser and due care shall be observed by the licensing authority in the receipt and holding of any such firearm, rifle, shotgun or machine gun and ammunition.”

k. Thus, as the police merely suspended Plaintiffs License to Carry, but not his (still valid) Firearms Identification Card, the police had no power to request, demand, request, suggest, order, or to otherwise compel me to turn in arms or ammunition.

16613 1. In fact, by virtue of the 2nd amendment being Applied to the
16614 States by way of the 14th amendment the Rockport Police
16615 Department in Rockport, MA has zero authority to request,
16616 demand, require, suggest, order to otherwise command any
16617 U.S. Citizen who was not a convicted felon or adjudged
16618 insane to turn in ANY arms should they lack a license to
16619 carry or a FID card.

16620
16621 m. In fact Section 129D is unlawful, and violation of Federal
16622 law, and must be stricken for the statutes by this court.

16623
16624 n. Additionally, the Commonwealth statue defines **“without**
16625 **delay”** to be a period of **“within sixty days”** (re: Chapter 12,
16626 Section 28 is the only place in the entire body of law where
16627 “without delay” is actually specified).

16628
16629 o. Also, since “without delay” is listed as “within sixty days”
16630 and a citizen of the Commonwealth (to include the Plaintiff)
16631 has 90 days in which to file my appeal with the court, is it a
16632 violation of law for the Police to compel Plaintiff to

16633 surrender any arms. In fact, it is a deprivation of due process,
16634 and a violation of my civil rights for them to do so.

16635
16636 p. As the statutory definition of “without delay” is “within
16637 sixty days” and an appeal of a suspension may be
16638 undertaken during that time, and Rockport Police
16639 Department may not require the immediate turn over of any
16640 arms as the matter is thus appealable for 90 days.

16641
16642 q. **Further, the state statute mandates that the arms do not**
16643 **have to be turned in if an appeal is pending.**

16644
16645 r. Appeal period notwithstanding, the Bill of Rights, and
16646 Federal law, and ruling by the Supreme Court the arms may
16647 not be taken from a U.S. Citizen, and arms do not have to be
16648 turned in.

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16650 s. When Defendant Tibert handed me the letter, Plaintiff stated
16651 to him “that I (Plaintiff Atkinson) would be filing an appeal”

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and hence an appeal was pending at the time, and indeed an appeal was in fact filed in District Court.

t. Defendant Tibert that stated “that the Police would could to come to my (Plaintiff Atkinson’s) home in a few days with a search warrant, and break the door down, and that if they found firearms that they could charge him (Plaintiff) with a felony”

u. This is actually a very serious Felony which Defendant Tibert committed, and threatening to accuse someone of committing a crime for political gain, and threatening to violate Plaintiffs civil rights under the color of authority, or threatening to break into Plaintiffs house, are all highly illegal acts.

v. The case is an issue of Malicious Prosecution, nothing less, and a tremendous violation of Plaintiff civil rights by official Defendants acting under color of law.

16672 w. Plaintiff was under zero legal obligations (as per the statutes
16673 which both grants sixty days, and an appeal period) to
16674 surrender any arms or ammunition to the Rockport Police
16675 Department at that moment in time.

16676
16677 x. Further, as an U.S. Citizen, Plaintiff is not required to turn in
16678 any arms to the police, so long as those arms are kept within
16679 Plaintiffs own home, or are borne upon his person.

16680
16681 y. The letter was actually not from the Chief of Police, but
16682 rather it was from Sergeant Tibert, who used the Police
16683 Chief Signature stamp, thus forging the signature, and then
16684 signing his own name next to that of the Chiefs stamped
16685 signature.

16686
16687 z. Ergo, it was Sergeant Tibert who suspended Plaintiffs “Class
16688 A- License to Carry” and not at all the Chief of Police.
16689 Nonetheless, it was done with Defendant McCarthy’s
16690 instructions.

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aa. Thus the Chief of Police did not provide a Letter to the
Rockport Police Department as Defendant Marino claims
that Defendant Tibert claimed to him in later affidavits.

bb. It bears mentioning that on or around April 2009, while
acting as an EMT for the Town of Rockport Plaintiff
Atkinson had a patient who was found partially nude in her
bedroom with Defendant Tibert. This female patient (who
was nude below the waist) who was bleeding badly
vaginally and anally and who stated specifically that
Sergeant Tibert had just sexually raped her, and that he had
raped her in the past. The patient's wrists were abraded and
cut and contained what looked like marks from the ratchet
mechanism of handcuffs and the thin red bands formed by
the hoops of handcuffs, and her bedroom was in disarray as if
in a violent struggle had taken place, however, the patient
was not in handcuffs upon our arrival. Nor did the wounds
appear to be self-inflicted, nor created with a cutting
instrument. Defendant Tibert did have blood on his pants
and hands, including the area of his groin, and the area

16712 around the zipper. I was instructed by the other two EMT's
16713 (superior to me, Rosemary Lesch and Jane Carr) that the
16714 patient was a known psychiatric patient, and that Plaintiff
16715 should ignore the patients accusations of rape. Patient did
16716 report the accusations of rape to the physician at the hospital,
16717 and did report the accusations to the department supervisor
16718 (Defendant Rosemary Lesch), who told Plaintiff to forget
16719 that he had heard any such accusations from the patient.
16720 Patient did not appear delusionary, but rather terrified, and
16721 once she was removed to the ambulance and away from
16722 Defendant Tibert, she calmed down. Once in the ambulance
16723 the Patient repeated her claim the Defendant had just raped
16724 her, and that he had raped her in the past.

16725
16726 614. On December 1, 2009, Defendant Robert Tibert individually,
16727 and in their official capacity, while acting under color of law as
16728 Police Officers, for the Rockport Police Department, in Rockport,
16729 Massachusetts; did with other defendants violate, deprive, or
16730 infringe upon the civil rights of Plaintiff James M. Atkinson for the
16731 purposes of personal, political, and professional gains, without just

16732 cause, or lawful authority and did engage in Forgery against James
16733 M. Atkinson in contravention of law. By means of forging the
16734 signature of the Chief of Police on an official document, and then
16735 using this forged document to infringe and deprive Plaintiff of his
16736 civil rights.

16737
16738 615. On December 1, 2009, Defendant Robert Tibert and John T.
16739 McCarthy individually, and in their official capacity, while acting
16740 under color of law as Police Officers, for the Rockport Police
16741 Department, in Rockport, Massachusetts; did with other defendants
16742 violate, deprive, or infringe upon the civil rights of Plaintiff James
16743 M. Atkinson for the purposes of personal, political, and
16744 professional gains, without just cause, or lawful authority and did
16745 engage in Felony Larceny by False Pretenses against James M.
16746 Atkinson in contravention of law. By presenting Plaintiff Atkinson
16747 with a forged letter, that did unlawfully deprive the Plaintiff of his
16748 civil rights.

16749
16750 616. On December 1, 2009, Defendants Robert Tibert, individually,
16751 and in their official capacities, while acting under color of law as

16752 Police Officers, for the Rockport Police Department, in Rockport,
16753 Massachusetts; did with other defendants violate, deprive, or
16754 infringe upon the civil rights of Plaintiff James M. Atkinson for the
16755 purposes of personal, political, and professional gains, without just
16756 cause, or lawful authority and did Steal by Confining or Putting in
16757 Fear cash, monetary instruments, and other property from James
16758 M. Atkinson in contravention of law. By way of written and verbal
16759 threats by Defendant Tibert, which resulted in Plaintiff Atkinson
16760 turning in arms, even though such a turn-in is not authorized by
16761 law, and if in contravention of Federal Law.

16762
16763 617. On December 1, 2009, Defendants Robert Tibert individually,
16764 and in their official capacities, while acting under color of law as
16765 Police Officers, for the Rockport Police Department, in Rockport,
16766 Massachusetts; did with other defendants violate, deprive, or
16767 infringe upon the civil rights of Plaintiff James M. Atkinson for the
16768 purposes of personal, political, and professional gains, without just
16769 cause, or lawful authority and did Steal and Take Away Property
16770 from a Disabled Person, Numerous Items Valued in Excess of
16771 \$250 owned by James M. Atkinson in contravention of law. By

16772 way of written and verbal threats by Defendant Tibert, which
16773 resulted in Plaintiff Atkinson turning in arms, even though such a
16774 turn-in or arms is not authorized by law, and is in contravention of
16775 Federal Law.

16776
16777 618. On December 1, 2009, Defendant Robert Tibert and John T.
16778 McCarthy individually, and in their official capacity, while acting
16779 under color of law as Police Officers, for the Rockport Police
16780 Department, in Rockport, Massachusetts; did with other defendants
16781 violate, deprive, or infringe upon the civil rights of Plaintiff James
16782 M. Atkinson for the purposes of personal, political, and
16783 professional gains, without just cause, or lawful authority and did
16784 Violate the Right to Keep and to Bear Arms of James M. Atkinson
16785 in contravention of law. By way of written and verbal threats by
16786 Defendant Tibert, which resulted in Plaintiff Atkinson turning in
16787 arms, even though such a turn-in or arms is not authorized by law,
16788 and is in contravention of Federal Law.

16789
16790 619. On December 1, 2009, Defendant Robert Tibert and John T.
16791 McCarthy individually, and in their official capacity, while acting

16792 under color of law as Police Officers, for the Rockport Police
16793 Department, in Rockport, Massachusetts; did with other defendants
16794 violate, deprive, or infringe upon the civil rights of Plaintiff James
16795 M. Atkinson for the purposes of personal, political, and
16796 professional gains, without just cause, or lawful authority and did
16797 Violated the Privileges and Immunities U.S. Citizen James M.
16798 Atkinson in contravention of law. By way of written and verbal
16799 threats by Defendant Tibert, which resulted in Plaintiff Atkinson
16800 turning in arms, even though such a turn-in or arms is not
16801 authorized by law, and is in contravention of Federal Law.

16802
16803 620. On December 1, 2009, Defendant Robert Tibert and John T.
16804 McCarthy individually, and in their official capacity, while acting
16805 under color of law as Police Officers, for the Rockport Police
16806 Department, in Rockport, Massachusetts; did with other defendants
16807 violate, deprive, or infringe upon the civil rights of Plaintiff James
16808 M. Atkinson for the purposes of personal, political, and
16809 professional gains, without just cause, or lawful authority and did
16810 Violate the Constitutional Rights of James M. Atkinson in
16811 contravention of law. By way of written and verbal threats by

16812 Defendant Tibert, which resulted in Plaintiff Atkinson turning in
16813 arms, even though such a turn-in or arms is not authorized by law,
16814 and is in contravention of Federal Law.

16815

16816 621. On December 1, 2009, Defendant Robert Tibert and John T.
16817 McCarthy individually, and in their official capacity, while acting
16818 under color of law as Police Officers, for the Rockport Police
16819 Department, in Rockport, Massachusetts; did with other defendants
16820 violate, deprive, or infringe upon the civil rights of Plaintiff James
16821 M. Atkinson for the purposes of personal, political, and
16822 professional gains, without just cause, or lawful authority and did
16823 Violate the Rights Guarantees, Privileges and Immunities of
16824 Citizenship, Due Process and Equal Protection of U.S. Citizens of
16825 James M. Atkinson in contravention of law. By way of written and
16826 verbal threats by Defendant Tibert, which resulted in Plaintiff
16827 Atkinson turning in arms, even though such a turn-in or arms is not
16828 authorized by law, and is in contravention of Federal Law.

16829

16830 **1. With the fraudulent and perjurious affidavit by Defendant Marino he**
16831 **states “The above mentioned facts and circumstances give me**
16832 **probable cause to believe that James Atkinson is currently in**

possession of the following firearms after receiving surrender notification in lieu of a suspension:”

16833
16834
16835

16836 a. A important issue presents itself in the last eight word of the
16837 previous sentence.

16838

16839 b. The words “in lieu of” are used in regards to the suspension,
16840 so according to this sentence, there was a surrender
16841 notification issued, and that it was issued instead of a
16842 suspension (the police officer is using words that are above
16843 his station).

16844

16845 c. Thus, by this sworn affidavit, Plaintiff was issued a
16846 (unlawful) surrender notification, but that this was done “in
16847 lieu of” an actual suspension.

16848

16849 d. Hence, there was no suspension, by virtue of the surrender
16850 notification.

16851

- 16852 e. The word “lieu” of Old French which means “Place or stead”
16853 and the idiom of “in lieu of” means “in place of” or, “or
16854 instead of”.
- 16855
- 16856 f. Thus we cannot have both, it is either one or the other.
- 16857
- 16858 g. As the direction of the sentence states that a surrender
16859 notification was given “instead of” a suspension, there thus
16860 was no suspension.
- 16861
- 16862 h. The sentence cannot be read backwards to mean that a
16863 suspension was given instead of a surrender notification.
- 16864
- 16865 i. Thus, there was no suspension, and hence Defendant Tiber,
16866 Marino, McCarthy, and others are operating outside of the
16867 law.
- 16868
- 16869 j. Indeed again, the officer states that probable cause is present,
16870 when in fact there is nothing more then the mere, faint,
16871 suspicions, but nothing more, and such suspicions do not

16872 constitute probable cause. Thus, a police office may not state
16873 that something is “probable cause” as only the Magistrate or
16874 Judge is allowed to do that... a police officer who claims
16875 that probable cause exists, thus commits fraud, and is
16876 exceeding his jurisdiction and power. Further the police
16877 officer is unduly influencing the magistrate, and the
16878 magistrate is accepting of this undue influence.

16879
16880 k. A police office thus is forbidden to determine if probable
16881 cause exists, and in making such a claim, it unduly
16882 influences the Magistrate, who alone makes such a
16883 determination of “probable cause,” not the investigating
16884 police officer.

16885 “The point of the Fourth Amendment, which often is
16886 not grasped by zealous officers, is not that it denies law
16887 enforcement the support of the usual inferences which
16888 reasonable men draw from evidence. Its protection
16889 consists in requiring that those inferences be drawn by a
16890 neutral and detached magistrate instead of being judged
16891 by the officer engaged in the often competitive
16892 enterprise of ferreting out crime.” *Johnson v. United*
16893 *States*, supra, at 13-14.”
16894

16895 622. On December 1, 2009, Defendant Robert Tibert and John T.
16896 McCarthy individually, and in their official capacity, while acting

16897 under color of law as Police Officers, for the Rockport Police
16898 Department, in Rockport, Massachusetts; did with other defendants
16899 violate, deprive, or infringe upon the civil rights of Plaintiff James
16900 M. Atkinson for the purposes of personal, political, and
16901 professional gains, without just cause, or lawful authority and did
16902 engage in a Pattern or Practice of Conduct or Deprivation of Rights,
16903 Privileges, or Immunities of James M. Atkinson in contravention
16904 of law. By way of written and verbal threats by Defendant Tibert,
16905 which resulted in Plaintiff Atkinson turning in arms, even though
16906 such a turn-in or arms is not authorized by law, and is in
16907 contravention of Federal Law.

16908
16909 623. On December 1, 2009, Defendant Robert Tibert and John T.
16910 McCarthy individually, and in their official capacity, while acting
16911 under color of law as Police Officers, for the Rockport Police
16912 Department, in Rockport, Massachusetts; did with other defendants
16913 violate, deprive, or infringe upon the civil rights of Plaintiff James
16914 M. Atkinson for the purposes of personal, political, and
16915 professional gains, without just cause, or lawful authority and did
16916 engage in Larceny by False Pretence against James M. Atkinson in

16917 contravention of law. By way of written and verbal threats by
16918 Defendant Tibert, which resulted in Plaintiff Atkinson turning in
16919 arms, even though such a turn-in or arms is not authorized by law,
16920 and is in contravention of Federal Law.

16921

16922 624. On December 1, 2009, Defendant Robert Tibert and John T.
16923 McCarthy individually, and in their official capacity, while acting
16924 under color of law as Police Officers, for the Rockport Police
16925 Department, in Rockport, Massachusetts; did with other defendants
16926 violate, deprive, or infringe upon the civil rights of Plaintiff James
16927 M. Atkinson for the purposes of personal, political, and
16928 professional gains, without just cause, or lawful authority and did
16929 engage in Extortion against James M. Atkinson in contravention of
16930 law. By way of written and verbal threats by Defendant Tibert,
16931 which resulted in Plaintiff Atkinson turning in arms, even though
16932 such a turn-in or arms is not authorized by law, and is in
16933 contravention of Federal Law.

16934

16935 625. On December 1, 2009, Defendant Robert Tibert and John T.
16936 McCarthy individually, and in their official capacity, while acting

16937 under color of law as Police Officers, for the Rockport Police
16938 Department, in Rockport, Massachusetts; did with other defendants
16939 violate, deprive, or infringe upon the civil rights of Plaintiff James
16940 M. Atkinson for the purposes of personal, political, and
16941 professional gains, without just cause, or lawful authority and did
16942 engage in Larceny over \$250 against James M. Atkinson in
16943 contravention of law. By way of written and verbal threats by
16944 Defendant Tibert, which resulted in Plaintiff Atkinson turning in
16945 arms, even though such a turn-in or arms is not authorized by law,
16946 and is in contravention of Federal Law.

16947
16948 626. On December 1, 2009, Defendant Robert Tibert and John T.
16949 McCarthy individually, and in their official capacity, while acting
16950 under color of law as Police Officers, for the Rockport Police
16951 Department, in Rockport, Massachusetts; did with other defendants
16952 violate, deprive, or infringe upon the civil rights of Plaintiff James
16953 M. Atkinson for the purposes of personal, political, and
16954 professional gains, without just cause, or lawful authority and did
16955 engage in a Conspiracy to Injure Citizens in the Exercise of
16956 Federal Rights of James M. Atkinson in contravention of law. By

16957 way of written and verbal threats by Defendant Tibert, which
16958 resulted in Plaintiff Atkinson turning in arms, even though such a
16959 turn-in or arms is not authorized by law, and is in contravention of
16960 Federal Law.

16961
16962 627. On December 1, 2009, Defendant Robert Tibert and John T.
16963 McCarthy individually, and in their official capacity, while acting
16964 under color of law as Police Officers, for the Rockport Police
16965 Department, in Rockport, Massachusetts; did with other defendants
16966 violate, deprive, or infringe upon the civil rights of Plaintiff James
16967 M. Atkinson for the purposes of personal, political, and
16968 professional gains, without just cause, or lawful authority and did
16969 engage in Willful Deprivations of Federal Rights Under Color of
16970 Law of James M. Atkinson in contravention of law. By way of
16971 written and verbal threats by Defendant Tibert, which resulted in
16972 Plaintiff Atkinson turning in arms, even though such a turn-in or
16973 arms is not authorized by law, and is in contravention of Federal
16974 Law.

16975

16976 628. On December 1, 2009, Defendant Robert Tibert and John T.
16977 McCarthy individually, and in their official capacity, while acting
16978 under color of law as Police Officers, for the Rockport Police
16979 Department, in Rockport, Massachusetts; did with other defendants
16980 violate, deprive, or infringe upon the civil rights of Plaintiff James
16981 M. Atkinson for the purposes of personal, political, and
16982 professional gains, without just cause, or lawful authority and did
16983 engage in Interference with Federally Protected Activities of James
16984 M. Atkinson in contravention of law. By way of written and verbal
16985 threats by Defendant Tibert, which resulted in Plaintiff Atkinson
16986 turning in arms, even though such a turn-in or arms is not
16987 authorized by law, and is in contravention of Federal Law.

16988
16989 629. On December 1, 2009, Defendant Robert Tibert and John T.
16990 McCarthy individually, and in their official capacity, while acting
16991 under color of law as Police Officers, for the Rockport Police
16992 Department, in Rockport, Massachusetts; did with other defendants
16993 violate, deprive, or infringe upon the civil rights of Plaintiff James
16994 M. Atkinson for the purposes of personal, political, and
16995 professional gains, without just cause, or lawful authority and did

16996 engage in Conspiracy to Interfere with Civil Rights of James M.
16997 Atkinson in contravention of law. By way of written and verbal
16998 threats by Defendant Tibert, which resulted in Plaintiff Atkinson
16999 turning in arms, even though such a turn-in or arms is not
17000 authorized by law, and is in contravention of Federal Law.

17001

17002 630. On December 1, 2009, Defendant Robert Tibert and John T.
17003 McCarthy individually, and in their official capacity, while acting
17004 under color of law as Police Officers, for the Rockport Police
17005 Department, in Rockport, Massachusetts; did with other defendants
17006 violate, deprive, or infringe upon the civil rights of Plaintiff James
17007 M. Atkinson for the purposes of personal, political, and
17008 professional gains, without just cause, or lawful authority and did
17009 engage in Actions for Neglect to Prevent Interfere with Civil
17010 Rights of James M. Atkinson in contravention of law. By way of
17011 written and verbal threats by Defendant Tibert, which resulted in
17012 Plaintiff Atkinson turning in arms, even though such a turn-in or
17013 arms is not authorized by law, and is in contravention of Federal
17014 Law.

17015

17016 631. On December 1, 2009, Defendant Robert Tibert and John T.
17017 McCarthy individually, and in their official capacity, while acting
17018 under color of law as Police Officers, for the Rockport Police
17019 Department, in Rockport, Massachusetts; did with other defendants
17020 violate, deprive, or infringe upon the civil rights of Plaintiff James
17021 M. Atkinson for the purposes of personal, political, and
17022 professional gains, without just cause, or lawful authority and did
17023 engage in Interference with Commerce of James M. Atkinson in
17024 contravention of law. By way of written and verbal threats by
17025 Defendant Tibert, which resulted in Plaintiff Atkinson turning in
17026 arms, even though such a turn-in or arms is not authorized by law,
17027 and is in contravention of Federal Law.

17028
17029 632. On or about December 1, 2009, Defendant Sean Andrus
17030 individually, and in his official capacity, while acting under color
17031 of law as a Police Officer, for the Rockport Police Department, in
17032 Rockport, Massachusetts did with other defendants violate, deprive,
17033 or infringe upon the civil rights of Plaintiff James M. Atkinson for
17034 the purposes of personal, political, and professional gains, without
17035 just cause, or lawful authority and did engage in False Written

17036 Reports by Public Officers against James M. Atkinson in
17037 contravention of law. By way of making false statements in
17038 regards to arms turn in the to Rockport Police Department under
17039 extortionate threats and in violation of Federal law. Defendant
17040 Andrus made specific false statements about certain ammunition
17041 matching or not matching certain weapons, when in fact he lacks
17042 the education or training to make such a statement or claim.

17043

17044 **Rockport Police Department**
17045 **Illegal and Warrantless Search of Plaintiff**
17046 **Atkinson's Home, While Plaintiff was Hospitalized**

17047

17048 633. On December 2, 2009, Defendants Daniel Mahoney; Michael
17049 Marino; Robert Tibert; Mark Schmink; Sean Andrus, individually,
17050 and in their official capacities, while acting under color of law as
17051 Police Officers, for the Rockport Police Department, in Rockport,
17052 Massachusetts; did with other defendants violate, deprive, or
17053 infringe upon the civil rights of Plaintiff James M. Atkinson for the
17054 purposes of personal, political, and professional gains, without just
17055 cause, or lawful authority and did covertly enter the home of James
17056 M. Atkinson without being in possession of a properly issued, or
17057 valid search warrant, and did engage in an illegal search and/or

17058 seizure property of James M. Atkinson in contravention of law. By
17059 means of a copied door key (the key was copied on December 1,
17060 2009), while the Plaintiff Atkinson as hospitalized due to injuries
17061 inflicted by the police, while the police knew that the Plaintiff was
17062 hospitalized.

17063
17064 634. On December 2, 2009, Defendants Daniel Mahoney; Michael
17065 Marino; Robert Tibert; Mark Schmink; Sean Andrus, individually,
17066 and in their official capacities, while acting under color of law as
17067 Police Officers, for the Rockport Police Department, in Rockport,
17068 Massachusetts; did with other defendants violate, deprive, or
17069 infringe upon the civil rights of Plaintiff James M. Atkinson for the
17070 purposes of personal, political, and professional gains, without just
17071 cause, or lawful authority and Steal and Take Away Property from
17072 a Disabled Person, Numerous Items Valued in Excess of \$250 of
17073 James M. Atkinson in contravention of law. By means of a copied
17074 door key (the key was copied on December 1, 2009), while the
17075 Plaintiff Atkinson as hospitalized due to injuries inflicted by the
17076 police, while the police knew that the Plaintiff was hospitalized.

17077

17078 635. On December 2, 2009, Defendants Daniel Mahoney; Michael
17079 Marino; Robert Tibert; Mark Schmink; Sean Andrus, individually,
17080 and in their official capacities, while acting under color of law as
17081 Police Officers, for the Rockport Police Department, in Rockport,
17082 Massachusetts; did with other defendants violate, deprive, or
17083 infringe upon the civil rights of Plaintiff James M. Atkinson for the
17084 purposes of personal, political, and professional gains, without just
17085 cause, or lawful authority and Commit Economic Espionage by
17086 taking away and/or copying valuable trade secrets and proprietary
17087 information and sharing this with other people, and with agents of
17088 foreign countries in order to injure James M. Atkinson in
17089 contravention of law. By means of a copied door key (the key was
17090 copied on December 1, 2009), while the Plaintiff Atkinson as
17091 hospitalized due to injuries inflicted by the police, while the police
17092 knew that the Plaintiff was hospitalized.

17093
17094 636. On December 2, 2009, Defendants Daniel Mahoney; Michael
17095 Marino; Robert Tibert; Mark Schmink; Sean Andrus, individually,
17096 and in their official capacities, while acting under color of law as
17097 Police Officers, for the Rockport Police Department, in Rockport,

17098 Massachusetts; did with other defendants violate, deprive, or
17099 infringe upon the civil rights of Plaintiff James M. Atkinson for the
17100 purposes of personal, political, and professional gains, without just
17101 cause, or lawful authority and did Steal Trade Secrets by taking
17102 away and/or copying valuable trade secrets and proprietary
17103 information and sharing this with other people, and with agents of
17104 foreign countries in order to injure James M. Atkinson in
17105 contravention of law. By means of a copied door key (the key was
17106 copied on December 1, 2009), while the Plaintiff Atkinson as
17107 hospitalized due to injuries inflicted by the police, while the police
17108 knew that the Plaintiff was hospitalized.

17109
17110 637. On December 2, 2009, Defendants Daniel Mahoney; Michael
17111 Marino; Robert Tibert; Mark Schmink; Sean Andrus, individually,
17112 and in their official capacities, while acting under color of law as
17113 Police Officers, for the Rockport Police Department, in Rockport,
17114 Massachusetts; did with other defendants violate, deprive, or
17115 infringe upon the civil rights of Plaintiff James M. Atkinson for the
17116 purposes of personal, political, and professional gains, without just
17117 cause, or lawful authority and did unlawfully enter the residence of

17118 James M. Atkinson in contravention of law. By means of a copied
17119 door key (the key was copied on December 1, 2009), while the
17120 Plaintiff Atkinson as hospitalized due to injuries inflicted by the
17121 police, while the police knew that the Plaintiff was hospitalized.

17122

17123 638. On December 2, 2009, Defendants Daniel Mahoney; Michael
17124 Marino; Robert Tibert; Mark Schmink; Sean Andrus, John T.
17125 McCarthy; Michael Anderson; Gregory George; and James Hurst
17126 individually, and in their official capacities, while acting under
17127 color of law as Police Officers, for the Rockport Police
17128 Department, in Rockport, Massachusetts; did with other defendants
17129 violate, deprive, or infringe upon the civil rights of Plaintiff James
17130 M. Atkinson for the purposes of personal, political, and
17131 professional gains, without just cause, or lawful authority and did
17132 Violate the Right to Keep and to Bear Arms of James M. Atkinson
17133 in contravention of law. By means of larceny of arms. By means of
17134 a copied door key (the key was copied on December 1, 2009),
17135 while the Plaintiff Atkinson as hospitalized due to injuries inflicted
17136 by the police, while the police knew that the Plaintiff was
17137 hospitalized.

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639. On December 2, 2009, Defendants Daniel Mahoney; Michael Marino; Robert Tibert; Mark Schmink; Sean Andrus, John T. McCarthy; Michael Anderson; Gregory George; and James Hurst individually, and in their official capacities, while acting under color of law as Police Officers, for the Rockport Police Department, in Rockport, Massachusetts; did with other defendants violate, deprive, or infringe upon the civil rights of Plaintiff James M. Atkinson for the purposes of personal, political, and professional gains, without just cause, or lawful authority and did Violated the Privileges and Immunities U.S. Citizen James M. Atkinson in contravention of law. By way of entering the Plaintiffs home and office without being in possession of a search order or any writ or order from any court to engage in a general search. By means of a copied door key (the key was copied on December 1, 2009), while the Plaintiff Atkinson as hospitalized due to injuries inflicted by the police, while the police knew that the Plaintiff was hospitalized.

17157 640. On December 2, 2009, Defendants Daniel Mahoney; Michael
17158 Marino; Robert Tibert; Mark Schmink; Sean Andrus, John T.
17159 McCarthy; Michael Anderson; Gregory George; and James Hurst
17160 individually, and in their official capacities, while acting under
17161 color of law as Police Officers, for the Rockport Police
17162 Department, in Rockport, Massachusetts; did with other defendants
17163 violate, deprive, or infringe upon the civil rights of Plaintiff James
17164 M. Atkinson for the purposes of personal, political, and
17165 professional gains, without just cause, or lawful authority and did
17166 Violate the Constitutional Rights of James M. Atkinson in
17167 contravention of law. By way of entering the Plaintiffs home and
17168 office without being in possession of a search order or any writ or
17169 order from any court to engage in a general search. By means of a
17170 copied door key (the key was copied on December 1, 2009), while
17171 the Plaintiff Atkinson as hospitalized due to injuries inflicted by
17172 the police, while the police knew that the Plaintiff was hospitalized.

17173
17174 641. On December 2, 2009, Defendants Daniel Mahoney; Michael
17175 Marino; Robert Tibert; Mark Schmink; Sean Andrus, John T.
17176 McCarthy; Michael Anderson; Gregory George; and James Hurst

17177 individually, and in their official capacities, while acting under
17178 color of law as Police Officers, for the Rockport Police
17179 Department, in Rockport, Massachusetts; did with other defendants
17180 violate, deprive, or infringe upon the civil rights of Plaintiff James
17181 M. Atkinson for the purposes of personal, political, and
17182 professional gains, without just cause, or lawful authority and did
17183 Violate the Rights Guarantees, Privileges and Immunities of
17184 Citizenship, Due Process and Equal Protection of U.S. Citizens of
17185 James M. Atkinson in contravention of law. By way of entering the
17186 Plaintiffs home and office without being in possession of a search
17187 order or any writ or order from any court to engage in a general
17188 search. By means of a copied door key (the key was copied on
17189 December 1, 2009), while the Plaintiff Atkinson as hospitalized
17190 due to injuries inflicted by the police, while the police knew that
17191 the Plaintiff was hospitalized.

17192
17193 642. On December 2, 2009, Defendants Daniel Mahoney; Michael
17194 Marino; Robert Tibert; Mark Schmink; Sean Andrus, John T.
17195 McCarthy; Michael Anderson; Gregory George; and James Hurst
17196 individually, and in their official capacities, while acting under

17197 color of law as Police Officers, for the Rockport Police
17198 Department, in Rockport, Massachusetts; did with other defendants
17199 violate, deprive, or infringe upon the civil rights of Plaintiff James
17200 M. Atkinson for the purposes of personal, political, and
17201 professional gains, without just cause, or lawful authority and did
17202 engage in a Pattern or Practice of Conduct or Deprivation of Rights,
17203 Privileges, or Immunities of James M. Atkinson in contravention
17204 of law. By way of entering the Plaintiffs home and office without
17205 being in possession of a search order or any writ or order from any
17206 court to engage in a general search. By means of a copied door key
17207 (the key was copied on December 1, 2009), while the Plaintiff
17208 Atkinson as hospitalized due to injuries inflicted by the police,
17209 while the police knew that the Plaintiff was hospitalized.

17210
17211 643. On December 2, 2009, Defendants Daniel Mahoney; Michael
17212 Marino; Robert Tibert; Mark Schmink; Sean Andrus, John T.
17213 McCarthy; Michael Anderson; Gregory George; and James Hurst
17214 individually, and in their official capacities, while acting under
17215 color of law as Police Officers, for the Rockport Police
17216 Department, in Rockport, Massachusetts; did with other defendants

17217 violate, deprive, or infringe upon the civil rights of Plaintiff James
17218 M. Atkinson for the purposes of personal, political, and
17219 professional gains, without just cause, or lawful authority and did
17220 engage in a Conspiracy to Injure Citizens in the Exercise of
17221 Federal Rights of James M. Atkinson in contravention of law. By
17222 entering the Plaintiffs home and stealing items, copying other
17223 items, and planting evidence. By means of a copied door key (the
17224 key was copied on December 1, 2009), while the Plaintiff Atkinson
17225 as hospitalized due to injuries inflicted by the police, while the
17226 police knew that the Plaintiff was hospitalized.

17227
17228 644. On December 2, 2009, Defendants Daniel Mahoney; Michael
17229 Marino; Robert Tibert; Mark Schmink; Sean Andrus, John T.
17230 McCarthy; Michael Anderson; Gregory George; and James Hurst
17231 individually, and in their official capacities, while acting under
17232 color of law as Police Officers, for the Rockport Police
17233 Department, in Rockport, Massachusetts; did with other defendants
17234 violate, deprive, or infringe upon the civil rights of Plaintiff James
17235 M. Atkinson for the purposes of personal, political, and
17236 professional gains, without just cause, or lawful authority and did

17237 engage in Willful Deprivations of Federal Rights Under Color of
17238 Law of James M. Atkinson in contravention of law. By means of
17239 theft, destruction, search, disassembly or disablement of property.
17240 By means of a copied door key (the key was copied on December
17241 1, 2009), while the Plaintiff Atkinson as hospitalized due to
17242 injuries inflicted by the police, while the police knew that the
17243 Plaintiff was hospitalized.

17244
17245 645. On December 2, 2009, Defendants Daniel Mahoney; Michael
17246 Marino; Robert Tibert; Mark Schmink; Sean Andrus, John T.
17247 McCarthy; Michael Anderson; Gregory George; and James Hurst
17248 individually, and in their official capacities, while acting under
17249 color of law as Police Officers, for the Rockport Police
17250 Department, in Rockport, Massachusetts; did with other defendants
17251 violate, deprive, or infringe upon the civil rights of Plaintiff James
17252 M. Atkinson for the purposes of personal, political, and
17253 professional gains, without just cause, or lawful authority and did
17254 engage in Interference with Federally Protected Activities of James
17255 M. Atkinson in contravention of law. By way of unlawfully seizing
17256 arms, searching papers, documents, files, and computers, a general

17257 rummaging around, copying school schedules and study plans,
17258 theft of religious articles, books, and other items. By means of a
17259 copied door key (the key was copied on December 1, 2009), while
17260 the Plaintiff Atkinson as hospitalized due to injuries inflicted by
17261 the police, while the police knew that the Plaintiff was hospitalized.

17262

17263 646. On December 2, 2009, Defendants Daniel Mahoney; Michael
17264 Marino; Robert Tibert; Mark Schmink; Sean Andrus, John T.
17265 McCarthy; Michael Anderson; Gregory George; and James Hurst
17266 individually, and in their official capacities, while acting under
17267 color of law as Police Officers, for the Rockport Police
17268 Department, in Rockport, Massachusetts; did with other defendants
17269 violate, deprive, or infringe upon the civil rights of Plaintiff James
17270 M. Atkinson for the purposes of personal, political, and
17271 professional gains, without just cause, or lawful authority and did
17272 engage in Conspiracy to Interfere with Civil Rights of James M.
17273 Atkinson in contravention of law. By way of unlawfully seizing
17274 arms, searching papers, documents, files, and computers, a general
17275 rummaging around, copying school schedules and study plans,
17276 theft of religious articles, books, and other items. By means of a

17277 copied door key (the key was copied on December 1, 2009), while
17278 the Plaintiff Atkinson as hospitalized due to injuries inflicted by
17279 the police, while the police knew that the Plaintiff was hospitalized.

17280

17281 647. On December 2, 2009, Defendants Daniel Mahoney; Michael
17282 Marino; Robert Tibert; Mark Schmink; Sean Andrus, John T.
17283 McCarthy; Michael Anderson; Gregory George; and James Hurst
17284 individually, and in their official capacities, while acting under
17285 color of law as Police Officers, for the Rockport Police
17286 Department, in Rockport, Massachusetts; did with other defendants
17287 violate, deprive, or infringe upon the civil rights of Plaintiff James
17288 M. Atkinson for the purposes of personal, political, and
17289 professional gains, without just cause, or lawful authority and did
17290 engage in Actions for Neglect to Prevent Interfere with Civil
17291 Rights of James M. Atkinson in contravention of law. By means of
17292 knowing that no court had issued any order such a search, did not
17293 the less engage and assist in a warrantless search of the home and
17294 office of Plaintiff Atkinson. By means of a copied door key (the
17295 key was copied on December 1, 2009), while the Plaintiff Atkinson

17296 as hospitalized due to injuries inflicted by the police, while the
17297 police knew that the Plaintiff was hospitalized.

17298

17299 648. On December 2, 2009, Defendants Daniel Mahoney; Michael
17300 Marino; Robert Tibert; Mark Schmink; Sean Andrus, John T.
17301 McCarthy; Michael Anderson; Gregory George; and James Hurst
17302 individually, and in their official capacities, while acting under
17303 color of law as Police Officers, for the Rockport Police
17304 Department, in Rockport, Massachusetts; did with other defendants
17305 violate, deprive, or infringe upon the civil rights of Plaintiff James
17306 M. Atkinson for the purposes of personal, political, and
17307 professional gains, without just cause, or lawful authority and did
17308 engage in Interference with Commerce of James M. Atkinson in
17309 contravention of law. By way of taking away business records, and
17310 customer records, in order to cripple the Plaintiffs business. By
17311 means of a copied door key (the key was copied on December 1,
17312 2009), while the Plaintiff Atkinson as hospitalized due to injuries
17313 inflicted by the police, while the police knew that the Plaintiff was
17314 hospitalized.

17315

17316 649. On December 2, 2009, Defendants Daniel Mahoney; Michael
17317 Marino; Robert Tibert; Mark Schmink; Sean Andrus, John T.
17318 McCarthy; Michael Anderson; Gregory George; and James Hurst
17319 individually, and in their official capacities, while acting under
17320 color of law as Police Officers, for the Rockport Police
17321 Department, in Rockport, Massachusetts; did with other defendants
17322 violate, deprive, or infringe upon the civil rights of Plaintiff James
17323 M. Atkinson for the purposes of personal, political, and
17324 professional gains, without just cause, or lawful authority and did
17325 engage in Intimidation of a Witness James M. Atkinson in
17326 contravention of law. By way of searching Plaintiff home. By
17327 means of a copied door key (the key was copied on December 1,
17328 2009), while the Plaintiff Atkinson as hospitalized due to injuries
17329 inflicted by the police, while the police knew that the Plaintiff was
17330 hospitalized.

17331
17332 650. On December 2, 2009, Defendants Daniel Mahoney; Michael
17333 Marino; Robert Tibert; Mark Schmink; Sean Andrus, John T.
17334 McCarthy; Michael Anderson; Gregory George; and James Hurst
17335 individually, and in their official capacities, while acting under

17336 color of law as Police Officers, for the Rockport Police
17337 Department, in Rockport, Massachusetts; did with other defendants
17338 violate, deprive, or infringe upon the civil rights of Plaintiff James
17339 M. Atkinson for the purposes of personal, political, and
17340 professional gains, without just cause, or lawful authority and did
17341 engage in **Planting of Evidence** against James M. Atkinson in
17342 contravention of law. By means of a copied door key (the key was
17343 copied on December 1, 2009), while the Plaintiff Atkinson as
17344 hospitalized due to injuries inflicted by the police, while the police
17345 knew that the Plaintiff was hospitalized.

17346

17347 **Rockport Police Department**
17348 **Defendant Marino Inquiries to**
17349 **Criminal History Systems Board**
17350 **To Further 2nd Amendment Violations**

17351

17352 651. On December 2, 2009, Defendant Michael Marino and John T.

17353 McCarthy individually, and in their official capacity, while acting

17354 under color of law as Police Officers, for the Rockport Police

17355 Department, in Rockport, Massachusetts; did with other defendants

17356 violate, deprive, or infringe upon the civil rights of Plaintiff James

17357 M. Atkinson for the purposes of personal, political, and

17358 professional gains, without just cause, or lawful authority and did

17359 engage in a Conspiracy to Injure Citizens in the Exercise of
17360 Federal Rights of James M. Atkinson in contravention of law. By
17361 means of an inquiry(ies) to the Commonwealth of Massachusetts
17362 Criminal History Systems Board to seek out any firearms which
17363 may have been registered to Plaintiff Atkinson in the past, and kept
17364 in his home in order to perform and illegal seizure of said arms, in
17365 violation of the 2nd and 14th Amendments. Such a seizure or
17366 actions in support of such a seizure is a violation of civil rights as
17367 defined by the law and confirmed by the U.S. Supreme Court in
17368 2008, and then again in 2010.

17369
17370 652. On December 2, 2009, Defendant Michael Marino and John T.
17371 McCarthy individually, and in their official capacity, while acting
17372 under color of law as Police Officers, for the Rockport Police
17373 Department, in Rockport, Massachusetts; did with other defendants
17374 violate, deprive, or infringe upon the civil rights of Plaintiff James
17375 M. Atkinson for the purposes of personal, political, and
17376 professional gains, without just cause, or lawful authority and did
17377 engage in Willful Deprivations of Federal Rights Under Color of
17378 Law of James M. Atkinson in contravention of law. By means of

17379 an inquiry(ies) to the Commonwealth of Massachusetts Criminal
17380 History Systems Board to seek out any firearms which may have
17381 been registered to Plaintiff Atkinson in the past, and kept in his
17382 home in order to perform and illegal seizure of said arms, in
17383 violation of the 2nd and 14th Amendments. Such a seizure or any
17384 actions, by any official actor in support of such a seizure is a
17385 violation of Plaintiffs civil rights as defined by the law and
17386 confirmed by the U.S. Supreme Court in 2008, and then again in
17387 2010.

17388 a. If Defendant Marino had performed the proper inquiries by
17389 way of the (illegal) databases he would have discovered that
17390 all of the firearms he mentions were sold off a long time ago
17391 (decades in some cases), and that all of them were long ago
17392 transferred to other people.

17393
17394 b. As Defendant Marino lacks the knowledge and skill to
17395 perform such an inquiry (as evidence by his struggling with
17396 the databases, and seeking outside help, as per his affidavit)
17397 be had no business performing such investigations.

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c. Hence, Defendant Marino had no idea what he was actually doing, or he was feigning incompetence for political and financial gain.

d. In turn Defendant McCarthy, the Rockport Police Department, the Town or Rockport, and others acted with deliberate indifference as to the civil right of Plaintiff Atkinson, and did infringe upon the civil right of Plaintiff Atkinson, and did deprive Plaintiff Atkinson of his civil rights.

e. Therefore, Defendant Marino did not even know how to run a basic Firearm Sales Inquiry, and knew nothing on how to trace a firearms transaction

f. If he was so unskilled at essential firearm investigation, then the his supervisor was negligent assigned to him such an investigation (considering that he lacked the credentials, the knowledge, and the experience).

17419 g. Defendant Marinos superiors and the Chief (Defendant
17420 McCarthy) allowed an officer to engage in an act which he
17421 lacked the proper credentials, experience, or training to
17422 actually do, a significant violation of Plaintiffs civil rights.

17423
17424 h. One notable problem that you also have to run the query on
17425 the federal level as well as the state level for both the
17426 purchase and sale of any firearm trace, and the ATF agent
17427 (Defendant Kelter/Kilter) would have told Defendant
17428 Marino this, and would have stressed that in a small region
17429 like New England that firearms would routinely criss-cross
17430 over borders for sales, and that it would be vital to run each
17431 serial number not only on (illegal) Massachusetts databases,
17432 but also within any states that were within 100 miles of
17433 where the firearms owner was known to live, as well as the
17434 federal databases.

17435
17436 i. The ATF agent would also have had immediate access to the
17437 State level databases (albeit illegal) of Maine, New
17438 Hampshire, and Connecticut, and would have been able to

17439 explain that Plaintiff also had records of purchases and sales
17440 in these other states as well. None of this is included in
17441 Marino's report.

17442

17443 j. Defendant Marino also would have had access to the ATF
17444 eTrace website, which provided a portal to the ATF of
17445 purchase and sales records of all documented firearms
17446 transaction <https://www.atfonline.gov/etrace/>

17447

17448 k. But the E-Trace system only shows the initial sale, it is a
17449 different database for the secondary transaction of selling
17450 the firearms to somebody else beyond the initial retail sale.

17451

17452 l. eTrace is also only allowed to query by serial number, not
17453 by a persons name. However, while the ATF claims the
17454 eTrace database does not permit a query by name, this is a
17455 false claim. The primary concern politically is that the
17456 eTrace database and website is open to roughly like 43-45
17457 none-U.S. countries who routinely harvest intelligence on
17458 which U.S. Citizens own arms, and which arms they own, so

17459 that people in foreign countries can actually query the ATF
17460 to see what kind of guns a U.S. citizen has, how many, and
17461 the address where they are registered.

17462
17463 m. Since Defendant Marino would have had to have called
17464 during normal business hours, and on a recorded line, then
17465 there will be a recording of what he said, and what he
17466 uttered.

17467
17468 n. There is also a log of all of the other databases that he
17469 queried in his alleged “investigation”

17470
17471 o. The ATF Firearms Tracing System (FTS) within the
17472 National Tracing Center (NTC) contains firearm tracing
17473 from all ATF transactions which dealers are required to
17474 submit to the ATF both in the bound book format, 4473
17475 forms, the annual yearly inspection form, and the digital
17476 reporting formats (every firearm that moves in a legal sale
17477 results in an entry).

17478

17479 p. In the even that the ATF claims that they do not maintain the
17480 records at this level (which is their standard claim, even
17481 though it is false), they will be admitting to depriving
17482 Plaintiff of his civil right.

17483

17484 q. Online LEAD

17485 Online LEAD is a system available to all state and local law
17486 enforcement in the U.S. at ATF field offices throughout the
17487 country, with access to more than 100 million firearms
17488 transaction records (reported in 2001) in the ATF Firearms
17489 Tracing System (see data sources above). Online LEAD was
17490 developed in partnership with Idea Integration, K.W.
17491 Tunnell Company Federal Services Group, and ATF, first
17492 launched on in November 1999.

17493

17494 "ATF special agents are privy to the names and addresses
17495 of any individuals involved in multiple sales transactions
17496 or ... gun traces (including false, erroneous and innocent
17497 traces) where the individual is the purchaser, possessor,
17498 and/or associate in the transaction." (Prosecutor's Guide
17499 to the ATF, 2003)

17500

17501

17502 r. Defendant Marino could not have looked up anything, in
17503 any such state database, because the existence of any such
17504 database is actually forbidden by federal law. The law was
17505 passed in 1986, and since Plaintiff did not start making
17506 firearms purchase in the Commonwealth of Massachusetts
17507 until 1989 and 1990, the Commonwealth of Massachusetts

17508 could not legally maintain the database or have records in
17509 regards to the Plaintiff, which Defendant Marino described.

17510
17511 s. Hence, an illegal and disreputable database, that Defendant
17512 Marino did not know how to properly query or to navigate,
17513 could not then be used to claim probable cause, as the data
17514 contain therein would be suspect, tainted, dramatically
17515 incomplete, and biased.

17516
17517 t. The Firearms Owners' Protection Act, which the ATF
17518 ignores, and which was signed into law in 1986, specifically
17519 forbids specifically the registration of firearms records due
17520 to the national security implications at 18 U.S.C. 926(a):

17521
17522 "No such rule or regulation prescribed after the date of
17523 the enactment of the Firearms Owners' Protection Act
17524 may require that records required to be maintained
17525 under this chapter or any portion of the contents of such
17526 records, be recorded at or transferred to a facility
17527 owned, managed, or controlled by the United States or
17528 any State or any political subdivision thereof, nor that
17529 any system of registration of firearms, firearms owners,
17530 or firearms transactions or dispositions be established."
17531

- 17532 u. A review of and very close attention to the last (17 ea)
17533 words in the last sentence of above “...nor that any system
17534 of registration of firearms, firearms owners, or firearms
17535 transactions or dispositions be established.”
17536
- 17537 v. Thus it is unlawful for there to be any database, record of
17538 firearms transactions, lists of firearms owners, or other such
17539 state databases.
17540
- 17541 w. The first step in any firearms investigation (once an
17542 investigator the serial number of a firearm found at a crime
17543 scene) is to use eTrace to locate the first retail customers,
17544 and then the check the ATF 4473 database to see where the
17545 firearm shows up, but these records may lag by a year to a
17546 year and a half.
17547
- 17548 x. The next step is then to contact each entities or person along
17549 the way (both the buyer and the seller) and as to compare
17550 what the investogator found in the database against what

17551 they have as their records (this is called a reconciliation), so
17552 that a missing entity in the middle may be found.

17553
17554 y. Thus if legitimate dealer suspects that someone has 50 guns,
17555 then would do the 100-mile query to see if they had sold
17556 them, and then use the 4473 form database to resolve
17557 actually what they should have, and then actually ask to
17558 speak to owner of record (or to their attorney) about the
17559 whereabouts of the missing gun(s).

17560
17561 z. Take a simple case of a pistol being found at a crime scene,
17562 the eTrace will show only the original purchaser, which
17563 would lead the police to arresting the wrong person should
17564 they rely on this entry alone. So what an investigator will do
17565 is to check with the states within 100 mile radius, and also
17566 the ATF 4473 database to see where else that gun may have
17567 history, much the same as tracing the lineage of a motor
17568 vehicle found at a crash site.

17569

17570 aa. Thusly, if it would discovered that the pistol in question had
17571 been bought and sold 34 times, and that the last known
17572 owners reported it stolen due to a burglary three year prior to
17573 the data it was discovered at the crime scene.

17574
17575 bb. The problem is that the ATF records are notoriously
17576 incomplete and error laden, so the ATF and LEAPS/CJIS
17577 may show that someone is the owner of a gun (or thirty)
17578 when in fact that are not.

17579
17580 cc. The databases themselves, do not actually provide probable
17581 cause, instead they provide leads to other places the
17582 investigator must look, to mitigate the potential possession
17583 issue. Any competent investigator or intelligence analyst
17584 knows this.

17585
17586 dd. The Supreme Court in *Aguilar v. Texas*, 378 US 108 (1964)
17587 lays out that a police office is not allowed to merely “believe”
17588 that the guns were in the house, and that he must actually
17589 gain “facts or circumstances presented to him under oath or

17590 affirmation” and that he is not allowed to obtain a search
17591 warrant merely in his own “belief or suspicion”.

17592
17593 ee. As the state and Federal database in no way confirm that the
17594 weapons were in Plaintiff's possession at the time, merely
17595 that at one time that they were (15 to 20 years prior)
17596 belonged to Plaintiff, with no recent demonstration or
17597 evidence that he possessed same.

17598
17599 ff. Further, in *Aguilar* the court ruled that the police must
17600 disclose to the magistrate the reliability of the information
17601 obtained from any informant or other source of information
17602 to the magistrate when there is an application for ANY
17603 warrant, or an affidavit submitted. Both Defendants Marino
17604 and Mahoney, failed to do this either in the warrant or
17605 elsewhere, and willfully concealed from the magistrate the
17606 accuracy of the information, and rather both actively
17607 attempted to conceal this flaw.

17608

17609 gg.Indeed, Defendant Marino not only repeatedly lied under
17610 oath in the sworn affidavit, but he went to considerable
17611 effort to try to support the affidavit on a database on which
17612 he was neither skilled, nor obviously trained, and in fact
17613 tried to draw others into his sham by asking them, to explain
17614 to him how to run the database queries, yet he obtains no
17615 statements from them to include in the affidavit.

17616
17617 hh.Defendant Marino had no direct knowledge that Plaintiff
17618 possessed other firearms or ammunition, and Defendant
17619 Marino bases his bald assertion in his fraudulent affidavit on
17620 the data provided “by an informant, or other source” yet he
17621 fails to qualify or indicate the reliability of the database from
17622 which he garnered the data. As the database can be easily
17623 proven to be fraught with error, and incomplete information,
17624 if must be deemed a disreputable source of information in
17625 compliance with *Aguilar*.

17626
17627 ii. As Defendant Marino (the affiant) indicates a lack of skill in
17628 navigating the firearms databases, it would thus be

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impossible for him to navigate the database in order to obtain meaningful information of investigative value.

jj. As his (Marino) investigative and forensic skills are suspect, so too would be the results of any database search he performed, which resulted in deeply flawed information being retrieved. He thus would have nothing more than “suspicion and belief” and would not indeed have any actual affirmation of this, nor would her have the “oath or affirmation” provided to him by a third party with knowledge that the arms were present in Plaintiffs home.

kk.If Defendant Marino for example had interviewed visitors to Plaintiffs home, they would have related to him that Plaintiff had no visible weapons or ammunition in his home. As all weapons were in fact maintained out of site, there would be very few people who would have this specific knowledge, who could have communicated same to him.

17648 ll. The Rockport Police cannot actually produce any witness
17649 who can confirm that they actually saw arms in Plaintiffs
17650 home after his LTC was illegally suspended, and then for
17651 that person to have provided “independent oaths and
17652 affirmations” that the arms were actually present.

17653
17654 mm. Further, the police cannot in fact produce any person who
17655 testified that they saw arms in Plaintiffs home, nor so much as
17656 a single pistol, cartridge, nor can of pepper spray.

17657
17658 nn. Plaintiff asserts that there was no probable cause to believe
17659 that he had arms, as officer Marino did not comply with the
17660 *Giordenello v. United States* requirements of probable cause.

17661
17662 oo. Further, the magistrate “should not accept without question
17663 the complainant's mere conclusion” *Johnson v. United*
17664 *States*. The clerk magistrate (Burke) and District Court
17665 Judge (Jennings) violated Plaintiffs civil right by their
17666 deliberate indifference to the Fourth amendment, and their
17667 mere rubber stamping of the search warrant (after the search

17668 took place) without actually reading it (where doubtlessly
17669 there would be a question as to why the police were
17670 searching to rubber bands and Russian rock groups in my
17671 home”)

17672
17673 pp. “In *Nathanson v. United States*, 290 U. S. 41, a warrant was
17674 issued upon the sworn allegation that the affiant "has cause
17675 to suspect and does believe" that certain merchandise was in
17676 a specified location. *Id.*, at 44. The Court, noting that the
17677 affidavit "went upon a mere affirmation of suspicion and
17678 belief without any statement of adequate supporting facts,"
17679 *id.*, at 46 (emphasis added), announced the following rule:

17680 "Under the Fourth Amendment, an officer may not
17681 properly issue a warrant to search a private dwelling
17682 unless he can find probable cause therefor from facts or
17683 circumstances presented to him under oath or
17684 affirmation. Mere affirmance of belief or suspicion is
17685 not enough." *Id.*, at 47. (Emphasis added.)
17686

17687 qq. The Court, in *Giordenello v. United States*, 357 U. S. 480,
17688 applied this rule to an affidavit similar to that relied upon
17689 here.[3] Affiant in that case swore that petitioner "did
17690 receive, conceal, etc., narcotic drugs . . . with knowledge of

17691 unlawful importation" *Id.*, at 481. The Court announced

17692 the guiding principles to be:

17693 i. "that the inferences from the facts which lead to the
17694 complaint `[must] be drawn by a neutral and detached
17695 magistrate instead of being judged by the officer
17696 engaged in the often competitive enterprise of
17697 ferreting out crime.' *Johnson v. United States*, 333 U.
17698 S. 10, 14. The purpose of the complaint, then, is to
17699 enable the appropriate magistrate . . . to determine
17700 whether the `probable cause' required to support a
17701 warrant exists. The Commissioner must judge for
17702 himself the persuasiveness of the facts relied on by a
17703 complaining officer to show probable cause. He
17704 should not accept without question the complainant's
17705 mere conclusion" 357 U. S., at 486.

17707 rr. The Court, applying these principles to the complaint in that
17708 case, stated that:

17709 "it is clear that it does not pass muster because it does
17710 not provide any basis for the Commissioner's
17711 determination . . . that probable cause existed. The
17712 complaint contains no affirmative allegation that the
17713 affiant spoke with personal knowledge of the matters
17714 contained therein; it does not indicate any sources for
17715 the complainant's belief; and it does not set forth any
17716 other sufficient basis upon which a finding of probable
17717 cause could be made." *Ibid.*

17718
17719
17720 ss. The flaw in the present (fraudulent) Marino affidavit is at
17721 least as great as in *Nathanson* and *Giordenello*. Here the
17722 "mere conclusion" that petitioner possessed narcotics was

17723 not even that of the affiant himself; it was that of an
17724 unidentified informant. The affidavit here not only "contains
17725 no affirmative allegation that the affiant spoke with personal
17726 knowledge of the matters contained therein," it does not
17727 even contain an "affirmative allegation" that the affiant's
17728 unidentified source "spoke with personal knowledge." For
17729 all that appears, the source here merely suspected, believed
17730 or concluded that there were narcotics in petitioner's
17731 possession. The magistrate here certainly could not "judge
17732 for himself the persuasiveness of the facts relied on . . . to
17733 show probable cause." He necessarily accepted "without
17734 question" the informant's "suspicion," "belief" or "mere
17735 conclusion."

17736
17737 tt. Defendant Marino does not allege that he has personally
17738 knowledge of arms being present in Plaintiffs home, nor
17739 does he at any time does he present the oaths and
17740 affirmations of someone with direct knowledge, and there is
17741 in fact nothing more then merely "a thin cloud of mere

17742 suspicion”, and certainly no indication of actual probable
17743 cause.

17744
17745 uu. While Defendant Marino does scribe the words “probable
17746 cause” quite often in his affidavit, the words are indeed
17747 misused and a misrepresentation to the inattentive magistrate
17748 in question, as the Defendant possessed incomplete
17749 information and no such knowledge, acquired though an
17750 untrained, and unskilled hand. At most what Defendant
17751 Marino repeatedly calls “probable cause” is merely nothing
17752 more than the weakest of suspicions, with zero confirmation
17753 of those suspicion.

17754
17755 vv. Defendant Marino does not for example interview members
17756 of the Cape Ann Sportsmen Club, or other nearby shooting
17757 clubs or range to see if Plaintiff was indeed a regular visitor
17758 to the range, and if so what ammunition did he purchase, and
17759 arms did he shoot. Indeed, all of his alleged “probable cause”
17760 is little more than database searches, of a flawed and illegal
17761 database.

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ww. The “Firearms Owners' Protection Act”, signed into law in 1986, specifically forbids specifically the maintaining of firearms records at 18 U.S.C. 926(a):

"No such rule or regulation prescribed after the date of the enactment of the Firearms Owners' Protection Act may require that records required to be maintained under this chapter or any portion of the contents of such records, be recorded at or transferred to a facility owned, managed, or controlled by the United States or any State or any political subdivision thereof, nor that any system of registration of firearms, firearms owners, or firearms transactions or dispositions be established."

xx.As the maintenance of any such database is expressly forbidden under federal law, it therefore cannot be use for investigative purposes. Further, as the “Firearms Owners' Protection Act” exists to protect the Second Amendment rights of the citizens and to maintain national security, the maintaining or any such database or system of records is a *defacto* infringement upon these rights. In turn, any inquiries or data derived from such a database is a violation of the citizen’s (including the Plaintiffs) civil rights. By Defendant Marino, the Commonwealth of Massachussets or others either maintaining such a database, or making inquiries of

17787 such a database they are breaking not only federal law in
17788 regards to a forbidden database, but they are also infringing
17789 upon the civil rights of Plaintiff James M. Atkinson.

17790
17791 yy. The affidavit "contains no affirmative allegation that the
17792 affiant spoke with personal knowledge of the matters
17793 contained therein" as per *Nathanson* and *Giordenello*.

17794
17795 zz. The mere existence of such a state or federal firearms
17796 database is actually a violation of Plaintiffs civil rights, as
17797 the existence of such a database is forbidden by law.

17798
17799 aaa. The integrity of the database would also be suspect as the
17800 state does not actually properly maintain the database, and,
17801 as can be demonstrate with 15-year-old transaction records
17802 (that are actually missing from the database), the data
17803 contained is deeply flawed and fraught with significant
17804 errors.

17805

17806 bbb. Thus, the illegal database, was accessed by an improperly
17807 trained officer, who did not know what he is doing, and he
17808 used his knowingly error laden reports to lie under oath in
17809 order to get an improperly issued search warrant. Hence, the
17810 search warrant was fraudulent, and thus everything involved
17811 with it should be quashed, and has to be excluded as “fruits
17812 of the tree” as it were.

17813
17814 ccc. As the seizure of the (legally owned) firearms, and the
17815 (legally prescribed drugs), and other things, then all must be
17816 excluded and quashed from any criminal case.

17817
17818 ddd. Further, all of these things which the police seized must
17819 be returned to Plaintiff immediately.

17820
17821 eee. Thus, the search warrant was illegally requested, illegally
17822 issued, and illegally executed. Indeed, as we will see later in
17823 this document, the warrant was not issued until the day after
17824 the search, and was badly flawed, directing a search of the

17825 wrong address, and with the police and others exceeding the
17826 warrant.

17827
17828 fff. Evidence seized under the subsequently executed search
17829 warrant is also inadmissible as fruit of the poisonous tree.

17830 *Wong Sun v. United States*, U.S. 471, 487-88 (1963).

17831
17832 ggg. The magistrate who issued it, did not have probable
17833 cause before him, not even the slightly whiff of probable
17834 cause actually, and acted purely with political motives. The
17835 police knew this, so they confected a gross deception, and
17836 then piled deceptions, upon deceptions... and in turn
17837 infringe upon the civil rights of the Plaintiff and desecrate
17838 not only the home of the Plaintiff but also desecrate the Bill
17839 of Rights and the Constitution of the United States.

17840
17841 hhh. The Clerk Magistrate (Defendant Kevin Burke) who
17842 signed warrant should have questioned what the police put
17843 in the affidavit, and how most of it does not sound plausible,
17844 and in fact, most of it is a violation of the law.

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iii. Thus the magistrate was not doing his job, and he was not objectively looking for probable cause, indeed, he could not have actually read the warrant, which issued not from the court, but rather from the police, after the search took place.

jjj. *Franks v. Delaware*, 438 US 154 - 1978 “[w]here the defendant makes a substantial preliminary showing that a false statement knowingly and intentionally, or with reckless disregard for the truth, was included by the affiant in the warrant affidavit, and if the allegedly false statement is necessary to the finding of probable cause, the Fourth Amendment requires that a hearing be held at the defendant's request. In the event that at that hearing the allegation of perjury or reckless disregard is established by the defendant by a preponderance of the evidence, and, with the affidavit's false material set to one side, the affidavit's remaining content is insufficient to establish probable cause, the search warrant must be voided and the fruits of the search excluded to the same extent as if probable cause was lacking on the face of the affidavit. “

kkk. It is notable, that the officer does not include copies of any of the database records with his affidavit for this search warrant, thus it would have been impossible for the magistrate to have considered them in any way. As no database records were produced, they could not then be considered.

17874 lll. “It is elementary that in deciding whether the warrant was
17875 issued upon probable cause, the reviewing court can
17876 consider only the information before the magistrate at the
17877 time the warrant was issued.” - in *United States v. Martinez-*
17878 *Torres*, 1982

17879
17880 mmm. In its entirety, the Fourth Amendment to the

17881 United States Constitution states:

17882 “
17883 The right of the people to be secure in their persons,
17884 houses, papers, and effects, against unreasonable
17885 searches and seizures shall not be violated, and no
17886 Warrants shall issue but upon probable cause, supported
17887 by oath or affirmation, and particularly describing the
17888 place to be searched, and the persons or things to be
17889 seized.”

17890
17891
17892 nnn. By virtue of the Fourteenth Amendment, the Fourth

17893 Amendment prohibits unreasonable searches and seizures by

17894 the states. See *Mapp v. Ohio*, 367 U.S. 643, 81 S.Ct. 1684, 6

17895 L.Ed.2d 1081 (1961); *Wolf v. Colorado*, 338 U.S. 25, 69

17896 S.Ct. 1359, 93 L.Ed. 1782 (1949).

17897

17898 ooo. As was made clear in *Katz v. United States*, 389 U.S. 347,

17899 351, 88 S.Ct. 507, 511, 19 L.Ed.2d 576 (1967), "the Fourth

17900 Amendment protects people, not places." This protection is

17901 necessary to safeguard individual privacy and dignity,

17902 values basic to a free society. See *Winston v. Lee*, 470 U.S.
17903 753, 105 S.Ct. 1611, 84 L.Ed.2d 662 (1985).

17904
17905 ppp. The Fourth Amendment provides this protection by
17906 explicitly prohibiting two types of government intrusions
17907 into individual autonomy: searches and seizures. A "search"
17908 has occurred, for purposes of the fourth amendment, when
17909 the government infringes upon "an expectation of privacy
17910 that society is prepared to consider reasonable." *United*
17911 *States v. Jacobsen*, 466 U.S. 109, 113, 104 S.Ct. 1652, 1656,
17912 80 L.Ed.2d 85 (1984)

17913
17914
17915 “The arrest warrant procedure serves to insure that the
17916 deliberate, impartial judgment of a judicial officer will
17917 be interposed between the citizen and the police, to
17918 assess the weight and credibility of the information
17919 which the complaining officer adduces as probable
17920 cause. Cf. *Jones v. United States*, 362 U. S. 257, 270.
17921 To hold that an officer may act in his own, unchecked
17922 discretion upon information too vague and from too
17923 untested a source to permit a judicial officer to accept
17924 it as probable cause for an arrest warrant, would
17925 subvert this fundamental policy”. *Wong Sun v.*
17926 *United States*, 371 US 482 - Supreme Court

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“With all deference, the present affidavit seems hopelessly inadequate to me as a basis for a magistrate's informed determination that a search warrant should issue. We deal with the constitutional right of privacy that can be invaded only on a showing of "probable cause" as provided by the Fourth Amendment. That is a strict standard; what the police say does not necessarily carry the day; "probable cause" is in the keeping of the magistrate. *Giordenello v. United States*, 357 U. S. 480, 486-487; *Johnson v. United States*, 333 U. S. 10, 14. Yet anything he says does not necessarily go either. He too is bound by the Constitution. His discretion is reviewable. *Aguilar v. Texas*, 378 U. S. 108, 111. But unless the constitutional standard of "probable cause" is defined in meticulous ways, the discretion of police and of magistrates alike will become absolute. The present case, illustrates how the mere weight of lengthy and vague recitals takes the place of reasonably probative evidence of the existence of crime.” - Justice Douglas, dissenting in *United States v. Ventresca*, 380 US 117 - Supreme Court 1965

qqq. “[t]hat the duty of the magistrate is not delegable to the police. *Nathanson v. United States*, 290 U. S. 41. It is for the magistrate, not the police, to decide whether there is probable cause for the issuance of the warrant. That function cannot be discharged by the magistrate unless the police first discharge their own, different responsibility: "to evidence what is reliable and why, and not to introduce a hodge-podge under some general formalistic coverall." 324 F. 2d, at 870. And see *Masiello v. United States*, 304 F. 2d 399, 401-402. That is the duty of the police—the rest is not for them.” *United States v. Ventresca*, 380 US 123 - Supreme Court 1965

17968 653. On December 2, 2009, Defendant Michael Marino and John T.
17969 McCarthy individually, and in their official capacity, while acting
17970 under color of law as Police Officers, for the Rockport Police
17971 Department, in Rockport, Massachusetts; did with other defendants
17972 violate, deprive, or infringe upon the civil rights of Plaintiff James
17973 M. Atkinson for the purposes of personal, political, and
17974 professional gains, without just cause, or lawful authority and did
17975 engage in Interference with Federally Protected Activities of James
17976 M. Atkinson in contravention of law. By means of an inquiry(ies)
17977 to the Commonwealth of Massachusetts Criminal History Systems
17978 Board to seek out any firearms which may have been registered to
17979 Plaintiff Atkinson in the past, and kept in his home in order to
17980 perform and illegal seizure of said arms, in violation of the 2nd and
17981 14th Amendments. Such a seizure or actions in support of such a
17982 seizure is a violation of civil rights as defined by the law and
17983 confirmed by the U.S. Supreme Court in 2008, and then again in
17984 2010.

17985
17986 654. On December 2, 2009, Defendant Michael Marino and John T.
17987 McCarthy individually, and in their official capacity, while acting

17988 under color of law as Police Officers, for the Rockport Police
17989 Department, in Rockport, Massachusetts; did with other defendants
17990 violate, deprive, or infringe upon the civil rights of Plaintiff James
17991 M. Atkinson for the purposes of personal, political, and
17992 professional gains, without just cause, or lawful authority and did
17993 engage in Conspiracy to Interfere with Civil Rights of James M.
17994 Atkinson in contravention of law. By means of an inquiry(ies) to
17995 the Commonwealth of Massachusetts Criminal History Systems
17996 Board to seek out any firearms which may have been registered to
17997 Plaintiff Atkinson in the past, and kept in his home in order to
17998 perform and illegal seizure of said arms, in violation of the 2nd and
17999 14th Amendments. Such a seizure or actions in support of such a
18000 seizure is a violation of civil rights as defined by the law and
18001 confirmed by the U.S. Supreme Court in 2008, and then again in
18002 2010.

18003
18004 655. On December 2, 2009, Defendant Michael Marino and John T.
18005 McCarthy individually, and in their official capacity, while acting
18006 under color of law as Police Officers, for the Rockport Police
18007 Department, in Rockport, Massachusetts; did with other defendants

18008 violate, deprive, or infringe upon the civil rights of Plaintiff James
18009 M. Atkinson for the purposes of personal, political, and
18010 professional gains, without just cause, or lawful authority and did
18011 engage in Actions for Neglect to Prevent Interfere with Civil
18012 Rights of James M. Atkinson in contravention of law. By means of
18013 an inquiry(ies) to the Commonwealth of Massachusetts Criminal
18014 History Systems Board to seek out any firearms which may have
18015 been registered to Plaintiff Atkinson in the past, and kept in his
18016 home in order to perform and illegal seizure of said arms, in
18017 violation of the 2nd and 14th Amendments. Such a seizure or
18018 actions in support of such a seizure is a violation of civil rights as
18019 defined by the law and confirmed by the U.S. Supreme Court in
18020 2008, and then again in 2010.

18021
18022 656. On December 2, 2009, Defendant Michael Marino and John T.
18023 McCarthy individually, and in their official capacity, while acting
18024 under color of law as Police Officers, for the Rockport Police
18025 Department, in Rockport, Massachusetts; did with other defendants
18026 violate, deprive, or infringe upon the civil rights of Plaintiff James
18027 M. Atkinson for the purposes of personal, political, and

18028 professional gains, without just cause, or lawful authority and did
18029 Violate the Right to Keep and to Bear Arms of James M. Atkinson
18030 in contravention of law. By means of an inquiry(ies) to the
18031 Commonwealth of Massachusetts Criminal History Systems Board
18032 to seek out any firearms which may have been registered to
18033 Plaintiff Atkinson in the past, and kept in his home in order to
18034 perform and illegal seizure of said arms, in violation of the 2nd and
18035 14th Amendments. Such a seizure or actions in support of such a
18036 seizure is a violation of civil rights as defined by the law and
18037 confirmed by the U.S. Supreme Court in 2008, and then again in
18038 2010.

18039
18040 657. On December 2, 2009, Defendant Michael Marino and John T.
18041 McCarthy individually, and in their official capacity, while acting
18042 under color of law as Police Officers, for the Rockport Police
18043 Department, in Rockport, Massachusetts; did with other defendants
18044 violate, deprive, or infringe upon the civil rights of Plaintiff James
18045 M. Atkinson for the purposes of personal, political, and
18046 professional gains, without just cause, or lawful authority and did
18047 Violate the Privileges and Immunities of U.S. Citizen James M.

18048 Atkinson in contravention of law. By means of an inquiry(ies) to
18049 the Commonwealth of Massachusetts Criminal History Systems
18050 Board to seek out any firearms which may have been registered to
18051 Plaintiff Atkinson in the past, and kept in his home in order to
18052 perform and illegal seizure of said arms, in violation of the 2nd and
18053 14th Amendments. Such a seizure or actions in support of such a
18054 seizure is a violation of civil rights as defined by the law and
18055 confirmed by the U.S. Supreme Court in 2008, and then again in
18056 2010.

18057
18058 658. On December 2, 2009, Defendant Michael Marino and John T.
18059 McCarthy individually, and in their official capacity, while acting
18060 under color of law as Police Officers, for the Rockport Police
18061 Department, in Rockport, Massachusetts; did with other defendants
18062 violate, deprive, or infringe upon the civil rights of Plaintiff James
18063 M. Atkinson for the purposes of personal, political, and
18064 professional gains, without just cause, or lawful authority and did
18065 Violate the Constitutional Rights of James M. Atkinson in
18066 contravention of law. By means of an inquiry(ies) to the
18067 Commonwealth of Massachusetts Criminal History Systems Board

18068 to seek out any firearms which may have been registered to
18069 Plaintiff Atkinson in the past, and kept in his home in order to
18070 perform and illegal seizure of said arms, in violation of the 2nd and
18071 14th Amendments. Such a seizure or actions in support of such a
18072 seizure is a violation of civil rights as defined by the law and
18073 confirmed by the U.S. Supreme Court in 2008, and then again in
18074 2010.

18075
18076 659. On December 2, 2009, Defendant Michael Marino and John T.
18077 McCarthy individually, and in their official capacity, while acting
18078 under color of law as Police Officers, for the Rockport Police
18079 Department, in Rockport, Massachusetts; did with other defendants
18080 violate, deprive, or infringe upon the civil rights of Plaintiff James
18081 M. Atkinson for the purposes of personal, political, and
18082 professional gains, without just cause, or lawful authority and did
18083 Violate the Rights Guarantees, Privileges and Immunities of
18084 Citizenship, Due Process and Equal Protection of U.S. Citizens of
18085 James M. Atkinson in contravention of law. By means of an
18086 inquiry(ies) to the Commonwealth of Massachusetts Criminal
18087 History Systems Board to seek out any firearms which may have

18088 been registered to Plaintiff Atkinson in the past, and kept in his
18089 home in order to perform and illegal seizure of said arms, in
18090 violation of the 2nd and 14th Amendments. Such a seizure or
18091 actions in support of such a seizure is a violation of civil rights as
18092 defined by the law and confirmed by the U.S. Supreme Court in
18093 2008, and then again in 2010.

18094
18095 660. On December 2, 2009, Defendant Michael Marino and John T.
18096 McCarthy individually, and in their official capacity, while acting
18097 under color of law as Police Officers, for the Rockport Police
18098 Department, in Rockport, Massachusetts; did with other defendants
18099 violate, deprive, or infringe upon the civil rights of Plaintiff James
18100 M. Atkinson for the purposes of personal, political, and
18101 professional gains, without just cause, or lawful authority and did
18102 commit Accessory Before the Fact against James M. Atkinson in
18103 contravention of law. By means of an inquiry(ies) to the
18104 Commonwealth of Massachusetts Criminal History Systems Board
18105 to seek out any firearms which may have been registered to
18106 Plaintiff Atkinson in the past, and kept in his home in order to
18107 perform and illegal seizure of said arms, in violation of the 2nd and

18108 14th Amendments. Such a seizure or actions in support of such a
18109 seizure is a violation of civil rights as defined by the law and
18110 confirmed by the U.S. Supreme Court in 2008, and then again in
18111 2010.

18112

18113 **Rockport Police Department**
18114 **Illegal and Warrantless Search of Plaintiff**
18115 **Atkinson's Home, While Plaintiff was Hospitalized**
18116

18117 661. On December 3, 2009, Defendants Daniel Mahoney; Michael
18118 Marino; Robert Tibert; Mark Schmink; Sean Andrus, individually,
18119 and in their official capacities, while acting under color of law as
18120 Police Officers, for the Rockport Police Department, in Rockport,
18121 Massachusetts; did with other defendants violate, deprive, or
18122 infringe upon the civil rights of Plaintiff James M. Atkinson for the
18123 purposes of personal, political, and professional gains, without just
18124 cause, or lawful authority and did covertly enter the home of James
18125 M. Atkinson without being in possession of a properly issued, or
18126 valid search warrant, and did engage in an illegal search and/or
18127 seizure property of James M. Atkinson in contravention of law. By
18128 means of a copied door key (the key was copied on December 1,
18129 2009), while the Plaintiff Atkinson as hospitalized due to injuries

18130 inflicted by the police, while the police knew that the Plaintiff was
18131 hospitalized.

18132

18133 662. On December 3, 2009, Defendants Daniel Mahoney; Michael
18134 Marino; Robert Tibert; Mark Schmink; Sean Andrus, individually,
18135 and in their official capacities, while acting under color of law as
18136 Police Officers, for the Rockport Police Department, in Rockport,
18137 Massachusetts; did with other defendants violate, deprive, or
18138 infringe upon the civil rights of Plaintiff James M. Atkinson for the
18139 purposes of personal, political, and professional gains, without just
18140 cause, or lawful authority and Steal and Take Away Property from
18141 a Disabled Person, Numerous Items Valued in Excess of \$250 of
18142 James M. Atkinson in contravention of law. By means of a copied
18143 door key (the key was copied on December 1, 2009), while the
18144 Plaintiff Atkinson as hospitalized due to injuries inflicted by the
18145 police, while the police knew that the Plaintiff was hospitalized.

18146

18147 663. On December 3, 2009, Defendants Daniel Mahoney; Michael
18148 Marino; Robert Tibert; Mark Schmink; Sean Andrus, individually,
18149 and in their official capacities, while acting under color of law as

18150 Police Officers, for the Rockport Police Department, in Rockport,
18151 Massachusetts; did with other defendants violate, deprive, or
18152 infringe upon the civil rights of Plaintiff James M. Atkinson for the
18153 purposes of personal, political, and professional gains, without just
18154 cause, or lawful authority and Commit Economic Espionage by
18155 taking away and/or copying valuable trade secrets and proprietary
18156 information and sharing this with other people, and with agents of
18157 foreign countries in order to injure James M. Atkinson in
18158 contravention of law. By means of a copied door key (the key was
18159 copied on December 1, 2009), while the Plaintiff Atkinson as
18160 hospitalized due to injuries inflicted by the police, while the police
18161 knew that the Plaintiff was hospitalized.

18162
18163 664. On December 3, 2009, Defendants Daniel Mahoney; Michael
18164 Marino; Robert Tibert; Mark Schmink; Sean Andrus, individually,
18165 and in their official capacities, while acting under color of law as
18166 Police Officers, for the Rockport Police Department, in Rockport,
18167 Massachusetts; did with other defendants violate, deprive, or
18168 infringe upon the civil rights of Plaintiff James M. Atkinson for the
18169 purposes of personal, political, and professional gains, without just

18170 cause, or lawful authority and did Steal Trade Secrets by taking
18171 away and/or copying valuable trade secrets and proprietary
18172 information and sharing this with other people, and with agents of
18173 foreign countries in order to injure James M. Atkinson in
18174 contravention of law. By means of a copied door key (the key was
18175 copied on December 1, 2009), while the Plaintiff Atkinson as
18176 hospitalized due to injuries inflicted by the police, while the police
18177 knew that the Plaintiff was hospitalized.

18178
18179 665. On December 3, 2009, Defendants Daniel Mahoney; Michael
18180 Marino; Robert Tibert; Mark Schmink; Sean Andrus, individually,
18181 and in their official capacities, while acting under color of law as
18182 Police Officers, for the Rockport Police Department, in Rockport,
18183 Massachusetts; did with other defendants violate, deprive, or
18184 infringe upon the civil rights of Plaintiff James M. Atkinson for the
18185 purposes of personal, political, and professional gains, without just
18186 cause, or lawful authority and did unlawfully enter the residence of
18187 James M. Atkinson in contravention of law. By means of a copied
18188 door key (the key was copied on December 1, 2009), while the

18189 Plaintiff Atkinson as hospitalized due to injuries inflicted by the
18190 police, while the police knew that the Plaintiff was hospitalized.

18191

18192 666. On December 3, 2009, Defendants Daniel Mahoney; Michael
18193 Marino; Robert Tibert; Mark Schmink; Sean Andrus, John T.
18194 McCarthy; Michael Anderson; Gregory George; and James Hurst
18195 individually, and in their official capacities, while acting under
18196 color of law as Police Officers, for the Rockport Police
18197 Department, in Rockport, Massachusetts; did with other defendants
18198 violate, deprive, or infringe upon the civil rights of Plaintiff James
18199 M. Atkinson for the purposes of personal, political, and
18200 professional gains, without just cause, or lawful authority and did
18201 Violate the Right to Keep and to Bear Arms of James M. Atkinson
18202 in contravention of law. By means of larceny of arms. By means of
18203 a copied door key (the key was copied on December 1, 2009),
18204 while the Plaintiff Atkinson as hospitalized due to injuries inflicted
18205 by the police, while the police knew that the Plaintiff was
18206 hospitalized.

18207

18208 667. On December 3, 2009, Defendants Daniel Mahoney; Michael
18209 Marino; Robert Tibert; Mark Schmink; Sean Andrus, John T.
18210 McCarthy; Michael Anderson; Gregory George; and James Hurst
18211 individually, and in their official capacities, while acting under
18212 color of law as Police Officers, for the Rockport Police
18213 Department, in Rockport, Massachusetts; did with other defendants
18214 violate, deprive, or infringe upon the civil rights of Plaintiff James
18215 M. Atkinson for the purposes of personal, political, and
18216 professional gains, without just cause, or lawful authority and did
18217 Violated the Privileges and Immunities U.S. Citizen James M.
18218 Atkinson in contravention of law. By way of entering the Plaintiffs
18219 home and office without being in possession of a search order or
18220 any writ or order from any court to engage in a general search. By
18221 means of a copied door key (the key was copied on December 1,
18222 2009), while the Plaintiff Atkinson as hospitalized due to injuries
18223 inflicted by the police, while the police knew that the Plaintiff was
18224 hospitalized.

18225
18226 668. On December 3, 2009, Defendants Daniel Mahoney; Michael
18227 Marino; Robert Tibert; Mark Schmink; Sean Andrus, John T.

18228 McCarthy; Michael Anderson; Gregory George; and James Hurst
18229 individually, and in their official capacities, while acting under
18230 color of law as Police Officers, for the Rockport Police
18231 Department, in Rockport, Massachusetts; did with other defendants
18232 violate, deprive, or infringe upon the civil rights of Plaintiff James
18233 M. Atkinson for the purposes of personal, political, and
18234 professional gains, without just cause, or lawful authority and did
18235 Violate the Constitutional Rights of James M. Atkinson in
18236 contravention of law. By way of entering the Plaintiffs home and
18237 office without being in possession of a search order or any writ or
18238 order from any court to engage in a general search. By means of a
18239 copied door key (the key was copied on December 1, 2009), while
18240 the Plaintiff Atkinson as hospitalized due to injuries inflicted by
18241 the police, while the police knew that the Plaintiff was hospitalized.

18242
18243 669. On December 3, 2009, Defendants Daniel Mahoney; Michael
18244 Marino; Robert Tibert; Mark Schmink; Sean Andrus, John T.
18245 McCarthy; Michael Anderson; Gregory George; and James Hurst
18246 individually, and in their official capacities, while acting under
18247 color of law as Police Officers, for the Rockport Police

18248 Department, in Rockport, Massachusetts; did with other defendants
18249 violate, deprive, or infringe upon the civil rights of Plaintiff James
18250 M. Atkinson for the purposes of personal, political, and
18251 professional gains, without just cause, or lawful authority and did
18252 Violate the Rights Guarantees, Privileges and Immunities of
18253 Citizenship, Due Process and Equal Protection of U.S. Citizens of
18254 James M. Atkinson in contravention of law. By way of entering the
18255 Plaintiffs home and office without being in possession of a search
18256 order or any writ or order from any court to engage in a general
18257 search. By means of a copied door key (the key was copied on
18258 December 1, 2009), while the Plaintiff Atkinson as hospitalized
18259 due to injuries inflicted by the police, while the police knew that
18260 the Plaintiff was hospitalized.

18261
18262 670. On December 3, 2009, Defendants Daniel Mahoney; Michael
18263 Marino; Robert Tibert; Mark Schmink; Sean Andrus, John T.
18264 McCarthy; Michael Anderson; Gregory George; and James Hurst
18265 individually, and in their official capacities, while acting under
18266 color of law as Police Officers, for the Rockport Police
18267 Department, in Rockport, Massachusetts; did with other defendants

18268 violate, deprive, or infringe upon the civil rights of Plaintiff James
18269 M. Atkinson for the purposes of personal, political, and
18270 professional gains, without just cause, or lawful authority and did
18271 engage in a Pattern or Practice of Conduct or Deprivation of Rights,
18272 Privileges, or Immunities of James M. Atkinson in contravention
18273 of law. By way of entering the Plaintiffs home and office without
18274 being in possession of a search order or any writ or order from any
18275 court to engage in a general search. By means of a copied door key
18276 (the key was copied on December 1, 2009), while the Plaintiff
18277 Atkinson as hospitalized due to injuries inflicted by the police,
18278 while the police knew that the Plaintiff was hospitalized.

18279
18280 671. On December 3, 2009, Defendants Daniel Mahoney; Michael
18281 Marino; Robert Tibert; Mark Schmink; Sean Andrus, John T.
18282 McCarthy; Michael Anderson; Gregory George; and James Hurst
18283 individually, and in their official capacities, while acting under
18284 color of law as Police Officers, for the Rockport Police
18285 Department, in Rockport, Massachusetts; did with other defendants
18286 violate, deprive, or infringe upon the civil rights of Plaintiff James
18287 M. Atkinson for the purposes of personal, political, and

18288 professional gains, without just cause, or lawful authority and did
18289 engage in a Conspiracy to Injure Citizens in the Exercise of
18290 Federal Rights of James M. Atkinson in contravention of law. By
18291 entering the Plaintiffs home and stealing items, copying other
18292 items, and planting evidence. By means of a copied door key (the
18293 key was copied on December 1, 2009), while the Plaintiff Atkinson
18294 as hospitalized due to injuries inflicted by the police, while the
18295 police knew that the Plaintiff was hospitalized.

18296
18297 672. On December 3, 2009, Defendants Daniel Mahoney; Michael
18298 Marino; Robert Tibert; Mark Schmink; Sean Andrus, John T.
18299 McCarthy; Michael Anderson; Gregory George; and James Hurst
18300 individually, and in their official capacities, while acting under
18301 color of law as Police Officers, for the Rockport Police
18302 Department, in Rockport, Massachusetts; did with other defendants
18303 violate, deprive, or infringe upon the civil rights of Plaintiff James
18304 M. Atkinson for the purposes of personal, political, and
18305 professional gains, without just cause, or lawful authority and did
18306 engage in Willful Deprivations of Federal Rights Under Color of
18307 Law of James M. Atkinson in contravention of law. By means of

18308 theft, destruction, search, disassembly or disablement of property.
18309 By means of a copied door key (the key was copied on December
18310 1, 2009), while the Plaintiff Atkinson as hospitalized due to
18311 injuries inflicted by the police, while the police knew that the
18312 Plaintiff was hospitalized.

18313
18314 673. On December 3, 2009, Defendants Daniel Mahoney; Michael
18315 Marino; Robert Tibert; Mark Schmink; Sean Andrus, John T.
18316 McCarthy; Michael Anderson; Gregory George; and James Hurst
18317 individually, and in their official capacities, while acting under
18318 color of law as Police Officers, for the Rockport Police
18319 Department, in Rockport, Massachusetts; did with other defendants
18320 violate, deprive, or infringe upon the civil rights of Plaintiff James
18321 M. Atkinson for the purposes of personal, political, and
18322 professional gains, without just cause, or lawful authority and did
18323 engage in Interference with Federally Protected Activities of James
18324 M. Atkinson in contravention of law. By way of unlawfully seizing
18325 arms, searching papers, documents, files, and computers, a general
18326 rummaging around, copying school schedules and study plans,
18327 theft of religious articles, books, and other items. By means of a

18328 copied door key (the key was copied on December 1, 2009), while
18329 the Plaintiff Atkinson as hospitalized due to injuries inflicted by
18330 the police, while the police knew that the Plaintiff was hospitalized.

18331

18332 674. On December 3, 2009, Defendants Daniel Mahoney; Michael
18333 Marino; Robert Tibert; Mark Schmink; Sean Andrus, John T.
18334 McCarthy; Michael Anderson; Gregory George; and James Hurst
18335 individually, and in their official capacities, while acting under
18336 color of law as Police Officers, for the Rockport Police
18337 Department, in Rockport, Massachusetts; did with other defendants
18338 violate, deprive, or infringe upon the civil rights of Plaintiff James
18339 M. Atkinson for the purposes of personal, political, and
18340 professional gains, without just cause, or lawful authority and did
18341 engage in Conspiracy to Interfere with Civil Rights of James M.
18342 Atkinson in contravention of law. By way of unlawfully seizing
18343 arms, searching papers, documents, files, and computers, a general
18344 rummaging around, copying school schedules and study plans,
18345 theft of religious articles, books, and other items. By means of a
18346 copied door key (the key was copied on December 1, 2009), while

18347 the Plaintiff Atkinson as hospitalized due to injuries inflicted by
18348 the police, while the police knew that the Plaintiff was hospitalized.

18349

18350 675. On December 3, 2009, Defendants Daniel Mahoney; Michael
18351 Marino; Robert Tibert; Mark Schmink; Sean Andrus, John T.
18352 McCarthy; Michael Anderson; Gregory George; and James Hurst
18353 individually, and in their official capacities, while acting under
18354 color of law as Police Officers, for the Rockport Police
18355 Department, in Rockport, Massachusetts; did with other defendants
18356 violate, deprive, or infringe upon the civil rights of Plaintiff James
18357 M. Atkinson for the purposes of personal, political, and
18358 professional gains, without just cause, or lawful authority and did
18359 engage in Actions for Neglect to Prevent Interfere with Civil
18360 Rights of James M. Atkinson in contravention of law. By means of
18361 knowing that no court had issued any order such a search, did not
18362 the less engage and assist in a warrantless search of the home and
18363 office of Plaintiff Atkinson. By means of a copied door key (the
18364 key was copied on December 1, 2009), while the Plaintiff Atkinson
18365 as hospitalized due to injuries inflicted by the police, while the
18366 police knew that the Plaintiff was hospitalized.

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676. On December 3, 2009, Defendants Daniel Mahoney; Michael Marino; Robert Tibert; Mark Schmink; Sean Andrus, John T. McCarthy; Michael Anderson; Gregory George; and James Hurst individually, and in their official capacities, while acting under color of law as Police Officers, for the Rockport Police Department, in Rockport, Massachusetts; did with other defendants violate, deprive, or infringe upon the civil rights of Plaintiff James M. Atkinson for the purposes of personal, political, and professional gains, without just cause, or lawful authority and did engage in Interference with Commerce of James M. Atkinson in contravention of law. By way of taking away business records, and customer records, in order to cripple the Plaintiffs business. By means of a copied door key (the key was copied on December 1, 2009), while the Plaintiff Atkinson as hospitalized due to injuries inflicted by the police, while the police knew that the Plaintiff was hospitalized.

677. On December 3, 2009, Defendants Daniel Mahoney; Michael Marino; Robert Tibert; Mark Schmink; Sean Andrus, John T.

18387 McCarthy; Michael Anderson; Gregory George; and James Hurst
18388 individually, and in their official capacities, while acting under
18389 color of law as Police Officers, for the Rockport Police
18390 Department, in Rockport, Massachusetts; did with other defendants
18391 violate, deprive, or infringe upon the civil rights of Plaintiff James
18392 M. Atkinson for the purposes of personal, political, and
18393 professional gains, without just cause, or lawful authority and did
18394 engage in Intimidation of a Witness James M. Atkinson in
18395 contravention of law. By way of searching Plaintiff home. By
18396 means of a copied door key (the key was copied on December 1,
18397 2009), while the Plaintiff Atkinson as hospitalized due to injuries
18398 inflicted by the police, while the police knew that the Plaintiff was
18399 hospitalized.

18400
18401 678. On December 3, 2009, Defendants Daniel Mahoney; Michael
18402 Marino; Robert Tibert; Mark Schmink; Sean Andrus, John T.
18403 McCarthy; Michael Anderson; Gregory George; and James Hurst
18404 individually, and in their official capacities, while acting under
18405 color of law as Police Officers, for the Rockport Police
18406 Department, in Rockport, Massachusetts; did with other defendants

18407 violate, deprive, or infringe upon the civil rights of Plaintiff James
18408 M. Atkinson for the purposes of personal, political, and
18409 professional gains, without just cause, or lawful authority and did
18410 engage in Planting of Evidence against James M. Atkinson in
18411 contravention of law. By means of a copied door key (the key was
18412 copied on December 1, 2009), while the Plaintiff Atkinson as
18413 hospitalized due to injuries inflicted by the police, while the police
18414 knew that the Plaintiff was hospitalized.

18415
18416 679. On December 3, 2009, Defendants Daniel Mahoney; Michael
18417 Marino; Robert Tibert; Mark Schmink; Sean Andrus, John T.
18418 McCarthy; Michael Anderson; Gregory George; and James Hurst,
18419 individually, and in their official capacities, while acting under
18420 color of law as Police Officers, for the Rockport Police
18421 Department, in Rockport, Massachusetts; did with other defendants
18422 violate, deprive, or infringe upon the civil rights of Plaintiff James
18423 M. Atkinson for the purposes of personal, political, and
18424 professional gains, without just cause, or lawful authority and did
18425 commit Unauthorized Access to Computer System of James M.
18426 Atkinson in contravention of law. By way of accessing a desktop

18427 computer and rummaging though the computer files, deleting some,
18428 modifying others, installing a key stroke logger, and sabotaging
18429 said computer. By means of a copied door key (the key was copied
18430 on December 1, 2009), while the Plaintiff Atkinson as hospitalized
18431 due to injuries inflicted by the police, while the police knew that
18432 the Plaintiff was hospitalized.

18433
18434 680. On December 3, 2009, Defendants Daniel Mahoney; Michael
18435 Marino; Robert Tibert; Mark Schmink; Sean Andrus, John T.
18436 McCarthy; Michael Anderson; Gregory George; and James Hurst,
18437 individually, and in their official capacities, while acting under
18438 color of law as Police Officers, for the Rockport Police
18439 Department, in Rockport, Massachusetts; did with other defendants
18440 violate, deprive, or infringe upon the civil rights of Plaintiff James
18441 M. Atkinson for the purposes of personal, political, and
18442 professional gains, without just cause, or lawful authority and did
18443 commit Unauthorized Access to Computer System of James M.
18444 Atkinson in contravention of law. By way of accessing a desktop
18445 computer and rummaging though the computer files, deleting some,
18446 modifying others, installing a key stroke logger, and sabotaging

18447 said computer. By means of a copied door key (the key was copied
18448 on December 1, 2009), while the Plaintiff Atkinson as hospitalized
18449 due to injuries inflicted by the police, while the police knew that
18450 the Plaintiff was hospitalized.

18451

18452 **Criminal History Systems Board Assists**
18453 **Defendant Marino in 2nd Amendment**
18454 **and 14th Amendment Civil Right Violations**

18455

18456

681. On December 4, 2009, Defendant Michael Marino and John T.

18457

McCarthy individually, and in their official capacity, while acting

18458

under color of law as Police Officers, for the Rockport Police

18459

Department, in Rockport, Massachusetts; and Defendants Zorran

18460

Atanasovski and Jason Guida of the Commonwealth of

18461

Massachusetts, Executive Office of Public Safety and Security,

18462

Criminal History Systems Board, Firearms Records Bureau, did

18463

with other defendants violate, deprive, or infringe upon the civil

18464

rights of Plaintiff James M. Atkinson for the purposes of personal,

18465

political, and professional gains, without just cause, or lawful

18466

authority and did engage in a Conspiracy to Injure Citizens in the

18467

Exercise of Federal Rights of James M. Atkinson in contravention

18468

of law. By means of an inquiry(ies) to the Commonwealth of

18469 Massachusetts Criminal History Systems Board to seek out any
18470 firearms which may have been registered to Plaintiff Atkinson in
18471 the past, and kept in his home in order to perform and illegal
18472 seizure of said arms, in violation of the 2nd and 14th Amendments.
18473 Such a seizure or actions in support of such a seizure is a violation
18474 of civil rights as defined by the law and confirmed by the U.S.
18475 Supreme Court in 2008, and then again in 2010.

18476
18477 682. On December 4, 2009, Defendant Michael Marino and John T.
18478 McCarthy individually, and in their official capacity, while acting
18479 under color of law as Police Officers, for the Rockport Police
18480 Department, in Rockport, Massachusetts; and Defendants Zorran
18481 Atanasovski and Jason Guida of the Commonwealth of
18482 Massachusetts, Executive Office of Public Safety and Security,
18483 Criminal History Systems Board, Firearms Records Bureau, did
18484 with other defendants violate, deprive, or infringe upon the civil
18485 rights of Plaintiff James M. Atkinson for the purposes of personal,
18486 political, and professional gains, without just cause, or lawful
18487 authority and did engage in Willful Deprivations of Federal Rights
18488 Under Color of Law of James M. Atkinson in contravention of law.

18489 By means of an inquiry(ies) to the Commonwealth of
18490 Massachusetts Criminal History Systems Board to seek out any
18491 firearms which may have been registered to Plaintiff Atkinson in
18492 the past, and kept in his home in order to perform and illegal
18493 seizure of said arms, in violation of the 2nd and 14th Amendments.
18494 Such a seizure or actions in support of such a seizure is a violation
18495 of civil rights as defined by the law and confirmed by the U.S.
18496 Supreme Court in 2008, and then again in 2010.

18497

18498 683. On December 4, 2009, Defendant Michael Marino and John T.
18499 McCarthy individually, and in their official capacity, while acting
18500 under color of law as Police Officers, for the Rockport Police
18501 Department, in Rockport, Massachusetts; and Defendants Zorran
18502 Atanasovski and Jason Guida of the Commonwealth of
18503 Massachusetts, Executive Office of Public Safety and Security,
18504 Criminal History Systems Board, Firearms Records Bureau, did
18505 with other defendants violate, deprive, or infringe upon the civil
18506 rights of Plaintiff James M. Atkinson for the purposes of personal,
18507 political, and professional gains, without just cause, or lawful
18508 authority and did engage in Interference with Federally Protected

18509 Activities of James M. Atkinson in contravention of law. By means
18510 of an inquiry(ies) to the Commonwealth of Massachusetts Criminal
18511 History Systems Board to seek out any firearms which may have
18512 been registered to Plaintiff Atkinson in the past, and kept in his
18513 home in order to perform and illegal seizure of said arms, in
18514 violation of the 2nd and 14th Amendments. Such a seizure or
18515 actions in support of such a seizure is a violation of civil rights as
18516 defined by the law and confirmed by the U.S. Supreme Court in
18517 2008, and then again in 2010.

18518
18519 684. On December 4, 2009, Defendant Michael Marino and John T.
18520 McCarthy individually, and in their official capacity, while acting
18521 under color of law as Police Officers, for the Rockport Police
18522 Department, in Rockport, Massachusetts; and Defendants Zorran
18523 Atanasovski and Jason Guida of the Commonwealth of
18524 Massachusetts, Executive Office of Public Safety and Security,
18525 Criminal History Systems Board, Firearms Records Bureau, did
18526 with other defendants violate, deprive, or infringe upon the civil
18527 rights of Plaintiff James M. Atkinson for the purposes of personal,
18528 political, and professional gains, without just cause, or lawful

18529 authority and did engage in Conspiracy to Interfere with Civil
18530 Rights of James M. Atkinson in contravention of law. By means of
18531 an inquiry(ies) to the Commonwealth of Massachusetts Criminal
18532 History Systems Board to seek out any firearms which may have
18533 been registered to Plaintiff Atkinson in the past, and kept in his
18534 home in order to perform and illegal seizure of said arms, in
18535 violation of the 2nd and 14th Amendments. Such a seizure or
18536 actions in support of such a seizure is a violation of civil rights as
18537 defined by the law and confirmed by the U.S. Supreme Court in
18538 2008, and then again in 2010.

18539
18540 685. On December 4, 2009, Defendant Michael Marino and John T.
18541 McCarthy individually, and in their official capacity, while acting
18542 under color of law as Police Officers, for the Rockport Police
18543 Department, in Rockport, Massachusetts; and Defendants Zorran
18544 Atanasovski and Jason Guida of the Commonwealth of
18545 Massachusetts, Executive Office of Public Safety and Security,
18546 Criminal History Systems Board, Firearms Records Bureau, did
18547 with other defendants violate, deprive, or infringe upon the civil
18548 rights of Plaintiff James M. Atkinson for the purposes of personal,

18549 political, and professional gains, without just cause, or lawful
18550 authority and did engage in Actions for Neglect to Prevent
18551 Interfere with Civil Rights of James M. Atkinson in contravention
18552 of law. By means of an inquiry(ies) to the Commonwealth of
18553 Massachusetts Criminal History Systems Board to seek out any
18554 firearms which may have been registered to Plaintiff Atkinson in
18555 the past, and kept in his home in order to perform and illegal
18556 seizure of said arms, in violation of the 2nd and 14th Amendments.
18557 Such a seizure or actions in support of such a seizure is a violation
18558 of civil rights as defined by the law and confirmed by the U.S.
18559 Supreme Court in 2008, and then again in 2010.

18560
18561 686. On December 4, 2009, Defendant Michael Marino and John T.
18562 McCarthy individually, and in their official capacity, while acting
18563 under color of law as Police Officers, for the Rockport Police
18564 Department, in Rockport, Massachusetts; and Defendants Zorran
18565 Atanasovski and Jason Guida of the Commonwealth of
18566 Massachusetts, Executive Office of Public Safety and Security,
18567 Criminal History Systems Board, Firearms Records Bureau, did
18568 with other defendants violate, deprive, or infringe upon the civil

18569 rights of Plaintiff James M. Atkinson for the purposes of personal,
18570 political, and professional gains, without just cause, or lawful
18571 authority and did Violate the Right to Keep and to Bear Arms of
18572 James M. Atkinson in contravention of law. By means of an
18573 inquiry(ies) to the Commonwealth of Massachusetts Criminal
18574 History Systems Board to seek out any firearms which may have
18575 been registered to Plaintiff Atkinson in the past, and kept in his
18576 home in order to perform and illegal seizure of said arms, in
18577 violation of the 2nd and 14th Amendments. Such a seizure or
18578 actions in support of such a seizure is a violation of civil rights as
18579 defined by the law and confirmed by the U.S. Supreme Court in
18580 2008, and then again in 2010.

18581
18582 687. On December 4, 2009, Defendant Michael Marino and John T.
18583 McCarthy individually, and in their official capacity, while acting
18584 under color of law as Police Officers, for the Rockport Police
18585 Department, in Rockport, Massachusetts; and Defendants Zorran
18586 Atanasovski and Jason Guida of the Commonwealth of
18587 Massachusetts, Executive Office of Public Safety and Security,
18588 Criminal History Systems Board, Firearms Records Bureau, did

18589 with other defendants violate, deprive, or infringe upon the civil
18590 rights of Plaintiff James M. Atkinson for the purposes of personal,
18591 political, and professional gains, without just cause, or lawful
18592 authority and did Violate the Privileges and Immunities of U.S.
18593 Citizen James M. Atkinson in contravention of law. By means of
18594 an inquiry(ies) to the Commonwealth of Massachusetts Criminal
18595 History Systems Board to seek out any firearms which may have
18596 been registered to Plaintiff Atkinson in the past, and kept in his
18597 home in order to perform and illegal seizure of said arms, in
18598 violation of the 2nd and 14th Amendments. Such a seizure or
18599 actions in support of such a seizure is a violation of civil rights as
18600 defined by the law and confirmed by the U.S. Supreme Court in
18601 2008, and then again in 2010.

18602
18603 688. On December 4, 2009, Defendant Michael Marino and John T.
18604 McCarthy individually, and in their official capacity, while acting
18605 under color of law as Police Officers, for the Rockport Police
18606 Department, in Rockport, Massachusetts; and Defendants Zorran
18607 Atanasovski and Jason Guida of the Commonwealth of
18608 Massachusetts, Executive Office of Public Safety and Security,

18609 Criminal History Systems Board, Firearms Records Bureau, did
18610 with other defendants violate, deprive, or infringe upon the civil
18611 rights of Plaintiff James M. Atkinson for the purposes of personal,
18612 political, and professional gains, without just cause, or lawful
18613 authority and did Violate the Constitutional Rights of James M.
18614 Atkinson in contravention of law. By means of an inquiry(ies) to
18615 the Commonwealth of Massachusetts Criminal History Systems
18616 Board to seek out any firearms which may have been registered to
18617 Plaintiff Atkinson in the past, and kept in his home in order to
18618 perform and illegal seizure of said arms, in violation of the 2nd and
18619 14th Amendments. Such a seizure or actions in support of such a
18620 seizure is a violation of civil rights as defined by the law and
18621 confirmed by the U.S. Supreme Court in 2008, and then again in
18622 2010.

18623
18624 689. On December 4, 2009, Defendant Michael Marino and John T.
18625 McCarthy individually, and in their official capacity, while acting
18626 under color of law as Police Officers, for the Rockport Police
18627 Department, in Rockport, Massachusetts; and Defendants Zorran
18628 Atanasovski and Jason Guida of the Commonwealth of

18629 Massachusetts, Executive Office of Public Safety and Security,
18630 Criminal History Systems Board, Firearms Records Bureau, did
18631 with other defendants violate, deprive, or infringe upon the civil
18632 rights of Plaintiff James M. Atkinson for the purposes of personal,
18633 political, and professional gains, without just cause, or lawful
18634 authority and did Violate the Rights Guarantees, Privileges and
18635 Immunities of Citizenship, Due Process and Equal Protection of
18636 U.S. Citizens of James M. Atkinson in contravention of law. By
18637 means of an inquiry(ies) to the Commonwealth of Massachusetts
18638 Criminal History Systems Board to seek out any firearms which
18639 may have been registered to Plaintiff Atkinson in the past, and kept
18640 in his home in order to perform and illegal seizure of said arms, in
18641 violation of the 2nd and 14th Amendments. Such a seizure or
18642 actions in support of such a seizure is a violation of civil rights as
18643 defined by the law and confirmed by the U.S. Supreme Court in
18644 2008, and then again in 2010.

18645
18646 690. On December 4, 2009, Defendant Michael Marino and John T.
18647 McCarthy individually, and in their official capacity, while acting
18648 under color of law as Police Officers, for the Rockport Police

18649 Department, in Rockport, Massachusetts; and Defendants Zorran
18650 Atanasovski and Jason Guida of the Commonwealth of
18651 Massachusetts, Executive Office of Public Safety and Security,
18652 Criminal History Systems Board, Firearms Records Bureau, did
18653 with other defendants violate, deprive, or infringe upon the civil
18654 rights of Plaintiff James M. Atkinson for the purposes of personal,
18655 political, and professional gains, without just cause, or lawful
18656 authority and did engage in a Pattern or Practice of Conduct or
18657 Deprivation of Rights, Privileges, or Immunities of James M.
18658 Atkinson in contravention of law. By means of an inquiry(ies) to
18659 the Commonwealth of Massachusetts Criminal History Systems
18660 Board to seek out any firearms which may have been registered to
18661 Plaintiff Atkinson in the past, and kept in his home in order to
18662 perform and illegal seizure of said arms, in violation of the 2nd and
18663 14th Amendments. Such a seizure or actions in support of such a
18664 seizure is a violation of civil rights as defined by the law and
18665 confirmed by the U.S. Supreme Court in 2008, and then again in
18666 2010.
18667

18668 691. On December 4, 2009, Defendant Michael Marino and John T.
18669 McCarthy individually, and in their official capacity, while acting
18670 under color of law as Police Officers, for the Rockport Police
18671 Department, in Rockport, Massachusetts; and Defendants Zorran
18672 Atanasovski and Jason Guida of the Commonwealth of
18673 Massachusetts, Executive Office of Public Safety and Security,
18674 Criminal History Systems Board, Firearms Records Bureau, did
18675 with other defendants violate, deprive, or infringe upon the civil
18676 rights of Plaintiff James M. Atkinson for the purposes of personal,
18677 political, and professional gains, without just cause, or lawful
18678 authority and did commit Accessory Before the Fact against James
18679 M. Atkinson in contravention of law. By means of an inquiry(ies)
18680 to the Commonwealth of Massachusetts Criminal History Systems
18681 Board to seek out any firearms which may have been registered to
18682 Plaintiff Atkinson in the past, and kept in his home in order to
18683 perform and illegal seizure of said arms, in violation of the 2nd and
18684 14th Amendments. Such a seizure or actions in support of such a
18685 seizure is a violation of civil rights as defined by the law and
18686 confirmed by the U.S. Supreme Court in 2008, and then again in
18687 2010.

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**Conspiracy by the Rockport Police Department to
Fraudulently Claim a Horde of Weapons Was in
Possession of Plaintiff Atkinson, when BATF Records
Clearly Proved That This Was Clearly Not True**

692. On or about December 2, 2009 though at least December 4, 2009, Defendant Michael Marino and John T. McCarthy individually, and in their official capacity, while acting under color of law as Police Officers, for the Rockport Police Department, in Rockport, Massachusetts; and Defendant Jack Kelter, Special Agent of the U.S. Bureau of Alcohol, Tobacco, and Firearms, and did with other defendants violate, deprive, or infringe upon the civil rights of Plaintiff James M. Atkinson for the purposes of personal, political, and professional gains, without just cause, or lawful authority and did engage in a Conspiracy to Injure Citizens in the Exercise of Federal Rights of James M. Atkinson in contravention of law. By means of inquiries to and from the Bureau of Alcohol, Tobacco, and Firearms to seek out any firearms which may have been registered to Plaintiff Atkinson in the past, and kept in his home in order to perform and illegal seizure of said arms, in violation of the 2nd and 14th Amendments. Such a seizure or actions in support of such a seizure is a violation of civil rights

18711 as defined by the law and confirmed by the U.S. Supreme Court in
18712 2008, and then re-affirmed again in 2010. Indeed the records of the
18713 Bureau of Alcohol, Tobacco, and Firearms would indicate that
18714 while Plaintiff may have possessed a number of arms over the
18715 decades, but that almost all of these arms had been sold or traded-
18716 in to firearms dealers and that there was no probable cause that
18717 Plaintiff Atkinson was still in possession of these arms. Indeed,
18718 such an inquiry was improper and unlawful as Plaintiff Atkinson
18719 was not accused of having committed any firearms related crime or
18720 misdeed, and this inquiry was performed in order to infringe on
18721 Plaintiff right to keep and bear arms as guaranteed by the 2nd
18722 Amendment, applied against the States by virtue of the 14th
18723 Amendment.

18724 a. Defendant Kelter provided guidance, coaching and
18725 instruction to Defendant Marino on how to infringe upon the
18726 civil rights of Plaintiff Atkinson.

18727
18728 b. Defendant Kelter committed accessory before the fact by
18729 counseling Defendant Marino the matter at hand.

18730

18731 693. On or about December 2, 2009 though at least December 4,
18732 2009, Defendant Michael Marino and John T. McCarthy
18733 individually, and in their official capacity, while acting under color
18734 of law as Police Officers, for the Rockport Police Department, in
18735 Rockport, Massachusetts; and Defendant Jack Kelter, Special
18736 Agent of the U.S. Bureau of Alcohol, Tobacco, and Firearms, and
18737 did with other defendants violate, deprive, or infringe upon the
18738 civil rights of Plaintiff James M. Atkinson for the purposes of
18739 personal, political, and professional gains, without just cause, or
18740 lawful authority and did engage in Willful Deprivations of Federal
18741 Rights Under Color of Law of James M. Atkinson in contravention
18742 of law. By means of inquiries to and from the Bureau of Alcohol,
18743 Tobacco, and Firearms to seek out any firearms which may have
18744 been registered to Plaintiff Atkinson in the past, and kept in his
18745 home in order to perform and illegal seizure of said arms, in
18746 violation of the 2nd and 14th Amendments. Such a seizure or
18747 actions in support of such a seizure is a violation of civil rights as
18748 defined by the law and confirmed by the U.S. Supreme Court in
18749 2008, and then re-affirmed again in 2010. Indeed the records of the
18750 Bureau of Alcohol, Tobacco, and Firearms would indicate that

18751 while Plaintiff may have possessed a number of arms over the
18752 decades, but that almost all of these arms had been sold or traded-
18753 in to firearms dealers and that there was no probable cause that
18754 Plaintiff Atkinson was still in possession of these arms. Indeed,
18755 such an inquiry was improper and unlawful as Plaintiff Atkinson
18756 was not accused of having committed any firearms related crime or
18757 misdeed, and this inquiry was performed in order to infringe on
18758 Plaintiff right to keep and bear arms as guaranteed by the 2nd
18759 Amendment, applied against the States by virtue of the 14th
18760 Amendment.

18761
18762 694. On or about December 2, 2009 though at least December 4,
18763 2009, Defendant Michael Marino and John T. McCarthy
18764 individually, and in their official capacity, while acting under color
18765 of law as Police Officers, for the Rockport Police Department, in
18766 Rockport, Massachusetts; and Defendant Jack Kelter, Special
18767 Agent of the U.S. Bureau of Alcohol, Tobacco, and Firearms, and
18768 did with other defendants violate, deprive, or infringe upon the
18769 civil rights of Plaintiff James M. Atkinson for the purposes of
18770 personal, political, and professional gains, without just cause, or

18771 lawful authority and did engage in Interference with Federally
18772 Protected Activities of James M. Atkinson in contravention of law.
18773 By means of inquiries to and from the Bureau of Alcohol, Tobacco,
18774 and Firearms to seek out any firearms which may have been
18775 registered to Plaintiff Atkinson in the past, and kept in his home in
18776 order to perform and illegal seizure of said arms, in violation of the
18777 2nd and 14th Amendments. Such a seizure or actions in support of
18778 such a seizure is a violation of civil rights as defined by the law
18779 and confirmed by the U.S. Supreme Court in 2008, and then re-
18780 affirmed again in 2010. Indeed the records of the Bureau of
18781 Alcohol, Tobacco, and Firearms would indicate that while Plaintiff
18782 may have possessed a number of arms over the decades, but that
18783 almost all of these arms had been sold or traded-in to firearms
18784 dealers and that there was no probable cause that Plaintiff Atkinson
18785 was still in possession of these arms. Indeed, such an inquiry was
18786 improper and unlawful as Plaintiff Atkinson was not accused of
18787 having committed any firearms related crime or misdeed, and this
18788 inquiry was performed in order to infringe on Plaintiff right to
18789 keep and bear arms as guaranteed by the 2nd Amendment, applied
18790 against the States by virtue of the 14th Amendment.

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695. On or about December 2, 2009 though at least December 4, 2009, Defendant Michael Marino and John T. McCarthy individually, and in their official capacity, while acting under color of law as Police Officers, for the Rockport Police Department, in Rockport, Massachusetts; and Defendant Jack Kelter, Special Agent of the U.S. Bureau of Alcohol, Tobacco, and Firearms, and did with other defendants violate, deprive, or infringe upon the civil rights of Plaintiff James M. Atkinson for the purposes of personal, political, and professional gains, without just cause, or lawful authority and did engage in Conspiracy to Interfere with Civil Rights of James M. Atkinson in contravention of law. By means of inquiries to and from the Bureau of Alcohol, Tobacco, and Firearms to seek out any firearms which may have been registered to Plaintiff Atkinson in the past, and kept in his home in order to perform and illegal seizure of said arms, in violation of the 2nd and 14th Amendments. Such a seizure or actions in support of such a seizure is a violation of civil rights as defined by the law and confirmed by the U.S. Supreme Court in 2008, and then re-affirmed again in 2010. Indeed the records of the Bureau of

18811 Alcohol, Tobacco, and Firearms would indicate that while Plaintiff
18812 may have possessed a number of arms over the decades, but that
18813 almost all of these arms had been sold or traded-in to firearms
18814 dealers and that there was no probable cause that Plaintiff Atkinson
18815 was still in possession of these arms. Indeed, such an inquiry was
18816 improper and unlawful as Plaintiff Atkinson was not accused of
18817 having committed any firearms related crime or misdeed, and this
18818 inquiry was performed in order to infringe on Plaintiff right to
18819 keep and bear arms as guaranteed by the 2nd Amendment, applied
18820 against the States by virtue of the 14th Amendment.

18821
18822 696. On or about December 2, 2009 though at least December 4,
18823 2009, Defendant Michael Marino and John T. McCarthy
18824 individually, and in their official capacity, while acting under color
18825 of law as Police Officers, for the Rockport Police Department, in
18826 Rockport, Massachusetts; and Defendant Jack Kelter, Special
18827 Agent of the U.S. Bureau of Alcohol, Tobacco, and Firearms, and
18828 did with other defendants violate, deprive, or infringe upon the
18829 civil rights of Plaintiff James M. Atkinson for the purposes of
18830 personal, political, and professional gains, without just cause, or

18831 lawful authority and did engage in Actions for Neglect to Prevent
18832 Interfere with Civil Rights of James M. Atkinson in contravention
18833 of law. By means of inquiries to and from the Bureau of Alcohol,
18834 Tobacco, and Firearms to seek out any firearms which may have
18835 been registered to Plaintiff Atkinson in the past, and kept in his
18836 home in order to perform and illegal seizure of said arms, in
18837 violation of the 2nd and 14th Amendments. Such a seizure or
18838 actions in support of such a seizure is a violation of civil rights as
18839 defined by the law and confirmed by the U.S. Supreme Court in
18840 2008, and then re-affirmed again in 2010. Indeed the records of the
18841 Bureau of Alcohol, Tobacco, and Firearms would indicate that
18842 while Plaintiff may have possessed a number of arms over the
18843 decades, but that almost all of these arms had been sold or traded-
18844 in to firearms dealers and that there was no probable cause that
18845 Plaintiff Atkinson was still in possession of these arms. Indeed,
18846 such an inquiry was improper and unlawful as Plaintiff Atkinson
18847 was not accused of having committed any firearms related crime or
18848 misdeed, and this inquiry was performed in order to infringe on
18849 Plaintiff right to keep and bear arms as guaranteed by the 2nd

18850 Amendment, applied against the States by virtue of the 14th
18851 Amendment.
18852
18853 697. On or about December 2, 2009 though at least December 4,
18854 2009, Defendant Michael Marino and John T. McCarthy
18855 individually, and in their official capacity, while acting under color
18856 of law as Police Officers, for the Rockport Police Department, in
18857 Rockport, Massachusetts; and Defendant Jack Kelter, Special
18858 Agent of the U.S. Bureau of Alcohol, Tobacco, and Firearms, and
18859 did with other defendants violate, deprive, or infringe upon the
18860 civil rights of Plaintiff James M. Atkinson for the purposes of
18861 personal, political, and professional gains, without just cause, or
18862 lawful authority and did Violate the Right to Keep and to Bear
18863 Arms of James M. Atkinson in contravention of law. By means of
18864 inquiries to and from the Bureau of Alcohol, Tobacco, and
18865 Firearms to seek out any firearms which may have been registered
18866 to Plaintiff Atkinson in the past, and kept in his home in order to
18867 perform and illegal seizure of said arms, in violation of the 2nd and
18868 14th Amendments. Such a seizure or actions in support of such a
18869 seizure is a violation of civil rights as defined by the law and

18870 confirmed by the U.S. Supreme Court in 2008, and then re-
18871 affirmed again in 2010. Indeed the records of the Bureau of
18872 Alcohol, Tobacco, and Firearms would indicate that while Plaintiff
18873 may have possessed a number of arms over the decades, but that
18874 almost all of these arms had been sold or traded-in to legally
18875 licensed firearms dealers and that there was no probable cause that
18876 Plaintiff Atkinson was still in possession of these arms. Indeed,
18877 such an inquiry was improper and unlawful as Plaintiff Atkinson
18878 was not accused of having committed any firearms related crime or
18879 misdeed, and this inquiry was performed solely in order to infringe
18880 on Plaintiffs civil right to keep and bear arms as guaranteed by the
18881 2nd Amendment, applied against the States by virtue of the 14th
18882 Amendment.

18883
18884 698. On or about December 2, 2009 though at least December 4,
18885 2009, Defendant Michael Marino and John T. McCarthy
18886 individually, and in their official capacity, while acting under color
18887 of law as Police Officers, for the Rockport Police Department, in
18888 Rockport, Massachusetts; and Defendant Jack Kelter, Special
18889 Agent of the U.S. Bureau of Alcohol, Tobacco, and Firearms, and

18890 did with other defendants violate, deprive, or infringe upon the
18891 civil rights of Plaintiff James M. Atkinson for the purposes of
18892 personal, political, and professional gains, without just cause, or
18893 lawful authority and did Violate the Privileges and Immunities of
18894 U.S. Citizen James M. Atkinson in contravention of law. By means
18895 of inquiries to and from the Bureau of Alcohol, Tobacco, and
18896 Firearms to seek out any firearms which may have been registered
18897 to Plaintiff Atkinson in the past, and kept in his home in order to
18898 perform and illegal seizure of said arms, in violation of the 2nd and
18899 14th Amendments. Such a seizure or actions in support of such a
18900 seizure is a violation of civil rights as defined by the law and
18901 confirmed by the U.S. Supreme Court in 2008, and then re-
18902 affirmed again in 2010. Indeed the records of the Bureau of
18903 Alcohol, Tobacco, and Firearms would indicate that while Plaintiff
18904 may have possessed a number of arms over the decades, but that
18905 almost all of these arms had been sold or traded-in to firearms
18906 dealers and that there was no probable cause that Plaintiff Atkinson
18907 was still in possession of these arms. Indeed, such an inquiry was
18908 improper and unlawful as Plaintiff Atkinson was not accused of
18909 having committed any firearms related crime or misdeed, and this

18910 inquiry was performed in order to infringe on Plaintiff right to
18911 keep and bear arms as guaranteed by the 2nd Amendment, applied
18912 against the States by virtue of the 14th Amendment.

18913

18914 699. On or about December 2, 2009 though at least December 4,
18915 2009, Defendant Michael Marino and John T. McCarthy
18916 individually, and in their official capacity, while acting under color
18917 of law as Police Officers, for the Rockport Police Department, in
18918 Rockport, Massachusetts; and Defendant Jack Kelter, Special
18919 Agent of the U.S. Bureau of Alcohol, Tobacco, and Firearms, and
18920 did with other defendants violate, deprive, or infringe upon the
18921 civil rights of Plaintiff James M. Atkinson for the purposes of
18922 personal, political, and professional gains, without just cause, or
18923 lawful authority and did Violate the Constitutional Rights of James
18924 M. Atkinson in contravention of law. By means of inquiries to and
18925 from the Bureau of Alcohol, Tobacco, and Firearms to seek out
18926 any firearms which may have been registered to Plaintiff Atkinson
18927 in the past, and kept in his home in order to perform and illegal
18928 seizure of said arms, in violation of the 2nd and 14th Amendments.
18929 Such a seizure or actions in support of such a seizure is a violation

18930 of civil rights as defined by the law and confirmed by the U.S.
18931 Supreme Court in 2008, and then re-affirmed again in 2010. Indeed
18932 the records of the Bureau of Alcohol, Tobacco, and Firearms
18933 would indicate that while Plaintiff may have possessed a number
18934 of arms over the decades, but that almost all of these arms had
18935 been sold or traded-in to firearms dealers and that there was no
18936 probable cause that Plaintiff Atkinson was still in possession of
18937 these arms. Indeed, such an inquiry was improper and unlawful as
18938 Plaintiff Atkinson was not accused of having committed any
18939 firearms related crime or misdeed, and this inquiry was performed
18940 in order to infringe on Plaintiff right to keep and bear arms as
18941 guaranteed by the 2nd Amendment, applied against the States by
18942 virtue of the 14th Amendment.

18943
18944 700. On or about December 2, 2009 though at least December 4,
18945 2009, Defendant Michael Marino and John T. McCarthy
18946 individually, and in their official capacity, while acting under color
18947 of law as Police Officers, for the Rockport Police Department, in
18948 Rockport, Massachusetts; and Defendant Jack Kelter, Special
18949 Agent of the U.S. Bureau of Alcohol, Tobacco, and Firearms, and

18950 did with other defendants violate, deprive, or infringe upon the
18951 civil rights of Plaintiff James M. Atkinson for the purposes of
18952 personal, political, and professional gains, without just cause, or
18953 lawful authority and did Violate the Rights Guarantees, Privileges
18954 and Immunities of Citizenship, Due Process and Equal Protection
18955 of U.S. Citizens of James M. Atkinson in contravention of law. By
18956 means of inquiries to and from the Bureau of Alcohol, Tobacco,
18957 and Firearms to seek out any firearms which may have been
18958 registered to Plaintiff Atkinson in the past, and kept in his home in
18959 order to perform and illegal seizure of said arms, in violation of the
18960 2nd and 14th Amendments. Such a seizure or actions in support of
18961 such a seizure is a violation of civil rights as defined by the law
18962 and confirmed by the U.S. Supreme Court in 2008, and then re-
18963 affirmed again in 2010. Indeed the records of the Bureau of
18964 Alcohol, Tobacco, and Firearms would indicate that while Plaintiff
18965 may have possessed a number of arms over the decades, but that
18966 almost all of these arms had been sold or traded-in to firearms
18967 dealers and that there was no probable cause that Plaintiff Atkinson
18968 was still in possession of these arms. Indeed, such an inquiry was
18969 improper and unlawful as Plaintiff Atkinson was not accused of

18970 having committed any firearms related crime or misdeed, and this
18971 inquiry was performed in order to infringe on Plaintiff right to
18972 keep and bear arms as guaranteed by the 2nd Amendment, applied
18973 against the States by virtue of the 14th Amendment.

18974

18975 701. On or about December 2, 2009 though at least December 4,
18976 2009, Defendant Michael Marino and John T. McCarthy
18977 individually, and in their official capacity, while acting under color
18978 of law as Police Officers, for the Rockport Police Department, in
18979 Rockport, Massachusetts; and Defendant Jack Kelter, Special
18980 Agent of the U.S. Bureau of Alcohol, Tobacco, and Firearms, and
18981 did with other defendants violate, deprive, or infringe upon the
18982 civil rights of Plaintiff James M. Atkinson for the purposes of
18983 personal, political, and professional gains, without just cause, or
18984 lawful authority and did engage in a Pattern or Practice of Conduct
18985 or Deprivation of Rights, Privileges, or Immunities of James M.
18986 Atkinson in contravention of law. By means of inquiries to and
18987 from the Bureau of Alcohol, Tobacco, and Firearms to seek out
18988 any firearms which may have been registered to Plaintiff Atkinson
18989 in the past, and kept in his home in order to perform and illegal

18990 seizure of said arms, in violation of the 2nd and 14th Amendments.
18991 Such a seizure or actions in support of such a seizure is a violation
18992 of civil rights as defined by the law and confirmed by the U.S.
18993 Supreme Court in 2008, and then re-affirmed again in 2010. Indeed
18994 the records of the Bureau of Alcohol, Tobacco, and Firearms
18995 would indicate that while Plaintiff may have possessed a number
18996 of arms over the decades, but that almost all of these arms had
18997 been sold or traded-in to firearms dealers and that there was no
18998 probable cause that Plaintiff Atkinson was still in possession of
18999 these arms. Indeed, such an inquiry was improper and unlawful as
19000 Plaintiff Atkinson was not accused of having committed any
19001 firearms related crime or misdeed, and this inquiry was performed
19002 in order to infringe on Plaintiff right to keep and bear arms as
19003 guaranteed by the 2nd Amendment, applied against the States by
19004 virtue of the 14th Amendment.

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19006 a. This represents deliberate indifference on the part of the
19007 Rockport Police Department, as they had officers involved
19008 in investigating cases, in which the officers had no
19009 experience or credentials in investigating.

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b. Plaintiff asserts that Marino was assigned this case by his superior, so that the “investigation” could be bias, twisted, and manipulated, so that facts could be concealed, and that it was done with calculation and with malice.

c. There is also a 18 USC 14141 violation against the Rockport Police Department and Town of Rockport, and against the Rockport Defendants.

702. On or about December 2, 2009 though at least December 4, 2009, Defendant Michael Marino and John T. McCarthy individually, and in their official capacity, while acting under color of law as Police Officers, for the Rockport Police Department, in Rockport, Massachusetts; and Defendant Jack Kelter, Special Agent of the U.S. Bureau of Alcohol, Tobacco, and Firearms, and did with other defendants violate, deprive, or infringe upon the civil rights of Plaintiff James M. Atkinson for the purposes of personal, political, and professional gains, without just cause, or lawful authority and did commit Accessory Before the Fact against

19030 James M. Atkinson in contravention of law. By means of inquiries
19031 to and from the Bureau of Alcohol, Tobacco, and Firearms to seek
19032 out any firearms which may have been registered to Plaintiff
19033 Atkinson in the past, and kept in his home in order to perform and
19034 illegal seizure of said arms, in violation of the 2nd and 14th
19035 Amendments. Such a seizure or actions in support of such a seizure
19036 is a violation of civil rights as defined by the law and confirmed by
19037 the U.S. Supreme Court in 2008, and then re-affirmed again in
19038 2010. Indeed the records of the Bureau of Alcohol, Tobacco, and
19039 Firearms would indicate that while Plaintiff may have possessed a
19040 number of arms over the decades, but that almost all of these arms
19041 had been sold or traded-in to firearms dealers and that there was no
19042 probable cause that Plaintiff Atkinson was still in possession of
19043 these arms. Indeed, such an inquiry was improper and unlawful as
19044 Plaintiff Atkinson was not accused of having committed any
19045 firearms related crime or misdeed, and this inquiry was performed
19046 in order to infringe on Plaintiff right to keep and bear arms as
19047 guaranteed by the 2nd Amendment, applied against the States by
19048 virtue of the 14th Amendment.

19049

**Rockport Police Department
Illegal and Warrantless Search of Plaintiff
Atkinson's Home, While Plaintiff was Hospitalized**

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19054 703. On December 4, 2009, Defendants Daniel Mahoney; Michael
19055 Marino; Robert Tibert; Mark Schmink; Sean Andrus, individually,
19056 and in their official capacities, while acting under color of law as
19057 Police Officers, for the Rockport Police Department, in Rockport,
19058 Massachusetts; did with other defendants violate, deprive, or
19059 infringe upon the civil rights of Plaintiff James M. Atkinson for the
19060 purposes of personal, political, and professional gains, without just
19061 cause, or lawful authority and did covertly enter the home of James
19062 M. Atkinson without being in possession of a properly issued, or
19063 valid search warrant, and did engage in an illegal search and/or
19064 seizure property of James M. Atkinson in contravention of law. By
19065 means of a copied door key (the key was copied on December 1,
19066 2009), while the Plaintiff Atkinson as hospitalized due to injuries
19067 inflicted by the police, while the police knew that the Plaintiff was
19068 hospitalized.

19069
19070 704. On December 4, 2009, Defendants Daniel Mahoney; Michael
19071 Marino; Robert Tibert; Mark Schmink; Sean Andrus, individually,

19072 and in their official capacities, while acting under color of law as
19073 Police Officers, for the Rockport Police Department, in Rockport,
19074 Massachusetts; did with other defendants violate, deprive, or
19075 infringe upon the civil rights of Plaintiff James M. Atkinson for the
19076 purposes of personal, political, and professional gains, without just
19077 cause, or lawful authority and Steal and Take Away Property from
19078 a Disabled Person, Numerous Items Valued in Excess of \$250 of
19079 James M. Atkinson in contravention of law. By means of a copied
19080 door key (the key was copied on December 1, 2009), while the
19081 Plaintiff Atkinson as hospitalized due to injuries inflicted by the
19082 police, while the police knew that the Plaintiff was hospitalized.

19083
19084 705. On December 4, 2009, Defendants Daniel Mahoney; Michael
19085 Marino; Robert Tibert; Mark Schmink; Sean Andrus, individually,
19086 and in their official capacities, while acting under color of law as
19087 Police Officers, for the Rockport Police Department, in Rockport,
19088 Massachusetts; did with other defendants violate, deprive, or
19089 infringe upon the civil rights of Plaintiff James M. Atkinson for the
19090 purposes of personal, political, and professional gains, without just
19091 cause, or lawful authority and Commit Economic Espionage by

19092 taking away and/or copying valuable trade secrets and proprietary
19093 information and sharing this with other people, and with agents of
19094 foreign countries in order to injure James M. Atkinson in
19095 contravention of law. By means of a copied door key (the key was
19096 copied on December 1, 2009), while the Plaintiff Atkinson as
19097 hospitalized due to injuries inflicted by the police, while the police
19098 knew that the Plaintiff was hospitalized.

19099
19100 706. On December 4, 2009, Defendants Daniel Mahoney; Michael
19101 Marino; Robert Tibert; Mark Schmink; Sean Andrus, individually,
19102 and in their official capacities, while acting under color of law as
19103 Police Officers, for the Rockport Police Department, in Rockport,
19104 Massachusetts; did with other defendants violate, deprive, or
19105 infringe upon the civil rights of Plaintiff James M. Atkinson for the
19106 purposes of personal, political, and professional gains, without just
19107 cause, or lawful authority and did Steal Trade Secrets by taking
19108 away and/or copying valuable trade secrets and proprietary
19109 information and sharing this with other people, and with agents of
19110 foreign countries in order to injure James M. Atkinson in
19111 contravention of law. By means of a copied door key (the key was

19112 copied on December 1, 2009), while the Plaintiff Atkinson as
19113 hospitalized due to injuries inflicted by the police, while the police
19114 knew that the Plaintiff was hospitalized.

19115
19116 707. On December 4, 2009, Defendants Daniel Mahoney; Michael
19117 Marino; Robert Tibert; Mark Schmink; Sean Andrus, individually,
19118 and in their official capacities, while acting under color of law as
19119 Police Officers, for the Rockport Police Department, in Rockport,
19120 Massachusetts; did with other defendants violate, deprive, or
19121 infringe upon the civil rights of Plaintiff James M. Atkinson for the
19122 purposes of personal, political, and professional gains, without just
19123 cause, or lawful authority and did unlawfully enter the residence of
19124 James M. Atkinson in contravention of law. By means of a copied
19125 door key (the key was copied on December 1, 2009), while the
19126 Plaintiff Atkinson as hospitalized due to injuries inflicted by the
19127 police, while the police knew that the Plaintiff was hospitalized.

19128
19129 708. On December 4, 2009, Defendants Daniel Mahoney; Michael
19130 Marino; Robert Tibert; Mark Schmink; Sean Andrus, John T.
19131 McCarthy; Michael Anderson; Gregory George; and James Hurst

19132 individually, and in their official capacities, while acting under
19133 color of law as Police Officers, for the Rockport Police
19134 Department, in Rockport, Massachusetts; did with other defendants
19135 violate, deprive, or infringe upon the civil rights of Plaintiff James
19136 M. Atkinson for the purposes of personal, political, and
19137 professional gains, without just cause, or lawful authority and did
19138 Violate the Right to Keep and to Bear Arms of James M. Atkinson
19139 in contravention of law. By means of larceny of arms. By means of
19140 a copied door key (the key was copied on December 1, 2009),
19141 while the Plaintiff Atkinson as hospitalized due to injuries inflicted
19142 by the police, while the police knew that the Plaintiff was
19143 hospitalized.

19144
19145 709. On December 4, 2009, Defendants Daniel Mahoney; Michael
19146 Marino; Robert Tibert; Mark Schmink; Sean Andrus, John T.
19147 McCarthy; Michael Anderson; Gregory George; and James Hurst
19148 individually, and in their official capacities, while acting under
19149 color of law as Police Officers, for the Rockport Police
19150 Department, in Rockport, Massachusetts; did with other defendants
19151 violate, deprive, or infringe upon the civil rights of Plaintiff James

19152 M. Atkinson for the purposes of personal, political, and
19153 professional gains, without just cause, or lawful authority and did
19154 Violated the Privileges and Immunities U.S. Citizen James M.
19155 Atkinson in contravention of law. By way of entering the Plaintiffs
19156 home and office without being in possession of a search order or
19157 any writ or order from any court to engage in a general search. By
19158 means of a copied door key (the key was copied on December 1,
19159 2009), while the Plaintiff Atkinson as hospitalized due to injuries
19160 inflicted by the police, while the police knew that the Plaintiff was
19161 hospitalized.

19162
19163 710. On December 4, 2009, Defendants Daniel Mahoney; Michael
19164 Marino; Robert Tibert; Mark Schmink; Sean Andrus, John T.
19165 McCarthy; Michael Anderson; Gregory George; and James Hurst
19166 individually, and in their official capacities, while acting under
19167 color of law as Police Officers, for the Rockport Police
19168 Department, in Rockport, Massachusetts; did with other defendants
19169 violate, deprive, or infringe upon the civil rights of Plaintiff James
19170 M. Atkinson for the purposes of personal, political, and
19171 professional gains, without just cause, or lawful authority and did

19172 Violate the Constitutional Rights of James M. Atkinson in
19173 contravention of law. By way of entering the Plaintiffs home and
19174 office without being in possession of a search order or any writ or
19175 order from any court to engage in a general search. By means of a
19176 copied door key (the key was copied on December 1, 2009), while
19177 the Plaintiff Atkinson as hospitalized due to injuries inflicted by
19178 the police, while the police knew that the Plaintiff was hospitalized.

19179
19180 711. On December 4, 2009, Defendants Daniel Mahoney; Michael
19181 Marino; Robert Tibert; Mark Schmink; Sean Andrus, John T.
19182 McCarthy; Michael Anderson; Gregory George; and James Hurst
19183 individually, and in their official capacities, while acting under
19184 color of law as Police Officers, for the Rockport Police
19185 Department, in Rockport, Massachusetts; did with other defendants
19186 violate, deprive, or infringe upon the civil rights of Plaintiff James
19187 M. Atkinson for the purposes of personal, political, and
19188 professional gains, without just cause, or lawful authority and did
19189 Violate the Rights Guarantees, Privileges and Immunities of
19190 Citizenship, Due Process and Equal Protection of U.S. Citizens of
19191 James M. Atkinson in contravention of law. By way of entering the

19192 Plaintiffs home and office without being in possession of a search
19193 order or any writ or order from any court to engage in a general
19194 search. By means of a copied door key (the key was copied on
19195 December 1, 2009), while the Plaintiff Atkinson as hospitalized
19196 due to injuries inflicted by the police, while the police knew that
19197 the Plaintiff was hospitalized.

19198
19199 712. On December 4, 2009, Defendants Daniel Mahoney; Michael
19200 Marino; Robert Tibert; Mark Schmink; Sean Andrus, John T.
19201 McCarthy; Michael Anderson; Gregory George; and James Hurst
19202 individually, and in their official capacities, while acting under
19203 color of law as Police Officers, for the Rockport Police
19204 Department, in Rockport, Massachusetts; did with other defendants
19205 violate, deprive, or infringe upon the civil rights of Plaintiff James
19206 M. Atkinson for the purposes of personal, political, and
19207 professional gains, without just cause, or lawful authority and did
19208 engage in a Pattern or Practice of Conduct or Deprivation of Rights,
19209 Privileges, or Immunities of James M. Atkinson in contravention
19210 of law. By way of entering the Plaintiffs home and office without
19211 being in possession of a search order or any writ or order from any

19212 court to engage in a general search. By means of a copied door key
19213 (the key was copied on December 1, 2009), while the Plaintiff
19214 Atkinson as hospitalized due to injuries inflicted by the police,
19215 while the police knew that the Plaintiff was hospitalized.

19216
19217 713. On December 4, 2009, Defendants Daniel Mahoney; Michael
19218 Marino; Robert Tibert; Mark Schmink; Sean Andrus, John T.
19219 McCarthy; Michael Anderson; Gregory George; and James Hurst
19220 individually, and in their official capacities, while acting under
19221 color of law as Police Officers, for the Rockport Police
19222 Department, in Rockport, Massachusetts; did with other defendants
19223 violate, deprive, or infringe upon the civil rights of Plaintiff James
19224 M. Atkinson for the purposes of personal, political, and
19225 professional gains, without just cause, or lawful authority and did
19226 engage in a Conspiracy to Injure Citizens in the Exercise of
19227 Federal Rights of James M. Atkinson in contravention of law. By
19228 entering the Plaintiffs home and stealing items, copying other
19229 items, and planting evidence. By means of a copied door key (the
19230 key was copied on December 1, 2009), while the Plaintiff Atkinson

19231 as hospitalized due to injuries inflicted by the police, while the
19232 police knew that the Plaintiff was hospitalized.

19233

19234 714. On December 4, 2009, Defendants Daniel Mahoney; Michael
19235 Marino; Robert Tibert; Mark Schmink; Sean Andrus, John T.
19236 McCarthy; Michael Anderson; Gregory George; and James Hurst
19237 individually, and in their official capacities, while acting under
19238 color of law as Police Officers, for the Rockport Police
19239 Department, in Rockport, Massachusetts; did with other defendants
19240 violate, deprive, or infringe upon the civil rights of Plaintiff James
19241 M. Atkinson for the purposes of personal, political, and
19242 professional gains, without just cause, or lawful authority and did
19243 engage in Willful Deprivations of Federal Rights Under Color of
19244 Law of James M. Atkinson in contravention of law. By means of
19245 theft, destruction, search, disassembly or disablement of property.
19246 By means of a copied door key (the key was copied on December
19247 1, 2009), while the Plaintiff Atkinson as hospitalized due to
19248 injuries inflicted by the police, while the police knew that the
19249 Plaintiff was hospitalized.

19250

19251 715. On December 4, 2009, Defendants Daniel Mahoney; Michael
19252 Marino; Robert Tibert; Mark Schmink; Sean Andrus, John T.
19253 McCarthy; Michael Anderson; Gregory George; and James Hurst
19254 individually, and in their official capacities, while acting under
19255 color of law as Police Officers, for the Rockport Police
19256 Department, in Rockport, Massachusetts; did with other defendants
19257 violate, deprive, or infringe upon the civil rights of Plaintiff James
19258 M. Atkinson for the purposes of personal, political, and
19259 professional gains, without just cause, or lawful authority and did
19260 engage in Interference with Federally Protected Activities of James
19261 M. Atkinson in contravention of law. By way of unlawfully seizing
19262 arms, searching papers, documents, files, and computers, a general
19263 rummaging around, copying school schedules and study plans,
19264 theft of religious articles, books, and other items. By means of a
19265 copied door key (the key was copied on December 1, 2009), while
19266 the Plaintiff Atkinson as hospitalized due to injuries inflicted by
19267 the police, while the police knew that the Plaintiff was hospitalized.

19268
19269 716. On December 4, 2009, Defendants Daniel Mahoney; Michael
19270 Marino; Robert Tibert; Mark Schmink; Sean Andrus, John T.

19271 McCarthy; Michael Anderson; Gregory George; and James Hurst
19272 individually, and in their official capacities, while acting under
19273 color of law as Police Officers, for the Rockport Police
19274 Department, in Rockport, Massachusetts; did with other defendants
19275 violate, deprive, or infringe upon the civil rights of Plaintiff James
19276 M. Atkinson for the purposes of personal, political, and
19277 professional gains, without just cause, or lawful authority and did
19278 engage in Conspiracy to Interfere with Civil Rights of James M.
19279 Atkinson in contravention of law. By way of unlawfully seizing
19280 arms, searching papers, documents, files, and computers, a general
19281 rummaging around, copying school schedules and study plans,
19282 theft of religious articles, books, and other items. By means of a
19283 copied door key (the key was copied on December 1, 2009), while
19284 the Plaintiff Atkinson as hospitalized due to injuries inflicted by
19285 the police, while the police knew that the Plaintiff was hospitalized.

19286
19287 717. On December 4, 2009, Defendants Daniel Mahoney; Michael
19288 Marino; Robert Tibert; Mark Schmink; Sean Andrus, John T.
19289 McCarthy; Michael Anderson; Gregory George; and James Hurst
19290 individually, and in their official capacities, while acting under

19291 color of law as Police Officers, for the Rockport Police
19292 Department, in Rockport, Massachusetts; did with other defendants
19293 violate, deprive, or infringe upon the civil rights of Plaintiff James
19294 M. Atkinson for the purposes of personal, political, and
19295 professional gains, without just cause, or lawful authority and did
19296 engage in Actions for Neglect to Prevent Interfere with Civil
19297 Rights of James M. Atkinson in contravention of law. By means of
19298 knowing that no court had issued any order such a search, did not
19299 the less engage and assist in a warrantless search of the home and
19300 office of Plaintiff Atkinson. By means of a copied door key (the
19301 key was copied on December 1, 2009), while the Plaintiff Atkinson
19302 as hospitalized due to injuries inflicted by the police, while the
19303 police knew that the Plaintiff was hospitalized.

19304
19305 718. On December 4, 2009, Defendants Daniel Mahoney; Michael
19306 Marino; Robert Tibert; Mark Schmink; Sean Andrus, John T.
19307 McCarthy; Michael Anderson; Gregory George; and James Hurst
19308 individually, and in their official capacities, while acting under
19309 color of law as Police Officers, for the Rockport Police
19310 Department, in Rockport, Massachusetts; did with other defendants

19311 violate, deprive, or infringe upon the civil rights of Plaintiff James
19312 M. Atkinson for the purposes of personal, political, and
19313 professional gains, without just cause, or lawful authority and did
19314 engage in Interference with Commerce of James M. Atkinson in
19315 contravention of law. By way of taking away business records, and
19316 customer records, in order to cripple the Plaintiffs business. By
19317 means of a copied door key (the key was copied on December 1,
19318 2009), while the Plaintiff Atkinson as hospitalized due to injuries
19319 inflicted by the police, while the police knew that the Plaintiff was
19320 hospitalized.

19321
19322 719. On December 4, 2009, Defendants Daniel Mahoney; Michael
19323 Marino; Robert Tibert; Mark Schmink; Sean Andrus, John T.
19324 McCarthy; Michael Anderson; Gregory George; and James Hurst
19325 individually, and in their official capacities, while acting under
19326 color of law as Police Officers, for the Rockport Police
19327 Department, in Rockport, Massachusetts; did with other defendants
19328 violate, deprive, or infringe upon the civil rights of Plaintiff James
19329 M. Atkinson for the purposes of personal, political, and
19330 professional gains, without just cause, or lawful authority and did

19331 engage in Intimidation of a Witness James M. Atkinson in
19332 contravention of law. By way of searching Plaintiff home. By
19333 means of a copied door key (the key was copied on December 1,
19334 2009), while the Plaintiff Atkinson as hospitalized due to injuries
19335 inflicted by the police, while the police knew that the Plaintiff was
19336 hospitalized.

19337
19338 720. On December 4, 2009, Defendants Daniel Mahoney; Michael
19339 Marino; Robert Tibert; Mark Schmink; Sean Andrus, John T.
19340 McCarthy; Michael Anderson; Gregory George; and James Hurst
19341 individually, and in their official capacities, while acting under
19342 color of law as Police Officers, for the Rockport Police
19343 Department, in Rockport, Massachusetts; did with other defendants
19344 violate, deprive, or infringe upon the civil rights of Plaintiff James
19345 M. Atkinson for the purposes of personal, political, and
19346 professional gains, without just cause, or lawful authority and did
19347 engage in Planting of Evidence against James M. Atkinson in
19348 contravention of law. By means of a copied door key (the key was
19349 copied on December 1, 2009), while the Plaintiff Atkinson as

19350 hospitalized due to injuries inflicted by the police, while the police
19351 knew that the Plaintiff was hospitalized.

19352

19353 721. On December 4, 2009, Defendants Daniel Mahoney; Michael
19354 Marino; Robert Tibert; Mark Schmink; Sean Andrus, John T.
19355 McCarthy; Michael Anderson; Gregory George; and James Hurst,
19356 individually, and in their official capacities, while acting under
19357 color of law as Police Officers, for the Rockport Police
19358 Department, in Rockport, Massachusetts; did with other defendants
19359 violate, deprive, or infringe upon the civil rights of Plaintiff James
19360 M. Atkinson for the purposes of personal, political, and
19361 professional gains, without just cause, or lawful authority and did
19362 commit Unauthorized Access to Computer System of James M.
19363 Atkinson in contravention of law. By way of accessing a desktop
19364 computer and rummaging though the computer files, deleting some,
19365 modifying others, installing a key stroke logger, and sabotaging
19366 said computer. By means of a copied door key (the key was copied
19367 on December 1, 2009), while the Plaintiff Atkinson as hospitalized
19368 due to injuries inflicted by the police, while the police knew that
19369 the Plaintiff was hospitalized.

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722. On December 4, 2009, Defendants Daniel Mahoney; Michael Marino; Robert Tibert; Mark Schmink; Sean Andrus, John T. McCarthy; Michael Anderson; Gregory George; and James Hurst, individually, and in their official capacities, while acting under color of law as Police Officers, for the Rockport Police Department, in Rockport, Massachusetts; did with other defendants violate, deprive, or infringe upon the civil rights of Plaintiff James M. Atkinson for the purposes of personal, political, and professional gains, without just cause, or lawful authority and did commit Unauthorized Access to Computer System of James M. Atkinson in contravention of law. By way of accessing a desktop computer and rummaging through the computer files, deleting some, modifying others, installing a key stroke logger, and sabotaging said computer. By means of a copied door key (the key was copied on December 1, 2009), while the Plaintiff Atkinson as hospitalized due to injuries inflicted by the police, while the police knew that the Plaintiff was hospitalized.

**Rockport Police Department
Improperly Obtained Search Warrant**

19391
19392 723. On or about December 4, 2009 (or upon December 7, 2009
19393 depend on which version of the record is examined), Defendants
19394 Michael Marino; individually, and in his official capacities, while
19395 acting under color of law as Police Officers, for the Rockport
19396 Police Department, in Rockport, Massachusetts; did with other
19397 defendants violate, deprive, or infringe upon the civil rights of
19398 Plaintiff James M. Atkinson for the purposes of personal, political,
19399 and professional gains, without just cause, or lawful authority and
19400 did Violate the Right to Keep and to Bear Arms of James M.
19401 Atkinson in contravention of law. By way of lying to the court, and
19402 lying under oath, and applying for a improper search warrant to
19403 search for arms within the home of Plaintiff Atkinson, with such a
19404 search being improper and a violation of Federal Statute as the
19405 mere peaceful possession of arms (absent two federal
19406 disqualification) is not a criminal act in the United States, and
19407 rather is a Right, Privilege, and Immunity of U.S. citizenship, and
19408 hence no court has the authority to issue such a warrant. Further
19409 which the improper search warrant was applied for on December 4,
19410 2009, it was not approved by the court until December 7, 2009 as
19411 evidence by the court record. Additionally, State law does not

19412 immunize Defendants acting under color of law for violations of
19413 civil rights.

19414

19415 724. On or about December 4, 2009 (or upon December 7, 2009
19416 depend on which version of the record is examined), Defendants
19417 Michael Marino; individually, and in his official capacities, while
19418 acting under color of law as Police Officers, for the Rockport
19419 Police Department, in Rockport, Massachusetts; did with other
19420 defendants violate, deprive, or infringe upon the civil rights of
19421 Plaintiff James M. Atkinson for the purposes of personal, political,
19422 and professional gains, without just cause, or lawful authority and
19423 did Violated the Privileges and Immunities U.S. Citizen James M.
19424 Atkinson in contravention of law. By way of lying to the court, and
19425 lying under oath, and applying for a improper search warrant to
19426 search for arms within the home of Plaintiff Atkinson, with such a
19427 search being improper and a violation of Federal Statute as the
19428 mere peaceful possession of arms (absent two federal
19429 disqualification) is not a criminal act in the United States, and
19430 rather is a Right, Privilege, and Immunity of U.S. citizenship, and
19431 hence no court has the authority to issue such a warrant. Further

19432 which the improper search warrant was applied for on December 4,
19433 2009, it was not approved by the court until December 7, 2009 as
19434 evidence by the court record. Additionally, State law does not
19435 immunize Defendants acting under color of law for violations of
19436 civil rights.

19437
19438 725. On or about December 4, 2009 (or upon December 7, 2009
19439 depend on which version of the record is examined), Defendants
19440 Michael Marino; individually, and in his official capacities, while
19441 acting under color of law as Police Officers, for the Rockport
19442 Police Department, in Rockport, Massachusetts; did with other
19443 defendants violate, deprive, or infringe upon the civil rights of
19444 Plaintiff James M. Atkinson for the purposes of personal, political,
19445 and professional gains, without just cause, or lawful authority and
19446 did Violate the Constitutional Rights of James M. Atkinson in
19447 contravention of law. By way of lying to the court, and lying under
19448 oath, and applying for a improper search warrant to search for arms
19449 within the home of Plaintiff Atkinson, with such a search being
19450 improper and a violation of Federal Statute as the mere peaceful
19451 possession of arms (absent two federal disqualification) is not a

19452 criminal act in the United States, and rather is a Right, Privilege,
19453 and Immunity of U.S. citizenship, and hence no court has the
19454 authority to issue such a warrant. Further which the improper
19455 search warrant was applied for on December 4, 2009, it was not
19456 approved by the court until December 7, 2009 as evidence by the
19457 court record. Additionally, State law does not immunize
19458 Defendants acting under color of law for violations of civil rights.

19459
19460 726. On or about December 4, 2009 (or upon December 7, 2009
19461 depend on which version of the record is examined), Defendants
19462 Michael Marino; individually, and in his official capacities, while
19463 acting under color of law as Police Officers, for the Rockport
19464 Police Department, in Rockport, Massachusetts; did with other
19465 defendants violate, deprive, or infringe upon the civil rights of
19466 Plaintiff James M. Atkinson for the purposes of personal, political,
19467 and professional gains, without just cause, or lawful authority and
19468 did Violate the Rights Guarantees, Privileges and Immunities of
19469 Citizenship, Due Process and Equal Protection of U.S. Citizens of
19470 James M. Atkinson in contravention of law. By way of lying to the
19471 court, and lying under oath, and applying for a improper search

19472 warrant to search for arms within the home of Plaintiff Atkinson,
19473 with such a search being improper and a violation of Federal
19474 Statute as the mere peaceful possession of arms (absent two federal
19475 disqualification) is not a criminal act in the United States, and
19476 rather is a Right, Privilege, and Immunity of U.S. citizenship, and
19477 hence no court has the authority to issue such a warrant. Further
19478 which the improper search warrant was applied for on December 4,
19479 2009, it was not approved by the court until December 7, 2009 as
19480 evidence by the court record. Additionally, State law does not
19481 immunize Defendants acting under color of law for violations of
19482 civil rights.

19483
19484 727. On or about December 4, 2009 (or upon December 7, 2009
19485 depend on which version of the record is examined), Defendants
19486 Michael Marino; individually, and in his official capacities, while
19487 acting under color of law as Police Officers, for the Rockport
19488 Police Department, in Rockport, Massachusetts; did with other
19489 defendants violate, deprive, or infringe upon the civil rights of
19490 Plaintiff James M. Atkinson for the purposes of personal, political,
19491 and professional gains, without just cause, or lawful authority and

19492 did engage in a Pattern or Practice of Conduct or Deprivation of
19493 Rights, Privileges, or Immunities of James M. Atkinson in
19494 contravention of law. By way of lying to the court, and lying under
19495 oath, and applying for a improper search warrant to search for arms
19496 within the home of Plaintiff Atkinson, with such a search being
19497 improper and a violation of Federal Statute as the mere peaceful
19498 possession of arms (absent two federal disqualification) is not a
19499 criminal act in the United States, and rather is a Right, Privilege,
19500 and Immunity of U.S. citizenship, and hence no court has the
19501 authority to issue such a warrant. Further which the improper
19502 search warrant was applied for on December 4, 2009, it was not
19503 approved by the court until December 7, 2009 as evidence by the
19504 court record. Additionally, State law does not immunize
19505 Defendants acting under color of law for violations of civil rights.

19506
19507 728. On or about December 4, 2009 (or upon December 7, 2009
19508 depend on which version of the record is examined), Defendants
19509 Daniel Mahoney; Michael Marino; Robert Tibert; Mark Schmink;
19510 Sean Andrus, John T. McCarthy; Michael Anderson; Gregory
19511 George; and James Hurst individually, and in their official

19512 capacities, while acting under color of law as Police Officers, for
19513 the Rockport Police Department, in Rockport, Massachusetts; did
19514 with other defendants violate, deprive, or infringe upon the civil
19515 rights of Plaintiff James M. Atkinson for the purposes of personal,
19516 political, and professional gains, without just cause, or lawful
19517 authority and did engage in a Conspiracy to Injure Citizens in the
19518 Exercise of Federal Rights of James M. Atkinson in contravention
19519 of law. By way of lying to the court, and lying under oath, and
19520 applying for a improper search warrant to search for arms within
19521 the home of Plaintiff Atkinson, with such a search being improper
19522 and a violation of Federal Statute as the mere peaceful possession
19523 of arms (absent two federal disqualification) is not a criminal act in
19524 the United States, and rather is a Right, Privilege, and Immunity of
19525 U.S. citizenship, and hence no court has the authority to issue such
19526 a warrant. Further which the improper search warrant was applied
19527 for on December 4, 2009, it was not approved by the court until
19528 December 7, 2009 as evidence by the court record. Additionally,
19529 State law does not immunize Defendants acting under color of law
19530 for violations of civil rights.

19531

19532 729. On or about December 4, 2009 (or upon December 7, 2009
19533 depend on which version of the record is examined), Defendants
19534 Michael Marino; individually, and in his official capacities, while
19535 acting under color of law as Police Officers, for the Rockport
19536 Police Department, in Rockport, Massachusetts; did with other
19537 defendants violate, deprive, or infringe upon the civil rights of
19538 Plaintiff James M. Atkinson for the purposes of personal, political,
19539 and professional gains, without just cause, or lawful authority and
19540 did engage in Willful Deprivations of Federal Rights Under Color
19541 of Law of James M. Atkinson in contravention of law. By way of
19542 lying to the court, and lying under oath, and applying for a
19543 improper search warrant to search for arms within the home of
19544 Plaintiff Atkinson, with such a search being improper and a
19545 violation of Federal Statute as the mere peaceful possession of
19546 arms (absent two federal disqualification) is not a criminal act in
19547 the United States, and rather is a Right, Privilege, and Immunity of
19548 U.S. citizenship, and hence no court has the authority to issue such
19549 a warrant. Further which the improper search warrant was applied
19550 for on December 4, 2009, it was not approved by the court until
19551 December 7, 2009 as evidence by the court record. Additionally,

19552 State law does not immunize Defendants acting under color of law
19553 for violations of civil rights.

19554

19555 730. On or about December 4, 2009 (or upon December 7, 2009
19556 depend on which version of the record is examined), Defendants
19557 Michael Marino; individually, and in his official capacities, while
19558 acting under color of law as Police Officers, for the Rockport
19559 Police Department, in Rockport, Massachusetts; did with other
19560 defendants violate, deprive, or infringe upon the civil rights of
19561 Plaintiff James M. Atkinson for the purposes of personal, political,
19562 and professional gains, without just cause, or lawful authority and
19563 did engage in Interference with Federally Protected Activities of
19564 James M. Atkinson in contravention of law. By way of lying to the
19565 court, and lying under oath, and applying for a improper search
19566 warrant to search for arms within the home of Plaintiff Atkinson,
19567 with such a search being improper and a violation of Federal
19568 Statute as the mere peaceful possession of arms (absent two federal
19569 disqualification) is not a criminal act in the United States, and
19570 rather is a Right, Privilege, and Immunity of U.S. citizenship, and
19571 hence no court has the authority to issue such a warrant. Further

19572 which the improper search warrant was applied for on December 4,
19573 2009, it was not approved by the court until December 7, 2009 as
19574 evidence by the court record. Additionally, State law does not
19575 immunize Defendants acting under color of law for violations of
19576 civil rights.

19577
19578 731. On or about December 4, 2009 (or upon December 7, 2009
19579 depend on which version of the record is examined), Defendants
19580 Michael Marino; individually, and in his official capacities, while
19581 acting under color of law as Police Officers, for the Rockport
19582 Police Department, in Rockport, Massachusetts; did with other
19583 defendants violate, deprive, or infringe upon the civil rights of
19584 Plaintiff James M. Atkinson for the purposes of personal, political,
19585 and professional gains, without just cause, or lawful authority and
19586 did engage in Conspiracy to Interfere with Civil Rights of James M.
19587 Atkinson in contravention of law. By way of lying to the court, and
19588 lying under oath, and applying for a improper search warrant to
19589 search for arms within the home of Plaintiff Atkinson, with such a
19590 search being improper and a violation of Federal Statute as the
19591 mere peaceful possession of arms (absent two federal

19592 disqualification) is not a criminal act in the United States, and
19593 rather is a Right, Privilege, and Immunity of U.S. citizenship, and
19594 hence no court has the authority to issue such a warrant. Further
19595 which the improper search warrant was applied for on December 4,
19596 2009, it was not approved by the court until December 7, 2009 as
19597 evidence by the court record. Additionally, State law does not
19598 immunize Defendants acting under color of law for violations of
19599 civil rights.

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19601 732. On or about December 4, 2009 (or upon December 7, 2009
19602 depend on which version of the record is examined), Defendants
19603 Michael Marino; individually, and in his official capacities, while
19604 acting under color of law as Police Officers, for the Rockport
19605 Police Department, in Rockport, Massachusetts; did with other
19606 defendants violate, deprive, or infringe upon the civil rights of
19607 Plaintiff James M. Atkinson for the purposes of personal, political,
19608 and professional gains, without just cause, or lawful authority and
19609 did engage in Actions for Neglect to Prevent Interfere with Civil
19610 Rights of James M. Atkinson in contravention of law. By way of
19611 lying to the court, and lying under oath, and applying for a

19612 improper search warrant to search for arms within the home of
19613 Plaintiff Atkinson, with such a search being improper and a
19614 violation of Federal Statute as the mere peaceful possession of
19615 arms (absent two federal disqualification) is not a criminal act in
19616 the United States, and rather is a Right, Privilege, and Immunity of
19617 U.S. citizenship, and hence no court has the authority to issue such
19618 a warrant. Further which the improper search warrant was applied
19619 for on December 4, 2009, it was not approved by the court until
19620 December 7, 2009 as evidence by the court record. Additionally,
19621 State law does not immunize Defendants acting under color of law
19622 for violations of civil rights.

19623
19624 733. On or about December 4, 2009 (or upon December 7, 2009
19625 depend on which version of the record is examined), Defendants
19626 Michael Marino; individually, and in his official capacities, while
19627 acting under color of law as Police Officers, for the Rockport
19628 Police Department, in Rockport, Massachusetts; did with other
19629 defendants violate, deprive, or infringe upon the civil rights of
19630 Plaintiff James M. Atkinson for the purposes of personal, political,
19631 and professional gains, without just cause, or lawful authority and

19632 did engage in Interference with Commerce of James M. Atkinson
19633 in contravention of law. By way of lying to the court, and lying
19634 under oath, and applying for a improper search warrant to search
19635 for arms within the home of Plaintiff Atkinson, with such a search
19636 being improper and a violation of Federal Statute as the mere
19637 peaceful possession of arms (absent two federal disqualification) is
19638 not a criminal act in the United States, and rather is a Right,
19639 Privilege, and Immunity of U.S. citizenship, and hence no court
19640 has the authority to issue such a warrant. Further which the
19641 improper search warrant was applied for on December 4, 2009, it
19642 was not approved by the court until December 7, 2009 as evidence
19643 by the court record. Additionally, State law does not immunize
19644 Defendants acting under color of law for violations of civil rights.

19645
19646 734. On or about December 4, 2009 (or upon December 7, 2009
19647 depend on which version of the record is examined), Defendants
19648 Michael Marino; individually, and in his official capacities, while
19649 acting under color of law as Police Officers, for the Rockport
19650 Police Department, in Rockport, Massachusetts; did with other
19651 defendants (two include two or more rogue federal agents) did

19652 violate, deprive, or infringe upon the civil rights of Plaintiff James
19653 M. Atkinson for the purposes of personal, political, and
19654 professional gains, without just cause, or lawful authority and did
19655 engage in a “Search warrant procured maliciously” against James
19656 M. Atkinson in contravention of law. By way of lying to the court,
19657 and lying under oath, and applying for a improper search warrant
19658 to search for arms within the home of Plaintiff Atkinson, with such
19659 a search being improper and a violation of Federal Statute as the
19660 mere peaceful possession of arms (absent two federal
19661 disqualification) is not a criminal act in the United States, and
19662 rather is a Right, Privilege, and Immunity of U.S. citizenship, and
19663 hence no court has the authority to issue such a warrant. Further
19664 which the improper search warrant was applied for on December 4,
19665 2009, it was not approved by the court until December 7, 2009 as
19666 evidence by the court record. Additionally, State law does not
19667 immunize Defendants acting under color of law for violations of
19668 civil rights.

19669 TITLE 18 > PART I > CHAPTER 109 > § 2235
19670 § 2235. Search warrant procured maliciously
19671 Whoever maliciously and without probable cause
19672 procures a search warrant to be issued and executed, shall
19673 be fined under this title or imprisoned not more than one
19674 year, or both.

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TITLE 18 > PART I > CHAPTER 109 > § 2234

§ 2234. Authority exceeded in executing warrant
Whoever, in executing a search warrant, willfully exceeds his authority or exercises it with unnecessary severity, shall be fined under this title or imprisoned not more than one year, or both.

TITLE 18 > PART I > CHAPTER 109 > § 2236

§ 2236. Searches without warrant
Whoever, being an officer, agent, or employee of the United States or any department or agency thereof, engaged in the enforcement of any law of the United States, searches any private dwelling used and occupied as such dwelling without a warrant directing such search, or maliciously and without reasonable cause searches any other building or property without a search warrant, shall be fined under this title for a first offense; and, for a subsequent offense, shall be fined under this title or imprisoned not more than one year, or both.
This section shall not apply to any person—
(a) serving a warrant of arrest; or
(b) arresting or attempting to arrest a person committing or attempting to commit an offense in his presence, or who has committed or is suspected on reasonable grounds of having committed a felony; or
(c) making a search at the request or invitation or with the consent of the occupant of the premises.

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**Rockport Police Department
Illegal and Warrantless Search of Home
Illegal and Warrantless Search of Two Vehicles
Assault, Battery, Beating, Torture,
Armed Robbery, and Sadistic Treatment
of Disabled Plaintiff Atkinson**

19713 735. December 6, 2009, Defendants Daniel Mahoney; Michael
19714 Marino; Robert Tibert; Mark Schmink; Sean Andrus, individually,
19715 and in their official capacities, while acting under color of law as
19716 Police Officers, for the Rockport Police Department, in Rockport,
19717 Massachusetts; did with other defendants violate, deprive, or
19718 infringe upon the civil rights of Plaintiff James M. Atkinson for the
19719 purposes of personal, political, and professional gains, without just
19720 cause, or lawful authority and did forcibly enter the home of James
19721 M. Atkinson without being in possession of a properly issued, or
19722 valid search warrant, and did engage in an illegal search and
19723 seizure of cash, monetary instruments, and other property illegally.

19724 M.G.L. Chapter 276, Section one, states “Third, property or
19725 articles the possession or control of which is unlawful, or which
19726 are possessed or controlled for an unlawful purpose;”
19727

19728 It is not unlawful to possess firearms in ones own home (as per
19729 the Supreme Court in *Heller*, 2008 and then in *McDonald* in
19730 2010), nor is it unlawful to possess arms when you also possess
19731 a lawfully issued state issued FID card, nor is it unlawful to
19732 possess arms after a license to carry has been suspended, yet
19733 still during the 90 day appeal period and the required 60+ days
19734 “without delay” turn in period defined in the statutes permitted
19735 by law has not yet expired.
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19737
19738 Section 2, Requisites of warrant, states “Search warrants shall
19739 designate and describe the building, house, place, vessel or
19740 vehicle to be searched and shall particularly describe the
19741 property or articles to be searched for. They shall be

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substantially in the form prescribed in section two A of this chapter and shall be directed to the sheriff or his deputy or to a constable or police officer, commanding him to search in the daytime, or if the warrant so directs, in the nighttime, the building, house, place, vessel or vehicle where the property or articles for which he is required to search are believed to be concealed, and to bring such property or articles when found, and the persons in whose possession they are found, before a court having jurisdiction.”

- a. The search warrant request in this case is deeply flawed in the description of the items to be seized, and is fraudulent.

- b. The vehicles were never described in the search warrant, hence they were off limits, and forbidden by the warrant.

- c. The Rockport Police Department Defendants exceeded the scope of the search, and doing so is a criminal violation of federal law.

- d. The wrong house is designated and described

- e. The wrong house is specified.

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- f. The search warrant does not specify, with specificity, the things to be searched for.

- g. While there may have been an un-attached document involved in the application for the search warrant, this same document was not included in the actual search warrant itself. Hence, as this document is missing the search warrant lacks the specificity.

- h. The text of the application refers to an affidavit, which is not actually attached, the application is thus void, and no legal search warrant was obtained.

- i. As the Defendant Marino used carbon paper to create the search warrant from the application, but did not actually attached the affidavit to the search warrant, it is thus not include in the search warrant itself.

- j. An application for a search warrant, is not an actual search warrant in and of itself.

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k. The affidavit used to support an application for a search warrant is not a search warrant itself, and merely because the application in support of a search warrant may list a thing, does not automatically include those things on the search warrant.

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l. Hence, if it is not on the search warrant, then the search warrant lacks specificity.

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m. As there was no affidavit attached to the search warrant, there thus was no specificity.

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n. Further, merely looking for “25 weapons” as listed on the search warrant face, makes it a general warrant, as there is a lack of specificity.

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o. Thusly, the “twenty five weapons” would not necessarily be a firearm, pistol, shotgun, or other firearm, indeed, as they are described on the search warrant, they could in facts be

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19807 any arm, ranging from a pointed stick, a staff, a cane, a
19808 screwdriver, a broken beer bottle, a shod foot, and any other
19809 weapons.

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19811 p. As the affidavits referenced above lists the firearms in
19812 question, yet these same firearms are not specified by make,
19813 model, serial number, or caliber as required for there to be
19814 “specificity”. While the police did in fact have the data on
19815 hand to create the required specificity, they declined to put
19816 that same specificity into the actual search warrant, and as
19817 such were merely seeking pointed sticks and broken glass
19818 bottles.

19819
19820 q. Hence, these were no permission to search for firearms of
19821 any sort, nor for any weapons.

19822
19823 r. Specificity refers to being specific or the act and process of
19824 disambiguation. By this requirement, there was nothing in
19825 the search warrant, which could be considered

19826 disambiguation, and rather, wide sweeping generalities were
19827 used in the search warrant itself.

19828
19829 s. This means that the search warrant is actually impotent, and
19830 improperly issued.

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19832 t. The search warrant was also issued by the District Court
19833 Clerk-Magistrate Defendant Burke, and Defendant Jennings
19834 approximately 24 hours AFTER the search took place.

19835
19836 u. The affidavit is resplendent with lies and falsehoods

19837
19838 v. The affidavit is actually seven pages long, as the first page
19839 makes reference to an attached document, and this attached
19840 document is six pages.

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19842 w. Technically, the affidavit for the search warrant is actually
19843 only a blank form that states: “see attached affidavit”).

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19845 x. Nothing is written in the affidavit form, beyond that entry.

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- y. If could be argued that the affidavit is essentially blank as there is nothing beyond the sole comment.

- z. The Application for Search Warrant and the attached one page affidavit which is attached lacks any accusations of wrong doing, or of probable cause. Instead these accusations are contained on the referenced or incorporation by reference (but not actually attached) seven page document.

- aa. Of note is that while the “Application for Search Warrant” and “Affidavit in Support of Application for Search Warrant” are attached to each other, the seven page “Affidavit of Sergeant Michael J. Marino” is not in fact attached, or part of the application, nor incorporated by reference.

- bb. The seven page “Affidavit of Sergeant Michael J. Marino” consists of pages that are attached to each other, but which are not and were not actually attached to the “application for Search Warrant” nor were they incorporated by reference.

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cc. Plaintiff asserts that the seven page “Affidavit of Sergeant Michael J. Marino” was never actually attached to the application, that there are no mechanical indicators (staple holes) on either the “Application for Search Warrant” nor the “Affidavit of Sergeant Michael J. Marino” to suggest that they were ever attached to one another.

dd. While the “Affidavit in Support of Application for Search Warrant” may infer that the “Affidavit of Sergeant Michael Marino” was somehow related, they were not in fact attached, nor is there any markings or reference that one has any relationship with the other.

ee. The “Affidavit in Support of Application for Search Warrant” contains no kind of reference number, index, or other markings which might have allowed the seven page document to be properly referred to in the “Affidavit in Support of Application for Search Warrant”

19886 ff. What we have is a nine-page stack of paper, two pages are
19887 attached to each other and form the Application and the
19888 Affidavit. But these is nothing to index the seven pages or to
19889 call the seven pages into the application.

19890
19891 gg. Then the seven page “Affidavit in Support of Application
19892 for Search Warrant” is attached together, but not to the
19893 warrant, nor is it incorporated by reference.

19894
19895 hh. The “attached affidavit(s), consisting of a total of 7 pages” is
19896 in fact merely a single page. That single pages then states
19897 “see attached affidavit” but it fails to describe the affidavit
19898 in any way (ie: it fails to state for example “Affidavit of
19899 Sergeant Michael J. Marino, Dated December 4, 2009, in
19900 regards to James M. Atkinson”.

19901
19902 ii. As the “See attached affidavit” statement actually defines
19903 nothing, and incorporated nothing the Judge-Magistrates and
19904 District Court Judge erred by signing the search warrant,

19905 especially since it was issued a full day after the search
19906 actually took place.

19907
19908 jj. There is a lack of required specificity on the Application

19909
19910 kk. The affidavit is essentially blank.

19911
19912 ll. There was no probable cause to believe that any thing was
19913 illegally possesses. In Fact Federal law, and the Bill of
19914 Rights (according to the Supreme Court, in *Heller* (2008)
19915 and then later in *McDonald* (2010)) ruled that what the
19916 police were seeking were lawfully possessed arms.

19917
19918 mm. Further, Plaintiff had a copy of both his Firearm License
19919 to Carry and Firearms Identification Card actually with the
19920 arms, and the Rockport Police knew about this FID card as
19921 her had copies in every container which arms or ammunition
19922 were stored, and the police took all of these FID card copies,
19923 but did not find the original.

19924

19925 nn.The police did not find Plaintiffs original “Firearms
19926 Identification Card” as Plaintiff had it carefully hidden, and
19927 still maintains the original (which is unexpired, and good for
19928 life, with an indefinite expiration date, much like the Bill of
19929 Rights... good for life, with an indefinite expiration date).

19930
19931 oo.Plaintiff kept these copies with all arms and ammunition in
19932 that he frequently traveled with his (not required to posses
19933 by operation of the 2nd Amendment though the 14th
19934 Amendment through Heller and McDonald) License to
19935 Carry, and if someone was staying at the Plaintiffs home as
19936 a guest in his absence he did not want them to have a legal
19937 problem over someone finding arms, and hence all arms and
19938 ammunition included a copy of the “good for life” FID Card.

19939
19940 pp.Also, mere days previously, Plaintiff had a Massachusetts
19941 License to Carry, which was unlawfully suspended, turning
19942 what arms Plaintiff could find on the defective advice of
19943 counsel (who was lacking experience in these matters), but
19944 due to a heart attack was unable to turn in the balance

19945 (Plaintiff had an appeal pending, and was still within the
19946 statutory 60 day window to turn in arms pending the appeal).

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19948 qq. There was no probable cause of evidence of a crime

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19950 rr. There was no probable cause of evidence of criminal activity.

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19952 ss. The mere possession of properly described arms or

19953 improperly described arms, is by federal law a permitted act,

19954 and as an American Citizen Plaintiff has the immunities and

19955 privileges accorded to him under the 2nd Amendment, and

19956 applied to the Commonwealth of Massachusetts by

19957 application of the 14th Amendment. The possession of any

19958 article which is clearly defined and protected by law, and in

19959 the protected possession of a law abiding citizen (who is

19960 neither a convicted felon, nor adjudged insane) is not thus

19961 evidence of a crime, or evidence of criminal activity.

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19963 tt. Nor can it be claimed that the arms are “concealed for an

19964 unlawful purposes” as no crime was alleged to have been

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inflicted or alleged to have been performed with the weapons, nor was any crime specified in the warrant.

uu. Nor, even can it be claimed that the arms were unlawfully possessed, when in fact such possession of arms is permitted both by Federal Law, the Bill of Rights, and Commonwealth Statute.

vv. The Rockport Police seized five computers, but listed only four on the return, and of these four then utter destroyed two of them and render them unsalvageable.

ww. The Rockport Police also seized a large number of business and scientific records, and text books, but reflect none of these of the return of service.

xx. They also took body armor, but none is listed on the return

19984 yy. They also took a vast array of other items, none of which
19985 is listed on the return.

19986
19987 zz. The return states that they took Plaintiffs firearms
19988 licenses from other states, but the search warrant does not
19989 give them permission to do this.

19990
19991 aaa. The Rockport Police Department also took the
19992 firearms permits of various other states and did not list
19993 these on the return.

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19995
19996 bbb. While the warrant does indicate that they could
19997 take receipts and paperwork associates with the
19998 purchase/transfer of weapons, they rummaged though
19999 them, but did not take them (as it would have been
20000 damaging to their case to do so).

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20002 ccc. The warrant did not state that they could take any
20003 prescription medications, and yet they did.

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ddd. The warrant did not state that they could take

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holsters, nor magazines, not body armor, or load bearing

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vests, or helmets, or the other things that stole (likely for

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their own personal use).

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eee. The warrant did not state that they could take

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knives, and tools, and yet they did.

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fff. The warrant did not state that they could destroy personal

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property as a punitive action, and yet they did so..

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ggg. The U.S. Supreme Court has ruled that the police

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do not have the ability to pick and choose that which they

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may take or not take. So that if they take one computer

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they must take all 55 that were in the house.

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20021

hhh. Also, if they are to take the “paperwork receipts”

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and they do not take them then they are in violation of

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the search warrant. They would have actually touched

20024 and held these receipts, looked at them, and then decided
20025 not to take them as it would have damaged their case.
20026 They are not allowed to do this, as it causes them to file
20027 fraudulent reports.

20028
20029 iii. Further the “paperwork receipts” would indeed be merely
20030 a “receipt” in regards to “paperwork”, where there was
20031 perhaps a transaction involving paperwork and a receipt
20032 that someone issued to account for the same paperwork.
20033 If this instead stated “file recipes” or “book receipts” or
20034 “money paid receipts” or “postage receipts” the intent
20035 would be more clearly understood, but we must accept it
20036 at its face value and as “paperwork receipts” and not
20037 “paperwork, and receipts”

20038
20039 jjj. The warrant was in fact used a “General Warrant” and an
20040 excuse for the police to just rummage around.

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20042 kkk. The search warrant is gibberish, and not a
20043 legitimate search warrant in any regards.

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lll. There is no document attached to this affidavit, and there is nothing to positively connect this affidavit to the alleged “Affidavit of Sergeant Michael J. Marino”

mmm. Further, there are no index numbers, no reference numbers, no synopsis, or outline, and nothing on the Affidavit, and rather it is essentially blank.

nnn. While it is possible that the “attached affidavit” might somehow be involved in this matter this affidavit draws no connection to it in any way.

ooo. Hence, we have a blank affidavit, of no legal value.

ppp. The Affidavit in Support of Application for Search Warrant does not actually reference the “Affidavit of Sergeant Michael J. Marino”

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qqq. If the “Affidavit” was to be seven pages in total, then this page should have been labeled “1 of 7” which it was not, and this it must stand along as the sole page of the affidavit... an affidavit that is essentially void of words.

rrr. Also this affidavit does not say “See Six (6) attached pages of “**Affidavit of Sergeant Michael J. Marino**”, and rather it is mute on the topic.

sss. Additionally, this same “Affidavit of Sergeant Michael J. Marino” is not referenced in the actual search warrant, nor are the number of pages listed in the warrant in regards to in any regards to 5, 6, 7, or 8 pages. This there is no meaningful affidavit attached to the warrant, nor included by reference.

ttt. The Search Warrant thus exists in a vacuum, and standing alone, and as such it fails in all regards.

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uuu. The color of Plaintiffs house is dark brown actually, not gray. The side which faced the street is very dark brown, the sides are also dark brown. The back of the house (which cannot be seen from the street or from the sides) is off white, not grey.

vvv. Plaintiffs residence is covered in brown singles, and these are a very dark brown, and nowhere near being grey. The new shingles on the back are painted off white.

www. Also, because of the way the building is concrete for the first two to two and a half feet above ground is concrete (not shingles), then there is a transition to the wooden shakes (split cedar shingles) from the concrete then courses of brown split cedar shingles on the side (to width of several feet) then a white gutter on the East and West sides, and a pitched wall for the second floor that is made of entirely asphalt shingles which are a very dark brown, and even black, then a transition to the roof proper that is a continuation of the dark brown/black asphalt shingles up to

20103 the peak of the roof. In fact, the second floor wall of
20104 brown/black shingles is a greater surface area then the dark
20105 down shakes or shingles of the first floor. Thus, the sides of
20106 the house are mostly dark brown or brown/black, with a
20107 second floor wall that is brown/black (not grey).

20108
20109 xxx. The house of the Plaintiff is not described in a way that is
20110 similar to the building or address described in the search
20111 warrant.

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20113 yyy. The address listed on the front of the house is 31R, not 31,
20114 In fact 31 is the grey/light brown building in front of
20115 Plaintiffs, which is a light grayish-brown, painted.

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20117 zzz. The address on this building is clearly marked as “31R”
20118 and the neighbors is marked “31”

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20120 aaaa. The building described on the warrant is wrong

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bbbb. The address that the Rockport Police describe is the building in front of Plaintiff, which houses an insurance company.

cccc. The entire depth of the property of 165 feet, the drive way runs the length. However, at the end of the driveway is a grey SHED that is on Plaintiff neighbor's properties.

dddd. One neighbor has a grey shed; the other has a grey/white shed that was repainted to a grayish green.

eeee. Plaintiffs residence is not at the end of the driveway, but the two sheds are. Hence the police describe the sheds not the Plaintiff residence.

ffff. Plaintiff residence is not at the end of the driveway, but a little less than half way up the driveway, roughly 75 feet from the street, and 90 feet away from the end of the driveway.

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gggg. Therefore, Plaintiffs house is not “At end of 150 foot drive” but rather in the middle of the drive, more toward the street, the only building at the “end” of the drive if Plaintiffs neighbors gray shed.

hhhh. The Rockport Police (and Defendant Marino) fail to describe the house by dimensions, and there is no drawings, photographs, or maps of the building to be searched attached to the application. This reflect that they did not prepare a proper application, and they lacks and legitimate information, and thus the warrant is deeply flawed and a infringement upon my civil rights.

iiii. The police searched the wrong building.

jjjj. Indeed, the Town of Rockport, Tax Assessors Record described the property with reasonable accuracy, but with the wrong photograph:

Style: Family Conversion
Model: Residential
Exterior Wall1: Wood Shingle

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Roof Structure: Gambrel
Roof Cover: Asph/F Gls/Cmp (Asphalt/Fiber Glass Composite)

kkkk. The Town of Rockport lists the Residence of the Plaintiff as a TWO Family Home (then the deeply flawed warrant describe a different building)

llll. The property is listed by the Town of Rockport Assessors records as having two bedroom, whereas it only has one.

mmmm. It is also listed to have both electric and hot air heating, yet it has only ever had electric heat.

572 sq ft basement
572 sq ft First Floor
572 sq ft Upper Story (due to gambrel roof this is much less)
60 sq foot wood deck (this is wrong, there is not deck, this is the neighbors house)

nnnn. There are two porches (4x7 and 4x8) that are reflected on the drawing of the building, but not included in the calculated square footage.

20188 oooo. Nowhere on the tax assessors records is the building
20189 described to be in the shape of a “barn”

20190
20191 pppp. The photograph on the tax assessors record is of the
20192 wrong building (on the 6/8/2007 record)

20193
20194 qqqq. There is also a tremendous difference between a “Clad
20195 Shingled” and a “Shingle Clad” building. In the first case it
20196 states that the singled are made of a substance or compound
20197 called “Clad”, but the word does not refer merely to a
20198 substance, it refers to a process, used in meteorology and the
20199 painting or coating of metals. Thus Defendant Marino states
20200 that the building is sheathed in metal shingles, when indeed
20201 it is not. While I do have neighbors with aluminum siding,
20202 or clad copper roofs and eaves, my house lacks metal on the
20203 outside walls.

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20205 rrrr. Plaintiff house does have aluminum clad gutters, but
20206 Defendant Marino specifies shingles, and thus describes a
20207 different property.

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ssss. Defendant Marino has not take due care to research the property, nor to access the tax assessors records.

tttt. However, several of the Plaintiffs neighbors have barns or barn like buildings.

uuuu. The police did not have a warrant in hand to search the property, and the improper warrant they obtain after the search does not describe the location Rockport Police Department, a rogue agent from the FBI, and a rogue agent from U.S. Customs unlawfully searched the home of the Plaintiff, but obtained a warrant to search the garden shed of the Plaintiffs neighbor, and obtained the day after the search.

vvvv. It must first be noted that the copy of the search warrant, which is in the record, is a curious item. It is two sided, the front side being the actual search warrant, and the back being the “return.”

20228 www. The reason that Plaintiff describes the document as
20229 “curious” is that while the pre-printed form that creates the
20230 document and SIGNATURE is dark enough to be read by a
20231 reasonable well sighted adult, the actual text applied to the
20232 form is unreadable in it entirety as it is too light in
20233 application. Hence, the search warrant itself is unreadable.

20234
20235 xxxx. As the warrant is not legible an honest and detached
20236 magistrate or judge would not have signed it, as they would
20237 have been attaching they signature to nothing more then
20238 illegible gibberish.

20239
20240 yyyy. The signature applied to the bottom of the warrant is
20241 slightly darker than the pre-printed form, which tends to
20242 indicate that the warrant document started as a pre-printed
20243 form that was placed behind a sheet of carbon paper, and in
20244 front of the carbon paper the pre-printed “Application for
20245 Search Warrant” was placed in the front most position of a
20246 typewriter, so that the typewriter first struck the application
20247 form, then the carbon paper, and then the warrant form itself.

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zzzz. The evidence that this was performed on a typewriter and

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that a correcting ribbon was used (on carbon paper no less)

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can be found where the text of the search warrant lined up

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perfectly with the text typed into the actual search warrant.

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aaaaa. When the document was made on the typewriter, the

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energy required to strike the first sheet of paper, then the

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carbon paper, and then strike in the second sheet of paper

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(behind the carbon paper) was too weak to be able to render

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a clean mark readable to the unaided eye on the search

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warrant.

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bbbb. This flaw reflects a supreme ineptitude on the part

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of the officer who prepared it, and an utter disregard for the

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sanctity of a Search Warrant under U.S. law. This “Search

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Warrant” document is indeed an impression of the document

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that was on top of it.

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20267 ccccc. Slight flaws in the text also proof positive that the officer
20268 (Defendant Marino) used a well worn sheet of carbon paper
20269 as there is what is called “clumping” on many of the
20270 characters which is a prime indicator that carbon paper is
20271 being re-used, there is also “roller fade” by which the
20272 intensity of the test fades considerably as the document goes
20273 on.

20274
20275 ddddd. The errors and flaws in the search warrant
20276 indicated that a correcting typewriter was used, and an
20277 examination of the original “Application” document will
20278 show the physical deformities in the paper from the
20279 correction on the application, that were not made to the
20280 actual search warrant (which contains not less than 10
20281 significant errors “corrected” on one document but not on
20282 the underlying document).

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20284 eeeee. There was no probable cause to believe that any thing
20285 was illegally possessed. In Fact Federal law, and the Bill of
20286 Rights (according to the Supreme Court, in *Heller* (2008)

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and then later in *McDonald* (2010) ruled that what the police were seeking were lawfully possessed arms.

fffff. Further, Plaintiff is a U.S. Citizen and had a copy of both his Firearm License to Carry and Firearms Identification Card actually with any arms, and the Rockport Police knew about this FID card as there were copies in every container which I also stored arms or ammunition of any sort, and the police took all of these FID card copies, but they did not find the original.

ggggg. It is notable that the police make no mention of taking away the copies of the FID card and the license to carry. They also do not make mention of taking away Plaintiffs Maine License to Carry Firearms and hunting permits.

hhhhh. There was no probable cause of evidence of a crime

20307 iiii. There was no probable cause of evidence of criminal
20308 activity.

20309
20310 jjjj. There was no probable cause that that Platiff was in
20311 unlawful possession of any arms or ammunition.

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20313 736. December 6, 2009, Defendants Daniel Mahoney; Michael
20314 Marino; Robert Tibert; Mark Schmink; Sean Andrus, individually,
20315 and in their official capacities, while acting under color of law as
20316 Police Officers, for the Rockport Police Department, in Rockport,
20317 Massachusetts; did with other defendants violate, deprive, or
20318 infringe upon the civil rights of Plaintiff James M. Atkinson for the
20319 purposes of personal, political, and professional gains, without just
20320 cause, or lawful authority Possess Burglarious Instruments in
20321 contravention of law, to include battering rams, breaking tools, and
20322 copied keys.

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20324 737. December 6, 2009, Defendants Daniel Mahoney; Michael
20325 Marino; Robert Tibert; Mark Schmink; Sean Andrus, individually,
20326 and in their official capacities, while acting under color of law as
20327 Police Officers, for the Rockport Police Department, in Rockport,

20328 Massachusetts; did with other defendants violate, deprive, or
20329 infringe upon the civil rights of Plaintiff James M. Atkinson for the
20330 purposes of personal, political, and professional gains, without just
20331 cause, or lawful authority Use Burglarious Instruments in
20332 contravention of law, to include battering rams, breaking tools, and
20333 copied keys.

20334
20335 738. On December 6, 2009, Defendants Daniel Mahoney; Michael
20336 Marino; Robert Tibert; Mark Schmink; and Sean Andrus,
20337 individually, and in their official capacities, while acting under
20338 color of law as Police Officers, for the Rockport Police
20339 Department, in Rockport, Massachusetts; did with other defendants
20340 violate, deprive, or infringe upon the civil rights of Plaintiff James
20341 M. Atkinson for the purposes of personal, political, and
20342 professional gains, without just cause, or lawful authority and did
20343 commit an armed robbery of cash, monetary instruments, and other
20344 property of James M. Atkinson in contravention of law. By means
20345 of brandishing firearms and threatening lethal injury by means of
20346 said firearms.

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20348 739. On December 6, 2009, Defendants Daniel Mahoney; Michael
20349 Marino; Robert Tibert; Mark Schmink; and Sean Andrus,
20350 individually, and in their official capacities, while acting under
20351 color of law as Police Officers, for the Rockport Police
20352 Department, in Rockport, Massachusetts; did with other defendants
20353 violate, deprive, or infringe upon the civil rights of Plaintiff James
20354 M. Atkinson for the purposes of personal, political, and
20355 professional gains, without just cause, or lawful authority and did
20356 commit assault and did beat and caused serious bodily injury upon
20357 James M. Atkinson in contravention of law. By means of
20358 repeatedly grabbing, punching, slapping Plaintiff to include
20359 repeated blows to the face, head, chest, and stomach which
20360 resulted in near life threatening injuries, and grabbing and twisting
20361 the arms, hands, and wrists of Plaintiff Atkinson.

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20363 740. On December 6, 2009, Defendants Daniel Mahoney; Michael
20364 Marino; Robert Tibert; Mark Schmink; Sean Andrus, John T.
20365 McCarthy; Michael Anderson; Gregory George; and James Hurst
20366 individually, and in their official capacities, while acting under
20367 color of law as Police Officers, for the Rockport Police

20368 Department, in Rockport, Massachusetts; did with other defendants
20369 violate, deprive, or infringe upon the civil rights of Plaintiff James
20370 M. Atkinson for the purposes of personal, political, and
20371 professional gains, without just cause, or lawful authority and did
20372 use firearms and other dangerous weapons while committing a
20373 felony upon James M. Atkinson in contravention of law. By means
20374 of brandishing firearms and threatening lethal injury by means of
20375 said firearms which in the commission of an illegal home invasion,
20376 robbery, assault, and battery.

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M.G.L CHAPTER 265 CRIMES AGAINST THE PERSON

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Section 18A Dangerous weapon; assault in dwelling house;
punishment

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Section 18A. Whoever, being armed with a dangerous
weapon, enters a dwelling house and while therein assaults
another with intent to commit a felony shall be punished by
imprisonment in the state prison **for life**, or for a term of
not less than ten years. No person imprisoned under this
paragraph shall be eligible for parole in less than five years.

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Whoever, being armed with a dangerous weapon defined as
a firearm, shotgun, rifle or assault weapon, enters a
dwelling house and while therein assaults another with
intent to commit a felony shall be punished by
imprisonment in the state prison for a term of not less than
ten years. Such person shall not be eligible for parole prior
to the expiration of ten years.

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741. On December 6, 2009, Defendants Daniel Mahoney; Michael Marino; Robert Tibert; Mark Schmink; and Sean Andrus, individually, and in their official capacities, while acting under color of law as Police Officers, for the Rockport Police Department, in Rockport, Massachusetts; did with other defendants violate, deprive, or infringe upon the civil rights of Plaintiff James M. Atkinson for the purposes of personal, political, and professional gains, without just cause, or lawful authority and did Steal by Confining or Putting in Fear cash, monetary instruments, and other property from James M. Atkinson in contravention of law. By means of brandishing firearms and threatening lethal injury by means of said firearms which in the commission of an illegal home invasion, robbery, assault, and battery. By means of repeatedly grabbing, punching, slapping Plaintiff to include repeated blows to the face, head, chest, and stomach which resulted in near life threatening injuries, and grabbing and twisting the arms, hands, and wrists of Plaintiff Atkinson.

20416 742. On December 6, 2009, Defendants Daniel Mahoney; Michael
20417 Marino; Robert Tibert; Mark Schmink; Sean Andrus, John T.
20418 McCarthy; Michael Anderson; Gregory George; and James Hurst
20419 individually, and in their official capacities, while acting under
20420 color of law as Police Officers, for the Rockport Police
20421 Department, in Rockport, Massachusetts; did with other defendants
20422 violate, deprive, or infringe upon the civil rights of Plaintiff James
20423 M. Atkinson for the purposes of personal, political, and
20424 professional gains, without just cause, or lawful authority and did
20425 Falsely Arrest and/or Kidnap James M. Atkinson in contravention
20426 of law. By means of shackling and taking away without being in
20427 possession of any arrest warrant, and there not there being any
20428 probable cause of any crime having taken place.

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20430 743. On December 6, 2009, Defendants Daniel Mahoney; Michael
20431 Marino; Robert Tibert; Mark Schmink; Sean Andrus, John T.
20432 McCarthy; Michael Anderson; Gregory George; and James Hurst
20433 individually, and in their official capacities, while acting under
20434 color of law as Police Officers, for the Rockport Police
20435 Department, in Rockport, Massachusetts; did with other defendants

20436 violate, deprive, or infringe upon the civil rights of Plaintiff James
20437 M. Atkinson for the purposes of personal, political, and
20438 professional gains, without just cause, or lawful authority and did
20439 commit Extortion against James M. Atkinson in contravention of
20440 law. By means to verbal threats to continue to beat Plaintiff
20441 Atkinson until he revealed the location of his arms, and then
20442 threats to damage his property until such arms were found.

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20444 744. On December 6, 2009, Defendants Daniel Mahoney; Michael
20445 Marino; Robert Tibert; Mark Schmink; Sean Andrus, individually,
20446 and in their official capacities, while acting under color of law as
20447 Police Officers, for the Rockport Police Department, in Rockport,
20448 Massachusetts; did with other defendants violate, deprive, or
20449 infringe upon the civil rights of Plaintiff James M. Atkinson for the
20450 purposes of personal, political, and professional gains, without just
20451 cause, or lawful authority and did Assault with Intent to Commit a
20452 Felony, and also Did Have Firearms and Other Deadly Weapons In
20453 Their Possession During this Assault upon James M. Atkinson in
20454 contravention of law. By means of brandishing firearms and
20455 threatening lethal injury by means of said firearms which in the

20456 commission of an illegal home invasion, robbery, assault, and
20457 battery. By means of repeatedly grabbing, punching, slapping
20458 Plaintiff to include repeated blows to the face, head, chest, and
20459 stomach which resulted in near life threatening injuries, and
20460 grabbing and twisting the arms, hands, and wrists of Plaintiff
20461 Atkinson.

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20463 745. On December 6, 2009, Defendants Daniel Mahoney; Michael
20464 Marino; Robert Tibert; Mark Schmink; and Sean Andrus,
20465 individually, and in their official capacities, while acting under
20466 color of law as Police Officers, for the Rockport Police
20467 Department, in Rockport, Massachusetts; did with other defendants
20468 violate, deprive, or infringe upon the civil rights of Plaintiff James
20469 M. Atkinson for the purposes of personal, political, and
20470 professional gains, without just cause, or lawful authority and did
20471 Assault or Battery for Purpose of Intimidation upon James M.
20472 Atkinson in contravention of law. By means of brandishing
20473 firearms and threatening lethal injury by means of said firearms
20474 which in the commission of an illegal home invasion, robbery,
20475 assault, and battery. By means of repeatedly grabbing, punching,

20476 slapping Plaintiff to include repeated blows to the face, head, chest,
20477 and stomach which resulted in near life threatening injuries, and
20478 grabbing and twisting the arms, hands, and wrists of Plaintiff
20479 Atkinson.

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20481 746. December 6, 2009, Defendants Daniel Mahoney; Michael
20482 Marino; Robert Tibert; Mark Schmink; Sean Andrus, individually,
20483 and in their official capacities, while acting under color of law as
20484 Police Officers, for the Rockport Police Department, in Rockport,
20485 Massachusetts; did with other defendants violate, deprive, or
20486 infringe upon the civil rights of Plaintiff James M. Atkinson for the
20487 purposes of personal, political, and professional gains, without just
20488 cause, or lawful authority Use Burglarious Instruments in
20489 contravention of law, thus destroying the main entry door (and
20490 leaving insecure for a period of at least 18 days).

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20492 747. December 6, 2009, Defendants Daniel Mahoney; Michael
20493 Marino; Robert Tibert; Mark Schmink; Sean Andrus, individually,
20494 and in their official capacities, while acting under color of law as
20495 Police Officers, for the Rockport Police Department, in Rockport,

20496 Massachusetts; did with other defendants violate, deprive, or
20497 infringe upon the civil rights of Plaintiff James M. Atkinson for the
20498 purposes of personal, political, and professional gains, without just
20499 cause, or lawful authority Use Burglarious Instruments in
20500 contravention of law, this destroying the door frame.

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20502 748. December 6, 2009, Defendants Daniel Mahoney; Michael
20503 Marino; Robert Tibert; Mark Schmink; Sean Andrus, individually,
20504 and in their official capacities, while acting under color of law as
20505 Police Officers, for the Rockport Police Department, in Rockport,
20506 Massachusetts; did with other defendants violate, deprive, or
20507 infringe upon the civil rights of Plaintiff James M. Atkinson for the
20508 purposes of personal, political, and professional gains, without just
20509 cause, or lawful authority Use Burglarious Instruments in
20510 contravention of law, thus causing structural damage to the
20511 residence of Plaintiff Atkinson.

20512

20513 December 6, 2009, Defendants Daniel Mahoney; Michael Marino;
20514 Robert Tibert; Mark Schmink; Sean Andrus, individually, and in their
20515 official capacities, while acting under color of law as Police Officers,

20516 for the Rockport Police Department, in Rockport, Massachusetts; did
20517 with other defendants violate, deprive, or infringe upon the civil rights
20518 of Plaintiff James M. Atkinson for the purposes of personal, political,
20519 and professional gains, without just cause, or lawful authority Use
20520 Burglarious Instruments in contravention of law, thus destroying the
20521 locks, and breaking off the key inside the lock (which the police have
20522 unlawfully copies and were trying to use, and had previously used to
20523 covertly and illegally entire the building, absent any warrant).

20524
20525 749. December 6, 2009, Defendants Daniel Mahoney; Michael
20526 Marino; Robert Tibert; Mark Schmink; Sean Andrus, individually,
20527 and in their official capacities, while acting under color of law as
20528 Police Officers, for the Rockport Police Department, in Rockport,
20529 Massachusetts; did with other defendants violate, deprive, or
20530 infringe upon the civil rights of Plaintiff James M. Atkinson for the
20531 purposes of personal, political, and professional gains, without just
20532 cause, or lawful authority Use Burglarious Instruments in
20533 contravention of law, thus destroying the security bar present on
20534 the door.

20535

20536 750. December 6, 2009, Defendants Daniel Mahoney; Michael
20537 Marino; Robert Tibert; Mark Schmink; Sean Andrus, individually,
20538 and in their official capacities, while acting under color of law as
20539 Police Officers, for the Rockport Police Department, in Rockport,
20540 Massachusetts; did with other defendants violate, deprive, or
20541 infringe upon the civil rights of Plaintiff James M. Atkinson for the
20542 purposes of personal, political, and professional gains, without just
20543 cause, or lawful authority Use Burglarious Instruments in
20544 contravention of law, thus leaving the residence fully unsecured for
20545 at least 17 days.

20546
20547 751. December 6, 2009, Defendants Daniel Mahoney; Michael
20548 Marino; Robert Tibert; Mark Schmink; Sean Andrus, individually,
20549 and in their official capacities, while acting under color of law as
20550 Police Officers, for the Rockport Police Department, in Rockport,
20551 Massachusetts; did with other defendants violate, deprive, or
20552 infringe upon the civil rights of Plaintiff James M. Atkinson for the
20553 purposes of personal, political, and professional gains, without just
20554 cause, or lawful authority Use Burglarious Instruments in
20555 contravention of law, to force open (8) eight locked tool cases in

20556 the commercial truck of Plaintiff Atkinson (for which no warrant
20557 was issued before or after the illegal burglary, search, and theft).

20558

20559 **Rockport Police Department**
20560 **Civil Right Violations by Control and Dispatch**

20561

20562

752. On December 6, 2009, Defendant William Budrow;

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individually, and in his official capacities, while acting under color

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of law as Police Officers, for the Rockport Police Department, in

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Rockport, Massachusetts; did with other defendants violate,

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deprive, or infringe upon the civil rights of Plaintiff James M.

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Atkinson for the purposes of personal, political, and professional

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gains, without just cause, or lawful authority and did engage in

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Conspiracy to Interfere with Civil Rights of James M. Atkinson in

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contravention of law. By means of radio and telephonic

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communications and acting as dispatch and control for the illegal

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conduct of other police officer of the Town of Rockport, and by

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controlling the conduct of these officers engaged in an illegal

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search and seizure, robbery, beatings of a disabled person, and

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other unlawful conduct against Plaintiff Atkinson.

20576

20577 753. On December 6, 2009, Defendant William Budrow;
20578 individually, and in his official capacities, while acting under color
20579 of law as Police Officers, for the Rockport Police Department, in
20580 Rockport, Massachusetts; did with other defendants violate,
20581 deprive, or infringe upon the civil rights of Plaintiff James M.
20582 Atkinson for the purposes of personal, political, and professional
20583 gains, without just cause, or lawful authority and did engage in
20584 Accessory Before the Fact against James M. Atkinson in
20585 contravention of law. By means of radio and telephonic
20586 communications and acting as dispatch and control for the illegal
20587 conduct of other police officer of the Town of Rockport, and by
20588 controlling the conduct of these officers engaged in an illegal
20589 search and seizure, robbery, beatings of a disabled person, and
20590 other unlawful conduct against Plaintiff Atkinson.

20591
20592 754. On December 6, 2009, Defendant William Budrow;
20593 individually, and in his official capacities, while acting under color
20594 of law as Police Officers, for the Rockport Police Department, in
20595 Rockport, Massachusetts; did with other defendants violate,
20596 deprive, or infringe upon the civil rights of Plaintiff James M.

20597 Atkinson for the purposes of personal, political, and professional
20598 gains, without just cause, or lawful authority and did engage in
20599 Accessory After the Fact against of James M. Atkinson in
20600 contravention of law. By means of radio and telephonic
20601 communications and acting as dispatch and control for the illegal
20602 conduct of other police officer of the Town of Rockport, and by
20603 controlling the conduct of these officers engaged in an illegal
20604 search and seizure, robbery, beatings of a disabled person, and
20605 other unlawful conduct against Plaintiff Atkinson.

20606
20607 755. On December 6, 2009, Defendant William Budrow;
20608 individually, and in his official capacities, while acting under color
20609 of law as Police Officers, for the Rockport Police Department, in
20610 Rockport, Massachusetts; did with other defendants violate,
20611 deprive, or infringe upon the civil rights of Plaintiff James M.
20612 Atkinson for the purposes of personal, political, and professional
20613 gains, without just cause, or lawful authority and did engage in
20614 Actions for Neglect to Prevent Interfere with Civil Rights of James
20615 M. Atkinson in contravention of law. By means of radio and
20616 telephonic communications and acting as dispatch and control for

20617 the illegal conduct of other police officer of the Town of Rockport,
20618 and by controlling the conduct of these officers engaged in an
20619 illegal search and seizure, robbery, beatings of a disabled person,
20620 and other unlawful conduct against Plaintiff Atkinson.

20621

20622 756. On December 6, 2009, Defendant William Budrow;
20623 individually, and in his official capacities, while acting under color
20624 of law as Police Officers, for the Rockport Police Department, in
20625 Rockport, Massachusetts; did with other defendants violate,
20626 deprive, or infringe upon the civil rights of Plaintiff James M.
20627 Atkinson for the purposes of personal, political, and professional
20628 gains, without just cause, or lawful authority and did engage in
20629 False Statements against James M. Atkinson in contravention of
20630 law by making false log entries.

20631

20632 757. On December 6, 2009, Defendant William Budrow;
20633 individually, and in his official capacities, while acting under color
20634 of law as Police Officers, for the Rockport Police Department, in
20635 Rockport, Massachusetts; did with other defendants violate,
20636 deprive, or infringe upon the civil rights of Plaintiff James M.

20637 Atkinson for the purposes of personal, political, and professional
20638 gains, without just cause, or lawful authority and did engage in
20639 False Written Reports by Public Officers against James M.
20640 Atkinson in contravention of law by making false log entries.

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20642 **Rockport Police Department**
20643 **Armed Robbery, Stolen, or Broken Property**

20644

20645

758. On December 6, 2009, Defendants Daniel Mahoney; Michael

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Marino; Robert Tibert; Mark Schmink; Sean Andrus, John T.

20647

McCarthy; Michael Anderson; Gregory George; and James Hurst

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individually, and in their official capacities, while acting under

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color of law as Police Officers, for the Rockport Police

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Department, in Rockport, Massachusetts; did with other defendants

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violate, deprive, or infringe upon the civil rights of Plaintiff James

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M. Atkinson for the purposes of personal, political, and

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professional gains, without just cause, or lawful authority and did

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Steal and Take Away Property from a Disabled Person, Numerous

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Items Valued in Excess of \$250 owned by James M. Atkinson in

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contravention of law, to include over 1200 DVD's of archived and

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backups of source code and database files.

20658

20659 759. On December 6, 2009, Defendants Daniel Mahoney; Michael
20660 Marino; Robert Tibert; Mark Schmink; Sean Andrus, John T.
20661 McCarthy; Michael Anderson; Gregory George; and James Hurst
20662 individually, and in their official capacities, while acting under
20663 color of law as Police Officers, for the Rockport Police
20664 Department, in Rockport, Massachusetts; did with other defendants
20665 violate, deprive, or infringe upon the civil rights of Plaintiff James
20666 M. Atkinson for the purposes of personal, political, and
20667 professional gains, without just cause, or lawful authority and did
20668 Steal and Take Away Property from a Disabled Person, Numerous
20669 Items Valued in Excess of \$250 owned by James M. Atkinson in
20670 contravention of law, by destroying, damaging, or taking away
20671 over \$300,000 of highly sophisticated laboratory test equipment.

20672
20673 760. On December 6, 2009, Defendants Daniel Mahoney; Michael
20674 Marino; Robert Tibert; Mark Schmink; Sean Andrus, John T.
20675 McCarthy; Michael Anderson; Gregory George; and James Hurst
20676 individually, and in their official capacities, while acting under
20677 color of law as Police Officers, for the Rockport Police
20678 Department, in Rockport, Massachusetts; did with other defendants

20679 violate, deprive, or infringe upon the civil rights of Plaintiff James
20680 M. Atkinson for the purposes of personal, political, and
20681 professional gains, without just cause, or lawful authority and did
20682 Steal and Take Away Property from a Disabled Person, Numerous
20683 Items Valued in Excess of \$250 owned by James M. Atkinson in
20684 contravention of law, by destroying Microsoft Holographic
20685 Product Seals on (4) computers.

20686
20687 761. On December 6, 2009, Defendants Daniel Mahoney; Michael
20688 Marino; Robert Tibert; Mark Schmink; Sean Andrus, John T.
20689 McCarthy; Michael Anderson; Gregory George; and James Hurst
20690 individually, and in their official capacities, while acting under
20691 color of law as Police Officers, for the Rockport Police
20692 Department, in Rockport, Massachusetts; did with other defendants
20693 violate, deprive, or infringe upon the civil rights of Plaintiff James
20694 M. Atkinson for the purposes of personal, political, and
20695 professional gains, without just cause, or lawful authority and did
20696 Steal and Take Away Property from a Disabled Person, Numerous
20697 Items Valued in Excess of \$250 owned by James M. Atkinson in

20698 contravention of law, to include (9) nine boxes of customer records
20699 and laboratory and scientific notebooks.

20700

20701 762. On December 6, 2009, Defendants Daniel Mahoney; Michael
20702 Marino; Robert Tibert; Mark Schmink; Sean Andrus, John T.
20703 McCarthy; Michael Anderson; Gregory George; and James Hurst
20704 individually, and in their official capacities, while acting under
20705 color of law as Police Officers, for the Rockport Police
20706 Department, in Rockport, Massachusetts; did with other defendants
20707 violate, deprive, or infringe upon the civil rights of Plaintiff James
20708 M. Atkinson for the purposes of personal, political, and
20709 professional gains, without just cause, or lawful authority and did
20710 Steal and Take Away Property from a Disabled Person, Numerous
20711 Items Valued in Excess of \$250 owned by James M. Atkinson in
20712 contravention of law, to include seven (7) white boxes of source
20713 code, nineteen (19) black binders, and plastic tubes of hundreds of
20714 additional DVD discs.

20715

20716 763. On December 6, 2009, Defendants Daniel Mahoney; Michael
20717 Marino; Robert Tibert; Mark Schmink; Sean Andrus, John T.

20718 McCarthy; Michael Anderson; Gregory George; and James Hurst
20719 individually, and in their official capacities, while acting under
20720 color of law as Police Officers, for the Rockport Police
20721 Department, in Rockport, Massachusetts; did with other defendants
20722 violate, deprive, or infringe upon the civil rights of Plaintiff James
20723 M. Atkinson for the purposes of personal, political, and
20724 professional gains, without just cause, or lawful authority and did
20725 Steal and Take Away Property from a Disabled Person, Numerous
20726 Items Valued in Excess of \$250 owned by James M. Atkinson in
20727 contravention of law, to include (11) computer hard drives.

20728
20729 764. On December 6, 2009, Defendants Daniel Mahoney; Michael
20730 Marino; Robert Tibert; Mark Schmink; Sean Andrus, John T.
20731 McCarthy; Michael Anderson; Gregory George; and James Hurst
20732 individually, and in their official capacities, while acting under
20733 color of law as Police Officers, for the Rockport Police
20734 Department, in Rockport, Massachusetts; did with other defendants
20735 violate, deprive, or infringe upon the civil rights of Plaintiff James
20736 M. Atkinson for the purposes of personal, political, and
20737 professional gains, without just cause, or lawful authority and did

20738 Steal and Take Away Property from a Disabled Person, Numerous
20739 Items Valued in Excess of \$250 owned by James M. Atkinson in
20740 contravention of law, to include proprietary computer software
20741 source code and propriety databases.

20742
20743 765. On December 6, 2009, Defendants Daniel Mahoney; Michael
20744 Marino; Robert Tibert; Mark Schmink; Sean Andrus, John T.
20745 McCarthy; Michael Anderson; Gregory George; and James Hurst
20746 individually, and in their official capacities, while acting under
20747 color of law as Police Officers, for the Rockport Police
20748 Department, in Rockport, Massachusetts; did with other defendants
20749 violate, deprive, or infringe upon the civil rights of Plaintiff James
20750 M. Atkinson for the purposes of personal, political, and
20751 professional gains, without just cause, or lawful authority and did
20752 Steal and Take Away Property from a Disabled Person, Numerous
20753 Items Valued in Excess of \$250 owned by James M. Atkinson in
20754 contravention of law by way of the destruction of (6) scrambled
20755 telephones.

20756

20757 766. On December 6, 2009, Defendants Daniel Mahoney; Michael
20758 Marino; Robert Tibert; Mark Schmink; Sean Andrus, John T.
20759 McCarthy; Michael Anderson; Gregory George; and James Hurst
20760 individually, and in their official capacities, while acting under
20761 color of law as Police Officers, for the Rockport Police
20762 Department, in Rockport, Massachusetts; did with other defendants
20763 violate, deprive, or infringe upon the civil rights of Plaintiff James
20764 M. Atkinson for the purposes of personal, political, and
20765 professional gains, without just cause, or lawful authority and did
20766 Steal and Take Away Property from a Disabled Person, Numerous
20767 Items Valued in Excess of \$250 owned by James M. Atkinson in
20768 contravention of law by way of the destruction of (4) data
20769 encryption devices.

20770
20771 767. On December 6, 2009, Defendants Daniel Mahoney; Michael
20772 Marino; Robert Tibert; Mark Schmink; Sean Andrus, John T.
20773 McCarthy; Michael Anderson; Gregory George; and James Hurst
20774 individually, and in their official capacities, while acting under
20775 color of law as Police Officers, for the Rockport Police
20776 Department, in Rockport, Massachusetts; did with other defendants

20777 violate, deprive, or infringe upon the civil rights of Plaintiff James
20778 M. Atkinson for the purposes of personal, political, and
20779 professional gains, without just cause, or lawful authority and did
20780 Steal and Take Away Property from a Disabled Person, Numerous
20781 Items Valued in Excess of \$250 owned by James M. Atkinson in
20782 contravention of law by way of the destruction of a Epson digital
20783 image scanner.

20784

20785 768. On December 6, 2009, Defendants Daniel Mahoney; Michael
20786 Marino; Robert Tibert; Mark Schmink; Sean Andrus, John T.
20787 McCarthy; Michael Anderson; Gregory George; and James Hurst
20788 individually, and in their official capacities, while acting under
20789 color of law as Police Officers, for the Rockport Police
20790 Department, in Rockport, Massachusetts; did with other defendants
20791 violate, deprive, or infringe upon the civil rights of Plaintiff James
20792 M. Atkinson for the purposes of personal, political, and
20793 professional gains, without just cause, or lawful authority and did
20794 Steal and Take Away Property from a Disabled Person, Numerous
20795 Items Valued in Excess of \$250 owned by James M. Atkinson in

20796 contravention of law by way of the destruction of Hewlett-Packard
20797 Scanner, Printer, Fax “All-in-One” office machine.

20798

20799 769. On December 6, 2009 (and on other dates), Defendants Daniel
20800 Mahoney; Michael Marino; Robert Tibert; Mark Schmink; Sean
20801 Andrus, John T. McCarthy; Michael Anderson; Gregory George;
20802 and James Hurst individually, and in their official capacities, while
20803 acting under color of law as Police Officers, for the Rockport
20804 Police Department, in Rockport, Massachusetts; did with other
20805 defendants violate, deprive, or infringe upon the civil rights of
20806 Plaintiff James M. Atkinson for the purposes of personal, political,
20807 and professional gains, without just cause, or lawful authority and
20808 did Steal and Take Away Property from a Disabled Person,
20809 Numerous Items Valued in Excess of \$250 owned by James M.
20810 Atkinson in contravention of law by way of the destruction of a
20811 Hewlett-Packard Microwave Spectrum Analyzer.

20812

20813 770. On December 6, 2009, Defendants Daniel Mahoney; Michael
20814 Marino; Robert Tibert; Mark Schmink; Sean Andrus, John T.
20815 McCarthy; Michael Anderson; Gregory George; and James Hurst

20816 individually, and in their official capacities, while acting under
20817 color of law as Police Officers, for the Rockport Police
20818 Department, in Rockport, Massachusetts; did with other defendants
20819 violate, deprive, or infringe upon the civil rights of Plaintiff James
20820 M. Atkinson for the purposes of personal, political, and
20821 professional gains, without just cause, or lawful authority and did
20822 Steal and Take Away Property from a Disabled Person, Numerous
20823 Items Valued in Excess of \$250 owned by James M. Atkinson in
20824 contravention of law, to include a set of (4ea) soft white body
20825 armor panels, (2ea) carriers, Velcro harness and hard ceramic
20826 plates.

20827
20828 771. On December 6, 2009, Defendants Daniel Mahoney; Michael
20829 Marino; Robert Tibert; Mark Schmink; Sean Andrus, John T.
20830 McCarthy; Michael Anderson; Gregory George; and James Hurst
20831 individually, and in their official capacities, while acting under
20832 color of law as Police Officers, for the Rockport Police
20833 Department, in Rockport, Massachusetts; did with other defendants
20834 violate, deprive, or infringe upon the civil rights of Plaintiff James
20835 M. Atkinson for the purposes of personal, political, and

20836 professional gains, without just cause, or lawful authority and did
20837 Steal and Take Away Property from a Disabled Person, Numerous
20838 Items Valued in Excess of \$250 owned by James M. Atkinson in
20839 contravention of law, to include a set of black body armor panels,
20840 black fabric carrier, and hard ceramic plates.

20841
20842 772. On December 6, 2009, Defendants Daniel Mahoney; Michael
20843 Marino; Robert Tibert; Mark Schmink; Sean Andrus, John T.
20844 McCarthy; Michael Anderson; Gregory George; and James Hurst
20845 individually, and in their official capacities, while acting under
20846 color of law as Police Officers, for the Rockport Police
20847 Department, in Rockport, Massachusetts; did with other defendants
20848 violate, deprive, or infringe upon the civil rights of Plaintiff James
20849 M. Atkinson for the purposes of personal, political, and
20850 professional gains, without just cause, or lawful authority and did
20851 Steal and Take Away Property from a Disabled Person, Numerous
20852 Items Valued in Excess of \$250 owned by James M. Atkinson in
20853 contravention of law, to include (2) two soft white body armor
20854 carriers.

20855

20856 773. On December 6, 2009, Defendants Daniel Mahoney; Michael
20857 Marino; Robert Tibert; Mark Schmink; Sean Andrus, John T.
20858 McCarthy; Michael Anderson; Gregory George; and James Hurst
20859 individually, and in their official capacities, while acting under
20860 color of law as Police Officers, for the Rockport Police
20861 Department, in Rockport, Massachusetts; did with other defendants
20862 violate, deprive, or infringe upon the civil rights of Plaintiff James
20863 M. Atkinson for the purposes of personal, political, and
20864 professional gains, without just cause, or lawful authority and did
20865 Steal and Take Away Property from a Disabled Person, Numerous
20866 Items Valued in Excess of \$250 owned by James M. Atkinson in
20867 contravention of law, to a full height “Body Bunker” tactical shield
20868 with viewing panel, and integral flood lamp.

20870 774. On December 6, 2009, Defendants Daniel Mahoney; Michael
20871 Marino; Robert Tibert; Mark Schmink; Sean Andrus, John T.
20872 McCarthy; Michael Anderson; Gregory George; and James Hurst
20873 individually, and in their official capacities, while acting under
20874 color of law as Police Officers, for the Rockport Police
20875 Department, in Rockport, Massachusetts; did with other defendants

20876 violate, deprive, or infringe upon the civil rights of Plaintiff James
20877 M. Atkinson for the purposes of personal, political, and
20878 professional gains, without just cause, or lawful authority and did
20879 Steal and Take Away Property from a Disabled Person, Numerous
20880 Items Valued in Excess of \$250 owned by James M. Atkinson in
20881 contravention of law, to include a hand held “Buckler” Style
20882 tactical shield with forearm strap.

20883
20884 775. On December 6, 2009, Defendants Daniel Mahoney; Michael
20885 Marino; Robert Tibert; Mark Schmink; Sean Andrus, John T.
20886 McCarthy; Michael Anderson; Gregory George; and James Hurst
20887 individually, and in their official capacities, while acting under
20888 color of law as Police Officers, for the Rockport Police
20889 Department, in Rockport, Massachusetts; did with other defendants
20890 violate, deprive, or infringe upon the civil rights of Plaintiff James
20891 M. Atkinson for the purposes of personal, political, and
20892 professional gains, without just cause, or lawful authority and did
20893 Steal and Take Away Property from a Disabled Person, Numerous
20894 Items Valued in Excess of \$250 owned by James M. Atkinson in

20895 contravention of law, to include a tactical helmet with, head
20896 harness, and face shield.
20897
20898 776. On December 6, 2009, Defendants Daniel Mahoney; Michael
20899 Marino; Robert Tibert; Mark Schmink; Sean Andrus, John T.
20900 McCarthy; Michael Anderson; Gregory George; and James Hurst
20901 individually, and in their official capacities, while acting under
20902 color of law as Police Officers, for the Rockport Police
20903 Department, in Rockport, Massachusetts; did with other defendants
20904 violate, deprive, or infringe upon the civil rights of Plaintiff James
20905 M. Atkinson for the purposes of personal, political, and
20906 professional gains, without just cause, or lawful authority and did
20907 Steal and Take Away Property from a Disabled Person, Numerous
20908 Items Valued in Excess of \$250 owned by James M. Atkinson in
20909 contravention of law, to include a custom bomb disposal/bomb
20910 technicians suit and helmet.

20911
20912 777. On December 6, 2009, Defendants Daniel Mahoney; Michael
20913 Marino; Robert Tibert; Mark Schmink; Sean Andrus, John T.
20914 McCarthy; Michael Anderson; Gregory George; and James Hurst

20915 individually, and in their official capacities, while acting under
20916 color of law as Police Officers, for the Rockport Police
20917 Department, in Rockport, Massachusetts; did with other defendants
20918 violate, deprive, or infringe upon the civil rights of Plaintiff James
20919 M. Atkinson for the purposes of personal, political, and
20920 professional gains, without just cause, or lawful authority and did
20921 Steal and Take Away Property from a Disabled Person, Numerous
20922 Items Valued in Excess of \$250 owned by James M. Atkinson in
20923 contravention of law, to include a bomb disposal/bomb technicians
20924 tool kit.

20925
20926 778. On December 6, 2009, Defendants Daniel Mahoney; Michael
20927 Marino; Robert Tibert; Mark Schmink; Sean Andrus, John T.
20928 McCarthy; Michael Anderson; Gregory George; and James Hurst
20929 individually, and in their official capacities, while acting under
20930 color of law as Police Officers, for the Rockport Police
20931 Department, in Rockport, Massachusetts; did with other defendants
20932 violate, deprive, or infringe upon the civil rights of Plaintiff James
20933 M. Atkinson for the purposes of personal, political, and
20934 professional gains, without just cause, or lawful authority and did

20935 Steal and Take Away Property from a Disabled Person, Numerous
20936 Items Valued in Excess of \$250 owned by James M. Atkinson in
20937 contravention of law, to include a Scott Gas Mask, Replacement
20938 filters, carrying cases, and blower motor and hoses, and remote
20939 belt worn canister.

20940

20941 779. On December 6, 2009, Defendants Daniel Mahoney; Michael
20942 Marino; Robert Tibert; Mark Schmink; Sean Andrus, John T.
20943 McCarthy; Michael Anderson; Gregory George; and James Hurst
20944 individually, and in their official capacities, while acting under
20945 color of law as Police Officers, for the Rockport Police
20946 Department, in Rockport, Massachusetts; did with other defendants
20947 violate, deprive, or infringe upon the civil rights of Plaintiff James
20948 M. Atkinson for the purposes of personal, political, and
20949 professional gains, without just cause, or lawful authority and did
20950 Steal and Take Away Property from a Disabled Person, Numerous
20951 Items Valued in Excess of \$250 owned by James M. Atkinson in
20952 contravention of law, to include a New Hampshire License to
20953 Carry Firearms.

20954

20955 780. On December 6, 2009, Defendants Daniel Mahoney; Michael
20956 Marino; Robert Tibert; Mark Schmink; Sean Andrus, John T.
20957 McCarthy; Michael Anderson; Gregory George; and James Hurst
20958 individually, and in their official capacities, while acting under
20959 color of law as Police Officers, for the Rockport Police
20960 Department, in Rockport, Massachusetts; did with other defendants
20961 violate, deprive, or infringe upon the civil rights of Plaintiff James
20962 M. Atkinson for the purposes of personal, political, and
20963 professional gains, without just cause, or lawful authority and did
20964 Steal and Take Away Property from a Disabled Person, Numerous
20965 Items Valued in Excess of \$250 owned by James M. Atkinson in
20966 contravention of law, to include a Maine License to Carry Firearms.

20967
20968 781. On December 6, 2009, Defendants Daniel Mahoney; Michael
20969 Marino; Robert Tibert; Mark Schmink; Sean Andrus, John T.
20970 McCarthy; Michael Anderson; Gregory George; and James Hurst
20971 individually, and in their official capacities, while acting under
20972 color of law as Police Officers, for the Rockport Police
20973 Department, in Rockport, Massachusetts; did with other defendants
20974 violate, deprive, or infringe upon the civil rights of Plaintiff James

20975 M. Atkinson for the purposes of personal, political, and
20976 professional gains, without just cause, or lawful authority and did
20977 Steal and Take Away Property from a Disabled Person, Numerous
20978 Items Valued in Excess of \$250 owned by James M. Atkinson in
20979 contravention of law, to include copies of a valid and current
20980 Massachusetts Firearms Identification Card.

20981
20982 782. On December 6, 2009, Defendants Daniel Mahoney; Michael
20983 Marino; Robert Tibert; Mark Schmink; Sean Andrus, John T.
20984 McCarthy; Michael Anderson; Gregory George; and James Hurst
20985 individually, and in their official capacities, while acting under
20986 color of law as Police Officers, for the Rockport Police
20987 Department, in Rockport, Massachusetts; did with other defendants
20988 violate, deprive, or infringe upon the civil rights of Plaintiff James
20989 M. Atkinson for the purposes of personal, political, and
20990 professional gains, without just cause, or lawful authority and did
20991 Steal and Take Away Property from a Disabled Person, Numerous
20992 Items Valued in Excess of \$250 owned by James M. Atkinson in
20993 contravention of law, to include at least (240 ea) two hundred forty
20994 Gold American Eagle one ounce gold bullion coins, each with a

20995 face value of \$50, in plastic tubes of 20 coins per tube. Due to the
20996 value of the gold bullion, each coin had a value at the time of theft
20997 of roughly \$1150 USD, but as of the date of this complaint the
20998 value has increased to roughly \$1750+ per coin due to the
20999 devaluation of the dollar. Hence at the time of theft these gold
21000 coins had a value of at least \$264,000, but now has a value of at
21001 least \$420,000, and as the value of gold increases this value will
21002 continue to climb.

21003
21004 783. On December 6, 2009, Defendants Daniel Mahoney; Michael
21005 Marino; Robert Tibert; Mark Schmink; Sean Andrus, John T.
21006 McCarthy; Michael Anderson; Gregory George; and James Hurst
21007 individually, and in their official capacities, while acting under
21008 color of law as Police Officers, for the Rockport Police
21009 Department, in Rockport, Massachusetts; did with other defendants
21010 violate, deprive, or infringe upon the civil rights of Plaintiff James
21011 M. Atkinson for the purposes of personal, political, and
21012 professional gains, without just cause, or lawful authority and did
21013 Steal and Take Away Property from a Disabled Person, Numerous
21014 Items Valued in Excess of \$250 owned by James M. Atkinson in

21015 contravention of law, to include (16 ea) sixteen Engelhard
21016 Extruded 100 ounce silver bullion bars or ingots (a total of 1600
21017 ounces). At the time of theft, this silver has a value of roughly \$18
21018 per ounce, for combined value of \$28,800, but because of the
21019 devaluation of the dollar, the price of silver has increase to roughly
21020 \$30 per ounce, for a combined value of \$48,000 at current prices.

21021
21022 784. On December 6, 2009, Defendants Daniel Mahoney; Michael
21023 Marino; Robert Tibert; Mark Schmink; Sean Andrus, John T.
21024 McCarthy; Michael Anderson; Gregory George; and James Hurst
21025 individually, and in their official capacities, while acting under
21026 color of law as Police Officers, for the Rockport Police
21027 Department, in Rockport, Massachusetts; did with other defendants
21028 violate, deprive, or infringe upon the civil rights of Plaintiff James
21029 M. Atkinson for the purposes of personal, political, and
21030 professional gains, without just cause, or lawful authority and did
21031 Steal and Take Away Property from a Disabled Person, Numerous
21032 Items Valued in Excess of \$250 owned by James M. Atkinson in
21033 contravention of law, to include (2) ASP Telescoping Steel Batons
21034 with a Seal of the United States end-caps and leather scabbards.

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785. On December 6, 2009, Defendants Daniel Mahoney; Michael Marino; Robert Tibert; Mark Schmink; Sean Andrus, John T. McCarthy; Michael Anderson; Gregory George; and James Hurst individually, and in their official capacities, while acting under color of law as Police Officers, for the Rockport Police Department, in Rockport, Massachusetts; did with other defendants violate, deprive, or infringe upon the civil rights of Plaintiff James M. Atkinson for the purposes of personal, political, and professional gains, without just cause, or lawful authority and did Steal and Take Away Property from a Disabled Person, Numerous Items Valued in Excess of \$250 owned by James M. Atkinson in contravention of law, to include various prescription medications (which the Plaintiff was in lawful possession of).

786. On December 6, 2009, Defendants Daniel Mahoney; Michael Marino; Robert Tibert; Mark Schmink; Sean Andrus, John T. McCarthy; Michael Anderson; Gregory George; and James Hurst individually, and in their official capacities, while acting under color of law as Police Officers, for the Rockport Police

21055 Department, in Rockport, Massachusetts; did with other defendants
21056 violate, deprive, or infringe upon the civil rights of Plaintiff James
21057 M. Atkinson for the purposes of personal, political, and
21058 professional gains, without just cause, or lawful authority and did
21059 Steal and Take Away Property from a Disabled Person, Numerous
21060 Items Valued in Excess of \$250 owned by James M. Atkinson in
21061 contravention of law, to include paperwork, documents,
21062 prescription bottles, prescription labels, medical records, and
21063 written prescriptions in regards to aforementioned prescription
21064 medications.

21065
21066 787. On December 6, 2009, Defendants Daniel Mahoney; Michael
21067 Marino; Robert Tibert; Mark Schmink; Sean Andrus, John T.
21068 McCarthy; Michael Anderson; Gregory George; and James Hurst
21069 individually, and in their official capacities, while acting under
21070 color of law as Police Officers, for the Rockport Police
21071 Department, in Rockport, Massachusetts; did with other defendants
21072 violate, deprive, or infringe upon the civil rights of Plaintiff James
21073 M. Atkinson for the purposes of personal, political, and
21074 professional gains, without just cause, or lawful authority and did

21075 Steal and Take Away Property from a Disabled Person, Numerous
21076 Items Valued in Excess of \$250 owned by James M. Atkinson in
21077 contravention of law, to include (2) American Flags, both folded
21078 and placed into a wooden cherry wood box marked “JMA Burial
21079 Kit” along with a U.S. Government letter that stated these flags
21080 had been flown over Washington DC, and various personal
21081 documents, letters, and papers.

21082
21083 788. On December 6, 2009, Defendants Daniel Mahoney; Michael
21084 Marino; Robert Tibert; Mark Schmink; Sean Andrus, John T.
21085 McCarthy; Michael Anderson; Gregory George; and James Hurst
21086 individually, and in their official capacities, while acting under
21087 color of law as Police Officers, for the Rockport Police
21088 Department, in Rockport, Massachusetts; did with other defendants
21089 violate, deprive, or infringe upon the civil rights of Plaintiff James
21090 M. Atkinson for the purposes of personal, political, and
21091 professional gains, without just cause, or lawful authority and did
21092 Steal and Take Away Property from a Disabled Person, Numerous
21093 Items Valued in Excess of \$250 owned by James M. Atkinson in
21094 contravention of law, to include (50 ea) 100 Dollar bills (a total of

21095 \$5000 in U.S. currency), in a manila envelope marked “JMA
21096 Burial Money” and placed into the wooden cherry box marked
21097 “JMA Burial Kit.” Defendants further stole the wooden box itself,
21098 which was constructed of Cherry wood in 1983 by the Plaintiff,
21099 and which contained two lift-out trays, and a brass engraved name
21100 plate.

21101
21102 789. On December 6, 2009, Defendants Daniel Mahoney; Michael
21103 Marino; Robert Tibert; Mark Schmink; Sean Andrus, John T.
21104 McCarthy; Michael Anderson; Gregory George; and James Hurst
21105 individually, and in their official capacities, while acting under
21106 color of law as Police Officers, for the Rockport Police
21107 Department, in Rockport, Massachusetts; did with other defendants
21108 violate, deprive, or infringe upon the civil rights of Plaintiff James
21109 M. Atkinson for the purposes of personal, political, and
21110 professional gains, without just cause, or lawful authority and did
21111 Steal and Take Away Property from a Disabled Person, Numerous
21112 Items Valued in Excess of \$250 owned by James M. Atkinson in
21113 contravention of law, to include a CD-Rom of music marked “To
21114 be played at my funeral service”, a CD-Rom of music marked “to

21115 be played once I am buried, as people leave my gravesite” (15)
21116 different DVD video discs with personal video messages with the
21117 name and address of a different family member or friend of the
21118 Plaintiff written thereon, the “Last Will and Testament of James M.
21119 Atkinson,” a document entitled “Funeral and Burial Instructions of
21120 James M. Atkinson,” a old child’s teddy bear, a pre-written
21121 obituary and death notice, (3) three silver dollars (U.S. Morgan
21122 Dollars, each dated 1893) , a Holy Bible (a full sized Black Leather,
21123 Thompson Chain Reference, King James version, with the name
21124 “James M. Atkinson” embossed on the cover), a well worn Holy
21125 Bible (a full sized Black Leather, Scofield Study Bible, King
21126 James Version, with the name “James M. Atkinson” embossed on
21127 the cover), a dozen microfilm versions of the King James Bible
21128 printed on film sheets the size of business cards, two loose leaf
21129 binders with the entire Holy Bible hand written by James M.
21130 Atkinson with page dates ranging from 1980 to 1985, a small
21131 pocket sized Green Gideon’s New Testament and Psalms, a 18K
21132 Gold Christian Cross on a 18K gold rope style neck chain, a
21133 beeswax candle, a self written three page eulogy in the form of a
21134 poem, a bill of sale for a cemetery plot in “Beech Grove Cemetery

21135 in Rockport, MA,” two (2) folded thin wool saddle blankets for
21136 uses as a burial shroud, a small blacksmiths hammer, a bomb
21137 technicians crimping tool, a book of photographs, two gold
21138 wedding bands, two gold engagement bands, a copy of the
21139 “DD214 of James M. Atkinson”, copies of three “Presidential
21140 Citations” with matching photographs of each award being given, a
21141 citation and award from the Director of Central Intelligence,
21142 several dozen 8x10 photographs of award ceremonies, several
21143 maps printed on silk fabric, a USAF survival blood chit, a clear
21144 plastic bag with two dozen dried roses, a pair of metal framed
21145 prescription eye glasses, a green military folding compass, an old
21146 Waltham Vanguard railroad pocket watch and chain with four
21147 hands and three dials, a pair of gold framed tinted lens aviators
21148 glasses, a pair of two matching navigation dividers, a small black
21149 astrolabe/sextant, a handheld aviators navigation
21150 computer/calculator, a TI-30 Pocket Calculator in a black vinyl
21151 belt holster, two bamboo and ivory slide rules, a men’s watch with
21152 a metal band, along with love letters, family letters, written
21153 correspondence, other personal mementos and memorabilia, and

21154 placed into the aforementioned 30-inch wide, by 12-inch deep, by
21155 18-inch high wooden cherry box marked “JMA Burial Kit.”

21156

21157 790. On December 6, 2009, Defendants Daniel Mahoney; Michael
21158 Marino; Robert Tibert; Mark Schmink; Sean Andrus, John T.
21159 McCarthy; Michael Anderson; Gregory George; and James Hurst
21160 individually, and in their official capacities, while acting under
21161 color of law as Police Officers, for the Rockport Police
21162 Department, in Rockport, Massachusetts; did with other defendants
21163 violate, deprive, or infringe upon the civil rights of Plaintiff James
21164 M. Atkinson for the purposes of personal, political, and
21165 professional gains, without just cause, or lawful authority and did
21166 Steal and Take Away Property from a Disabled Person, Numerous
21167 Items Valued in Excess of \$250 owned by James M. Atkinson in
21168 contravention of law, to include other property.

21169

21170 791. On December 6, 2009, Defendants Daniel Mahoney; Michael
21171 Marino; Robert Tibert; Mark Schmink; Sean Andrus, John T.
21172 McCarthy; Michael Anderson; Gregory George; and James Hurst,
21173 individually, and in their official capacities, while acting under

21174 color of law as Police Officers, for the Rockport Police
21175 Department, in Rockport, Massachusetts; did with other defendants
21176 violate, deprive, or infringe upon the civil rights of Plaintiff James
21177 M. Atkinson for the purposes of personal, political, and
21178 professional gains, without just cause, or lawful authority and did
21179 commit Unauthorized Access to Computer System of James M.
21180 Atkinson in contravention of law to include a Hewlett Packard
21181 Laptop computer.

21182
21183 792. On December 6, 2009, Defendants Daniel Mahoney; Michael
21184 Marino; Robert Tibert; Mark Schmink; Sean Andrus, John T.
21185 McCarthy; Michael Anderson; Gregory George; and James Hurst,
21186 individually, and in their official capacities, while acting under
21187 color of law as Police Officers, for the Rockport Police
21188 Department, in Rockport, Massachusetts; did with other defendants
21189 violate, deprive, or infringe upon the civil rights of Plaintiff James
21190 M. Atkinson for the purposes of personal, political, and
21191 professional gains, without just cause, or lawful authority and did
21192 commit Unauthorized Access to Computer System of James M.

21193 Atkinson in contravention of law to include a Hewlett-Packard
21194 Laptop computer.

21195

21196 793. On December 6, 2009, Defendants Daniel Mahoney; Michael
21197 Marino; Robert Tibert; Mark Schmink; Sean Andrus, John T.
21198 McCarthy; Michael Anderson; Gregory George; and James Hurst,
21199 individually, and in their official capacities, while acting under
21200 color of law as Police Officers, for the Rockport Police
21201 Department, in Rockport, Massachusetts; did with other defendants
21202 violate, deprive, or infringe upon the civil rights of Plaintiff James
21203 M. Atkinson for the purposes of personal, political, and
21204 professional gains, without just cause, or lawful authority and did
21205 commit Unauthorized Access to Computer System of James M.
21206 Atkinson in contravention of law to include a Hewlett-Packard
21207 tower computer.

21208

21209 794. On December 6, 2009, Defendants Daniel Mahoney; Michael
21210 Marino; Robert Tibert; Mark Schmink; Sean Andrus, John T.
21211 McCarthy; Michael Anderson; Gregory George; and James Hurst,
21212 individually, and in their official capacities, while acting under

21213 color of law as Police Officers, for the Rockport Police
21214 Department, in Rockport, Massachusetts; did with other defendants
21215 violate, deprive, or infringe upon the civil rights of Plaintiff James
21216 M. Atkinson for the purposes of personal, political, and
21217 professional gains, without just cause, or lawful authority and did
21218 commit Unauthorized Access to Computer System of James M.
21219 Atkinson in contravention of law to include a Hewlett-Packard
21220 tower computer.

21221
21222 795. On December 6, 2009, Defendants Daniel Mahoney; Michael
21223 Marino; Robert Tibert; Mark Schmink; Sean Andrus, John T.
21224 McCarthy; Michael Anderson; Gregory George; and James Hurst,
21225 individually, and in their official capacities, while acting under
21226 color of law as Police Officers, for the Rockport Police
21227 Department, in Rockport, Massachusetts; did with other defendants
21228 violate, deprive, or infringe upon the civil rights of Plaintiff James
21229 M. Atkinson for the purposes of personal, political, and
21230 professional gains, without just cause, or lawful authority and did
21231 commit Unauthorized Access to Computer System of James M.

21232 Atkinson in contravention of law to include a Silicon Graphics
21233 tower computer and server.

21234

21235 796. On December 6, 2009, Defendants Daniel Mahoney; Michael
21236 Marino; Robert Tibert; Mark Schmink; Sean Andrus, John T.
21237 McCarthy; Michael Anderson; Gregory George; and James Hurst,
21238 individually, and in their official capacities, while acting under
21239 color of law as Police Officers, for the Rockport Police
21240 Department, in Rockport, Massachusetts; did with other defendants
21241 violate, deprive, or infringe upon the civil rights of Plaintiff James
21242 M. Atkinson for the purposes of personal, political, and
21243 professional gains, without just cause, or lawful authority and did
21244 commit Unauthorized Access to Computer System of James M.
21245 Atkinson in contravention of law in include a Hewlett Packard
21246 Laptop computer upon which the Defendants installed a key stroke
21247 logger, eavesdropping software, and a Trojan Horse.

21248

21249 797. On December 6, 2009, Defendants Daniel Mahoney; Michael
21250 Marino; Robert Tibert; Mark Schmink; Sean Andrus, John T.
21251 McCarthy; Michael Anderson; Gregory George; and James Hurst,

21252 individually, and in their official capacities, while acting under
21253 color of law as Police Officers, for the Rockport Police
21254 Department, in Rockport, Massachusetts; did with other defendants
21255 violate, deprive, or infringe upon the civil rights of Plaintiff James
21256 M. Atkinson for the purposes of personal, political, and
21257 professional gains, without just cause, or lawful authority and did
21258 commit Unauthorized Access to Computer System of James M.
21259 Atkinson in contravention of law to include a Hewlett-Packard
21260 Laptop computer upon which the Defendants installed a key stroke
21261 logger, eavesdropping software, and a Trojan Horse.

21262
21263 798. On December 6, 2009, Defendants Daniel Mahoney; Michael
21264 Marino; Robert Tibert; Mark Schmink; Sean Andrus, John T.
21265 McCarthy; Michael Anderson; Gregory George; and James Hurst,
21266 individually, and in their official capacities, while acting under
21267 color of law as Police Officers, for the Rockport Police
21268 Department, in Rockport, Massachusetts; did with other defendants
21269 violate, deprive, or infringe upon the civil rights of Plaintiff James
21270 M. Atkinson for the purposes of personal, political, and
21271 professional gains, without just cause, or lawful authority and did

21272 commit Unauthorized Access to Computer System of James M.
21273 Atkinson in contravention of law to include a Hewlett-Packard
21274 tower computer upon which the Defendants installed a key stroke
21275 logger, eavesdropping software, and a Trojan Horse.

21276

21277 799. On December 6, 2009, Defendants Daniel Mahoney; Michael
21278 Marino; Robert Tibert; Mark Schmink; Sean Andrus, John T.
21279 McCarthy; Michael Anderson; Gregory George; and James Hurst,
21280 individually, and in their official capacities, while acting under
21281 color of law as Police Officers, for the Rockport Police
21282 Department, in Rockport, Massachusetts; did with other defendants
21283 violate, deprive, or infringe upon the civil rights of Plaintiff James
21284 M. Atkinson for the purposes of personal, political, and
21285 professional gains, without just cause, or lawful authority and did
21286 commit Unauthorized Access to Computer System of James M.
21287 Atkinson in contravention of law to include a Hewlett-Packard
21288 tower computer upon which the Defendants installed a key stroke
21289 logger, eavesdropping software, and a Trojan Horse.

21290

21291 800. On December 6, 2009, Defendants Daniel Mahoney; Michael
21292 Marino; Robert Tibert; Mark Schmink; Sean Andrus, John T.
21293 McCarthy; Michael Anderson; Gregory George; and James Hurst
21294 individually, and in their official capacities, while acting under
21295 color of law as Police Officers, for the Rockport Police
21296 Department, in Rockport, Massachusetts; did with other defendants
21297 violate, deprive, or infringe upon the civil rights of Plaintiff James
21298 M. Atkinson for the purposes of personal, political, and
21299 professional gains, without just cause, or lawful authority and did
21300 Break into a Truck, with the Intent to Commit a Felony upon
21301 James M. Atkinson in contravention of law. By means of entering
21302 a truck which they had no lawful authority to enter, and searching
21303 for items which they had no lawful authority to search for.

21304
21305 a. The search warrant (issued the day after the search) did not
21306 include permission to search the two vehicles, in fact it
21307 explicitly prohibited a search of the vehicles.

21308

21309 b. The request to search the vehicles was made in the affidavit,
21310 but not in the application for the warrant, and then not on the
21311 actual warrant itself.

21312

21313 c. The police broke into and ransacked two of Plaintiffs
21314 vehicles, and this is a serious felony.

21315

21316 d. They also broke into a COMMERCIAL truck (the
21317 commercial issue is important) and they stole things from it
21318 (which is both state and federal felony).

21319

21320 e. As all 14 actors (aforementioned police, two (2) federal
21321 agents, and others) were in or on the truck then they are all
21322 involved in the search of the truck.

21323

21324 f. Defendants also took extensive photographs of the truck, or
21325 themselves in the truck, and themselves posing on the back
21326 of the truck, and yet none of these images have been entered
21327 into evidence as required as an automatic discipline of

21328 evidence in a criminal case, and indeed the Police now claim
21329 that no such photography took place.

21330

21331 g. M.G.L. Chapter 266, Section 20A.

21332 Whoever breaks and enters, or enters without
21333 breaking, a truck, tractor/trailer unit, trailer, semi-
21334 trailer or freight container with intent to commit a
21335 felony, shall be punished by imprisonment in the state
21336 prison for not more than ten years or by a fine of not
21337 more than five hundred dollars and imprisonment in the
21338 house of correction for not more than two years.

21339

21340 There is no legitimate argument that a warrantless search is
21341 indeed a felony under both State and Federal Statute. As the
21342 police knew that that a search of the vehicles was forbidden by
21343 the warrant, and that they intended to subvert the warrant, there
21344 is no doubt as to their motive and intend, notwithstanding that
21345 the warrant was actually obtained after the search.

21346

21347 h. Chapter 266, Section 28.

21348

21349 (a) Whoever steals a motor vehicle or trailer, whoever
21350 maliciously damages a motor vehicle or trailer,
21351 whoever buys, receives, possesses, conceals, or
21352 obtains control of a motor vehicle or trailer, knowing
21353 or having reason to know the same to have been
21354 stolen, or whoever takes a motor vehicle without the
21355 authority of the owner and steals from it any of its
21356 parts or accessories, shall be punished by

21357 imprisonment in the state prison for not more than
21358 fifteen years or by imprisonment in a jail or house of
21359 correction for not more than two and one-half years or
21360 by a fine of not more than fifteen thousand dollars, or
21361 by both such fine and imprisonment.
21362

21363 801. On December 6, 2009, Defendants Daniel Mahoney; Michael
21364 Marino; Robert Tibert; Mark Schmink; Sean Andrus, John T.
21365 McCarthy; Michael Anderson; Gregory George; and James Hurst
21366 individually, and in their official capacities, while acting under
21367 color of law as Police Officers, for the Rockport Police
21368 Department, in Rockport, Massachusetts; did with other defendants
21369 violate, deprive, or infringe upon the civil rights of Plaintiff James
21370 M. Atkinson for the purposes of personal, political, and
21371 professional gains, without just cause, or lawful authority and did
21372 Break into a Truck Used in Inter-state and/or International
21373 Commerce owned by James M. Atkinson in contravention of law.
21374 By means of entering a truck which they had no lawful authority to
21375 enter, and searching for items which they had to lawful authority to
21376 search for.

21377 a. Within the application for a search warrant, Defendant
21378 Marino states:
21379 **“I request authorization to search his vehicles because**
21380 **of a resume he furnished to this department for his**

21381 **initial request for an “Unrestricted Massachusetts**
21382 **License to Carry Firearms”.**

21383
21384
21385 b. Yet, Defendant Marino fails to describe, nor even to list any
21386 information about these vehicles, and indeed such
21387 information was not listed on the warrant in any way, other
21388 then to indicate that the vehicles may not be searched.

21389
21390 802. On December 6, 2009, Defendants Daniel Mahoney; Michael
21391 Marino; Robert Tibert; Mark Schmink; Sean Andrus, John T.
21392 McCarthy; Michael Anderson; Gregory George; and James Hurst
21393 individually, and in their official capacities, while acting under
21394 color of law as Police Officers, for the Rockport Police
21395 Department, in Rockport, Massachusetts; did with other defendants
21396 violate, deprive, or infringe upon the civil rights of Plaintiff James
21397 M. Atkinson for the purposes of personal, political, and
21398 professional gains, without just cause, or lawful authority and did
21399 Maliciously Damage Motor Vehicle owned by James M. Atkinson
21400 in contravention of law, by way of cutting the front brake lines,
21401 disabling the starters, and cutting the alarm system wires, and

21402 cutting the ignition wires of a commercial vehicle in the form an a
21403 Ford Econoline E-450 van used in interstate commerce.

21404

21405 803. On December 6, 2009, Defendants Daniel Mahoney; Michael
21406 Marino; Robert Tibert; Mark Schmink; Sean Andrus, John T.
21407 McCarthy; Michael Anderson; Gregory George; and James Hurst
21408 individually, and in their official capacities, while acting under
21409 color of law as Police Officers, for the Rockport Police
21410 Department, in Rockport, Massachusetts; did with other defendants
21411 violate, deprive, or infringe upon the civil rights of Plaintiff James
21412 M. Atkinson for the purposes of personal, political, and
21413 professional gains, without just cause, or lawful authority and did
21414 Maliciously Damage Motor Vehicle owned by James M. Atkinson
21415 in contravention of law by way of disabling the starter and the
21416 security system of a vehicles used in inter-state commerce in the
21417 form of a Chrysler 300 sedan.

21418

21419 804. On December 6, 2009, Defendants Daniel Mahoney; Michael
21420 Marino; Robert Tibert; Mark Schmink; Sean Andrus, John T.
21421 McCarthy; Michael Anderson; Gregory George; and James Hurst

21422 individually, and in their official capacities, while acting under
21423 color of law as Police Officers, for the Rockport Police
21424 Department, in Rockport, Massachusetts; did with other defendants
21425 violate, deprive, or infringe upon the civil rights of Plaintiff James
21426 M. Atkinson for the purposes of personal, political, and
21427 professional gains, without just cause, or lawful authority and did
21428 unlawfully seize a Motor Vehicle owned by James M. Atkinson in
21429 contravention of law by way installing a GPS tracking device into
21430 a Chrysler 300 sedan, above the stereo system in the center dash
21431 console.

21432
21433 805. On December 6, 2009, Defendants Daniel Mahoney; Michael
21434 Marino; Robert Tibert; Mark Schmink; Sean Andrus, John T.
21435 McCarthy; Michael Anderson; Gregory George; and James Hurst
21436 individually, and in their official capacities, while acting under
21437 color of law as Police Officers, for the Rockport Police
21438 Department, in Rockport, Massachusetts; did with other defendants
21439 violate, deprive, or infringe upon the civil rights of Plaintiff James
21440 M. Atkinson for the purposes of personal, political, and
21441 professional gains, without just cause, or lawful authority and did

21442 unlawfully seize a Motor Vehicle owned by James M. Atkinson in
21443 contravention of law by way installing a GPS tracking device into
21444 a Ford E-450 Econoline van, above the headlight control panel to
21445 the left of the dash console.

21446
21447 806. On December 6, 2009, Defendants Daniel Mahoney; Michael
21448 Marino; Robert Tibert; Mark Schmink; Sean Andrus, John T.
21449 McCarthy; Michael Anderson; Gregory George; and James Hurst
21450 individually, and in their official capacities, while acting under
21451 color of law as Police Officers, for the Rockport Police
21452 Department, in Rockport, Massachusetts; did with other defendants
21453 violate, deprive, or infringe upon the civil rights of Plaintiff James
21454 M. Atkinson for the purposes of personal, political, and
21455 professional gains, without just cause, or lawful authority and did
21456 Steal and Take Away Property from a Disabled Person, Numerous
21457 Items Valued in Excess of \$250 including cash, monetary
21458 instruments, and other property owned by James M. Atkinson in
21459 contravention of law.

21460

21461 807. On December 6, 2009, Defendants Daniel Mahoney; Michael
21462 Marino; Robert Tibert; Mark Schmink; Sean Andrus, John T.
21463 McCarthy; Michael Anderson; Gregory George; and James Hurst
21464 individually, and in their official capacities, while acting under
21465 color of law as Police Officers, for the Rockport Police
21466 Department, in Rockport, Massachusetts; did with other defendants
21467 violate, deprive, or infringe upon the civil rights of Plaintiff James
21468 M. Atkinson for the purposes of personal, political, and
21469 professional gains, without just cause, or lawful authority and did
21470 Exceeded Authority in Executing Warrant (albeit an improper
21471 warrant) against James M. Atkinson in contravention of law. By
21472 means of entering and searching a Chrysler 300 sedan for which a
21473 search warrant was never obtained (not even after the fact).

21474
21475 808. On December 6, 2009, Defendants Daniel Mahoney; Michael
21476 Marino; Robert Tibert; Mark Schmink; Sean Andrus, John T.
21477 McCarthy; Michael Anderson; Gregory George; and James Hurst
21478 individually, and in their official capacities, while acting under
21479 color of law as Police Officers, for the Rockport Police
21480 Department, in Rockport, Massachusetts; did with other defendants

21481 violate, deprive, or infringe upon the civil rights of Plaintiff James
21482 M. Atkinson for the purposes of personal, political, and
21483 professional gains, without just cause, or lawful authority and did
21484 Exceeded Authority in Executing Warrant (albeit an improper
21485 warrant) against James M. Atkinson in contravention of law. By
21486 means of entering and searching a Ford Econoline E-450 Box
21487 Truck for which a search warrant was never obtained (not even
21488 after the fact)

21489
21490 a. The warrant does not grant them permission to search either
21491 the Plaintiff or the Plaintiffs car or truck.

21492
21493 b. *United States v. Heldt*, 668 F.2d 1238, 1259 (D.C. Cir.
21494 1981)

21495 “[A] flagrant disregard for the limitations in a warrant
21496 might transform an otherwise valid search into a
21497 general one, thereby requiring the entire fruits of the
21498 search to be suppressed.”

21499

21500 c. As Plaintiffs vehicles were unlawfully searched, there was a
21501 “flagrant disregard for the limitations” of the warrant, which
21502 thus converted it into a *defacto* general warrant, and thus all
21503 fruits of the warrant of any sort both within and outside of
21504 the house as thus tainted and poisoned. In turn, all of the
21505 evidence in the firearms case is excluded in its entirety, and
21506 as there is zero evidence, and there is in fact no case.
21507
21508 d. Neither vehicle was in Plaintiffs possession or control at the
21509 time
21510
21511 e. Neither vehicle was parked inside the building, or on a
21512 garage, and were instead well away from the building.
21513
21514 f. It is important to note that the search warrant was for the
21515 building alone, NOT the vehicles. Vehicles were specifically
21516 excluded.
21517
21518 g. The warrant is for the building alone, not the vehicles, and
21519 not the other buildings on the property.

21520

21521

h. The search warrant did not give the police permission to install GPS tracking devices in both of the Plaintiffs vehicle, and to destroy the sophisticated alarm system in the truck.

21522

21523

21524

21525

i. The vehicles were not described on the search warrant, however, they were described in the vaguely stated seven page alleged affidavits for the application for the search application for the search warrant, but not specifically authorized by the court to be searched in the warrant itself.

21526

21527

21528

21529

21530

21531

j. Hence, the search of the vehicles was illegal, and was nothing more than burglary, and “breaking into a truck” which is a state felony.

21532

21533

21534

21535

k. The police well exceeded the bounds of the warrant.

21536

21537

l. Hence, everything that they seized in relationship to the search warrant in any form is tainted and poisoned, and the

21538

21539 all of the seized items seized on the warrant should be
21540 excluded, and in turn returned to Plaintiff forthwith.

21541

21542 809. On December 6, 2009, Defendants Daniel Mahoney; Michael
21543 Marino; Robert Tibert; Mark Schmink; Sean Andrus, John T.
21544 McCarthy; Michael Anderson; Gregory George; and James Hurst
21545 individually, and in their official capacities, while acting under
21546 color of law as Police Officers, for the Rockport Police
21547 Department, in Rockport, Massachusetts; did with other defendants
21548 violate, deprive, or infringe upon the civil rights of Plaintiff James
21549 M. Atkinson for the purposes of personal, political, and
21550 professional gains, without just cause, or lawful authority and did
21551 Arrest on False Pretence James M. Atkinson in contravention of
21552 law. By way of claiming that things that were lawfully possessed
21553 by the Plaintiff and protected by Federal Statute and the U.S. Bill
21554 of Rights was contraband, when in fact they were not.

21555

21556 810. On December 6, 2009, Defendants Daniel Mahoney; Michael
21557 Marino; Robert Tibert; Mark Schmink; Sean Andrus, John T.
21558 McCarthy; Michael Anderson; Gregory George; and James Hurst

21559 individually, and in their official capacities, while acting under
21560 color of law as Police Officers, for the Rockport Police
21561 Department, in Rockport, Massachusetts; did with other defendants
21562 violate, deprive, or infringe upon the civil rights of Plaintiff James
21563 M. Atkinson for the purposes of personal, political, and
21564 professional gains, without just cause, or lawful authority and did
21565 Falsely Imprison James M. Atkinson in contravention of law. By
21566 way of manacling Plaintiff and imprisoning him at Addison Gilbert
21567 Hospital in Gloucester, MA.

21568
21569 811. On December 6, 2009, Defendants Daniel Mahoney; Michael
21570 Marino; Robert Tibert; Mark Schmink; Sean Andrus, John T.
21571 McCarthy; Michael Anderson; Gregory George; and James Hurst
21572 individually, and in their official capacities, while acting under
21573 color of law as Police Officers, for the Rockport Police
21574 Department, in Rockport, Massachusetts; did with other defendants
21575 violate, deprive, or infringe upon the civil rights of Plaintiff James
21576 M. Atkinson for the purposes of personal, political, and
21577 professional gains, without just cause, or lawful authority and did
21578 Falsely Imprison James M. Atkinson in contravention of law. By

21579 way of manacling Plaintiff and imprisoning him at the Town of
21580 Rockport Police Station, Rockport, MA.

21581

21582 812. On December 6, 2009, Defendants Daniel Mahoney; Michael
21583 Marino; Robert Tibert; Mark Schmink; Sean Andrus, John T.
21584 McCarthy; Michael Anderson; Gregory George; and James Hurst
21585 individually, and in their official capacities, while acting under
21586 color of law as Police Officers, for the Rockport Police
21587 Department, in Rockport, Massachusetts; did with other defendants
21588 violate, deprive, or infringe upon the civil rights of Plaintiff James
21589 M. Atkinson for the purposes of personal, political, and
21590 professional gains, without just cause, or lawful authority and did
21591 Falsely Imprison James M. Atkinson in contravention of law. By
21592 way of manacling Plaintiff and imprisoning him at Essex County
21593 House of Corrections in Middleton, MA.

21594

21595 813. On December 6, 2009, Defendants Daniel Mahoney; Michael
21596 Marino; Robert Tibert; Mark Schmink; Sean Andrus, John T.
21597 McCarthy; Michael Anderson; Gregory George; and James Hurst
21598 individually, and in their official capacities, while acting under

21599 color of law as Police Officers, for the Rockport Police
21600 Department, in Rockport, Massachusetts; did with other defendants
21601 violate, deprive, or infringe upon the civil rights of Plaintiff James
21602 M. Atkinson for the purposes of personal, political, and
21603 professional gains, without just cause, or lawful authority and did
21604 refuse to inform Plaintiff as to the nature of the crime for which
21605 arrest/false arrest was on James M. Atkinson in contravention of
21606 law. Even after Plaintiff repeatedly demanded to know the
21607 authority or the grounds under which he was arrested, such
21608 information was refused to him.

21609
21610 814. On December 6, 2009, Defendants Daniel Mahoney; Michael
21611 Marino; Robert Tibert; Mark Schmink; Sean Andrus, John T.
21612 McCarthy; Michael Anderson; Gregory George; and James Hurst
21613 individually, and in their official capacities, while acting under
21614 color of law as Police Officers, for the Rockport Police
21615 Department, in Rockport, Massachusetts; did with other defendants
21616 violate, deprive, or infringe upon the civil rights of Plaintiff James
21617 M. Atkinson for the purposes of personal, political, and
21618 professional gains, without just cause, or lawful authority and did

21619 Commit Economic Espionage by taking away and/or copying
21620 valuable trade secrets and proprietary information and sharing this
21621 with other people, and with agents of foreign countries in order to
21622 injure James M. Atkinson in contravention of law.

21623
21624 815. On December 6, 2009, Defendants Daniel Mahoney; Michael
21625 Marino; Robert Tibert; Mark Schmink; Sean Andrus, John T.
21626 McCarthy; Michael Anderson; Gregory George; and James Hurst
21627 individually, and in their official capacities, while acting under
21628 color of law as Police Officers, for the Rockport Police
21629 Department, in Rockport, Massachusetts; did with other defendants
21630 violate, deprive, or infringe upon the civil rights of Plaintiff James
21631 M. Atkinson for the purposes of personal, political, and
21632 professional gains, without just cause, or lawful authority and did
21633 Steal Trade Secrets by taking away and/or copying valuable trade
21634 secrets and proprietary information and sharing this with other
21635 people, and with agents of foreign countries in order to injure
21636 James M. Atkinson in contravention of law.

21637

21638 816. On December 6, 2009, Defendants Daniel Mahoney; Michael
21639 Marino; Robert Tibert; Mark Schmink; Sean Andrus, John T.
21640 McCarthy; Michael Anderson; Gregory George; and James Hurst
21641 individually, and in their official capacities, while acting under
21642 color of law as Police Officers, for the Rockport Police
21643 Department, in Rockport, Massachusetts; did with other defendants
21644 violate, deprive, or infringe upon the civil rights of Plaintiff James
21645 M. Atkinson for the purposes of personal, political, and
21646 professional gains, without just cause, or lawful authority and did
21647 Violate the Right to Keep and to Bear Arms of James M. Atkinson
21648 in contravention of law. By way of searching and seizing lawfully
21649 possessed arms within his own home, and infringing upon these
21650 essential rights of a U.S. Citizen.

21651
21652 817. On December 6, 2009, Defendants Daniel Mahoney; Michael
21653 Marino; Robert Tibert; Mark Schmink; Sean Andrus, John T.
21654 McCarthy; Michael Anderson; Gregory George; and James Hurst
21655 individually, and in their official capacities, while acting under
21656 color of law as Police Officers, for the Rockport Police
21657 Department, in Rockport, Massachusetts; did with other defendants

21658 violate, deprive, or infringe upon the civil rights of Plaintiff James
21659 M. Atkinson for the purposes of personal, political, and
21660 professional gains, without just cause, or lawful authority and did
21661 Violated the Privileges and Immunities U.S. Citizen James M.
21662 Atkinson in contravention of law. By way of searching and seizing
21663 lawfully possessed arms within his own home, and infringing upon
21664 these essential rights of a U.S. Citizen.

21665
21666 a. The search warrant in question (issued AFTER the search)
21667 reads in part”

21668 **“YOU ARE THEREFORE COMMANDED within a**
21669 **reasonable time and in no event later than seven days**
21670 **form the issuance of this search warrant to search for the**
21671 **following property:”**

21672
21673 and then details what may be searched for as:

21674
21675 **“Weapons and smaunition as defined in**
21676 **Massachusetts General Law, Chapter 140. Twenty**
21677 **five weapons detailed in the affadavit that include**
21678 **a large variety of fifles, bandguns, and shotguns,**
21679 **Also would like to find aamunition reaated to the**
21680 **weapons mentioned in the affidavit. I would**
21681 **request the seizure of any paperwork receipts, and**
21682 **computars that would identify purchase/transfer**
21683 **of weapons.”**
21684

21685 b. On the very first line of the “property description” part of
21686 the warrant the word “smaunition” is used and a definition is
21687 referenced to Chapter 140, yet, this word or other words
21688 reasonable close to it may not be found in the entirety of the
21689 Massachusetts General Laws, to include Chapter 140. Thus,
21690 the word is gibberish, and described nothing which they
21691 could search for or seize.

21692
21693 c. On the third line the document lists the word “fifles”, and
21694 then over types an “r” over the “f”, yet this was corrected of
21695 the application to read “rifles” the search warrant itself still
21696 carries the “word “fifle” instead of “rifle” This is a
21697 dramatically important error as the magistrate signed a
21698 search warrant specified that “fifles” be searched for and not
21699 an actual firearm.

21700
21701 d. The definition of “fifle” may be found on the “Urban
21702 Dictionary”
21703 <http://www.urbandictionary.com/define.php?term=Fifle>

21704
21705 **Fifle**
21706 Simply means, friend for life.
21707
21708

21709 e. It should be noted that the substitution of an F for a R is a
21710 common typographical error (the F is below the R), but in
21711 this case those errors go to the Plaintiffs benefit. However,
21712 the same “drop” has happened too many times also tends to
21713 indicate a potential pharmaceutical issue on the part of the
21714 typist.

21715
21716 f. This “dropping” of letters to the lower position is a sign that
21717 the person who typed the document is a user of medications
21718 such as fluphenazine and haloperidol, which is a high dose
21719 antipsychotic medication (which would tend to indicate that
21720 the police officer who typed this document (likely Marino) is
21721 taking antipsychotic medications. As Marino is listed as the
21722 writer of the initial application, upon which this search
21723 warrant form was impressed, which the typographical errors
21724 were of his hand, and may reflect the use of strong
21725 antipsychotic medications.

21726
21727 g. If we consider for a moment that Marino may be taking anti-
21728 psychotic medications, it would explain why the superiors of

21729 Marino gave the case to him to investigate, as he would
21730 immediately be suspicious and hostile to other people who
21731 he suspects suffer from mental health issues, due to his own
21732 mental health dysfunctions, although it is possible that he
21733 does not suffer form such a malady and was merely rushing
21734 to prepare the search warrant the day after the search
21735 actually took place.

21736
21737 h. The use of haloperidol also caused problems with color
21738 vision, and often the significant loss of details, and memory
21739 difficulties. This may explain the significant mis-
21740 representation on his descriptions of Plaintiffs home, also
21741 with the jumped timeline, and time compression, which
21742 Marino presents in his later narrative. Or, it may merely be a
21743 deceptive act of Defendant Marino

21744
21745 i. Thus, the search warrant authorized (after the search) the
21746 police to search the mis-described property, not for rifles,
21747 but rather Plaintiffs “friends for life”

21748

21749 j. The next word after “fifles” is also interesting in that it lists
21750 “bandguns” instead of “handguns.” This is an identical error
21751 to that found with “fifles” in that that the person who typed
21752 the document slipped below the intended letter and stuck the
21753 wrong character. As the letter B in just below the letter H is
21754 becomes an identical error to that of rifle versus file.

21755
21756 k. Thusly the search warrant permits to police to search for
21757 “bandguns” and not in fact pistols or revolvers.

21758
21759 l. Additionally, the phrase “handgun” is not defined under
21760 Chapter 140, and instead there is a definition for “firearm”
21761 which is considered to be a “pistol” or “revolver”. Hence,
21762 the search warrant should have stated the police were
21763 seeking to search for “rifles, firearms, pistols, revolvers, and
21764 shotguns,” which it does not.

21765
21766 m. The definition of a “bandgun” is also easy to find in that it is
21767 the common name for a “rubber band gun”
21768

21769 n. In the inventory of the weapons which Plaintiff surrendered
21770 (under duress, and only due to threats of imminent violence
21771 by Defendant Tibert) to the police was a wooden “bandgun”,
21772 being a wooden handle into which was attached two clothes
21773 pins, and these two dowel rods onto which Plaintiff could
21774 stretch two rubber bands.

21775

21776 o. Thus Plaintiff turned in a “high capacity bandgun”, along
21777 with a laser tag pistol, and a dummy .45 ACP pistol, all of
21778 which the police have failed to list in their affidavit (which
21779 should of course should in their reports, and inventory).

21780

21781 p. As Plaintiff turned in a “high capacity bandgun” it then
21782 logically could be inferred that the police expected to find
21783 additional “bandguns” in Plaintiffs home, and in their
21784 concern to avoid a rubber band melee they added the
21785 heinous weapons to the list of what they sought to search for
21786 and seize. This is in fact the logical path by which the court
21787 magistrate approved a Search Warrant (after the search), and
21788 by which the police asserted probable cause originally

21789 existed. Thus, it can be argued that since Platintiff turned in
21790 a “bandgun” that be would likely have possession of other
21791 “bandguns” as well as ammunition in for the “bandguns” in
21792 the form of un-surrendered rubber bands.

21793
21794 q. Further, since the police were seeking what might be
21795 described as ammunition for “banduns” (to wit, rubber
21796 bands), and that while thousands of rubber bands were
21797 present in Plaintiffs home and office, the police were
21798 negligent in finding, or seizing the “bandgun ammuntion”
21799 (the thousands of rounds of latex rubber bands).

21800
21801 r. The Search Warrant orders the seizure of bandgun
21802 ammunition, which the police did not in fact take. In fact,
21803 they left thousands of perfectly functional, and potentially
21804 dangerous rubber bands all over Platiffs office area,
21805 dumping several boxes and bags of them onto the floor.
21806 Perhaps, they were searching for Russian rubber bands
21807 instead. As the warrant order the seizure of “bandgun
21808 ammunition” and yet they took no rubber bands, and in fact

21809 left thousands of rounds of handgun ammunition on the floor
21810 they violated the warrant and did not abide by its orders
21811 (which they themselves created).

21812

21813 s. In fact, the word is even further misspelled in that the N is
21814 overtyped with an A, and thus the word is actually listed as
21815 “bandguas”

21816

21817 t. A search for “bandgus” thus turns up multiple occurrences
21818 of both a Russian Rock Group, a Russian Computer Hacker,
21819 and a Russian Game based on the Rock Group.

21820

21821 u. So to recap thus far, the Rockport Police Department are
21822 seeking to find Plaintiffs “large variety of friends for life”
21823 and also seeking to search for a hidden cache of rubber band
21824 guns, a large cache of rubber bands, or possibly to search for
21825 a large variety of Russian Rock musicians.

21826

21827 v. There also may be an attempt on their part to assert that the
21828 Russian Rock musicians who Plaintiff know as “Friends for

21829 Life” by virtue of a few short U.S. Government sponsored
21830 trips to Moscow, to engage in playful battles with rubber
21831 bands which engaging in activities as the request of the U.S.
21832 Intelligence Agencies who sponsored the trips.

21833

21834 w. The word “shotguns” is properly spelled out in the search
21835 warrant, but no shotguns were actually found.

21836

21837 x. Essentially, the search warrant authorized the police to
21838 search for children’s toys guns, that shoot rubber bands...
21839 not bullets.

21840

21841 y. The search warrant thus far only weakly even authorizes the
21842 police to search for shotguns. But there is a further problem
21843 with the sentence which reads in part “...large variety of
21844 fifles, bandguas, and shotguns” wherein the comma compels
21845 them to seek out all three items, not one of the items
21846 separate from the other two, by virtue of the word “AND”,
21847 which was used in place of the word “OR”. If the text
21848 instead read ““...large variety of fifles, bandguas, OR

21849 shotguns” then they could search for the shotguns alone, but
21850 this is not the case. Thusly written, the deeply flawed so
21851 called “search warrant” did not allow the police to search for
21852 any manner or firearm, pistol, shotgun, rifle, sidearm, or any
21853 manner or form of ammunition.

21854
21855 z. The search warrant further states “Also, would like to find”,
21856 which lacks the command of the court and rather the
21857 submissive verbiage found herein. The search warrants thus
21858 command the holder “would like to find” instead of “to find,”
21859 and thusly is becomes a hope, and not a command.

21860
21861 aa. A search warrant does not by law enable a “hope to find”,
21862 and more then the search warrant can be used to “request the
21863 rain to stop”, it is a commanding document, not a “hopeful”
21864 document.

21865
21866 bb. While the police may “hope” to find a thing by virtue of the
21867 search warrant application, this same “hope” does not apply

21868 in regards to the search warrant proper, thus the search
21869 warrant is void.
21870
21871 cc. The police refused to show me the warrant, and the police
21872 refused to give me a copy of the warrant after the search,
21873 and further refused to leave a copy of the warrant or a list of
21874 the things seized at my home afterwards.

21875
21876 “no Warrant shall issue, but upon probable cause,
21877 supported by Oath or affirmation, and particularly
21878 describing the place to be searched and the persons or
21879 things to be seized.” U.S. Const. amend. IV
21880 (emphasis added); see *In re Lafayette Acad.*, 610 F.2d
21881 1, 3 (1st Cir. 1979)(holding warrant invalid for lack of
21882 particularity).

21883
21884
21885 dd. In *United States v. Morris*, 977 F.2d 677, 681 (1st Cir.
21886 1993), the First Circuit court stated:

21887
21888 “In requiring a particular description of articles to be
21889 seized, the Fourth Amendment ‘makes general
21890 searches . . . impossible and prevents the seizure of
21891 one thing under a warrant describing another. As to
21892 what is to be taken, nothing is left to the discretion of
21893 the officer executing the warrant.’” *United States v.*
21894 *Fuccillo*, 808 F.2d 173, 175 (1st Cir. 1987) (quoting
21895 *Stanford v. Texas*, 379 U.S. 476, 485 (1965)).
21896 Unfettered discretion by the executing officer is one
21897 of the principal evils against which the Fourth
21898 Amendment provides protection, and thus warrants
21899 which lack particularity are prohibited.”
21900

21901 ee. Thus, no reasonable officer could believe that the warrant
21902 described items to be seized with the required “particularity.”

21903
21904 ff. Further, the warrant itself is not accompanied by any
21905 supporting documents, nor by the affidavit that was used in
21906 the application for the search warrant, and hence the search
21907 warrant thus stands alone with its six malformed, and error
21908 strewn descriptions of the items to be searched for.

21909
21910 gg. For example, the application for the warrant does not
21911 actually list the arms which they are seeking, and indeed is a
21912 database search had been completed, they would have these
21913 records at hand, and they should have included them in the
21914 warrant, but they did not. This lack of specificity turns this
21915 warrant into a “**General, Rummaging Around Warrant**.”

21916
21917 hh. In *Lafayette Academy* the First Circuit said,
21918
21919 ““The traditional rule is that the generality of a
21920 warrant cannot be cured by the specificity of the
21921 affidavit which supports it ... Specificity is required
21922 in the warrant itself in order to limit the discretion of
21923 the executing officer as well as to give notice to the
21924 party searched.”” 610 F.2d at 4 (quoting *United*

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States v. Johnson, 541 F.2d 1311, 1325 (8th Cir. 1976)).

ii. In *United States v. Klein*, 565 F.2d 183, 186 n.3 (1st Cir. 1977),

“An affidavit may be referred to for purposes of providing particularity if the affidavit accompanies the warrant and the warrant uses suitable words of reference which incorporate the affidavit.”

jj. See also, *Groh v. Ramirez*, 540 U.S. 551, 557-58 (2004)

(listing cases from multiple circuits which have allowed warrants to be construed with reference to an incorporated affidavit).

kk. Here, the warrant states, “detailed in the affadavit”[sic], and yet no such document is attached to the actual search warrant, nor is any such document remotely described in the search warrant whereby it might be incorporated by reference.

ll. A reasonable police officer, with no prior involvement in the case armed only with the Search Warrant, and no other document (as the “affadavit”[sic] was not attached, or

21952 incorporated by reference in a meaningful way), would find
21953 it impossible to search for those things described with any
21954 specificity as required by law, and thus would only be able
21955 to search for rubber bands, toy rubber band guns, Russian
21956 Rock groups, and video camera lenses. See *Massachusetts v.*
21957 *Sheppard*, 468 U.S. 981, 990 n.7 (1984). A reasonable
21958 person standing in officers shoes would not have believe the
21959 warrant to be sufficient to authorize the search.

21960
21961
21962 mm. The search warrant also opines “I would also requestthe
21963 seizure”, and yet this string of words is not an order of the
21964 court, and rather it is a fanciful hope, such as that described
21965 above”. The court does not “hope” and the court does not
21966 “requestthe”, but rather the court COMMANDS. A police
21967 officer may request of the court, but the court will not “hope”
21968 and “request” as such would be weak, submissive, and
21969 impotent.

21970

21971 nn.Indeed the “Search Warrant” is a document prepared (or
21972 rather forged) by Officer Marino, not by a court officer, and
21973 not by the Judge or the magistrate whose name or signatures
21974 are attached.

21975
21976 oo.This indicates that the police officer actually wrote the
21977 search warrant, not the justice, clerk-magistrate or assistant
21978 clerk. It is essentially a flawed impression or copy of the
21979 application for the search warrant.

21980
21981 pp.The “Also, would like to find” and “I would also requestthe
21982 seizure” listed in the warrant is interesting as it fully
21983 breaches the veil of protection that the magistrate who
21984 signed the search warrant may have, as the magistrate
21985 himself is the “I” who would have issued the warrant.

21986
21987 qq.Thus if the police wrote it, and the magistrate signed it, and
21988 left the “I” and the submissive tone in the warrant, then the
21989 magistrate is merely acting as the puppet of the police, and
21990 the magistrate is not acting as a proper or ethical, neutral and

21991 detached third party... but rather is rubber stamping things
21992 without actually reading them... in very grave violation of
21993 the 4th Amendment of the Constitution of the United States.

21994 "He must be neutral and detached, and he must be
21995 capable of determining whether probable cause exists
21996 for the requested arrest or search." - *Shadwick v. City*
21997 *of Tampa*, 407 U.S. 345, 354 (1972).
21998
21999

22000 rr. Had the magistrate actually read the document, he would
22001 have doubtless questioned why the police wanted to search
22002 for Plaintiffs best friend (fifles) who were also in a Russian
22003 Rock Group, likely shooting rubber bands at each other.

22004
22005 ss. Additionally the writer of the search warrant uses the word
22006 "I" in line five, and this is the same "I" that is found in the
22007 application for the search warrant.

22008
22009 tt. As the word "I" was used at the same location on the
22010 application for the search warrant, as the search warrant
22011 itself, and Defendant Michael J. Marino is thus issuing (and
22012 likely forging) the search warrant, and not the court This is a
22013 violation of the Fourth Amendment, acquiesced by the court

22014 magistrate and Judge who improperly permitted it to happen,
22015 and who did not stop the violation on Plaintiffs civil rights.

22016
22017 uu. To this end the Court did not issue this search warrant, the
22018 police did, the magistrate merely rubber stamped a
22019 document which he did not read, and could not be expected
22020 to read by virtue of the unreadable type, and light printing.
22021 This is of course assuming that the magistrate did indeed
22022 approve the document, and that the signature was not a
22023 forgery by the police as is quite possible, given the other
22024 gross misconduct by the police.

22025
22026 vv. In the fourth line of the description of the property, the word
22027 “aamunition” is used, but the word is gibberish and
22028 meaningless.

22029
22030 ww. Next to the word “aamunition” there is the word “reaated”
22031 with the letter “l” over stamped the misplaced “a.” Again,
22032 this over stamp of another letter over another creates a letter
22033 that is not part of the English alphabet, and presents a word

22034 which is further gibberish. Thus, there are two meaningless
22035 gibberish words next to one another.

22036
22037 xx. These two meaningless words attempt to connect the first
22038 section of the sentence to the second, but it fails in this
22039 regard, and thus turns the entire sentence into meaningless
22040 gibberish.

22041
22042 yy. The Search Warrant lists “paperwork receipts” but there is
22043 no presence of a comma, ampersand, or the words “or”,
22044 neither a “/”, nor a comma, nor semicolon, not the word
22045 “and”, so that the warrant authorized only “paperwork
22046 receipts”, and not “paperwork and receipts.” Thus, since
22047 they excluded the comma or any connecting words they
22048 would have erred in taking either or examining either
22049 “paperwork, or receipts.” Without the comma or connective
22050 word being present “paperwork receipts” becomes yet
22051 another meaningless phase in the search warrant.

22052

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zz. In the sixth line there is a word “computars”, which refers to a “video camera lens” and large format camera lens with the Plaintiff used in his work and had used for decades.

aaa. However, “computars” does not refer to computers or data processing equipment. Plaintiff would note that he had several broken “computars” video camera CCTV lenses, and three large format camera lenses that were taken by police, but not reflected on the inventory.

bbb. There is no probable cause to believe that a camera lens would contain any evidence of weapons possession or be used as an arm themselves, although these particular camera lenses did come from a facility where nuclear bombs and nuclear missiles were assembled and stored, thus the camera lenses could be considered an arm by virtue of their function... a nuclear arm at that. Thus a warrant that made such an order, would not be based on a probable cause, the thus would be void in its entirety.

22073 ccc. The large format “computar” lenses have been missing
22074 since the search. Plaintiff had a 210 mm, a 270 mm, 300 mm,
22075 and a 480 mm and a couple of similar lenses which are now
22076 missing, and valued at several thousand dollars each. One of
22077 these was a massive process lenses, that was a priceless
22078 custom ground lens

22079
22080 ddd. Nevertheless, the Search Warrant did not give the police
22081 the authority to steal computers, and they violated the law in
22082 exceeding the warrant.

22083
22084 eee. Given the poor, unreadable state of the print, lacking in
22085 density on the search warrant, and that it is an inaccurate
22086 impression of the application, it is actually doubtful that
22087 either the judge who witnessed the document, nor the clerk-
22088 magistrate who actually authorized the document actually
22089 read the search warrant before issuance. The may have been
22090 able to read the application, but they did not and could not
22091 have read the actual warrant.

22092

22093 fff. The density of the signatures is actually dark enough so that
22094 it indicates the signatures were placed on a photocopy of a
22095 document, not the original copy itself (the signatures are the
22096 darkest element, then the pre-printed form, and then the text
22097 types onto the form by way of the carbon paper, which are
22098 very light). This is a common indicator of a forged
22099 document, although the document could be genuine., albeit
22100 quite unlawful if it is genuine.

22101
22102 ggg. A very careful analysis reveals that many of the critical
22103 words, and dates are in fact wrong.

22104
22105 hhh. Plaintiff used a optical densitometer (used to detect
22106 forgeries) on the document, and the density of the signatures
22107 is sufficiently dark that it becomes the darkest point on the
22108 document.

22109
22110 iii. The paper registers as a 250 (virtually white)

22111

22112 jjj. The darkest part of the signatures registers as a 42 (the
22113 dark upper cross-over loop of the magistrates
22114 signature), it should be mentioned that black would
22115 show as a 5.

22116
22117 kkk. The density range should be between 5 and 250,
22118 but it is not

22119
22120 lll. Thus we have a density range from 42 as the darkest,
22121 and 250 as the lightest.

22122
22123 mmm. On the preprinted form the darkest portion is
22124 the "SEARCH WARRANT" text at the top with a
22125 darkest density of 154 this then provides that the
22126 range of the darkest part of the document excluding
22127 the signatures ranges from 154 (the darkest) to fading
22128 down to the density of the paper at 250, or an over
22129 range of 96.

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nnn. The difference between the density of the signatures (at 42) and the density of the original form (at 154), indicates that the signatures were actually placed on an extremely light copy of the search warrant, so light in fact that it is doubtful that it could be read by a human. This range between the darker signatures (42) and the darkest part of the original form is 102 points, thus the signatures were put to a deeply faded, and essentially unreadable document.

ooo. The darkest part of the typed text is a "150" where the "1" seems to have been struck several times, which forms a density of 162, thus the typed text has a range from 162 being the darkest to 250 being the lightest (where my name should show on the "in possession of line"). This provides a range from 162 (the darkest) to 250 (the lightest), so the actual range of density becomes 88.

22150 ppp. For the typed text to be readable, it needs a density
22151 of 42 as it should be as dark as the signatures, which it
22152 is not. In fact the darkest part of the signatures (at 42)
22153 and the darkest part of the typed text (at 162) thus
22154 proves that the document presented for signatures was
22155 dramatically light, and unreadable to a human.

22156
22157 qqq. However, we must also look at the densities of the
22158 text at several critical areas on the typed portion as
22159 these reveal that certain part of the text would not be
22160 readable to the person who signed the document.

22161
22162 rrr. For example the "in the possession of" reveals a line
22163 where by the darkest of the text is 228, and the
22164 lightest is 246 on the name, and then on the date on
22165 the same line the darkest part of the text is 197 (where
22166 is it over typed), and the lightest is 235 (at the 22
22167 number of the DOB). This means the density range of
22168 the name is only 18, and the density of the DOB is 38
22169 due to the overstrikes.

22170

22171

sss. Within the main body of typed text which

22172

described the property the density ranges from 181 to

22173

the lightest text in the region having a density of 243.

22174

This means that the carbon paper that was used, was

22175

already badly worn and faded as a density range of 62

22176

points on text typed closed to each other renders some

22177

text barely readily and other not faded to the same

22178

density as the paper in which it is placed.

22179

22180

ttt. Hence, no reasonable person would have signed this

22181

document, as it would have been unreadable to the person

22182

who place their signature on it; based on the densities of the

22183

signatures to the preprinted form, to the darkest text typed

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onto the form, the lightest type on the form which fades to

22185

white.

22186

22187

uuu. The police presented the magistrate with a document,

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which could not possibly have been actually read by the

22189

magistrate, and by affixing the dark signatures, and

22190 referencing it back to the darkest point of the form, and then
22191 to the darkest point of the text we can prove the document
22192 was not in fact properly issued.

22193
22194 vvv. Plaintiff assert that the police presented the magistrate
22195 with an illegible document, which the magistrate would not
22196 have been capable for reading, but that the magistrates
22197 signed it anyways (or the police forged the document after
22198 the fact), an act that either violated Plaintiffs civil rights, and
22199 thus his/her (the Judge and Magistrate) veil of immunity is
22200 ripped from him.

22201
22202 www. As the (Defendant) Judge "Joseph Jennings" appears to
22203 has witnessed the document being signed (by virtue of his
22204 printed name) then he personally would have been violated
22205 Plaintiffs 4th Amendment rights as he would have witnessed
22206 the signing of an illegal (and illegible) document, and hence
22207 fully pierced his immunity as a District judge of Essex
22208 County.

22209

22210 xxx. *Rabon v. Rowen Memorial Hosp., Inc.* 269 NS1, 13, 152
22211 S.E.2d 485, 493 (1967) that, "Immunity fosters neglect and
22212 breeds irresponsibility, while liability promotes care and
22213 caution, which caution and care is owed by the Government
22214 to its people."

22215
22216 yyy. 42 U.S.C.A. 1983 *Shore v. Howard*, 414F.Supp. 379 the
22217 court was definitive in saying, "There is no Judicial
22218 immunity to civil actions for equitable relief under the Civil
22219 Rights Act of 1871."

22220
22221 zzz. "Government immunity violates the common law maxim
22222 that everyone shall have a remedy for an injury done to his
22223 person or property." in the case of *Fireman's Ins. Co. of*
22224 *Newark, N.J. v. Washburn County*, 2 Wis.2d 214,85
22225 N.W.2d 840 (1957).

22226
22227 aaaa. The question of immunity to suit under 42 U.S.C. §1983
22228 et seq. raises an issue of Federal law and that state law
22229 cannot immunize conduct of state actors which may
22230 otherwise violate constitutional rights. The Supreme Court
22231 held in *Martinez v. California*, 444 U.S. 227, 284 n.8 (1980)
22232 that:

22233
22234 "Conduct by persons acting under color of state law
22235 which is wrongful under 42 U.S.C. § 1983 or 42
22236 U.S.C. § 1985 *cannot be immunized by state law.* A
22237 instruction of the federal statute which permitted a
22238 state immunity defense to have controlling effect
22239 would transmute a basic guarantee into an illusory
22240 promise; and the supremacy clause of the Constitution
22241 insures that proper construction may be enforced.
22242 See *McLaughlin v. Tilendis*, 398 F.2d 287, 290(7th

22243 Cir. 1968) "The immunity claim raises a question of
22244 federal law. . . ."

22245
22246
22247 bbbb. If immunity from liability were granted, carte blanche, to
22248 anyone or any class of state officials, it would serve to deny
22249 the right to redress for wrongs and torts committed under
22250 color of law. The very intent of the civil rights act of 1871 is
22251 to insure that these wrongs and torts are actionable. If there
22252 be any truth to the notion that, "Justice Will Be Done,"
22253 Judges and Court officers should be measured by an even
22254 more stringent set of rules than ordinary citizens, and by a
22255 higher authority. The terrible swift sword of justice is an
22256 awesome weapon when improperly wielded.

22257
22258 cccc. The judicial defendants are properly sued, by
22259 Plaintiff Atkinson, in their individual capacity for tortious
22260 acts committed under color of law. The right to sue turns on
22261 the fact that their tortious acts were committed in their
22262 official capacity under color of law. The suit in this case is
22263 properly against the judicial defendants in their individual

22264 capacity for acts performed in their official capacity and
22265 under color of law.

22266
22267 dddd. Through § 1983, Congress sought "to give a
22268 remedy to parties deprived of constitutional rights,
22269 privileges and immunities by an official's abuse of his
22270 position." *Monroe v. Pape*, 365 U. S. 167, 172 (1961).
22271 Accordingly, it authorized suits to redress deprivations of
22272 civil rights by persons acting under color of any [state]
22273 statute, ordinance, regulation, custom, or usage." 42 U. S.
22274 C. § 1983. The requirement of action under color of state
22275 law means that the judicial defendants become liable for
22276 tortious acts they commit precisely because of their
22277 authority as judicial officers.

22278
22279 eeee. The judicial defendants are state judicial officers
22280 sued in their individual capacities, and are "persons" within
22281 the persons" meaning of § 1983. Unlike official-capacity
22282 defendants-who are not "persons" because they assume the
22283 identity of the government that employs them, in *Will v.*

22284 *Michigan Dept.,of State Police*, 491 U.S. 58, 71, officers
22285 sued in their personal capacity come to the court as
22286 individuals and thus fit comfortably within the statutory
22287 term "person," cf. 491 U.S., at 71, n.10. Moreover, § 1983's
22288 authorization of suits to redress deprivations of civil rights
22289 by persons acting under color of state law means that
22290 judicial defendants may be held liable for the torts
22291 committed precisely because of their authority as judicial
22292 officials. That the acts are both within the official's
22293 authority and constitute the performance of court functions
22294 should not be considered acts of the State that cannot give
22295 rise to a personal-capacity action against these defendants.
22296 That contention ignores the Supreme Court's holding that §
22297 1983 was enacted to enforce provisions of the Fourteenth
22298 Amendment against those who carry a badge of a State and
22299 represent it in some capacity, whether they act in accordance
22300 with their authority or misuse it. *Scheuer v. Rhodes*, 416
22301 U.S. 232, 243.

22302

22303 ffff. The Eleventh Amendment does not bar § 1983
22304 personal-capacity suits against state officials in federal court.
22305 Id., at 237, 238. The language concerning suits against state
22306 officials cannot be read as establishing the limits of liability
22307 under the Amendment. Although imposing personal liability
22308 on state judicial officers may hamper their performance of
22309 public duties, such concerns pale compared to the damage
22310 done in a judicial immunity environment.

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22312 gggg. Supreme Court Justice Marshall's opinion in
22313 *Briscoe v. LaHue*, 103 S.Ct. 1108 at 1121 (1983), contains
22314 the following dissertation on immunity based on
22315 congressional intent when the Civil Rights Act was enacted:

22316 “At petitioners' urging, the Court has extensively
22317 examined the legislative history of §2 of the 1871 Ku
22318 Klux Klan Act, 17 Stat. 13, now codified as 42 U.S.C. §
22319 1985(3). However, the forerunner of § 1983 was §1 of
22320 the 1871 Act, not 2. As the majority points out, ante, at
22321 12, 16, the two sections differ significantly in their
22322 language and purpose. It is thus hardly surprising that
22323 debates over §2 shed little light on §1. In my view the
22324 inquiry should focus on the history of §1. Only by
22325 examining the genesis of that provision can it be
22326 determined whether Congress intended to abrogate
22327 certain common-law immunities. The origin of §1 is not
22328 open to serious question. The language and concept of
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the provision were derived in large part from §2 of the Civil Rights Act of 1866, 14 Stat. 27. The author of §1 clearly stated the relationship between the two acts in introducing the 1871 measure:

"My first inquiry as to the warrant which we have for enacting such a section as this [§1 of the 1871 Act]. The model for it will be found in the second section of the act of April 9, 1866, known as the 'Civil Rights Act.' THAT SECTION PROVIDES A CRIMINAL PROCEEDING IN IDENTICALLY THE SAME CASE AS THIS ONE PROVIDES A CIVIL REMEDY FOR, except that the deprivation under color of State law must, under the Civil Rights Act, have been on account of race, color, of former slavery. This section of the bill, ON THE SAME STATE OF FACTS, not only provides a civil remedy for persons whose former condition may have been that of slaves, but to all people where, under color of State law, they or any of them may be deprived of rights to which they are entitled under the Constitution by reason and virtue of their national citizenship." - Cong. Globe, 42nd Cong., 1st Sess. at App. 689(1871)(emphasis added)

Because the two provisions are so intimately connected, a full examination of the history of §1 must begin with §2 of the 1866 Act.

The Civil Rights Act of 1866 was the first federal statute to provide broad protection in the field of civil rights. . .

The liability of judicial officials and all official participants in state judicial proceedings under §2 was explicitly and repeatedly affirmed. The notion of immunity for such was thoroughly discredited. The Senate sponsor of the Act deemed the idea "akin to the maxim of the English law that the

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King can do no wrong. It places officials above the law. It is the very doctrine out of which the rebellion [the Civil War] was hatched." - Cong. Globe, 39th Cong., 1st Sess. 1758(1866)(Sen.Trumbull). Id., at 1155(Rep. Eldridge). See also Id.,at 1778(Sen. Johnson, member of the Senate Judiciary Committee)(§2 of the 1866 Act "strikes at the judicial department of the governments of the States").

Two unsuccessful efforts were made to amend §2. First, Representative Miller introduced an amendment to exempt state judges from criminal liability. Id., at 1156.

Second, and of particular significance, Representative Bingham introduced an amendment to substitute a civil action for criminal sanctions contained in the proposal. Id.,at 1266, 1271-1272. The sponsor of the 1866 Act, Representative Wilson, opposed the amendment largely on the ground that it would place the financial burden of protecting civil rights on poor individuals instead of government. Id., at 1295. At the same time he stressed that there was "no difference in the principal involved" between a civil remedy and a criminal sanction.

After the 1866 bill passed the Senate and House, President Andrew Johnson vetoed it. His opposition was based in part on the fact that §2 of the bill "invades the judicial power of the State." Veto Message, in Id., at 1680. The President warned that "judges of the State courts...[and]marshals and sheriffs, who should, as ministerial officers, execute processes, sanctioned by the State laws and issued by State judges in execution of their judgements, could be brought before other tribunals and there subjected to fine and imprisonment for the performance of the

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duties which the State law might impose." Ibid. Within two weeks, both the Senate and the House overrode the veto. Various Congressmen responded to the President's criticisms and freely admitted that §2 of the legislation was aimed at state judicial systems. As a member of the House Judiciary committee, Representative Lawrence, declared: "I answer it is better to invade the judicial power of the State than to permit it to invade, strike down, and destroy the civil rights of citizens. A judicial power perverted to such uses should be speedily invaded. The grievance would be insignificant." Id., at 1837. See also Id., at 1758 (response of Sen. Trumbull to President's veto message); id., at 1838 (statement of Rep. Clarke). The bill became law on April 9, 1866.

This Court has from time to time read §1983 against the "background" of common-law tort liability. Far more pertinent to this case, however, is the background provided by the 1866 Civil Rights Act. Representative Bingham, who had introduced the amendment to substitute civil liability for criminal liability in the 1866 Act had become chairman of the House Judiciary Committee by the time of the 42d Congress. Senator Trumbull, the Senate sponsor of the 1866 Act, was chairman of the Senate Judiciary Committee in 1871. Representative Shellabarger, who had participated in the debates on the 1866 legislation, drafted the 1871 Act.

Congress was well aware that the "model" for §1 of the 1871 law could be found in the 1866 Civil Rights act. Cong. Globe, 42d Cong., 1st Sess. App. 68 (1871) (Rep. Shellabarger). the manager of the bill in the Senate, George Edmunds, stressed that 1 "gives a civil remedy parallel to the penal provision" in the Civil Rights Act. "If this penal section is valid, and no one dares controvert it, the civil remedy is legal and unquestionable." Id., at 461. See also is., at 429

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(Rep. McHenry in opposition) ("The first section of the bill is intended as an amendment of the civil rights act"); *id.*, at 3385 (Rep. Arthur in opposition) (§1 is "cumulative, as far as it goes, with certain provisions in the civil rights bill.")

The fact that §2 of the Civil Rights Act was the model for §1 of the 1871 Act explains why the debates in the 42d Congress on §1 were so perfunctory. Of all the measures in the Ku Klux Klan Act, §1 generated the least controversy since it merely provided a civil counterpart to the far more controversial criminal provision in the 1866 Act. See *id.*, at 568 (Sen. Edmunds) ("The first section is one that I believe nobody objects to"); *id.*, at 313 (Rep. Burchard) ("To the first section, giving an injured party redress by suit at law in the United States courts in the cases enumerated, I can see no objections.") *Monell v. Department of Social Services*, 436 U.S., at 665 (debate on §1 was limited and the section passed without amendment); *Developments in the Law -- Section 1983 and Federalism*, 90 Harv. L. Rev. 1133, 1155, (1977).

hhhh. Opponents of §1 of the 1871 Act repeated the same arguments that had been made against §2 of the 1866 Act. They warned of the liability for judicial officers that would result from enactment of §1. Indeed, in portraying the inevitable consequences of the 1871 Act, Senator Thurman pointed to criminal prosecutions of state judicial officers that had already taken place under the 1866 Act. These statements can hardly be dismissed as exaggerated rhetoric

22482 from opponents of the 1871 act. Instead, they simply reflect
22483 the fact that the battle over liability for those integral to the
22484 judicial process had already been fought in 1866 when
22485 Congress adopted the far more serious criminal sanction
22486 aimed at state judicial systems.” Section 1, in contrast
22487 provided for "the mild remedy of a civil action." Cong.
22488 Globe, 42d Cong., 1st Sess. 482 (1871) (Rep. Wilson,
22489 member of the House Judiciary Committee). So it was not
22490 surprising that the arguments of the opponents to the 1871
22491 Act would fall on deaf ears. It is also noteworthy that Rep.
22492 Shellabarger, who was hardly reluctant to interrupt speakers
22493 who were misconstruing his proposal, never disputed the
22494 opponents' characterizations with regard to the liability of
22495 state judicial officers.

22496
22497 iii. To assume that congress, which had enacted a
22498 criminal sanction directed against state judicial officials,
22499 intended *sub silentio* to exempt those same officials from the
22500 civil counterpart approaches the incredible. Sheriffs and
22501 marshalls, while performing a quintessentially judicial

22502 function such as serving process, were clearly liable under
22503 the 1866 Act, notwithstanding President Johnson's
22504 objections. Because, as representative Shellabarger stated,
22505 §1 of the 1871 Act provided a civil remedy "in identically
22506 the same case" or " on the same state of facts" as §2 of the
22507 1866 Act, it obviously overrode whatever immunity many
22508 have existed at common law for these participants in the
22509 judicial process in 1871.”

22510
22511 *jjjj.* Congress clearly intended judicial defendants to
22512 be responsible for their acts in violation of § 1983 et. seq.
22513 The discussions on the congressional floor in 1866 and 1871
22514 were plain that the state judiciary should not be excluded
22515 from liability under the Civil Rights Act. As a member of
22516 the House Judiciary committee(see above), Representative
22517 Lawrence, declared: " . . .it is better to invade the judicial
22518 power of the State than to permit it to invade, strike down,
22519 and destroy the civil rights of citizens. A judicial power
22520 perverted to such uses should be speedily invaded. The
22521 grievance would be insignificant.” Congress then passed the

22522 bill and it was law. The law did not grant judicial immunity.
22523 The courts then created judicial immunity but the courts do
22524 not have the constitutional standing to immunize a class of
22525 persons to the law.

22526
22527 kkkk. There has never been a question of judicial
22528 immunity in any action except that judges might be immune
22529 from civil liability. In *Lake v. Speziale* 580 F.Supp. 1318
22530 (1984) the Superior Court Judges of the State were
22531 maintained as a defendant class. Since the Civil Rights Act
22532 was enacted the courts have at various times upheld or
22533 denied judicial immunity and immunity for other court
22534 officers. When judicial immunity was reestablished it was
22535 not on the statutes or the Act but by judges acting in defense
22536 of their colleagues and based on the common law of our
22537 English past. It was on the doctrine of, "The King can do no
22538 wrong," as extended to the king's judges.

22539
22540 III. The Civil Rights Act was enacted in 1871 to
22541 establish a broad avenue for citizens with civil rights

22542 complaints against all state officials to travel to Federal
22543 Court. It is the state courts and enforcement officers that are
22544 the specific target of the Act. It is only the state judicial
22545 defendants that "... have the power to prevent ... the
22546 commission of same." The pendulum is now swinging
22547 toward denying judicial immunity and immunity for other
22548 court officers. In *Lake Supra*, the District Court for the
22549 district of Connecticut not only allowed a civil action to
22550 proceed against state Superior Court Judges but it
22551 maintained the "Superior Court Judges of the state of
22552 Connecticut" as the defendant class. By maintaining the
22553 class the Court for all intent and purposes exhibited no
22554 concern for mal-feasance, non-feasance and non-judicial
22555 acts of the individual judges but made the good and bad
22556 judges equally responsible to uphold the laws and
22557 Constitution. This even extends the lack of consideration to
22558 qualified immunity. It demonstrates an unqualified
22559 disregard of judicial immunity in Civil Rights actions by the
22560 court.

22561

22562 mmmm. The concept of liability but only for certain kinds
22563 of civil relief is repugnant to the constitution. That the
22564 Federal Court has jurisdiction to proceed against state
22565 judicial officials is not at question. The Federal Court has
22566 often granted injunctive relief. The question is whether the
22567 Federal Court trying a case against state judicial defendants
22568 may impose only injunctive relief to prevent future wrongs
22569 by the state judicial defendants or may grant redress to all
22570 negligent or deliberate tortious acts by the state judicial
22571 defendants. It was not the intent of congress to allow
22572 injunctive relief and disallow compensatory and punitive
22573 relief.

22574
22575 nnnn. The idea that judicial defendants are not the
22576 direct target of the civil rights act is dispelled by the
22577 language of § 1986: "EVERY person who, having
22578 knowledge that any of the wrongs conspired to be done, and
22579 mentioned in section 1985 of this title, are about to be
22580 committed, and having power to prevent or aid in preventing
22581 the commission of same, neglects or refuses to do, if such

22582 wrongful act be committed, shall be liable to the party
22583 injured, or his legal representatives, for all damages for such
22584 wrongful act, which such person by reasonable diligence
22585 could have prevented...." (emphasis added).

22586
22587 oooo. The law addresses "EVERY person," it does not
22588 exclude anyone, not even the state judiciary. The judicial
22589 defendants "fit comfortably" in the "EVERY person"
22590 description. If the "person" addressed by § 1983 et seq. is
22591 not the state judicial officer in court where the wrongs
22592 complained of occur who is it? There is no one else in the
22593 court or anywhere else that has the power to prevent the
22594 wrongs described. The only person that fits the description
22595 in § 1986 of who "...shall be liable to the party injured..." is
22596 the judge. The language and the intent of the legislators is
22597 too clear to circumvent and overrides existent doctrine and
22598 precedent. Since the civil rights act became law it was not
22599 amended to exclude judicial defendants. The only immunity
22600 granted was by other judges improperly protecting their state
22601 colleagues.

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pppp. By acting outside the Constitution and their judicial authority, these perpetrators of Constitutional demise pierced their own veil of judicial immunity if any had heretofore existed.

qqqq. Even if the state Judicial defendants successfully evade liability for civil damages by way of judicial immunity the immunity does not extend to a claim for costs under §1988 nor to injunctive relief and they thus cannot be dismissed as defendants.

rrrr. A Judicial Defendant is not entitled to immunity from liability in a suit under the Civil Rights Act, by application of Federal law as written and the clear intent of the legislators who wrote it. The immunity later was granted by a non-legislative organ of government is, therefore, *Void Ab Initio*.

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ssss. The Court in *Pulliam v. Allen*, 466 US 522

(1984) adds clarification on the matter of “Judicial
Immunity”

“[t]here is little support in the common law for a rule of
judicial immunity that prevents injunctive relief against a
judge. There is even less support for a conclusion that
Congress intended to limit the injunctive relief available
under § 1983 in a way that would prevent federal
injunctive relief against a state judge. In *Pierson v. Ray*,
386 U. S. 547 (1967), the Court found no indication of
affirmative congressional intent to insulate judges from
the reach of the remedy Congress provided in § 1983.
The Court simply declined to impute to Congress the
intent to abrogate common-law principles of judicial
immunity. Absent the presumption of immunity on which
Pierson was based, nothing in the legislative history of §
1983 or in this Court's subsequent interpretations of that
statute supports a conclusion that Congress intended to
insulate judges from prospective collateral injunctive
relief.

Congress enacted § 1983 and its predecessor, § 2 of the
Civil Rights Act of 1866, 14 Stat. 27, to provide an
independent avenue for protection of federal
constitutional rights. The remedy was considered
necessary because "state courts were being used to harass
and injure individuals, either because the state courts
were powerless to stop deprivations or were in league
with those who were bent upon abrogation of federally
protected rights." *Mitchum v. Foster*, 407 U. S. 225, 240
(1972). See also *Pierson v. Ray*, 386 U. S., at 558-564
(dissenting opinion) (every Member of Congress who
spoke to the issue assumed that judges would be liable
under § 1983).

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Subsequent interpretations of the Civil Rights Acts by this Court acknowledge Congress' intent to reach unconstitutional actions by all state actors, including judges. In *Ex parte Virginia*, 100 U. S. 339 (1880), § 4 of the Civil Rights Act of 1875, 18 Stat. 336, was employed to authorize a criminal indictment against a judge for excluding persons from jury service on account of their race. The Court reasoned that the Fourteenth Amendment prohibits a State from denying any person within its jurisdiction the equal protection of the laws. Since a State acts only by its legislative, executive, or judicial authorities, the constitutional provision must be addressed to those authorities, including the State's judges. Section 4 was an exercise of Congress' authority to enforce the provisions of the Fourteenth Amendment and, like the Amendment, reached unconstitutional state judicial action.”

tttt. In other words, a police officer typed the application, with a sheet of carbon paper behind the application, and under that carbon paper, the blank search warrant. The completed application for the search warrant was then supplied to the magistrate, along with the deeply flawed search warrant that was actually a photocopy the original document. In this way, that the magistrate signed was a poor quality, illegible photocopy of a search warrant the police presented, it was not actually issued by the court,

22687 uuuu. However, as the magistrates signature is on it, and the
22688 signatures of the magistrate is witnesses by a judge (the
22689 judge did not authorize the document, the clerk did), then
22690 either both the clerk and the judge signed an essentially
22691 unreadable document, or they knowingly signed a document
22692 replete with significant flaws and errors. Either way, they
22693 were derelict in their duties, and part in parcel to the
22694 violation of the civil rights of the Plaintiff Atkinson.

22695
22696 vvvv. But the judge does not actually have a signature on the
22697 document, and rather his name is printed in, not actually
22698 signed as would be expected, so it has to be questioned if the
22699 judge actually had anything to actually do with the warrant
22700 being issued, or instead was his name merely fraudulently
22701 printed in, essentially forging his endorsement as a witness.

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22703 www. The U.S. Supreme Court makes it clear by way of
22704 *Mireles v. Waco* (1991) 502 US9, 112 S.Ct. 286, 116 L.
22705 Ed.2d 9 that

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“[a] judge is not immune for actions, though judicial in nature, taken in the complete absence of all jurisdiction. *Id.*, at 356-357; *Bradley v. Fisher*, 13 Wall., at 351”

xxxx. As federal law, and the rulings by the Supreme Court mandate that the state (including the Commonwealth of Massachusetts) may not make, nor enforce any law, which infringes upon the keeping or bearing of arms, any judicial official would lack any jurisdiction whatsoever in regards to any such search warrant, and indeed the judicial official would be committing a serious federal felony in doing so, under 18 USC 14141.

yyyy. In evaluating a claim of qualified immunity, the Supreme Court has told us that we must evaluate whether there was a constitutional violation before we address the other elements of a qualified immunity defense. See *Saucier v. Katz*, 533 U.S. 194, 201 (2001) (“If no constitutional right would have been violated were the allegations established, there is no necessity for further inquiries concerning qualified

22730 immunity."); *Wilson v. Layne*, 526 U.S. 603, 609 (1999)
22731 ("Deciding the constitutional question before addressing the
22732 qualified immunity question also promotes clarity in the
22733 legal standards for official conduct, to the benefit of both the
22734 officers and the general public.").

22735
22736 zzzz. As the *Heller* decision of 2008 by the Supreme Court in
22737 regards to arms within the home was published well before
22738 the events in the *Commonwealth v. Atkinson* (2009) case,
22739 the grounds of a constitutional right to possess such arms is
22740 thus sacred and affirmed by the Supreme Court, and in fact
22741 in effect and well affirmed prior to events of December 2009.

22742
22743 aaaaa. As the constitutional questions has previously been
22744 decided by the Supreme Court, over a year prior to date of
22745 this case being initiated by the Commonwealth, we can
22746 safely assume that the right existed, was known to have
22747 existed, and that a conspiracy to deprive Atkinson of his
22748 civil rights was affected against him by officials acting
22749 under color of law. Thus, any official, acting in any capacity

22750 whatsoever, who was even remotely involved forfeits
22751 whatever immunity they may hold.

22752

22753 bbbbb. Neither the Magistrate, nor the Judge has the
22754 jurisdiction to issue a search warrant to the police in order to
22755 permit them to search out and seize lawfully possessed
22756 firearms, in the hands of a law abiding citizen, in the
22757 confines of his own home. Further, if the reliance is solely
22758 upon Massachusetts General Laws as a claim of jurisdiction,
22759 and those state law are in fact invalid by virtue of the
22760 Second Amendment being applied to the Commonwealth by
22761 virtue of the Fourteenth Amendment, then the Justice or
22762 Magistrate has gravely erred, and has not acted good faith,
22763 and indeed have themselves engaged in serious criminal
22764 conduct as per Federal Statute.

22765

22766 ccccc. It is possible as well, that the Justice did not in fact have
22767 knowledge of this case, as his signature is not on the
22768 document involved in the initial criminal complaint, not the

22769 application for the search warrant, not on an arrest warrant,
22770 and certainly not on the search warrant itself.

22771

22772 dddd. Indeed the only place where “Joseph Jennings”
22773 appears is on the malformed “Search Warrant” is as a
22774 witness, but curiously it is not a signature, but rather a
22775 printed name, and also curiously the same hand wrote the
22776 entries of “Gloucester” and “District” on a line 1-inch above
22777 there the name is printed indicating that the same hand
22778 scribed both. An examination of other documents in the
22779 record which contain the hand writing of “Joseph Jennings”
22780 does not match the printing on this form which is ascribed to
22781 him. Hence, I assert that he may not in fact have witnessed
22782 the document, nor attached his name to it (and certainly not
22783 is signature). However, as his name is printed in by
22784 somebody (himself, or another) we must thus consider this
22785 he did in fact witness this unlawful search warrant.

22786

22787 eeee. These errors do not show on the application, but do show
22788 on the actual search warrant itself. As the application of the

22789 search warrant, and the affidavit is not a document with any
22790 legal authority, the correct spelling of words thereon are
22791 meaningless and serve no value, and thus we must turn to
22792 the actual deeply flawed search warrant as the only legally
22793 binding document to the exclusion of all else.

22794
22795 fffff. Merely because a thing is listed in the affidavit, does not
22796 mean that it may be covered by the search warrant, in fact
22797 quite the opposite. If it is not actually listed on the search
22798 warrant, it is forbidden to be touched, molested, disturbed,
22799 or seized.

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22801 ggggg. If the affidavit described blue elephants, and the
22802 police officer asked to search for these blue elephants in the
22803 affidavit, and perhaps attaches this description of the blue
22804 elephants in his application affidavit (but not on the actual
22805 application), but the court does not mention it on the search
22806 warrant, he then cannot actually search for a blue elephant,
22807 or for that matter any other elephant or creature that is blue

22808 in hue as there was no such description on the search
22809 warrant.

22810

22811 hhhh. The police officer using a typewriter to type the
22812 Application for the Search Warrant, instead of laser printing
22813 it (it is easy to laser print over a pre-printed form, I do it all
22814 the time), and instead to carbon-paper the document shows
22815 an utter lack of understanding as the significance of the
22816 Search Warrant being flawless, and shows a reckless
22817 disregard, and reckless and willful neglect.

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22820 iiiii. It is not unlawful to possess firearms in ones own home
22821 with zero license anywhere in the United States by a U.S.
22822 Citizen (as per the Supreme Court in *Heller*, 2008 and then
22823 in *McDonald* in 2010), nor is it unlawful to possess arms
22824 when you also possess a lawfully issued state issued FID
22825 card, nor is it unlawful to possess arms after a license to
22826 carry has been suspended, yet still during the 90 day appeal
22827 period and the required 60+ days “without delay” turn in

22828 period defined in the statutes permitted by law has not yet
22829 expired.

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22832 jjjjj. Section 2, Requisites of warrant, states “Search warrants
22833 shall designate and describe the building, house, place,
22834 vessel or vehicle to be searched and shall particularly
22835 describe the property or articles to be searched for. They
22836 shall be substantially in the form prescribed in section two A
22837 of this chapter and shall be directed to the sheriff or his
22838 deputy or to a constable or police officer, commanding him
22839 to search in the daytime, or if the warrant so directs, in the
22840 nighttime, the building, house, place, vessel or vehicle
22841 where the property or articles for which he is required to
22842 search are believed to be concealed, and to bring such
22843 property or articles when found, and the persons in whose
22844 possession they are found, before a court having jurisdiction.”
22845

22846 kkkkk. The request or application in this case is deeply
22847 flawed in the description of the items to be seized, and is
22848 fraudulent and defective.

22849
22850 lllll. The Gloucester District court lacks jurisdiction on this
22851 matter.

22852
22853
22854 mmmmm. *Martinez v. City of Schenectady*, 115 F.3d 111,
22855 116 (2d Cir. 1997)

22856
22857 “[T]hat the warrant was issued in contravention of the
22858 New York State Constitution . . . is an entirely different
22859 question from the issue whether it was objectively
22860 reasonable for the officers to believe they were violating
22861 clearly established federal rights.”

22862
22863 nnnnn. Therefore, we must evaluate the court's finding of
22864 a federal constitutional violation in light of other precedents.

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ooooo. To issue forth a Search Warrant is to indeed act

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under color of law, to then execute said search warrant, to

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request it, to approve it, to enforce it, to prosecute it, or to

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judge it are all actions undertaken "under color of law".

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22871

ppppp. Section 1983 imposes liability upon any person

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who, acting under color of state law, deprives another of a

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federally protected right. 42 U.S.C. Sec. 1983 (1982). "To

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make out a cause of action under section 1983, plaintiffs

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must plead that (1) the defendants acting under color of state

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law (2) deprived plaintiffs of rights secured by the

22877

Constitution or federal statutes." *Gibson v. United States*,

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781 F.2d 1334, 1338 (9th Cir.1986), cert. denied, --- U.S. ---

22879

-, 107 S.Ct. 928, 93 L.Ed.2d 979 (1987).

22880

22881

qqqqq. Section 1983 also imposes liability upon

22882

municipalities for constitutional deprivations resulting from

22883

actions taken pursuant to government policy or custom.

22884

Monell v. Dep't of Social Services, 436 U.S. 658, 694, 98

22885 S.Ct. 2018, 2037, 56 L.Ed.2d 611 (1978). In this circuit, a
22886 claim of municipal liability under section 1983 is sufficient
22887 to withstand a motion to dismiss "even if the claim is based
22888 on nothing more than a bare allegation that the individual
22889 officers' conduct conformed to official policy, custom, or
22890 practice." *Shah v. County of Los Angeles*, 797 F.2d 743,
22891 747 (9th Cir.1986).

22892
22893 rrrrr. The Fourth Amendment, applicable to the states through
22894 the Fourteenth Amendment, protects individuals against
22895 arrests without probable cause, *McKenzie v. Lamb*, 738 F.2d
22896 1005, 1007 (9th Cir.1984), and against the use of excessive
22897 force during arrest procedures. *Robins v. Harum*, 773 F.2d
22898 1004, 1008 (9th Cir.1985).

22899
22900 sssss. The states, are free to accord their citizens rights beyond
22901 those guaranteed by federal law. See, e.g., *Commonwealth*
22902 *v. Gonsalvez*, 711 N.E.2d 108, 115 (Mass. 1999) (holding
22903 that Article 14 of the Massachusetts Constitution gives
22904 drivers the right to be free from unjustified automobile

22905 searches even though such rights are not guaranteed by the
22906 Fourth Amendment). However, the states may not infringe
22907 upon a citizens right which is provided for or protected by
22908 federal law.

22909
22910 tttt. In addition, a claim of malicious prosecution is
22911 cognizable under section 1983 if the prosecution is
22912 conducted with the intent to deprive a person of equal
22913 protection of the laws. *Usher v. City of Los Angeles*, 828
22914 F.2d 556, 562 (9th Cir.1987); Bretz, 773 F.2d at 1031.

22915
22916 “Qualified immunity shields public officials performing
22917 discretionary functions from suit for civil rights
22918 violations as long as ‘their conduct does not violate
22919 clearly established statutory or constitutional rights of
22920 which a reasonable person would have known.’” *Federal*
22921 *Courts – Qualified Immunity – Sixth Circuit Denies*
22922 *Qualified Immunity to Police Officer for Arrest for*
22923 *Speech at Public Meeting. – Leonard v. Robinson*, No.
22924 05- 1728, 2007 WL 283832 (6th Cir. Feb. 2, 2007), 120
22925 HARV. L. REV. 2238, 2238 (2007).

22926
22927 Title 42 U.S.C. s 1986, also holds every person who,
22928 having knowledge that any of the wrongs conspired to be
22929 done, and mentioned in section 1985 of this title, are
22930 about to be committed, and having power to prevent,
22931 neglects or refuses so to do, shall be liable. It does not
22932 exempt judges, prosecutors, nor attorneys, nor any other
22933 person, and rather it is inclusive of “all persons”.

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uuuuu. As a judge or a magistrate is an “every person” as defined by law, should one of them fail to prevent a violation of civil rights, or though neglect allows a breach of civil rights to take place, or who refuses to protect civil rights, thus becomes liable in full for their actions.

vvvvv. After the sixth line, and the “at” line, there is a stray “re” on the far left hand side of the page. Which is likely where the writer may have started the word “receipts” but misaligned the page in the typewriter.

818. On December 6, 2009, Defendants Daniel Mahoney; Michael Marino; Robert Tibert; Mark Schmink; Sean Andrus, John T. McCarthy; Michael Anderson; Gregory George; and James Hurst individually, and in their official capacities, while acting under color of law as Police Officers, for the Rockport Police Department, in Rockport, Massachusetts; did with other defendants violate, deprive, or infringe upon the civil rights of Plaintiff James M. Atkinson for the purposes of personal, political, and professional gains, without just cause, or lawful authority and did Violate the Constitutional Rights of James M. Atkinson in contravention of law. By way of searching and seizing lawfully possessed arms within his own home, and infringing upon these essential rights of a U.S. Citizen.

22960 819. On December 6, 2009, Defendants Daniel Mahoney; Michael
22961 Marino; Robert Tibert; Mark Schmink; Sean Andrus, John T.
22962 McCarthy; Michael Anderson; Gregory George; and James Hurst
22963 individually, and in their official capacities, while acting under
22964 color of law as Police Officers, for the Rockport Police
22965 Department, in Rockport, Massachusetts; did with other defendants
22966 violate, deprive, or infringe upon the civil rights of Plaintiff James
22967 M. Atkinson for the purposes of personal, political, and
22968 professional gains, without just cause, or lawful authority and did
22969 Violate the Rights Guarantees, Privileges and Immunities of
22970 Citizenship, Due Process and Equal Protection of U.S. Citizens of
22971 James M. Atkinson in contravention of law, by violating the 2nd,
22972 4th, 5th, 14th Amendment Rights of the Plaintiff, and engaging in
22973 acts they utterly shocks the conscious.

22974
22975 820. On December 6, 2009, Defendants Daniel Mahoney; Michael
22976 Marino; Robert Tibert; Mark Schmink; Sean Andrus, John T.
22977 McCarthy; Michael Anderson; Gregory George; and James Hurst
22978 individually, and in their official capacities, while acting under
22979 color of law as Police Officers, for the Rockport Police

22980 Department, in Rockport, Massachusetts; did with other defendants
22981 violate, deprive, or infringe upon the civil rights of Plaintiff James
22982 M. Atkinson for the purposes of personal, political, and
22983 professional gains, without just cause, or lawful authority and did
22984 engage in a Pattern or Practice of Conduct or Deprivation of Rights,
22985 Privileges, or Immunities of James M. Atkinson in contravention
22986 of law. By violating the 2nd, 4th, 5th, 14th Amendment Rights of
22987 the Plaintiff, and engaging in acts they utterly shocks the conscious.

22988

22989 821. On December 6, 2009, Defendants Daniel Mahoney; Michael
22990 Marino; Robert Tibert; Mark Schmink; Sean Andrus, John T.
22991 McCarthy; Michael Anderson; Gregory George; and James Hurst
22992 individually, and in their official capacities, while acting under
22993 color of law as Police Officers, for the Rockport Police
22994 Department, in Rockport, Massachusetts; did with other defendants
22995 violate, deprive, or infringe upon the civil rights of Plaintiff James
22996 M. Atkinson for the purposes of personal, political, and
22997 professional gains, without just cause, or lawful authority and did
22998 engage in a Conspiracy to Injure Citizens in the Exercise of
22999 Federal Rights of James M. Atkinson in contravention of law. By

23000 way of searching and seizing lawfully possessed arms within his
23001 own home, and infringing upon these essential rights of a U.S.
23002 Citizen.

23003

23004 822. On December 6, 2009, Defendants Daniel Mahoney; Michael
23005 Marino; Robert Tibert; Mark Schmink; Sean Andrus, John T.
23006 McCarthy; Michael Anderson; Gregory George; and James Hurst
23007 individually, and in their official capacities, while acting under
23008 color of law as Police Officers, for the Rockport Police
23009 Department, in Rockport, Massachusetts; did with other defendants
23010 violate, deprive, or infringe upon the civil rights of Plaintiff James
23011 M. Atkinson for the purposes of personal, political, and
23012 professional gains, without just cause, or lawful authority and did
23013 engage in Willful Deprivations of Federal Rights Under Color of
23014 Law of James M. Atkinson in contravention of law. By violating
23015 the 2nd, 4th, 5th, 14th Amendment Rights of the Plaintiff, and
23016 engaging in acts they utterly shocks the conscious, well beyond
23017 these act.

23018

23019 823. On December 6, 2009, Defendants Daniel Mahoney; Michael
23020 Marino; Robert Tibert; Mark Schmink; Sean Andrus, John T.
23021 McCarthy; Michael Anderson; Gregory George; and James Hurst
23022 individually, and in their official capacities, while acting under
23023 color of law as Police Officers, for the Rockport Police
23024 Department, in Rockport, Massachusetts; did with other defendants
23025 violate, deprive, or infringe upon the civil rights of Plaintiff James
23026 M. Atkinson for the purposes of personal, political, and
23027 professional gains, without just cause, or lawful authority and did
23028 engage in Interference with Federally Protected Activities of James
23029 M. Atkinson in contravention of law. By violating the 2nd, 4th, 5th,
23030 14th Amendment Rights of the Plaintiff, and engaging in acts they
23031 utterly shocks the conscious, well beyond these act.

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23033 824. On December 6, 2009, Defendants Daniel Mahoney; Michael
23034 Marino; Robert Tibert; Mark Schmink; Sean Andrus, John T.
23035 McCarthy; Michael Anderson; Gregory George; and James Hurst
23036 individually, and in their official capacities, while acting under
23037 color of law as Police Officers, for the Rockport Police
23038 Department, in Rockport, Massachusetts; did with other defendants

23039 violate, deprive, or infringe upon the civil rights of Plaintiff James
23040 M. Atkinson for the purposes of personal, political, and
23041 professional gains, without just cause, or lawful authority and did
23042 engage in Conspiracy to Interfere with Civil Rights of James M.
23043 Atkinson in contravention of law. By violating the 2nd, 4th, 5th,
23044 14th Amendment Rights of the Plaintiff, and engaging in acts they
23045 utterly shocks the conscious, well beyond these act.

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23047 825. On December 6, 2009, Defendants Daniel Mahoney; Michael
23048 Marino; Robert Tibert; Mark Schmink; Sean Andrus, John T.
23049 McCarthy; Michael Anderson; Gregory George; and James Hurst
23050 individually, and in their official capacities, while acting under
23051 color of law as Police Officers, for the Rockport Police
23052 Department, in Rockport, Massachusetts; did with other defendants
23053 violate, deprive, or infringe upon the civil rights of Plaintiff James
23054 M. Atkinson for the purposes of personal, political, and
23055 professional gains, without just cause, or lawful authority and did
23056 engage in Actions for Neglect to Prevent Interfere with Civil
23057 Rights of James M. Atkinson in contravention of law. By violating
23058 the 2nd, 4th, 5th, 14th Amendment Rights of the Plaintiff, and

23059 engaging in acts they utterly shocks the conscious, well beyond
23060 these act.

23061

23062 826. On December 6, 2009, Defendants Daniel Mahoney; Michael
23063 Marino; Robert Tibert; Mark Schmink; Sean Andrus, John T.
23064 McCarthy; Michael Anderson; Gregory George; and James Hurst
23065 individually, and in their official capacities, while acting under
23066 color of law as Police Officers, for the Rockport Police
23067 Department, in Rockport, Massachusetts; did with other defendants
23068 violate, deprive, or infringe upon the civil rights of Plaintiff James
23069 M. Atkinson for the purposes of personal, political, and
23070 professional gains, without just cause, or lawful authority and did
23071 engage in Interference with Commerce of James M. Atkinson in
23072 contravention of law. By sabotaging equipment, steeling tools and
23073 test equipment, radios, disabling vehicles, stealing customer
23074 records, and business documents.

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23076 827. On December 6, 2009, Defendants Daniel Mahoney; Michael
23077 Marino; Robert Tibert; Mark Schmink; Sean Andrus, John T.
23078 McCarthy; Michael Anderson; Gregory George; and James Hurst

23079 individually, and in their official capacities, while acting under
23080 color of law as Police Officers, for the Rockport Police
23081 Department, in Rockport, Massachusetts; did with other defendants
23082 violate, deprive, or infringe upon the civil rights of Plaintiff James
23083 M. Atkinson for the purposes of personal, political, and
23084 professional gains, without just cause, or lawful authority and did
23085 engage in Intimidation of a Witness James M. Atkinson in
23086 contravention of law. By means of a wide spectrum attack upon the
23087 Plaintiff including physical assault and battery, inflicting of serious
23088 injury, beating, kidnapping, imprisoning, defaming and committing
23089 other acts against the Plaintiff.

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23091 **Gloucester District Court Issues**
23092 **Improper Warrant AFTER the Illegal Searches**

23093

23094 828. On December 7, 2009 (or alternately on December 4, 2009,
23095 depending on which version of the court documents are examined),
23096 Defendants Michael Marino, individually, and in their official
23097 capacities, while acting under color of law as Police Officer, for
23098 the Rockport Police Department, in Rockport, Massachusetts; and
23099 Joseph Jennings individually, and in their official capacities, while
23100 acting under color of law as a District Court Judge for the

23101 Commonwealth of Massachusetts in Gloucester, Massachusetts;
23102 and Kevin P. Burke individually, and in their official capacities,
23103 while acting under color of law as a District Court Clerk
23104 Magistrate for the Commonwealth of Massachusetts in Gloucester,
23105 Massachusetts did with other defendants violate, deprive, or
23106 infringe upon the civil rights of Plaintiff James M. Atkinson for the
23107 purposes of personal, political, and professional gains, without just
23108 cause, or lawful authority and did Violate the Constitutional Rights
23109 of James M. Atkinson in contravention of law. By means of
23110 issuing an unlawful search warrant in contravention of federal law,
23111 with fictional dates thereon, which was deeply flawed in the
23112 description of the location and the items to be searched for. Further,
23113 this search warrant was a direct violation of the 4th Amendment,
23114 the 2nd Amendment (as interpreted by the U.S. Supreme Court),
23115 and the 14th Amendment to the Constitution of the United States.
23116 Search warrant was further issued in an illegible format.

23117

23118 a. "The Commissioner [magistrate] must judge for himself
23119 the persuasiveness of the facts relied on by a
23120 complaining officer to show probable cause. He should
23121 not accept without question the complainant's mere
23122 conclusion that the person whose arrest is sought has
23123 committed a crime" in *Kaylor v. Superior Court*, 1980

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b. Defendant Mahoney lied in the application for an arrest warrant (this was never signed), and thus deceived the magistrate, and to whom he offered no probable cause. The magistrate could have rigously questioned him as should the ADA about the case, and about missing documents, and about the numerous issues in his complaint that make no sense and which are essentially gibberish.

c. Defendant Marino lied in a different application for an search warrant, and thus deceived the magistrate, and to whom he offered no probable cause. The magistrate could have rigously questioned him as should the ADA about the case, and about missing documents, and about the numerous issues in his complaint that make no sense and which are essentially gibberish.

23144 829. On December 7, 2009 (or alternately on December 4, 2009,
23145 depending on which version of the court documents are examined),
23146 Defendants Michael Marino, individually, and in their official
23147 capacities, while acting under color of law as Police Officer, for
23148 the Rockport Police Department, in Rockport, Massachusetts; and
23149 Joseph Jennings individually, and in their official capacities, while
23150 acting under color of law as a District Court Judge for the
23151 Commonwealth of Massachusetts in Gloucester, Massachusetts;
23152 and Kevin P. Burke individually, and in their official capacities,
23153 while acting under color of law as a District Court Clerk
23154 Magistrate for the Commonwealth of Massachusetts in Gloucester,
23155 Massachusetts did with other defendants violate, deprive, or
23156 infringe upon the civil rights of Plaintiff James M. Atkinson for the
23157 purposes of personal, political, and professional gains, without just
23158 cause, or lawful authority and did Violate the Rights Guarantees,
23159 Privileges and Immunities of Citizenship, Due Process and Equal
23160 Protection of U.S. Citizens of James M. Atkinson in contravention
23161 of law. By means of issuing an unlawful search warrant in
23162 contravention of federal law, with fictional dates thereon, which
23163 was deeply flawed in the description of the location and the items

23164 to be searched for. Further, this search warrant was a direct
23165 violation of the 4th Amendment, the 2nd Amendment (as
23166 interpreted by the U.S. Supreme Court), and the 14th Amendment
23167 to the Constitution of the United States. Search warrant was further
23168 issued in an illegible format.

23169
23170 830. On December 7, 2009 (or alternately on December 4, 2009,
23171 depending on which version of the court documents are examined),
23172 Defendants Michael Marino, individually, and in their official
23173 capacities, while acting under color of law as Police Officer, for
23174 the Rockport Police Department, in Rockport, Massachusetts; and
23175 Joseph Jennings individually, and in their official capacities, while
23176 acting under color of law as a District Court Judge for the
23177 Commonwealth of Massachusetts in Gloucester, Massachusetts;
23178 and Kevin P. Burke individually, and in their official capacities,
23179 while acting under color of law as a District Court Clerk
23180 Magistrate for the Commonwealth of Massachusetts in Gloucester,
23181 Massachusetts did with other defendants violate, deprive, or
23182 infringe upon the civil rights of Plaintiff James M. Atkinson for the
23183 purposes of personal, political, and professional gains, without just

23184 cause, or lawful authority and did engage in a Pattern or Practice of
23185 Conduct or Deprivation of Rights, Privileges, or Immunities of
23186 James M. Atkinson in contravention of law. By means of issuing
23187 an unlawful search warrant in contravention of federal law, with
23188 fictional dates thereon, which was deeply flawed in the description
23189 of the location and the items to be searched for. Further, this search
23190 warrant was a direct violation of the 4th Amendment, the 2nd
23191 Amendment (as interpreted by the U.S. Supreme Court), and the
23192 14th Amendment to the Constitution of the United States. Search
23193 warrant was further issued in an illegible format.

23194
23195 831. On December 7, 2009 (or alternately on December 4, 2009,
23196 depending on which version of the court documents are examined),
23197 Defendants Michael Marino, individually, and in their official
23198 capacities, while acting under color of law as Police Officer, for
23199 the Rockport Police Department, in Rockport, Massachusetts; and
23200 Joseph Jennings individually, and in their official capacities, while
23201 acting under color of law as a District Court Judge for the
23202 Commonwealth of Massachusetts in Gloucester, Massachusetts;
23203 and Kevin P. Burke individually, and in their official capacities,

23204 while acting under color of law as a District Court Clerk
23205 Magistrate for the Commonwealth of Massachusetts in Gloucester,
23206 Massachusetts did with other defendants violate, deprive, or
23207 infringe upon the civil rights of Plaintiff James M. Atkinson for the
23208 purposes of personal, political, and professional gains, without just
23209 cause, or lawful authority and did engage in a Conspiracy to Injure
23210 Citizens in the Exercise of Federal Rights of James M. Atkinson in
23211 contravention of law. By means of issuing an unlawful search
23212 warrant in contravention of federal law, with fictional dates
23213 thereon, which was deeply flawed in the description of the location
23214 and the items to be searched for. Further, this search warrant was a
23215 direct violation of the 4th Amendment, the 2nd Amendment (as
23216 interpreted by the U.S. Supreme Court), and the 14th Amendment
23217 to the Constitution of the United States. Search warrant was further
23218 issued in an illegible format.

23219
23220 832. On December 7, 2009 (or alternately on December 4, 2009,
23221 depending on which version of the court documents are examined),
23222 Defendants Michael Marino, individually, and in their official
23223 capacities, while acting under color of law as Police Officer, for

23224 the Rockport Police Department, in Rockport, Massachusetts; and
23225 Joseph Jennings individually, and in their official capacities, while
23226 acting under color of law as a District Court Judge for the
23227 Commonwealth of Massachusetts in Gloucester, Massachusetts;
23228 and Kevin P. Burke individually, and in their official capacities,
23229 while acting under color of law as a District Court Clerk
23230 Magistrate for the Commonwealth of Massachusetts in Gloucester,
23231 Massachusetts did with other defendants violate, deprive, or
23232 infringe upon the civil rights of Plaintiff James M. Atkinson for the
23233 purposes of personal, political, and professional gains, without just
23234 cause, or lawful authority and did engage in Willful Deprivations
23235 of Federal Rights Under Color of Law of James M. Atkinson in
23236 contravention of law. By means of issuing an unlawful search
23237 warrant in contravention of federal law, with fictional dates
23238 thereon, which was deeply flawed in the description of the location
23239 and the items to be searched for. Further, this search warrant was a
23240 direct violation of the 4th Amendment, the 2nd Amendment (as
23241 interpreted by the U.S. Supreme Court), and the 14th Amendment
23242 to the Constitution of the United States. Search warrant was further
23243 issued in an illegible format.

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833. On December 7, 2009 (or alternately on December 4, 2009, depending on which version of the court documents are examined), Defendants Michael Marino, individually, and in their official capacities, while acting under color of law as Police Officer, for the Rockport Police Department, in Rockport, Massachusetts; and Joseph Jennings individually, and in their official capacities, while acting under color of law as a District Court Judge for the Commonwealth of Massachusetts in Gloucester, Massachusetts; and Kevin P. Burke individually, and in their official capacities, while acting under color of law as a District Court Clerk Magistrate for the Commonwealth of Massachusetts in Gloucester, Massachusetts did with other defendants violate, deprive, or infringe upon the civil rights of Plaintiff James M. Atkinson for the purposes of personal, political, and professional gains, without just cause, or lawful authority and did engage in Interference with Federally Protected Activities of James M. Atkinson in contravention of law. By means of issuing an unlawful search warrant in contravention of federal law, with fictional dates thereon, which was deeply flawed in the description of the location

23264 and the items to be searched for. Further, this search warrant was a
23265 direct violation of the 4th Amendment, the 2nd Amendment (as
23266 interpreted by the U.S. Supreme Court), and the 14th Amendment
23267 to the Constitution of the United States. Search warrant was further
23268 issued in an illegible format.

23269
23270 834. On December 7, 2009 (or alternately on December 4, 2009,
23271 depending on which version of the court documents are examined),
23272 Defendants Michael Marino, individually, and in their official
23273 capacities, while acting under color of law as Police Officer, for
23274 the Rockport Police Department, in Rockport, Massachusetts; and
23275 Joseph Jennings individually, and in their official capacities, while
23276 acting under color of law as a District Court Judge for the
23277 Commonwealth of Massachusetts in Gloucester, Massachusetts;
23278 and Kevin P. Burke individually, and in their official capacities,
23279 while acting under color of law as a District Court Clerk
23280 Magistrate for the Commonwealth of Massachusetts in Gloucester,
23281 Massachusetts did with other defendants violate, deprive, or
23282 infringe upon the civil rights of Plaintiff James M. Atkinson for the
23283 purposes of personal, political, and professional gains, without just

23284 cause, or lawful authority and did engage in Conspiracy to
23285 Interfere with Civil Rights of James M. Atkinson in contravention
23286 of law. By means of issuing an unlawful search warrant in
23287 contravention of federal law, with fictional dates thereon, which
23288 was deeply flawed in the description of the location and the items
23289 to be searched for. Further, this search warrant was a direct
23290 violation of the 4th Amendment, the 2nd Amendment (as
23291 interpreted by the U.S. Supreme Court), and the 14th Amendment
23292 to the Constitution of the United States. Search warrant was further
23293 issued in an illegible format.

23294
23295 835. On December 7, 2009 (or alternately on December 4, 2009,
23296 depending on which version of the court documents are examined),
23297 Defendants Michael Marino, individually, and in their official
23298 capacities, while acting under color of law as Police Officer, for
23299 the Rockport Police Department, in Rockport, Massachusetts; and
23300 Joseph Jennings individually, and in their official capacities, while
23301 acting under color of law as a District Court Judge for the
23302 Commonwealth of Massachusetts in Gloucester, Massachusetts;
23303 and Kevin P. Burke individually, and in their official capacities,

23304 while acting under color of law as a District Court Clerk
23305 Magistrate for the Commonwealth of Massachusetts in Gloucester,
23306 Massachusetts did with other defendants violate, deprive, or
23307 infringe upon the civil rights of Plaintiff James M. Atkinson for the
23308 purposes of personal, political, and professional gains, without just
23309 cause, or lawful authority and did engage in Actions for Neglect to
23310 Prevent Interfere with Civil Rights of James M. Atkinson in
23311 contravention of law. By means of issuing an unlawful search
23312 warrant in contravention of federal law, with fictional dates
23313 thereon, which was deeply flawed in the description of the location
23314 and the items to be searched for. Further, this search warrant was a
23315 direct violation of the 4th Amendment, the 2nd Amendment (as
23316 interpreted by the U.S. Supreme Court), and the 14th Amendment
23317 to the Constitution of the United States. Search warrant was further
23318 issued in an illegible format.

23319
23320 **Commonwealth of Massachusetts**
23321 **Gloucester District Court**
23322 **Civil Rights Infringements and Deprivations**
23323

23324 836. On December 7, 2009, Defendants Michael Marino,
23325 individually, and in their official capacities, while acting under
23326 color of law as Police Officer, for the Rockport Police Department,

23327 in Rockport, Massachusetts; and Joseph Jennings individually, and
23328 in their official capacities, while acting under color of law as a
23329 District Court Judge for the Commonwealth of Massachusetts in
23330 Gloucester, Massachusetts; and Kevin P. Burke and Margaret D.
23331 Arteau individually, and in their official capacities, while acting
23332 under color of law as a District Court Clerk Magistrate for the
23333 Commonwealth of Massachusetts in Gloucester, Massachusetts did
23334 with other defendants violate, deprive, or infringe upon the civil
23335 rights of Plaintiff James M. Atkinson for the purposes of personal,
23336 political, and professional gains, without just cause, or lawful
23337 authority and did Violate the Constitutional Rights of James M.
23338 Atkinson in contravention of law. By way of arraiging and
23339 charging Plaintiff Atkinson for acts which are not actually criminal
23340 actions in this country, and issuing unreasonable bail, and placed
23341 unreasonable restrictions upon Plaintiff Atkinson. Indeed these
23342 Defendants engaged in the enforcement of a Commonwealth
23343 statute or law which was itself a violation of Federal Civil Rights
23344 Statutes (as defined by the U.S. Supreme Court), with no
23345 immunization of these Defendant by virtue of the 14th Amendment.
23346 No State shall make or enforce any law which shall abridge the

23347 privileges or immunities of citizens of the United States; nor shall
23348 any State deprive any person of life, liberty, or property, without
23349 due process of law; nor deny to any person within its jurisdiction
23350 the equal protection of the laws.

23351

23352 837. On December 7, 2009, Defendants Michael Marino,
23353 individually, and in their official capacities, while acting under
23354 color of law as Police Officer, for the Rockport Police Department,
23355 in Rockport, Massachusetts; and Joseph Jennings individually, and
23356 in their official capacities, while acting under color of law as a
23357 District Court Judge for the Commonwealth of Massachusetts in
23358 Gloucester, Massachusetts; and Kevin P. Burke and Margaret D.
23359 Arteau individually, and in their official capacities, while acting
23360 under color of law as a District Court Clerk Magistrate for the
23361 Commonwealth of Massachusetts in Gloucester, Massachusetts did
23362 with other defendants violate, deprive, or infringe upon the civil
23363 rights of Plaintiff James M. Atkinson for the purposes of personal,
23364 political, and professional gains, without just cause, or lawful
23365 authority and did Violate the Rights Guarantees, Privileges and
23366 Immunities of Citizenship, Due Process and Equal Protection of

23367 U.S. Citizens of James M. Atkinson in contravention of law. By
23368 way of arraigning and charging Plaintiff Atkinson for acts which
23369 are not actually criminal actions in this country, and issuing
23370 unreasonable bail, and placed unreasonable restrictions upon
23371 Plaintiff Atkinson. Indeed these Defendants engaged in the
23372 enforcement of a Commonwealth statute or law which was itself a
23373 violation of Federal Civil Rights Statutes (as defined by the U.S.
23374 Supreme Court), with no immunization of these Defendant by
23375 virtue of the 14th Amendment. No State shall make or enforce any
23376 law which shall abridge the privileges or immunities of citizens of
23377 the United States; nor shall any State deprive any person of life,
23378 liberty, or property, without due process of law; nor deny to any
23379 person within its jurisdiction the equal protection of the laws.

23380
23381 838. On December 7, 2009, Defendants Michael Marino,
23382 individually, and in their official capacities, while acting under
23383 color of law as Police Officer, for the Rockport Police Department,
23384 in Rockport, Massachusetts; and Joseph Jennings individually, and
23385 in their official capacities, while acting under color of law as a
23386 District Court Judge for the Commonwealth of Massachusetts in

23387 Gloucester, Massachusetts; and Kevin P. Burke and Margaret D.
23388 Arteau individually, and in their official capacities, while acting
23389 under color of law as a District Court Clerk Magistrate for the
23390 Commonwealth of Massachusetts in Gloucester, Massachusetts did
23391 with other defendants violate, deprive, or infringe upon the civil
23392 rights of Plaintiff James M. Atkinson for the purposes of personal,
23393 political, and professional gains, without just cause, or lawful
23394 authority and did engage in a Pattern or Practice of Conduct or
23395 Deprivation of Rights, Privileges, or Immunities of James M.
23396 Atkinson in contravention of law. By way of arraiging and
23397 charging Plaintiff Atkinson for acts which are not actually criminal
23398 actions in this country, and issuing unreasonable bail, and placed
23399 unreasonable restrictions upon Plaintiff Atkinson. Indeed these
23400 Defendants engaged in the enforcement of a Commonwealth
23401 statute or law which was itself a violation of Federal Civil Rights
23402 Statutes (as defined by the U.S. Supreme Court), with no
23403 immunization of these Defendant by virtue of the 14th Amendment.
23404 No State shall make or enforce any law which shall abridge the
23405 privileges or immunities of citizens of the United States; nor shall
23406 any State deprive any person of life, liberty, or property, without

23407 due process of law; nor deny to any person within its jurisdiction
23408 the equal protection of the laws.

23409

23410 839. On December 7, 2009, Defendants Michael Marino,
23411 individually, and in their official capacities, while acting under
23412 color of law as Police Officer, for the Rockport Police Department,
23413 in Rockport, Massachusetts; and Joseph Jennings individually, and
23414 in their official capacities, while acting under color of law as a
23415 District Court Judge for the Commonwealth of Massachusetts in
23416 Gloucester, Massachusetts; and Kevin P. Burke and Margaret D.
23417 Arteau individually, and in their official capacities, while acting
23418 under color of law as a District Court Clerk Magistrate for the
23419 Commonwealth of Massachusetts in Gloucester, Massachusetts did
23420 with other defendants violate, deprive, or infringe upon the civil
23421 rights of Plaintiff James M. Atkinson for the purposes of personal,
23422 political, and professional gains, without just cause, or lawful
23423 authority and did engage in a Conspiracy to Injure Citizens in the
23424 Exercise of Federal Rights of James M. Atkinson in contravention
23425 of law. By way of arraigning and charging Plaintiff Atkinson for
23426 acts which are not actually criminal actions in this country, and

23427 issuing unreasonable bail, and placed unreasonable restrictions
23428 upon Plaintiff Atkinson. Indeed these Defendants engaged in the
23429 enforcement of a Commonwealth statute or law which was itself a
23430 violation of Federal Civil Rights Statutes (as defined by the U.S.
23431 Supreme Court), with no immunization of these Defendant by
23432 virtue of the 14th Amendment. No State shall make or enforce any
23433 law which shall abridge the privileges or immunities of citizens of
23434 the United States; nor shall any State deprive any person of life,
23435 liberty, or property, without due process of law; nor deny to any
23436 person within its jurisdiction the equal protection of the laws.

23437

23438 840. On December 7, 2009, Defendants Michael Marino,
23439 individually, and in their official capacities, while acting under
23440 color of law as Police Officer, for the Rockport Police Department,
23441 in Rockport, Massachusetts; and Joseph Jennings individually, and
23442 in their official capacities, while acting under color of law as a
23443 District Court Judge for the Commonwealth of Massachusetts in
23444 Gloucester, Massachusetts; and Kevin P. Burke and Margaret D.
23445 Arteau individually, and in their official capacities, while acting
23446 under color of law as a District Court Clerk Magistrate for the

23447 Commonwealth of Massachusetts in Gloucester, Massachusetts did
23448 with other defendants violate, deprive, or infringe upon the civil
23449 rights of Plaintiff James M. Atkinson for the purposes of personal,
23450 political, and professional gains, without just cause, or lawful
23451 authority and did engage in Willful Deprivations of Federal Rights
23452 Under Color of Law of James M. Atkinson in contravention of law.
23453 By way of arraigning and charging Plaintiff Atkinson for acts
23454 which are not actually criminal actions in this country, and issuing
23455 unreasonable bail, and placed unreasonable restrictions upon
23456 Plaintiff Atkinson. Indeed these Defendants engaged in the
23457 enforcement of a Commonwealth statute or law which was itself a
23458 violation of Federal Civil Rights Statutes (as defined by the U.S.
23459 Supreme Court), with no immunization of these Defendant by
23460 virtue of the 14th Amendment. No State shall make or enforce any
23461 law which shall abridge the privileges or immunities of citizens of
23462 the United States; nor shall any State deprive any person of life,
23463 liberty, or property, without due process of law; nor deny to any
23464 person within its jurisdiction the equal protection of the laws.

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23466 841. On December 7, 2009, Defendants Michael Marino,
23467 individually, and in their official capacities, while acting under
23468 color of law as Police Officer, for the Rockport Police Department,
23469 in Rockport, Massachusetts; and Joseph Jennings individually, and
23470 in their official capacities, while acting under color of law as a
23471 District Court Judge for the Commonwealth of Massachusetts in
23472 Gloucester, Massachusetts; and Kevin P. Burke and Margaret D.
23473 Arteau individually, and in their official capacities, while acting
23474 under color of law as a District Court Clerk Magistrate for the
23475 Commonwealth of Massachusetts in Gloucester, Massachusetts did
23476 with other defendants violate, deprive, or infringe upon the civil
23477 rights of Plaintiff James M. Atkinson for the purposes of personal,
23478 political, and professional gains, without just cause, or lawful
23479 authority and did engage in Interference with Federally Protected
23480 Activities of James M. Atkinson in contravention of law. By way
23481 of arraigning and charging Plaintiff Atkinson for acts which are not
23482 actually criminal actions in this country, and issuing unreasonable
23483 bail, and placed unreasonable restrictions upon Plaintiff Atkinson.
23484 Indeed these Defendants engaged in the enforcement of a
23485 Commonwealth statute or law which was itself a violation of

23486 Federal Civil Rights Statutes (as defined by the U.S. Supreme
23487 Court), with no immunization of these Defendant by virtue of the
23488 14th Amendment. No State shall make or enforce any law which
23489 shall abridge the privileges or immunities of citizens of the United
23490 States; nor shall any State deprive any person of life, liberty, or
23491 property, without due process of law; nor deny to any person
23492 within its jurisdiction the equal protection of the laws.

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23494 842. On December 7, 2009, Defendants Michael Marino,
23495 individually, and in their official capacities, while acting under
23496 color of law as Police Officer, for the Rockport Police Department,
23497 in Rockport, Massachusetts; and Joseph Jennings individually, and
23498 in their official capacities, while acting under color of law as a
23499 District Court Judge for the Commonwealth of Massachusetts in
23500 Gloucester, Massachusetts; and Kevin P. Burke and Margaret D.
23501 Arteau individually, and in their official capacities, while acting
23502 under color of law as a District Court Clerk Magistrate for the
23503 Commonwealth of Massachusetts in Gloucester, Massachusetts did
23504 with other defendants violate, deprive, or infringe upon the civil
23505 rights of Plaintiff James M. Atkinson for the purposes of personal,

23506 political, and professional gains, without just cause, or lawful
23507 authority and did engage in Conspiracy to Interfere with Civil
23508 Rights of James M. Atkinson in contravention of law. By way of
23509 arraignment and charging Plaintiff Atkinson for acts which are not
23510 actually criminal actions in this country, and issuing unreasonable
23511 bail, and placed unreasonable restrictions upon Plaintiff Atkinson.
23512 Indeed these Defendants engaged in the enforcement of a
23513 Commonwealth statute or law which was itself a violation of
23514 Federal Civil Rights Statutes (as defined by the U.S. Supreme
23515 Court), with no immunization of these Defendant by virtue of the
23516 14th Amendment. No State shall make or enforce any law which
23517 shall abridge the privileges or immunities of citizens of the United
23518 States; nor shall any State deprive any person of life, liberty, or
23519 property, without due process of law; nor deny to any person
23520 within its jurisdiction the equal protection of the laws.

23521
23522 843. On December 7, 2009, Defendants Michael Marino,
23523 individually, and in their official capacities, while acting under
23524 color of law as Police Officer, for the Rockport Police Department,
23525 in Rockport, Massachusetts; and Joseph Jennings individually, and

23526 in their official capacities, while acting under color of law as a
23527 District Court Judge for the Commonwealth of Massachusetts in
23528 Gloucester, Massachusetts; and Kevin P. Burke and Margaret D.
23529 Arteau individually, and in their official capacities, while acting
23530 under color of law as a District Court Clerk Magistrate for the
23531 Commonwealth of Massachusetts in Gloucester, Massachusetts did
23532 with other defendants violate, deprive, or infringe upon the civil
23533 rights of Plaintiff James M. Atkinson for the purposes of personal,
23534 political, and professional gains, without just cause, or lawful
23535 authority and did engage in Actions for Neglect to Prevent
23536 Interfere with Civil Rights of James M. Atkinson in contravention
23537 of law. By way of arraigning and charging Plaintiff Atkinson for
23538 acts which are not actually criminal actions in this country, and
23539 issuing unreasonable bail, and placed unreasonable restrictions
23540 upon Plaintiff Atkinson. Indeed these Defendants engaged in the
23541 enforcement of a Commonwealth statute or law which was itself a
23542 violation of Federal Civil Rights Statutes (as defined by the U.S.
23543 Supreme Court), with no immunization of these Defendant by
23544 virtue of the 14th Amendment. No State shall make or enforce any
23545 law which shall abridge the privileges or immunities of citizens of

23546 the United States; nor shall any State deprive any person of life,
23547 liberty, or property, without due process of law; nor deny to any
23548 person within its jurisdiction the equal protection of the laws.

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23550 **Commonwealth of Massachusetts**
23551 **Essex Country District Attorney**
23552 **Civil Rights Infringements and Deprivations**
23553

23554 844. On December 7, 2009 and on various dates thereafter,
23555 Defendants Katherine Hartigan and John B. Brennan, individually,
23556 and in their official capacities, while acting under color of law as
23557 Assistant District Attorneys, for the Commonwealth of
23558 Massachusetts for Essex Country, in Salem, Massachusetts; and
23559 Jonathan W. Blodgett, individually, and in their official capacities,
23560 while acting under color of law as District Attorneys, for the
23561 Commonwealth of Massachusetts, for Essex Country, in Salem,
23562 Massachusetts; did with other defendants violate, deprive, or
23563 infringe upon the civil rights of Plaintiff James M. Atkinson for the
23564 purposes of personal, political, and professional gains, without just
23565 cause, or lawful authority and did Violate the Constitutional Rights
23566 of James M. Atkinson in contravention of law. By way of charging
23567 and prosecuting Plaintiff Atkinson for acts which are not actually

23568 criminal actions in this country. Indeed these Defendants engaged
23569 in the enforcement of a Commonwealth statute or law which was
23570 itself a violation of Federal Civil Rights Statutes (as defined by the
23571 U.S. Supreme Court), with no immunization of these Defendants
23572 by virtue of the 14th Amendment. No State shall make or enforce
23573 any law which shall abridge the privileges or immunities of
23574 citizens of the United States; nor shall any State deprive any
23575 person of life, liberty, or property, without due process of law; nor
23576 deny to any person within its jurisdiction the equal protection of
23577 the laws.

- 23578
- 23579 a. The Assistant District Attorney Defendant Hartigan does
23580 not issue warrants

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 - 23582 b. The “looked good” advice and observation provided from
23583 the Assistant District Attorney Defendant Hartigan to
23584 Defendant Mahoney voids her immunity in all forms.

 - 23585
 - 23586 c. The “everything is there” advice and observation also
23587 blows her immunity

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d. Plaintiff asserts that there was no probable cause

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e. The or ADA DA is not a "Informed, detached, deliberate"

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person in this case as required by *Aguilar v. Texas*, 378

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US 108 - Supreme Court 1964

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f. The ADA can not provide probable cause that facilitates

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an arrest warrant.

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g. The defense of qualified immunity protects "government

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officials . . . from liability for civil damages insofar as their

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conduct does not violate clearly established statutory or

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constitutional rights of which a reasonable person would

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have known." *Harlow v. Fitzgerald*, 457 U.S. 800, 818

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(1982). The rule of qualified immunity " provides ample

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support to all but the plainly incompetent or those who

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knowingly violate the law.' " *Burns v. Reed*, 500 U.S. 478,

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494-95 (1991) (quoting *Malley v. Briggs*, 475 U.S. 335, 341

23607

(1986)). "Therefore, regardless of whether the constitutional

23608 violation occurred, the officer should prevail if the right
23609 asserted by the plaintiff was not 'clearly established' or the
23610 officer could have reasonably believed that his particular
23611 conduct was lawful." *Romero v. Kitsap County*, 931 F.2d
23612 624, 627 (9th Cir. 1991) (emphasis added). Furthermore,
23613 "[t]he entitlement is an immunity from suit rather than a
23614 mere defense to liability; . . . it is effectively lost if a case is
23615 erroneously permitted to go to trial." *Mitchell v. Forsyth*,
23616 472 U.S. 511, 526 (1985).

23617

23618 h. The qualified immunity test requires a two-part analysis:

23619 "(1) Was the law governing the official's conduct clearly
23620 established? (2) Under that law, could a reasonable officer
23621 have believed the conduct was lawful?" 988 F.2d at 871; see
23622 also *Tribble v. Gardner*, 860 F.2d 321, 324 (9th Cir. 1988),
23623 cert. denied, 490 U.S. 1075 (1989).

23624

23625 i. The qualified immunity doctrine protects government
23626 officials from liability for civil damages "insofar as their
23627 conduct does not violate clearly established statutory or

23628 constitutional rights of which a reasonable person would
23629 have known." *Harlow v. Fitzgerald*, 457 U.S. 800, 818
23630 (1982). In determining whether an official is entitled to
23631 qualified immunity, we (1) identify the specific right
23632 allegedly violated; (2) determine whether the right was
23633 "clearly established;" and (3) determine whether a
23634 reasonable officer could have believed that his or her
23635 conduct was lawful. *Alexander v. City and County of San*
23636 *Francisco*, 29 F.3d 1355, 1363-64 (9th Cir. 1994).

23637

23638 j. Courts apply the test articulated by the Supreme Court in
23639 *Anderson v. Creighton*, 483 U.S. 635 (1987), to determine
23640 whether the right is "sufficiently clear that a reasonable
23641 official would understand that what he is doing violates that
23642 right." *Id.* at 639-40. It is not necessary that the specific
23643 action in question previously have been declared
23644 unconstitutional, so long as the unlawfulness was apparent
23645 in light of preexisting law. *Id.* at 640. We consider whether
23646 "the particular facts of [the] case support a claim of clearly

23647 established right." *Backlund v. Barnhart*, 778 F.2d 1386,
23648 1389 (9th Cir. 1985).

23649

23650 k. Even where a constitutional violation has occurred, an
23651 officer will be immune from suit if he or she "could have
23652 reasonably believed that his particular conduct was lawful."
23653 *Romero*, 931 F.2d at 627.

23654

23655 l. "[A] district court's denial of a claim of qualified immunity,
23656 to the extent that it turns on an issue of law, is an appealable
23657 'final decision' within the meaning of 28 U.S.C. section 1291
23658 notwithstanding the absence of a final judgment." *Mitchell v.*
23659 *Forsyth*, 472 U.S. 511, 530 (1985).

23660

23661 845. On December 7, 2009 and on various dates thereafter,
23662 Defendants Katherine Hartigan and John B. Brennan, individually,
23663 and in their official capacities, while acting under color of law as
23664 Assistant District Attorneys, for the Commonwealth of

23665 Massachusetts for Essex Country, in Salem, Massachusetts; and
23666 Jonathan W. Blodgett, individually, and in their official capacities,
23667 while acting under color of law as District Attorneys, for the
23668 Commonwealth of Massachusetts, for Essex Country, in Salem,
23669 Massachusetts; did with other defendants violate, deprive, or
23670 infringe upon the civil rights of Plaintiff James M. Atkinson for the
23671 purposes of personal, political, and professional gains, without just
23672 cause, or lawful authority and did Violate the Rights Guarantees,
23673 Privileges and Immunities of Citizenship, Due Process and Equal
23674 Protection of U.S. Citizens of James M. Atkinson in contravention
23675 of law. By way of charging and prosecuting Plaintiff Atkinson for
23676 acts which are not actually criminal actions in this country. Indeed
23677 these Defendants engaged in the enforcement of a Commonwealth
23678 statute or law which was itself a violation of Federal Civil Rights
23679 Statutes (as defined by the U.S. Supreme Court), with no
23680 immunization of these Defendants by virtue of the 14th
23681 Amendment. No State shall make or enforce any law which shall
23682 abridge the privileges or immunities of citizens of the United
23683 States; nor shall any State deprive any person of life, liberty, or

23684 property, without due process of law; nor deny to any person
23685 within its jurisdiction the equal protection of the laws.
23686
23687 846. On December 7, 2009 and on various dates thereafter,
23688 Defendants Katherine Hartigan and John B. Brennan, individually,
23689 and in their official capacities, while acting under color of law as
23690 Assistant District Attorneys, for the Commonwealth of
23691 Massachusetts for Essex Country, in Salem, Massachusetts; and
23692 Jonathan W. Blodgett, individually, and in their official capacities,
23693 while acting under color of law as District Attorneys, for the
23694 Commonwealth of Massachusetts, for Essex Country, in Salem,
23695 Massachusetts; did with other defendants violate, deprive, or
23696 infringe upon the civil rights of Plaintiff James M. Atkinson for the
23697 purposes of personal, political, and professional gains, without just
23698 cause, or lawful authority and did engage in a Pattern or Practice of
23699 Conduct or Deprivation of Rights, Privileges, or Immunities of
23700 James M. Atkinson in contravention of law. By way of charging
23701 and prosecuting Plaintiff Atkinson for acts which are not actually
23702 criminal actions in this country. Indeed these Defendants engaged
23703 in the enforcement of a Commonwealth statute or law which was

23704 itself a violation of Federal Civil Rights Statutes (as defined by the
23705 U.S. Supreme Court), with no immunization of these Defendants
23706 by virtue of the 14th Amendment. No State shall make or enforce
23707 any law which shall abridge the privileges or immunities of
23708 citizens of the United States; nor shall any State deprive any
23709 person of life, liberty, or property, without due process of law; nor
23710 deny to any person within its jurisdiction the equal protection of
23711 the laws.

23712
23713 847. On December 7, 2009 and on various dates thereafter,
23714 Defendants Katherine Hartigan and John B. Brennan, individually,
23715 and in their official capacities, while acting under color of law as
23716 Assistant District Attorneys, for the Commonwealth of
23717 Massachusetts for Essex Country, in Salem, Massachusetts; and
23718 Jonathan W. Blodgett, individually, and in their official capacities,
23719 while acting under color of law as District Attorneys, for the
23720 Commonwealth of Massachusetts, for Essex Country, in Salem,
23721 Massachusetts; did with other defendants violate, deprive, or
23722 infringe upon the civil rights of Plaintiff James M. Atkinson for the
23723 purposes of personal, political, and professional gains, without just

23724 cause, or lawful authority and did engage in a Conspiracy to Injure
23725 Citizens in the Exercise of Federal Rights of James M. Atkinson in
23726 contravention of law. By way of charging and prosecuting Plaintiff
23727 Atkinson for acts which are not actually criminal actions in this
23728 country. Indeed these Defendants engaged in the enforcement of a
23729 Commonwealth statute or law which was itself a violation of
23730 Federal Civil Rights Statutes (as defined by the U.S. Supreme
23731 Court), with no immunization of these Defendants by virtue of the
23732 14th Amendment. No State shall make or enforce any law which
23733 shall abridge the privileges or immunities of citizens of the United
23734 States; nor shall any State deprive any person of life, liberty, or
23735 property, without due process of law; nor deny to any person
23736 within its jurisdiction the equal protection of the laws.

23737

23738 a. Further Plaintiff was charged with numerous crimes for the
23739 political gain of the Defendants DA, ADA, and AG (for acts
23740 which are not actually crimes in the United States, and for
23741 which **Plaintiff has Immunities and Privileges by statute**)

23742 b. One of the charges which was laid upon the Plaintiff by the
23743 Commonwealth of Massachusetts was violations of:

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c. **Chapter 269 Section 10(m)**, Possession of Large Capacity
Firearms, Rifles, and Shotguns without a License.

(m) Notwithstanding the provisions of paragraph (a) or (h), any person not exempted by statute who knowingly has in his possession, or knowingly has under his control in a vehicle, a large capacity weapon or large capacity feeding device therefor who does not possess a valid Class A or Class B license to carry firearms issued under section 131 or 131F of chapter 140, except as permitted or otherwise provided under this section or chapter 140, shall be punished by imprisonment in a state prison for not less than two and one-half years nor more than ten years. The possession of a valid firearm identification card issued under section 129B shall not be a defense for a violation of this subsection; provided, however, that any such person charged with violating this paragraph and holding a valid firearm identification card shall not be subject to any mandatory minimum sentence imposed by this paragraph. The sentence imposed upon such person shall not be reduced to less than one year, nor suspended, nor shall any person convicted under this subsection be eligible for probation, parole, furlough, work release or receive any deduction from his sentence for good conduct until he shall have served such minimum term of such sentence; provided, however, that the commissioner of correction may, on the recommendation of the warden, superintendent or other person in charge of a correctional institution or the administrator of a county correctional institution, grant to such offender a temporary release in the custody of an officer of such institution for the following purposes only: (i) to attend the funeral of a spouse or next of kin; (ii) to visit a critically ill close relative or spouse; or (iii) to obtain emergency medical services unavailable at such institution. Prosecutions commenced under this subsection shall neither be continued without a finding nor placed on file. The provisions of section 87 of

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chapter 276 relative to the power of the court to place certain offenders on probation shall not apply to any person 17 years of age or over charged with a violation of this section.

The provisions of this paragraph shall not apply to the possession of a large capacity weapon or large capacity feeding device by (i) any officer, agent or employee of the commonwealth or any other state or the United States, including any federal, state or local law enforcement personnel; (ii) any member of the military or other service of any state or the United States; (iii) any duly authorized law enforcement officer, agent or employee of any municipality of the commonwealth; (iv) any federal, state or local historical society, museum or institutional collection open to the public; provided, however, that any such person described in clauses (i) to (iii), inclusive, is authorized by a competent authority to acquire, possess or carry a large capacity semiautomatic weapon and is acting within the scope of his duties; or (v) any gunsmith duly licensed under the applicable federal law.

d. Note the positioning of the comma, instead of a semi colon in the following:

1. "...knowingly has in his possession, or knowingly has under his control in a vehicle..."
2. The comma thus binds the two elements to make them one; the semi colon would divide them and make them separate.

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3. Thusly, the above statute reads with this comma
removal:

a. "...knowingly has in his possession **and who** knowingly has under his control in a vehicle..."

4. The two elements speak to having a firearm in the car, not being in mere possessing of it outside of the car or in the home. The whole sentence is about guns in cars, not about possession on arms in the home.

e. Plaintiff Atkinson is exempt by statute, by virtue of the 2nd Amendment, applied by the 14th, and decided by the Supreme Court in *Heller* and *McDonald*.

f. As weapons were claimed to be in the Plaintiffs own home own home; the state statute does not apply, and is unconstitutional

g. Plaintiff was still well within the 60-day time period afforded by (un-constitutional) State law to effect such a turn in.

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h. The unlawful suspension or surrender “in lieu of suspension”
was under appeal.

848. On December 7, 2009 and on various dates thereafter,
Defendants Katherine Hartigan and John B. Brennan, individually,
and in their official capacities, while acting under color of law as
Assistant District Attorneys, for the Commonwealth of
Massachusetts for Essex Country, in Salem, Massachusetts; and
Jonathan W. Blodgett, individually, and in their official capacities,
while acting under color of law as District Attorneys, for the
Commonwealth of Massachusetts, for Essex Country, in Salem,
Massachusetts; did with other defendants violate, deprive, or
infringe upon the civil rights of Plaintiff James M. Atkinson for the
purposes of personal, political, and professional gains, without just
cause, or lawful authority and did engage in Willful Deprivations
of Federal Rights Under Color of Law of James M. Atkinson in
contravention of law. By way of charging and prosecuting Plaintiff
Atkinson for acts which are not actually criminal actions in this
country. Indeed these Defendants engaged in the enforcement of a

23857 Commonwealth statute or law which was itself a violation of
23858 Federal Civil Rights Statutes (as defined by the U.S. Supreme
23859 Court), with no immunization of these Defendants by virtue of the
23860 14th Amendment. No State shall make or enforce any law which
23861 shall abridge the privileges or immunities of citizens of the United
23862 States; nor shall any State deprive any person of life, liberty, or
23863 property, without due process of law; nor deny to any person
23864 within its jurisdiction the equal protection of the laws.

- 23865 a. Plaintiff was also unjustly charged with violating:
23866 b. **Chapter 269 Section 10(a)**, Possession of a Firearm, Rifle,
23867 and Shotguns without a License.

23868 Section 10. (a) Whoever, except as provided **or exempted**
23869 **by statute**, knowingly has in his possession; or knowingly
23870 has under his control in a vehicle; a firearm, loaded or
23871 unloaded, as defined in section one hundred and twenty-one
23872 of chapter one hundred and forty without either:

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23874 (1) being present in or on his residence or place of business;
23875 or

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23877 (2) having in effect a license to carry firearms issued under
23878 section one hundred and thirty-one of chapter one hundred
23879 and forty; or

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23881 (3) having in effect a license to carry firearms issued under
23882 section one hundred and thirty-one F of chapter one hundred
23883 and forty; or
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23885 (4) having complied with the provisions of sections one
23886 hundred and twenty-nine C and one hundred and thirty-one
23887 G of chapter one hundred and forty; or
23888
23889 (5) having complied as to possession of an air rifle or BB
23890 gun with the requirements imposed by section twelve B; and
23891 whoever knowingly has in his possession; or knowingly has
23892 under control in a vehicle; a rifle or shotgun, loaded or
23893 unloaded, without either:
23894
23895 (1) being present in or on his residence or place of business;
23896 or
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23898 (2) having in effect a license to carry firearms issued under
23899 section one hundred and thirty-one of chapter one hundred
23900 and forty; or
23901
23902 (3) having in effect a license to carry firearms issued under
23903 section one hundred and thirty-one F of chapter one hundred
23904 and forty; or
23905
23906 (4) having in effect a firearms identification card issued
23907 under section one hundred and twenty-nine B of chapter one
23908 hundred and forty; or
23909
23910 (5) having complied with the requirements imposed by
23911 section one hundred and twenty-nine C of chapter one
23912 hundred and forty upon ownership or possession of rifles
23913 and shotguns; or
23914
23915 (6) having complied as to possession of an air rifle or BB
23916 gun with the requirements imposed by section twelve B;
23917 shall be punished by imprisonment in the state prison for not
23918 less than two and one-half years nor more than five years, or
23919 for not less than 18 months nor more than two and one-half
23920 years in a jail or house of correction. The sentence imposed
23921 on such person shall not be reduced to less than 18 months,
23922 nor suspended, nor shall any person convicted under this
23923 subsection be eligible for probation, parole, work release, or
23924 furlough or receive any deduction from his sentence for

23925 good conduct until he shall have served 18 months of such
23926 sentence; provided, however, that the commissioner of
23927 correction may on the recommendation of the warden,
23928 superintendent, or other person in charge of a correctional
23929 institution, grant to an offender committed under this
23930 subsection a temporary release in the custody of an officer
23931 of such institution for the following purposes only: to attend
23932 the funeral of a relative; to visit a critically ill relative; or to
23933 obtain emergency medical or psychiatric service unavailable
23934 at said institution. Prosecutions commenced under this
23935 subsection shall neither be continued without a finding nor
23936 placed on file.

23937
23938 No person having in effect a license to carry firearms for any
23939 purpose, issued under section one hundred and thirty-one or
23940 section one hundred and thirty-one F of chapter one hundred
23941 and forty shall be deemed to be in violation of this section.

23942
23943 The provisions of section eighty-seven of chapter two
23944 hundred and seventy-six shall not apply to any person
23945 seventeen years of age or older, charged with a violation of
23946 this subsection, or to any child between ages fourteen and
23947 seventeen so charged, if the court is of the opinion that the
23948 interests of the public require that he should be tried as an
23949 adult for such offense instead of being dealt with as a child.

23950
23951 The provisions of this subsection shall not affect the
23952 licensing requirements of section one hundred and twenty-
23953 nine C of chapter one hundred and forty which require every
23954 person not otherwise duly licensed or exempted to have been
23955 issued a firearms identification card in order to possess a
23956 firearm, rifle or shotgun in his residence or place of business.

23957
23958
23959 c. Plaintiff is in fact **exempted by statute**, by virtue of the 2nd

23960 Amendment, applied by the 14th, and Decided on my the

23961 Supreme Court in *Heller* and *McDonald*.

23962

23963

d. This is a more interesting statute, as it does not actually prohibit the possessing of arms, so long as they are actually in a citizens home.

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23967

e. Based on this Statute, not only does the statute not apply to the Plaintiff by virtue of being exempt by way of the 2nd Amendment applied to the states.

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f. On Plaintiffs own property, and in his own house he do not need (according to this MASSACHUSETTS statute) either a license to carry firearms, nor a firearms identification card to possess arms on his own property.

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Reference: 269 Section 10(a) (1) "...being present in or on his residence or place of business; or"

23979

g. The key word "OR" which apply to this law so that, so long as a citizen are in there residence, or on their own property, or in their business, then they DO NOT need a license or permit of any kind, whatsoever. This includes rifles, shotguns, firearms, and ammunition.

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h. Plaintiff Atkinson was also charged with violations of:
Chapter 269, Section 10(h), Possession of Ammunition.
i. But again the governments case stumbled and falls flat on its
face, with essentially the Defendant Marino, Blodgett, and
Hartigan attending the **Wrong Church, and sitting in the**
Wrong Pew
The mentioned statute Chapter 269, Section 10(h) has
nothing to do with ammunition, and rather it deals with other
topics.
M.G.L. Chapter 269, Section 10 (h)
(1) Whoever owns, possesses or transfers a firearm, rifle,
shotgun or ammunition without complying with the
provisions of section 129C of chapter 140 shall be
punished by imprisonment in a jail or house of correction
for not more than 2 years or by a fine of not more than
\$500. Whoever commits a second or subsequent
violation of this paragraph shall be punished by
imprisonment in a house of correction for not more than
2 years or by a fine of not more than \$1,000, or both.
Any officer authorized to make arrests may arrest

24004 without a warrant any person whom the officer has
24005 probable cause to believe has violated this paragraph.
24006 (2) Any person who leaves a firearm, rifle, shotgun or
24007 ammunition unattended with the intent to transfer
24008 possession of such firearm, rifle, shotgun or ammunition
24009 to any person not licensed under section 129C of chapter
24010 140 or section 131 of chapter 140 for the purpose of
24011 committing a crime or concealing a crime shall be
24012 punished by imprisonment in a house of correction for
24013 not more than 2 1/2 years or in state prison for not more
24014 than 5 years.

24015 j. The M.G.L. statute that addresses ammunition is actually
24016 Chapter 140, Section 129C

24017 k. In fact, Chapter 269, Section 10 does not address
24018 ammunition in any way.

24019 l. The Chapter 140, Section 129C statute speaks in regards to
24020 the **retail sale** of ammunition, not mere possession of it.

24021 m. Against Defendant Marino calls the wrong statute (wrong
24022 church, wrong pew).

24023 n. In turn the Defendant Blodgett, Brennan, Hartigan, and others
24024 endeavor to prosecute Plaintiff for political gain, and not
24025 within ambit of the law.

24026

24027 849. On December 7, 2009 and on various dates thereafter,
24028 Defendants Katherine Hartigan and John B. Brennan, individually,
24029 and in their official capacities, while acting under color of law as
24030 Assistant District Attorneys, for the Commonwealth of
24031 Massachusetts for Essex Country, in Salem, Massachusetts; and
24032 Jonathan W. Blodgett, individually, and in their official capacities,
24033 while acting under color of law as District Attorneys, for the
24034 Commonwealth of Massachusetts, for Essex Country, in Salem,
24035 Massachusetts; did with other defendants violate, deprive, or
24036 infringe upon the civil rights of Plaintiff James M. Atkinson for the
24037 purposes of personal, political, and professional gains, without just
24038 cause, or lawful authority and did engage in Interference with
24039 Federally Protected Activities of James M. Atkinson in
24040 contravention of law. By way of charging and prosecuting Plaintiff
24041 Atkinson for acts which are not actually criminal actions in this
24042 country. Indeed these Defendants engaged in the enforcement of a

24043 Commonwealth statute or law which was itself a violation of
24044 Federal Civil Rights Statutes (as defined by the U.S. Supreme
24045 Court), with no immunization of these Defendants by virtue of the
24046 14th Amendment. No State shall make or enforce any law which
24047 shall abridge the privileges or immunities of citizens of the United
24048 States; nor shall any State deprive any person of life, liberty, or
24049 property, without due process of law; nor deny to any person
24050 within its jurisdiction the equal protection of the laws.

24051

24052 850. On December 7, 2009 and on various dates thereafter,
24053 Defendants Katherine Hartigan and John B. Brennan, individually,
24054 and in their official capacities, while acting under color of law as
24055 Assistant District Attorneys, for the Commonwealth of
24056 Massachusetts for Essex Country, in Salem, Massachusetts; and
24057 Jonathan W. Blodgett, individually, and in their official capacities,
24058 while acting under color of law as District Attorneys, for the
24059 Commonwealth of Massachusetts, for Essex Country, in Salem,
24060 Massachusetts; did with other defendants violate, deprive, or
24061 infringe upon the civil rights of Plaintiff James M. Atkinson for the
24062 purposes of personal, political, and professional gains, without just

24063 cause, or lawful authority and did engage in Conspiracy to
24064 Interfere with Civil Rights of James M. Atkinson in contravention
24065 of law. By way of charging and prosecuting Plaintiff Atkinson for
24066 acts which are not actually criminal actions in this country. Indeed
24067 these Defendants engaged in the enforcement of a Commonwealth
24068 statute or law which was itself a violation of Federal Civil Rights
24069 Statutes (as defined by the U.S. Supreme Court), with no
24070 immunization of these Defendants by virtue of the 14th
24071 Amendment. No State shall make or enforce any law which shall
24072 abridge the privileges or immunities of citizens of the United
24073 States; nor shall any State deprive any person of life, liberty, or
24074 property, without due process of law; nor deny to any person
24075 within its jurisdiction the equal protection of the laws.

24076
24077 851. On December 7, 2009 and on various dates thereafter,
24078 Defendants Katherine Hartigan and John B. Brennan, individually,
24079 and in their official capacities, while acting under color of law as
24080 Assistant District Attorneys, for the Commonwealth of
24081 Massachusetts for Essex Country, in Salem, Massachusetts; and
24082 Jonathan W. Blodgett, individually, and in their official capacities,

24083 while acting under color of law as District Attorney, for the
24084 Commonwealth of Massachusetts, for Essex Country, in Salem,
24085 Massachusetts; did with other defendants violate, deprive, or
24086 infringe upon the civil rights of Plaintiff James M. Atkinson for the
24087 purposes of personal, political, and professional gains, without just
24088 cause, or lawful authority and did engage in Actions for Neglect to
24089 Prevent Interfere with Civil Rights of James M. Atkinson in
24090 contravention of law. By way of charging and prosecuting Plaintiff
24091 Atkinson for acts which are not actually criminal actions in this
24092 country. Indeed these Defendants engaged in the enforcement of a
24093 Commonwealth statute or law which was itself a violation of
24094 Federal Civil Rights Statutes (as defined by the U.S. Supreme
24095 Court), with no immunization of these Defendants by virtue of the
24096 14th Amendment. These Defendants have each violated the law in
24097 regards to “No State shall make **or enforce** any law which shall
24098 abridge the privileges or immunities of citizens of the United
24099 States; nor shall any State deprive any person of life, liberty, or
24100 property, without due process of law; nor deny to any person
24101 within its jurisdiction the equal protection of the laws.”

24102

**Search and Seizure of Lawfully Possessed Arms,
by Confining, Beating, and Placing the
Plaintiff Atkinson in Fear of His Life**

24103
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24106
24107 852. On or about December 10, 2009, Defendants Daniel Mahoney;
24108 Mark Schmink; Michael Marino individually, and in his official
24109 capacity, while acting under color of law as a Police Officer, for
24110 the Rockport Police Department, in Rockport, Massachusetts did
24111 with other defendants violate, deprive, or infringe upon the civil
24112 rights of Plaintiff James M. Atkinson for the purposes of personal,
24113 political, and professional gains, without just cause, or lawful
24114 authority and did engage in Conspiracy for Willful Deprivations of
24115 Federal Rights Under Color of Law of James M. Atkinson in
24116 contravention of law. By means of a search and seizure of lawfully
24117 possessed arms, by confining, beating, and placing the Plaintiff
24118 Atkinson in fear.

24119
24120 853. On or about December 10, 2009, Defendants Daniel Mahoney;
24121 Mark Schmink; Michael Marino individually, and in his official
24122 capacity, while acting under color of law as a Police Officer, for
24123 the Rockport Police Department, in Rockport, Massachusetts did
24124 with other defendants violate, deprive, or infringe upon the civil

24125 rights of Plaintiff James M. Atkinson for the purposes of personal,
24126 political, and professional gains, without just cause, or lawful
24127 authority and did engage in Conspiracy to Interference with
24128 Federally Protected Activities of James M. Atkinson in
24129 contravention of law. By means of a search and seizure of lawfully
24130 possessed arms, by confining, beating, and placing the Plaintiff
24131 Atkinson in fear.

24132
24133 854. On or about December 10, 2009, Defendants Daniel Mahoney;
24134 Mark Schmink; Michael Marino individually, and in his official
24135 capacity, while acting under color of law as a Police Officer, for
24136 the Rockport Police Department, in Rockport, Massachusetts did
24137 with other defendants violate, deprive, or infringe upon the civil
24138 rights of Plaintiff James M. Atkinson for the purposes of personal,
24139 political, and professional gains, without just cause, or lawful
24140 authority and did engage in Conspiracy to Interfere with Civil
24141 Rights of James M. Atkinson in contravention of law. By means of
24142 a search and seizure of lawfully possessed arms, by confining,
24143 beating, and placing the Plaintiff Atkinson in fear.

24144

24145 855. On or about December 10, 2009, Defendants Daniel Mahoney;
24146 Mark Schmink; Michael Marino individually, and in his official
24147 capacity, while acting under color of law as a Police Officer, for
24148 the Rockport Police Department, in Rockport, Massachusetts did
24149 with other defendants violate, deprive, or infringe upon the civil
24150 rights of Plaintiff James M. Atkinson for the purposes of personal,
24151 political, and professional gains, without just cause, or lawful
24152 authority and did engage in Conspiracy to Interfere in the Inter-
24153 State Commerce of James M. Atkinson in contravention of law. By
24154 means of a search and seizure of lawfully possessed arms, by
24155 confining, beating, and placing the Plaintiff Atkinson in fear.

24156
24157 856. On or about December 10, 2009, Defendants Daniel Mahoney;
24158 Mark Schmink; Michael Marino individually, and in his official
24159 capacity, while acting under color of law as a Police Officer, for
24160 the Rockport Police Department, in Rockport, Massachusetts did
24161 with other defendants violate, deprive, or infringe upon the civil
24162 rights of Plaintiff James M. Atkinson for the purposes of personal,
24163 political, and professional gains, without just cause, or lawful
24164 authority and did engage in Accessory After the Fact against James

24165 M. Atkinson in contravention of law. By means of a search and
24166 seizure of lawfully possessed arms, by confining, beating, and
24167 placing the Plaintiff Atkinson in fear.

24168

24169 857. On or about December 10, 2009, Defendants Daniel Mahoney;
24170 Mark Schmink; Michael Marino individually, and in his official
24171 capacity, while acting under color of law as a Police Officer, for
24172 the Rockport Police Department, in Rockport, Massachusetts did
24173 with other defendants violate, deprive, or infringe upon the civil
24174 rights of Plaintiff James M. Atkinson for the purposes of personal,
24175 political, and professional gains, without just cause, or lawful
24176 authority and did engage in Conspiracy against James M. Atkinson
24177 in contravention of law. By means of a search and seizure of
24178 lawfully possessed arms, by confining, beating, and placing the
24179 Plaintiff Atkinson in fear.

24180

24181 858. On or about December 10, 2009, Defendants Daniel Mahoney;
24182 Mark Schmink; Michael Marino individually, and in his official
24183 capacity, while acting under color of law as a Police Officer, for
24184 the Rockport Police Department, in Rockport, Massachusetts did

24185 with other defendants violate, deprive, or infringe upon the civil
24186 rights of Plaintiff James M. Atkinson for the purposes of personal,
24187 political, and professional gains, without just cause, or lawful
24188 authority and did engage in Neglect to Prevent Civil Rights
24189 Violations against James M. Atkinson in contravention of law. By
24190 means of a search and seizure of lawfully possessed arms, by
24191 confining, beating, and placing the Plaintiff Atkinson in fear.

24192
24193 859. On or about December 10, 2009, Defendants Daniel Mahoney;
24194 Mark Schmink; Michael Marino individually, and in his official
24195 capacity, while acting under color of law as a Police Officer, for
24196 the Rockport Police Department, in Rockport, Massachusetts did
24197 with other defendants violate, deprive, or infringe upon the civil
24198 rights of Plaintiff James M. Atkinson for the purposes of personal,
24199 political, and professional gains, without just cause, or lawful
24200 authority and did engage in Conspiracy for Deprivation of Rights,
24201 Privileges, or Immunities - Pattern or Practice of Conduct against
24202 James M. Atkinson in contravention of law. By means of a search
24203 and seizure of lawfully possessed arms, by confining, beating, and
24204 placing the Plaintiff Atkinson in fear.

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24206

860. On or about December 10, 2009, Defendant Mark Schmink

24207

individually, and in his official capacity, while acting under color

24208

of law as a Police Officer, for the Rockport Police Department, in

24209

Rockport, Massachusetts did with other defendants violate, deprive,

24210

or infringe upon the civil rights of Plaintiff James M. Atkinson for

24211

the purposes of personal, political, and professional gains, without

24212

just cause, or lawful authority and did engage in False Written

24213

Reports by Public Officers against James M. Atkinson in

24214

contravention of law. By means of a search and seizure of lawfully

24215

possessed arms, by confining, beating, and placing the Plaintiff

24216

Atkinson in fear.

24217

24218

861. On or about December 10, 2009, Defendants Daniel Mahoney;

24219

Mark Schmink; Michael Marino individually, and in his official

24220

capacity, while acting under color of law as a Police Officer, for

24221

the Rockport Police Department, in Rockport, Massachusetts did

24222

with other defendants violate, deprive, or infringe upon the civil

24223

rights of Plaintiff James M. Atkinson for the purposes of personal,

24224

political, and professional gains, without just cause, or lawful

24225 authority and did engage in Deprivation of Right to Keep and to
24226 Bear Arms against James M. Atkinson in contravention of law. By
24227 means of a search and seizure of lawfully possessed arms, by
24228 confining, beating, and placing the Plaintiff Atkinson in fear.

24229

24230 862. On or about December 10, 2009, Defendants Daniel Mahoney;
24231 Mark Schmink; Michael Marino individually, and in his official
24232 capacity, while acting under color of law as a Police Officer, for
24233 the Rockport Police Department, in Rockport, Massachusetts did
24234 with other defendants violate, deprive, or infringe upon the civil
24235 rights of Plaintiff James M. Atkinson for the purposes of personal,
24236 political, and professional gains, without just cause, or lawful
24237 authority and did engage in Stealing by Confining or Putting in
24238 Fear James M. Atkinson in contravention of law. By means of a
24239 search and seizure of lawfully possessed arms, by confining,
24240 beating, and placing the Plaintiff Atkinson in fear.

24241

24242 863. On or about December 10, 2009, Defendants Daniel
24243 Mahoney; Mark Schmink; Michael Marino individually, and in his
24244 official capacity, while acting under color of law as a Police

24245 Officer, for the Rockport Police Department, in Rockport,
24246 Massachusetts did with other defendants violate, deprive, or
24247 infringe upon the civil rights of Plaintiff James M. Atkinson for the
24248 purposes of personal, political, and professional gains, without just
24249 cause, or lawful authority and did engage in Stealing by Confining
24250 or Putting in Fear by intimidation, force or threats against James M.
24251 Atkinson in contravention of law. By means of a search and
24252 seizure of lawfully possessed arms, by confining, beating, and
24253 placing the Plaintiff Atkinson in fear.

24254

24255 864. On or about December 10, 2009, Defendants Daniel Mahoney;
24256 Mark Schmink; Michael Marino individually, and in his official
24257 capacity, while acting under color of law as a Police Officer, for
24258 the Rockport Police Department, in Rockport, Massachusetts did
24259 with other defendants violate, deprive, or infringe upon the civil
24260 rights of Plaintiff James M. Atkinson for the purposes of personal,
24261 political, and professional gains, without just cause, or lawful
24262 authority and did engage in Scheme to Defraud against James M.
24263 Atkinson in contravention of law. By means of a search and

24264 seizure of lawfully possessed arms, by confining, beating, and
24265 placing the Plaintiff Atkinson in fear.

24266

24267 865. On or about December 10, 2009, Defendants Daniel Mahoney;
24268 Mark Schmink; Michael Marino individually, and in his official
24269 capacity, while acting under color of law as a Police Officer, for
24270 the Rockport Police Department, in Rockport, Massachusetts did
24271 with other defendants violate, deprive, or infringe upon the civil
24272 rights of Plaintiff James M. Atkinson for the purposes of personal,
24273 political, and professional gains, without just cause, or lawful
24274 authority and did Steal and Take Away Property from a Disabled
24275 Person, Numerous Items Valued in Excess of \$250 owned by
24276 James M. Atkinson in contravention of law. By means of a search
24277 and seizure of lawfully possessed arms, by confining, beating, and
24278 placing the Plaintiff Atkinson in fear.

24279

24280 866. On or about December 10, 2009, Defendants Daniel Mahoney;
24281 Mark Schmink; Michael Marino individually, and in his official
24282 capacity, while acting under color of law as a Police Officer, for
24283 the Rockport Police Department, in Rockport, Massachusetts did

24284 with other defendants violate, deprive, or infringe upon the civil
24285 rights of Plaintiff James M. Atkinson for the purposes of personal,
24286 political, and professional gains, without just cause, or lawful
24287 authority and did Violated the Privileges and Immunities U.S.
24288 Citizen James M. Atkinson in contravention of law. By means of a
24289 search and seizure of lawfully possessed arms, by confining,
24290 beating, and placing the Plaintiff Atkinson in fear.

24291
24292 867. On or about December 10, 2009, Defendants Daniel Mahoney;
24293 Mark Schmink; Michael Marino individually, and in his official
24294 capacity, while acting under color of law as a Police Officer, for
24295 the Rockport Police Department, in Rockport, Massachusetts did
24296 with other defendants violate, deprive, or infringe upon the civil
24297 rights of Plaintiff James M. Atkinson for the purposes of personal,
24298 political, and professional gains, without just cause, or lawful
24299 authority and did Violate the Constitutional Rights of James M.
24300 Atkinson in contravention of law. By means of a search and
24301 seizure of lawfully possessed arms, by confining, beating, and
24302 placing the Plaintiff Atkinson in fear.

24303

24304 868. On or about December 10, 2009, Defendants Daniel Mahoney;
24305 Mark Schmink; Michael Marino individually, and in his official
24306 capacity, while acting under color of law as a Police Officer, for
24307 the Rockport Police Department, in Rockport, Massachusetts did
24308 with other defendants violate, deprive, or infringe upon the civil
24309 rights of Plaintiff James M. Atkinson for the purposes of personal,
24310 political, and professional gains, without just cause, or lawful
24311 authority and did Violate the Rights Guarantees, Privileges and
24312 Immunities of Citizenship, Due Process and Equal Protection of
24313 U.S. Citizens of James M. Atkinson in contravention of law. By
24314 means of a search and seizure of lawfully possessed arms, by
24315 confining, beating, and placing the Plaintiff Atkinson in fear.

24316
24317 869. On or about December 10, 2009, Defendants Daniel Mahoney;
24318 Mark Schmink; Michael Marino individually, and in his official
24319 capacity, while acting under color of law as a Police Officer, for
24320 the Rockport Police Department, in Rockport, Massachusetts did
24321 with other defendants violate, deprive, or infringe upon the civil
24322 rights of Plaintiff James M. Atkinson for the purposes of personal,
24323 political, and professional gains, without just cause, or lawful

24324 authority and did engage in Larceny by False Pretence against
24325 James M. Atkinson in contravention of law. By means of a search
24326 and seizure of lawfully possessed arms, by confining, beating, and
24327 placing the Plaintiff Atkinson in fear.

24328

24329 870. On or about December 10, 2009, Defendants Daniel Mahoney;
24330 Mark Schmink; Michael Marino individually, and in his official
24331 capacity, while acting under color of law as a Police Officer, for
24332 the Rockport Police Department, in Rockport, Massachusetts did
24333 with other defendants violate, deprive, or infringe upon the civil
24334 rights of Plaintiff James M. Atkinson for the purposes of personal,
24335 political, and professional gains, without just cause, or lawful
24336 authority and did engage in Extortion against James M. Atkinson
24337 in contravention of law. By means of a search and seizure of
24338 lawfully possessed arms, by confining, beating, and placing the
24339 Plaintiff Atkinson in fear.

24340

24341 871. On or about December 10, 2009, Defendants Daniel Mahoney;
24342 Mark Schmink; Michael Marino individually, and in his official
24343 capacity, while acting under color of law as a Police Officer, for

24344 the Rockport Police Department, in Rockport, Massachusetts did
24345 with other defendants violate, deprive, or infringe upon the civil
24346 rights of Plaintiff James M. Atkinson for the purposes of personal,
24347 political, and professional gains, without just cause, or lawful
24348 authority and did engage in Interference with Commerce of James
24349 M. Atkinson in contravention of law. By means of a search and
24350 seizure of lawfully possessed arms, by confining, beating, and
24351 placing the Plaintiff Atkinson in fear.

24352

24353 **Commonwealth of Massachusetts Department of**
24354 **Public Health Secret Ex Parte Letter**
24355 **and Extra-Judicial Punitive Action**
24356

24357 872. On or about November 17, 2009, Defendant Peggy Hennihan,
24358 individually, and in their official capacity, while acting under color
24359 of law as Attorney for the Commonwealth of Massachusetts
24360 Department of Public Health, and Abdullahh Rehayem,
24361 individually, and in their official capacity, while acting under color
24362 of law as Director f the Office of Emergency Medical Services did
24363 with other defendants violate, deprive, or infringe upon the civil
24364 rights of Plaintiff James M. Atkinson for the purposes of personal,
24365 political, and professional gains, without just cause, or lawful

24366 authority and did engage in Willful Deprivations of Federal Rights
24367 Under Color of Law of James M. Atkinson in contravention of law.
24368 By way of secretly suspending and revoking Plaintiff Atkinson
24369 License as an Emergency Medical Technician (several weeks
24370 before any formal charges were filed). Further a letter from this
24371 office dated November 17, 2009 may be found in the court file
24372 which predates any other document in the case of any sort, and
24373 reflecting that the whole situation was a conspiracy initiated well
24374 prior to any “investigation” in retaliation for the Plaintiff bringing
24375 to light an issue of the State ignoring EMS training fraud, engaging
24376 if malfeasance, and likely initiated months in advance.

24377
24378 873. On or about November 17, 2009, Defendant Peggy Hennihan,
24379 individually, and in their official capacity, while acting under color
24380 of law as Attorney for the Commonwealth of Massachusetts
24381 Department of Public Health, and Abdullahh Rehayem,
24382 individually, and in their official capacity, while acting under color
24383 of law as Director f the Office of Emergency Medical Services did
24384 with other defendants violate, deprive, or infringe upon the civil
24385 rights of Plaintiff James M. Atkinson for the purposes of personal,

24386 political, and professional gains, without just cause, or lawful
24387 authority and did engage in Willful Deprivations of Federal Rights
24388 Under Color of Law of James M. Atkinson in contravention of law.
24389 By way of committing Mail Fraud in support of Racketeering,
24390 though the sending of a fraudulent letter by U.S. Mail from the
24391 Department of Public Health, Office of Emergency Medical
24392 Services to the Clerk Magistrate of the Gloucester District Court,
24393 in Gloucester, MA to improperly and unlawfully interfere with a
24394 Clerk-Magistrate and to cause them to violate the civil right of
24395 Plaintiff Atkinson.

24397 **Unlawful Revocation and Termination**
24398 **of Plaintiff Atkinson's EMT License**
24399

24400 874. On or about December 11, 2009, Defendant Mark Schmink
24401 individually, and in their official capacity, while acting under color
24402 of law as Police Officers, for the Rockport Police Department, in
24403 Rockport, Massachusetts; and Defendant Peggy Hennihan,
24404 individually, and in their official capacity, while acting under color
24405 of law as Attorney for the Commonwealth of Massachusetts
24406 Department of Public Health, and did with other defendants violate,
24407 deprive, or infringe upon the civil rights of Plaintiff James M.

24408 Atkinson for the purposes of personal, political, and professional
24409 gains, without just cause, or lawful authority and did engage in
24410 Willful Deprivations of Federal Rights Under Color of Law of
24411 James M. Atkinson in contravention of law. By way of suspending
24412 and revoking Plaintiff Atkinson License as an Emergency Medical
24413 Technician.

24414

24415 875. On or about December 11, 2009, Defendant Mark Schmink
24416 individually, and in their official capacity, while acting under color
24417 of law as Police Officers, for the Rockport Police Department, in
24418 Rockport, Massachusetts; and Defendant Peggy Hennihan,
24419 individually, and in their official capacity, while acting under color
24420 of law as Attorney for the Commonwealth of Massachusetts
24421 Department of Public Health, and did with other defendants violate,
24422 deprive, or infringe upon the civil rights of Plaintiff James M.
24423 Atkinson for the purposes of personal, political, and professional
24424 gains, without just cause, or lawful authority and did engage in
24425 Conspiracy to Interfere with Civil Rights of James M. Atkinson in
24426 contravention of law. By way of suspending and revoking Plaintiff
24427 Atkinson License as an Emergency Medical Technician.

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876. On or about December 11, 2009, Defendant Mark Schmink individually, and in their official capacity, while acting under color of law as Police Officers, for the Rockport Police Department, in Rockport, Massachusetts; and Defendant Peggy Hennihan, individually, and in their official capacity, while acting under color of law as Attorney for the Commonwealth of Massachusetts Department of Public Health, and did with other defendants violate, deprive, or infringe upon the civil rights of Plaintiff James M. Atkinson for the purposes of personal, political, and professional gains, without just cause, or lawful authority and did engage in Actions for Neglect to Prevent Interfere with Civil Rights of James M. Atkinson in contravention of law. By way of suspending and revoking Plaintiff Atkinson License as an Emergency Medical Technician.

- a. Sergeant Schmink and Plaintiff had a confrontation on May 22, 2008 after a Town employee (a firefighter) died at the fire station, and Plaintiff was one of the Rockport Ambulance Department employees who responded on the

24448 ambulance crew who responded. It was one of Plaintiffs
24449 students (Nathaniel Tardiff) who discovered the patient, and
24450 called 911, and who did CPR on him until the EMTs arrived
24451 minutes later with the ambulance (with Defendant Rosemary
24452 Lesch hitting one of the police cars with the ambulance).
24453 Afterwards, and within mere minutes, Defendant Schmink
24454 was yelling and screaming at Tardiff for “doing the wrong
24455 thing, and for disturbing a death scene and ruining all the
24456 evidence”, etc (by virtue of Tardiff trying to perform CPR
24457 and bring the firefighter to whom he was related back to life).
24458 As this was happening in front of Plaintiff Atkinson, to a
24459 student of the Plaintiff who was being bullied and abused by
24460 Defendant Schmink, Plaintiff Atkinson had to step forward,
24461 and tell Defendant Schmink “that he was grossly out of line”,
24462 and Plaintiff Atkinson reported the abuse to the department
24463 head (Defendant Rosemary Lesch) who explained to the
24464 Plaintiff that Defendant Schmink was upset that she
24465 (Defendant Rosemary Lesch) had smashed the ambulance
24466 into a police car, and that Schmink was just inappropriately

24467 venting on the “hero” (Nathanial Tardiff) who did CPR on
24468 the dead or dying firefighter.

24469
24470 b. During the two FEMA courses which Plaintiff sponsored
24471 Defendant Schmink became overly hostile towards Plaintiff
24472 twice, once in regards to the in-depth Chemical Weapons
24473 manual Plaintiff had written several years previously, and
24474 then in a hostile manner demanded to know what Plaintiffs
24475 credentials were in emergency management.

24476
24477 c. Plaintiff thought the very hostile and confrontational
24478 questions about his FEMA credentials by Mark Schmink in
24479 regards to emergency management were odd, and I asked
24480 Defendant Rosemary Lesch about it (who had a thick stack
24481 of Plaintiffs medical and emergency management
24482 credentials), who stated that the current Town Emergency
24483 Manager position would be coming open in a few years, and
24484 that Plaintiff was the person in Town with the most formal
24485 credentials (from FEMA and others) on the subject matter,
24486 and that the job could be offered to the Plaintiff if he wanted

24487 it (which Plaintiff had no interest in), but that she knew that
24488 Defendant Mark Schmink also wanted the position. She said
24489 that the position paid very little, but that it was a powerful
24490 position within the Town, and if Plaintiff was also the
24491 Ambulance Department Head as well the combined
24492 positions would be very powerful, and a goodly amount of
24493 money could be earned.

24494
24495 d. On reflection, it would be beneficial for Defendant Schmink
24496 to torpedo Plaintiff if Defendant Schmink had any hopes of
24497 becoming the Town Emergency Manager. While Plaintiff
24498 had no interest in the position or of running the ambulance
24499 department someday, Defendant Rosemary Lesch had stated
24500 to Plaintiff several times that with a few more years of
24501 experience that he (Plaintiff Atkinson) would be perfect for
24502 both jobs.

24503
24504 e. Defendant Rosemary Lesch also stated to Plaintiff, that in a
24505 few years that she and Scott (Defendant Rosemary Lesch and
24506 Scott Story) were going to step aside as the heads of the

24507 Rockport Ambulance Department, and that if Plaintiff
24508 continued on his education path, that Plaintiff would be the
24509 prime, and likely only qualified person in the Town and on
24510 the department who could fill the position of Ambulance
24511 Department Head, and likely the Town Emergency Manager
24512 as well. (although the Plaintiff had no aspiration in this
24513 regard, he was nonetheless appreciative of such
24514 consideration)

24515
24516 f. Of note, is that on December 18, 2010 that Defendant Mark
24517 Schmink was voted by the Town Selectmen to be the new
24518 Town Emergency Manager. Indeed, after Plaintiffs arrest in
24519 late 2009, Defendant Mark Schmink was appointed to the
24520 position of emergency manager for the Town of Rockport a
24521 year later.

24522
24523 g. Indeed during the media frenzy created by the Rockport
24524 Police Department and Rockport Ambulance Department
24525 after the arrest of the Plaintiff on false charges, Defendant
24526 Schmink actually became the voice of the police department,

24527 and intermixed the statements of Defendant Police Chief
24528 McCarthy and himself in defamations against Plaintiff.
24529 Defendant Schmink statements were very carefully crafted
24530 to defame Plaintiff, and to keep Plaintiff from being a threat
24531 to Defendant becoming Emergency Manager for the Town.

24532

24533 877. On or about December 11, 2009, Defendant Mark Schmink
24534 individually, and in their official capacity, while acting under color
24535 of law as Police Officers, for the Rockport Police Department, in
24536 Rockport, Massachusetts; and Defendant Peggy Hennihan,
24537 individually, and in their official capacity, while acting under color
24538 of law as Attorney for the Commonwealth of Massachusetts
24539 Department of Public Health, and did with other defendants violate,
24540 deprive, or infringe upon the civil rights of Plaintiff James M.
24541 Atkinson for the purposes of personal, political, and professional
24542 gains, without just cause, or lawful authority and did Violate the
24543 Privileges and Immunities of U.S. Citizen James M. Atkinson in
24544 contravention of law. By way of suspending and revoking Plaintiff
24545 Atkinson License as an Emergency Medical Technician.

24546

24547 878. On or about December 11, 2009, Defendant Mark Schmink
24548 individually, and in their official capacity, while acting under color
24549 of law as Police Officers, for the Rockport Police Department, in
24550 Rockport, Massachusetts; and Defendant Peggy Hennihan,
24551 individually, and in their official capacity, while acting under color
24552 of law as Attorney for the Commonwealth of Massachusetts
24553 Department of Public Health, and did with other defendants violate,
24554 deprive, or infringe upon the civil rights of Plaintiff James M.
24555 Atkinson for the purposes of personal, political, and professional
24556 gains, without just cause, or lawful authority and did Violate the
24557 Constitutional Rights of James M. Atkinson in contravention of
24558 law. By way of suspending and revoking Plaintiff Atkinson
24559 License as an Emergency Medical Technician.

24561 879. On or about December 11, 2009, Defendant Mark Schmink
24562 individually, and in their official capacity, while acting under color
24563 of law as Police Officers, for the Rockport Police Department, in
24564 Rockport, Massachusetts; and Defendant Peggy Hennihan,
24565 individually, and in their official capacity, while acting under color
24566 of law as Attorney for the Commonwealth of Massachusetts

24567 Department of Public Health, and did with other defendants violate,
24568 deprive, or infringe upon the civil rights of Plaintiff James M.
24569 Atkinson for the purposes of personal, political, and professional
24570 gains, without just cause, or lawful authority and did Violate the
24571 Rights Guarantees, Privileges and Immunities of Citizenship, Due
24572 Process and Equal Protection of U.S. Citizens of James M.
24573 Atkinson in contravention of law. By way of suspending and
24574 revoking Plaintiff Atkinson License as an Emergency Medical
24575 Technician.

24576
24577 880. On or about December 11, 2009, Defendant Mark Schmink
24578 individually, and in their official capacity, while acting under color
24579 of law as Police Officers, for the Rockport Police Department, in
24580 Rockport, Massachusetts; and Defendant Peggy Hennihan,
24581 individually, and in their official capacity, while acting under color
24582 of law as Attorney for the Commonwealth of Massachusetts
24583 Department of Public Health, and did with other defendants violate,
24584 deprive, or infringe upon the civil rights of Plaintiff James M.
24585 Atkinson for the purposes of personal, political, and professional
24586 gains, without just cause, or lawful authority and did engage in a

24587 Pattern or Practice of Conduct or Deprivation of Rights, Privileges,
24588 or Immunities of James M. Atkinson in contravention of law. By
24589 way of suspending and revoking Plaintiff Atkinson License as an
24590 Emergency Medical Technician. Further, as this was a state
24591 Judicial Body, who imposed a State Sanctioned Punishment (albeit
24592 illegally), the Plaintiff can not be further punished for this alleged
24593 act by a different State Court. Indeed the Plaintiff was unlawfully
24594 punished by the Commonwealth of Massachusetts by virtue of the
24595 illegal EMT suspensions and revocations of civil rights, Plaintiff
24596 can not therefore be punished a second time. Plaintiff was
24597 presumptively “found guilty” in the eyes of the OEMS Office, and
24598 thus in the eyes of the State. Punishment was applied in the name
24599 of the state. Plaintiff was not permitted a hearing or trial of any
24600 form whatsoever of due process BEFORE the punishment was
24601 imposed. The unlawful punishments imposed by the state have
24602 been in place now for in excess of two years, with resultant great
24603 harm against the Plaintiff.

24604
24605 881. On or about December 11, 2009, Defendant Mark Schmink
24606 individually, and in their official capacity, while acting under color

24607 of law as Police Officers, for the Rockport Police Department, in
24608 Rockport, Massachusetts; and Defendant Peggy Hennihan,
24609 individually, and in their official capacity, while acting under color
24610 of law as Attorney for the Commonwealth of Massachusetts
24611 Department of Public Health, and did with other defendants violate,
24612 deprive, or infringe upon the civil rights of Plaintiff James M.
24613 Atkinson for the purposes of personal, political, and professional
24614 gains, without just cause, or lawful authority and did commit
24615 Accessory Before the Fact against James M. Atkinson in
24616 contravention of law. By way of suspending and revoking Plaintiff
24617 Atkinson License as an Emergency Medical Technician.

24618

24619 **Unlawful Suspension as Student**
24620 **at North Shore Community College**

24621
24622 882. On or about December 11, 2009, Defendant Mark Schmink
24623 individually, and in their official capacity, while acting under color
24624 of law as Police Officers, for the Rockport Police Department, in
24625 Rockport, Massachusetts; and LLOYD A. HOLMES individually,
24626 and in their official capacity, while acting under color of law as
24627 Dean of Students for North Shore Community College in Danvers,
24628 Massachusetts; WAYNE BURTON individually, and in their

24629 official capacity, while acting under color of law as President of
24630 North Shore Community College in Danvers, Massachusetts;
24631 DONNA RICHEMOND individually, and in their official capacity,
24632 while acting under color of law as Vice President, Student and
24633 Enrollment Services for North Shore Community College in
24634 Danvers, Massachusetts; DOUG PUSKA individually, and in their
24635 official capacity, while acting under color of law as Chief of Police
24636 for North Shore Community College in Danvers, Massachusetts;
24637 KENNETH TASHJY individually, and in their official capacity,
24638 while acting under color of law as College Legal Counsel for
24639 North Shore Community College in Danvers, Massachusetts;
24640 PAUL FRYDRYCH individually, and in their official capacity,
24641 while acting under color of law as Vice President, Academic
24642 Affairs for North Shore Community College in Danvers,
24643 Massachusetts did with other defendants violate, deprive, or
24644 infringe upon the civil rights of Plaintiff James M. Atkinson for the
24645 purposes of personal, political, and professional gains, without just
24646 cause, or lawful authority and did engage in **Willful Deprivations**
24647 **of Federal Rights Under Color of Law** of James M. Atkinson in
24648 contravention of law. By way of unlawfully suspending Plaintiff

24649 Atkinson as a college student of North Shore Community College
24650 in Danvers, MA as a extra judicial punitive action under color of
24651 law due to incident for which Plaintiff Atkinson was never tried
24652 nor convicted in a court of law.

24653
24654 883. On or about December 11, 2009, Defendant Mark Schmink
24655 individually, and in their official capacity, while acting under color
24656 of law as Police Officers, for the Rockport Police Department, in
24657 Rockport, Massachusetts; LLOYD A. HOLMES individually, and
24658 in their official capacity, while acting under color of law as Dean
24659 of Students for North Shore Community College in Danvers,
24660 Massachusetts; WAYNE BURTON individually, and in their
24661 official capacity, while acting under color of law as President of
24662 North Shore Community College in Danvers, Massachusetts;
24663 DONNA RICHEMOND individually, and in their official capacity,
24664 while acting under color of law as Vice President, Student and
24665 Enrollment Services for North Shore Community College in
24666 Danvers, Massachusetts; DOUG PUSKA individually, and in their
24667 official capacity, while acting under color of law as Chief of Police
24668 for North Shore Community College in Danvers, Massachusetts;

24669 KENNETH TASHJY individually, and in their official capacity,
24670 while acting under color of law as College Legal Counsel for
24671 North Shore Community College in Danvers, Massachusetts;
24672 PAUL FRYDRYCH individually, and in their official capacity,
24673 while acting under color of law as Vice President, Academic
24674 Affairs for North Shore Community College in Danvers,
24675 Massachusetts did with other defendants violate, deprive, or
24676 infringe upon the civil rights of Plaintiff James M. Atkinson for the
24677 purposes of personal, political, and professional gains, without just
24678 cause, or lawful authority and did engage in **Conspiracy to**
24679 **Interfere with Civil Rights** of James M. Atkinson in contravention
24680 of law. By way of unlawfully suspending Plaintiff Atkinson as a
24681 college student of North Shore Community College in Danvers,
24682 MA as a extra judicial punitive action under color of law due to
24683 incident for which Plaintiff Atkinson was never tried nor convicted
24684 in a court of law.

24686 884. On or about December 11, 2009, Defendant Mark Schmink
24687 individually, and in their official capacity, while acting under color
24688 of law as Police Officers, for the Rockport Police Department, in

24689 Rockport, Massachusetts; LLOYD A. HOLMES individually, and
24690 in their official capacity, while acting under color of law as Dean
24691 of Students for North Shore Community College in Danvers,
24692 Massachusetts; WAYNE BURTON individually, and in their
24693 official capacity, while acting under color of law as President of
24694 North Shore Community College in Danvers, Massachusetts;
24695 DONNA RICHEMOND individually, and in their official capacity,
24696 while acting under color of law as Vice President, Student and
24697 Enrollment Services for North Shore Community College in
24698 Danvers, Massachusetts; DOUG PUSKA individually, and in their
24699 official capacity, while acting under color of law as Chief of Police
24700 for North Shore Community College in Danvers, Massachusetts;
24701 KENNETH TASHJY individually, and in their official capacity,
24702 while acting under color of law as College Legal Counsel for
24703 North Shore Community College in Danvers, Massachusetts;
24704 PAUL FRYDRYCH individually, and in their official capacity,
24705 while acting under color of law as Vice President, Academic
24706 Affairs for North Shore Community College in Danvers,
24707 Massachusetts did with other defendants violate, deprive, or
24708 infringe upon the civil rights of Plaintiff James M. Atkinson for the

24709 purposes of personal, political, and professional gains, without just
24710 cause, or lawful authority and did engage in **Actions for Neglect to**
24711 **Prevent Interfere with Civil Rights** of James M. Atkinson in
24712 contravention of law. By way of unlawfully suspending Plaintiff
24713 Atkinson as a college student of North Shore Community College
24714 in Danvers, MA as a extra judicial punitive action under color of
24715 law due to incident for which Plaintiff Atkinson was never tried
24716 nor convicted in a court of law.

24717
24718 885. On or about December 11, 2009, Defendant Mark Schmink
24719 individually, and in their official capacity, while acting under color
24720 of law as Police Officers, for the Rockport Police Department, in
24721 Rockport, Massachusetts; LLOYD A. HOLMES individually, and
24722 in their official capacity, while acting under color of law as Dean
24723 of Students for North Shore Community College in Danvers,
24724 Massachusetts; WAYNE BURTON individually, and in their
24725 official capacity, while acting under color of law as President of
24726 North Shore Community College in Danvers, Massachusetts;
24727 DONNA RICHEMOND individually, and in their official capacity,
24728 while acting under color of law as Vice President, Student and

24729 Enrollment Services for North Shore Community College in
24730 Danvers, Massachusetts; DOUG PUSKA individually, and in their
24731 official capacity, while acting under color of law as Chief of Police
24732 for North Shore Community College in Danvers, Massachusetts;
24733 KENNETH TASHJY individually, and in their official capacity,
24734 while acting under color of law as College Legal Counsel for
24735 North Shore Community College in Danvers, Massachusetts;
24736 PAUL FRYDRYCH individually, and in their official capacity,
24737 while acting under color of law as Vice President, Academic
24738 Affairs for North Shore Community College in Danvers,
24739 Massachusetts did with other defendants violate, deprive, or
24740 infringe upon the civil rights of Plaintiff James M. Atkinson for the
24741 purposes of personal, political, and professional gains, without just
24742 cause, or lawful authority and did **Violate the Privileges and**
24743 **Immunities of U.S. Citizen** James M. Atkinson in contravention of
24744 law. By way of unlawfully suspending Plaintiff Atkinson as a
24745 college student of North Shore Community College in Danvers,
24746 MA as a extra judicial punitive action under color of law due to
24747 incident for which Plaintiff Atkinson was never tried nor convicted
24748 in a court of law.

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886. On or about December 11, 2009, Defendant Mark Schmink individually, and in their official capacity, while acting under color of law as Police Officers, for the Rockport Police Department, in Rockport, Massachusetts; LLOYD A. HOLMES individually, and in their official capacity, while acting under color of law as Dean of Students for North Shore Community College in Danvers, Massachusetts; WAYNE BURTON individually, and in their official capacity, while acting under color of law as President of North Shore Community College in Danvers, Massachusetts; DONNA RICHEMOND individually, and in their official capacity, while acting under color of law as Vice President, Student and Enrollment Services for North Shore Community College in Danvers, Massachusetts; DOUG PUSKA individually, and in their official capacity, while acting under color of law as Chief of Police for North Shore Community College in Danvers, Massachusetts; KENNETH TASHJY individually, and in their official capacity, while acting under color of law as College Legal Counsel for North Shore Community College in Danvers, Massachusetts; PAUL FRYDRYCH individually, and in their official capacity,

24769 while acting under color of law as Vice President, Academic
24770 Affairs for North Shore Community College in Danvers,
24771 Massachusetts did with other defendants violate, deprive, or
24772 infringe upon the civil rights of Plaintiff James M. Atkinson for the
24773 purposes of personal, political, and professional gains, without just
24774 cause, or lawful authority and did **Violate the Constitutional Rights**
24775 of James M. Atkinson in contravention of law. By way of
24776 unlawfully suspending Plaintiff Atkinson as a college student of
24777 North Shore Community College in Danvers, MA as a extra
24778 judicial punitive action under color of law due to incident for
24779 which Plaintiff Atkinson was never tried nor convicted in a court
24780 of law.

24781
24782 887. On or about December 11, 2009, Defendant Mark Schmink
24783 individually, and in their official capacity, while acting under color
24784 of law as Police Officers, for the Rockport Police Department, in
24785 Rockport, Massachusetts; LLOYD A. HOLMES individually, and
24786 in their official capacity, while acting under color of law as Dean
24787 of Students for North Shore Community College in Danvers,
24788 Massachusetts; WAYNE BURTON individually, and in their

24789 official capacity, while acting under color of law as President of
24790 North Shore Community College in Danvers, Massachusetts;
24791 DONNA RICHEMOND individually, and in their official capacity,
24792 while acting under color of law as Vice President, Student and
24793 Enrollment Services for North Shore Community College in
24794 Danvers, Massachusetts; DOUG PUSKA individually, and in their
24795 official capacity, while acting under color of law as Chief of Police
24796 for North Shore Community College in Danvers, Massachusetts;
24797 KENNETH TASHJY individually, and in their official capacity,
24798 while acting under color of law as College Legal Counsel for
24799 North Shore Community College in Danvers, Massachusetts;
24800 PAUL FRYDRYCH individually, and in their official capacity,
24801 while acting under color of law as Vice President, Academic
24802 Affairs for North Shore Community College in Danvers,
24803 Massachusetts did with other defendants violate, deprive, or
24804 infringe upon the civil rights of Plaintiff James M. Atkinson for the
24805 purposes of personal, political, and professional gains, without just
24806 cause, or lawful authority and did **Violate the Rights Guarantees,**
24807 **Privileges and Immunities of Citizenship, Due Process and Equal**
24808 **Protection of U.S. Citizens** of James M. Atkinson in contravention

24809 of law. By way of unlawfully suspending Plaintiff Atkinson as a
24810 college student of North Shore Community College in Danvers,
24811 MA as a extra judicial punitive action under color of law due to
24812 incident for which Plaintiff Atkinson was never tried nor convicted
24813 in a court of law.

24814

24815 888. On or about December 11, 2009, Defendant Mark Schmink
24816 individually, and in their official capacity, while acting under color
24817 of law as Police Officers, for the Rockport Police Department, in
24818 Rockport, Massachusetts; LLOYD A. HOLMES individually, and
24819 in their official capacity, while acting under color of law as Dean
24820 of Students for North Shore Community College in Danvers,
24821 Massachusetts; WAYNE BURTON individually, and in their
24822 official capacity, while acting under color of law as President of
24823 North Shore Community College in Danvers, Massachusetts;
24824 DONNA RICHEMOND individually, and in their official capacity,
24825 while acting under color of law as Vice President, Student and
24826 Enrollment Services for North Shore Community College in
24827 Danvers, Massachusetts; DOUG PUSKA individually, and in their
24828 official capacity, while acting under color of law as Chief of Police

24829 for North Shore Community College in Danvers, Massachusetts;
24830 KENNETH TASHJY individually, and in their official capacity,
24831 while acting under color of law as College Legal Counsel for
24832 North Shore Community College in Danvers, Massachusetts;
24833 PAUL FRYDRYCH individually, and in their official capacity,
24834 while acting under color of law as Vice President, Academic
24835 Affairs for North Shore Community College in Danvers,
24836 Massachusetts did with other defendants violate, deprive, or
24837 infringe upon the civil rights of Plaintiff James M. Atkinson for the
24838 purposes of personal, political, and professional gains, without just
24839 cause, or lawful authority and did engage in a **Pattern or Practice of**
24840 **Conduct or Deprivation of Rights, Privileges, or Immunities** of
24841 James M. Atkinson in contravention of law. By way of unlawfully
24842 suspending Plaintiff Atkinson as a college student of North Shore
24843 Community College in Danvers, MA as a extra judicial punitive
24844 action under color of law due to incident for which Plaintiff
24845 Atkinson was never tried nor convicted in a court of law.

24846
24847 889. On or about December 11, 2009, Defendant Mark Schmink
24848 individually, and in their official capacity, while acting under color

24849 of law as Police Officers, for the Rockport Police Department, in
24850 Rockport, Massachusetts; LLOYD A. HOLMES individually, and
24851 in their official capacity, while acting under color of law as Dean
24852 of Students for North Shore Community College in Danvers,
24853 Massachusetts; WAYNE BURTON individually, and in their
24854 official capacity, while acting under color of law as President of
24855 North Shore Community College in Danvers, Massachusetts;
24856 DONNA RICHEMOND individually, and in their official capacity,
24857 while acting under color of law as Vice President, Student and
24858 Enrollment Services for North Shore Community College in
24859 Danvers, Massachusetts; DOUG PUSKA individually, and in their
24860 official capacity, while acting under color of law as Chief of Police
24861 for North Shore Community College in Danvers, Massachusetts;
24862 KENNETH TASHJY individually, and in their official capacity,
24863 while acting under color of law as College Legal Counsel for
24864 North Shore Community College in Danvers, Massachusetts;
24865 PAUL FRYDRYCH individually, and in their official capacity,
24866 while acting under color of law as Vice President, Academic
24867 Affairs for North Shore Community College in Danvers,
24868 Massachusetts did with other defendants violate, deprive, or

24869 infringe upon the civil rights of Plaintiff James M. Atkinson for the
24870 purposes of personal, political, and professional gains, without just
24871 cause, or lawful authority and did commit **Accessory Before the**
24872 **Fact** against James M. Atkinson in contravention of law. By way
24873 of unlawfully suspending Plaintiff Atkinson as a college student of
24874 North Shore Community College in Danvers, MA as a extra
24875 judicial punitive action under color of law due to incident for
24876 which Plaintiff Atkinson was never tried nor convicted in a court
24877 of law.

24878
24879 890. On or about December 11, 2009, Defendant Mark Schmink
24880 individually, and in their official capacity, while acting under color
24881 of law as Police Officers, for the Rockport Police Department, in
24882 Rockport, Massachusetts; LLOYD A. HOLMES individually, and
24883 in their official capacity, while acting under color of law as Dean
24884 of Students for North Shore Community College in Danvers,
24885 Massachusetts; WAYNE BURTON individually, and in their
24886 official capacity, while acting under color of law as President of
24887 North Shore Community College in Danvers, Massachusetts;
24888 DONNA RICHEMOND individually, and in their official capacity,

24889 while acting under color of law as Vice President, Student and
24890 Enrollment Services for North Shore Community College in
24891 Danvers, Massachusetts; DOUG PUSKA individually, and in their
24892 official capacity, while acting under color of law as Chief of Police
24893 for North Shore Community College in Danvers, Massachusetts;
24894 KENNETH TASHJY individually, and in their official capacity,
24895 while acting under color of law as College Legal Counsel for
24896 North Shore Community College in Danvers, Massachusetts;
24897 PAUL FRYDRYCH individually, and in their official capacity,
24898 while acting under color of law as Vice President, Academic
24899 Affairs for North Shore Community College in Danvers,
24900 Massachusetts did with other defendants violate, deprive, or
24901 infringe upon the civil rights of Plaintiff James M. Atkinson for the
24902 purposes of personal, political, and professional gains, without just
24903 cause, or lawful authority and did commit **Burglary** against James
24904 M. Atkinson in contravention of law. By way cutting the padlocks
24905 off of three lockers school lockers rented by the Plaintiff.

24907 891. On or about December 11, 2009, Defendant Mark Schmink
24908 individually, and in their official capacity, while acting under color

24909 of law as Police Officers, for the Rockport Police Department, in
24910 Rockport, Massachusetts; LLOYD A. HOLMES individually, and
24911 in their official capacity, while acting under color of law as Dean
24912 of Students for North Shore Community College in Danvers,
24913 Massachusetts; WAYNE BURTON individually, and in their
24914 official capacity, while acting under color of law as President of
24915 North Shore Community College in Danvers, Massachusetts;
24916 DONNA RICHEMOND individually, and in their official capacity,
24917 while acting under color of law as Vice President, Student and
24918 Enrollment Services for North Shore Community College in
24919 Danvers, Massachusetts; DOUG PUSKA individually, and in their
24920 official capacity, while acting under color of law as Chief of Police
24921 for North Shore Community College in Danvers, Massachusetts;
24922 KENNETH TASHJY individually, and in their official capacity,
24923 while acting under color of law as College Legal Counsel for
24924 North Shore Community College in Danvers, Massachusetts;
24925 PAUL FRYDRYCH individually, and in their official capacity,
24926 while acting under color of law as Vice President, Academic
24927 Affairs for North Shore Community College in Danvers,
24928 Massachusetts did with other defendants violate, deprive, or

24929 infringe upon the civil rights of Plaintiff James M. Atkinson for the
24930 purposes of personal, political, and professional gains, without just
24931 cause, or lawful authority and did commit **Unlawful and**
24932 **Warrantless Search and Seizure** against James M. Atkinson in
24933 contravention of law. By way cutting the padlocks off of three
24934 lockers school lockers rented by the Plaintiff, and then searching
24935 these three lockers, and seizing the contents.

24936
24937 892. On or about December 11, 2009, Defendant Mark Schmink
24938 individually, and in their official capacity, while acting under color
24939 of law as Police Officers, for the Rockport Police Department, in
24940 Rockport, Massachusetts; LLOYD A. HOLMES individually, and
24941 in their official capacity, while acting under color of law as Dean
24942 of Students for North Shore Community College in Danvers,
24943 Massachusetts; WAYNE BURTON individually, and in their
24944 official capacity, while acting under color of law as President of
24945 North Shore Community College in Danvers, Massachusetts;
24946 DONNA RICHEMOND individually, and in their official capacity,
24947 while acting under color of law as Vice President, Student and
24948 Enrollment Services for North Shore Community College in

24949 Danvers, Massachusetts; DOUG PUSKA individually, and in their
24950 official capacity, while acting under color of law as Chief of Police
24951 for North Shore Community College in Danvers, Massachusetts;
24952 KENNETH TASHJY individually, and in their official capacity,
24953 while acting under color of law as College Legal Counsel for
24954 North Shore Community College in Danvers, Massachusetts;
24955 PAUL FRYDRYCH individually, and in their official capacity,
24956 while acting under color of law as Vice President, Academic
24957 Affairs for North Shore Community College in Danvers,
24958 Massachusetts did with other defendants violate, deprive, or
24959 infringe upon the civil rights of Plaintiff James M. Atkinson for the
24960 purposes of personal, political, and professional gains, without just
24961 cause, or lawful authority and did commit **Larceny of Over \$250**
24962 against James M. Atkinson in contravention of law. By way of
24963 seizing, stealing, and refusing to return nine (9) college text books
24964 valued at \$750, four (4) reference manuals valued at \$500, two (2)
24965 laboratory notebooks with valuable intellectual property, two (2)
24966 white lab coats values at \$85 each, a box of Nitrile Gloves valued
24967 at \$15, two (2) dissection surgical kits valued at \$16, a coffee
24968 maker valued at \$120, four (4) boxes of coffee value at \$60, one

24969 (1) box of non-dairy creamer valued at \$10, one (1) box of sugar
24970 packets valued at \$3, one (1) extension cord valued at \$5, one box
24971 of various snacks and lunch valued at \$25, Apple Mac Book Pro
24972 Laptop valued at \$4000, Hewlett-Packard Compact Inkjet Printer
24973 valued at \$350, Paper and Extra Ink for Inkjet Printer valued at
24974 \$150, eight (8) 4 GB thumb drives, a heavy winter coat valued at
24975 \$260, a set of hinged orthopedic knee braces valued at \$85, an
24976 aluminum orthopedic walking cane valued at \$50, a box of
24977 prescription medications and prescribed narcotics valued at \$600,
24978 and iPod with course lectures, and two (2) H4n multi-track audio
24979 recorders four pair of lab safety goggles.

24980
24981 893. On or about December 11, 2009, Defendant Mark Schmink
24982 individually, and in their official capacity, while acting under color
24983 of law as Police Officers, for the Rockport Police Department, in
24984 Rockport, Massachusetts; LLOYD A. HOLMES individually, and
24985 in their official capacity, while acting under color of law as Dean
24986 of Students for North Shore Community College in Danvers,
24987 Massachusetts; WAYNE BURTON individually, and in their
24988 official capacity, while acting under color of law as President of

24989 North Shore Community College in Danvers, Massachusetts;
24990 DONNA RICHEMOND individually, and in their official capacity,
24991 while acting under color of law as Vice President, Student and
24992 Enrollment Services for North Shore Community College in
24993 Danvers, Massachusetts; DOUG PUSKA individually, and in their
24994 official capacity, while acting under color of law as Chief of Police
24995 for North Shore Community College in Danvers, Massachusetts;
24996 KENNETH TASHJY individually, and in their official capacity,
24997 while acting under color of law as College Legal Counsel for
24998 North Shore Community College in Danvers, Massachusetts;
24999 PAUL FRYDRYCH individually, and in their official capacity,
25000 while acting under color of law as Vice President, Academic
25001 Affairs for North Shore Community College in Danvers,
25002 Massachusetts did with other defendants violate, deprive, or
25003 infringe upon the civil rights of Plaintiff James M. Atkinson for the
25004 purposes of personal, political, and professional gains, without just
25005 cause, or lawful authority and did commit **Mail Fraud** against
25006 James M. Atkinson in contravention of law. By way sending a
25007 fraudulent college suspension letter to the student at his home by
25008 way of the U.S. Mail.

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894. On or about December 11, 2009, Defendant Mark Schmink individually, and in their official capacity, while acting under color of law as Police Officers, for the Rockport Police Department, in Rockport, Massachusetts; LLOYD A. HOLMES individually, and in their official capacity, while acting under color of law as Dean of Students for North Shore Community College in Danvers, Massachusetts; WAYNE BURTON individually, and in their official capacity, while acting under color of law as President of North Shore Community College in Danvers, Massachusetts; DONNA RICHEMOND individually, and in their official capacity, while acting under color of law as Vice President, Student and Enrollment Services for North Shore Community College in Danvers, Massachusetts; DOUG PUSKA individually, and in their official capacity, while acting under color of law as Chief of Police for North Shore Community College in Danvers, Massachusetts; KENNETH TASHJY individually, and in their official capacity, while acting under color of law as College Legal Counsel for North Shore Community College in Danvers, Massachusetts; PAUL FRYDRYCH individually, and in their official capacity,

25029 while acting under color of law as Vice President, Academic
25030 Affairs for North Shore Community College in Danvers,
25031 Massachusetts did with other defendants violate, deprive, or
25032 infringe upon the civil rights of Plaintiff James M. Atkinson for the
25033 purposes of personal, political, and professional gains, without just
25034 cause, or lawful authority and did commit **Mail Fraud** against
25035 James M. Atkinson in contravention of law. By way sending a
25036 fraudulent college suspension letter to family members and next of
25037 kin of the student to inform then of Plaintiff Atkinson academic
25038 suspension by way of the U.S. Mail.

25039
25040 895. On or about December 11, 2009, Defendant Mark Schmink
25041 individually, and in their official capacity, while acting under color
25042 of law as Police Officers, for the Rockport Police Department, in
25043 Rockport, Massachusetts; LLOYD A. HOLMES individually, and
25044 in their official capacity, while acting under color of law as Dean
25045 of Students for North Shore Community College in Danvers,
25046 Massachusetts; WAYNE BURTON individually, and in their
25047 official capacity, while acting under color of law as President of
25048 North Shore Community College in Danvers, Massachusetts;

25049 DONNA RICHEMOND individually, and in their official capacity,
25050 while acting under color of law as Vice President, Student and
25051 Enrollment Services for North Shore Community College in
25052 Danvers, Massachusetts; DOUG PUSKA individually, and in their
25053 official capacity, while acting under color of law as Chief of Police
25054 for North Shore Community College in Danvers, Massachusetts;
25055 KENNETH TASHJY individually, and in their official capacity,
25056 while acting under color of law as College Legal Counsel for
25057 North Shore Community College in Danvers, Massachusetts;
25058 PAUL FRYDRYCH individually, and in their official capacity,
25059 while acting under color of law as Vice President, Academic
25060 Affairs for North Shore Community College in Danvers,
25061 Massachusetts did with other defendants violate, deprive, or
25062 infringe upon the civil rights of Plaintiff James M. Atkinson for the
25063 purposes of personal, political, and professional gains, without just
25064 cause, or lawful authority and did commit **Wire Fraud** against
25065 James M. Atkinson in contravention of law. By way sending a
25066 fraudulent college suspension letter to the Plaintiff by way of an E-
25067 Mail message sent over common carrier lines, and across state
25068 lines.

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896. On or about December 11, 2009, Defendant Mark Schmink individually, and in their official capacity, while acting under color of law as Police Officers, for the Rockport Police Department, in Rockport, Massachusetts; LLOYD A. HOLMES individually, and in their official capacity, while acting under color of law as Dean of Students for North Shore Community College in Danvers, Massachusetts; WAYNE BURTON individually, and in their official capacity, while acting under color of law as President of North Shore Community College in Danvers, Massachusetts; DONNA RICHEMOND individually, and in their official capacity, while acting under color of law as Vice President, Student and Enrollment Services for North Shore Community College in Danvers, Massachusetts; DOUG PUSKA individually, and in their official capacity, while acting under color of law as Chief of Police for North Shore Community College in Danvers, Massachusetts; KENNETH TASHJY individually, and in their official capacity, while acting under color of law as College Legal Counsel for North Shore Community College in Danvers, Massachusetts; PAUL FRYDRYCH individually, and in their official capacity,

25089 while acting under color of law as Vice President, Academic
25090 Affairs for North Shore Community College in Danvers,
25091 Massachusetts did with other defendants violate, deprive, or
25092 infringe upon the civil rights of Plaintiff James M. Atkinson for the
25093 purposes of personal, political, and professional gains, without just
25094 cause, or lawful authority and did commit Violation of the Family
25095 Educational Rights and Privacy Act of 1974 (The Buckley
25096 Amendment) and Fair Information Practices Act against James M.
25097 Atkinson in contravention of law. By way sending a fraudulent
25098 college suspension letter to family members and next of kin of the
25099 student and/or to others who were not authorized to receive same
25100 to inform then of Plaintiff Atkinson academic suspension by way
25101 of the U.S. Mail.

25102
25103 897. On or about December 11, 2009, Defendant Mark Schmink
25104 individually, and in their official capacity, while acting under color
25105 of law as Police Officers, for the Rockport Police Department, in
25106 Rockport, Massachusetts; LLOYD A. HOLMES individually, and
25107 in their official capacity, while acting under color of law as Dean
25108 of Students for North Shore Community College in Danvers,

25109 Massachusetts; WAYNE BURTON individually, and in their
25110 official capacity, while acting under color of law as President of
25111 North Shore Community College in Danvers, Massachusetts;
25112 DONNA RICHEMOND individually, and in their official capacity,
25113 while acting under color of law as Vice President, Student and
25114 Enrollment Services for North Shore Community College in
25115 Danvers, Massachusetts; DOUG PUSKA individually, and in their
25116 official capacity, while acting under color of law as Chief of Police
25117 for North Shore Community College in Danvers, Massachusetts;
25118 KENNETH TASHJY individually, and in their official capacity,
25119 while acting under color of law as College Legal Counsel for
25120 North Shore Community College in Danvers, Massachusetts;
25121 PAUL FRYDRYCH individually, and in their official capacity,
25122 while acting under color of law as Vice President, Academic
25123 Affairs for North Shore Community College in Danvers,
25124 Massachusetts did with other defendants violate, deprive, or
25125 infringe upon the civil rights of Plaintiff James M. Atkinson for the
25126 purposes of personal, political, and professional gains, without just
25127 cause, or lawful authority and did commit **Larceny of Over \$250**
25128 against James M. Atkinson in contravention of law. By way of not

25129 allowing Plaintiff Atkinsono to return to campus to continue course,
25130 nor to complete required laboratory time, nor to hand in written
25131 assignment, nor to take final written Examinations for the Clinical
25132 Anatomy and Physiology I course.

25133
25134 898. On or about December 11, 2009, Defendant Mark Schmink
25135 individually, and in their official capacity, while acting under color
25136 of law as Police Officers, for the Rockport Police Department, in
25137 Rockport, Massachusetts; LLOYD A. HOLMES individually, and
25138 in their official capacity, while acting under color of law as Dean
25139 of Students for North Shore Community College in Danvers,
25140 Massachusetts; WAYNE BURTON individually, and in their
25141 official capacity, while acting under color of law as President of
25142 North Shore Community College in Danvers, Massachusetts;
25143 DONNA RICHEMOND individually, and in their official capacity,
25144 while acting under color of law as Vice President, Student and
25145 Enrollment Services for North Shore Community College in
25146 Danvers, Massachusetts; DOUG PUSKA individually, and in their
25147 official capacity, while acting under color of law as Chief of Police
25148 for North Shore Community College in Danvers, Massachusetts;

25149 KENNETH TASHJY individually, and in their official capacity,
25150 while acting under color of law as College Legal Counsel for
25151 North Shore Community College in Danvers, Massachusetts;
25152 PAUL FRYDRYCH individually, and in their official capacity,
25153 while acting under color of law as Vice President, Academic
25154 Affairs for North Shore Community College in Danvers,
25155 Massachusetts did with other defendants violate, deprive, or
25156 infringe upon the civil rights of Plaintiff James M. Atkinson for the
25157 purposes of personal, political, and professional gains, without just
25158 cause, or lawful authority and did commit **Larceny of Over \$250**
25159 against James M. Atkinson in contravention of law. By way of not
25160 allowing Plaintiff Atkinson to return to campus to continue course,
25161 nor to complete required laboratory time, nor to hand in written
25162 assignment, nor to take final written Examinations for the Biology
25163 105 (for Science Majors) course for which the Plaintiff had paid
25164 moneys to the college to attend.

25165
25166 899. On or about December 11, 2009, Defendant Mark Schmink
25167 individually, and in their official capacity, while acting under color
25168 of law as Police Officers, for the Rockport Police Department, in

25169 Rockport, Massachusetts; LLOYD A. HOLMES individually, and
25170 in their official capacity, while acting under color of law as Dean
25171 of Students for North Shore Community College in Danvers,
25172 Massachusetts; WAYNE BURTON individually, and in their
25173 official capacity, while acting under color of law as President of
25174 North Shore Community College in Danvers, Massachusetts;
25175 DONNA RICHEMOND individually, and in their official capacity,
25176 while acting under color of law as Vice President, Student and
25177 Enrollment Services for North Shore Community College in
25178 Danvers, Massachusetts; DOUG PUSKA individually, and in their
25179 official capacity, while acting under color of law as Chief of Police
25180 for North Shore Community College in Danvers, Massachusetts;
25181 KENNETH TASHJY individually, and in their official capacity,
25182 while acting under color of law as College Legal Counsel for
25183 North Shore Community College in Danvers, Massachusetts;
25184 PAUL FRYDRYCH individually, and in their official capacity,
25185 while acting under color of law as Vice President, Academic
25186 Affairs for North Shore Community College in Danvers,
25187 Massachusetts did with other defendants violate, deprive, or
25188 infringe upon the civil rights of Plaintiff James M. Atkinson for the

25189 purposes of personal, political, and professional gains, without just
25190 cause, or lawful authority and did commit **Larceny of Over \$250**
25191 against James M. Atkinson in contravention of law. By way of not
25192 allowing Plaintiff Atkinson to return to campus to continue course,
25193 nor to complete required laboratory time, nor to hand in written
25194 assignment, nor to take final written Examinations for the Basic
25195 Biotechnology Laboratory Procedures course for which the
25196 Plaintiff had paid moneys to the college to attend.

25197

25198 900. On or about December 11, 2009, Defendant Mark Schmink
25199 individually, and in their official capacity, while acting under color
25200 of law as Police Officers, for the Rockport Police Department, in
25201 Rockport, Massachusetts; LLOYD A. HOLMES individually, and
25202 in their official capacity, while acting under color of law as Dean
25203 of Students for North Shore Community College in Danvers,
25204 Massachusetts; WAYNE BURTON individually, and in their
25205 official capacity, while acting under color of law as President of
25206 North Shore Community College in Danvers, Massachusetts;
25207 DONNA RICHEMOND individually, and in their official capacity,
25208 while acting under color of law as Vice President, Student and

25209 Enrollment Services for North Shore Community College in
25210 Danvers, Massachusetts; DOUG PUSKA individually, and in their
25211 official capacity, while acting under color of law as Chief of Police
25212 for North Shore Community College in Danvers, Massachusetts;
25213 KENNETH TASHJY individually, and in their official capacity,
25214 while acting under color of law as College Legal Counsel for
25215 North Shore Community College in Danvers, Massachusetts;
25216 PAUL FRYDRYCH individually, and in their official capacity,
25217 while acting under color of law as Vice President, Academic
25218 Affairs for North Shore Community College in Danvers,
25219 Massachusetts did with other defendants violate, deprive, or
25220 infringe upon the civil rights of Plaintiff James M. Atkinson for the
25221 purposes of personal, political, and professional gains, without just
25222 cause, or lawful authority and did commit **Larceny of Over \$250**
25223 against James M. Atkinson in contravention of law. By way of not
25224 allowing Plaintiff Atkinson to return to campus to continue course,
25225 nor to complete required laboratory time, nor to hand in written
25226 assignment, nor to take final written Examinations for the Biology
25227 101 course for which the Plaintiff had paid moneys to the college
25228 to attend.

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901. On or about December 11, 2009, Defendant Mark Schmink individually, and in their official capacity, while acting under color of law as Police Officers, for the Rockport Police Department, in Rockport, Massachusetts; LLOYD A. HOLMES individually, and in their official capacity, while acting under color of law as Dean of Students for North Shore Community College in Danvers, Massachusetts; WAYNE BURTON individually, and in their official capacity, while acting under color of law as President of North Shore Community College in Danvers, Massachusetts; DONNA RICHEMOND individually, and in their official capacity, while acting under color of law as Vice President, Student and Enrollment Services for North Shore Community College in Danvers, Massachusetts; DOUG PUSKA individually, and in their official capacity, while acting under color of law as Chief of Police for North Shore Community College in Danvers, Massachusetts; KENNETH TASHJY individually, and in their official capacity, while acting under color of law as College Legal Counsel for North Shore Community College in Danvers, Massachusetts; PAUL FRYDRYCH individually, and in their official capacity,

25249 while acting under color of law as Vice President, Academic
25250 Affairs for North Shore Community College in Danvers,
25251 Massachusetts did with other defendants violate, deprive, or
25252 infringe upon the civil rights of Plaintiff James M. Atkinson for the
25253 purposes of personal, political, and professional gains, without just
25254 cause, or lawful authority and did commit **Larceny of Over \$250**
25255 against James M. Atkinson in contravention of law. By way of not
25256 allowing Plaintiff Atkinson to return to campus to continue course,
25257 nor to complete required laboratory time, nor to hand in written
25258 assignment, nor to take final written Examinations for the Human
25259 Body in Health and Disease course for which the Plaintiff had paid
25260 moneys to the college to attend.

25261
25262 902. On or about December 11, 2009, Defendant Mark Schmink
25263 individually, and in their official capacity, while acting under color
25264 of law as Police Officers, for the Rockport Police Department, in
25265 Rockport, Massachusetts; LLOYD A. HOLMES individually, and
25266 in their official capacity, while acting under color of law as Dean
25267 of Students for North Shore Community College in Danvers,
25268 Massachusetts; WAYNE BURTON individually, and in their

25269 official capacity, while acting under color of law as President of
25270 North Shore Community College in Danvers, Massachusetts;
25271 DONNA RICHEMOND individually, and in their official capacity,
25272 while acting under color of law as Vice President, Student and
25273 Enrollment Services for North Shore Community College in
25274 Danvers, Massachusetts; DOUG PUSKA individually, and in their
25275 official capacity, while acting under color of law as Chief of Police
25276 for North Shore Community College in Danvers, Massachusetts;
25277 KENNETH TASHJY individually, and in their official capacity,
25278 while acting under color of law as College Legal Counsel for
25279 North Shore Community College in Danvers, Massachusetts;
25280 PAUL FRYDRYCH individually, and in their official capacity,
25281 while acting under color of law as Vice President, Academic
25282 Affairs for North Shore Community College in Danvers,
25283 Massachusetts did with other defendants violate, deprive, or
25284 infringe upon the civil rights of Plaintiff James M. Atkinson for the
25285 purposes of personal, political, and professional gains, without just
25286 cause, or lawful authority and did commit **Violation of Civil Rights**
25287 against James M. Atkinson in contravention of law. By way
25288 issuing a no-trespass letter, and threatening to arrest the Plaintiff

25289 should he attempt to return to the college to complete any
25290 coursework.

25291

25292 903. On or about December 11, 2009, Defendant Mark Schmink
25293 individually, and in their official capacity, while acting under color
25294 of law as Police Officers, for the Rockport Police Department, in
25295 Rockport, Massachusetts; LLOYD A. HOLMES individually, and
25296 in their official capacity, while acting under color of law as Dean
25297 of Students for North Shore Community College in Danvers,
25298 Massachusetts; WAYNE BURTON individually, and in their
25299 official capacity, while acting under color of law as President of
25300 North Shore Community College in Danvers, Massachusetts;
25301 DONNA RICHEMOND individually, and in their official capacity,
25302 while acting under color of law as Vice President, Student and
25303 Enrollment Services for North Shore Community College in
25304 Danvers, Massachusetts; DOUG PUSKA individually, and in their
25305 official capacity, while acting under color of law as Chief of Police
25306 for North Shore Community College in Danvers, Massachusetts;
25307 KENNETH TASHJY individually, and in their official capacity,
25308 while acting under color of law as College Legal Counsel for

25309 North Shore Community College in Danvers, Massachusetts;
25310 PAUL FRYDRYCH individually, and in their official capacity,
25311 while acting under color of law as Vice President, Academic
25312 Affairs for North Shore Community College in Danvers,
25313 Massachusetts did with other defendants violate, deprive, or
25314 infringe upon the civil rights of Plaintiff James M. Atkinson for the
25315 purposes of personal, political, and professional gains, without just
25316 cause, or lawful authority and did commit **Violation of Due**
25317 **Process** under Color of Law against James M. Atkinson in
25318 contravention of law. By way scheduling a academic judicial
25319 conference at a time when the school knew for a fact that Plaintiff
25320 Atkinson was in the hospital, further the Defendants refused to
25321 communicate the Plaintiffs Attorney on the matter, and after
25322 Plaintiff was released from the hospital, Defendants refused to
25323 undertake any activity to review or rescind the illegal suspension,
25324 and refused to consider any evidence whatsoever which exonerated
25325 the Plaintiff, and refused any effort to appeal the suspension.

25326
25327 904. On or about December 11, 2009, Defendant Mark Schmink
25328 individually, and in their official capacity, while acting under color

25329 of law as Police Officers, for the Rockport Police Department, in
25330 Rockport, Massachusetts; LLOYD A. HOLMES individually, and
25331 in their official capacity, while acting under color of law as Dean
25332 of Students for North Shore Community College in Danvers,
25333 Massachusetts; WAYNE BURTON individually, and in their
25334 official capacity, while acting under color of law as President of
25335 North Shore Community College in Danvers, Massachusetts;
25336 DONNA RICHEMOND individually, and in their official capacity,
25337 while acting under color of law as Vice President, Student and
25338 Enrollment Services for North Shore Community College in
25339 Danvers, Massachusetts; DOUG PUSKA individually, and in their
25340 official capacity, while acting under color of law as Chief of Police
25341 for North Shore Community College in Danvers, Massachusetts;
25342 KENNETH TASHJY individually, and in their official capacity,
25343 while acting under color of law as College Legal Counsel for
25344 North Shore Community College in Danvers, Massachusetts;
25345 PAUL FRYDRYCH individually, and in their official capacity,
25346 while acting under color of law as Vice President, Academic
25347 Affairs for North Shore Community College in Danvers,
25348 Massachusetts did with other defendants violate, deprive, or

25349 infringe upon the civil rights of Plaintiff James M. Atkinson for the
25350 purposes of personal, political, and professional gains, without just
25351 cause, or lawful authority and did commit **Violation of Fifth**
25352 **Amendment Right in Regards to Double Jeopardy** under Color of
25353 Law against James M. Atkinson in contravention of law. By way
25354 of the College using state statute in the form of a “Student Judicial
25355 Manual” which is defacto a state statute by which state authorized
25356 punishment are meted out, such suspension, debarment, and
25357 banning form the campus grounds. Further this punishment was
25358 not allowed to be appealed, no witnesses were allowed to be
25359 confronted or questions, and for all practical purposed is was a
25360 sham proceeding. Further, as this was a state Judicial Body, who
25361 imposed a State Sanctioned Punishment (albeit illegally), the
25362 Plaintiff can not be further punished for this alleged act by a
25363 different State Court. Indeed the Plaintiff was unlawfully punished
25364 by the Commonwealth of Massachusetts by virtue of the illegal
25365 student suspensions and revocations of civil rights, Plaintiff can
25366 not therefore be punished a second time. Plaintiff was
25367 presumptively “found guilty” in the eyes of the college, and thus in
25368 the eyes of the State. Punishment was then applied in the name of

25369 the state. Plaintiff was not permitted a hearing or trial of any form
25370 whatsoever of due process BEFORE the punishment was imposed.
25371 The unlawful punishments imposed by the state have been in place
25372 now for in excess of two years, with resultant great harm against
25373 the Plaintiff.

25374

25375 **Unlawful Suspension as Student**
25376 **at Salem State College**

25377

25378 905. On or about January 29, 2010, Defendant Mark Schmink,
25379 Robert Tibert, Michael Marino, John T. McCarthy, and Daniel
25380 Mahoney individually, and in their official capacity, while acting
25381 under color of law as Police Officers, for the Rockport Police
25382 Department, in Rockport, Massachusetts; SCOTT JAMES
25383 individually, and in her official capacity, while acting under color
25384 of law as an Associate Vice President for Salem State College, in
25385 Salem Massachusetts; PATRICIA MAGUIRE MESERVEY
25386 individually, and in her official capacity, while acting under color
25387 of law as President for Salem State College, in Salem
25388 Massachusetts; JAMES STOLL individually, and in his official
25389 capacity, while acting under color of law as an Associate Vice
25390 President and Dean of Students for Salem State College, in Salem

25391 Massachusetts; WILLIAM ANGLIN individually, and in her
25392 official capacity, while acting under color of law as a Chief, Public
25393 Safety for Salem State College, in Salem Massachusetts; SHAWN
25394 A. NEWTON individually, and in her official capacity, while
25395 acting under color of law as an Assistant Dean of Students for
25396 Salem State College, in Salem Massachusetts; SHANE
25397 RODRIGUEZ individually, and in her official capacity, while
25398 acting under color of law as a Deputy Chief, Campus Police for
25399 Salem State College, in Salem Massachusetts; KEMAH
25400 TRAVERS individually, and in her official capacity, while acting
25401 under color of law as a Judicial Board Member for Salem State
25402 College, in Salem Massachusetts; KRISTINA MASON
25403 individually, and in her official capacity, while acting under color
25404 of law as a Judicial Board Member for Salem State College, in
25405 Salem Massachusetts; LEE BROSSOIT individually, and in her
25406 official capacity, while acting under color of law as a Assistant
25407 Dean for Graduate Admissions for Salem State College; did with
25408 other defendants violate, deprive, or infringe upon the civil rights
25409 of Plaintiff James M. Atkinson for the purposes of personal,
25410 political, and professional gains, without just cause, or lawful

25411 authority and did engage in **Willful Deprivations of Federal Rights**
25412 **Under Color of Law** of James M. Atkinson in contravention of law.
25413 By way of unlawfully suspending Plaintiff Atkinson as a college
25414 student of Salem State College in Salem, MA as a extra judicial
25415 punitive action under color of law due to incident for which
25416 Plaintiff Atkinson was never tried nor convicted in a court of law.

25417
25418 906. On or about January 29, 2010, Defendant Mark Schmink,
25419 Robert Tibert, Michael Marino, John T. McCarthy, and Daniel
25420 Mahoney individually, and in their official capacity, while acting
25421 under color of law as Police Officers, for the Rockport Police
25422 Department, in Rockport, Massachusetts; SCOTT JAMES
25423 individually, and in her official capacity, while acting under color
25424 of law as an Associate Vice President for Salem State College, in
25425 Salem Massachusetts; PATRICIA MAGUIRE MESERVEY
25426 individually, and in her official capacity, while acting under color
25427 of law as President for Salem State College, in Salem
25428 Massachusetts; JAMES STOLL individually, and in his official
25429 capacity, while acting under color of law as an Associate Vice
25430 President and Dean of Students for Salem State College, in Salem

25431 Massachusetts; WILLIAM ANGLIN individually, and in her
25432 official capacity, while acting under color of law as a Chief, Public
25433 Safety for Salem State College, in Salem Massachusetts; SHAWN
25434 A. NEWTON individually, and in her official capacity, while
25435 acting under color of law as an Assistant Dean of Students for
25436 Salem State College, in Salem Massachusetts; SHANE
25437 RODRIGUEZ individually, and in her official capacity, while
25438 acting under color of law as a Deputy Chief, Campus Police for
25439 Salem State College, in Salem Massachusetts; KEMAH
25440 TRAVERS individually, and in her official capacity, while acting
25441 under color of law as a Judicial Board Member for Salem State
25442 College, in Salem Massachusetts; KRISTINA MASON
25443 individually, and in her official capacity, while acting under color
25444 of law as a Judicial Board Member for Salem State College, in
25445 Salem Massachusetts; LEE BROSSOIT individually, and in her
25446 official capacity, while acting under color of law as a Assistant
25447 Dean for Graduate Admissions for Salem State College; did with
25448 other defendants violate, deprive, or infringe upon the civil rights
25449 of Plaintiff James M. Atkinson for the purposes of personal,
25450 political, and professional gains, without just cause, or lawful

25451 authority and did engage in **Conspiracy to Interfere with Civil**
25452 **Rights** of James M. Atkinson in contravention of law. By way of
25453 unlawfully suspending Plaintiff Atkinson as a college student of
25454 Salem State College in Salem, MA as a extra judicial punitive
25455 action under color of law due to incident for which Plaintiff
25456 Atkinson was never tired nor convicted in a court of law. Also by
25457 way of planning and conspiring between Defendants Schmink, and
25458 Newton to expel Plaintiff Atkinson fro Salem State College, even
25459 after he had been admitted as a full time student, and was attending
25460 full time, in order to injure Plaintiff Atkinson (this Conspiracy was
25461 verbally confirmed by Defendant Shawn Newton on 2/2/2010)

25462
25463 907. On or about January 29, 2010, Defendant Mark Schmink,
25464 Robert Tibert, Michael Marino, John T. McCarthy, and Daniel
25465 Mahoney individually, and in their official capacity, while acting
25466 under color of law as Police Officers, for the Rockport Police
25467 Department, in Rockport, Massachusetts; SCOTT JAMES
25468 individually, and in her official capacity, while acting under color
25469 of law as an Associate Vice President for Salem State College, in
25470 Salem Massachusetts; PATRICIA MAGUIRE MESERVEY

25471 individually, and in her official capacity, while acting under color
25472 of law as President for Salem State College, in Salem
25473 Massachusetts; JAMES STOLL individually, and in his official
25474 capacity, while acting under color of law as an Associate Vice
25475 President and Dean of Students for Salem State College, in Salem
25476 Massachusetts; WILLIAM ANGLIN individually, and in her
25477 official capacity, while acting under color of law as a Chief, Public
25478 Safety for Salem State College, in Salem Massachusetts; SHAWN
25479 A. NEWTON individually, and in her official capacity, while
25480 acting under color of law as an Assistant Dean of Students for
25481 Salem State College, in Salem Massachusetts; SHANE
25482 RODRIGUEZ individually, and in her official capacity, while
25483 acting under color of law as a Deputy Chief, Campus Police for
25484 Salem State College, in Salem Massachusetts; KEMAH
25485 TRAVERS individually, and in her official capacity, while acting
25486 under color of law as a Judicial Board Member for Salem State
25487 College, in Salem Massachusetts; KRISTINA MASON
25488 individually, and in her official capacity, while acting under color
25489 of law as a Judicial Board Member for Salem State College, in
25490 Salem Massachusetts; LEE BROSSOIT individually, and in her

25491 official capacity, while acting under color of law as a Assistant
25492 Dean for Graduate Admissions for Salem State College; did with
25493 other defendants violate, deprive, or infringe upon the civil rights
25494 of Plaintiff James M. Atkinson for the purposes of personal,
25495 political, and professional gains, without just cause, or lawful
25496 authority and did engage in **Actions for Neglect to Prevent**
25497 **Interfere with Civil Rights** of James M. Atkinson in contravention
25498 of law. By way of unlawfully suspending Plaintiff Atkinson as a
25499 college student of Salem State College in Salem, MA as a extra
25500 judicial punitive action under color of law due to incident for
25501 which Plaintiff Atkinson was never tried nor convicted in a court
25502 of law.

25503
25504 908. On or about January 29, 2010, Defendant Mark Schmink,
25505 Robert Tibert, Michael Marino, John T. McCarthy, and Daniel
25506 Mahoney individually, and in their official capacity, while acting
25507 under color of law as Police Officers, for the Rockport Police
25508 Department, in Rockport, Massachusetts; SCOTT JAMES
25509 individually, and in her official capacity, while acting under color
25510 of law as an Associate Vice President for Salem State College, in

25511 Salem Massachusetts; PATRICIA MAGUIRE MESERVEY
25512 individually, and in her official capacity, while acting under color
25513 of law as President for Salem State College, in Salem
25514 Massachusetts; JAMES STOLL individually, and in his official
25515 capacity, while acting under color of law as an Associate Vice
25516 President and Dean of Students for Salem State College, in Salem
25517 Massachusetts; WILLIAM ANGLIN individually, and in her
25518 official capacity, while acting under color of law as a Chief, Public
25519 Safety for Salem State College, in Salem Massachusetts; SHAWN
25520 A. NEWTON individually, and in her official capacity, while
25521 acting under color of law as an Assistant Dean of Students for
25522 Salem State College, in Salem Massachusetts; SHANE
25523 RODRIGUEZ individually, and in her official capacity, while
25524 acting under color of law as a Deputy Chief, Campus Police for
25525 Salem State College, in Salem Massachusetts; KEMAH
25526 TRAVERS individually, and in her official capacity, while acting
25527 under color of law as a Judicial Board Member for Salem State
25528 College, in Salem Massachusetts; KRISTINA MASON
25529 individually, and in her official capacity, while acting under color
25530 of law as a Judicial Board Member for Salem State College, in

25531 Salem Massachusetts; LEE BROSSOIT individually, and in her
25532 official capacity, while acting under color of law as a Assistant
25533 Dean for Graduate Admissions for Salem State College; did with
25534 other defendants violate, deprive, or infringe upon the civil rights
25535 of Plaintiff James M. Atkinson for the purposes of personal,
25536 political, and professional gains, without just cause, or lawful
25537 authority and did **Violate the Privileges and Immunities of U.S.**
25538 **Citizen** James M. Atkinson in contravention of law. By way of
25539 unlawfully suspending Plaintiff Atkinson as a college student of
25540 Salem State College in Salem, MA as a extra judicial punitive
25541 action under color of law due to incident for which Plaintiff
25542 Atkinson was never tired nor convicted in a court of law.

25543
25544 909. On or about January 29, 2010, Defendant Mark Schmink,
25545 Robert Tibert, Michael Marino, John T. McCarthy, and Daniel
25546 Mahoney individually, and in their official capacity, while acting
25547 under color of law as Police Officers, for the Rockport Police
25548 Department, in Rockport, Massachusetts; SCOTT JAMES
25549 individually, and in her official capacity, while acting under color
25550 of law as an Associate Vice President for Salem State College, in

25551 Salem Massachusetts; PATRICIA MAGUIRE MESERVEY
25552 individually, and in her official capacity, while acting under color
25553 of law as President for Salem State College, in Salem
25554 Massachusetts; JAMES STOLL individually, and in his official
25555 capacity, while acting under color of law as an Associate Vice
25556 President and Dean of Students for Salem State College, in Salem
25557 Massachusetts; WILLIAM ANGLIN individually, and in her
25558 official capacity, while acting under color of law as a Chief, Public
25559 Safety for Salem State College, in Salem Massachusetts; SHAWN
25560 A. NEWTON individually, and in her official capacity, while
25561 acting under color of law as an Assistant Dean of Students for
25562 Salem State College, in Salem Massachusetts; SHANE
25563 RODRIGUEZ individually, and in her official capacity, while
25564 acting under color of law as a Deputy Chief, Campus Police for
25565 Salem State College, in Salem Massachusetts; KEMAH
25566 TRAVERS individually, and in her official capacity, while acting
25567 under color of law as a Judicial Board Member for Salem State
25568 College, in Salem Massachusetts; KRISTINA MASON
25569 individually, and in her official capacity, while acting under color
25570 of law as a Judicial Board Member for Salem State College, in

25571 Salem Massachusetts; LEE BROSSOIT individually, and in her
25572 official capacity, while acting under color of law as a Assistant
25573 Dean for Graduate Admissions for Salem State College; did with
25574 other defendants violate, deprive, or infringe upon the civil rights
25575 of Plaintiff James M. Atkinson for the purposes of personal,
25576 political, and professional gains, without just cause, or lawful
25577 authority and did **Violate the Constitutional Rights** of James M.
25578 Atkinson in contravention of law. By way of unlawfully
25579 suspending Plaintiff Atkinson as a college student of Salem State
25580 College in Salem, MA as a extra judicial punitive action under
25581 color of law due to incident for which Plaintiff Atkinson was never
25582 tired nor convicted in a court of law.

25583
25584 910. On or about January 29, 2010, Defendant Mark Schmink,
25585 Robert Tibert, Michael Marino, John T. McCarthy, and Daniel
25586 Mahoney individually, and in their official capacity, while acting
25587 under color of law as Police Officers, for the Rockport Police
25588 Department, in Rockport, Massachusetts; SCOTT JAMES
25589 individually, and in her official capacity, while acting under color
25590 of law as an Associate Vice President for Salem State College, in

25591 Salem Massachusetts; PATRICIA MAGUIRE MESERVEY
25592 individually, and in her official capacity, while acting under color
25593 of law as President for Salem State College, in Salem
25594 Massachusetts; JAMES STOLL individually, and in his official
25595 capacity, while acting under color of law as an Associate Vice
25596 President and Dean of Students for Salem State College, in Salem
25597 Massachusetts; WILLIAM ANGLIN individually, and in her
25598 official capacity, while acting under color of law as a Chief, Public
25599 Safety for Salem State College, in Salem Massachusetts; SHAWN
25600 A. NEWTON individually, and in her official capacity, while
25601 acting under color of law as an Assistant Dean of Students for
25602 Salem State College, in Salem Massachusetts; SHANE
25603 RODRIGUEZ individually, and in her official capacity, while
25604 acting under color of law as a Deputy Chief, Campus Police for
25605 Salem State College, in Salem Massachusetts; KEMAH
25606 TRAVERS individually, and in her official capacity, while acting
25607 under color of law as a Judicial Board Member for Salem State
25608 College, in Salem Massachusetts; KRISTINA MASON
25609 individually, and in her official capacity, while acting under color
25610 of law as a Judicial Board Member for Salem State College, in

25611 Salem Massachusetts; LEE BROSSOIT individually, and in her
25612 official capacity, while acting under color of law as a Assistant
25613 Dean for Graduate Admissions for Salem State College; did with
25614 other defendants violate, deprive, or infringe upon the civil rights
25615 of Plaintiff James M. Atkinson for the purposes of personal,
25616 political, and professional gains, without just cause, or lawful
25617 authority and did **Violate the Rights Guarantees, Privileges and**
25618 **Immunities of Citizenship, Due Process and Equal Protection of**
25619 **U.S. Citizens** of James M. Atkinson in contravention of law. By
25620 way of unlawfully suspending Plaintiff Atkinson as a college
25621 student of Salem State College in Salem, MA as a extra judicial
25622 punitive action under color of law due to incident for which
25623 Plaintiff Atkinson was never tried nor convicted in a court of law.

25624
25625 911. On or about January 29, 2010, Defendant Mark Schmink,
25626 Robert Tibert, Michael Marino, John T. McCarthy, and Daniel
25627 Mahoney individually, and in their official capacity, while acting
25628 under color of law as Police Officers, for the Rockport Police
25629 Department, in Rockport, Massachusetts; SCOTT JAMES
25630 individually, and in her official capacity, while acting under color

25631 of law as an Associate Vice President for Salem State College, in
25632 Salem Massachusetts; PATRICIA MAGUIRE MESERVEY
25633 individually, and in her official capacity, while acting under color
25634 of law as President for Salem State College, in Salem
25635 Massachusetts; JAMES STOLL individually, and in his official
25636 capacity, while acting under color of law as an Associate Vice
25637 President and Dean of Students for Salem State College, in Salem
25638 Massachusetts; WILLIAM ANGLIN individually, and in her
25639 official capacity, while acting under color of law as a Chief, Public
25640 Safety for Salem State College, in Salem Massachusetts; SHAWN
25641 A. NEWTON individually, and in her official capacity, while
25642 acting under color of law as an Assistant Dean of Students for
25643 Salem State College, in Salem Massachusetts; SHANE
25644 RODRIGUEZ individually, and in her official capacity, while
25645 acting under color of law as a Deputy Chief, Campus Police for
25646 Salem State College, in Salem Massachusetts; KEMAH
25647 TRAVERS individually, and in her official capacity, while acting
25648 under color of law as a Judicial Board Member for Salem State
25649 College, in Salem Massachusetts; KRISTINA MASON
25650 individually, and in her official capacity, while acting under color

25651 of law as a Judicial Board Member for Salem State College, in
25652 Salem Massachusetts; LEE BROSSOIT individually, and in her
25653 official capacity, while acting under color of law as a Assistant
25654 Dean for Graduate Admissions for Salem State College; did with
25655 other defendants violate, deprive, or infringe upon the civil rights
25656 of Plaintiff James M. Atkinson for the purposes of personal,
25657 political, and professional gains, without just cause, or lawful
25658 authority and did engage in a **Pattern or Practice of Conduct or**
25659 **Deprivation of Rights, Privileges, or Immunities** of James M.
25660 Atkinson in contravention of law. By way of unlawfully
25661 suspending Plaintiff Atkinson as a college student of Salem State
25662 College in Salem, MA as a extra judicial punitive action under
25663 color of law due to incident for which Plaintiff Atkinson was never
25664 tired nor convicted in a court of law.

25665
25666 912. On or about January 29, 2010, Defendant Mark Schmink,
25667 Robert Tibert, Michael Marino, John T. McCarthy, and Daniel
25668 Mahoney individually, and in their official capacity, while acting
25669 under color of law as Police Officers, for the Rockport Police
25670 Department, in Rockport, Massachusetts; SCOTT JAMES

25671 individually, and in her official capacity, while acting under color
25672 of law as an Associate Vice President for Salem State College, in
25673 Salem Massachusetts; PATRICIA MAGUIRE MESERVEY
25674 individually, and in her official capacity, while acting under color
25675 of law as President for Salem State College, in Salem
25676 Massachusetts; JAMES STOLL individually, and in his official
25677 capacity, while acting under color of law as an Associate Vice
25678 President and Dean of Students for Salem State College, in Salem
25679 Massachusetts; WILLIAM ANGLIN individually, and in her
25680 official capacity, while acting under color of law as a Chief, Public
25681 Safety for Salem State College, in Salem Massachusetts; SHAWN
25682 A. NEWTON individually, and in her official capacity, while
25683 acting under color of law as an Assistant Dean of Students for
25684 Salem State College, in Salem Massachusetts; SHANE
25685 RODRIGUEZ individually, and in her official capacity, while
25686 acting under color of law as a Deputy Chief, Campus Police for
25687 Salem State College, in Salem Massachusetts; KEMAH
25688 TRAVERS individually, and in her official capacity, while acting
25689 under color of law as a Judicial Board Member for Salem State
25690 College, in Salem Massachusetts; KRISTINA MASON

25691 individually, and in her official capacity, while acting under color
25692 of law as a Judicial Board Member for Salem State College, in
25693 Salem Massachusetts; LEE BROSSOIT individually, and in her
25694 official capacity, while acting under color of law as a Assistant
25695 Dean for Graduate Admissions for Salem State College; did with
25696 other defendants violate, deprive, or infringe upon the civil rights
25697 of Plaintiff James M. Atkinson for the purposes of personal,
25698 political, and professional gains, without just cause, or lawful
25699 authority and did commit **Accessory Before the Fact** against James
25700 M. Atkinson in contravention of law. By way of unlawfully
25701 suspending Plaintiff Atkinson as a college student of Salem State
25702 College in Salem, MA as a extra judicial punitive action under
25703 color of law due to incident for which Plaintiff Atkinson was never
25704 tired nor convicted in a court of law.

25705
25706 913. On or about January 29, 2010, Defendant Mark Schmink,
25707 Robert Tibert, Michael Marino, John T. McCarthy, and Daniel
25708 Mahoney individually, and in their official capacity, while acting
25709 under color of law as Police Officers, for the Rockport Police
25710 Department, in Rockport, Massachusetts; SCOTT JAMES

25711 individually, and in her official capacity, while acting under color
25712 of law as an Associate Vice President for Salem State College, in
25713 Salem Massachusetts; PATRICIA MAGUIRE MESERVEY
25714 individually, and in her official capacity, while acting under color
25715 of law as President for Salem State College, in Salem
25716 Massachusetts; JAMES STOLL individually, and in his official
25717 capacity, while acting under color of law as an Associate Vice
25718 President and Dean of Students for Salem State College, in Salem
25719 Massachusetts; WILLIAM ANGLIN individually, and in her
25720 official capacity, while acting under color of law as a Chief, Public
25721 Safety for Salem State College, in Salem Massachusetts; SHAWN
25722 A. NEWTON individually, and in her official capacity, while
25723 acting under color of law as an Assistant Dean of Students for
25724 Salem State College, in Salem Massachusetts; SHANE
25725 RODRIGUEZ individually, and in her official capacity, while
25726 acting under color of law as a Deputy Chief, Campus Police for
25727 Salem State College, in Salem Massachusetts; KEMAH
25728 TRAVERS individually, and in her official capacity, while acting
25729 under color of law as a Judicial Board Member for Salem State
25730 College, in Salem Massachusetts; KRISTINA MASON

25731 individually, and in her official capacity, while acting under color
25732 of law as a Judicial Board Member for Salem State College, in
25733 Salem Massachusetts; LEE BROSSOIT individually, and in her
25734 official capacity, while acting under color of law as a Assistant
25735 Dean for Graduate Admissions for Salem State College; did with
25736 other defendants violate, deprive, or infringe upon the civil rights
25737 of Plaintiff James M. Atkinson for the purposes of personal,
25738 political, and professional gains, without just cause, or lawful
25739 authority and did commit **Accessory Before the Fact** against James
25740 M. Atkinson in contravention of law. By way of unlawfully
25741 suspending Plaintiff Atkinson as a college student of Salem State
25742 College in Salem, MA as a extra judicial punitive action under
25743 color of law due to incident for which Plaintiff Atkinson was never
25744 tired nor convicted in a court of law.

25745
25746 914. On or about January 29, 2010, Defendant Mark Schmink,
25747 Robert Tibert, Michael Marino, John T. McCarthy, and Daniel
25748 Mahoney individually, and in their official capacity, while acting
25749 under color of law as Police Officers, for the Rockport Police
25750 Department, in Rockport, Massachusetts; SCOTT JAMES

25751 individually, and in her official capacity, while acting under color
25752 of law as an Associate Vice President for Salem State College, in
25753 Salem Massachusetts; PATRICIA MAGUIRE MESERVEY
25754 individually, and in her official capacity, while acting under color
25755 of law as President for Salem State College, in Salem
25756 Massachusetts; JAMES STOLL individually, and in his official
25757 capacity, while acting under color of law as an Associate Vice
25758 President and Dean of Students for Salem State College, in Salem
25759 Massachusetts; WILLIAM ANGLIN individually, and in her
25760 official capacity, while acting under color of law as a Chief, Public
25761 Safety for Salem State College, in Salem Massachusetts; SHAWN
25762 A. NEWTON individually, and in her official capacity, while
25763 acting under color of law as an Assistant Dean of Students for
25764 Salem State College, in Salem Massachusetts; SHANE
25765 RODRIGUEZ individually, and in her official capacity, while
25766 acting under color of law as a Deputy Chief, Campus Police for
25767 Salem State College, in Salem Massachusetts; KEMAH
25768 TRAVERS individually, and in her official capacity, while acting
25769 under color of law as a Judicial Board Member for Salem State
25770 College, in Salem Massachusetts; KRISTINA MASON

25771 individually, and in her official capacity, while acting under color
25772 of law as a Judicial Board Member for Salem State College, in
25773 Salem Massachusetts; LEE BROSSOIT individually, and in her
25774 official capacity, while acting under color of law as a Assistant
25775 Dean for Graduate Admissions for Salem State College; did with
25776 other defendants violate, deprive, or infringe upon the civil rights
25777 of Plaintiff James M. Atkinson for the purposes of personal,
25778 political, and professional gains, without just cause, or lawful
25779 authority and did commit **Mail Fraud** against James M. Atkinson in
25780 contravention of law. By way sending a fraudulent college
25781 suspension letter to the student at his home by way of the U.S.
25782 Mail.

25783
25784 915. On or about January 29, 2010, Defendant Mark Schmink,
25785 Robert Tibert, Michael Marino, John T. McCarthy, and Daniel
25786 Mahoney individually, and in their official capacity, while acting
25787 under color of law as Police Officers, for the Rockport Police
25788 Department, in Rockport, Massachusetts; SCOTT JAMES
25789 individually, and in her official capacity, while acting under color
25790 of law as an Associate Vice President for Salem State College, in

25791 Salem Massachusetts; PATRICIA MAGUIRE MESERVEY
25792 individually, and in her official capacity, while acting under color
25793 of law as President for Salem State College, in Salem
25794 Massachusetts; JAMES STOLL individually, and in his official
25795 capacity, while acting under color of law as an Associate Vice
25796 President and Dean of Students for Salem State College, in Salem
25797 Massachusetts; WILLIAM ANGLIN individually, and in her
25798 official capacity, while acting under color of law as a Chief, Public
25799 Safety for Salem State College, in Salem Massachusetts; SHAWN
25800 A. NEWTON individually, and in her official capacity, while
25801 acting under color of law as an Assistant Dean of Students for
25802 Salem State College, in Salem Massachusetts; SHANE
25803 RODRIGUEZ individually, and in her official capacity, while
25804 acting under color of law as a Deputy Chief, Campus Police for
25805 Salem State College, in Salem Massachusetts; KEMAH
25806 TRAVERS individually, and in her official capacity, while acting
25807 under color of law as a Judicial Board Member for Salem State
25808 College, in Salem Massachusetts; KRISTINA MASON
25809 individually, and in her official capacity, while acting under color
25810 of law as a Judicial Board Member for Salem State College, in

25811 Salem Massachusetts; LEE BROSSOIT individually, and in her
25812 official capacity, while acting under color of law as a Assistant
25813 Dean for Graduate Admissions for Salem State College; did with
25814 other defendants violate, deprive, or infringe upon the civil rights
25815 of Plaintiff James M. Atkinson for the purposes of personal,
25816 political, and professional gains, without just cause, or lawful
25817 authority and did commit **Larceny of Over \$250** against James M.
25818 Atkinson in contravention of law. By way of not allowing Plaintiff
25819 Atkinson to return to campus to redeem or collect over \$375
25820 already present Clipper Card to purchase food and school supplies.

25821
25822 916. On or about January 29, 2010, Defendant Mark Schmink,
25823 Robert Tibert, Michael Marino, John T. McCarthy, and Daniel
25824 Mahoney individually, and in their official capacity, while acting
25825 under color of law as Police Officers, for the Rockport Police
25826 Department, in Rockport, Massachusetts; SCOTT JAMES
25827 individually, and in her official capacity, while acting under color
25828 of law as an Associate Vice President for Salem State College, in
25829 Salem Massachusetts; PATRICIA MAGUIRE MESERVEY
25830 individually, and in her official capacity, while acting under color

25831 of law as President for Salem State College, in Salem
25832 Massachusetts; JAMES STOLL individually, and in his official
25833 capacity, while acting under color of law as an Associate Vice
25834 President and Dean of Students for Salem State College, in Salem
25835 Massachusetts; WILLIAM ANGLIN individually, and in her
25836 official capacity, while acting under color of law as a Chief, Public
25837 Safety for Salem State College, in Salem Massachusetts; SHAWN
25838 A. NEWTON individually, and in her official capacity, while
25839 acting under color of law as an Assistant Dean of Students for
25840 Salem State College, in Salem Massachusetts; SHANE
25841 RODRIGUEZ individually, and in her official capacity, while
25842 acting under color of law as a Deputy Chief, Campus Police for
25843 Salem State College, in Salem Massachusetts; KEMAH
25844 TRAVERS individually, and in her official capacity, while acting
25845 under color of law as a Judicial Board Member for Salem State
25846 College, in Salem Massachusetts; KRISTINA MASON
25847 individually, and in her official capacity, while acting under color
25848 of law as a Judicial Board Member for Salem State College, in
25849 Salem Massachusetts; LEE BROSSOIT individually, and in her
25850 official capacity, while acting under color of law as a Assistant

25851 Dean for Graduate Admissions for Salem State College; did with
25852 other defendants violate, deprive, or infringe upon the civil rights
25853 of Plaintiff James M. Atkinson for the purposes of personal,
25854 political, and professional gains, without just cause, or lawful
25855 authority and did commit a **Violation of Due Process** under Color
25856 of Law against James M. Atkinson in contravention of law. By
25857 way scheduling a academic judicial conference at a time when the
25858 school knew for a fact that Plaintiff Atkinson was not able to
25859 attend due to next day notice, further the Defendants refused to
25860 communicate the Plaintiffs Attorney on the matter, Defendants
25861 refused to undertake any activity to review or rescind the illegal
25862 suspension, and refused to consider any evidence whatsoever
25863 which exonerated the Plaintiff, and refused any effort to appeal the
25864 suspension, and refused to hold a academic judicial conference,
25865 and then agreed to hold one but stated that “no matter what was
25866 rule he [Plaintiff Atkinson] was permanently blacklisted from the
25867 School for challenging the interim suspensions”

25868
25869 917. On or about January 29, 2010, Defendant Mark Schmink,
25870 Robert Tibert, Michael Marino, John T. McCarthy, and Daniel

25871 Mahoney individually, and in their official capacity, while acting
25872 under color of law as Police Officers, for the Rockport Police
25873 Department, in Rockport, Massachusetts; SCOTT JAMES
25874 individually, and in her official capacity, while acting under color
25875 of law as an Associate Vice President for Salem State College, in
25876 Salem Massachusetts; PATRICIA MAGUIRE MESERVEY
25877 individually, and in her official capacity, while acting under color
25878 of law as President for Salem State College, in Salem
25879 Massachusetts; JAMES STOLL individually, and in his official
25880 capacity, while acting under color of law as an Associate Vice
25881 President and Dean of Students for Salem State College, in Salem
25882 Massachusetts; WILLIAM ANGLIN individually, and in her
25883 official capacity, while acting under color of law as a Chief, Public
25884 Safety for Salem State College, in Salem Massachusetts; SHAWN
25885 A. NEWTON individually, and in her official capacity, while
25886 acting under color of law as an Assistant Dean of Students for
25887 Salem State College, in Salem Massachusetts; SHANE
25888 RODRIGUEZ individually, and in her official capacity, while
25889 acting under color of law as a Deputy Chief, Campus Police for
25890 Salem State College, in Salem Massachusetts; KEMAH

25891 TRAVERS individually, and in her official capacity, while acting
25892 under color of law as a Judicial Board Member for Salem State
25893 College, in Salem Massachusetts; KRISTINA MASON
25894 individually, and in her official capacity, while acting under color
25895 of law as a Judicial Board Member for Salem State College, in
25896 Salem Massachusetts; LEE BROSSOIT individually, and in her
25897 official capacity, while acting under color of law as a Assistant
25898 Dean for Graduate Admissions for Salem State College; did with
25899 other defendants violate, deprive, or infringe upon the civil rights
25900 of Plaintiff James M. Atkinson for the purposes of personal,
25901 political, and professional gains, without just cause, or lawful
25902 authority and did commit **Violation of Fifth Amendment Right in**
25903 **Regards to Double Jeopardy** under Color of Law against James M.
25904 Atkinson in contravention of law. By way of the College using
25905 state statute in the form of a “Student Judicial Manual” which is
25906 defacto a state statute by which state authorized punishment are
25907 meted out, such suspension, debarment, and banning form the
25908 campus grounds. Further this punishment was not allowed to be
25909 appealed, no witnesses were allowed to be confronted or questions,
25910 and for all practical purposed is was a sham proceeding. Further, as

25911 this was a state Judicial Body, who imposed a State Sanctioned
25912 Punishment (albeit illegally), the Plaintiff can not be further
25913 punished for this alleged act by a different State Court. Indeed the
25914 Plaintiff was unlawfully punished by the Commonwealth of
25915 Massachusetts by virtue of the illegal student suspensions and
25916 revocations of civil rights, Plaintiff can not therefore be punished a
25917 second time. Plaintiff was presumptively “found guilty” in the eyes
25918 of the college, and thus in the eyes of the State. Punishment was
25919 then applied in the name of the state. Plaintiff was not permitted a
25920 hearing or trial of any form whatsoever of due process BEFORE
25921 the punishment was imposed. The unlawful punishments imposed
25922 by the state have been in place now for in excess of two years, with
25923 resultant great harm against the Plaintiff.

25924
25925 918. On or about February 2, 2010, JOHN DOE 112 individually,
25926 and in his official capacity, while acting under color of law as an
25927 Accountant for Salem State College, in Salem Massachusetts; did
25928 with other defendants violate, deprive, or infringe upon the civil
25929 rights of Plaintiff James M. Atkinson for the purposes of personal,
25930 political, and professional gains, without just cause, or lawful

25931 authority and did commit **Mail Fraud** against James M. Atkinson in
25932 contravention of law. By way sending a fraudulent college
25933 Academic Account Invoice by U.S. Mail Demanding Payment of
25934 \$1,428.94 for classes for which Plaintiff Atkinson was banned
25935 form attending, and refused any form of appeal process.

25936

25937 919. On or about February 2, 2010, JOHN DOE 113 and JOHN
25938 DOE 114 individually, and in his official capacity, while acting
25939 under color of law as Police Officers or “Pubic Safety Officers” for
25940 Salem State College, in Salem Massachusetts; did with other
25941 defendants violate, deprive, or infringe upon the civil rights of
25942 Plaintiff James M. Atkinson for the purposes of personal, political,
25943 and professional gains, without just cause, or lawful authority and
25944 did commit False Arrest against James M. Atkinson in
25945 contravention of law. By way of stopping him in the hallway
25946 outside of the computer lab, claiming that they had a writ from the
25947 school President, placing him under arrest, confining him in the
25948 Deans office, and then escorting him to his automobile, and
25949 compelling him to drive off the campus against him will.

25950

25951 920. On or about February 2, 2010, JOHN DOE 113 and JOHN
25952 DOE 114 individually, and in his official capacity, while acting
25953 under color of law as Police Officers or “Pubic Safety Officers” for
25954 Salem State College, in Salem Massachusetts; did with other
25955 defendants violate, deprive, or infringe upon the civil rights of
25956 Plaintiff James M. Atkinson for the purposes of personal, political,
25957 and professional gains, without just cause, or lawful authority and
25958 did commit Kidnapping against James M. Atkinson in
25959 contravention of law. By way of stopping him in the hallway
25960 outside of the computer lab, claiming that they had a writ from the
25961 school President, placing him under arrest, confining him in the
25962 Deans office, and then escorting him to his automobile, and
25963 compelling him to drive off the campus against him will.

25964
25965 921. On or about February 2, 2010, SHAWN A. NEWTON
25966 individually, and in his official capacity, while acting under color
25967 of law as an Assistant Dean of Students for Salem State College, in
25968 Salem Massachusetts; did with other defendants violate, deprive,
25969 or infringe upon the civil rights of Plaintiff James M. Atkinson for
25970 the purposes of personal, political, and professional gains, without

25971 just cause, or lawful authority and did false imprison James M.
25972 Atkinson in contravention of law. By way of having Plaintiff
25973 Atkinson arrested by JOHN DOE 113 and JOHN DOE 114, and
25974 brought to him office, where he was confined against his will.

25975

25976 922. On or about February 2, 2010, SHAWN A. NEWTON
25977 individually, and in his official capacity, while acting under color
25978 of law as an Assistant Dean of Students for Salem State College, in
25979 Salem Massachusetts; did with other defendants violate, deprive,
25980 or infringe upon the civil rights of Plaintiff James M. Atkinson for
25981 the purposes of personal, political, and professional gains, without
25982 just cause, or lawful authority and did false imprison James M.
25983 Atkinson in contravention of law. By way of having Plaintiff
25984 Atkinson arrested by JOHN DOE 113 and JOHN DOE 114, and
25985 brought to his office, pretending to have an arrest warrant, when in
25986 fact he had no such writ.

25987

25988 923. On or about March 23, 2010, SHAWN A. NEWTON
25989 individually, and in his official capacity, while acting under color
25990 of law as an Assistant Dean of Students for Salem State College, in

25991 Salem, Massachusetts; and Jonathan W. Blodgett individually, and
25992 in his official capacity, while acting under color of law as Essex
25993 County District Attorney, in Salem, Massachusetts; did with other
25994 defendants violate, deprive, or infringe upon the civil rights of
25995 Plaintiff James M. Atkinson for the purposes of personal, political,
25996 and professional gains, without just cause, or lawful authority did
25997 Conspire to violate the Constitutional Rights and Right to Due
25998 Process of James M. Atkinson in contravention of law. By way of
25999 an conspiracy by which Salem State College would hold a Student
26000 Judicial Board against Plaintiff Atkinson and would use the
26001 proceeding to obtain evidence for use against Plaintiff Atkinson on
26002 behalf of Essex County District Attorney Jonathan W. Blodgett,
26003 and would use the Student Judicial Board to deprive Plaintiff
26004 Atkinson of his due preprocess, and to impose a extra-judicial
26005 punishment.

26006
26007 924. On or about March 23, 2010, SHAWN A. NEWTON
26008 individually, and in his official capacity, while acting under color
26009 of law as an Assistant Dean of Students for Salem State College, in
26010 Salem Massachusetts; did with other defendants violate, deprive,

26011 or infringe upon the civil rights of Plaintiff James M. Atkinson for
26012 the purposes of personal, political, and professional gains, without
26013 just cause, or lawful authority did violate the Constitutional Rights
26014 and Right to Due Process of James M. Atkinson in contravention
26015 of law. By way of calling Plaintiff Atkinson on the telephone and
26016 making extortionate threats, by stating that “if he appealed his
26017 suspension that he would be blacklisted permanently from all State
26018 Schools”.

26019

26020 925. On or about March 23, 2010, SHAWN A. NEWTON

26021 individually, and in his official capacity, while acting under color
26022 of law as an Assistant Dean of Students for Salem State College, in
26023 Salem Massachusetts; did with other defendants violate, deprive,
26024 or infringe upon the civil rights of Plaintiff James M. Atkinson for
26025 the purposes of personal, political, and professional gains, without
26026 just cause, or lawful authority did violate the Constitutional Rights
26027 and Right to Due Process of James M. Atkinson in contravention
26028 of law. By way of calling Plaintiff Atkinson on the telephone and
26029 making extortionate threats, by stating that “if he would plead
26030 guilty in Gloucester District Court, that he would be given

26031 probation, and the school would immediately readmit him as a
26032 student and list the suspension”.

26033
26034 926. On or about April 28, 2010, ALEX A. GORDON individually,
26035 and in his official capacity, while acting under color of law as an
26036 Director, Academic Advising for Salem State College, in Salem
26037 Massachusetts; did with other defendants violate, deprive, or
26038 infringe upon the civil rights of Plaintiff James M. Atkinson for the
26039 purposes of personal, political, and professional gains, without just
26040 cause, or lawful authority and did commit **Mail Fraud** against
26041 James M. Atkinson in contravention of law. By way sending a
26042 fraudulent college Academic Account Hold letter by U.S. Mail to
26043 the Plaintiff by way of a April 28, 2010 letter for failing to register
26044 for college courses when in fact he was unlawfully suspended from
26045 the college, and threatened with arrest should he try to attend
26046 college courses which he had already paid for, and then demanded
26047 an additional \$25 to lift the hold.

26048
26049 927. On or about April 28, 2010, ALEX A. GORDON individually,
26050 and in his official capacity, while acting under color of law as an

26051 Director, Academic Advising for Salem State College, in Salem
26052 Massachusetts; did with other defendants violate, deprive, or
26053 infringe upon the civil rights of Plaintiff James M. Atkinson for the
26054 purposes of personal, political, and professional gains, without just
26055 cause, or lawful authority and did commit **Extortion** against James
26056 M. Atkinson in contravention of law. By way sending a fraudulent
26057 college Academic Account Hold letter by U.S. Mail to the Plaintiff
26058 by way of a April 28, 2010 letter for failing to register for college
26059 courses when in fact he was unlawfully suspended form the college,
26060 and threatened with arrest should he try to attend college courses
26061 which he had already paid for, and then demanded an additional
26062 \$25 to lift the hold.

26063
26064 928. On or about May 28, 2010, SCOTT JAMES individually, and
26065 in his official capacity, while acting under color of law as an
26066 Associate Vice President for Salem State College, in Salem
26067 Massachusetts; did with other defendants violate, deprive, or
26068 infringe upon the civil rights of Plaintiff James M. Atkinson for the
26069 purposes of personal, political, and professional gains, without just
26070 cause, or lawful authority and did commit **Mail Fraud** against

26071 James M. Atkinson in contravention of law. By way sending a
26072 fraudulent college Academic Warning letter by U.S. Mail to the
26073 Plaintiff by way of a May 28, 2010 letter, for failing to attend
26074 college course when in fact he was unlawfully suspended form the
26075 college, and threatened with arrest should he try to attend college
26076 courses which he had already paid for.

26077
26078 929. On or about May 28, 2010, SCOTT JAMES individually, and
26079 in his official capacity, while acting under color of law as an
26080 Associate Vice President for Salem State College, in Salem
26081 Massachusetts; did with other defendants violate, deprive, or
26082 infringe upon the civil rights of Plaintiff James M. Atkinson for the
26083 purposes of personal, political, and professional gains, without just
26084 cause, or lawful authority and did commit **Extortion** against James
26085 M. Atkinson in contravention of law. By way sending a fraudulent
26086 college Academic Warning letter by U.S. Mail to the Plaintiff by
26087 way of a May 28, 2010 letter, for failing to attend college course
26088 when in fact he was unlawfully suspended form the college, and
26089 threatened with arrest should he try to attend college courses which
26090 he had already paid for.

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930. On or about February 2, 2010, Defendant Mark Schmink, Robert Tibert, Michael Marino, John T. McCarthy, and Daniel Mahoney individually, and in their official capacity, while acting under color of law as Police Officers, for the Rockport Police Department, in Rockport, Massachusetts; SCOTT JAMES individually, and in her official capacity, while acting under color of law as an Associate Vice President for Salem State College, in Salem Massachusetts; PATRICIA MAGUIRE MESERVEY individually, and in her official capacity, while acting under color of law as President for Salem State College, in Salem Massachusetts; JAMES STOLL individually, and in his official capacity, while acting under color of law as an Associate Vice President and Dean of Students for Salem State College, in Salem Massachusetts; WILLIAM ANGLIN individually, and in her official capacity, while acting under color of law as a Chief, Public Safety for Salem State College, in Salem Massachusetts; SHAWN A. NEWTON individually, and in her official capacity, while acting under color of law as an Assistant Dean of Students for Salem State College, in Salem Massachusetts; SHANE

26111 RODRIGUEZ individually, and in her official capacity, while
26112 acting under color of law as a Deputy Chief, Campus Police for
26113 Salem State College, in Salem Massachusetts; KEMAH
26114 TRAVERS individually, and in her official capacity, while acting
26115 under color of law as a Judicial Board Member for Salem State
26116 College, in Salem Massachusetts; KRISTINA MASON
26117 individually, and in her official capacity, while acting under color
26118 of law as a Judicial Board Member for Salem State College, in
26119 Salem Massachusetts; LEE BROSSOIT individually, and in her
26120 official capacity, while acting under color of law as a Assistant
26121 Dean for Graduate Admissions for Salem State College; did with
26122 other defendants violate, deprive, or infringe upon the civil rights
26123 of Plaintiff James M. Atkinson for the purposes of personal,
26124 political, and professional gains, without just cause, or lawful
26125 authority and did commit **Larceny of Over \$250** against James M.
26126 Atkinson in contravention of law. By unlawfully placing
26127 Defendant under arrest and not allowing him to retrieve six
26128 developed rolls of Kodak Tri-X 400 photographic film present in
26129 the film dryer, two college textbooks on software engineering and

26130 photography, and computer source code stored on several campus
26131 computers.

26132

26133 **Unlawful Suspension as Student**
26134 **at Montserrat College of Art**

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931. On or about December 8, 2010, STEPHEN D. IMMERMANN

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individually, and in their official capacity, while acting under color

26138

of law as President for Montserrat College of Art in Beverly,

26139

Massachusetts; BRIAN BICKNELL individually, and in their

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official capacity, while acting under color of law as an Dean for

26141

Montserrat College of Art in Beverly, Massachusetts; LEE

26142

DELLICKER individually, and in their official capacity, while

26143

acting under color of law as a Trustee for Montserrat College of

26144

Art in Beverly, Massachusetts; LECIA TURCOTTE individually,

26145

and in their official capacity, while acting under color of law as a

26146

Trustee for Montserrat College of Art in Beverly, Massachusetts;

26147

DONALD BOWEN individually, and in their official capacity,

26148

while acting under color of law as a Trustee for Montserrat College

26149

of Art in Beverly, Massachusetts; MARTHA BUSKIRK

26150

individually, and in their official capacity, while acting under color

26151

of law as a Trustee for Montserrat College of Art in Beverly,

26152 Massachusetts; CHRISTOPHER COLLINS individually, and in
26153 their official capacity, while acting under color of law as a Trustee
26154 for Montserrat College of Art in Beverly, Massachusetts; NANCY
26155 CRATE individually, and in their official capacity, while acting
26156 under color of law as a Trustee for Montserrat College of Art in
26157 Beverly, Massachusetts; CRAIG H. DEERY individually, and in
26158 their official capacity, while acting under color of law as a Trustee
26159 for Montserrat College of Art in Beverly, Massachusetts; STEVEN
26160 DODGE individually, and in their official capacity, while acting
26161 under color of law as a Trustee for Montserrat College of Art in
26162 Beverly, Massachusetts; HENRIETTA GATES individually, and
26163 in their official capacity, while acting under color of law as a
26164 Trustee for Montserrat College of Art in Beverly, Massachusetts;
26165 MIRANDA GOODING individually, and in their official capacity,
26166 while acting under color of law as a Trustee for Montserrat College
26167 of Art in Beverly, Massachusetts; LINDA HARVEY individually,
26168 and in their official capacity, while acting under color of law as a
26169 Trustee for Montserrat College of Art in Beverly, Massachusetts;
26170 BETSY HOPKINS individually, and in their official capacity,
26171 while acting under color of law as a Trustee for Montserrat College

26172 of Art in Beverly, Massachusetts; JOHN PETERMAN individually,
26173 and in their official capacity, while acting under color of law as a
26174 Trustee for Montserrat College of Art in Beverly, Massachusetts;
26175 JURRIEN TIMMER individually, and in their official capacity,
26176 while acting under color of law as a Trustee for Montserrat College
26177 of Art in Beverly, Massachusetts; CHARLES WHITTEN
26178 individually, and in their official capacity, while acting under color
26179 of law as a Trustee for Montserrat College of Art in Beverly,
26180 Massachusetts; ALAN WILSON individually, and in their official
26181 capacity, while acting under color of law as a Trustee for
26182 Montserrat College of Art in Beverly, Massachusetts;
26183 KATHERINE WINTER individually, and in their official capacity,
26184 while acting under color of law as a Trustee for Montserrat College
26185 of Art in Beverly, Massachusetts; JO BRODERICK individually,
26186 and in their official capacity, while acting under color of law as a
26187 Dean of College Relations for Montserrat College of Art in
26188 Beverly, Massachusetts; RICK LONGO individually, and in their
26189 official capacity, while acting under color of law as a Dean of
26190 Admissions & Enrollment Management for Montserrat College of
26191 Art in Beverly, Massachusetts; LAURA TONELLI individually,

26192 and in their official capacity, while acting under color of law as the
26193 Dean of Faculty and Academic Affairs for Montserrat College of
26194 Art in Beverly, Massachusetts; THERESA SKELLY individually,
26195 and in their official capacity, while acting under color of law as a
26196 Registrar for Montserrat College of Art in Beverly, Massachusetts;
26197 JEFFREY NEWELL individually, and in their official capacity,
26198 while acting under color of law as the Director of Admissions for
26199 Montserrat College of Art in Beverly, Massachusetts; JOHN L.
26200 GOOD individually, and in their official capacity, while acting
26201 under color of law as a Executive Vice President for Beverly
26202 National Bank and Executive for Danvers Bancorp, Inc. in
26203 Danvers, MAs and Beverly, MA, as an EMT Instructor for Lyons
26204 Ambulance in Danvers, MA, an Executive at Beverly Hospital in
26205 Beverly, MA, and a Bank Officer for Montserrat College of Art in
26206 Beverly, Massachusetts; and a Commonwealth of Massachusetts
26207 EMT Examiner in Danvers, Massachusetts; MARSHALL J.
26208 HANDLY individually, and in their official capacity, while acting
26209 under color of law as the Legal Department for Montserrat College
26210 of Art in Beverly, Massachusetts; MICHAEL MARINO
26211 individually, and in their official capacity, while acting under color

26212 of law as a Police Officer for Town of Rockport, in Rockport, MA;
26213 MARK SCHMINK individually, and in their official capacity,
26214 while acting under color of law as a Police Officer for Town of
26215 Rockport, in Rockport, MA; did with other defendants violate,
26216 deprive, or infringe upon the civil rights of Plaintiff James M.
26217 Atkinson for the purposes of personal, political, and professional
26218 gains, without just cause, or lawful authority and did engage in
26219 **Willful Deprivations of Federal Rights Under Color of Law** of
26220 James M. Atkinson in contravention of law. By way of unlawfully
26221 suspending Plaintiff Atkinson as a college student of Montserrat
26222 College of Art in Beverly, Massachusetts as an extra judicial
26223 punitive action under color of law due to incident for which
26224 Plaintiff Atkinson was never tried nor convicted in a court of law.

26225
26226 932. On or about December 8, 2010, STEPHEN D. IMMERMANN
26227 individually, and in their official capacity, while acting under color
26228 of law as President for Montserrat College of Art in Beverly,
26229 Massachusetts; BRIAN BICKNELL individually, and in their
26230 official capacity, while acting under color of law as an Dean for
26231 Montserrat College of Art in Beverly, Massachusetts; LEE

26232 DELICKER individually, and in their official capacity, while
26233 acting under color of law as a Trustee for Montserrat College of
26234 Art in Beverly, Massachusetts; LECIA TURCOTTE individually,
26235 and in their official capacity, while acting under color of law as a
26236 Trustee for Montserrat College of Art in Beverly, Massachusetts;
26237 DONALD BOWEN individually, and in their official capacity,
26238 while acting under color of law as a Trustee for Montserrat College
26239 of Art in Beverly, Massachusetts; MARTHA BUSKIRK
26240 individually, and in their official capacity, while acting under color
26241 of law as a Trustee for Montserrat College of Art in Beverly,
26242 Massachusetts; CHRISTOPHER COLLINS individually, and in
26243 their official capacity, while acting under color of law as a Trustee
26244 for Montserrat College of Art in Beverly, Massachusetts; NANCY
26245 CRATE individually, and in their official capacity, while acting
26246 under color of law as a Trustee for Montserrat College of Art in
26247 Beverly, Massachusetts; CRAIG H. DEERY individually, and in
26248 their official capacity, while acting under color of law as a Trustee
26249 for Montserrat College of Art in Beverly, Massachusetts; STEVEN
26250 DODGE individually, and in their official capacity, while acting
26251 under color of law as a Trustee for Montserrat College of Art in

26252 Beverly, Massachusetts; HENRIETTA GATES individually, and
26253 in their official capacity, while acting under color of law as a
26254 Trustee for Montserrat College of Art in Beverly, Massachusetts;
26255 MIRANDA GOODING individually, and in their official capacity,
26256 while acting under color of law as a Trustee for Montserrat College
26257 of Art in Beverly, Massachusetts; LINDA HARVEY individually,
26258 and in their official capacity, while acting under color of law as a
26259 Trustee for Montserrat College of Art in Beverly, Massachusetts;
26260 BETSY HOPKINS individually, and in their official capacity,
26261 while acting under color of law as a Trustee for Montserrat College
26262 of Art in Beverly, Massachusetts; JOHN PETERMAN individually,
26263 and in their official capacity, while acting under color of law as a
26264 Trustee for Montserrat College of Art in Beverly, Massachusetts;
26265 JURRIEN TIMMER individually, and in their official capacity,
26266 while acting under color of law as a Trustee for Montserrat College
26267 of Art in Beverly, Massachusetts; CHARLES WHITTEN
26268 individually, and in their official capacity, while acting under color
26269 of law as a Trustee for Montserrat College of Art in Beverly,
26270 Massachusetts; ALAN WILSON individually, and in their official
26271 capacity, while acting under color of law as a Trustee for

26272 Montserrat College of Art in Beverly, Massachusetts;
26273 KATHERINE WINTER individually, and in their official capacity,
26274 while acting under color of law as a Trustee for Montserrat College
26275 of Art in Beverly, Massachusetts; JO BRODERICK individually,
26276 and in their official capacity, while acting under color of law as a
26277 Dean of College Relations for Montserrat College of Art in
26278 Beverly, Massachusetts; RICK LONGO individually, and in their
26279 official capacity, while acting under color of law as a Dean of
26280 Admissions & Enrollment Management for Montserrat College of
26281 Art in Beverly, Massachusetts; LAURA TONELLI individually,
26282 and in their official capacity, while acting under color of law as the
26283 Dean of Faculty and Academic Affairs for Montserrat College of
26284 Art in Beverly, Massachusetts; THERESA SKELLY individually,
26285 and in their official capacity, while acting under color of law as a
26286 Registrar for Montserrat College of Art in Beverly, Massachusetts;
26287 JEFFREY NEWELL individually, and in their official capacity,
26288 while acting under color of law as the Director of Admissions for
26289 Montserrat College of Art in Beverly, Massachusetts; JOHN L.
26290 GOOD individually, and in their official capacity, while acting
26291 under color of law as a Executive Vice President for Beverly

26292 National Bank and Executive for Danvers Bancorp, Inc. in
26293 Danvers, MAs and Beverly, MA, as an EMT Instructor for Lyons
26294 Ambulance in Danvers, MA, an Executive at Beverly Hospital in
26295 Beverly, MA, and a Bank Officer for Montserrat College of Art in
26296 Beverly, Massachusetts; and a Commonwealth of Massachusetts
26297 EMT Examiner in Danvers, Massachusetts; MARSHALL J.
26298 HANDLY individually, and in their official capacity, while acting
26299 under color of law as the Legal Department for Montserrat College
26300 of Art in Beverly, Massachusetts; MICHAEL MARINO
26301 individually, and in their official capacity, while acting under color
26302 of law as a Police Officer for Town of Rockport, in Rockport, MA;
26303 MARK SCHMINK individually, and in their official capacity,
26304 while acting under color of law as a Police Officer for Town of
26305 Rockport, in Rockport, MA; did with other defendants violate,
26306 deprive, or infringe upon the civil rights of Plaintiff James M.
26307 Atkinson for the purposes of personal, political, and professional
26308 gains, without just cause, or lawful authority and did engage in
26309 **Conspiracy to Interfere with Civil Rights** of James M. Atkinson in
26310 contravention of law. By way of unlawfully suspending Plaintiff
26311 Atkinson as a college student of Montserrat College of Art in

26312 Beverly, Massachusetts as a extra judicial punitive action under
26313 color of law due to incident for which Plaintiff Atkinson was never
26314 tired nor convicted in a court of law.

26315

26316 933. On or about December 8, 2010, STEPHEN D. IMMERMANN
26317 individually, and in their official capacity, while acting under color
26318 of law as President for Montserrat College of Art in Beverly,
26319 Massachusetts; BRIAN BICKNELL individually, and in their
26320 official capacity, while acting under color of law as an Dean for
26321 Montserrat College of Art in Beverly, Massachusetts; LEE
26322 DELLICKER individually, and in their official capacity, while
26323 acting under color of law as a Trustee for Montserrat College of
26324 Art in Beverly, Massachusetts; LECIA TURCOTTE individually,
26325 and in their official capacity, while acting under color of law as a
26326 Trustee for Montserrat College of Art in Beverly, Massachusetts;
26327 DONALD BOWEN individually, and in their official capacity,
26328 while acting under color of law as a Trustee for Montserrat College
26329 of Art in Beverly, Massachusetts; MARTHA BUSKIRK
26330 individually, and in their official capacity, while acting under color
26331 of law as a Trustee for Montserrat College of Art in Beverly,

26332 Massachusetts; CHRISTOPHER COLLINS individually, and in
26333 their official capacity, while acting under color of law as a Trustee
26334 for Montserrat College of Art in Beverly, Massachusetts; NANCY
26335 CRATE individually, and in their official capacity, while acting
26336 under color of law as a Trustee for Montserrat College of Art in
26337 Beverly, Massachusetts; CRAIG H. DEERY individually, and in
26338 their official capacity, while acting under color of law as a Trustee
26339 for Montserrat College of Art in Beverly, Massachusetts; STEVEN
26340 DODGE individually, and in their official capacity, while acting
26341 under color of law as a Trustee for Montserrat College of Art in
26342 Beverly, Massachusetts; HENRIETTA GATES individually, and
26343 in their official capacity, while acting under color of law as a
26344 Trustee for Montserrat College of Art in Beverly, Massachusetts;
26345 MIRANDA GOODING individually, and in their official capacity,
26346 while acting under color of law as a Trustee for Montserrat College
26347 of Art in Beverly, Massachusetts; LINDA HARVEY individually,
26348 and in their official capacity, while acting under color of law as a
26349 Trustee for Montserrat College of Art in Beverly, Massachusetts;
26350 BETSY HOPKINS individually, and in their official capacity,
26351 while acting under color of law as a Trustee for Montserrat College

26352 of Art in Beverly, Massachusetts; JOHN PETERMAN individually,
26353 and in their official capacity, while acting under color of law as a
26354 Trustee for Montserrat College of Art in Beverly, Massachusetts;
26355 JURRIEN TIMMER individually, and in their official capacity,
26356 while acting under color of law as a Trustee for Montserrat College
26357 of Art in Beverly, Massachusetts; CHARLES WHITTEN
26358 individually, and in their official capacity, while acting under color
26359 of law as a Trustee for Montserrat College of Art in Beverly,
26360 Massachusetts; ALAN WILSON individually, and in their official
26361 capacity, while acting under color of law as a Trustee for
26362 Montserrat College of Art in Beverly, Massachusetts;
26363 KATHERINE WINTER individually, and in their official capacity,
26364 while acting under color of law as a Trustee for Montserrat College
26365 of Art in Beverly, Massachusetts; JO BRODERICK individually,
26366 and in their official capacity, while acting under color of law as a
26367 Dean of College Relations for Montserrat College of Art in
26368 Beverly, Massachusetts; RICK LONGO individually, and in their
26369 official capacity, while acting under color of law as a Dean of
26370 Admissions & Enrollment Management for Montserrat College of
26371 Art in Beverly, Massachusetts; LAURA TONELLI individually,

26372 and in their official capacity, while acting under color of law as the
26373 Dean of Faculty and Academic Affairs for Montserrat College of
26374 Art in Beverly, Massachusetts; THERESA SKELLY individually,
26375 and in their official capacity, while acting under color of law as a
26376 Registrar for Montserrat College of Art in Beverly, Massachusetts;
26377 JEFFREY NEWELL individually, and in their official capacity,
26378 while acting under color of law as the Director of Admissions for
26379 Montserrat College of Art in Beverly, Massachusetts; JOHN L.
26380 GOOD individually, and in their official capacity, while acting
26381 under color of law as a Executive Vice President for Beverly
26382 National Bank and Executive for Danvers Bancorp, Inc. in
26383 Danvers, MAs and Beverly, MA, as an EMT Instructor for Lyons
26384 Ambulance in Danvers, MA, an Executive at Beverly Hospital in
26385 Beverly, MA, and a Bank Officer for Montserrat College of Art in
26386 Beverly, Massachusetts; and a Commonwealth of Massachusetts
26387 EMT Examiner in Danvers, Massachusetts; MARSHALL J.
26388 HANDLY individually, and in their official capacity, while acting
26389 under color of law as the Legal Department for Montserrat College
26390 of Art in Beverly, Massachusetts; MICHAEL MARINO
26391 individually, and in their official capacity, while acting under color

26392 of law as a Police Officer for Town of Rockport, in Rockport, MA;
26393 MARK SCHMINK individually, and in their official capacity,
26394 while acting under color of law as a Police Officer for Town of
26395 Rockport, in Rockport, MA; did with other defendants violate,
26396 deprive, or infringe upon the civil rights of Plaintiff James M.
26397 Atkinson for the purposes of personal, political, and professional
26398 gains, without just cause, or lawful authority and did engage in
26399 **Actions for Neglect to Prevent Interfere with Civil Rights** of James
26400 M. Atkinson in contravention of law. By way of unlawfully
26401 suspending Plaintiff Atkinson as a college student of Montserrat
26402 College of Art in Beverly, Massachusetts as a extra judicial
26403 punitive action under color of law due to incident for which
26404 Plaintiff Atkinson was never tired nor convicted in a court of law.

26405
26406 934. On or about December 8, 2010, STEPHEN D. IMMERMANN
26407 individually, and in their official capacity, while acting under color
26408 of law as President for Montserrat College of Art in Beverly,
26409 Massachusetts; BRIAN BICKNELL individually, and in their
26410 official capacity, while acting under color of law as an Dean for
26411 Montserrat College of Art in Beverly, Massachusetts; LEE

26412 DELLICKER individually, and in their official capacity, while
26413 acting under color of law as a Trustee for Montserrat College of
26414 Art in Beverly, Massachusetts; LECIA TURCOTTE individually,
26415 and in their official capacity, while acting under color of law as a
26416 Trustee for Montserrat College of Art in Beverly, Massachusetts;
26417 DONALD BOWEN individually, and in their official capacity,
26418 while acting under color of law as a Trustee for Montserrat College
26419 of Art in Beverly, Massachusetts; MARTHA BUSKIRK
26420 individually, and in their official capacity, while acting under color
26421 of law as a Trustee for Montserrat College of Art in Beverly,
26422 Massachusetts; CHRISTOPHER COLLINS individually, and in
26423 their official capacity, while acting under color of law as a Trustee
26424 for Montserrat College of Art in Beverly, Massachusetts; NANCY
26425 CRATE individually, and in their official capacity, while acting
26426 under color of law as a Trustee for Montserrat College of Art in
26427 Beverly, Massachusetts; CRAIG H. DEERY individually, and in
26428 their official capacity, while acting under color of law as a Trustee
26429 for Montserrat College of Art in Beverly, Massachusetts; STEVEN
26430 DODGE individually, and in their official capacity, while acting
26431 under color of law as a Trustee for Montserrat College of Art in

26432 Beverly, Massachusetts; HENRIETTA GATES individually, and
26433 in their official capacity, while acting under color of law as a
26434 Trustee for Montserrat College of Art in Beverly, Massachusetts;
26435 MIRANDA GOODING individually, and in their official capacity,
26436 while acting under color of law as a Trustee for Montserrat College
26437 of Art in Beverly, Massachusetts; LINDA HARVEY individually,
26438 and in their official capacity, while acting under color of law as a
26439 Trustee for Montserrat College of Art in Beverly, Massachusetts;
26440 BETSY HOPKINS individually, and in their official capacity,
26441 while acting under color of law as a Trustee for Montserrat College
26442 of Art in Beverly, Massachusetts; JOHN PETERMAN individually,
26443 and in their official capacity, while acting under color of law as a
26444 Trustee for Montserrat College of Art in Beverly, Massachusetts;
26445 JURRIEN TIMMER individually, and in their official capacity,
26446 while acting under color of law as a Trustee for Montserrat College
26447 of Art in Beverly, Massachusetts; CHARLES WHITTEN
26448 individually, and in their official capacity, while acting under color
26449 of law as a Trustee for Montserrat College of Art in Beverly,
26450 Massachusetts; ALAN WILSON individually, and in their official
26451 capacity, while acting under color of law as a Trustee for

26452 Montserrat College of Art in Beverly, Massachusetts;
26453 KATHERINE WINTER individually, and in their official capacity,
26454 while acting under color of law as a Trustee for Montserrat College
26455 of Art in Beverly, Massachusetts; JO BRODERICK individually,
26456 and in their official capacity, while acting under color of law as a
26457 Dean of College Relations for Montserrat College of Art in
26458 Beverly, Massachusetts; RICK LONGO individually, and in their
26459 official capacity, while acting under color of law as a Dean of
26460 Admissions & Enrollment Management for Montserrat College of
26461 Art in Beverly, Massachusetts; LAURA TONELLI individually,
26462 and in their official capacity, while acting under color of law as the
26463 Dean of Faculty and Academic Affairs for Montserrat College of
26464 Art in Beverly, Massachusetts; THERESA SKELLY individually,
26465 and in their official capacity, while acting under color of law as a
26466 Registrar for Montserrat College of Art in Beverly, Massachusetts;
26467 JEFFREY NEWELL individually, and in their official capacity,
26468 while acting under color of law as the Director of Admissions for
26469 Montserrat College of Art in Beverly, Massachusetts; JOHN L.
26470 GOOD individually, and in their official capacity, while acting
26471 under color of law as a Executive Vice President for Beverly

26472 National Bank and Executive for Danvers Bancorp, Inc. in
26473 Danvers, MAs and Beverly, MA, as an EMT Instructor for Lyons
26474 Ambulance in Danvers, MA, an Executive at Beverly Hospital in
26475 Beverly, MA, and a Bank Officer for Montserrat College of Art in
26476 Beverly, Massachusetts; and a Commonwealth of Massachusetts
26477 EMT Examiner in Danvers, Massachusetts; MARSHALL J.
26478 HANDLY individually, and in their official capacity, while acting
26479 under color of law as the Legal Department for Montserrat College
26480 of Art in Beverly, Massachusetts; MICHAEL MARINO
26481 individually, and in their official capacity, while acting under color
26482 of law as a Police Officer for Town of Rockport, in Rockport, MA;
26483 MARK SCHMINK individually, and in their official capacity,
26484 while acting under color of law as a Police Officer for Town of
26485 Rockport, in Rockport, MA; did with other defendants violate,
26486 deprive, or infringe upon the civil rights of Plaintiff James M.
26487 Atkinson for the purposes of personal, political, and professional
26488 gains, without just cause, or lawful authority and did **Violate the**
26489 **Privileges and Immunities of U.S. Citizen** James M. Atkinson in
26490 contravention of law. By way of unlawfully suspending Plaintiff
26491 Atkinson as a college student of Montserrat College of Art in

26492 Beverly, Massachusetts as a extra judicial punitive action under
26493 color of law due to incident for which Plaintiff Atkinson was never
26494 tired nor convicted in a court of law.

26495

26496 935. On or about December 8, 2010, STEPHEN D. IMMERMANN
26497 individually, and in their official capacity, while acting under color
26498 of law as President for Montserrat College of Art in Beverly,
26499 Massachusetts; BRIAN BICKNELL individually, and in their
26500 official capacity, while acting under color of law as an Dean for
26501 Montserrat College of Art in Beverly, Massachusetts; LEE
26502 DELLICKER individually, and in their official capacity, while
26503 acting under color of law as a Trustee for Montserrat College of
26504 Art in Beverly, Massachusetts; LECIA TURCOTTE individually,
26505 and in their official capacity, while acting under color of law as a
26506 Trustee for Montserrat College of Art in Beverly, Massachusetts;
26507 DONALD BOWEN individually, and in their official capacity,
26508 while acting under color of law as a Trustee for Montserrat College
26509 of Art in Beverly, Massachusetts; MARTHA BUSKIRK
26510 individually, and in their official capacity, while acting under color
26511 of law as a Trustee for Montserrat College of Art in Beverly,

26512 Massachusetts; CHRISTOPHER COLLINS individually, and in
26513 their official capacity, while acting under color of law as a Trustee
26514 for Montserrat College of Art in Beverly, Massachusetts; NANCY
26515 CRATE individually, and in their official capacity, while acting
26516 under color of law as a Trustee for Montserrat College of Art in
26517 Beverly, Massachusetts; CRAIG H. DEERY individually, and in
26518 their official capacity, while acting under color of law as a Trustee
26519 for Montserrat College of Art in Beverly, Massachusetts; STEVEN
26520 DODGE individually, and in their official capacity, while acting
26521 under color of law as a Trustee for Montserrat College of Art in
26522 Beverly, Massachusetts; HENRIETTA GATES individually, and
26523 in their official capacity, while acting under color of law as a
26524 Trustee for Montserrat College of Art in Beverly, Massachusetts;
26525 MIRANDA GOODING individually, and in their official capacity,
26526 while acting under color of law as a Trustee for Montserrat College
26527 of Art in Beverly, Massachusetts; LINDA HARVEY individually,
26528 and in their official capacity, while acting under color of law as a
26529 Trustee for Montserrat College of Art in Beverly, Massachusetts;
26530 BETSY HOPKINS individually, and in their official capacity,
26531 while acting under color of law as a Trustee for Montserrat College

26532 of Art in Beverly, Massachusetts; JOHN PETERMAN individually,
26533 and in their official capacity, while acting under color of law as a
26534 Trustee for Montserrat College of Art in Beverly, Massachusetts;
26535 JURRIEN TIMMER individually, and in their official capacity,
26536 while acting under color of law as a Trustee for Montserrat College
26537 of Art in Beverly, Massachusetts; CHARLES WHITTEN
26538 individually, and in their official capacity, while acting under color
26539 of law as a Trustee for Montserrat College of Art in Beverly,
26540 Massachusetts; ALAN WILSON individually, and in their official
26541 capacity, while acting under color of law as a Trustee for
26542 Montserrat College of Art in Beverly, Massachusetts;
26543 KATHERINE WINTER individually, and in their official capacity,
26544 while acting under color of law as a Trustee for Montserrat College
26545 of Art in Beverly, Massachusetts; JO BRODERICK individually,
26546 and in their official capacity, while acting under color of law as a
26547 Dean of College Relations for Montserrat College of Art in
26548 Beverly, Massachusetts; RICK LONGO individually, and in their
26549 official capacity, while acting under color of law as a Dean of
26550 Admissions & Enrollment Management for Montserrat College of
26551 Art in Beverly, Massachusetts; LAURA TONELLI individually,

26552 and in their official capacity, while acting under color of law as the
26553 Dean of Faculty and Academic Affairs for Montserrat College of
26554 Art in Beverly, Massachusetts; THERESA SKELLY individually,
26555 and in their official capacity, while acting under color of law as a
26556 Registrar for Montserrat College of Art in Beverly, Massachusetts;
26557 JEFFREY NEWELL individually, and in their official capacity,
26558 while acting under color of law as the Director of Admissions for
26559 Montserrat College of Art in Beverly, Massachusetts; JOHN L.
26560 GOOD individually, and in their official capacity, while acting
26561 under color of law as a Executive Vice President for Beverly
26562 National Bank and Executive for Danvers Bancorp, Inc. in
26563 Danvers, MAs and Beverly, MA, as an EMT Instructor for Lyons
26564 Ambulance in Danvers, MA, an Executive at Beverly Hospital in
26565 Beverly, MA, and a Bank Officer for Montserrat College of Art in
26566 Beverly, Massachusetts; and a Commonwealth of Massachusetts
26567 EMT Examiner in Danvers, Massachusetts; MARSHALL J.
26568 HANDLY individually, and in their official capacity, while acting
26569 under color of law as the Legal Department for Montserrat College
26570 of Art in Beverly, Massachusetts; MICHAEL MARINO
26571 individually, and in their official capacity, while acting under color

26572 of law as a Police Officer for Town of Rockport, in Rockport, MA;
26573 MARK SCHMINK individually, and in their official capacity,
26574 while acting under color of law as a Police Officer for Town of
26575 Rockport, in Rockport, MA; did with other defendants violate,
26576 deprive, or infringe upon the civil rights of Plaintiff James M.
26577 Atkinson for the purposes of personal, political, and professional
26578 gains, without just cause, or lawful authority and did **Violate the**
26579 **Constitutional Rights** of James M. Atkinson in contravention of
26580 law. By way of unlawfully suspending Plaintiff Atkinson as a
26581 college student of Montserrat College of Art in Beverly,
26582 Massachusetts as a extra judicial punitive action under color of law
26583 due to incident for which Plaintiff Atkinson was never tried nor
26584 convicted in a court of law.

26585
26586 936. On or about December 8, 2010, STEPHEN D. IMMERMANN
26587 individually, and in their official capacity, while acting under color
26588 of law as President for Montserrat College of Art in Beverly,
26589 Massachusetts; BRIAN BICKNELL individually, and in their
26590 official capacity, while acting under color of law as an Dean for
26591 Montserrat College of Art in Beverly, Massachusetts; LEE

26592 DELLICKER individually, and in their official capacity, while
26593 acting under color of law as a Trustee for Montserrat College of
26594 Art in Beverly, Massachusetts; LECIA TURCOTTE individually,
26595 and in their official capacity, while acting under color of law as a
26596 Trustee for Montserrat College of Art in Beverly, Massachusetts;
26597 DONALD BOWEN individually, and in their official capacity,
26598 while acting under color of law as a Trustee for Montserrat College
26599 of Art in Beverly, Massachusetts; MARTHA BUSKIRK
26600 individually, and in their official capacity, while acting under color
26601 of law as a Trustee for Montserrat College of Art in Beverly,
26602 Massachusetts; CHRISTOPHER COLLINS individually, and in
26603 their official capacity, while acting under color of law as a Trustee
26604 for Montserrat College of Art in Beverly, Massachusetts; NANCY
26605 CRATE individually, and in their official capacity, while acting
26606 under color of law as a Trustee for Montserrat College of Art in
26607 Beverly, Massachusetts; CRAIG H. DEERY individually, and in
26608 their official capacity, while acting under color of law as a Trustee
26609 for Montserrat College of Art in Beverly, Massachusetts; STEVEN
26610 DODGE individually, and in their official capacity, while acting
26611 under color of law as a Trustee for Montserrat College of Art in

26612 Beverly, Massachusetts; HENRIETTA GATES individually, and
26613 in their official capacity, while acting under color of law as a
26614 Trustee for Montserrat College of Art in Beverly, Massachusetts;
26615 MIRANDA GOODING individually, and in their official capacity,
26616 while acting under color of law as a Trustee for Montserrat College
26617 of Art in Beverly, Massachusetts; LINDA HARVEY individually,
26618 and in their official capacity, while acting under color of law as a
26619 Trustee for Montserrat College of Art in Beverly, Massachusetts;
26620 BETSY HOPKINS individually, and in their official capacity,
26621 while acting under color of law as a Trustee for Montserrat College
26622 of Art in Beverly, Massachusetts; JOHN PETERMAN individually,
26623 and in their official capacity, while acting under color of law as a
26624 Trustee for Montserrat College of Art in Beverly, Massachusetts;
26625 JURRIEN TIMMER individually, and in their official capacity,
26626 while acting under color of law as a Trustee for Montserrat College
26627 of Art in Beverly, Massachusetts; CHARLES WHITTEN
26628 individually, and in their official capacity, while acting under color
26629 of law as a Trustee for Montserrat College of Art in Beverly,
26630 Massachusetts; ALAN WILSON individually, and in their official
26631 capacity, while acting under color of law as a Trustee for

26632 Montserrat College of Art in Beverly, Massachusetts;
26633 KATHERINE WINTER individually, and in their official capacity,
26634 while acting under color of law as a Trustee for Montserrat College
26635 of Art in Beverly, Massachusetts; JO BRODERICK individually,
26636 and in their official capacity, while acting under color of law as a
26637 Dean of College Relations for Montserrat College of Art in
26638 Beverly, Massachusetts; RICK LONGO individually, and in their
26639 official capacity, while acting under color of law as a Dean of
26640 Admissions & Enrollment Management for Montserrat College of
26641 Art in Beverly, Massachusetts; LAURA TONELLI individually,
26642 and in their official capacity, while acting under color of law as the
26643 Dean of Faculty and Academic Affairs for Montserrat College of
26644 Art in Beverly, Massachusetts; THERESA SKELLY individually,
26645 and in their official capacity, while acting under color of law as a
26646 Registrar for Montserrat College of Art in Beverly, Massachusetts;
26647 JEFFREY NEWELL individually, and in their official capacity,
26648 while acting under color of law as the Director of Admissions for
26649 Montserrat College of Art in Beverly, Massachusetts; JOHN L.
26650 GOOD individually, and in their official capacity, while acting
26651 under color of law as a Executive Vice President for Beverly

26652 National Bank and Executive for Danvers Bancorp, Inc. in
26653 Danvers, MAs and Beverly, MA, as an EMT Instructor for Lyons
26654 Ambulance in Danvers, MA, an Executive at Beverly Hospital in
26655 Beverly, MA, and a Bank Officer for Montserrat College of Art in
26656 Beverly, Massachusetts; and a Commonwealth of Massachusetts
26657 EMT Examiner in Danvers, Massachusetts; MARSHALL J.
26658 HANDLY individually, and in their official capacity, while acting
26659 under color of law as the Legal Department for Montserrat College
26660 of Art in Beverly, Massachusetts; MICHAEL MARINO
26661 individually, and in their official capacity, while acting under color
26662 of law as a Police Officer for Town of Rockport, in Rockport, MA;
26663 MARK SCHMINK individually, and in their official capacity,
26664 while acting under color of law as a Police Officer for Town of
26665 Rockport, in Rockport, MA; did with other defendants violate,
26666 deprive, or infringe upon the civil rights of Plaintiff James M.
26667 Atkinson for the purposes of personal, political, and professional
26668 gains, without just cause, or lawful authority and did **Violate the**
26669 **Rights Guarantees, Privileges and Immunities of Citizenship, Due**
26670 **Process and Equal Protection of U.S. Citizen** James M. Atkinson in
26671 contravention of law. By way of unlawfully suspending Plaintiff

26672 Atkinson as a college student of Montserrat College of Art in
26673 Beverly, Massachusetts as a extra judicial punitive action under
26674 color of law due to incident for which Plaintiff Atkinson was never
26675 tired nor convicted in a court of law.

26676
26677 937. On or about December 8, 2010, STEPHEN D. IMMERMANN
26678 individually, and in their official capacity, while acting under color
26679 of law as President for Montserrat College of Art in Beverly,
26680 Massachusetts; BRIAN BICKNELL individually, and in their
26681 official capacity, while acting under color of law as an Dean for
26682 Montserrat College of Art in Beverly, Massachusetts; LEE
26683 DELLICKER individually, and in their official capacity, while
26684 acting under color of law as a Trustee for Montserrat College of
26685 Art in Beverly, Massachusetts; LECIA TURCOTTE individually,
26686 and in their official capacity, while acting under color of law as a
26687 Trustee for Montserrat College of Art in Beverly, Massachusetts;
26688 DONALD BOWEN individually, and in their official capacity,
26689 while acting under color of law as a Trustee for Montserrat College
26690 of Art in Beverly, Massachusetts; MARTHA BUSKIRK
26691 individually, and in their official capacity, while acting under color

26692 of law as a Trustee for Montserrat College of Art in Beverly,
26693 Massachusetts; CHRISTOPHER COLLINS individually, and in
26694 their official capacity, while acting under color of law as a Trustee
26695 for Montserrat College of Art in Beverly, Massachusetts; NANCY
26696 CRATE individually, and in their official capacity, while acting
26697 under color of law as a Trustee for Montserrat College of Art in
26698 Beverly, Massachusetts; CRAIG H. DEERY individually, and in
26699 their official capacity, while acting under color of law as a Trustee
26700 for Montserrat College of Art in Beverly, Massachusetts; STEVEN
26701 DODGE individually, and in their official capacity, while acting
26702 under color of law as a Trustee for Montserrat College of Art in
26703 Beverly, Massachusetts; HENRIETTA GATES individually, and
26704 in their official capacity, while acting under color of law as a
26705 Trustee for Montserrat College of Art in Beverly, Massachusetts;
26706 MIRANDA GOODING individually, and in their official capacity,
26707 while acting under color of law as a Trustee for Montserrat College
26708 of Art in Beverly, Massachusetts; LINDA HARVEY individually,
26709 and in their official capacity, while acting under color of law as a
26710 Trustee for Montserrat College of Art in Beverly, Massachusetts;
26711 BETSY HOPKINS individually, and in their official capacity,

26712 while acting under color of law as a Trustee for Montserrat College
26713 of Art in Beverly, Massachusetts; JOHN PETERMAN individually,
26714 and in their official capacity, while acting under color of law as a
26715 Trustee for Montserrat College of Art in Beverly, Massachusetts;
26716 JURRIEN TIMMER individually, and in their official capacity,
26717 while acting under color of law as a Trustee for Montserrat College
26718 of Art in Beverly, Massachusetts; CHARLES WHITTEN
26719 individually, and in their official capacity, while acting under color
26720 of law as a Trustee for Montserrat College of Art in Beverly,
26721 Massachusetts; ALAN WILSON individually, and in their official
26722 capacity, while acting under color of law as a Trustee for
26723 Montserrat College of Art in Beverly, Massachusetts;
26724 KATHERINE WINTER individually, and in their official capacity,
26725 while acting under color of law as a Trustee for Montserrat College
26726 of Art in Beverly, Massachusetts; JO BRODERICK individually,
26727 and in their official capacity, while acting under color of law as a
26728 Dean of College Relations for Montserrat College of Art in
26729 Beverly, Massachusetts; RICK LONGO individually, and in their
26730 official capacity, while acting under color of law as a Dean of
26731 Admissions & Enrollment Management for Montserrat College of

26732 Art in Beverly, Massachusetts; LAURA TONELLI individually,
26733 and in their official capacity, while acting under color of law as the
26734 Dean of Faculty and Academic Affairs for Montserrat College of
26735 Art in Beverly, Massachusetts; THERESA SKELLY individually,
26736 and in their official capacity, while acting under color of law as a
26737 Registrar for Montserrat College of Art in Beverly, Massachusetts;
26738 JEFFREY NEWELL individually, and in their official capacity,
26739 while acting under color of law as the Director of Admissions for
26740 Montserrat College of Art in Beverly, Massachusetts; JOHN L.
26741 GOOD individually, and in their official capacity, while acting
26742 under color of law as a Executive Vice President for Beverly
26743 National Bank and Executive for Danvers Bancorp, Inc. in
26744 Danvers, MAs and Beverly, MA, as an EMT Instructor for Lyons
26745 Ambulance in Danvers, MA, an Executive at Beverly Hospital in
26746 Beverly, MA, and a Bank Officer for Montserrat College of Art in
26747 Beverly, Massachusetts; and a Commonwealth of Massachusetts
26748 EMT Examiner in Danvers, Massachusetts; MARSHALL J.
26749 HANDLY individually, and in their official capacity, while acting
26750 under color of law as the Legal Department for Montserrat College
26751 of Art in Beverly, Massachusetts; MICHAEL MARINO

26752 individually, and in their official capacity, while acting under color
26753 of law as a Police Officer for Town of Rockport, in Rockport, MA;
26754 MARK SCHMINK individually, and in their official capacity,
26755 while acting under color of law as a Police Officer for Town of
26756 Rockport, in Rockport, MA; did with other defendants violate,
26757 deprive, or infringe upon the civil rights of Plaintiff James M.
26758 Atkinson for the purposes of personal, political, and professional
26759 gains, without just cause, or lawful authority and did Engage in a
26760 **Pattern or Practice of Conduct or Deprivation of Rights, Privileges,**
26761 **or Immunities** James M. Atkinson in contravention of law. By way
26762 of unlawfully suspending Plaintiff Atkinson as a college student of
26763 Montserrat College of Art in Beverly, Massachusetts as a extra
26764 judicial punitive action under color of law due to incident for
26765 which Plaintiff Atkinson was never tried nor convicted in a court
26766 of law.

26767
26768 938. On or about December 8, 2010, STEPHEN D. IMMERMAN
26769 individually, and in their official capacity, while acting under color
26770 of law as President for Montserrat College of Art in Beverly,
26771 Massachusetts; BRIAN BICKNELL individually, and in their

26772 official capacity, while acting under color of law as an Dean for
26773 Montserrat College of Art in Beverly, Massachusetts; LEE
26774 DELLICKER individually, and in their official capacity, while
26775 acting under color of law as a Trustee for Montserrat College of
26776 Art in Beverly, Massachusetts; LECIA TURCOTTE individually,
26777 and in their official capacity, while acting under color of law as a
26778 Trustee for Montserrat College of Art in Beverly, Massachusetts;
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26781 of Art in Beverly, Massachusetts; MARTHA BUSKIRK
26782 individually, and in their official capacity, while acting under color
26783 of law as a Trustee for Montserrat College of Art in Beverly,
26784 Massachusetts; CHRISTOPHER COLLINS individually, and in
26785 their official capacity, while acting under color of law as a Trustee
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26787 CRATE individually, and in their official capacity, while acting
26788 under color of law as a Trustee for Montserrat College of Art in
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26796 Trustee for Montserrat College of Art in Beverly, Massachusetts;
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26799 of Art in Beverly, Massachusetts; LINDA HARVEY individually,
26800 and in their official capacity, while acting under color of law as a
26801 Trustee for Montserrat College of Art in Beverly, Massachusetts;
26802 BETSY HOPKINS individually, and in their official capacity,
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26804 of Art in Beverly, Massachusetts; JOHN PETERMAN individually,
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26806 Trustee for Montserrat College of Art in Beverly, Massachusetts;
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26809 of Art in Beverly, Massachusetts; CHARLES WHITTEN
26810 individually, and in their official capacity, while acting under color
26811 of law as a Trustee for Montserrat College of Art in Beverly,

26812 Massachusetts; ALAN WILSON individually, and in their official
26813 capacity, while acting under color of law as a Trustee for
26814 Montserrat College of Art in Beverly, Massachusetts;
26815 KATHERINE WINTER individually, and in their official capacity,
26816 while acting under color of law as a Trustee for Montserrat College
26817 of Art in Beverly, Massachusetts; JO BRODERICK individually,
26818 and in their official capacity, while acting under color of law as a
26819 Dean of College Relations for Montserrat College of Art in
26820 Beverly, Massachusetts; RICK LONGO individually, and in their
26821 official capacity, while acting under color of law as a Dean of
26822 Admissions & Enrollment Management for Montserrat College of
26823 Art in Beverly, Massachusetts; LAURA TONELLI individually,
26824 and in their official capacity, while acting under color of law as the
26825 Dean of Faculty and Academic Affairs for Montserrat College of
26826 Art in Beverly, Massachusetts; THERESA SKELLY individually,
26827 and in their official capacity, while acting under color of law as a
26828 Registrar for Montserrat College of Art in Beverly, Massachusetts;
26829 JEFFREY NEWELL individually, and in their official capacity,
26830 while acting under color of law as the Director of Admissions for
26831 Montserrat College of Art in Beverly, Massachusetts; JOHN L.

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26833 under color of law as a Executive Vice President for Beverly
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26836 Ambulance in Danvers, MA, an Executive at Beverly Hospital in
26837 Beverly, MA, and a Bank Officer for Montserrat College of Art in
26838 Beverly, Massachusetts; and a Commonwealth of Massachusetts
26839 EMT Examiner in Danvers, Massachusetts; MARSHALL J.
26840 HANDLY individually, and in their official capacity, while acting
26841 under color of law as the Legal Department for Montserrat College
26842 of Art in Beverly, Massachusetts; MICHAEL MARINO
26843 individually, and in their official capacity, while acting under color
26844 of law as a Police Officer for Town of Rockport, in Rockport, MA;
26845 MARK SCHMINK individually, and in their official capacity,
26846 while acting under color of law as a Police Officer for Town of
26847 Rockport, in Rockport, MA; did with other defendants violate,
26848 deprive, or infringe upon the civil rights of Plaintiff James M.
26849 Atkinson for the purposes of personal, political, and professional
26850 gains, without just cause, or lawful authority and did commit
26851 **Accessory Before the Fact** against James M. Atkinson in

26852 contravention of law. By way of unlawfully suspending Plaintiff
26853 Atkinson as a college student of Montserrat College of Art in
26854 Beverly, Massachusetts as a extra judicial punitive action under
26855 color of law due to incident for which Plaintiff Atkinson was never
26856 tired nor convicted in a court of law.

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26858 939. On or about December 10, 2010, STEPHEN D. IMMERMANN
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26861 Massachusetts; BRIAN BICKNELL individually, and in their
26862 official capacity, while acting under color of law as an Dean for
26863 Montserrat College of Art in Beverly, Massachusetts; LEE
26864 DELLICKER individually, and in their official capacity, while
26865 acting under color of law as a Trustee for Montserrat College of
26866 Art in Beverly, Massachusetts; LECIA TURCOTTE individually,
26867 and in their official capacity, while acting under color of law as a
26868 Trustee for Montserrat College of Art in Beverly, Massachusetts;
26869 DONALD BOWEN individually, and in their official capacity,
26870 while acting under color of law as a Trustee for Montserrat College
26871 of Art in Beverly, Massachusetts; MARTHA BUSKIRK

26872 individually, and in their official capacity, while acting under color
26873 of law as a Trustee for Montserrat College of Art in Beverly,
26874 Massachusetts; CHRISTOPHER COLLINS individually, and in
26875 their official capacity, while acting under color of law as a Trustee
26876 for Montserrat College of Art in Beverly, Massachusetts; NANCY
26877 CRATE individually, and in their official capacity, while acting
26878 under color of law as a Trustee for Montserrat College of Art in
26879 Beverly, Massachusetts; CRAIG H. DEERY individually, and in
26880 their official capacity, while acting under color of law as a Trustee
26881 for Montserrat College of Art in Beverly, Massachusetts; STEVEN
26882 DODGE individually, and in their official capacity, while acting
26883 under color of law as a Trustee for Montserrat College of Art in
26884 Beverly, Massachusetts; HENRIETTA GATES individually, and
26885 in their official capacity, while acting under color of law as a
26886 Trustee for Montserrat College of Art in Beverly, Massachusetts;
26887 MIRANDA GOODING individually, and in their official capacity,
26888 while acting under color of law as a Trustee for Montserrat College
26889 of Art in Beverly, Massachusetts; LINDA HARVEY individually,
26890 and in their official capacity, while acting under color of law as a
26891 Trustee for Montserrat College of Art in Beverly, Massachusetts;

26892 Betsy Hopkins individually, and in their official capacity,
26893 while acting under color of law as a Trustee for Montserrat College
26894 of Art in Beverly, Massachusetts; John Peterman individually,
26895 and in their official capacity, while acting under color of law as a
26896 Trustee for Montserrat College of Art in Beverly, Massachusetts;
26897 Jurrien Timmer individually, and in their official capacity,
26898 while acting under color of law as a Trustee for Montserrat College
26899 of Art in Beverly, Massachusetts; Charles Whitten
26900 individually, and in their official capacity, while acting under color
26901 of law as a Trustee for Montserrat College of Art in Beverly,
26902 Massachusetts; Alan Wilson individually, and in their official
26903 capacity, while acting under color of law as a Trustee for
26904 Montserrat College of Art in Beverly, Massachusetts;
26905 Katherine Winter individually, and in their official capacity,
26906 while acting under color of law as a Trustee for Montserrat College
26907 of Art in Beverly, Massachusetts; Jo Broderick individually,
26908 and in their official capacity, while acting under color of law as a
26909 Dean of College Relations for Montserrat College of Art in
26910 Beverly, Massachusetts; Rick Longo individually, and in their
26911 official capacity, while acting under color of law as a Dean of

26912 Admissions & Enrollment Management for Montserrat College of
26913 Art in Beverly, Massachusetts; LAURA TONELLI individually,
26914 and in their official capacity, while acting under color of law as the
26915 Dean of Faculty and Academic Affairs for Montserrat College of
26916 Art in Beverly, Massachusetts; THERESA SKELLY individually,
26917 and in their official capacity, while acting under color of law as a
26918 Registrar for Montserrat College of Art in Beverly, Massachusetts;
26919 JEFFREY NEWELL individually, and in their official capacity,
26920 while acting under color of law as the Director of Admissions for
26921 Montserrat College of Art in Beverly, Massachusetts; JOHN L.
26922 GOOD individually, and in their official capacity, while acting
26923 under color of law as a Executive Vice President for Beverly
26924 National Bank and Executive for Danvers Bancorp, Inc. in
26925 Danvers, MAs and Beverly, MA, as an EMT Instructor for Lyons
26926 Ambulance in Danvers, MA, an Executive at Beverly Hospital in
26927 Beverly, MA, and a Bank Officer for Montserrat College of Art in
26928 Beverly, Massachusetts; and a Commonwealth of Massachusetts
26929 EMT Examiner in Danvers, Massachusetts; MARSHALL J.
26930 HANDLY individually, and in their official capacity, while acting
26931 under color of law as the Legal Department for Montserrat College

26932 of Art in Beverly, Massachusetts; MICHAEL MARINO
26933 individually, and in their official capacity, while acting under color
26934 of law as a Police Officer for Town of Rockport, in Rockport, MA;
26935 MARK SCHMINK individually, and in their official capacity,
26936 while acting under color of law as a Police Officer for Town of
26937 Rockport, in Rockport, MA; did with other defendants violate,
26938 deprive, or infringe upon the civil rights of Plaintiff James M.
26939 Atkinson for the purposes of personal, political, and professional
26940 gains, without just cause, or lawful authority and did commit Mail
26941 Fraud against James M. Atkinson in contravention of law. By way
26942 sending a fraudulent college suspension letter from Montserrat
26943 College of Art in Beverly, Massachusetts to the student (Plaintiff
26944 Atkinson) at his home in Rockport, Massachusetts by way of the
26945 U.S. Mail.

26946
26947 940. On or about December 9, 2010, STEPHEN D. IMMERMANN
26948 individually, and in their official capacity, while acting under color
26949 of law as President for Montserrat College of Art in Beverly,
26950 Massachusetts; BRIAN BICKNELL individually, and in their
26951 official capacity, while acting under color of law as an Dean for

26952 Montserrat College of Art in Beverly, Massachusetts; LEE
26953 DELLICKER individually, and in their official capacity, while
26954 acting under color of law as a Trustee for Montserrat College of
26955 Art in Beverly, Massachusetts; LECIA TURCOTTE individually,
26956 and in their official capacity, while acting under color of law as a
26957 Trustee for Montserrat College of Art in Beverly, Massachusetts;
26958 DONALD BOWEN individually, and in their official capacity,
26959 while acting under color of law as a Trustee for Montserrat College
26960 of Art in Beverly, Massachusetts; MARTHA BUSKIRK
26961 individually, and in their official capacity, while acting under color
26962 of law as a Trustee for Montserrat College of Art in Beverly,
26963 Massachusetts; CHRISTOPHER COLLINS individually, and in
26964 their official capacity, while acting under color of law as a Trustee
26965 for Montserrat College of Art in Beverly, Massachusetts; NANCY
26966 CRATE individually, and in their official capacity, while acting
26967 under color of law as a Trustee for Montserrat College of Art in
26968 Beverly, Massachusetts; CRAIG H. DEERY individually, and in
26969 their official capacity, while acting under color of law as a Trustee
26970 for Montserrat College of Art in Beverly, Massachusetts; STEVEN
26971 DODGE individually, and in their official capacity, while acting

26972 under color of law as a Trustee for Montserrat College of Art in
26973 Beverly, Massachusetts; HENRIETTA GATES individually, and
26974 in their official capacity, while acting under color of law as a
26975 Trustee for Montserrat College of Art in Beverly, Massachusetts;
26976 MIRANDA GOODING individually, and in their official capacity,
26977 while acting under color of law as a Trustee for Montserrat College
26978 of Art in Beverly, Massachusetts; LINDA HARVEY individually,
26979 and in their official capacity, while acting under color of law as a
26980 Trustee for Montserrat College of Art in Beverly, Massachusetts;
26981 BETSY HOPKINS individually, and in their official capacity,
26982 while acting under color of law as a Trustee for Montserrat College
26983 of Art in Beverly, Massachusetts; JOHN PETERMAN individually,
26984 and in their official capacity, while acting under color of law as a
26985 Trustee for Montserrat College of Art in Beverly, Massachusetts;
26986 JURRIEN TIMMER individually, and in their official capacity,
26987 while acting under color of law as a Trustee for Montserrat College
26988 of Art in Beverly, Massachusetts; CHARLES WHITTEN
26989 individually, and in their official capacity, while acting under color
26990 of law as a Trustee for Montserrat College of Art in Beverly,
26991 Massachusetts; ALAN WILSON individually, and in their official

26992 capacity, while acting under color of law as a Trustee for
26993 Montserrat College of Art in Beverly, Massachusetts;
26994 KATHERINE WINTER individually, and in their official capacity,
26995 while acting under color of law as a Trustee for Montserrat College
26996 of Art in Beverly, Massachusetts; JO BRODERICK individually,
26997 and in their official capacity, while acting under color of law as a
26998 Dean of College Relations for Montserrat College of Art in
26999 Beverly, Massachusetts; RICK LONGO individually, and in their
27000 official capacity, while acting under color of law as a Dean of
27001 Admissions & Enrollment Management for Montserrat College of
27002 Art in Beverly, Massachusetts; LAURA TONELLI individually,
27003 and in their official capacity, while acting under color of law as the
27004 Dean of Faculty and Academic Affairs for Montserrat College of
27005 Art in Beverly, Massachusetts; THERESA SKELLY individually,
27006 and in their official capacity, while acting under color of law as a
27007 Registrar for Montserrat College of Art in Beverly, Massachusetts;
27008 JEFFREY NEWELL individually, and in their official capacity,
27009 while acting under color of law as the Director of Admissions for
27010 Montserrat College of Art in Beverly, Massachusetts; JOHN L.
27011 GOOD individually, and in their official capacity, while acting

27012 under color of law as a Executive Vice President for Beverly
27013 National Bank and Executive for Danvers Bancorp, Inc. in
27014 Danvers, MAs and Beverly, MA, as an EMT Instructor for Lyons
27015 Ambulance in Danvers, MA, an Executive at Beverly Hospital in
27016 Beverly, MA, and a Bank Officer for Montserrat College of Art in
27017 Beverly, Massachusetts; and a Commonwealth of Massachusetts
27018 EMT Examiner in Danvers, Massachusetts; MARSHALL J.
27019 HANDLY individually, and in their official capacity, while acting
27020 under color of law as the Legal Department for Montserrat College
27021 of Art in Beverly, Massachusetts; MICHAEL MARINO
27022 individually, and in their official capacity, while acting under color
27023 of law as a Police Officer for Town of Rockport, in Rockport, MA;
27024 MARK SCHMINK individually, and in their official capacity,
27025 while acting under color of law as a Police Officer for Town of
27026 Rockport, in Rockport, MA; did with other defendants violate,
27027 deprive, or infringe upon the civil rights of Plaintiff James M.
27028 Atkinson for the purposes of personal, political, and professional
27029 gains, without just cause, or lawful authority and did commit
27030 **Violation of Due Process** under Color of Law against James M.
27031 Atkinson in contravention of law. By way of refusing to hold a

27032 demanded academic judicial hearing, or to hear any dispute of any
27033 charges within the student judicial system, even though Plaintiff
27034 Atkinson was still a student at Montserrat College of Art in
27035 Beverly, Massachusetts, and classes had not yet finished for the
27036 semester, and Plaintiff still had outstanding course work due, and still
27037 had personal property at the school.

27038
27039 941. On or about December 9, 2010, STEPHEN D. IMMERMANN
27040 individually, and in their official capacity, while acting under color
27041 of law as President for Montserrat College of Art in Beverly,
27042 Massachusetts; BRIAN BICKNELL individually, and in their
27043 official capacity, while acting under color of law as an Dean for
27044 Montserrat College of Art in Beverly, Massachusetts; LEE
27045 DELLICKER individually, and in their official capacity, while
27046 acting under color of law as a Trustee for Montserrat College of
27047 Art in Beverly, Massachusetts; LECIA TURCOTTE individually,
27048 and in their official capacity, while acting under color of law as a
27049 Trustee for Montserrat College of Art in Beverly, Massachusetts;
27050 DONALD BOWEN individually, and in their official capacity,
27051 while acting under color of law as a Trustee for Montserrat College

27052 of Art in Beverly, Massachusetts; MARTHA BUSKIRK
27053 individually, and in their official capacity, while acting under color
27054 of law as a Trustee for Montserrat College of Art in Beverly,
27055 Massachusetts; CHRISTOPHER COLLINS individually, and in
27056 their official capacity, while acting under color of law as a Trustee
27057 for Montserrat College of Art in Beverly, Massachusetts; NANCY
27058 CRATE individually, and in their official capacity, while acting
27059 under color of law as a Trustee for Montserrat College of Art in
27060 Beverly, Massachusetts; CRAIG H. DEERY individually, and in
27061 their official capacity, while acting under color of law as a Trustee
27062 for Montserrat College of Art in Beverly, Massachusetts; STEVEN
27063 DODGE individually, and in their official capacity, while acting
27064 under color of law as a Trustee for Montserrat College of Art in
27065 Beverly, Massachusetts; HENRIETTA GATES individually, and
27066 in their official capacity, while acting under color of law as a
27067 Trustee for Montserrat College of Art in Beverly, Massachusetts;
27068 MIRANDA GOODING individually, and in their official capacity,
27069 while acting under color of law as a Trustee for Montserrat College
27070 of Art in Beverly, Massachusetts; LINDA HARVEY individually,
27071 and in their official capacity, while acting under color of law as a

27072 Trustee for Montserrat College of Art in Beverly, Massachusetts;
27073 BETSY HOPKINS individually, and in their official capacity,
27074 while acting under color of law as a Trustee for Montserrat College
27075 of Art in Beverly, Massachusetts; JOHN PETERMAN individually,
27076 and in their official capacity, while acting under color of law as a
27077 Trustee for Montserrat College of Art in Beverly, Massachusetts;
27078 JURRIEN TIMMER individually, and in their official capacity,
27079 while acting under color of law as a Trustee for Montserrat College
27080 of Art in Beverly, Massachusetts; CHARLES WHITTEN
27081 individually, and in their official capacity, while acting under color
27082 of law as a Trustee for Montserrat College of Art in Beverly,
27083 Massachusetts; ALAN WILSON individually, and in their official
27084 capacity, while acting under color of law as a Trustee for
27085 Montserrat College of Art in Beverly, Massachusetts;
27086 KATHERINE WINTER individually, and in their official capacity,
27087 while acting under color of law as a Trustee for Montserrat College
27088 of Art in Beverly, Massachusetts; JO BRODERICK individually,
27089 and in their official capacity, while acting under color of law as a
27090 Dean of College Relations for Montserrat College of Art in
27091 Beverly, Massachusetts; RICK LONGO individually, and in their

27092 official capacity, while acting under color of law as a Dean of
27093 Admissions & Enrollment Management for Montserrat College of
27094 Art in Beverly, Massachusetts; LAURA TONELLI individually,
27095 and in their official capacity, while acting under color of law as the
27096 Dean of Faculty and Academic Affairs for Montserrat College of
27097 Art in Beverly, Massachusetts; THERESA SKELLY individually,
27098 and in their official capacity, while acting under color of law as a
27099 Registrar for Montserrat College of Art in Beverly, Massachusetts;
27100 JEFFREY NEWELL individually, and in their official capacity,
27101 while acting under color of law as the Director of Admissions for
27102 Montserrat College of Art in Beverly, Massachusetts; JOHN L.
27103 GOOD individually, and in their official capacity, while acting
27104 under color of law as a Executive Vice President for Beverly
27105 National Bank and Executive for Danvers Bancorp, Inc. in
27106 Danvers, MAs and Beverly, MA, as an EMT Instructor for Lyons
27107 Ambulance in Danvers, MA, an Executive at Beverly Hospital in
27108 Beverly, MA, and a Bank Officer for Montserrat College of Art in
27109 Beverly, Massachusetts; and a Commonwealth of Massachusetts
27110 EMT Examiner in Danvers, Massachusetts; MARSHALL J.
27111 HANDLY individually, and in their official capacity, while acting

27112 under color of law as the Legal Department for Montserrat College
27113 of Art in Beverly, Massachusetts; MICHAEL MARINO
27114 individually, and in their official capacity, while acting under color
27115 of law as a Police Officer for Town of Rockport, in Rockport, MA;
27116 MARK SCHMINK individually, and in their official capacity,
27117 while acting under color of law as a Police Officer for Town of
27118 Rockport, in Rockport, MA; did with other defendants violate,
27119 deprive, or infringe upon the civil rights of Plaintiff James M.
27120 Atkinson for the purposes of personal, political, and professional
27121 gains, without just cause, or lawful authority and did commit
27122 **Violation of Fifth Amendment Right in Regards to Double**
27123 **Jeopardy** under Color of Law against James M. Atkinson in
27124 contravention of law. By way of suspending Plaintiff Atkinson at
27125 the request of Defendant Marino, Schmink, and Good, and others.

27126
27127 942. On or about December 9, 2010, STEPHEN D. IMMERMANN
27128 individually, and in their official capacity, while acting under color
27129 of law as President for Montserrat College of Art in Beverly,
27130 Massachusetts; BRIAN BICKNELL individually, and in their
27131 official capacity, while acting under color of law as an Dean for

27132 Montserrat College of Art in Beverly, Massachusetts; LEE
27133 DELLICKER individually, and in their official capacity, while
27134 acting under color of law as a Trustee for Montserrat College of
27135 Art in Beverly, Massachusetts; LECIA TURCOTTE individually,
27136 and in their official capacity, while acting under color of law as a
27137 Trustee for Montserrat College of Art in Beverly, Massachusetts;
27138 DONALD BOWEN individually, and in their official capacity,
27139 while acting under color of law as a Trustee for Montserrat College
27140 of Art in Beverly, Massachusetts; MARTHA BUSKIRK
27141 individually, and in their official capacity, while acting under color
27142 of law as a Trustee for Montserrat College of Art in Beverly,
27143 Massachusetts; CHRISTOPHER COLLINS individually, and in
27144 their official capacity, while acting under color of law as a Trustee
27145 for Montserrat College of Art in Beverly, Massachusetts; NANCY
27146 CRATE individually, and in their official capacity, while acting
27147 under color of law as a Trustee for Montserrat College of Art in
27148 Beverly, Massachusetts; CRAIG H. DEERY individually, and in
27149 their official capacity, while acting under color of law as a Trustee
27150 for Montserrat College of Art in Beverly, Massachusetts; STEVEN
27151 DODGE individually, and in their official capacity, while acting

27152 under color of law as a Trustee for Montserrat College of Art in
27153 Beverly, Massachusetts; HENRIETTA GATES individually, and
27154 in their official capacity, while acting under color of law as a
27155 Trustee for Montserrat College of Art in Beverly, Massachusetts;
27156 MIRANDA GOODING individually, and in their official capacity,
27157 while acting under color of law as a Trustee for Montserrat College
27158 of Art in Beverly, Massachusetts; LINDA HARVEY individually,
27159 and in their official capacity, while acting under color of law as a
27160 Trustee for Montserrat College of Art in Beverly, Massachusetts;
27161 BETSY HOPKINS individually, and in their official capacity,
27162 while acting under color of law as a Trustee for Montserrat College
27163 of Art in Beverly, Massachusetts; JOHN PETERMAN individually,
27164 and in their official capacity, while acting under color of law as a
27165 Trustee for Montserrat College of Art in Beverly, Massachusetts;
27166 JURRIEN TIMMER individually, and in their official capacity,
27167 while acting under color of law as a Trustee for Montserrat College
27168 of Art in Beverly, Massachusetts; CHARLES WHITTEN
27169 individually, and in their official capacity, while acting under color
27170 of law as a Trustee for Montserrat College of Art in Beverly,
27171 Massachusetts; ALAN WILSON individually, and in their official

27172 capacity, while acting under color of law as a Trustee for
27173 Montserrat College of Art in Beverly, Massachusetts;
27174 KATHERINE WINTER individually, and in their official capacity,
27175 while acting under color of law as a Trustee for Montserrat College
27176 of Art in Beverly, Massachusetts; JO BRODERICK individually,
27177 and in their official capacity, while acting under color of law as a
27178 Dean of College Relations for Montserrat College of Art in
27179 Beverly, Massachusetts; RICK LONGO individually, and in their
27180 official capacity, while acting under color of law as a Dean of
27181 Admissions & Enrollment Management for Montserrat College of
27182 Art in Beverly, Massachusetts; LAURA TONELLI individually,
27183 and in their official capacity, while acting under color of law as the
27184 Dean of Faculty and Academic Affairs for Montserrat College of
27185 Art in Beverly, Massachusetts; THERESA SKELLY individually,
27186 and in their official capacity, while acting under color of law as a
27187 Registrar for Montserrat College of Art in Beverly, Massachusetts;
27188 JEFFREY NEWELL individually, and in their official capacity,
27189 while acting under color of law as the Director of Admissions for
27190 Montserrat College of Art in Beverly, Massachusetts; JOHN L.
27191 GOOD individually, and in their official capacity, while acting

27192 under color of law as a Executive Vice President for Beverly
27193 National Bank and Executive for Danvers Bancorp, Inc. in
27194 Danvers, MAs and Beverly, MA, as an EMT Instructor for Lyons
27195 Ambulance in Danvers, MA, an Executive at Beverly Hospital in
27196 Beverly, MA, and a Bank Officer for Montserrat College of Art in
27197 Beverly, Massachusetts; and a Commonwealth of Massachusetts
27198 EMT Examiner in Danvers, Massachusetts; MARSHALL J.
27199 HANDLY individually, and in their official capacity, while acting
27200 under color of law as the Legal Department for Montserrat College
27201 of Art in Beverly, Massachusetts; MICHAEL MARINO
27202 individually, and in their official capacity, while acting under color
27203 of law as a Police Officer for Town of Rockport, in Rockport, MA;
27204 MARK SCHMINK individually, and in their official capacity,
27205 while acting under color of law as a Police Officer for Town of
27206 Rockport, in Rockport, MA; did with other defendants violate,
27207 deprive, or infringe upon the civil rights of Plaintiff James M.
27208 Atkinson for the purposes of personal, political, and professional
27209 gains, without just cause, or lawful authority and did commit
27210 **Larceny of Over \$250** under Color of Law against James M.
27211 Atkinson in contravention of law. By way of refusing to award a

27212 grade, or to recognize a course which the student (Plaintiff
27213 Atkinson) had successfully paid for, attended, performed in an
27214 outstanding way in and for which a grade was due.

27215
27216 943. On or about December 9, 2010, STEPHEN D. IMMERMANN
27217 individually, and in their official capacity, while acting under color
27218 of law as President for Montserrat College of Art in Beverly,
27219 Massachusetts; BRIAN BICKNELL individually, and in their
27220 official capacity, while acting under color of law as an Dean for
27221 Montserrat College of Art in Beverly, Massachusetts; LEE
27222 DELLICKER individually, and in their official capacity, while
27223 acting under color of law as a Trustee for Montserrat College of
27224 Art in Beverly, Massachusetts; LECIA TURCOTTE individually,
27225 and in their official capacity, while acting under color of law as a
27226 Trustee for Montserrat College of Art in Beverly, Massachusetts;
27227 DONALD BOWEN individually, and in their official capacity,
27228 while acting under color of law as a Trustee for Montserrat College
27229 of Art in Beverly, Massachusetts; MARTHA BUSKIRK
27230 individually, and in their official capacity, while acting under color
27231 of law as a Trustee for Montserrat College of Art in Beverly,

27232 Massachusetts; CHRISTOPHER COLLINS individually, and in
27233 their official capacity, while acting under color of law as a Trustee
27234 for Montserrat College of Art in Beverly, Massachusetts; NANCY
27235 CRATE individually, and in their official capacity, while acting
27236 under color of law as a Trustee for Montserrat College of Art in
27237 Beverly, Massachusetts; CRAIG H. DEERY individually, and in
27238 their official capacity, while acting under color of law as a Trustee
27239 for Montserrat College of Art in Beverly, Massachusetts; STEVEN
27240 DODGE individually, and in their official capacity, while acting
27241 under color of law as a Trustee for Montserrat College of Art in
27242 Beverly, Massachusetts; HENRIETTA GATES individually, and
27243 in their official capacity, while acting under color of law as a
27244 Trustee for Montserrat College of Art in Beverly, Massachusetts;
27245 MIRANDA GOODING individually, and in their official capacity,
27246 while acting under color of law as a Trustee for Montserrat College
27247 of Art in Beverly, Massachusetts; LINDA HARVEY individually,
27248 and in their official capacity, while acting under color of law as a
27249 Trustee for Montserrat College of Art in Beverly, Massachusetts;
27250 BETSY HOPKINS individually, and in their official capacity,
27251 while acting under color of law as a Trustee for Montserrat College

27252 of Art in Beverly, Massachusetts; JOHN PETERMAN individually,
27253 and in their official capacity, while acting under color of law as a
27254 Trustee for Montserrat College of Art in Beverly, Massachusetts;
27255 JURRIEN TIMMER individually, and in their official capacity,
27256 while acting under color of law as a Trustee for Montserrat College
27257 of Art in Beverly, Massachusetts; CHARLES WHITTEN
27258 individually, and in their official capacity, while acting under color
27259 of law as a Trustee for Montserrat College of Art in Beverly,
27260 Massachusetts; ALAN WILSON individually, and in their official
27261 capacity, while acting under color of law as a Trustee for
27262 Montserrat College of Art in Beverly, Massachusetts;
27263 KATHERINE WINTER individually, and in their official capacity,
27264 while acting under color of law as a Trustee for Montserrat College
27265 of Art in Beverly, Massachusetts; JO BRODERICK individually,
27266 and in their official capacity, while acting under color of law as a
27267 Dean of College Relations for Montserrat College of Art in
27268 Beverly, Massachusetts; RICK LONGO individually, and in their
27269 official capacity, while acting under color of law as a Dean of
27270 Admissions & Enrollment Management for Montserrat College of
27271 Art in Beverly, Massachusetts; LAURA TONELLI individually,

27272 and in their official capacity, while acting under color of law as the
27273 Dean of Faculty and Academic Affairs for Montserrat College of
27274 Art in Beverly, Massachusetts; THERESA SKELLY individually,
27275 and in their official capacity, while acting under color of law as a
27276 Registrar for Montserrat College of Art in Beverly, Massachusetts;
27277 JEFFREY NEWELL individually, and in their official capacity,
27278 while acting under color of law as the Director of Admissions for
27279 Montserrat College of Art in Beverly, Massachusetts; JOHN L.
27280 GOOD individually, and in their official capacity, while acting
27281 under color of law as a Executive Vice President for Beverly
27282 National Bank and Executive for Danvers Bancorp, Inc. in
27283 Danvers, MAs and Beverly, MA, as an EMT Instructor for Lyons
27284 Ambulance in Danvers, MA, an Executive at Beverly Hospital in
27285 Beverly, MA, and a Bank Officer for Montserrat College of Art in
27286 Beverly, Massachusetts; and a Commonwealth of Massachusetts
27287 EMT Examiner in Danvers, Massachusetts; MARSHALL J.
27288 HANDLY individually, and in their official capacity, while acting
27289 under color of law as the Legal Department for Montserrat College
27290 of Art in Beverly, Massachusetts; MICHAEL MARINO
27291 individually, and in their official capacity, while acting under color

27292 of law as a Police Officer for Town of Rockport, in Rockport, MA;
27293 MARK SCHMINK individually, and in their official capacity,
27294 while acting under color of law as a Police Officer for Town of
27295 Rockport, in Rockport, MA; did with other defendants violate,
27296 deprive, or infringe upon the civil rights of Plaintiff James M.
27297 Atkinson for the purposes of personal, political, and professional
27298 gains, without just cause, or lawful authority and did commit
27299 **Conspiracy to Interfere with Civil Rights** under Color of Law
27300 against James M. Atkinson in contravention of law. By way
27301 accepting Plaintiff Atkinson as a Part Time Student for the Winter
27302 2011 Semester, and allowing him to enroll in four classes to
27303 include Photo II, Digital Photography I, Photographic History, and
27304 2D Design. The student (Plaintiff Atkinson), then being withdrawn
27305 from these courses on this date.

27306
27307 944. On or about December 9, 2010, STEPHEN D. IMMERMANN
27308 individually, and in their official capacity, while acting under color
27309 of law as President for Montserrat College of Art in Beverly,
27310 Massachusetts; BRIAN BICKNELL individually, and in their
27311 official capacity, while acting under color of law as an Dean for

27312 Montserrat College of Art in Beverly, Massachusetts; LEE
27313 DELLICKER individually, and in their official capacity, while
27314 acting under color of law as a Trustee for Montserrat College of
27315 Art in Beverly, Massachusetts; LECIA TURCOTTE individually,
27316 and in their official capacity, while acting under color of law as a
27317 Trustee for Montserrat College of Art in Beverly, Massachusetts;
27318 DONALD BOWEN individually, and in their official capacity,
27319 while acting under color of law as a Trustee for Montserrat College
27320 of Art in Beverly, Massachusetts; MARTHA BUSKIRK
27321 individually, and in their official capacity, while acting under color
27322 of law as a Trustee for Montserrat College of Art in Beverly,
27323 Massachusetts; CHRISTOPHER COLLINS individually, and in
27324 their official capacity, while acting under color of law as a Trustee
27325 for Montserrat College of Art in Beverly, Massachusetts; NANCY
27326 CRATE individually, and in their official capacity, while acting
27327 under color of law as a Trustee for Montserrat College of Art in
27328 Beverly, Massachusetts; CRAIG H. DEERY individually, and in
27329 their official capacity, while acting under color of law as a Trustee
27330 for Montserrat College of Art in Beverly, Massachusetts; STEVEN
27331 DODGE individually, and in their official capacity, while acting

27332 under color of law as a Trustee for Montserrat College of Art in
27333 Beverly, Massachusetts; HENRIETTA GATES individually, and
27334 in their official capacity, while acting under color of law as a
27335 Trustee for Montserrat College of Art in Beverly, Massachusetts;
27336 MIRANDA GOODING individually, and in their official capacity,
27337 while acting under color of law as a Trustee for Montserrat College
27338 of Art in Beverly, Massachusetts; LINDA HARVEY individually,
27339 and in their official capacity, while acting under color of law as a
27340 Trustee for Montserrat College of Art in Beverly, Massachusetts;
27341 BETSY HOPKINS individually, and in their official capacity,
27342 while acting under color of law as a Trustee for Montserrat College
27343 of Art in Beverly, Massachusetts; JOHN PETERMAN individually,
27344 and in their official capacity, while acting under color of law as a
27345 Trustee for Montserrat College of Art in Beverly, Massachusetts;
27346 JURRIEN TIMMER individually, and in their official capacity,
27347 while acting under color of law as a Trustee for Montserrat College
27348 of Art in Beverly, Massachusetts; CHARLES WHITTEN
27349 individually, and in their official capacity, while acting under color
27350 of law as a Trustee for Montserrat College of Art in Beverly,
27351 Massachusetts; ALAN WILSON individually, and in their official

27352 capacity, while acting under color of law as a Trustee for
27353 Montserrat College of Art in Beverly, Massachusetts;
27354 KATHERINE WINTER individually, and in their official capacity,
27355 while acting under color of law as a Trustee for Montserrat College
27356 of Art in Beverly, Massachusetts; JO BRODERICK individually,
27357 and in their official capacity, while acting under color of law as a
27358 Dean of College Relations for Montserrat College of Art in
27359 Beverly, Massachusetts; RICK LONGO individually, and in their
27360 official capacity, while acting under color of law as a Dean of
27361 Admissions & Enrollment Management for Montserrat College of
27362 Art in Beverly, Massachusetts; LAURA TONELLI individually,
27363 and in their official capacity, while acting under color of law as the
27364 Dean of Faculty and Academic Affairs for Montserrat College of
27365 Art in Beverly, Massachusetts; THERESA SKELLY individually,
27366 and in their official capacity, while acting under color of law as a
27367 Registrar for Montserrat College of Art in Beverly, Massachusetts;
27368 JEFFREY NEWELL individually, and in their official capacity,
27369 while acting under color of law as the Director of Admissions for
27370 Montserrat College of Art in Beverly, Massachusetts; JOHN L.
27371 GOOD individually, and in their official capacity, while acting

27372 under color of law as a Executive Vice President for Beverly
27373 National Bank and Executive for Danvers Bancorp, Inc. in
27374 Danvers, MAs and Beverly, MA, as an EMT Instructor for Lyons
27375 Ambulance in Danvers, MA, an Executive at Beverly Hospital in
27376 Beverly, MA, and a Bank Officer for Montserrat College of Art in
27377 Beverly, Massachusetts; and a Commonwealth of Massachusetts
27378 EMT Examiner in Danvers, Massachusetts; MARSHALL J.
27379 HANDLY individually, and in their official capacity, while acting
27380 under color of law as the Legal Department for Montserrat College
27381 of Art in Beverly, Massachusetts; MICHAEL MARINO
27382 individually, and in their official capacity, while acting under color
27383 of law as a Police Officer for Town of Rockport, in Rockport, MA;
27384 MARK SCHMINK individually, and in their official capacity,
27385 while acting under color of law as a Police Officer for Town of
27386 Rockport, in Rockport, MA; did with other defendants violate,
27387 deprive, or infringe upon the civil rights of Plaintiff James M.
27388 Atkinson for the purposes of personal, political, and professional
27389 gains, without just cause, or lawful authority and did commit
27390 **Larceny of Over \$250** under Color of Law against James M.
27391 Atkinson in contravention of law. By way of refusing Plaintiff

27392 Atkinson access to the school building to retrieve his possessions
27393 which included a human skeleton and steel stand in a canvas
27394 carrying bag which was stored in the second film changing room,
27395 and with a value of \$3500.

27396

27397 945. On or about December 9, 2010, STEPHEN D. IMMERMANN
27398 individually, and in their official capacity, while acting under color
27399 of law as President for Montserrat College of Art in Beverly,
27400 Massachusetts; BRIAN BICKNELL individually, and in their
27401 official capacity, while acting under color of law as an Dean for
27402 Montserrat College of Art in Beverly, Massachusetts; LEE
27403 DELLICKER individually, and in their official capacity, while
27404 acting under color of law as a Trustee for Montserrat College of
27405 Art in Beverly, Massachusetts; LECIA TURCOTTE individually,
27406 and in their official capacity, while acting under color of law as a
27407 Trustee for Montserrat College of Art in Beverly, Massachusetts;
27408 DONALD BOWEN individually, and in their official capacity,
27409 while acting under color of law as a Trustee for Montserrat College
27410 of Art in Beverly, Massachusetts; MARTHA BUSKIRK
27411 individually, and in their official capacity, while acting under color

27412 of law as a Trustee for Montserrat College of Art in Beverly,
27413 Massachusetts; CHRISTOPHER COLLINS individually, and in
27414 their official capacity, while acting under color of law as a Trustee
27415 for Montserrat College of Art in Beverly, Massachusetts; NANCY
27416 CRATE individually, and in their official capacity, while acting
27417 under color of law as a Trustee for Montserrat College of Art in
27418 Beverly, Massachusetts; CRAIG H. DEERY individually, and in
27419 their official capacity, while acting under color of law as a Trustee
27420 for Montserrat College of Art in Beverly, Massachusetts; STEVEN
27421 DODGE individually, and in their official capacity, while acting
27422 under color of law as a Trustee for Montserrat College of Art in
27423 Beverly, Massachusetts; HENRIETTA GATES individually, and
27424 in their official capacity, while acting under color of law as a
27425 Trustee for Montserrat College of Art in Beverly, Massachusetts;
27426 MIRANDA GOODING individually, and in their official capacity,
27427 while acting under color of law as a Trustee for Montserrat College
27428 of Art in Beverly, Massachusetts; LINDA HARVEY individually,
27429 and in their official capacity, while acting under color of law as a
27430 Trustee for Montserrat College of Art in Beverly, Massachusetts;
27431 BETSY HOPKINS individually, and in their official capacity,

27432 while acting under color of law as a Trustee for Montserrat College
27433 of Art in Beverly, Massachusetts; JOHN PETERMAN individually,
27434 and in their official capacity, while acting under color of law as a
27435 Trustee for Montserrat College of Art in Beverly, Massachusetts;
27436 JURRIEN TIMMER individually, and in their official capacity,
27437 while acting under color of law as a Trustee for Montserrat College
27438 of Art in Beverly, Massachusetts; CHARLES WHITTEN
27439 individually, and in their official capacity, while acting under color
27440 of law as a Trustee for Montserrat College of Art in Beverly,
27441 Massachusetts; ALAN WILSON individually, and in their official
27442 capacity, while acting under color of law as a Trustee for
27443 Montserrat College of Art in Beverly, Massachusetts;
27444 KATHERINE WINTER individually, and in their official capacity,
27445 while acting under color of law as a Trustee for Montserrat College
27446 of Art in Beverly, Massachusetts; JO BRODERICK individually,
27447 and in their official capacity, while acting under color of law as a
27448 Dean of College Relations for Montserrat College of Art in
27449 Beverly, Massachusetts; RICK LONGO individually, and in their
27450 official capacity, while acting under color of law as a Dean of
27451 Admissions & Enrollment Management for Montserrat College of

27452 Art in Beverly, Massachusetts; LAURA TONELLI individually,
27453 and in their official capacity, while acting under color of law as the
27454 Dean of Faculty and Academic Affairs for Montserrat College of
27455 Art in Beverly, Massachusetts; THERESA SKELLY individually,
27456 and in their official capacity, while acting under color of law as a
27457 Registrar for Montserrat College of Art in Beverly, Massachusetts;
27458 JEFFREY NEWELL individually, and in their official capacity,
27459 while acting under color of law as the Director of Admissions for
27460 Montserrat College of Art in Beverly, Massachusetts; JOHN L.
27461 GOOD individually, and in their official capacity, while acting
27462 under color of law as a Executive Vice President for Beverly
27463 National Bank and Executive for Danvers Bancorp, Inc. in
27464 Danvers, MAs and Beverly, MA, as an EMT Instructor for Lyons
27465 Ambulance in Danvers, MA, an Executive at Beverly Hospital in
27466 Beverly, MA, and a Bank Officer for Montserrat College of Art in
27467 Beverly, Massachusetts; and a Commonwealth of Massachusetts
27468 EMT Examiner in Danvers, Massachusetts; MARSHALL J.
27469 HANDLY individually, and in their official capacity, while acting
27470 under color of law as the Legal Department for Montserrat College
27471 of Art in Beverly, Massachusetts; MICHAEL MARINO

27472 individually, and in their official capacity, while acting under color
27473 of law as a Police Officer for Town of Rockport, in Rockport, MA;
27474 MARK SCHMINK individually, and in their official capacity,
27475 while acting under color of law as a Police Officer for Town of
27476 Rockport, in Rockport, MA; did with other defendants violate,
27477 deprive, or infringe upon the civil rights of Plaintiff James M.
27478 Atkinson for the purposes of personal, political, and professional
27479 gains, without just cause, or lawful authority and did commit
27480 **Larceny of Over \$250** under Color of Law against James M.
27481 Atkinson in contravention of law. By way of refusing Plaintiff
27482 Atkinson access to the school building to retrieve his possessions
27483 which included a nine (9) 16x20 inch fine arts photographic prints
27484 mounted to the wall of Room 209 (at a value of at least \$600 each,
27485 or at least \$5400).

27486
27487 946. On or about December 9, 2010, STEPHEN D. IMMERMANN
27488 individually, and in their official capacity, while acting under color
27489 of law as President for Montserrat College of Art in Beverly,
27490 Massachusetts; BRIAN BICKNELL individually, and in their
27491 official capacity, while acting under color of law as an Dean for

27492 Montserrat College of Art in Beverly, Massachusetts; LEE
27493 DELLICKER individually, and in their official capacity, while
27494 acting under color of law as a Trustee for Montserrat College of
27495 Art in Beverly, Massachusetts; LECIA TURCOTTE individually,
27496 and in their official capacity, while acting under color of law as a
27497 Trustee for Montserrat College of Art in Beverly, Massachusetts;
27498 DONALD BOWEN individually, and in their official capacity,
27499 while acting under color of law as a Trustee for Montserrat College
27500 of Art in Beverly, Massachusetts; MARTHA BUSKIRK
27501 individually, and in their official capacity, while acting under color
27502 of law as a Trustee for Montserrat College of Art in Beverly,
27503 Massachusetts; CHRISTOPHER COLLINS individually, and in
27504 their official capacity, while acting under color of law as a Trustee
27505 for Montserrat College of Art in Beverly, Massachusetts; NANCY
27506 CRATE individually, and in their official capacity, while acting
27507 under color of law as a Trustee for Montserrat College of Art in
27508 Beverly, Massachusetts; CRAIG H. DEERY individually, and in
27509 their official capacity, while acting under color of law as a Trustee
27510 for Montserrat College of Art in Beverly, Massachusetts; STEVEN
27511 DODGE individually, and in their official capacity, while acting

27512 under color of law as a Trustee for Montserrat College of Art in
27513 Beverly, Massachusetts; HENRIETTA GATES individually, and
27514 in their official capacity, while acting under color of law as a
27515 Trustee for Montserrat College of Art in Beverly, Massachusetts;
27516 MIRANDA GOODING individually, and in their official capacity,
27517 while acting under color of law as a Trustee for Montserrat College
27518 of Art in Beverly, Massachusetts; LINDA HARVEY individually,
27519 and in their official capacity, while acting under color of law as a
27520 Trustee for Montserrat College of Art in Beverly, Massachusetts;
27521 BETSY HOPKINS individually, and in their official capacity,
27522 while acting under color of law as a Trustee for Montserrat College
27523 of Art in Beverly, Massachusetts; JOHN PETERMAN individually,
27524 and in their official capacity, while acting under color of law as a
27525 Trustee for Montserrat College of Art in Beverly, Massachusetts;
27526 JURRIEN TIMMER individually, and in their official capacity,
27527 while acting under color of law as a Trustee for Montserrat College
27528 of Art in Beverly, Massachusetts; CHARLES WHITTEN
27529 individually, and in their official capacity, while acting under color
27530 of law as a Trustee for Montserrat College of Art in Beverly,
27531 Massachusetts; ALAN WILSON individually, and in their official

27532 capacity, while acting under color of law as a Trustee for
27533 Montserrat College of Art in Beverly, Massachusetts;
27534 KATHERINE WINTER individually, and in their official capacity,
27535 while acting under color of law as a Trustee for Montserrat College
27536 of Art in Beverly, Massachusetts; JO BRODERICK individually,
27537 and in their official capacity, while acting under color of law as a
27538 Dean of College Relations for Montserrat College of Art in
27539 Beverly, Massachusetts; RICK LONGO individually, and in their
27540 official capacity, while acting under color of law as a Dean of
27541 Admissions & Enrollment Management for Montserrat College of
27542 Art in Beverly, Massachusetts; LAURA TONELLI individually,
27543 and in their official capacity, while acting under color of law as the
27544 Dean of Faculty and Academic Affairs for Montserrat College of
27545 Art in Beverly, Massachusetts; THERESA SKELLY individually,
27546 and in their official capacity, while acting under color of law as a
27547 Registrar for Montserrat College of Art in Beverly, Massachusetts;
27548 JEFFREY NEWELL individually, and in their official capacity,
27549 while acting under color of law as the Director of Admissions for
27550 Montserrat College of Art in Beverly, Massachusetts; JOHN L.
27551 GOOD individually, and in their official capacity, while acting

27552 under color of law as a Executive Vice President for Beverly
27553 National Bank and Executive for Danvers Bancorp, Inc. in
27554 Danvers, MAs and Beverly, MA, as an EMT Instructor for Lyons
27555 Ambulance in Danvers, MA, an Executive at Beverly Hospital in
27556 Beverly, MA, and a Bank Officer for Montserrat College of Art in
27557 Beverly, Massachusetts; and a Commonwealth of Massachusetts
27558 EMT Examiner in Danvers, Massachusetts; MARSHALL J.
27559 HANDLY individually, and in their official capacity, while acting
27560 under color of law as the Legal Department for Montserrat College
27561 of Art in Beverly, Massachusetts; MICHAEL MARINO
27562 individually, and in their official capacity, while acting under color
27563 of law as a Police Officer for Town of Rockport, in Rockport, MA;
27564 MARK SCHMINK individually, and in their official capacity,
27565 while acting under color of law as a Police Officer for Town of
27566 Rockport, in Rockport, MA; did with other defendants violate,
27567 deprive, or infringe upon the civil rights of Plaintiff James M.
27568 Atkinson for the purposes of personal, political, and professional
27569 gains, without just cause, or lawful authority and did commit
27570 **Larceny of Over \$250** under Color of Law against James M.
27571 Atkinson in contravention of law. By way of refusing Plaintiff

27572 Atkinson access to the school building to retrieve his possessions
27573 which included a thirty (30) 8x10 inch fine arts photographic prints
27574 mounted in a portfolio and stored in his locked locker in the
27575 photography lab, film changing room (at a value of at least \$150
27576 each, or at least \$4500).

27577

27578 947. On or about December 9, 2010, STEPHEN D. IMMERMAN
27579 individually, and in their official capacity, while acting under color
27580 of law as President for Montserrat College of Art in Beverly,
27581 Massachusetts; BRIAN BICKNELL individually, and in their
27582 official capacity, while acting under color of law as an Dean for
27583 Montserrat College of Art in Beverly, Massachusetts; LEE
27584 DELLICKER individually, and in their official capacity, while
27585 acting under color of law as a Trustee for Montserrat College of
27586 Art in Beverly, Massachusetts; LECIA TURCOTTE individually,
27587 and in their official capacity, while acting under color of law as a
27588 Trustee for Montserrat College of Art in Beverly, Massachusetts;
27589 DONALD BOWEN individually, and in their official capacity,
27590 while acting under color of law as a Trustee for Montserrat College
27591 of Art in Beverly, Massachusetts; MARTHA BUSKIRK

27592 individually, and in their official capacity, while acting under color
27593 of law as a Trustee for Montserrat College of Art in Beverly,
27594 Massachusetts; CHRISTOPHER COLLINS individually, and in
27595 their official capacity, while acting under color of law as a Trustee
27596 for Montserrat College of Art in Beverly, Massachusetts; NANCY
27597 CRATE individually, and in their official capacity, while acting
27598 under color of law as a Trustee for Montserrat College of Art in
27599 Beverly, Massachusetts; CRAIG H. DEERY individually, and in
27600 their official capacity, while acting under color of law as a Trustee
27601 for Montserrat College of Art in Beverly, Massachusetts; STEVEN
27602 DODGE individually, and in their official capacity, while acting
27603 under color of law as a Trustee for Montserrat College of Art in
27604 Beverly, Massachusetts; HENRIETTA GATES individually, and
27605 in their official capacity, while acting under color of law as a
27606 Trustee for Montserrat College of Art in Beverly, Massachusetts;
27607 MIRANDA GOODING individually, and in their official capacity,
27608 while acting under color of law as a Trustee for Montserrat College
27609 of Art in Beverly, Massachusetts; LINDA HARVEY individually,
27610 and in their official capacity, while acting under color of law as a
27611 Trustee for Montserrat College of Art in Beverly, Massachusetts;

27612 BETSY HOPKINS individually, and in their official capacity,
27613 while acting under color of law as a Trustee for Montserrat College
27614 of Art in Beverly, Massachusetts; JOHN PETERMAN individually,
27615 and in their official capacity, while acting under color of law as a
27616 Trustee for Montserrat College of Art in Beverly, Massachusetts;
27617 JURRIEN TIMMER individually, and in their official capacity,
27618 while acting under color of law as a Trustee for Montserrat College
27619 of Art in Beverly, Massachusetts; CHARLES WHITTEN
27620 individually, and in their official capacity, while acting under color
27621 of law as a Trustee for Montserrat College of Art in Beverly,
27622 Massachusetts; ALAN WILSON individually, and in their official
27623 capacity, while acting under color of law as a Trustee for
27624 Montserrat College of Art in Beverly, Massachusetts;
27625 KATHERINE WINTER individually, and in their official capacity,
27626 while acting under color of law as a Trustee for Montserrat College
27627 of Art in Beverly, Massachusetts; JO BRODERICK individually,
27628 and in their official capacity, while acting under color of law as a
27629 Dean of College Relations for Montserrat College of Art in
27630 Beverly, Massachusetts; RICK LONGO individually, and in their
27631 official capacity, while acting under color of law as a Dean of

27632 Admissions & Enrollment Management for Montserrat College of
27633 Art in Beverly, Massachusetts; LAURA TONELLI individually,
27634 and in their official capacity, while acting under color of law as the
27635 Dean of Faculty and Academic Affairs for Montserrat College of
27636 Art in Beverly, Massachusetts; THERESA SKELLY individually,
27637 and in their official capacity, while acting under color of law as a
27638 Registrar for Montserrat College of Art in Beverly, Massachusetts;
27639 JEFFREY NEWELL individually, and in their official capacity,
27640 while acting under color of law as the Director of Admissions for
27641 Montserrat College of Art in Beverly, Massachusetts; JOHN L.
27642 GOOD individually, and in their official capacity, while acting
27643 under color of law as a Executive Vice President for Beverly
27644 National Bank and Executive for Danvers Bancorp, Inc. in
27645 Danvers, MAs and Beverly, MA, as an EMT Instructor for Lyons
27646 Ambulance in Danvers, MA, an Executive at Beverly Hospital in
27647 Beverly, MA, and a Bank Officer for Montserrat College of Art in
27648 Beverly, Massachusetts; and a Commonwealth of Massachusetts
27649 EMT Examiner in Danvers, Massachusetts; MARSHALL J.
27650 HANDLY individually, and in their official capacity, while acting
27651 under color of law as the Legal Department for Montserrat College

27652 of Art in Beverly, Massachusetts; MICHAEL MARINO
27653 individually, and in their official capacity, while acting under color
27654 of law as a Police Officer for Town of Rockport, in Rockport, MA;
27655 MARK SCHMINK individually, and in their official capacity,
27656 while acting under color of law as a Police Officer for Town of
27657 Rockport, in Rockport, MA; did with other defendants violate,
27658 deprive, or infringe upon the civil rights of Plaintiff James M.
27659 Atkinson for the purposes of personal, political, and professional
27660 gains, without just cause, or lawful authority and did commit
27661 **Larceny of Over \$250** under Color of Law against James M.
27662 Atkinson in contravention of law. By way of refusing Plaintiff
27663 Atkinson access to the school building to retrieve his possessions
27664 which included a two boxes of (50 sheet) 16x20 inch Multigrade
27665 FB Warmtone Fiber Base Paper (16 x 20', 50 Sheets, Glossy) fine
27666 arts photographic paper stored in film boxes in a portfolio and
27667 stored in his locked locker in the photography lab, film changing
27668 room (at a value of at least \$230 each, or at least \$460). Ultimately
27669 Montserrat College allowed other students of staff to take these
27670 materials which belonged to Plaintiff Atkinson.

27671

27672 948. On or about December 9, 2010, STEPHEN D. IMMERMAN
27673 individually, and in their official capacity, while acting under color
27674 of law as President for Montserrat College of Art in Beverly,
27675 Massachusetts; BRIAN BICKNELL individually, and in their
27676 official capacity, while acting under color of law as an Dean for
27677 Montserrat College of Art in Beverly, Massachusetts; LEE
27678 DELLICKER individually, and in their official capacity, while
27679 acting under color of law as a Trustee for Montserrat College of
27680 Art in Beverly, Massachusetts; LECIA TURCOTTE individually,
27681 and in their official capacity, while acting under color of law as a
27682 Trustee for Montserrat College of Art in Beverly, Massachusetts;
27683 DONALD BOWEN individually, and in their official capacity,
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27685 of Art in Beverly, Massachusetts; MARTHA BUSKIRK
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27687 of law as a Trustee for Montserrat College of Art in Beverly,
27688 Massachusetts; CHRISTOPHER COLLINS individually, and in
27689 their official capacity, while acting under color of law as a Trustee
27690 for Montserrat College of Art in Beverly, Massachusetts; NANCY
27691 CRATE individually, and in their official capacity, while acting

27692 under color of law as a Trustee for Montserrat College of Art in
27693 Beverly, Massachusetts; CRAIG H. DEERY individually, and in
27694 their official capacity, while acting under color of law as a Trustee
27695 for Montserrat College of Art in Beverly, Massachusetts; STEVEN
27696 DODGE individually, and in their official capacity, while acting
27697 under color of law as a Trustee for Montserrat College of Art in
27698 Beverly, Massachusetts; HENRIETTA GATES individually, and
27699 in their official capacity, while acting under color of law as a
27700 Trustee for Montserrat College of Art in Beverly, Massachusetts;
27701 MIRANDA GOODING individually, and in their official capacity,
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27703 of Art in Beverly, Massachusetts; LINDA HARVEY individually,
27704 and in their official capacity, while acting under color of law as a
27705 Trustee for Montserrat College of Art in Beverly, Massachusetts;
27706 BETSY HOPKINS individually, and in their official capacity,
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27708 of Art in Beverly, Massachusetts; JOHN PETERMAN individually,
27709 and in their official capacity, while acting under color of law as a
27710 Trustee for Montserrat College of Art in Beverly, Massachusetts;
27711 JURRIEN TIMMER individually, and in their official capacity,

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27713 of Art in Beverly, Massachusetts; CHARLES WHITTEN
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27715 of law as a Trustee for Montserrat College of Art in Beverly,
27716 Massachusetts; ALAN WILSON individually, and in their official
27717 capacity, while acting under color of law as a Trustee for
27718 Montserrat College of Art in Beverly, Massachusetts;
27719 KATHERINE WINTER individually, and in their official capacity,
27720 while acting under color of law as a Trustee for Montserrat College
27721 of Art in Beverly, Massachusetts; JO BRODERICK individually,
27722 and in their official capacity, while acting under color of law as a
27723 Dean of College Relations for Montserrat College of Art in
27724 Beverly, Massachusetts; RICK LONGO individually, and in their
27725 official capacity, while acting under color of law as a Dean of
27726 Admissions & Enrollment Management for Montserrat College of
27727 Art in Beverly, Massachusetts; LAURA TONELLI individually,
27728 and in their official capacity, while acting under color of law as the
27729 Dean of Faculty and Academic Affairs for Montserrat College of
27730 Art in Beverly, Massachusetts; THERESA SKELLY individually,
27731 and in their official capacity, while acting under color of law as a

27732 Registrar for Montserrat College of Art in Beverly, Massachusetts;
27733 JEFFREY NEWELL individually, and in their official capacity,
27734 while acting under color of law as the Director of Admissions for
27735 Montserrat College of Art in Beverly, Massachusetts; JOHN L.
27736 GOOD individually, and in their official capacity, while acting
27737 under color of law as a Executive Vice President for Beverly
27738 National Bank and Executive for Danvers Bancorp, Inc. in
27739 Danvers, MAs and Beverly, MA, as an EMT Instructor for Lyons
27740 Ambulance in Danvers, MA, an Executive at Beverly Hospital in
27741 Beverly, MA, and a Bank Officer for Montserrat College of Art in
27742 Beverly, Massachusetts; and a Commonwealth of Massachusetts
27743 EMT Examiner in Danvers, Massachusetts; MARSHALL J.
27744 HANDLY individually, and in their official capacity, while acting
27745 under color of law as the Legal Department for Montserrat College
27746 of Art in Beverly, Massachusetts; MICHAEL MARINO
27747 individually, and in their official capacity, while acting under color
27748 of law as a Police Officer for Town of Rockport, in Rockport, MA;
27749 MARK SCHMINK individually, and in their official capacity,
27750 while acting under color of law as a Police Officer for Town of
27751 Rockport, in Rockport, MA; did with other defendants violate,

27752 deprive, or infringe upon the civil rights of Plaintiff James M.
27753 Atkinson for the purposes of personal, political, and professional
27754 gains, without just cause, or lawful authority and did commit
27755 **Larceny of Over \$250** under Color of Law against James M.
27756 Atkinson in contravention of law. By way of refusing Plaintiff
27757 Atkinson access to the school building to retrieve his possessions
27758 which included a two boxes of (50 sheet) Ilford Multigrade FB
27759 Warmtone Fiber Base Paper (20 x 24', 50 Sheets, Semi-Matte) fine
27760 arts photographic paper stored in film boxes in a portfolio and
27761 stored in his locked locker in the photography lab, film changing
27762 room (at a value of at least \$345 each, or at least \$690). Ultimately
27763 Montserrat College allowed other students or staff to take these
27764 materials which belonged to Plaintiff Atkinson.

27765
27766 949. On or about December 9, 2010, STEPHEN D. IMMERMANN
27767 individually, and in their official capacity, while acting under color
27768 of law as President for Montserrat College of Art in Beverly,
27769 Massachusetts; BRIAN BICKNELL individually, and in their
27770 official capacity, while acting under color of law as an Dean for
27771 Montserrat College of Art in Beverly, Massachusetts; LEE

27772 DELLICKER individually, and in their official capacity, while
27773 acting under color of law as a Trustee for Montserrat College of
27774 Art in Beverly, Massachusetts; LECIA TURCOTTE individually,
27775 and in their official capacity, while acting under color of law as a
27776 Trustee for Montserrat College of Art in Beverly, Massachusetts;
27777 DONALD BOWEN individually, and in their official capacity,
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27779 of Art in Beverly, Massachusetts; MARTHA BUSKIRK
27780 individually, and in their official capacity, while acting under color
27781 of law as a Trustee for Montserrat College of Art in Beverly,
27782 Massachusetts; CHRISTOPHER COLLINS individually, and in
27783 their official capacity, while acting under color of law as a Trustee
27784 for Montserrat College of Art in Beverly, Massachusetts; NANCY
27785 CRATE individually, and in their official capacity, while acting
27786 under color of law as a Trustee for Montserrat College of Art in
27787 Beverly, Massachusetts; CRAIG H. DEERY individually, and in
27788 their official capacity, while acting under color of law as a Trustee
27789 for Montserrat College of Art in Beverly, Massachusetts; STEVEN
27790 DODGE individually, and in their official capacity, while acting
27791 under color of law as a Trustee for Montserrat College of Art in

27792 Beverly, Massachusetts; HENRIETTA GATES individually, and
27793 in their official capacity, while acting under color of law as a
27794 Trustee for Montserrat College of Art in Beverly, Massachusetts;
27795 MIRANDA GOODING individually, and in their official capacity,
27796 while acting under color of law as a Trustee for Montserrat College
27797 of Art in Beverly, Massachusetts; LINDA HARVEY individually,
27798 and in their official capacity, while acting under color of law as a
27799 Trustee for Montserrat College of Art in Beverly, Massachusetts;
27800 BETSY HOPKINS individually, and in their official capacity,
27801 while acting under color of law as a Trustee for Montserrat College
27802 of Art in Beverly, Massachusetts; JOHN PETERMAN individually,
27803 and in their official capacity, while acting under color of law as a
27804 Trustee for Montserrat College of Art in Beverly, Massachusetts;
27805 JURRIEN TIMMER individually, and in their official capacity,
27806 while acting under color of law as a Trustee for Montserrat College
27807 of Art in Beverly, Massachusetts; CHARLES WHITTEN
27808 individually, and in their official capacity, while acting under color
27809 of law as a Trustee for Montserrat College of Art in Beverly,
27810 Massachusetts; ALAN WILSON individually, and in their official
27811 capacity, while acting under color of law as a Trustee for

27812 Montserrat College of Art in Beverly, Massachusetts;
27813 KATHERINE WINTER individually, and in their official capacity,
27814 while acting under color of law as a Trustee for Montserrat College
27815 of Art in Beverly, Massachusetts; JO BRODERICK individually,
27816 and in their official capacity, while acting under color of law as a
27817 Dean of College Relations for Montserrat College of Art in
27818 Beverly, Massachusetts; RICK LONGO individually, and in their
27819 official capacity, while acting under color of law as a Dean of
27820 Admissions & Enrollment Management for Montserrat College of
27821 Art in Beverly, Massachusetts; LAURA TONELLI individually,
27822 and in their official capacity, while acting under color of law as the
27823 Dean of Faculty and Academic Affairs for Montserrat College of
27824 Art in Beverly, Massachusetts; THERESA SKELLY individually,
27825 and in their official capacity, while acting under color of law as a
27826 Registrar for Montserrat College of Art in Beverly, Massachusetts;
27827 JEFFREY NEWELL individually, and in their official capacity,
27828 while acting under color of law as the Director of Admissions for
27829 Montserrat College of Art in Beverly, Massachusetts; JOHN L.
27830 GOOD individually, and in their official capacity, while acting
27831 under color of law as a Executive Vice President for Beverly

27832 National Bank and Executive for Danvers Bancorp, Inc. in
27833 Danvers, MAs and Beverly, MA, as an EMT Instructor for Lyons
27834 Ambulance in Danvers, MA, an Executive at Beverly Hospital in
27835 Beverly, MA, and a Bank Officer for Montserrat College of Art in
27836 Beverly, Massachusetts; and a Commonwealth of Massachusetts
27837 EMT Examiner in Danvers, Massachusetts; MARSHALL J.
27838 HANDLY individually, and in their official capacity, while acting
27839 under color of law as the Legal Department for Montserrat College
27840 of Art in Beverly, Massachusetts; MICHAEL MARINO
27841 individually, and in their official capacity, while acting under color
27842 of law as a Police Officer for Town of Rockport, in Rockport, MA;
27843 MARK SCHMINK individually, and in their official capacity,
27844 while acting under color of law as a Police Officer for Town of
27845 Rockport, in Rockport, MA; did with other defendants violate,
27846 deprive, or infringe upon the civil rights of Plaintiff James M.
27847 Atkinson for the purposes of personal, political, and professional
27848 gains, without just cause, or lawful authority and did commit
27849 **Larceny of Over \$250** under Color of Law against James M.
27850 Atkinson in contravention of law. By way of refusing Plaintiff
27851 Atkinson access to the school building to retrieve his possessions

27852 which included a three (3) Nikon-EL Enlarger Lenses mounted on
27853 a Besseler 45 lens plate and stored in his locked locker in the
27854 photography lab, film changing room (at a value of at least \$1500
27855 each, or at least \$4500). Ultimately Montserrat College allowed
27856 other students or staff to take these materials, which belonged to
27857 Plaintiff Atkinson, to the college most likely seized these lenses for
27858 use by the school.

27859
27860 950. On or about December 22, 2010, STEPHEN D. IMMERMANN
27861 individually, and in their official capacity, while acting under color
27862 of law as President for Montserrat College of Art in Beverly,
27863 Massachusetts; BRIAN BICKNELL individually, and in their
27864 official capacity, while acting under color of law as an Dean for
27865 Montserrat College of Art in Beverly, Massachusetts; LEE
27866 DELLICKER individually, and in their official capacity, while
27867 acting under color of law as a Trustee for Montserrat College of
27868 Art in Beverly, Massachusetts; LECIA TURCOTTE individually,
27869 and in their official capacity, while acting under color of law as a
27870 Trustee for Montserrat College of Art in Beverly, Massachusetts;
27871 DONALD BOWEN individually, and in their official capacity,

27872 while acting under color of law as a Trustee for Montserrat College
27873 of Art in Beverly, Massachusetts; MARTHA BUSKIRK
27874 individually, and in their official capacity, while acting under color
27875 of law as a Trustee for Montserrat College of Art in Beverly,
27876 Massachusetts; CHRISTOPHER COLLINS individually, and in
27877 their official capacity, while acting under color of law as a Trustee
27878 for Montserrat College of Art in Beverly, Massachusetts; NANCY
27879 CRATE individually, and in their official capacity, while acting
27880 under color of law as a Trustee for Montserrat College of Art in
27881 Beverly, Massachusetts; CRAIG H. DEERY individually, and in
27882 their official capacity, while acting under color of law as a Trustee
27883 for Montserrat College of Art in Beverly, Massachusetts; STEVEN
27884 DODGE individually, and in their official capacity, while acting
27885 under color of law as a Trustee for Montserrat College of Art in
27886 Beverly, Massachusetts; HENRIETTA GATES individually, and
27887 in their official capacity, while acting under color of law as a
27888 Trustee for Montserrat College of Art in Beverly, Massachusetts;
27889 MIRANDA GOODING individually, and in their official capacity,
27890 while acting under color of law as a Trustee for Montserrat College
27891 of Art in Beverly, Massachusetts; LINDA HARVEY individually,

27892 and in their official capacity, while acting under color of law as a
27893 Trustee for Montserrat College of Art in Beverly, Massachusetts;
27894 BETSY HOPKINS individually, and in their official capacity,
27895 while acting under color of law as a Trustee for Montserrat College
27896 of Art in Beverly, Massachusetts; JOHN PETERMAN individually,
27897 and in their official capacity, while acting under color of law as a
27898 Trustee for Montserrat College of Art in Beverly, Massachusetts;
27899 JURRIEN TIMMER individually, and in their official capacity,
27900 while acting under color of law as a Trustee for Montserrat College
27901 of Art in Beverly, Massachusetts; CHARLES WHITTEN
27902 individually, and in their official capacity, while acting under color
27903 of law as a Trustee for Montserrat College of Art in Beverly,
27904 Massachusetts; ALAN WILSON individually, and in their official
27905 capacity, while acting under color of law as a Trustee for
27906 Montserrat College of Art in Beverly, Massachusetts;
27907 KATHERINE WINTER individually, and in their official capacity,
27908 while acting under color of law as a Trustee for Montserrat College
27909 of Art in Beverly, Massachusetts; JO BRODERICK individually,
27910 and in their official capacity, while acting under color of law as a
27911 Dean of College Relations for Montserrat College of Art in

27912 Beverly, Massachusetts; RICK LONGO individually, and in their
27913 official capacity, while acting under color of law as a Dean of
27914 Admissions & Enrollment Management for Montserrat College of
27915 Art in Beverly, Massachusetts; LAURA TONELLI individually,
27916 and in their official capacity, while acting under color of law as the
27917 Dean of Faculty and Academic Affairs for Montserrat College of
27918 Art in Beverly, Massachusetts; THERESA SKELLY individually,
27919 and in their official capacity, while acting under color of law as a
27920 Registrar for Montserrat College of Art in Beverly, Massachusetts;
27921 JEFFREY NEWELL individually, and in their official capacity,
27922 while acting under color of law as the Director of Admissions for
27923 Montserrat College of Art in Beverly, Massachusetts; JOHN L.
27924 GOOD individually, and in their official capacity, while acting
27925 under color of law as a Executive Vice President for Beverly
27926 National Bank and Executive for Danvers Bancorp, Inc. in
27927 Danvers, MAs and Beverly, MA, as an EMT Instructor for Lyons
27928 Ambulance in Danvers, MA, an Executive at Beverly Hospital in
27929 Beverly, MA, and a Bank Officer for Montserrat College of Art in
27930 Beverly, Massachusetts; and a Commonwealth of Massachusetts
27931 EMT Examiner in Danvers, Massachusetts; MARSHALL J.

27932 HANDLY individually, and in their official capacity, while acting
27933 under color of law as the Legal Department for Montserrat College
27934 of Art in Beverly, Massachusetts; MICHAEL MARINO
27935 individually, and in their official capacity, while acting under color
27936 of law as a Police Officer for Town of Rockport, in Rockport, MA;
27937 MARK SCHMINK individually, and in their official capacity,
27938 while acting under color of law as a Police Officer for Town of
27939 Rockport, in Rockport, MA; did with other defendants violate,
27940 deprive, or infringe upon the civil rights of Plaintiff James M.
27941 Atkinson for the purposes of personal, political, and professional
27942 gains, without just cause, or lawful authority and did commit Mail
27943 Fraud against James M. Atkinson in contravention of law. By way
27944 sending a fraudulent college grade letter from Montserrat College
27945 of Art in Beverly, Massachusetts to the student (Plaintiff Atkinson)
27946 at his home in Rockport, Massachusetts by way of the U.S. Mail.
27947 Not only did the letter list a fictional grade that was not awarded
27948 by the professor, but also omitted one additional class entirely.
27949 Plaintiff Atkinson had been awarded a B- in the listed class, and an
27950 A in the missing class.

27951

27952 951. On or about December 22, 2010, STEPHEN D. IMMERMAN
27953 individually, and in their official capacity, while acting under color
27954 of law as President for Montserrat College of Art in Beverly,
27955 Massachusetts; BRIAN BICKNELL individually, and in their
27956 official capacity, while acting under color of law as an Dean for
27957 Montserrat College of Art in Beverly, Massachusetts; LEE
27958 DELLICKER individually, and in their official capacity, while
27959 acting under color of law as a Trustee for Montserrat College of
27960 Art in Beverly, Massachusetts; LECIA TURCOTTE individually,
27961 and in their official capacity, while acting under color of law as a
27962 Trustee for Montserrat College of Art in Beverly, Massachusetts;
27963 DONALD BOWEN individually, and in their official capacity,
27964 while acting under color of law as a Trustee for Montserrat College
27965 of Art in Beverly, Massachusetts; MARTHA BUSKIRK
27966 individually, and in their official capacity, while acting under color
27967 of law as a Trustee for Montserrat College of Art in Beverly,
27968 Massachusetts; CHRISTOPHER COLLINS individually, and in
27969 their official capacity, while acting under color of law as a Trustee
27970 for Montserrat College of Art in Beverly, Massachusetts; NANCY
27971 CRATE individually, and in their official capacity, while acting

27972 under color of law as a Trustee for Montserrat College of Art in
27973 Beverly, Massachusetts; CRAIG H. DEERY individually, and in
27974 their official capacity, while acting under color of law as a Trustee
27975 for Montserrat College of Art in Beverly, Massachusetts; STEVEN
27976 DODGE individually, and in their official capacity, while acting
27977 under color of law as a Trustee for Montserrat College of Art in
27978 Beverly, Massachusetts; HENRIETTA GATES individually, and
27979 in their official capacity, while acting under color of law as a
27980 Trustee for Montserrat College of Art in Beverly, Massachusetts;
27981 MIRANDA GOODING individually, and in their official capacity,
27982 while acting under color of law as a Trustee for Montserrat College
27983 of Art in Beverly, Massachusetts; LINDA HARVEY individually,
27984 and in their official capacity, while acting under color of law as a
27985 Trustee for Montserrat College of Art in Beverly, Massachusetts;
27986 BETSY HOPKINS individually, and in their official capacity,
27987 while acting under color of law as a Trustee for Montserrat College
27988 of Art in Beverly, Massachusetts; JOHN PETERMAN individually,
27989 and in their official capacity, while acting under color of law as a
27990 Trustee for Montserrat College of Art in Beverly, Massachusetts;
27991 JURRIEN TIMMER individually, and in their official capacity,

27992 while acting under color of law as a Trustee for Montserrat College
27993 of Art in Beverly, Massachusetts; CHARLES WHITTEN
27994 individually, and in their official capacity, while acting under color
27995 of law as a Trustee for Montserrat College of Art in Beverly,
27996 Massachusetts; ALAN WILSON individually, and in their official
27997 capacity, while acting under color of law as a Trustee for
27998 Montserrat College of Art in Beverly, Massachusetts;
27999 KATHERINE WINTER individually, and in their official capacity,
28000 while acting under color of law as a Trustee for Montserrat College
28001 of Art in Beverly, Massachusetts; JO BRODERICK individually,
28002 and in their official capacity, while acting under color of law as a
28003 Dean of College Relations for Montserrat College of Art in
28004 Beverly, Massachusetts; RICK LONGO individually, and in their
28005 official capacity, while acting under color of law as a Dean of
28006 Admissions & Enrollment Management for Montserrat College of
28007 Art in Beverly, Massachusetts; LAURA TONELLI individually,
28008 and in their official capacity, while acting under color of law as the
28009 Dean of Faculty and Academic Affairs for Montserrat College of
28010 Art in Beverly, Massachusetts; THERESA SKELLY individually,
28011 and in their official capacity, while acting under color of law as a

28012 Registrar for Montserrat College of Art in Beverly, Massachusetts;
28013 JEFFREY NEWELL individually, and in their official capacity,
28014 while acting under color of law as the Director of Admissions for
28015 Montserrat College of Art in Beverly, Massachusetts; JOHN L.
28016 GOOD individually, and in their official capacity, while acting
28017 under color of law as a Executive Vice President for Beverly
28018 National Bank and Executive for Danvers Bancorp, Inc. in
28019 Danvers, MAs and Beverly, MA, as an EMT Instructor for Lyons
28020 Ambulance in Danvers, MA, an Executive at Beverly Hospital in
28021 Beverly, MA, and a Bank Officer for Montserrat College of Art in
28022 Beverly, Massachusetts; and a Commonwealth of Massachusetts
28023 EMT Examiner in Danvers, Massachusetts; MARSHALL J.
28024 HANDLY individually, and in their official capacity, while acting
28025 under color of law as the Legal Department for Montserrat College
28026 of Art in Beverly, Massachusetts; MICHAEL MARINO
28027 individually, and in their official capacity, while acting under color
28028 of law as a Police Officer for Town of Rockport, in Rockport, MA;
28029 MARK SCHMINK individually, and in their official capacity,
28030 while acting under color of law as a Police Officer for Town of
28031 Rockport, in Rockport, MA; did with other defendants violate,

28032 deprive, or infringe upon the civil rights of Plaintiff James M.
28033 Atkinson for the purposes of personal, political, and professional
28034 gains, without just cause, or lawful authority and did commit
28035 **Conspiracy** against James M. Atkinson in contravention of law. By
28036 way of planning and plotting with defendants both inside the
28037 school to unjustly or illegally suspect student (Plaintiff Atkinson)
28038 from the Montserrat College of Art in Beverly, Massachusetts in
28039 order to inflict unlawful extra-judicial punishment for an act he
28040 was never found guilty up, to steal his money, goods, and materials,
28041 to deprive him of excellent grounds, and to do this at the request of
28042 the Rockport Police Department and others.

28043

28044 **Michael Marino and Robert Tibert**
28045 **Lying Before the Grand Jury**

28046

28047 952. On May 13, 2011, Defendant Robert Tibert, individually, and in
28048 their official capacities, while acting under color of law as Police
28049 Officer, for the Rockport Police Department, in Rockport,
28050 Massachusetts did violate, deprive, or infringe upon the civil rights
28051 of Plaintiff James M. Atkinson for the purposes of personal,
28052 political, and professional gains, without just cause, or lawful
28053 authority and did engage in Lying Under Oath Before an Essex

28054 County Grand Jury against James M. Atkinson in contravention of
28055 law.

28056
28057 953. On June 10, 2011, Defendant Robert Tibert, individually, and in
28058 their official capacities, while acting under color of law as Police
28059 Officer, for the Rockport Police Department, in Rockport,
28060 Massachusetts did violate, deprive, or infringe upon the civil rights
28061 of Plaintiff James M. Atkinson for the purposes of personal,
28062 political, and professional gains, without just cause, or lawful
28063 authority and did engage in Lying Under Oath Before an Essex
28064 County Grand Jury against James M. Atkinson in contravention of
28065 law.

28066
28067 954. On June 10, 2011, Defendant Michael Marino, individually,
28068 and in their official capacities, while acting under color of law as
28069 Police Officer, for the Rockport Police Department, in Rockport,
28070 Massachusetts did violate, deprive, or infringe upon the civil rights
28071 of Plaintiff James M. Atkinson for the purposes of personal,
28072 political, and professional gains, without just cause, or lawful
28073 authority and did engage in Lying Under Oath Before an Essex

28074 County Grand Jury against James M. Atkinson in contravention of
28075 law.

28076

28077 955. On May 13, 2011, Defendant John B. Brennan, individually,
28078 and in their official capacities, while acting under color of law as
28079 Assistant District Attorney, for the Commonwealth of
28080 Massachusetts for Essex Country, in Salem, Massachusetts did
28081 violate, deprive, or infringe upon the civil rights of Plaintiff James
28082 M. Atkinson for the purposes of personal, political, and
28083 professional gains, without just cause, or lawful authority and did
28084 engage in Subornation of Perjury against James M. Atkinson in
28085 contravention of law.

28086

28087 956. On June 10, 2011, Defendant John B. Brennan, individually,
28088 and in their official capacities, while acting under color of law as
28089 Assistant District Attorney, for the Commonwealth of
28090 Massachusetts for Essex Country, in Salem, Massachusetts did
28091 violate, deprive, or infringe upon the civil rights of Plaintiff James
28092 M. Atkinson for the purposes of personal, political, and
28093 professional gains, without just cause, or lawful authority and did

28094 engage in Subornation of Perjury against James M. Atkinson in
28095 contravention of law.

28096

28097 **Rockport Police Department**
28098 **Addison Gilbert Hospital**
28099 **Illegal Detention and Civil Right Violation**
28100 **Medical Malpractice**
28101 **Clinical Death of Plaintiff Atkinson**
28102

28103 **957.** On **December 6, 2009**, Defendants Sean Andrus individually,
28104 and in his official capacity, while acting under color of law as a
28105 Police Officer, for the Rockport Police Department, in Rockport,
28106 Massachusetts; Defendant Michael Anderson, individually, and in
28107 his official capacity, while acting under color of law as a Police
28108 Officer, for the Rockport Police Department, in Rockport,
28109 Massachusetts VINCENT P. MEOLI individually, and acting in
28110 his official capacity (acting on behalf of the Rockport Police
28111 Department, and while acting under color or law) as a Emergency
28112 Room Physician for Addison Gilbert Hospital, in Gloucester, MA;
28113 and MICHAEL ARSENIAN, individually, and acting in his
28114 official capacity (acting on behalf of the Rockport Police
28115 Department) as a Emergency Room Physician and Cardiologist for
28116 Addison Gilbert Hospital, in Gloucester, MA; and PETER W.

28117 CURATOLO acting in his official capacity (acting on behalf of the
28118 Rockport Police Department) and acting individually as a
28119 Emergency Room Physician and Radiologist for Addison Gilbert
28120 Hospital, in Gloucester, MA; and Defendant JANE DOE 080,
28121 JANE DOE 081, and JANE DOE 082, individually, and acting in
28122 her official capacity (acting on behalf of the Rockport Police
28123 Department) and acting individually as a Emergency Room Nurse
28124 for Addison Gilbert Hospital, in Gloucester, MA; and Defendants
28125 JANE DOE 083 and JANE DOE 084, individually, and acting in
28126 her official capacity (acting on behalf of the Rockport Police
28127 Department) as a Emergency Room Nurse for Addison Gilbert
28128 Hospital, in Gloucester, MA and Defendant JOHN DOE 085,
28129 individually, and acting in his official capacity (acting on behalf of
28130 the Rockport Police Department) as a Emergency Room Security
28131 Guard for Addison Gilbert Hospital, in Gloucester, MA did with
28132 other defendants violate, deprive, or infringe upon the civil rights
28133 of Plaintiff James M. Atkinson for the purposes of personal,
28134 political, and professional gains, without just cause, or lawful
28135 authority and did engage in **Conspiracy of False Arrest and/or**
28136 **Kidnapping** against James M. Atkinson in contravention of law, by

28137 unlawfully shackling Plaintiff to a hospital bed at Addison Gilbert
28138 Hospital and acting with deliberate indifference to medical and
28139 surgical needs.

28140

28141 **958.** On **December 6, 2009**, Defendants Sean Andrus individually,
28142 and in his official capacity, while acting under color of law as a
28143 Police Officer, for the Rockport Police Department, in Rockport,
28144 Massachusetts; Defendant Michael Anderson, individually, and in
28145 his official capacity, while acting under color of law as a Police
28146 Officer, for the Rockport Police Department, in Rockport,
28147 Massachusetts VINCENT P. MEOLI individually, and acting in
28148 his official capacity (acting on behalf of the Rockport Police
28149 Department, and while acting under color or law) as a Emergency
28150 Room Physician for Addison Gilbert Hospital, in Gloucester, MA;
28151 and MICHAEL ARSENIAN, individually, and acting in his
28152 official capacity (acting on behalf of the Rockport Police
28153 Department) as a Emergency Room Physician and Cardiologist for
28154 Addison Gilbert Hospital, in Gloucester, MA; and PETER W.
28155 CURATOLO acting in his official capacity (acting on behalf of the
28156 Rockport Police Department) and acting individually as a

28157 Emergency Room Physician and Radiologist for Addison Gilbert
28158 Hospital, in Gloucester, MA; and Defendant JANE DOE 080,
28159 JANE DOE 081, and JANE DOE 082, individually, and acting in
28160 her official capacity (acting on behalf of the Rockport Police
28161 Department) and acting individually as a Emergency Room Nurse
28162 for Addison Gilbert Hospital, in Gloucester, MA; and Defendants
28163 JANE DOE 083 and JANE DOE 084, individually, and acting in
28164 her official capacity (acting on behalf of the Rockport Police
28165 Department) as a Emergency Room Nurse for Addison Gilbert
28166 Hospital, in Gloucester, MA and Defendant JOHN DOE 085,
28167 individually, and acting in his official capacity (acting on behalf of
28168 the Rockport Police Department) as a Emergency Room Security
28169 Guard for Addison Gilbert Hospital, in Gloucester, MA did with
28170 other defendants violate, deprive, or infringe upon the civil rights
28171 of Plaintiff James M. Atkinson for the purposes of personal,
28172 political, and professional gains, without just cause, or lawful
28173 authority and did engage in False Arrest against James M.
28174 Atkinson in contravention of law, by unlawfully shackling Plaintiff
28175 to a hospital bed at Addison Gilbert Hospital and acting with
28176 deliberate indifference to medical and surgical needs.

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959. On December 6, 2009, Defendants Sean Andrus individually, and in his official capacity, while acting under color of law as a Police Officer, for the Rockport Police Department, in Rockport, Massachusetts; Defendant Michael Anderson, individually, and in his official capacity, while acting under color of law as a Police Officer, for the Rockport Police Department, in Rockport, Massachusetts VINCENT P. MEOLI individually, and acting in his official capacity (acting on behalf of the Rockport Police Department, and while acting under color or law) as a Emergency Room Physician for Addison Gilbert Hospital, in Gloucester, MA; and MICHAEL ARSENIAN, individually, and acting in his official capacity (acting on behalf of the Rockport Police Department) as a Emergency Room Physician and Cardiologist for Addison Gilbert Hospital, in Gloucester, MA; and PETER W. CURATOLO acting in his official capacity (acting on behalf of the Rockport Police Department) and acting individually as a Emergency Room Physician and Radiologist for Addison Gilbert Hospital, in Gloucester, MA; and Defendant JANE DOE 080, JANE DOE 081, and JANE DOE 082, individually, and acting in

28197 her official capacity (acting on behalf of the Rockport Police
28198 Department) and acting individually as a Emergency Room Nurse
28199 for Addison Gilbert Hospital, in Gloucester, MA; and Defendants
28200 JANE DOE 083 and JANE DOE 084, individually, and acting in
28201 her official capacity (acting on behalf of the Rockport Police
28202 Department) as a Emergency Room Nurse for Addison Gilbert
28203 Hospital, in Gloucester, MA and Defendant JOHN DOE 085,
28204 individually, and acting in his official capacity (acting on behalf of
28205 the Rockport Police Department) as a Emergency Room Security
28206 Guard for Addison Gilbert Hospital, in Gloucester, MA did with
28207 other defendants violate, deprive, or infringe upon the civil rights
28208 of Plaintiff James M. Atkinson for the purposes of personal,
28209 political, and professional gains, without just cause, or lawful
28210 authority and did engage in **Kidnapping** against James M. Atkinson
28211 in contravention of law, by unlawfully shackling Plaintiff to a
28212 hospital bed at Addison Gilbert Hospital and acting with deliberate
28213 indifference to medical and surgical needs.

28214
28215 **960.** On **December 6, 2009**, Defendants Sean Andrus individually,
28216 and in his official capacity, while acting under color of law as a

28217 Police Officer, for the Rockport Police Department, in Rockport,
28218 Massachusetts; Defendant Michael Anderson, individually, and in
28219 his official capacity, while acting under color of law as a Police
28220 Officer, for the Rockport Police Department, in Rockport,
28221 Massachusetts VINCENT P. MEOLI individually, and acting in
28222 his official capacity (acting on behalf of the Rockport Police
28223 Department, and while acting under color or law) as a Emergency
28224 Room Physician for Addison Gilbert Hospital, in Gloucester, MA;
28225 and MICHAEL ARSENIAN, individually, and acting in his
28226 official capacity (acting on behalf of the Rockport Police
28227 Department) as a Emergency Room Physician and Cardiologist for
28228 Addison Gilbert Hospital, in Gloucester, MA; and PETER W.
28229 CURATOLO acting in his official capacity (acting on behalf of the
28230 Rockport Police Department) and acting individually as a
28231 Emergency Room Physician and Radiologist for Addison Gilbert
28232 Hospital, in Gloucester, MA; and Defendant JANE DOE 080,
28233 JANE DOE 081, and JANE DOE 082, individually, and acting in
28234 her official capacity (acting on behalf of the Rockport Police
28235 Department) and acting individually as a Emergency Room Nurse
28236 for Addison Gilbert Hospital, in Gloucester, MA; and Defendants

28237 JANE DOE 083 and JANE DOE 084, individually, and acting in
28238 her official capacity (acting on behalf of the Rockport Police
28239 Department) as a Emergency Room Nurse for Addison Gilbert
28240 Hospital, in Gloucester, MA and Defendant JOHN DOE 085,
28241 individually, and acting in his official capacity (acting on behalf of
28242 the Rockport Police Department) as a Emergency Room Security
28243 Guard for Addison Gilbert Hospital, in Gloucester, MA did with
28244 other defendants violate, deprive, or infringe upon the civil rights
28245 of Plaintiff James M. Atkinson for the purposes of personal,
28246 political, and professional gains, without just cause, or lawful
28247 authority and did engage in Wrongful Imprisonment against James
28248 M. Atkinson in contravention of law, by unlawfully shackling
28249 Plaintiff to a hospital bed at Addison Gilbert Hospital and acting
28250 with deliberate indifference to medical and surgical needs.

28251
28252 961. On December 6, 2009, Defendants Sean Andrus individually,
28253 and in his official capacity, while acting under color of law as a
28254 Police Officer, for the Rockport Police Department, in Rockport,
28255 Massachusetts; Defendant Michael Anderson, individually, and in
28256 his official capacity, while acting under color of law as a Police

28257 Officer, for the Rockport Police Department, in Rockport,
28258 Massachusetts VINCENT P. MEOLI individually, and acting in
28259 his official capacity (acting on behalf of the Rockport Police
28260 Department, and while acting under color or law) as a Emergency
28261 Room Physician for Addison Gilbert Hospital, in Gloucester, MA;
28262 and MICHAEL ARSENIAN, individually, and acting in his
28263 official capacity (acting on behalf of the Rockport Police
28264 Department) as a Emergency Room Physician and Cardiologist for
28265 Addison Gilbert Hospital, in Gloucester, MA; and PETER W.
28266 CURATOLO acting in his official capacity (acting on behalf of the
28267 Rockport Police Department) and acting individually as a
28268 Emergency Room Physician and Radiologist for Addison Gilbert
28269 Hospital, in Gloucester, MA; and Defendant JANE DOE 080,
28270 JANE DOE 081, and JANE DOE 082, individually, and acting in
28271 her official capacity (acting on behalf of the Rockport Police
28272 Department) and acting individually as a Emergency Room Nurse
28273 for Addison Gilbert Hospital, in Gloucester, MA; and Defendants
28274 JANE DOE 083 and JANE DOE 084, individually, and acting in
28275 her official capacity (acting on behalf of the Rockport Police
28276 Department) as a Emergency Room Nurse for Addison Gilbert

28277 Hospital, in Gloucester, MA and Defendant JOHN DOE 085,
28278 individually, and acting in his official capacity (acting on behalf of
28279 the Rockport Police Department) as a Emergency Room Security
28280 Guard for Addison Gilbert Hospital, in Gloucester, MA did with
28281 other defendants violate, deprive, or infringe upon the civil rights
28282 of Plaintiff James M. Atkinson for the purposes of personal,
28283 political, and professional gains, without just cause, or lawful
28284 authority and did engage in **Conspiracy to Interfere with Civil**
28285 **Rights** against James M. Atkinson in contravention of law, by
28286 unlawfully shackling Plaintiff to a hospital bed, as the hospital bed
28287 at Addison Gilbert Hospital being a *defacto* place of confinement,
28288 and under the control of the Rockport Police Department.

28289
28290 **962.** On **December 6, 2009**, Defendants Sean Andrus individually,
28291 and in his official capacity, while acting under color of law as a
28292 Police Officer, for the Rockport Police Department, in Rockport,
28293 Massachusetts; Defendant Michael Anderson, individually, and in
28294 his official capacity, while acting under color of law as a Police
28295 Officer, for the Rockport Police Department, in Rockport,
28296 Massachusetts while at Addison Gilbert Hospital, in Gloucester,

28297 MA did with other defendants violate, deprive, or infringe upon the
28298 civil rights of Plaintiff James M. Atkinson for the purposes of
28299 personal, political, and professional gains, without just cause, or
28300 lawful authority and did engage in violation of Second and 14th
28301 Amendment rights against James M. Atkinson in contravention of
28302 law, by unlawfully shackling Plaintiff to a hospital bed, as the
28303 hospital bed at Addison Gilbert Hospital being a *defacto* place of
28304 confinement, and under the control of the Rockport Police
28305 Department, and then demanding to know of the locations of arms
28306 which the Plaintiff might have, and by treating to deprive Plaintiff
28307 of life sustaining medical treatments unless this location was
28308 revealed.

28309
28310 963. . On December 6, 2009, Defendants Sean Andrus individually,
28311 and in his official capacity, while acting under color of law as a
28312 Police Officer, for the Rockport Police Department, in Rockport,
28313 Massachusetts; Defendant Michael Anderson, individually, and in
28314 his official capacity, while acting under color of law as a Police
28315 Officer, for the Rockport Police Department, in Rockport,
28316 Massachusetts VINCENT P. MEOLI individually, and acting in

28317 his official capacity (acting on behalf of the Rockport Police
28318 Department, and while acting under color or law) as a Emergency
28319 Room Physician for Addison Gilbert Hospital, in Gloucester, MA;
28320 and MICHAEL ARSENIAN, individually, and acting in his
28321 official capacity (acting on behalf of the Rockport Police
28322 Department) as a Emergency Room Physician and Cardiologist for
28323 Addison Gilbert Hospital, in Gloucester, MA; and PETER W.
28324 CURATOLO acting in his official capacity (acting on behalf of the
28325 Rockport Police Department) and acting individually as a
28326 Emergency Room Physician and Radiologist for Addison Gilbert
28327 Hospital, in Gloucester, MA; and Defendant JANE DOE 080,
28328 JANE DOE 081, and JANE DOE 082, individually, and acting in
28329 her official capacity (acting on behalf of the Rockport Police
28330 Department) and acting individually as a Emergency Room Nurse
28331 for Addison Gilbert Hospital, in Gloucester, MA; and Defendants
28332 JANE DOE 083 and JANE DOE 084, individually, and acting in
28333 her official capacity (acting on behalf of the Rockport Police
28334 Department) as a Emergency Room Nurse for Addison Gilbert
28335 Hospital, in Gloucester, MA and Defendant JOHN DOE 085,
28336 individually, and acting in his official capacity (acting on behalf of

28337 the Rockport Police Department) as a Emergency Room Security
28338 Guard for Addison Gilbert Hospital, in Gloucester, MA did with
28339 other defendants violate, deprive, or infringe upon the civil rights
28340 of Plaintiff James M. Atkinson for the purposes of personal,
28341 political, and professional gains, without just cause, or lawful
28342 authority and did engage in Deprivation of Rights, Privileges, or
28343 Immunities - Pattern or Practice of Conduct against James M.
28344 Atkinson in contravention of law, by unlawfully shackling Plaintiff
28345 to a hospital bed at Addison Gilbert Hospital, as the hospital bed
28346 being a *defacto* place of confinement, and under the control of the
28347 Rockport Police Department.

28348
28349 964. On December 6, 2009, Defendants Sean Andrus individually,
28350 and in his official capacity, while acting under color of law as a
28351 Police Officer, for the Rockport Police Department, in Rockport,
28352 Massachusetts; Defendant Michael Anderson, individually, and in
28353 his official capacity, while acting under color of law as a Police
28354 Officer, for the Rockport Police Department, in Rockport,
28355 Massachusetts VINCENT P. MEOLI individually, and acting in
28356 his official capacity (acting on behalf of the Rockport Police

28357 Department, and while acting under color or law) as a Emergency
28358 Room Physician for Addison Gilbert Hospital, in Gloucester, MA;
28359 and MICHAEL ARSENIAN, individually, and acting in his
28360 official capacity (acting on behalf of the Rockport Police
28361 Department) as a Emergency Room Physician and Cardiologist for
28362 Addison Gilbert Hospital, in Gloucester, MA; and PETER W.
28363 CURATOLO acting in his official capacity (acting on behalf of the
28364 Rockport Police Department) and acting individually as a
28365 Emergency Room Physician and Radiologist for Addison Gilbert
28366 Hospital, in Gloucester, MA; and Defendant JANE DOE 080,
28367 JANE DOE 081, and JANE DOE 082, individually, and acting in
28368 her official capacity (acting on behalf of the Rockport Police
28369 Department) and acting individually as a Emergency Room Nurse
28370 for Addison Gilbert Hospital, in Gloucester, MA; and Defendants
28371 JANE DOE 083 and JANE DOE 084, individually, and acting in
28372 her official capacity (acting on behalf of the Rockport Police
28373 Department) as a Emergency Room Nurse for Addison Gilbert
28374 Hospital, in Gloucester, MA and Defendant JOHN DOE 085,
28375 individually, and acting in his official capacity (acting on behalf of
28376 the Rockport Police Department) as a Emergency Room Security

28377 Guard for Addison Gilbert Hospital, in Gloucester, MA did with
28378 other defendants violate, deprive, or infringe upon the civil rights
28379 of Plaintiff James M. Atkinson for the purposes of personal,
28380 political, and professional gains, without just cause, or lawful
28381 authority and did engage in **Willful Deprivations of Federal Rights**
28382 **Under Color of Law** against James M. Atkinson in contravention
28383 of law, by unlawfully shackling Plaintiff to a hospital bed, as the
28384 hospital bed being a *defacto* place of confinement, and under the
28385 control of the Rockport Police Department.

28386
28387 **965.** On **December 6, 2009**, Defendants Sean Andrus individually,
28388 and in his official capacity, while acting under color of law as a
28389 Police Officer, for the Rockport Police Department, in Rockport,
28390 Massachusetts; Defendant Michael Anderson, individually, and in
28391 his official capacity, while acting under color of law as a Police
28392 Officer, for the Rockport Police Department, in Rockport,
28393 Massachusetts VINCENT P. MEOLI individually, and acting in
28394 his official capacity (acting on behalf of the Rockport Police
28395 Department, and while acting under color or law) as a Emergency
28396 Room Physician for Addison Gilbert Hospital, in Gloucester, MA;

28397 and MICHAEL ARSENIAN, individually, and acting in his
28398 official capacity (acting on behalf of the Rockport Police
28399 Department) as a Emergency Room Physician and Cardiologist for
28400 Addison Gilbert Hospital, in Gloucester, MA; and PETER W.
28401 CURATOLO acting in his official capacity (acting on behalf of the
28402 Rockport Police Department) and acting individually as a
28403 Emergency Room Physician and Radiologist for Addison Gilbert
28404 Hospital, in Gloucester, MA; and Defendant JANE DOE 080,
28405 JANE DOE 081, and JANE DOE 082, individually, and acting in
28406 her official capacity (acting on behalf of the Rockport Police
28407 Department) and acting individually as a Emergency Room Nurse
28408 for Addison Gilbert Hospital, in Gloucester, MA; and Defendants
28409 JANE DOE 083 and JANE DOE 084, individually, and acting in
28410 her official capacity (acting on behalf of the Rockport Police
28411 Department) as a Emergency Room Nurse for Addison Gilbert
28412 Hospital, in Gloucester, MA and Defendant JOHN DOE 085,
28413 individually, and acting in his official capacity (acting on behalf of
28414 the Rockport Police Department) as a Emergency Room Security
28415 Guard for Addison Gilbert Hospital, in Gloucester, MA did with
28416 other defendants violate, deprive, or infringe upon the civil rights

28417 of Plaintiff James M. Atkinson for the purposes of personal,
28418 political, and professional gains, without just cause, or lawful
28419 authority and did engage in Violations of Constitutional Rights
28420 against James M. Atkinson in contravention of law, by unlawfully
28421 shackling Plaintiff to a hospital bed, as the hospital bed being a
28422 *defacto* place of confinement, and under the control of the
28423 Rockport Police Department.

28424
28425 966. On December 6, 2009, Defendants Sean Andrus individually,
28426 and in his official capacity, while acting under color of law as a
28427 Police Officer, for the Rockport Police Department, in Rockport,
28428 Massachusetts; Defendant Michael Anderson, individually, and in
28429 his official capacity, while acting under color of law as a Police
28430 Officer, for the Rockport Police Department, in Rockport,
28431 Massachusetts VINCENT P. MEOLI individually, and acting in
28432 his official capacity (acting on behalf of the Rockport Police
28433 Department, and while acting under color or law) as a Emergency
28434 Room Physician for Addison Gilbert Hospital, in Gloucester, MA;
28435 and MICHAEL ARSENIAN, individually, and acting in his
28436 official capacity (acting on behalf of the Rockport Police

28437 Department) as a Emergency Room Physician and Cardiologist for
28438 Addison Gilbert Hospital, in Gloucester, MA; and PETER W.
28439 CURATOLO acting in his official capacity (acting on behalf of the
28440 Rockport Police Department) and acting individually as a
28441 Emergency Room Physician and Radiologist for Addison Gilbert
28442 Hospital, in Gloucester, MA; and Defendant JANE DOE 080,
28443 JANE DOE 081, and JANE DOE 082, individually, and acting in
28444 her official capacity (acting on behalf of the Rockport Police
28445 Department) and acting individually as a Emergency Room Nurse
28446 for Addison Gilbert Hospital, in Gloucester, MA; and Defendants
28447 JANE DOE 083 and JANE DOE 084, individually, and acting in
28448 her official capacity (acting on behalf of the Rockport Police
28449 Department) as a Emergency Room Nurse for Addison Gilbert
28450 Hospital, in Gloucester, MA and Defendant JOHN DOE 085,
28451 individually, and acting in his official capacity (acting on behalf of
28452 the Rockport Police Department) as a Emergency Room Security
28453 Guard for Addison Gilbert Hospital, in Gloucester, MA did with
28454 other defendants violate, deprive, or infringe upon the civil rights
28455 of Plaintiff James M. Atkinson for the purposes of personal,
28456 political, and professional gains, without just cause, or lawful

28457 authority and did engage in **False Arrest** against James M.
28458 Atkinson in contravention of law, by unlawfully shackling Plaintiff
28459 to a hospital bed, as the hospital bed being a *defacto* place of
28460 confinement, and under the control of the Rockport Police
28461 Department.

28462
28463 **967.** On **December 6, 2009**, Defendants Sean Andrus individually,
28464 and in his official capacity, while acting under color of law as a
28465 Police Officer, for the Rockport Police Department, in Rockport,
28466 Massachusetts; Defendant Michael Anderson, individually, and in
28467 his official capacity, while acting under color of law as a Police
28468 Officer, for the Rockport Police Department, in Rockport,
28469 Massachusetts VINCENT P. MEOLI individually, and acting in
28470 his official capacity (acting on behalf of the Rockport Police
28471 Department, and while acting under color or law) as a Emergency
28472 Room Physician for Addison Gilbert Hospital, in Gloucester, MA;
28473 and MICHAEL ARSENIAN, individually, and acting in his
28474 official capacity (acting on behalf of the Rockport Police
28475 Department) as a Emergency Room Physician and Cardiologist for
28476 Addison Gilbert Hospital, in Gloucester, MA; and PETER W.

28477 CURATOLO acting in his official capacity (acting on behalf of the
28478 Rockport Police Department) and acting individually as a
28479 Emergency Room Physician and Radiologist for Addison Gilbert
28480 Hospital, in Gloucester, MA; and Defendant JANE DOE 080,
28481 JANE DOE 081, and JANE DOE 082, individually, and acting in
28482 her official capacity (acting on behalf of the Rockport Police
28483 Department) and acting individually as a Emergency Room Nurse
28484 for Addison Gilbert Hospital, in Gloucester, MA; and Defendants
28485 JANE DOE 083 and JANE DOE 084, individually, and acting in
28486 her official capacity (acting on behalf of the Rockport Police
28487 Department) as a Emergency Room Nurse for Addison Gilbert
28488 Hospital, in Gloucester, MA and Defendant JOHN DOE 085,
28489 individually, and acting in his official capacity (acting on behalf of
28490 the Rockport Police Department) as a Emergency Room Security
28491 Guard for Addison Gilbert Hospital, in Gloucester, MA did with
28492 other defendants violate, deprive, or infringe upon the civil rights
28493 of Plaintiff James M. Atkinson for the purposes of personal,
28494 political, and professional gains, without just cause, or lawful
28495 authority and did engage in **Refused to Inform as the Nature of**
28496 **Crime of Accused** against James M. Atkinson in contravention of

28497 law, by unlawfully shackling Plaintiff to a hospital bed, as the
28498 hospital bed being a *de facto* place of confinement, and under the
28499 control of the Rockport Police Department.

28500

28501 968. On December 6, 2009, Defendants Sean Andrus individually,
28502 and in his official capacity, while acting under color of law as a
28503 Police Officer, for the Rockport Police Department, in Rockport,
28504 Massachusetts; Defendant Michael Anderson, individually, and in
28505 his official capacity, while acting under color of law as a Police
28506 Officer, for the Rockport Police Department, in Rockport,
28507 Massachusetts VINCENT P. MEOLI individually, and acting in
28508 his official capacity (acting on behalf of the Rockport Police
28509 Department, and while acting under color or law) as a Emergency
28510 Room Physician for Addison Gilbert Hospital, in Gloucester, MA;
28511 and MICHAEL ARSENIAN, individually, and acting in his
28512 official capacity (acting on behalf of the Rockport Police
28513 Department) as a Emergency Room Physician and Cardiologist for
28514 Addison Gilbert Hospital, in Gloucester, MA; and PETER W.
28515 CURATOLO acting in his official capacity (acting on behalf of the
28516 Rockport Police Department) and acting individually as a

28517 Emergency Room Physician and Radiologist for Addison Gilbert
28518 Hospital, in Gloucester, MA; and Defendant JANE DOE 080,
28519 JANE DOE 081, and JANE DOE 082, individually, and acting in
28520 her official capacity (acting on behalf of the Rockport Police
28521 Department) and acting individually as a Emergency Room Nurse
28522 for Addison Gilbert Hospital, in Gloucester, MA; and Defendants
28523 JANE DOE 083 and JANE DOE 084, individually, and acting in
28524 her official capacity (acting on behalf of the Rockport Police
28525 Department) as a Emergency Room Nurse for Addison Gilbert
28526 Hospital, in Gloucester, MA and Defendant JOHN DOE 085,
28527 individually, and acting in his official capacity (acting on behalf of
28528 the Rockport Police Department) as a Emergency Room Security
28529 Guard for Addison Gilbert Hospital, in Gloucester, MA did with
28530 other defendants violate, deprive, or infringe upon the civil rights
28531 of Plaintiff James M. Atkinson for the purposes of personal,
28532 political, and professional gains, without just cause, or lawful
28533 authority and did engage in **Refused to Release Plaintiff from**
28534 **Shackles so that he might leave the hospital** against James M.
28535 Atkinson in contravention of law, by unlawfully shackling Plaintiff
28536 to a hospital bed, as the hospital bed being a *defacto* place of

28537 confinement, and under the control of the Rockport Police
28538 Department.
28539
28540 969. On December 6, 2009, Defendants Sean Andrus individually,
28541 and in his official capacity, while acting under color of law as a
28542 Police Officer, for the Rockport Police Department, in Rockport,
28543 Massachusetts; Defendant Michael Anderson, individually, and in
28544 his official capacity, while acting under color of law as a Police
28545 Officer, for the Rockport Police Department, in Rockport,
28546 Massachusetts VINCENT P. MEOLI individually, and acting in
28547 his official capacity (acting on behalf of the Rockport Police
28548 Department, and while acting under color or law) as a Emergency
28549 Room Physician for Addison Gilbert Hospital, in Gloucester, MA;
28550 and MICHAEL ARSENIAN, individually, and acting in his
28551 official capacity (acting on behalf of the Rockport Police
28552 Department) as a Emergency Room Physician and Cardiologist for
28553 Addison Gilbert Hospital, in Gloucester, MA; and PETER W.
28554 CURATOLO acting in his official capacity (acting on behalf of the
28555 Rockport Police Department) and acting individually as a
28556 Emergency Room Physician and Radiologist for Addison Gilbert

28557 Hospital, in Gloucester, MA; and Defendant JANE DOE 080,
28558 JANE DOE 081, and JANE DOE 082, individually, and acting in
28559 her official capacity (acting on behalf of the Rockport Police
28560 Department) and acting individually as a Emergency Room Nurse
28561 for Addison Gilbert Hospital, in Gloucester, MA; and Defendants
28562 JANE DOE 083 and JANE DOE 084, individually, and acting in
28563 her official capacity (acting on behalf of the Rockport Police
28564 Department) as a Emergency Room Nurse for Addison Gilbert
28565 Hospital, in Gloucester, MA and Defendant JOHN DOE 085,
28566 individually, and acting in his official capacity (acting on behalf of
28567 the Rockport Police Department) as a Emergency Room Security
28568 Guard for Addison Gilbert Hospital, in Gloucester, MA did with
28569 other defendants violate, deprive, or infringe upon the civil rights
28570 of Plaintiff James M. Atkinson for the purposes of personal,
28571 political, and professional gains, without just cause, or lawful
28572 authority and did engage in **Refused to Allow Plaintiff to Speak to**
28573 **His Attorney** against James M. Atkinson in contravention of law,
28574 by unlawfully shackling Plaintiff to a hospital bed, as the hospital
28575 bed being a *defacto* place of confinement, and under the control of
28576 the Rockport Police Department.

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970. On December 6, 2009, Defendants Sean Andrus individually, and in his official capacity, while acting under color of law as a Police Officer, for the Rockport Police Department, in Rockport, Massachusetts; Defendant Michael Anderson, individually, and in his official capacity, while acting under color of law as a Police Officer, for the Rockport Police Department, in Rockport, Massachusetts VINCENT P. MEOLI individually, and acting in his official capacity (acting on behalf of the Rockport Police Department, and while acting under color or law) as a Emergency Room Physician for Addison Gilbert Hospital, in Gloucester, MA; and MICHAEL ARSENIAN, individually, and acting in his official capacity (acting on behalf of the Rockport Police Department) as a Emergency Room Physician and Cardiologist for Addison Gilbert Hospital, in Gloucester, MA; and PETER W. CURATOLO acting in his official capacity (acting on behalf of the Rockport Police Department) and acting individually as a Emergency Room Physician and Radiologist for Addison Gilbert Hospital, in Gloucester, MA; and Defendant JANE DOE 080, JANE DOE 081, and JANE DOE 082, individually, and acting in

28597 her official capacity (acting on behalf of the Rockport Police
28598 Department) and acting individually as a Emergency Room Nurse
28599 for Addison Gilbert Hospital, in Gloucester, MA; and Defendants
28600 JANE DOE 083 and JANE DOE 084, individually, and acting in
28601 her official capacity (acting on behalf of the Rockport Police
28602 Department) as a Emergency Room Nurse for Addison Gilbert
28603 Hospital, in Gloucester, MA and Defendant JOHN DOE 085,
28604 individually, and acting in his official capacity (acting on behalf of
28605 the Rockport Police Department) as a Emergency Room Security
28606 Guard for Addison Gilbert Hospital, in Gloucester, MA did with
28607 other defendants violate, deprive, or infringe upon the civil rights
28608 of Plaintiff James M. Atkinson for the purposes of personal,
28609 political, and professional gains, without just cause, or lawful
28610 authority and did engage in **Refused to Allow Plaintiff to Speak to**
28611 **His** Distraught Family (for over four hours) against James M.
28612 Atkinson in contravention of law, by unlawfully shackling Plaintiff
28613 to a hospital bed, as the hospital bed being a *defacto* place of
28614 confinement, and under the control of the Rockport Police
28615 Department.

28616

28617 971. On December 6, 2009, Defendants Sean Andrus individually,
28618 and in his official capacity, while acting under color of law as a
28619 Police Officer, for the Rockport Police Department, in Rockport,
28620 Massachusetts; Defendant Michael Anderson, individually, and in
28621 his official capacity, while acting under color of law as a Police
28622 Officer, for the Rockport Police Department, in Rockport,
28623 Massachusetts VINCENT P. MEOLI individually, and acting in
28624 his official capacity (acting on behalf of the Rockport Police
28625 Department, and while acting under color or law) as a Emergency
28626 Room Physician for Addison Gilbert Hospital, in Gloucester, MA;
28627 and MICHAEL ARSENIAN, individually, and acting in his
28628 official capacity (acting on behalf of the Rockport Police
28629 Department) as a Emergency Room Physician and Cardiologist for
28630 Addison Gilbert Hospital, in Gloucester, MA; and PETER W.
28631 CURATOLO acting in his official capacity (acting on behalf of the
28632 Rockport Police Department) and acting individually as a
28633 Emergency Room Physician and Radiologist for Addison Gilbert
28634 Hospital, in Gloucester, MA; and Defendant JANE DOE 080,
28635 JANE DOE 081, and JANE DOE 082, individually, and acting in
28636 her official capacity (acting on behalf of the Rockport Police

28637 Department) and acting individually as a Emergency Room Nurse
28638 for Addison Gilbert Hospital, in Gloucester, MA; and Defendants
28639 JANE DOE 083 and JANE DOE 084, individually, and acting in
28640 her official capacity (acting on behalf of the Rockport Police
28641 Department) as a Emergency Room Nurse for Addison Gilbert
28642 Hospital, in Gloucester, MA and Defendant JOHN DOE 085,
28643 individually, and acting in his official capacity (acting on behalf of
28644 the Rockport Police Department) as a Emergency Room Security
28645 Guard for Addison Gilbert Hospital, in Gloucester, MA did with
28646 other defendants violate, deprive, or infringe upon the civil rights
28647 of Plaintiff James M. Atkinson for the purposes of personal,
28648 political, and professional gains, without just cause, or lawful
28649 authority and did engage in **Refusal to Allow the Use of a**
28650 **Telephone in a Place of Detention** (for over four hours) against
28651 James M. Atkinson in contravention of law, by unlawfully
28652 shackling Plaintiff to a hospital bed, as the hospital bed being a
28653 *defacto* place of confinement, and under the control of the
28654 Rockport Police Department.

28655

28656 972. On December 6, 2009, Defendants Sean Andrus individually,
28657 and in his official capacity, while acting under color of law as a
28658 Police Officer, for the Rockport Police Department, in Rockport,
28659 Massachusetts; Defendant Michael Anderson, individually, and in
28660 his official capacity, while acting under color of law as a Police
28661 Officer, for the Rockport Police Department, in Rockport,
28662 Massachusetts VINCENT P. MEOLI individually, and acting in
28663 his official capacity (acting on behalf of the Rockport Police
28664 Department, and while acting under color or law) as a Emergency
28665 Room Physician for Addison Gilbert Hospital, in Gloucester, MA;
28666 and MICHAEL ARSENIAN, individually, and acting in his
28667 official capacity (acting on behalf of the Rockport Police
28668 Department) as a Emergency Room Physician and Cardiologist for
28669 Addison Gilbert Hospital, in Gloucester, MA; and PETER W.
28670 CURATOLO acting in his official capacity (acting on behalf of the
28671 Rockport Police Department) and acting individually as a
28672 Emergency Room Physician and Radiologist for Addison Gilbert
28673 Hospital, in Gloucester, MA; and Defendant JANE DOE 080,
28674 JANE DOE 081, and JANE DOE 082, individually, and acting in
28675 her official capacity (acting on behalf of the Rockport Police

28676 Department) and acting individually as a Emergency Room Nurse
28677 for Addison Gilbert Hospital, in Gloucester, MA; and Defendants
28678 JANE DOE 083 and JANE DOE 084, individually, and acting in
28679 her official capacity (acting on behalf of the Rockport Police
28680 Department) as a Emergency Room Nurse for Addison Gilbert
28681 Hospital, in Gloucester, MA and Defendant JOHN DOE 085,
28682 individually, and acting in his official capacity (acting on behalf of
28683 the Rockport Police Department) as a Emergency Room Security
28684 Guard for Addison Gilbert Hospital, in Gloucester, MA did with
28685 other defendants violate, deprive, or infringe upon the civil rights
28686 of Plaintiff James M. Atkinson for the purposes of personal,
28687 political, and professional gains, without just cause, or lawful
28688 authority and did engage **in Intimidation of Witnesses** against
28689 James M. Atkinson in contravention of law, by unlawfully
28690 shackling Plaintiff to a hospital bed, as the hospital bed being a
28691 *defacto* place of confinement, and under the control of the
28692 Rockport Police Department, during while time Officer Sean
28693 Andrus repeatedly state to medical staff they Plaintiff Atkinson
28694 **“was a menace, and a danger to the hospital, and that he needed to**

28695 **be taken to the police station”** thus depriving Plaintiff Atkinson of
28696 required emergency medical services.

28697
28698 **973.** On **December 6, 2009**, Defendants Sean Andrus individually,
28699 and in his official capacity, while acting under color of law as a
28700 Police Officer, for the Rockport Police Department, in Rockport,
28701 Massachusetts; Defendant Michael Anderson, individually, and in
28702 his official capacity, while acting under color of law as a Police
28703 Officer, for the Rockport Police Department, in Rockport,
28704 Massachusetts did with other defendants violate, deprive, or
28705 infringe upon the civil rights of Plaintiff James M. Atkinson for the
28706 purposes of personal, political, and professional gains, without just
28707 cause, or lawful authority and did engage Kidnapping against
28708 James M. Atkinson in contravention of law, by unlawfully
28709 shackling Plaintiff to a hospital bed, as the hospital bed being a
28710 *defacto* place of confinement, and under the control of the
28711 Rockport Police Department, during which time Officers Sean
28712 Andrus and Michael Anderson repeatedly stated to medical staff
28713 that Plaintiff Atkinson “Needed to be discharged from the hospital”
28714 thus depriving Plaintiff Atkinson of required emergency medical

28715 services, thus convincing hospital staff to withdraw required
28716 medical services, to abandon a patient, and to commit medical
28717 malpractice, and patient abandonment.

28718
28719 974. On December 6, 2009, Defendants Sean Andrus individually,
28720 and in his official capacity, while acting under color of law as a
28721 Police Officer, for the Rockport Police Department, in Rockport,
28722 Massachusetts; Defendant Michael Anderson, individually, and in
28723 his official capacity, while acting under color of law as a Police
28724 Officer, for the Rockport Police Department, in Rockport,
28725 Massachusetts VINCENT P. MEOLI individually, and acting in
28726 his official capacity (acting on behalf of the Rockport Police
28727 Department, and while acting under color or law) as a Emergency
28728 Room Physician for Addison Gilbert Hospital, in Gloucester, MA;
28729 and MICHAEL ARSENIAN, individually, and acting in his
28730 official capacity (acting on behalf of the Rockport Police
28731 Department) as a Emergency Room Physician and Cardiologist for
28732 Addison Gilbert Hospital, in Gloucester, MA; and PETER W.
28733 CURATOLO acting in his official capacity (acting on behalf of the
28734 Rockport Police Department) and acting individually as a

28735 Emergency Room Physician and Radiologist for Addison Gilbert
28736 Hospital, in Gloucester, MA; and Defendant JANE DOE 080,
28737 JANE DOE 081, and JANE DOE 082, individually, and acting in
28738 her official capacity (acting on behalf of the Rockport Police
28739 Department) and acting individually as a Emergency Room Nurse
28740 for Addison Gilbert Hospital, in Gloucester, MA; and Defendants
28741 JANE DOE 083 and JANE DOE 084, individually, and acting in
28742 her official capacity (acting on behalf of the Rockport Police
28743 Department) as a Emergency Room Nurse for Addison Gilbert
28744 Hospital, in Gloucester, MA and Defendant JOHN DOE 085,
28745 individually, and acting in his official capacity (acting on behalf of
28746 the Rockport Police Department) as a Emergency Room Security
28747 Guard for Addison Gilbert Hospital, in Gloucester, MA did with
28748 other defendants violate, deprive, or infringe upon the civil rights
28749 of Plaintiff James M. Atkinson for the purposes of personal,
28750 political, and professional gains, without just cause, or lawful
28751 authority and did engage in **Refusal to Feed or to Provide Any**
28752 **Form of Nutrition while being kidnapped/held in custody** against
28753 James M. Atkinson in contravention of law, by unlawfully
28754 shackling Plaintiff to a hospital bed, as the hospital bed being a

28755 *defacto* place of confinement, and under the control of the
28756 Rockport Police Department.

28757

28758 **975.** On **December 6, 2009**, Defendants VINCENT P. MEOLI
28759 individually, and acting in his official capacity (acting on behalf of
28760 the Rockport Police Department, and while acting under color or
28761 law) as a Emergency Room Physician for Addison Gilbert Hospital,
28762 in Gloucester, MA; and MICHAEL ARSENIAN, individually, and
28763 acting in his official capacity (acting on behalf of the Rockport
28764 Police Department) as a Emergency Room Physician and
28765 Cardiologist for Addison Gilbert Hospital, in Gloucester, MA; and
28766 PETER W. CURATOLO acting in his official capacity (acting on
28767 behalf of the Rockport Police Department) and acting individually
28768 as a Emergency Room Physician and Radiologist for Addison
28769 Gilbert Hospital, in Gloucester, MA; and Defendant JANE DOE
28770 080, JANE DOE 081, and JANE DOE 082, individually, and
28771 acting in her official capacity (acting on behalf of the Rockport
28772 Police Department) and acting individually as a Emergency Room
28773 Nurse for Addison Gilbert Hospital, in Gloucester, MA; and
28774 Defendants JANE DOE 083 and JANE DOE 084, individually,

28775 and acting in her official capacity (acting on behalf of the Rockport
28776 Police Department) as a Emergency Room Nurse for Addison
28777 Gilbert Hospital, in Gloucester, MA and Defendant JOHN DOE
28778 085, individually, and acting in his official capacity (acting on
28779 behalf of the Rockport Police Department) as a Emergency Room
28780 Security Guard for Addison Gilbert Hospital, in Gloucester, MA
28781 did with other defendants violate, deprive, or infringe upon the
28782 civil rights of Plaintiff James M. Atkinson for the purposes of
28783 personal, political, and professional gains, without just cause, or
28784 lawful authority and did withdraw and refused to provide required
28785 medical services, to abandon a patient, and to commit medical
28786 malpractice, and patient abandonment against James M. Atkinson
28787 in contravention of law, by discharging Plaintiff Atkinson, and
28788 allowing Rockport Police Department Defendants Sean Andrus
28789 individually, and in his official capacity, while acting under color
28790 of law as a Police Officer, for the Rockport Police Department, in
28791 Rockport, Massachusetts; Defendant Michael Anderson,
28792 individually, and in his official capacity, while acting under color
28793 of law as a Police Officer, for the Rockport Police Department, in
28794 Rockport, Massachusetts to shackle Plaintiff Atkinson, absent any

28795 arrest warrant, probable cause, court order, writ, or other legal
28796 document needed to hold Plaintiff Atkinson in custody.

28797

28798 **976.** On **December 6, 2009**, Defendants VINCENT P. MEOLI
28799 individually, and acting in his official capacity (acting on behalf of
28800 the Rockport Police Department, and while acting under color or
28801 law) as a Emergency Room Physician for Addison Gilbert Hospital,
28802 in Gloucester, MA; and MICHAEL ARSENIAN, individually, and
28803 acting in his official capacity (acting on behalf of the Rockport
28804 Police Department) as a Emergency Room Physician and
28805 Cardiologist for Addison Gilbert Hospital, in Gloucester, MA; and
28806 PETER W. CURATOLO acting in his official capacity (acting on
28807 behalf of the Rockport Police Department) and acting individually
28808 as a Emergency Room Physician and Radiologist for Addison
28809 Gilbert Hospital, in Gloucester, MA; and Defendant JANE DOE
28810 080, JANE DOE 081, and JANE DOE 082, individually, and
28811 acting in her official capacity (acting on behalf of the Rockport
28812 Police Department) and acting individually as a Emergency Room
28813 Nurse for Addison Gilbert Hospital, in Gloucester, MA; and
28814 Defendants JANE DOE 083 and JANE DOE 084, individually,

28815 and acting in her official capacity (acting on behalf of the Rockport
28816 Police Department) as a Emergency Room Nurse for Addison
28817 Gilbert Hospital, in Gloucester, MA and Defendant JOHN DOE
28818 085, individually, and acting in his official capacity (acting on
28819 behalf of the Rockport Police Department) as a Emergency Room
28820 Security Guard for Addison Gilbert Hospital, in Gloucester, MA
28821 did with other defendants violate, deprive, or infringe upon the
28822 civil rights of Plaintiff James M. Atkinson for the purposes of
28823 personal, political, and professional gains, without just cause, or
28824 lawful authority and did unlawfully disclose protected patient
28825 medical information, and did unlawfully disclose Patient Care
28826 Information to the Rockport Police Department Defendants Sean
28827 Andrus individually, and in his official capacity, while acting
28828 under color of law as a Police Officer, for the Rockport Police
28829 Department, in Rockport, Massachusetts; Defendant Michael
28830 Anderson, individually, and in his official capacity, while acting
28831 under color of law as a Police Officer, for the Rockport Police
28832 Department, in Rockport, Massachusetts.

28833

28834 977. On December 6, 2009, Defendants Sean Andrus individually,
28835 and in his official capacity, while acting under color of law as a
28836 Police Officer, for the Rockport Police Department, in Rockport,
28837 Massachusetts; and Defendant Michael Anderson, individually,
28838 and in his official capacity, while acting under color of law as a
28839 Police Officer, for the Rockport Police Department, in Rockport,
28840 Massachusetts did with other defendants violate, deprive, or
28841 infringe upon the civil rights of Plaintiff James M. Atkinson for the
28842 purposes of personal, political, and professional gains, without just
28843 cause, or lawful authority and did engage in HIPPA and/or PHCI
28844 (Protected Health Care Information) theft against James M.
28845 Atkinson in contravention of law, by unlawfully being in
28846 possession of Protected and Confidential Healthcare Data,
28847 improperly obtained from Defendant MEOLI, and did use this
28848 information to violate the civil rights of the Plaintiff by publishing,
28849 copying, and distributing this same protected healthcare
28850 information to others, either inside the Commonwealth of
28851 Massachusetts, and to people and agencies outside of the
28852 Commonwealth of Massachusetts, including private citizens.

28853

28854 978. On December 6, 2009, Defendants Sean Andrus individually,
28855 and in his official capacity, while acting under color of law as a
28856 Police Officer, for the Rockport Police Department, in Rockport,
28857 Massachusetts; and Defendant Michael Anderson, individually,
28858 and in his official capacity, while acting under color of law as a
28859 Police Officer, for the Rockport Police Department, in Rockport,
28860 Massachusetts did with other defendants violate, deprive, or
28861 infringe upon the civil rights of Plaintiff James M. Atkinson for the
28862 purposes of personal, political, and professional gains, without just
28863 cause, or lawful authority and did seize and refuse to return
28864 medical and health care documents including prescriptions issued
28865 by an Emergency Room Physician in regards to James M.
28866 Atkinson in contravention of law, by unlawfully withholding,
28867 seizing, and not providing these records to Plaintiff Atkinson who
28868 same were requested to be turned over to the Plaintiff.

28869
28870 979. On December 6, 2009, Defendants Sean Andrus individually,
28871 and in his official capacity, while acting under color of law as a
28872 Police Officer, for the Rockport Police Department, in Rockport,
28873 Massachusetts; and Defendant Michael Anderson, individually,

28874 and in his official capacity, while acting under color of law as a
28875 Police Officer, for the Rockport Police Department, in Rockport,
28876 Massachusetts did with other defendants violate, deprive, or
28877 infringe upon the civil rights of Plaintiff James M. Atkinson for the
28878 purposes of personal, political, and professional gains, without just
28879 cause, or lawful authority and did steal written prescriptions for
28880 medications against James M. Atkinson in contravention of law, by
28881 unlawfully seizing written prescriptions that were given to Plaintiff
28882 Atkinson by Defendant MEOLI, and did use this information to
28883 violate the civil rights of the Plaintiff by publishing, copying, and
28884 disturbing this same protected healthcare information to others.

28885
28886 **980.** On **December 6, 2009**, Defendants Sean Andrus individually,
28887 and in his official capacity, while acting under color of law as a
28888 Police Officer, for the Rockport Police Department, in Rockport,
28889 Massachusetts; and Defendant Michael Anderson, individually,
28890 and in his official capacity, while acting under color of law as a
28891 Police Officer, for the Rockport Police Department, in Rockport,
28892 Massachusetts did with other defendants violate, deprive, or
28893 infringe upon the civil rights of Plaintiff James M. Atkinson for the

28894 purposes of personal, political, and professional gains, without just
28895 cause, or lawful authority and did withhold prescriptions
28896 medications from James M. Atkinson in contravention of law, by
28897 refusing to fill the prescriptions that were given to Plaintiff
28898 Atkinson by Defendant MEOLI, and thus to “punish up” and to
28899 “soften” Plaintiff Atkinson prior to interrogation, to increase his
28900 pain and suffering and to sadistically and brutally abuse the
28901 Plaintiff in an attempt to obtain a confession or an admission
28902 though unlawful means, and to force the Plaintiff to reveal the
28903 locations of other arms in violation of law.

28904
28905 **981.** On December 6, 2009, Defendants Daniel Mahoney; Michael
28906 Marino; Robert Tibert; Mark Schmink; Sean Andrus, John T.
28907 McCarthy; Michael Anderson; Gregory George; and James Hurst
28908 individually, and in their official capacities, while acting under
28909 color of law as Police Officers, for the Rockport Police
28910 Department, in Rockport, Massachusetts; did with other defendants
28911 violate, deprive, or infringe upon the civil rights of Plaintiff James
28912 M. Atkinson for the purposes of personal, political, and
28913 professional gains, without just cause, or lawful authority and did

28914 withhold, deprive, and restrict vital medical treatments and
28915 medications from James M. Atkinson in contravention of law, to
28916 increase his pain and suffering and to sadistically and brutally
28917 abuse the Plaintiff in an attempt to obtain a confession or an
28918 admission through unlawful means, and to force the Plaintiff to
28919 reveal the locations of other arms.

28920
28921 **982.** On December 6, 2009, Defendants Daniel Mahoney; Michael
28922 Marino; Robert Tibert; Mark Schmink; Sean Andrus, John T.
28923 McCarthy; Michael Anderson; Gregory George; and James Hurst
28924 individually, and in their official capacities, while acting under
28925 color of law as Police Officers, for the Rockport Police
28926 Department, in Rockport, Massachusetts; did with other defendants
28927 violate, deprive, or infringe upon the civil rights of Plaintiff James
28928 M. Atkinson for the purposes of personal, political, and
28929 professional gains, without just cause, or lawful authority and did
28930 withhold, deprive, and restrict vital medical treatments and
28931 medications from James M. Atkinson in contravention of law, to
28932 increase his pain and suffering and to sadistically and brutally

28933 abuse the Plaintiff in an attempt to punish Plaintiff Atkinson extra-
28934 judicially through cruel and unusual means.

28935
28936 **983.** On **December 6, 2009**, Defendants Sean Andrus individually,
28937 and in his official capacity, while acting under color of law as a
28938 Police Officer, for the Rockport Police Department, in Rockport,
28939 Massachusetts; Defendant Michael Anderson, individually, and in
28940 his official capacity, while acting under color of law as a Police
28941 Officer, for the Rockport Police Department, in Rockport,
28942 Massachusetts VINCENT P. MEOLI individually, and acting in
28943 his official capacity (acting on behalf of the Rockport Police
28944 Department, and while acting under color or law) as a Emergency
28945 Room Physician for Addison Gilbert Hospital, in Gloucester, MA;
28946 and MICHAEL ARSENIAN, individually, and acting in his
28947 official capacity (acting on behalf of the Rockport Police
28948 Department) as a Emergency Room Physician and Cardiologist for
28949 Addison Gilbert Hospital, in Gloucester, MA; and PETER W.
28950 CURATOLO acting in his official capacity (acting on behalf of the
28951 Rockport Police Department) and acting individually as a
28952 Emergency Room Physician and Radiologist for Addison Gilbert

28953 Hospital, in Gloucester, MA; and Defendant JANE DOE 080,
28954 JANE DOE 081, and JANE DOE 082, individually, and acting in
28955 her official capacity (acting on behalf of the Rockport Police
28956 Department) and acting individually as a Emergency Room Nurse
28957 for Addison Gilbert Hospital, in Gloucester, MA; and Defendants
28958 JANE DOE 083 and JANE DOE 084, individually, and acting in
28959 her official capacity (acting on behalf of the Rockport Police
28960 Department) as a Emergency Room Nurse for Addison Gilbert
28961 Hospital, in Gloucester, MA and Defendant JOHN DOE 085,
28962 individually, and acting in his official capacity (acting on behalf of
28963 the Rockport Police Department) as a Emergency Room Security
28964 Guard for Addison Gilbert Hospital, in Gloucester, MA did with
28965 other defendants violate, deprive, or infringe upon the civil rights
28966 of Plaintiff James M. Atkinson for the purposes of personal,
28967 political, and professional gains, without just cause, or lawful
28968 authority and did engage in withholding of medical services
28969 against James M. Atkinson in contravention of law, refusing to
28970 continue to treat Plaintiff for emergency medical matters, despite
28971 Plaintiff Atkinson's repeated quest for such emergency treatment,
28972 which was refused after Defendants Andrus, Anderson, and others

28973 falsely convinced the hospital staff that Plaintiff Atkinson “was a
28974 menace” or alternately that he “was a terrorist and a security risk to
28975 the hospital staff”.

28976

28977 984. On December 6, 2009, Defendants Sean Andrus individually,
28978 and in his official capacity, while acting under color of law as a
28979 Police Officer, for the Rockport Police Department, in Rockport,
28980 Massachusetts; and Defendant Michael Anderson, individually,
28981 and in his official capacity, while acting under color of law as a
28982 Police Officer, for the Rockport Police Department, in Rockport,
28983 Massachusetts did with other defendants violate, deprive, or
28984 infringe upon the civil rights of Plaintiff James M. Atkinson for the
28985 purposes of personal, political, and professional gains, without just
28986 cause, or lawful authority and did Kidnap James M. Atkinson in
28987 contravention of law, by shackling him and removing him from
28988 Addison Gilbert Hospital in Gloucester, Massachusetts and
28989 transporting him to the Rockport Police Department in Rockport,
28990 Massachusetts against his will,

28991

28992 985. On December 6, 2009, Defendants VINCENT P. MEOLI
28993 individually, and acting in his official capacity (acting on behalf of
28994 the Rockport Police Department, and while acting under color or
28995 law) as a Emergency Room Physician for Addison Gilbert Hospital,
28996 in Gloucester, MA; and MICHAEL ARSENIAN, individually, and
28997 acting in his official capacity (acting on behalf of the Rockport
28998 Police Department) as a Emergency Room Physician and
28999 Cardiologist for Addison Gilbert Hospital, in Gloucester, MA; and
29000 PETER W. CURATOLO acting in his official capacity (acting on
29001 behalf of the Rockport Police Department) and acting individually
29002 as a Emergency Room Physician and Radiologist for Addison
29003 Gilbert Hospital, in Gloucester, MA; and Defendant JANE DOE
29004 080, JANE DOE 081, and JANE DOE 082, individually, and
29005 acting in her official capacity (acting on behalf of the Rockport
29006 Police Department) and acting individually as a Emergency Room
29007 Nurse for Addison Gilbert Hospital, in Gloucester, MA; and
29008 Defendants JANE DOE 083 and JANE DOE 084, individually,
29009 and acting in her official capacity (acting on behalf of the Rockport
29010 Police Department) as a Emergency Room Nurse for Addison
29011 Gilbert Hospital, in Gloucester, MA and Defendant JOHN DOE

29012 085, individually, and acting in his official capacity (acting on
29013 behalf of the Rockport Police Department) as a Emergency Room
29014 Security Guard for Addison Gilbert Hospital, in Gloucester, MA
29015 did with other defendants violate, deprive, or infringe upon the
29016 civil rights of Plaintiff James M. Atkinson for the purposes of
29017 personal, political, and professional gains, without just cause, or
29018 lawful authority and did unlawfully administer drugs to Plaintiff
29019 Atkinson which causes his heart to stop beating, his blood pressure
29020 to be lost, to force a cardiac nonfunctioning condition called
29021 asystole, forcing a loss of consciousness and which placed Patient
29022 Atkinson in a state of temporary clinical death at the request of
29023 Rockport Police Department Defendants Sean Andrus individually,
29024 and in his official capacity, while acting under color of law as a
29025 Police Officer, for the Rockport Police Department, in Rockport,
29026 Massachusetts; Defendant Michael Anderson, individually, and in
29027 his official capacity, while acting under color of law as a Police
29028 Officer, for the Rockport Police Department, in Rockport,
29029 Massachusetts in order to “soften” Plaintiff for further
29030 psychological torture and interrogation in regards to missing arms
29031 once he was taken back to the Police Station.

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Essex County Sheriffs Department
Misdeeds, Calculated Sadism, Withholding of Medications
Indifference to Safety or Medical Needs, Endangering of Life
Cruel and Unusual Punishment, Lack of Due Process

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986. On December 6, 2009 and December 7, 2009, Defendant
MELANIE GOODLAXSON individually, and in her official
capacity, while acting under color of law as a Nurse for Essex
County Sheriff's Department in Middleton, Massachusetts; JANE
DOE 052 individually, and in his official capacity, while acting
under color of law as a Nurse for Essex County Sheriff's
Department in Middleton, Massachusetts; JANE DOE 053
individually, and in his official capacity, while acting under color
of law as a Nurse for Essex County Sheriff's Department in
Middleton, Massachusetts; JOHN DOE 054 acting in his official
capacity and individually as a Prison Physician for Essex County
Sheriff's Department in Middleton, Massachusetts; JOHN DOE
055 individually, and in his official capacity, while acting under
color of law as a Intake Guard for Essex County Sheriff's
Department in Middleton, Massachusetts; JOHN DOE 056
individually, and in his official capacity, while acting under color
of law as an Intake Guard for Essex County Sheriff's Department

29055 in Middleton, Massachusetts; JOHN DOE 057 individually, and in
29056 his official capacity, while acting under color of law as a Medical
29057 Unit Guard for Essex County Sheriff's Department in Middleton,
29058 Massachusetts; JOHN DOE 058 individually, and in his official
29059 capacity, while acting under color of law as a Medical Unit Guard
29060 for Essex County Sheriff's Department in Middleton,
29061 Massachusetts; JOHN DOE 059 individually, and in his official
29062 capacity, while acting under color of law as a Medical Unit Guard
29063 for Essex County Sheriff's Department in Middleton,
29064 Massachusetts; JOHN DOE 060 individually, and in his official
29065 capacity, while acting under color of law as a Medical Unit Guard
29066 for Essex County Sheriff's Department in Middleton,
29067 Massachusetts; JOHN DOE 061 individually, and in his official
29068 capacity, while acting under color of law as a Medical Unit Guard
29069 for Essex County Sheriff's Department in Middleton,
29070 Massachusetts; JOHN DOE 062 individually, and in his official
29071 capacity, while acting under color of law as a Medical Unit Guard
29072 for Essex County Sheriff's Department in Middleton,
29073 Massachusetts; Defendant JOHN DOE 074 individually, and in his
29074 official capacity, while acting under color of law as a Shift

29075 Supervisor - Intake for Essex County Sheriff's Department in
29076 Middleton, Massachusetts; did with other defendants violate,
29077 deprive, or infringe upon the civil rights of Plaintiff James M.
29078 Atkinson for the purposes of personal, political, and professional
29079 gains, without just cause, or lawful authority and did Violate the
29080 Civil Rights of James M. Atkinson in contravention of law. By
29081 means of a depriving Plaintiff Atkinson or required medications
29082 and medical treatment, basic human living conditions, and
29083 functioning with calculated sadism.

29084
29085 987. On December 6, 2009 and December 7, 2009, Defendant
29086 MELANIE GOODLAXSON individually, and in her official
29087 capacity, while acting under color of law as a Nurse for Essex
29088 County Sheriff's Department in Middleton, Massachusetts; JANE
29089 DOE 052 individually, and in his official capacity, while acting
29090 under color of law as a Nurse for Essex County Sheriff's
29091 Department in Middleton, Massachusetts; JANE DOE 053
29092 individually, and in his official capacity, while acting under color
29093 of law as a Nurse for Essex County Sheriff's Department in
29094 Middleton, Massachusetts; JOHN DOE 054 acting in his official

29095 capacity and individually as a Prison Physician for Essex County
29096 Sheriff's Department in Middleton, Massachusetts; JOHN DOE
29097 055 individually, and in his official capacity, while acting under
29098 color of law as a Intake Guard for Essex County Sheriff's
29099 Department in Middleton, Massachusetts; JOHN DOE 056
29100 individually, and in his official capacity, while acting under color
29101 of law as an Intake Guard for Essex County Sheriff's Department
29102 in Middleton, Massachusetts; JOHN DOE 057 individually, and in
29103 his official capacity, while acting under color of law as a Medical
29104 Unit Guard for Essex County Sheriff's Department in Middleton,
29105 Massachusetts; JOHN DOE 058 individually, and in his official
29106 capacity, while acting under color of law as a Medical Unit Guard
29107 for Essex County Sheriff's Department in Middleton,
29108 Massachusetts; JOHN DOE 059 individually, and in his official
29109 capacity, while acting under color of law as a Medical Unit Guard
29110 for Essex County Sheriff's Department in Middleton,
29111 Massachusetts; JOHN DOE 060 individually, and in his official
29112 capacity, while acting under color of law as a Medical Unit Guard
29113 for Essex County Sheriff's Department in Middleton,
29114 Massachusetts; JOHN DOE 061 individually, and in his official

29115 capacity, while acting under color of law as a Medical Unit Guard
29116 for Essex County Sheriff's Department in Middleton,
29117 Massachusetts; JOHN DOE 062 individually, and in his official
29118 capacity, while acting under color of law as a Medical Unit Guard
29119 for Essex County Sheriff's Department in Middleton,
29120 Massachusetts; Defendant JOHN DOE 074 individually, and in his
29121 official capacity, while acting under color of law as a Shift
29122 Supervisor - Intake for Essex County Sheriff's Department in
29123 Middleton, Massachusetts; did with other defendants violate,
29124 deprive, or infringe upon the civil rights of Plaintiff James M.
29125 Atkinson for the purposes of personal, political, and professional
29126 gains, without just cause, or lawful authority and did Violate the
29127 Civil Rights of James M. Atkinson in contravention of law. By
29128 means of a deliberate indifference, reckless disregards for the
29129 safety of Plaintiff Atkinson, depriving Plaintiff Atkinson of
29130 prescribed medications, food, nourishment, warm clothing, pillows
29131 or blankets, and placing Plaintiff Atkinson in an unheated cell,
29132 with no medical supervision or access to medical services, and
29133 deliberately deprived him of sleep. Further, when “food for
29134 breakfast” was brought to him the next day it reeked of feces and

29135 urine and could not be safely eaten, resulting in Plaintiff Atkinson
29136 not being given access to food for over 44 hours... having just
29137 been discharged from the hospital after experiencing clinical death
29138 at the hands of the Rockport Police Department.

29139
29140 988. On December 7, 2009, Defendant JOHN DOE 063 individually,
29141 and in his official capacity, while acting under color of law as a
29142 Out Processing Guard for Essex County Sheriff's Department in
29143 Middleton, Massachusetts; JOHN DOE 064 individually, and in
29144 his official capacity, while acting under color of law as a Out
29145 Processing Guard for Essex County Sheriff's Department in
29146 Middleton, Massachusetts; JOHN DOE 065 individually, and in
29147 his official capacity, while acting under color of law as a Out
29148 Processing Guard for Essex County Sheriff's Department in
29149 Middleton, Massachusetts; JOHN DOE 066 individually, and in
29150 his official capacity, while acting under color of law as an Out
29151 Processing Guard for Essex County Sheriff's Department in
29152 Middleton, Massachusetts; JOHN DOE 067 individually, and in
29153 his official capacity, while acting under color of law as a Out
29154 Processing Guard for Essex County Sheriff's Department in

29155 Middleton, Massachusetts; JOHN DOE 068 individually, and in
29156 his official capacity, while acting under color of law as a Out
29157 Processing Guard for Essex County Sheriff's Department in
29158 Middleton, Massachusetts; JOHN DOE 073 individually, and in
29159 his official capacity, while acting under color of law as a Out
29160 Processing Guard/Release for Essex County Sheriff's Department
29161 in Middleton, Massachusetts; JOHN DOE 075 individually, and in
29162 his official capacity, while acting under color of law as a Shift
29163 Supervisor - Release for Essex County Sheriff's Department in
29164 Middleton, Massachusetts; did with other defendants violate,
29165 deprive, or infringe upon the civil rights of Plaintiff James M.
29166 Atkinson for the purposes of personal, political, and professional
29167 gains, without just cause, or lawful authority and did Violate the
29168 Civil Rights of James M. Atkinson in contravention of law. By
29169 means of a depriving Plaintiff Atkinson of his shoes, warm
29170 clothing, a coat, protective clothing while forcing him to walk
29171 without the assistance of a requested cane, walker, or wheelchair
29172 long distance over ice coated surfaces, in sub freezing temperatures
29173 "if he wanted to be released from prison." Further, despite
29174 Plaintiffs repeated requests to be taken to the Emergency Room

29175 forthwith due to being in extreme pain, or to call for an ambulance
29176 to render emergency medical care such was refused, and he was
29177 told “go there on your own time” and indeed Plaintiff Atkinson
29178 required emergency medical intervention upon being released, and
29179 required life saving extended hospitalization and surgical
29180 intervention the next day.

29181
29182 989. On December 7, 2009, Defendant JOHN DOE 069 individually,
29183 and in his official capacity, while acting under color of law as a
29184 Transport Guard/Driver for Essex County Sheriff's Department in
29185 Middleton, Massachusetts; JOHN DOE 070 individually, and in
29186 his official capacity, while acting under color of law as a Transport
29187 Guard/Driver for Essex County Sheriff's Department in Middleton,
29188 Massachusetts; JOHN DOE 071 individually, and in his official
29189 capacity, while acting under color of law as a Transport
29190 Guard/Driver for Essex County Sheriff's Department in Middleton,
29191 Massachusetts; JOHN DOE 072 individually, and in his official
29192 capacity, while acting under color of law as a Transport
29193 Guard/Driver for Essex County Sheriff's Department in Middleton,
29194 Massachusetts; did with other defendants violate, deprive, or

29195 infringe upon the civil rights of Plaintiff James M. Atkinson for the
29196 purposes of personal, political, and professional gains, without just
29197 cause, or lawful authority and did Violate the Civil Rights of James
29198 M. Atkinson in contravention of law. By means of a transporting
29199 Plaintiff Atkinson n an unheated prisoner transport van, on a sub
29200 freezing day, with no protective clothing, or suitable garments, and
29201 while depriving him of food, the guards in an act of calculated
29202 sadism repeatedly stopped at Dunkin Donuts for food for
29203 themselves, and then directly taunted Plaintiff Atkinson over the
29204 food they consumed which he watch from the back of the freezing
29205 van. Further, Defendants refused to use a seat belts or harness belt
29206 of any sort to ensure the safety of Plaintiff Atkinson, and during
29207 numerous sharp maneuvers while in transport, Plaintiff Atkinson
29208 was slammed around the back of the transport van in multiple acts
29209 of assault and battery, with calculated sadism, resulting in personal
29210 injury to the Plaintiff.

29211
29212 990. On December 6, 2009 and December 7, 2009, Defendant JOHN
29213 DOE 076 individually, and in his official capacity, while acting
29214 under color of law as a Administrator for Essex County Sheriff's

29215 Department in Middleton, Massachusetts; Defendant FRANK G.
29216 COUSINS, JR. individually, and in his official capacity, while
29217 acting under color of law as a Sheriff for Essex County Sheriff's
29218 Department in Middleton, Massachusetts; MICHAEL MARKS
29219 individually, and in his official capacity, while acting under color
29220 of law as a Superintendent - Essex County Correctional Facility for
29221 Essex County Sheriff's Department in Middleton, Massachusetts;
29222 MICHAEL FROST individually, and in his official capacity, while
29223 acting under color of law as a Assistant Superintendent V - Essex
29224 County Correctional Facility for Essex County Sheriff's
29225 Department in Middleton, Massachusetts; did with other
29226 defendants violate, deprive, or infringe upon the civil rights of
29227 Plaintiff James M. Atkinson for the purposes of personal, political,
29228 and professional gains, without just cause, or lawful authority and
29229 did Violate the Civil Rights of James M. Atkinson in contravention
29230 of law. By means of a depriving Plaintiff of have acted with
29231 deliberate indifference to the Plaintiffs serious medical needs by
29232 implementing, sanctioning, approving, ratifying, or failing to
29233 remedy policies, practices, acts, and omissions that deny, delay, or
29234 intentionally interfere with medical treatment. This violates the

29235 cruel and unusual punishments clause of the Eighth Amendment,
29236 made applicable to the states though the Fourteenth Amendment to
29237 the United States Constitution. Defendants acted with deliberate
29238 indifference to the medical needs of the Defendant, and in fact
29239 acted with calculated sadism and malice, and did deprive Plaintiff
29240 of his civil rights under color of authority. These Defendants
29241 authorized, embraced, orchestrated, and facilitated maltreatment of
29242 the Plaintiff by their subordinates.

29243
29244 **Town of Rockport**
29245 **Rockport Ambulance Department**
29246 **Illegal Suspension of EMT Employment**
29247 **Illegal Termination of Employment**
29248 **By Defendants Rosemary Lesch, and Scott Story**
29249

29250 991. On December 1, 2009, Defendant Rosemary Lesch, and Scott
29251 Story individually, and in their official capacity, while acting under
29252 color of law as a EMT Supervisor and Department Head, for the
29253 Rockport Ambulance Department, in Rockport, Massachusetts; did
29254 with other defendants violate, deprive, or infringe upon the civil
29255 rights of Plaintiff James M. Atkinson for the purposes of personal,
29256 political, and professional gains, without just cause, or lawful
29257 authority and did engage in Violation of Due Process in

29278 notified of this suspension formally, and instead found out about it
29279 form the local newspaper.

29280

29281 **Commonwealth of Massachusetts – OEMS**
29282 **Suspension of State Emergency Medical Technical License**
29283 **Refusal to Follow Due Processes**
29284 **Refusal to Port Continuing Education Courses**
29285 **Refusal to Post Recertification Course**
29286

29287 993. On October 20, 2009, PAUL COFFEY in his official capacity,
29288 while acting under color of law and individually as an OEMS
29289 Investigator for Commonwealth of Massachusetts; ABDULLAH
29290 REHAYEM in his official capacity, while acting under color of
29291 law and individually as an OEMS Director for Commonwealth of
29292 Massachusetts; RENEE D. LAKE in her official capacity, while
29293 acting under color of law and individually as an OEMS
29294 Compliance Coordinator for Commonwealth of Massachusetts; M.
29295 THOMAS QUAIL in his official capacity, while acting under color
29296 of law and individually as an OEMS Clinical Coordinator for
29297 Commonwealth of Massachusetts; BRENDAN MURPHY in his
29298 official capacity, while acting under color of law and individually
29299 as an OEMS Investigator for Commonwealth of Massachusetts;
29300 with other defendants violate, deprive, or infringe upon the civil

29301 rights of Plaintiff James M. Atkinson for the purposes of personal,
29302 political, and professional gains, without just cause, or lawful
29303 authority and did engage in a Scheme to Defraud, Violation of Due
29304 Process and Conspiracy against Plaintiff James M. Atkinson in
29305 contravention of law. and did **refuse to post 16 hours of credit for**
29306 **a Continuing Education EMT Course entitled “NAEMT - Pre-**
29307 **Hospital Trauma Life Support taught in Rutland, Vermont at the**
29308 **Regional Ambulance Service from 10/17/2009 to 10/18/2009,**
29309 which prohibited Plaintiff Atkinson from renewing his State
29310 Emergency Medical Technician License due to the OEMS refused
29311 to post courses which the Plaintiff had completed.

29312
29313 994. On March 22, 2009, PAUL COFFEY in his official capacity,
29314 while acting under color of law and individually as an OEMS
29315 Investigator for Commonwealth of Massachusetts; ABDULLAH
29316 REHAYEM in his official capacity, while acting under color of
29317 law and individually as an OEMS Director for Commonwealth of
29318 Massachusetts; RENEE D. LAKE in her official capacity, while
29319 acting under color of law and individually as an OEMS
29320 Compliance Coordinator for Commonwealth of Massachusetts; M.

29321 THOMAS QUAIL in his official capacity, while acting under color
29322 of law and individually as an OEMS Clinical Coordinator for
29323 Commonwealth of Massachusetts; BRENDAN MURPHY in his
29324 official capacity, while acting under color of law and individually
29325 as an OEMS Investigator for Commonwealth of Massachusetts;
29326 with other defendants violate, deprive, or infringe upon the civil
29327 rights of Plaintiff James M. Atkinson for the purposes of personal,
29328 political, and professional gains, without just cause, or lawful
29329 authority and did engage in a Scheme to Defraud, Violation of Due
29330 Process and Conspiracy against Plaintiff James M. Atkinson in
29331 contravention of law. and did **refuse to post 14 hours of credit for**
29332 **a Continuing Education EMT Course entitled “American Academy**
29333 **of Pediatrics and American Heart Association – Pediatric Advance**
29334 **Life Support” taught at Massachusetts General Hospital, in Boston,**
29335 **MA from 3/17/2009 to 3/18/2009,** which prohibited Plaintiff
29336 Atkinson from renewing his State Emergency Medical Technician
29337 License due to the OEMS refused to post courses which the
29338 Plaintiff had completed.

29339

29340 995. On May 12, 2009, PAUL COFFEY in his official capacity,
29341 while acting under color of law and individually as an OEMS
29342 Investigator for Commonwealth of Massachusetts; ABDULLAH
29343 REHAYEM in his official capacity, while acting under color of
29344 law and individually as an OEMS Director for Commonwealth of
29345 Massachusetts; RENEE D. LAKE in her official capacity, while
29346 acting under color of law and individually as an OEMS
29347 Compliance Coordinator for Commonwealth of Massachusetts; M.
29348 THOMAS QUAIL in his official capacity, while acting under color
29349 of law and individually as an OEMS Clinical Coordinator for
29350 Commonwealth of Massachusetts; BRENDAN MURPHY in his
29351 official capacity, while acting under color of law and individually
29352 as an OEMS Investigator for Commonwealth of Massachusetts;
29353 with other defendants violate, deprive, or infringe upon the civil
29354 rights of Plaintiff James M. Atkinson for the purposes of personal,
29355 political, and professional gains, without just cause, or lawful
29356 authority and did engage in a Scheme to Defraud, Violation of Due
29357 Process and Conspiracy against Plaintiff James M. Atkinson in
29358 contravention of law. and did **refuse to post 3.5 hours of credit for**
29359 **a Continuing Education EMT Course entitled “Legal Nuts and**

29360 Bolts of Isolation and Quarantine” taught by the Massachusetts
29361 Department of Public Health – Bureau of Infectious Disease
29362 Prevention, Response and Services, in Waltham, MA on 5/12/2009,
29363 which prohibited Plaintiff Atkinson from renewing his State
29364 Emergency Medical Technician License due to the OEMS refused
29365 to post courses which the Plaintiff had completed.

29367 996. On June 3, 2009, PAUL COFFEY in his official capacity, while
29368 acting under color of law and individually as an OEMS
29369 Investigator for Commonwealth of Massachusetts; ABDULLAH
29370 REHAYEM in his official capacity, while acting under color of
29371 law and individually as an OEMS Director for Commonwealth of
29372 Massachusetts; RENEE D. LAKE in her official capacity, while
29373 acting under color of law and individually as an OEMS
29374 Compliance Coordinator for Commonwealth of Massachusetts; M.
29375 THOMAS QUAIL in his official capacity, while acting under color
29376 of law and individually as an OEMS Clinical Coordinator for
29377 Commonwealth of Massachusetts; BRENDAN MURPHY in his
29378 official capacity, while acting under color of law and individually
29379 as an OEMS Investigator for Commonwealth of Massachusetts;

29380 with other defendants violate, deprive, or infringe upon the civil
29381 rights of Plaintiff James M. Atkinson for the purposes of personal,
29382 political, and professional gains, without just cause, or lawful
29383 authority and did engage in a Scheme to Defraud, Violation of Due
29384 Process and Conspiracy against Plaintiff James M. Atkinson in
29385 contravention of law. and did refuse to post **7 hours of credit** for a
29386 **Continuing Education EMT Course entitled “Shock Symposium”**
29387 **taught by Harvard Medical School, in Boston, MA on 5/29/2009,**
29388 which prohibited Plaintiff Atkinson from renewing his State
29389 Emergency Medical Technician License due to the OEMS refused
29390 to post courses which the Plaintiff had completed.

29391
29392 997. On January 25, 2010, PAUL COFFEY in his official capacity,
29393 while acting under color of law and individually as an OEMS
29394 Investigator for Commonwealth of Massachusetts; ABDULLAH
29395 REHAYEM in his official capacity, while acting under color of
29396 law and individually as an OEMS Director for Commonwealth of
29397 Massachusetts; RENEE D. LAKE in her official capacity, while
29398 acting under color of law and individually as an OEMS
29399 Compliance Coordinator for Commonwealth of Massachusetts; M.

29400 THOMAS QUAIL in his official capacity, while acting under color
29401 of law and individually as an OEMS Clinical Coordinator for
29402 Commonwealth of Massachusetts; BRENDAN MURPHY in his
29403 official capacity, while acting under color of law and individually
29404 as an OEMS Investigator for Commonwealth of Massachusetts;
29405 with other defendants violate, deprive, or infringe upon the civil
29406 rights of Plaintiff James M. Atkinson for the purposes of personal,
29407 political, and professional gains, without just cause, or lawful
29408 authority and did engage in a Scheme to Defraud, Violation of Due
29409 Process and Conspiracy against Plaintiff James M. Atkinson in
29410 contravention of law. and did **refuse to post 100 hours of credit**
29411 **for a Continuing Education EMT Course entitled “Bio 103 -**
29412 **Anatomy and Physiology #1” taught by North Shore Community**
29413 **College, in Danvers, MA on** Fall 2009, which prohibited Plaintiff
29414 Atkinson from renewing his State Emergency Medical Technician
29415 License due to the OEMS refused to post courses which the
29416 Plaintiff had completed.

29417
29418 998. On January 25, 2010, PAUL COFFEY in his official capacity,
29419 while acting under color of law and individually as an OEMS

29420 Investigator for Commonwealth of Massachusetts; ABDULLAH
29421 REHAYEM in his official capacity, while acting under color of
29422 law and individually as an OEMS Director for Commonwealth of
29423 Massachusetts; RENEE D. LAKE in her official capacity, while
29424 acting under color of law and individually as an OEMS
29425 Compliance Coordinator for Commonwealth of Massachusetts; M.
29426 THOMAS QUAIL in his official capacity, while acting under color
29427 of law and individually as an OEMS Clinical Coordinator for
29428 Commonwealth of Massachusetts; BRENDAN MURPHY in his
29429 official capacity, while acting under color of law and individually
29430 as an OEMS Investigator for Commonwealth of Massachusetts;
29431 with other defendants violate, deprive, or infringe upon the civil
29432 rights of Plaintiff James M. Atkinson for the purposes of personal,
29433 political, and professional gains, without just cause, or lawful
29434 authority and did engage in a Scheme to Defraud, Violation of Due
29435 Process and Conspiracy against Plaintiff James M. Atkinson in
29436 contravention of law. and did refuse to post **40 hours of credit** for
29437 **a Continuing Education EMT Course entitled “Bio 108 – Body in**
29438 **Health and Disease” taught by North Shore Community College, in**
29439 **Danvers, MA on** Fall 2009, which prohibited Plaintiff Atkinson

29440 from renewing his State Emergency Medical Technician License
29441 due to the OEMS refused to post courses which the Plaintiff had
29442 completed.

29443

29444 999. On August 25, 2010, PAUL COFFEY in his official capacity,
29445 while acting under color of law and individually as an OEMS
29446 Investigator for Commonwealth of Massachusetts; ABDULLAH
29447 REHAYEM in his official capacity, while acting under color of
29448 law and individually as an OEMS Director for Commonwealth of
29449 Massachusetts; RENEE D. LAKE in her official capacity, while
29450 acting under color of law and individually as an OEMS
29451 Compliance Coordinator for Commonwealth of Massachusetts; M.
29452 THOMAS QUAIL in his official capacity, while acting under color
29453 of law and individually as an OEMS Clinical Coordinator for
29454 Commonwealth of Massachusetts; BRENDAN MURPHY in his
29455 official capacity, while acting under color of law and individually
29456 as an OEMS Investigator for Commonwealth of Massachusetts;
29457 with other defendants violate, deprive, or infringe upon the civil
29458 rights of Plaintiff James M. Atkinson for the purposes of personal,
29459 political, and professional gains, without just cause, or lawful

29460 authority and did engage in a Scheme to Defraud, Violation of Due
29461 Process and Conspiracy against Plaintiff James M. Atkinson in
29462 contravention of law and did refuse to post **60 hours of credit** for
29463 a Continuing Education EMT Course entitled “Pre-Paramedic,
29464 Introduction to Cardiology, EKG, and ACLS” taught by North
29465 Shore Community College, in Danvers, MA in Fall 2009, which
29466 prohibited Plaintiff Atkinson from renewing his State Emergency
29467 Medical Technician License due to the OEMS refused to post
29468 courses which the Plaintiff had completed.

29469
29470 1000. On August 25, 2010, PAUL COFFEY in his official capacity,
29471 while acting under color of law and individually as an OEMS
29472 Investigator for Commonwealth of Massachusetts; ABDULLAH
29473 REHAYEM in his official capacity, while acting under color of
29474 law and individually as an OEMS Director for Commonwealth of
29475 Massachusetts; RENEE D. LAKE in her official capacity, while
29476 acting under color of law and individually as an OEMS
29477 Compliance Coordinator for Commonwealth of Massachusetts; M.
29478 THOMAS QUAIL in his official capacity, while acting under color
29479 of law and individually as an OEMS Clinical Coordinator for

29480 Commonwealth of Massachusetts; BRENDAN MURPHY in his
29481 official capacity, while acting under color of law and individually
29482 as an OEMS Investigator for Commonwealth of Massachusetts;
29483 with other defendants violate, deprive, or infringe upon the civil
29484 rights of Plaintiff James M. Atkinson for the purposes of personal,
29485 political, and professional gains, without just cause, or lawful
29486 authority and did engage in a Scheme to Defraud, Violation of Due
29487 Process and Conspiracy against Plaintiff James M. Atkinson in
29488 contravention of law and did **refuse to post 24 hours of credit for**
29489 **a Continuing Education EMT Course entitled “EMT Update –**
29490 **Refresher Training Program (4 credits)” taught by North Shore**
29491 **Community College, in Danvers, MA in** Fall 2009, which
29492 prohibited Plaintiff Atkinson from renewing his State Emergency
29493 Medical Technician License due to the OEMS refused to post
29494 courses which the Plaintiff had completed.

29495
29496 1001. On December 11, 2009, Defendant Margaret J. Henehan in her
29497 official capacity, while acting under color of law and individually
29498 as a OGC for Commonwealth of Massachusetts, Office of
29499 Emergency Services in Boston, MA; ABDULLAH REHAYEM in

29500 his official capacity, while acting under color of law and
29501 individually as an OEMS Director for Commonwealth of
29502 Massachusetts in Boston, MA; JOHN AUERBACH in his official
29503 capacity, while acting under color of law and individually as the
29504 Commissioner, Department of Public Health for Commonwealth of
29505 Massachusetts; MARK SCHMINK in his official capacity, while
29506 acting under color of law and individually as a Police Officer for
29507 Town of Rockport, Rockport, MA; engage a Scheme to Defraud,
29508 and did violate the civil rights of Plaintiff Atkinson indefinitely
29509 and did suspend the State issued Emergency Medical Technicians
29510 License of Plaintiff without Due Process, and as a extra-judicial
29511 punishment, and did violate the 2nd, 4th, 5th, and 14th Amendment
29512 Rights of Plaintiff Atkinson, as well as engaged in Conspiracy,
29513 Mail Fraud, Wire Fraud, Scheme to Defraud. Indeed Plaintiff
29514 Atkinson was charged with acts which were not actually illegal in
29515 this Country, and which are protected activities, privileges, and
29516 immunities of U.S. Citizenship by Federal Law, as interpreted by
29517 the U.S. Supreme Court.

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**Research Electronics Conspiracy
Civil Right Violations, Export Fraud,**

**Arms Smuggling, RICO Violations,
and other Unlawful Acts**

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1002. From a period of time spanning from approximate April 2002 to March 2012, THOMAS H. JONES individually and as an Owner for Research Electronics International, LLC (and predecessors); BRUCE BARSUMIAN individually and as an Owner for Research Electronics International, LLC (and predecessors); MICHELLE GAW individually and as a Sales Person for Research Electronics International, LLC (and predecessors); TRISH WEBB individually and as an Accounting Manager for Research Electronics International, LLC (and predecessors); PAMELA MCINTYRE individually and as an Employee for Research Electronics International, LLC (and predecessors); LEE JONES individually and as a Sales Manager for Research Electronics International, LLC (and predecessors); ARLENE J. BARSUMIAN individually and as an Owner for Research Electronics International, LLC (and predecessors) and A and L Enterprises; DARLENE JONES (aka: LISA JONES) individually and as an Owner for Research Electronics International, LLC (and predecessors) and A and L Enterprises;

29542 ARTURO DIAZ (aka: ART DIAZ) individually and as an
29543 Salesperson and Export Manager for Research Electronics
29544 International, LLC (and predecessors); NICOLE RODGERS
29545 individually and as a Sales Person and Exporter for Research
29546 Electronics International, LLC (and predecessors); DEAN
29547 BUTLER (aka: CLYDEAN BUTLER) individually and as an a
29548 Notary Public, Officer Manager, Sales Person, and Exporter for
29549 Research Electronics International, LLC (and predecessors);
29550 LINDA SISCO individually and as an a Sales Person, Exporter,
29551 and Purchasing Agent for Research Electronics International, LLC
29552 (and predecessors); MARK S. UKER individually and as an
29553 Instructor for Research Electronics International, LLC (and
29554 predecessors); CRISMAN MCSPADDEN individually and as an
29555 Instructor for Research Electronics International, LLC (and
29556 predecessors); STEPHANIE HOEPPNER individually and as an
29557 Instructor for Research Electronics International, LLC (and
29558 predecessors); ROGER WERRIES individually and as an
29559 Instructor for Research Electronics International, LLC (and
29560 predecessors); MATT WINNINGHAM individually and as an
29561 Instructor for Research Electronics International, LLC (and

29562 predecessors); MIKE MILLER individually and as an Accounting
29563 Manager for Research Electronics International, LLC (and
29564 predecessors); SEAN M. KELLY individually and as an Engineer,
29565 Engineering Supervisor, Instructor and Exporter for Research
29566 Electronics International, LLC (and predecessors); SARAH BETH
29567 JONES individually and as an Sales Person, and Office Assistant
29568 for Research Electronics International, LLC (and predecessors);
29569 KIMBERLY JONES individually and as a Marketing Consultant
29570 for Research Electronics International, LLC (and predecessors);
29571 BRAD HENSLEY individually and as a Shipping Manager for
29572 Research Electronics International, LLC (and predecessors); in
29573 Algood, Tennessee and Cookeville, Tennessee did with others for
29574 the purposes of personal, political, and professional gains, without
29575 just cause, or lawful authority and did commit conspiracy against
29576 Plaintiff James M. Atkinson in Rockport, Massachusetts. By
29577 means of an organized effort to deprive Plaintiff of sales, profits,
29578 and sales commissions, and to conspire to steal customers, and to
29579 smuggle arms,

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29581

29582 1003. From a period of time spanning from approximate February 16,
29583 1990 to March 2012, THOMAS H. JONES individually and as an
29584 Owner for Research Electronics International, LLC (and
29585 predecessors) (and it predecessors); BRUCE BARSUMIAN
29586 individually and as an Owner for Research Electronics
29587 International, LLC (and predecessors); MICHELLE GAW
29588 individually and as a Sales Person for Research Electronics
29589 International, LLC (and predecessors); TRISH WEBB individually
29590 and as an Accounting Manager for Research Electronics
29591 International, LLC (and predecessors); PAMELA MCINTYRE
29592 individually and as an Employee for Research Electronics
29593 International, LLC (and predecessors); LEE JONES individually
29594 and as a Sales Manager for Research Electronics International,
29595 LLC (and predecessors); ARLENE J. BARSUMIAN individually
29596 and as an Owner for Research Electronics International, LLC (and
29597 predecessors) and A and L Enterprises; DARLENE JONES (aka:
29598 LISA JONES) individually and as an Owner for Research
29599 Electronics International, LLC (and predecessors) and A and L
29600 Enterprises; ARTURO DIAZ (aka: ART DIAZ) individually and
29601 as an Salesperson and Export Manager for Research Electronics

29602 International, LLC (and predecessors); NICOLE RODGERS
29603 individually and as a Sales Person and Exporter for Research
29604 Electronics International, LLC (and predecessors); DEAN
29605 BUTLER (aka: CLYDEAN BUTLER) individually and as an a
29606 Notary Public, Officer Manager, Sales Person, and Exporter for
29607 Research Electronics International, LLC (and predecessors);
29608 LINDA SISCO individually and as an a Sales Person, Exporter,
29609 and Purchasing Agent for Research Electronics International, LLC
29610 (and predecessors); MARK S. UKER individually and as an
29611 Instructor for Research Electronics International, LLC (and
29612 predecessors); CRISMAN MCSPADDEN individually and as an
29613 Instructor for Research Electronics International, LLC (and
29614 predecessors); STEPHANIE HOEPPNER individually and as an
29615 Instructor for Research Electronics International, LLC (and
29616 predecessors); ROGER WERRIES individually and as an
29617 Instructor for Research Electronics International, LLC (and
29618 predecessors); MATT WINNINGHAM individually and as an
29619 Instructor for Research Electronics International, LLC (and
29620 predecessors); MIKE MILLER individually and as an Accounting
29621 Manager for Research Electronics International, LLC (and

29622 predecessors); SEAN M. KELLY individually and as an Engineer,
29623 Engineering Supervisor, Instructor and Exporter for Research
29624 Electronics International, LLC (and predecessors); SARAH BETH
29625 JONES individually and as an Sales Person, and Office Assistant
29626 for Research Electronics International, LLC (and predecessors);
29627 KIMBERLY JONES individually and as a Marketing Consultant
29628 for Research Electronics International, LLC (and predecessors);
29629 BRAD HENSLEY individually and as a Shipping Manager for
29630 Research Electronics International, LLC (and predecessors); in
29631 Algood, Tennessee and Cookeville, Tennessee did with others for
29632 the purposes of personal, political, and professional gains, without
29633 just cause, or lawful authority and did commit violations of the
29634 Foreign Relations Authorization Act, Fiscal Years 1990 and 1991
29635 (Public Law 101-246) against Plaintiff James M. Atkinson in
29636 Rockport, Massachusetts. By means of unlawfully, and repeatedly
29637 shipping arms to China both directly and by way of illegal brokers.

29638
29639 1004. From a period of time spanning from approximate December
29640 1995 to March 2012, THOMAS H. JONES individually and as an
29641 Owner for Research Electronics International, LLC (and

29642 predecessors) (and predecessors); BRUCE BARSUMIAN
29643 individually and as an Owner for Research Electronics
29644 International, LLC (and predecessors); MICHELLE GAW
29645 individually and as a Sales Person for Research Electronics
29646 International, LLC (and predecessors); TRISH WEBB individually
29647 and as an Accounting Manager for Research Electronics
29648 International, LLC (and predecessors); PAMELA MCINTYRE
29649 individually and as an Employee for Research Electronics
29650 International, LLC (and predecessors); LEE JONES individually
29651 and as a Sales Manager for Research Electronics International,
29652 LLC (and predecessors); ARLENE J. BARSUMIAN individually
29653 and as an Owner for Research Electronics International, LLC (and
29654 predecessors) and A and L Enterprises; DARLENE JONES (aka:
29655 LISA JONES) individually and as an Owner for Research
29656 Electronics International, LLC (and predecessors) and A and L
29657 Enterprises; ARTURO DIAZ (aka: ART DIAZ) individually and
29658 as an Salesperson and Export Manager for Research Electronics
29659 International, LLC (and predecessors); NICOLE RODGERS
29660 individually and as a Sales Person and Exporter for Research
29661 Electronics International, LLC (and predecessors); DEAN

29662 BUTLER (aka: CLYDEAN BUTLER) individually and as an a
29663 Notary Public, Officer Manager, Sales Person, and Exporter for
29664 Research Electronics International, LLC (and predecessors);
29665 LINDA SISCO individually and as an a Sales Person, Exporter,
29666 and Purchasing Agent for Research Electronics International, LLC
29667 (and predecessors); MARK S. UKER individually and as an
29668 Instructor for Research Electronics International, LLC (and
29669 predecessors); CRISMAN MCSPADDEN individually and as an
29670 Instructor for Research Electronics International, LLC (and
29671 predecessors); STEPHANIE HOEPPNER individually and as an
29672 Instructor for Research Electronics International, LLC (and
29673 predecessors); ROGER WERRIES individually and as an
29674 Instructor for Research Electronics International, LLC (and
29675 predecessors); MATT WINNINGHAM individually and as an
29676 Instructor for Research Electronics International, LLC (and
29677 predecessors); MIKE MILLER individually and as an Accounting
29678 Manager for Research Electronics International, LLC (and
29679 predecessors); SEAN M. KELLY individually and as an Engineer,
29680 Engineering Supervisor, Instructor and Exporter for Research
29681 Electronics International, LLC (and predecessors); SARAH BETH

29682 JONES individually and as an Sales Person, and Office Assistant
29683 for Research Electronics International, LLC (and predecessors);
29684 KIMBERLY JONES individually and as a Marketing Consultant
29685 for Research Electronics International, LLC (and predecessors);
29686 BRAD HENSLEY individually and as a Shipping Manager for
29687 Research Electronics International, LLC (and predecessors); in
29688 Algood, Tennessee and Cookeville, Tennessee did with others for
29689 the purposes of personal, political, and professional gains, without
29690 just cause, or lawful authority and did commit violations of 22
29691 CFR, § 120 – 130 ITAR, Munitions Control List, implementing the
29692 M.L. 11.a.c. section of the International Arm Control Treaty called
29693 the: “Wassenaar Arrangement” against Plaintiff James M.
29694 Atkinson in Rockport, Massachusetts. By means of manufacturing
29695 arm absent licensure to do so.

29696
29697 1005. From a period of time spanning from approximate December
29698 1995 to March 2012, THOMAS H. JONES individually and as an
29699 Owner for Research Electronics International, LLC (and
29700 predecessors) (and predecessors); BRUCE BARSUMIAN
29701 individually and as an Owner for Research Electronics

29702 International, LLC (and predecessors); MICHELLE GAW
29703 individually and as a Sales Person for Research Electronics
29704 International, LLC (and predecessors); TRISH WEBB individually
29705 and as an Accounting Manager for Research Electronics
29706 International, LLC (and predecessors); PAMELA MCINTYRE
29707 individually and as an Employee for Research Electronics
29708 International, LLC (and predecessors); LEE JONES individually
29709 and as a Sales Manager for Research Electronics International,
29710 LLC (and predecessors); ARLENE J. BARSUMIAN individually
29711 and as an Owner for Research Electronics International, LLC (and
29712 predecessors) and A and L Enterprises; DARLENE JONES (aka:
29713 LISA JONES) individually and as an Owner for Research
29714 Electronics International, LLC (and predecessors) and A and L
29715 Enterprises; ARTURO DIAZ (aka: ART DIAZ) individually and
29716 as an Salesperson and Export Manager for Research Electronics
29717 International, LLC (and predecessors); NICOLE RODGERS
29718 individually and as a Sales Person and Exporter for Research
29719 Electronics International, LLC (and predecessors); DEAN
29720 BUTLER (aka: CLYDEAN BUTLER) individually and as an a
29721 Notary Public, Officer Manager, Sales Person, and Exporter for

29722 Research Electronics International, LLC (and predecessors);
29723 LINDA SISCO individually and as an a Sales Person, Exporter,
29724 and Purchasing Agent for Research Electronics International, LLC
29725 (and predecessors); MARK S. UKER individually and as an
29726 Instructor for Research Electronics International, LLC (and
29727 predecessors); CRISMAN MCSPADDEN individually and as an
29728 Instructor for Research Electronics International, LLC (and
29729 predecessors); STEPHANIE HOEPPNER individually and as an
29730 Instructor for Research Electronics International, LLC (and
29731 predecessors); ROGER WERRIES individually and as an
29732 Instructor for Research Electronics International, LLC (and
29733 predecessors); MATT WINNINGHAM individually and as an
29734 Instructor for Research Electronics International, LLC (and
29735 predecessors); MIKE MILLER individually and as an Accounting
29736 Manager for Research Electronics International, LLC (and
29737 predecessors); SEAN M. KELLY individually and as an Engineer,
29738 Engineering Supervisor, Instructor and Exporter for Research
29739 Electronics International, LLC (and predecessors); SARAH BETH
29740 JONES individually and as an Sales Person, and Office Assistant
29741 for Research Electronics International, LLC (and predecessors);

29742 KIMBERLY JONES individually and as a Marketing Consultant
29743 for Research Electronics International, LLC (and predecessors);
29744 BRAD HENSLEY individually and as a Shipping Manager for
29745 Research Electronics International, LLC (and predecessors); in
29746 Algood, Tennessee and Cookeville, Tennessee did with others for
29747 the purposes of personal, political, and professional gains, without
29748 just cause, or lawful authority and did commit violations of 22
29749 CFR, § 120 – 130 ITAR, Munitions Control List, implementing the
29750 M.L. 11.a.c. section of the International Arm Control Treaty called
29751 the: “Wassenaar Arrangement” against Plaintiff James M.
29752 Atkinson in Rockport, Massachusetts. By means of exporting arms
29753 absent licensure to do so.

29754
29755 1006. From a period of time spanning from approximate December
29756 1995 to March 2012, THOMAS H. JONES individually and as an
29757 Owner for Research Electronics International, LLC (and
29758 predecessors) (and predecessors); BRUCE BARSUMIAN
29759 individually and as an Owner for Research Electronics
29760 International, LLC (and predecessors); MICHELLE GAW
29761 individually and as a Sales Person for Research Electronics

29762 International, LLC (and predecessors); TRISH WEBB individually
29763 and as an Accounting Manager for Research Electronics
29764 International, LLC (and predecessors); PAMELA MCINTYRE
29765 individually and as an Employee for Research Electronics
29766 International, LLC (and predecessors); LEE JONES individually
29767 and as a Sales Manager for Research Electronics International,
29768 LLC (and predecessors); ARLENE J. BARSUMIAN individually
29769 and as an Owner for Research Electronics International, LLC (and
29770 predecessors) and A and L Enterprises; DARLENE JONES (aka:
29771 LISA JONES) individually and as an Owner for Research
29772 Electronics International, LLC (and predecessors) and A and L
29773 Enterprises; ARTURO DIAZ (aka: ART DIAZ) individually and
29774 as an Salesperson and Export Manager for Research Electronics
29775 International, LLC (and predecessors); NICOLE RODGERS
29776 individually and as a Sales Person and Exporter for Research
29777 Electronics International, LLC (and predecessors); DEAN
29778 BUTLER (aka: CLYDEAN BUTLER) individually and as an a
29779 Notary Public, Officer Manager, Sales Person, and Exporter for
29780 Research Electronics International, LLC (and predecessors);
29781 LINDA SISCO individually and as an a Sales Person, Exporter,

29782 and Purchasing Agent for Research Electronics International, LLC
29783 (and predecessors); MARK S. UKER individually and as an
29784 Instructor for Research Electronics International, LLC (and
29785 predecessors); CRISMAN MCSPADDEN individually and as an
29786 Instructor for Research Electronics International, LLC (and
29787 predecessors); STEPHANIE HOEPPNER individually and as an
29788 Instructor for Research Electronics International, LLC (and
29789 predecessors); ROGER WERRIES individually and as an
29790 Instructor for Research Electronics International, LLC (and
29791 predecessors); MATT WINNINGHAM individually and as an
29792 Instructor for Research Electronics International, LLC (and
29793 predecessors); MIKE MILLER individually and as an Accounting
29794 Manager for Research Electronics International, LLC (and
29795 predecessors); SEAN M. KELLY individually and as an Engineer,
29796 Engineering Supervisor, Instructor and Exporter for Research
29797 Electronics International, LLC (and predecessors); SARAH BETH
29798 JONES individually and as an Sales Person, and Office Assistant
29799 for Research Electronics International, LLC (and predecessors);
29800 KIMBERLY JONES individually and as a Marketing Consultant
29801 for Research Electronics International, LLC (and predecessors);

29802 BRAD HENSLEY individually and as a Shipping Manager for
29803 Research Electronics International, LLC (and predecessors); in
29804 Algood, Tennessee and Cookeville, Tennessee did with others for
29805 the purposes of personal, political, and professional gains, without
29806 just cause, or lawful authority and did commit violations of 22
29807 CFR, § 120 – 130 ITAR, Munitions Control List, implementing the
29808 M.L. 11.a.c. section of the International Arm Control Treaty called
29809 the: “Wassenaar Arrangement” against Plaintiff James M.
29810 Atkinson in Rockport, Massachusetts. By means of exporting
29811 defense services to include training absent licensure to do so.

29812
29813 1007. From a period of time spanning from approximate December
29814 1995 to March 2012, THOMAS H. JONES individually and as an
29815 Owner for Research Electronics International, LLC (and
29816 predecessors) (and predecessors); BRUCE BARSUMIAN
29817 individually and as an Owner for Research Electronics
29818 International, LLC (and predecessors); MICHELLE GAW
29819 individually and as a Sales Person for Research Electronics
29820 International, LLC (and predecessors); TRISH WEBB individually
29821 and as an Accounting Manager for Research Electronics

29822 International, LLC (and predecessors); PAMELA MCINTYRE
29823 individually and as an Employee for Research Electronics
29824 International, LLC (and predecessors); LEE JONES individually
29825 and as a Sales Manager for Research Electronics International,
29826 LLC (and predecessors); ARLENE J. BARSUMIAN individually
29827 and as an Owner for Research Electronics International, LLC (and
29828 predecessors) and A and L Enterprises; DARLENE JONES (aka:
29829 LISA JONES) individually and as an Owner for Research
29830 Electronics International, LLC (and predecessors) and A and L
29831 Enterprises; ARTURO DIAZ (aka: ART DIAZ) individually and
29832 as an Salesperson and Export Manager for Research Electronics
29833 International, LLC (and predecessors); NICOLE RODGERS
29834 individually and as a Sales Person and Exporter for Research
29835 Electronics International, LLC (and predecessors); DEAN
29836 BUTLER (aka: CLYDEAN BUTLER) individually and as an a
29837 Notary Public, Officer Manager, Sales Person, and Exporter for
29838 Research Electronics International, LLC (and predecessors);
29839 LINDA SISCO individually and as an a Sales Person, Exporter,
29840 and Purchasing Agent for Research Electronics International, LLC
29841 (and predecessors); MARK S. UKER individually and as an

29842 Instructor for Research Electronics International, LLC (and
29843 predecessors); CRISMAN MCSPADDEN individually and as an
29844 Instructor for Research Electronics International, LLC (and
29845 predecessors); STEPHANIE HOEPPNER individually and as an
29846 Instructor for Research Electronics International, LLC (and
29847 predecessors); ROGER WERRIES individually and as an
29848 Instructor for Research Electronics International, LLC (and
29849 predecessors); MATT WINNINGHAM individually and as an
29850 Instructor for Research Electronics International, LLC (and
29851 predecessors); MIKE MILLER individually and as an Accounting
29852 Manager for Research Electronics International, LLC (and
29853 predecessors); SEAN M. KELLY individually and as an Engineer,
29854 Engineering Supervisor, Instructor and Exporter for Research
29855 Electronics International, LLC (and predecessors); SARAH BETH
29856 JONES individually and as an Sales Person, and Office Assistant
29857 for Research Electronics International, LLC (and predecessors);
29858 KIMBERLY JONES individually and as a Marketing Consultant
29859 for Research Electronics International, LLC (and predecessors);
29860 BRAD HENSLEY individually and as a Shipping Manager for
29861 Research Electronics International, LLC (and predecessors); in

29862 Algood, Tennessee and Cookeville, Tennessee did with others for
29863 the purposes of personal, political, and professional gains, without
29864 just cause, or lawful authority and did commit violations of 22
29865 CFR, § 120 – 130 ITAR, Munitions Control List, implementing the
29866 M.L. 11.a.c. section of the International Arm Control Treaty called
29867 the: “Wassenaar Arrangement” against Plaintiff James M.
29868 Atkinson in Rockport, Massachusetts. By means of training Non-
29869 U.S. Citizens in military arms absent licensure to do so.
29870
29871 1008. From a period of time spanning from approximate December
29872 1995 to March 2012, THOMAS H. JONES individually and as an
29873 Owner for Research Electronics International, LLC (and
29874 predecessors) (and predecessors); BRUCE BARSUMIAN
29875 individually and as an Owner for Research Electronics
29876 International, LLC (and predecessors); MICHELLE GAW
29877 individually and as a Sales Person for Research Electronics
29878 International, LLC (and predecessors); TRISH WEBB individually
29879 and as an Accounting Manager for Research Electronics
29880 International, LLC (and predecessors); PAMELA MCINTYRE
29881 individually and as an Employee for Research Electronics

29882 International, LLC (and predecessors); LEE JONES individually
29883 and as a Sales Manager for Research Electronics International,
29884 LLC (and predecessors); ARLENE J. BARSUMIAN individually
29885 and as an Owner for Research Electronics International, LLC (and
29886 predecessors) and A and L Enterprises; DARLENE JONES (aka:
29887 LISA JONES) individually and as an Owner for Research
29888 Electronics International, LLC (and predecessors) and A and L
29889 Enterprises; ARTURO DIAZ (aka: ART DIAZ) individually and
29890 as an Salesperson and Export Manager for Research Electronics
29891 International, LLC (and predecessors); NICOLE RODGERS
29892 individually and as a Sales Person and Exporter for Research
29893 Electronics International, LLC (and predecessors); DEAN
29894 BUTLER (aka: CLYDEAN BUTLER) individually and as an a
29895 Notary Public, Officer Manager, Sales Person, and Exporter for
29896 Research Electronics International, LLC (and predecessors);
29897 LINDA SISCO individually and as an a Sales Person, Exporter,
29898 and Purchasing Agent for Research Electronics International, LLC
29899 (and predecessors); MARK S. UKER individually and as an
29900 Instructor for Research Electronics International, LLC (and
29901 predecessors); CRISMAN MCSPADDEN individually and as an

29902 Instructor for Research Electronics International, LLC (and
29903 predecessors); STEPHANIE HOEPPNER individually and as an
29904 Instructor for Research Electronics International, LLC (and
29905 predecessors); ROGER WERRIES individually and as an
29906 Instructor for Research Electronics International, LLC (and
29907 predecessors); MATT WINNINGHAM individually and as an
29908 Instructor for Research Electronics International, LLC (and
29909 predecessors); MIKE MILLER individually and as an Accounting
29910 Manager for Research Electronics International, LLC (and
29911 predecessors); SEAN M. KELLY individually and as an Engineer,
29912 Engineering Supervisor, Instructor and Exporter for Research
29913 Electronics International, LLC (and predecessors); SARAH BETH
29914 JONES individually and as an Sales Person, and Office Assistant
29915 for Research Electronics International, LLC (and predecessors);
29916 KIMBERLY JONES individually and as a Marketing Consultant
29917 for Research Electronics International, LLC (and predecessors);
29918 BRAD HENSLEY individually and as a Shipping Manager for
29919 Research Electronics International, LLC (and predecessors); in
29920 Algood, Tennessee and Cookeville, Tennessee did with others for
29921 the purposes of personal, political, and professional gains, without

29922 just cause, or lawful authority and did commit violations of 22
29923 CFR, § 120 – 130 ITAR, Munitions Control List, implementing the
29924 M.L. 11.a.c. section of the International Arm Control Treaty called
29925 the: “Wassenaar Arrangement” against Plaintiff James M.
29926 Atkinson in Rockport, Massachusetts. By means of exporting
29927 classified and defense information absent licensure to do so.
29928
29929 1009. From a period of time spanning from approximate February 1,
29930 2002 to March 5, 2012, THOMAS H. JONES individually and as
29931 an Owner for Research Electronics International, LLC (and
29932 predecessors); BRUCE BARSUMIAN individually and as an
29933 Owner for Research Electronics International, LLC (and
29934 predecessors); MICHELLE GAW individually and as a Sales
29935 Person for Research Electronics International, LLC (and
29936 predecessors); TRISH WEBB individually and as an Accounting
29937 Manager for Research Electronics International, LLC (and
29938 predecessors); PAMELA MCINTYRE individually and as an
29939 Employee for Research Electronics International, LLC (and
29940 predecessors); LEE JONES individually and as a Sales Manager
29941 for Research Electronics International, LLC (and predecessors);

29942 ARLENE J. BARSUMIAN individually and as an Owner for
29943 Research Electronics International, LLC (and predecessors) and A
29944 and L Enterprises; DARLENE JONES (aka: LISA JONES)
29945 individually and as an Owner for Research Electronics
29946 International, LLC (and predecessors) and A and L Enterprises;
29947 ARTURO DIAZ (aka: ART DIAZ) individually and as an
29948 Salesperson and Export Manager for Research Electronics
29949 International, LLC (and predecessors); NICOLE RODGERS
29950 individually and as a Sales Person and Exporter for Research
29951 Electronics International, LLC (and predecessors); DEAN
29952 BUTLER (aka: CLYDEAN BUTLER) individually and as an a
29953 Notary Public, Officer Manager, Sales Person, and Exporter for
29954 Research Electronics International, LLC (and predecessors);
29955 LINDA SISCO individually and as an a Sales Person, Exporter,
29956 and Purchasing Agent for Research Electronics International, LLC
29957 (and predecessors); MARK S. UKER individually and as an
29958 Instructor for Research Electronics International, LLC (and
29959 predecessors); CRISMAN MCSPADDEN individually and as an
29960 Instructor for Research Electronics International, LLC (and
29961 predecessors); STEPHANIE HOEPPNER individually and as an

29962 Instructor for Research Electronics International, LLC (and
29963 predecessors); ROGER WERRIES individually and as an
29964 Instructor for Research Electronics International, LLC (and
29965 predecessors); MATT WINNINGHAM individually and as an
29966 Instructor for Research Electronics International, LLC (and
29967 predecessors); MIKE MILLER individually and as an Accounting
29968 Manager for Research Electronics International, LLC (and
29969 predecessors); SEAN M. KELLY individually and as an Engineer,
29970 Engineering Supervisor, Instructor and Exporter for Research
29971 Electronics International, LLC (and predecessors); SARAH BETH
29972 JONES individually and as an Sales Person, and Office Assistant
29973 for Research Electronics International, LLC (and predecessors);
29974 KIMBERLY JONES individually and as a Marketing Consultant
29975 for Research Electronics International, LLC (and predecessors);
29976 BRAD HENSLEY individually and as a Shipping Manager for
29977 Research Electronics International, LLC (and predecessors); in
29978 Algood, Tennessee and Cookeville, Tennessee did with others for
29979 the purposes of personal, political, and professional gains, without
29980 just cause, or lawful authority and did commit violations of the U.S.
29981 H.R. 3162, Public Law 107-56), Title III, Subtitle A, Sec. 315

29982 “USA PATRIOT Act” against Plaintiff James M. Atkinson in
29983 Rockport, Massachusetts. By means of exporting arms, providing
29984 arms training to foreign nationals, providing arms to foreign
29985 nations inside the United States so that they may be used against
29986 the government of the United States and against U.S. Citizens, and
29987 other related actions.

29988
29989 1010. From a period of time spanning from approximate August 2007
29990 to March 2012, THOMAS H. JONES individually and as an
29991 Owner for Research Electronics International, LLC (and
29992 predecessors); BRUCE BARSUMIAN individually and as an
29993 Owner for Research Electronics International, LLC (and
29994 predecessors); MICHELLE GAW individually and as a Sales
29995 Person for Research Electronics International, LLC (and
29996 predecessors); TRISH WEBB individually and as an Accounting
29997 Manager for Research Electronics International, LLC (and
29998 predecessors); PAMELA MCINTYRE individually and as an
29999 Employee for Research Electronics International, LLC (and
30000 predecessors); LEE JONES individually and as a Sales Manager
30001 for Research Electronics International, LLC (and predecessors);

30002 ARLENE J. BARSUMIAN individually and as an Owner for
30003 Research Electronics International, LLC (and predecessors) and A
30004 and L Enterprises; DARLENE JONES (aka: LISA JONES)
30005 individually and as an Owner for Research Electronics
30006 International, LLC (and predecessors) and A and L Enterprises;
30007 ARTURO DIAZ (aka: ART DIAZ) individually and as an
30008 Salesperson and Export Manager for Research Electronics
30009 International, LLC (and predecessors); NICOLE RODGERS
30010 individually and as a Sales Person and Exporter for Research
30011 Electronics International, LLC (and predecessors); DEAN
30012 BUTLER (aka: CLYDEAN BUTLER) individually and as an a
30013 Notary Public, Officer Manager, Sales Person, and Exporter for
30014 Research Electronics International, LLC (and predecessors);
30015 LINDA SISCO individually and as an a Sales Person, Exporter,
30016 and Purchasing Agent for Research Electronics International, LLC
30017 (and predecessors); MARK S. UKER individually and as an
30018 Instructor for Research Electronics International, LLC (and
30019 predecessors); CRISMAN MCSPADDEN individually and as an
30020 Instructor for Research Electronics International, LLC (and
30021 predecessors); STEPHANIE HOEPPNER individually and as an

30022 Instructor for Research Electronics International, LLC (and
30023 predecessors); ROGER WERRIES individually and as an
30024 Instructor for Research Electronics International, LLC (and
30025 predecessors); MATT WINNINGHAM individually and as an
30026 Instructor for Research Electronics International, LLC (and
30027 predecessors); MIKE MILLER individually and as an Accounting
30028 Manager for Research Electronics International, LLC (and
30029 predecessors); SEAN M. KELLY individually and as an Engineer,
30030 Engineering Supervisor, Instructor and Exporter for Research
30031 Electronics International, LLC (and predecessors); SARAH BETH
30032 JONES individually and as an Sales Person, and Office Assistant
30033 for Research Electronics International, LLC (and predecessors);
30034 KIMBERLY JONES individually and as a Marketing Consultant
30035 for Research Electronics International, LLC (and predecessors);
30036 BRAD HENSLEY individually and as a Shipping Manager for
30037 Research Electronics International, LLC (and predecessors); in
30038 Algood, Tennessee and Cookeville, Tennessee did with others for
30039 the purposes of personal, political, and professional gains, without
30040 just cause, or lawful authority and did commit Deprivations of
30041 Rights against Plaintiff James M. Atkinson in Rockport,

30042 Massachusetts. By means of being an accessory before the fact to
30043 delay shipments, and to set up the Plaintiff in a complex web of
30044 export delays, to result in the arrest, prosecution, beating of the
30045 Plaintiff, and the unlawful searching my police, destruction of
30046 property, theft of property and related acts further described in this
30047 complaint.

30048
30049 1011. From a period of time spanning from approximate August 2007
30050 to March 2012, THOMAS H. JONES individually and as an
30051 Owner for Research Electronics International, LLC (and
30052 predecessors); BRUCE BARSUMIAN individually and as an
30053 Owner for Research Electronics International, LLC (and
30054 predecessors); MICHELLE GAW individually and as a Sales
30055 Person for Research Electronics International, LLC (and
30056 predecessors); TRISH WEBB individually and as an Accounting
30057 Manager for Research Electronics International, LLC (and
30058 predecessors); PAMELA MCINTYRE individually and as an
30059 Employee for Research Electronics International, LLC (and
30060 predecessors); LEE JONES individually and as a Sales Manager
30061 for Research Electronics International, LLC (and predecessors);

30062 ARLENE J. BARSUMIAN individually and as an Owner for
30063 Research Electronics International, LLC (and predecessors) and A
30064 and L Enterprises; DARLENE JONES (aka: LISA JONES)
30065 individually and as an Owner for Research Electronics
30066 International, LLC (and predecessors) and A and L Enterprises;
30067 ARTURO DIAZ (aka: ART DIAZ) individually and as an
30068 Salesperson and Export Manager for Research Electronics
30069 International, LLC (and predecessors); NICOLE RODGERS
30070 individually and as a Sales Person and Exporter for Research
30071 Electronics International, LLC (and predecessors); DEAN
30072 BUTLER (aka: CLYDEAN BUTLER) individually and as an a
30073 Notary Public, Officer Manager, Sales Person, and Exporter for
30074 Research Electronics International, LLC (and predecessors);
30075 LINDA SISCO individually and as an a Sales Person, Exporter,
30076 and Purchasing Agent for Research Electronics International, LLC
30077 (and predecessors); MARK S. UKER individually and as an
30078 Instructor for Research Electronics International, LLC (and
30079 predecessors); CRISMAN MCSPADDEN individually and as an
30080 Instructor for Research Electronics International, LLC (and
30081 predecessors); STEPHANIE HOEPPNER individually and as an

30082 Instructor for Research Electronics International, LLC (and
30083 predecessors); ROGER WERRIES individually and as an
30084 Instructor for Research Electronics International, LLC (and
30085 predecessors); MATT WINNINGHAM individually and as an
30086 Instructor for Research Electronics International, LLC (and
30087 predecessors); MIKE MILLER individually and as an Accounting
30088 Manager for Research Electronics International, LLC (and
30089 predecessors); SEAN M. KELLY individually and as an Engineer,
30090 Engineering Supervisor, Instructor and Exporter for Research
30091 Electronics International, LLC (and predecessors); SARAH BETH
30092 JONES individually and as an Sales Person, and Office Assistant
30093 for Research Electronics International, LLC (and predecessors);
30094 KIMBERLY JONES individually and as a Marketing Consultant
30095 for Research Electronics International, LLC (and predecessors);
30096 BRAD HENSLEY individually and as a Shipping Manager for
30097 Research Electronics International, LLC (and predecessors); in
30098 Algood, Tennessee and Cookeville, Tennessee did with others for
30099 the purposes of personal, political, and professional gains, without
30100 just cause, or lawful authority and did commit

30101 1012. Conspiracy to Interfere with Civil Rights against Plaintiff
30102 James M. Atkinson in Rockport, Massachusetts. By means of
30103 working closely with the Rockport Police Department in order to
30104 orchestrate delayed shipments, and to set up the Plaintiff in a
30105 complex web of export delays, to result in the arrest, prosecution,
30106 beating of the Plaintiff, and the unlawful searching my police,
30107 destruction of property, theft of property and related acts further
30108 described in this complaint.

30109
30110 1013. From a period of time spanning from approximate August 2007
30111 to March 2012, THOMAS H. JONES individually and as an
30112 Owner for Research Electronics International, LLC (and
30113 predecessors); BRUCE BARSUMIAN individually and as an
30114 Owner for Research Electronics International, LLC (and
30115 predecessors); MICHELLE GAW individually and as a Sales
30116 Person for Research Electronics International, LLC (and
30117 predecessors); TRISH WEBB individually and as an Accounting
30118 Manager for Research Electronics International, LLC (and
30119 predecessors); PAMELA MCINTYRE individually and as an
30120 Employee for Research Electronics International, LLC (and

30121 predecessors); LEE JONES individually and as a Sales Manager
30122 for Research Electronics International, LLC (and predecessors);
30123 ARLENE J. BARSUMIAN individually and as an Owner for
30124 Research Electronics International, LLC (and predecessors) and A
30125 and L Enterprises; DARLENE JONES (aka: LISA JONES)
30126 individually and as an Owner for Research Electronics
30127 International, LLC (and predecessors) and A and L Enterprises;
30128 ARTURO DIAZ (aka: ART DIAZ) individually and as an
30129 Salesperson and Export Manager for Research Electronics
30130 International, LLC (and predecessors); NICOLE RODGERS
30131 individually and as a Sales Person and Exporter for Research
30132 Electronics International, LLC (and predecessors); DEAN
30133 BUTLER (aka: CLYDEAN BUTLER) individually and as an a
30134 Notary Public, Officer Manager, Sales Person, and Exporter for
30135 Research Electronics International, LLC (and predecessors);
30136 LINDA SISCO individually and as an a Sales Person, Exporter,
30137 and Purchasing Agent for Research Electronics International, LLC
30138 (and predecessors); MARK S. UKER individually and as an
30139 Instructor for Research Electronics International, LLC (and
30140 predecessors); CRISMAN MCSPADDEN individually and as an

30141 Instructor for Research Electronics International, LLC (and
30142 predecessors); STEPHANIE HOEPPNER individually and as an
30143 Instructor for Research Electronics International, LLC (and
30144 predecessors); ROGER WERRIES individually and as an
30145 Instructor for Research Electronics International, LLC (and
30146 predecessors); MATT WINNINGHAM individually and as an
30147 Instructor for Research Electronics International, LLC (and
30148 predecessors); MIKE MILLER individually and as an Accounting
30149 Manager for Research Electronics International, LLC (and
30150 predecessors); SEAN M. KELLY individually and as an Engineer,
30151 Engineering Supervisor, Instructor and Exporter for Research
30152 Electronics International, LLC (and predecessors); SARAH BETH
30153 JONES individually and as an Sales Person, and Office Assistant
30154 for Research Electronics International, LLC (and predecessors);
30155 KIMBERLY JONES individually and as a Marketing Consultant
30156 for Research Electronics International, LLC (and predecessors);
30157 BRAD HENSLEY individually and as a Shipping Manager for
30158 Research Electronics International, LLC (and predecessors); in
30159 Algood, Tennessee and Cookeville, Tennessee did with others for
30160 the purposes of personal, political, and professional gains, without

30161 just cause, or lawful authority and did commit civil and criminal
30162 violations of the Civil Racketeer Influenced and Corrupt
30163 Organizations Act against Plaintiff James M. Atkinson in Rockport,
30164 Massachusetts. By means of a complex, and prolonged
30165 organization engaging in conspiracy, scheme to defraud, prohibited
30166 financial transactions, mail fraud, wire fraud, obstruction of justice,
30167 interference with commerce, and other predicate acts of running a
30168 criminal enterprise, with both a formal hierarchies, repetitive
30169 unlawful acts. and over a period of time.

30170
30171 1014. From a period of time spanning from approximate October
30172 1998 to August 2007, THOMAS H. JONES individually and as an
30173 Owner for Research Electronics International, LLC (and
30174 predecessors); BRUCE BARSUMIAN individually and as an
30175 Owner for Research Electronics International, LLC (and
30176 predecessors); MICHELLE GAW individually and as a Sales
30177 Person for Research Electronics International, LLC (and
30178 predecessors); TRISH WEBB individually and as an Accounting
30179 Manager for Research Electronics International, LLC (and
30180 predecessors); PAMELA MCINTYRE individually and as an

30181 Employee for Research Electronics International, LLC (and
30182 predecessors); LEE JONES individually and as a Sales Manager
30183 for Research Electronics International, LLC (and predecessors);
30184 ARLENE J. BARSUMIAN individually and as an Owner for
30185 Research Electronics International, LLC (and predecessors) and A
30186 and L Enterprises; DARLENE JONES (aka: LISA JONES)
30187 individually and as an Owner for Research Electronics
30188 International, LLC (and predecessors) and A and L Enterprises;
30189 ARTURO DIAZ (aka: ART DIAZ) individually and as an
30190 Salesperson and Export Manager for Research Electronics
30191 International, LLC (and predecessors); NICOLE RODGERS
30192 individually and as a Sales Person and Exporter for Research
30193 Electronics International, LLC (and predecessors); DEAN
30194 BUTLER (aka: CLYDEAN BUTLER) individually and as an a
30195 Notary Public, Officer Manager, Sales Person, and Exporter for
30196 Research Electronics International, LLC (and predecessors);
30197 LINDA SISCO individually and as an a Sales Person, Exporter,
30198 and Purchasing Agent for Research Electronics International, LLC
30199 (and predecessors); MARK S. UKER individually and as an
30200 Instructor for Research Electronics International, LLC (and

30201 predecessors); CRISMAN MCSPADDEN individually and as an
30202 Instructor for Research Electronics International, LLC (and
30203 predecessors); STEPHANIE HOEPPNER individually and as an
30204 Instructor for Research Electronics International, LLC (and
30205 predecessors); ROGER WERRIES individually and as an
30206 Instructor for Research Electronics International, LLC (and
30207 predecessors); MATT WINNINGHAM individually and as an
30208 Instructor for Research Electronics International, LLC (and
30209 predecessors); MIKE MILLER individually and as an Accounting
30210 Manager for Research Electronics International, LLC (and
30211 predecessors); SEAN M. KELLY individually and as an Engineer,
30212 Engineering Supervisor, Instructor and Exporter for Research
30213 Electronics International, LLC (and predecessors); SARAH BETH
30214 JONES individually and as an Sales Person, and Office Assistant
30215 for Research Electronics International, LLC (and predecessors);
30216 KIMBERLY JONES individually and as a Marketing Consultant
30217 for Research Electronics International, LLC (and predecessors);
30218 BRAD HENSLEY individually and as a Shipping Manager for
30219 Research Electronics International, LLC (and predecessors); in
30220 Algood, Tennessee and Cookeville, Tennessee did with others for

30221 the purposes of personal, political, and professional gains, without
30222 just cause, or lawful authority and did commit Eavesdropping
30223 against Plaintiff James M. Atkinson in Rockport, Massachusetts.
30224 By means of a large number of illegal eavesdropping devices (no
30225 less than 67 separate devices) with the Defendants had unlawfully
30226 imported from Germany, England, China, Japan, and other
30227 countries, or which they had manufactured in the their facility or
30228 purchased across state lines.

30229
30230 1015. On or about November 10, 2004, THOMAS H. JONES
30231 individually and as an Owner for Research Electronics
30232 International, LLC (and predecessors); BRUCE BARSUMIAN
30233 individually and as an Owner for Research Electronics
30234 International, LLC (and predecessors); MICHELLE GAW
30235 individually and as a Sales Person for Research Electronics
30236 International, LLC (and predecessors); TRISH WEBB individually
30237 and as an Accounting Manager for Research Electronics
30238 International, LLC (and predecessors); PAMELA MCINTYRE
30239 individually and as an Employee for Research Electronics
30240 International, LLC (and predecessors); LEE JONES individually

30241 and as a Sales Manager for Research Electronics International,
30242 LLC (and predecessors); ARLENE J. BARSUMIAN individually
30243 and as an Owner for Research Electronics International, LLC (and
30244 predecessors) and A and L Enterprises; DARLENE JONES (aka:
30245 LISA JONES) individually and as an Owner for Research
30246 Electronics International, LLC (and predecessors) and A and L
30247 Enterprises; ARTURO DIAZ (aka: ART DIAZ) individually and
30248 as an Salesperson and Export Manager for Research Electronics
30249 International, LLC (and predecessors); NICOLE RODGERS
30250 individually and as a Sales Person and Exporter for Research
30251 Electronics International, LLC (and predecessors); DEAN
30252 BUTLER (aka: CLYDEAN BUTLER) individually and as an a
30253 Notary Public, Officer Manager, Sales Person, and Exporter for
30254 Research Electronics International, LLC (and predecessors);
30255 LINDA SISCO individually and as an a Sales Person, Exporter,
30256 and Purchasing Agent for Research Electronics International, LLC
30257 (and predecessors); MARK S. UKER individually and as an
30258 Instructor for Research Electronics International, LLC (and
30259 predecessors); CRISMAN MCSPADDEN individually and as an
30260 Instructor for Research Electronics International, LLC (and

30261 predecessors); STEPHANIE HOEPPNER individually and as an
30262 Instructor for Research Electronics International, LLC (and
30263 predecessors); ROGER WERRIES individually and as an
30264 Instructor for Research Electronics International, LLC (and
30265 predecessors); MATT WINNINGHAM individually and as an
30266 Instructor for Research Electronics International, LLC (and
30267 predecessors); MIKE MILLER individually and as an Accounting
30268 Manager for Research Electronics International, LLC (and
30269 predecessors); SEAN M. KELLY individually and as an Engineer,
30270 Engineering Supervisor, Instructor and Exporter for Research
30271 Electronics International, LLC (and predecessors); SARAH BETH
30272 JONES individually and as an Sales Person, and Office Assistant
30273 for Research Electronics International, LLC (and predecessors);
30274 KIMBERLY JONES individually and as a Marketing Consultant
30275 for Research Electronics International, LLC (and predecessors);
30276 BRAD HENSLEY individually and as a Shipping Manager for
30277 Research Electronics International, LLC (and predecessors); in
30278 Algood, Tennessee and Cookeville, Tennessee did with others for
30279 the purposes of personal, political, and professional gains, without
30280 just cause, or lawful authority and did commit Eavesdropping

30281 against Plaintiff James M. Atkinson in Rockport, Massachusetts.
30282 By means of operating covert audio eavesdropping devices on the
30283 frequencies of: 53.975 MHz, 105.47 MHz, 160.995 MHz, 177.897
30284 MHz, 303.615 MHz, 304.125 MHz, 304.245 MHz, 314.375 MHz,
30285 314.379 MHz, 321.985 MHz, 402.14 MHz, 412.895 MHz, 412.93
30286 MHz, 423.125 MHz, 499.975 MHz, 607.255 MHz. In each case,
30287 the signals were found to be originating from separate devices, and
30288 in each case the eavesdropping device was hidden from view and
30289 covert in nature. Plaintiff was able to reveal the location, and make
30290 visual contact and identification of the device.

30291
30292 1016. On or about November 18, 2004, THOMAS H. JONES
30293 individually and as an Owner for Research Electronics
30294 International, LLC (and predecessors); BRUCE BARSUMIAN
30295 individually and as an Owner for Research Electronics
30296 International, LLC (and predecessors); MICHELLE GAW
30297 individually and as a Sales Person for Research Electronics
30298 International, LLC (and predecessors); TRISH WEBB individually
30299 and as an Accounting Manager for Research Electronics
30300 International, LLC (and predecessors); PAMELA MCINTYRE

30301 individually and as an Employee for Research Electronics
30302 International, LLC (and predecessors); LEE JONES individually
30303 and as a Sales Manager for Research Electronics International,
30304 LLC (and predecessors); ARLENE J. BARSUMIAN individually
30305 and as an Owner for Research Electronics International, LLC (and
30306 predecessors) and A and L Enterprises; DARLENE JONES (aka:
30307 LISA JONES) individually and as an Owner for Research
30308 Electronics International, LLC (and predecessors) and A and L
30309 Enterprises; ARTURO DIAZ (aka: ART DIAZ) individually and
30310 as an Salesperson and Export Manager for Research Electronics
30311 International, LLC (and predecessors); NICOLE RODGERS
30312 individually and as a Sales Person and Exporter for Research
30313 Electronics International, LLC (and predecessors); DEAN
30314 BUTLER (aka: CLYDEAN BUTLER) individually and as an a
30315 Notary Public, Officer Manager, Sales Person, and Exporter for
30316 Research Electronics International, LLC (and predecessors);
30317 LINDA SISCO individually and as an a Sales Person, Exporter,
30318 and Purchasing Agent for Research Electronics International, LLC
30319 (and predecessors); MARK S. UKER individually and as an
30320 Instructor for Research Electronics International, LLC (and

30321 predecessors); CRISMAN MCSPADDEN individually and as an
30322 Instructor for Research Electronics International, LLC (and
30323 predecessors); STEPHANIE HOEPPNER individually and as an
30324 Instructor for Research Electronics International, LLC (and
30325 predecessors); ROGER WERRIES individually and as an
30326 Instructor for Research Electronics International, LLC (and
30327 predecessors); MATT WINNINGHAM individually and as an
30328 Instructor for Research Electronics International, LLC (and
30329 predecessors); MIKE MILLER individually and as an Accounting
30330 Manager for Research Electronics International, LLC (and
30331 predecessors); SEAN M. KELLY individually and as an Engineer,
30332 Engineering Supervisor, Instructor and Exporter for Research
30333 Electronics International, LLC (and predecessors); SARAH BETH
30334 JONES individually and as an Sales Person, and Office Assistant
30335 for Research Electronics International, LLC (and predecessors);
30336 KIMBERLY JONES individually and as a Marketing Consultant
30337 for Research Electronics International, LLC (and predecessors);
30338 BRAD HENSLEY individually and as a Shipping Manager for
30339 Research Electronics International, LLC (and predecessors); in
30340 Algood, Tennessee and Cookeville, Tennessee did with others for

30341 the purposes of personal, political, and professional gains, without
30342 just cause, or lawful authority and did commit Eavesdropping
30343 against Plaintiff James M. Atkinson in Rockport, Massachusetts.
30344 By means of operating covert audio eavesdropping devices on the
30345 frequencies of: 673.935 MHz, 674.15 MHz, 142.15 MHz, 1013
30346 MHz. In each case, the signals were found to be originating from
30347 separate devices, and in each case the eavesdropping device was
30348 initially hidden from view and covert in nature. Plaintiff was able
30349 to reveal the location, and make visual contact and identification of
30350 the device.

30351
30352 1017. On or about November 19, 2004, THOMAS H. JONES
30353 individually and as an Owner for Research Electronics
30354 International, LLC (and predecessors); BRUCE BARSUMIAN
30355 individually and as an Owner for Research Electronics
30356 International, LLC (and predecessors); MICHELLE GAW
30357 individually and as a Sales Person for Research Electronics
30358 International, LLC (and predecessors); TRISH WEBB individually
30359 and as an Accounting Manager for Research Electronics
30360 International, LLC (and predecessors); PAMELA MCINTYRE

30361 individually and as an Employee for Research Electronics
30362 International, LLC (and predecessors); LEE JONES individually
30363 and as a Sales Manager for Research Electronics International,
30364 LLC (and predecessors); ARLENE J. BARSUMIAN individually
30365 and as an Owner for Research Electronics International, LLC (and
30366 predecessors) and A and L Enterprises; DARLENE JONES (aka:
30367 LISA JONES) individually and as an Owner for Research
30368 Electronics International, LLC (and predecessors) and A and L
30369 Enterprises; ARTURO DIAZ (aka: ART DIAZ) individually and
30370 as an Salesperson and Export Manager for Research Electronics
30371 International, LLC (and predecessors); NICOLE RODGERS
30372 individually and as a Sales Person and Exporter for Research
30373 Electronics International, LLC (and predecessors); DEAN
30374 BUTLER (aka: CLYDEAN BUTLER) individually and as an a
30375 Notary Public, Officer Manager, Sales Person, and Exporter for
30376 Research Electronics International, LLC (and predecessors);
30377 LINDA SISCO individually and as an a Sales Person, Exporter,
30378 and Purchasing Agent for Research Electronics International, LLC
30379 (and predecessors); MARK S. UKER individually and as an
30380 Instructor for Research Electronics International, LLC (and

30381 predecessors); CRISMAN MCSPADDEN individually and as an
30382 Instructor for Research Electronics International, LLC (and
30383 predecessors); STEPHANIE HOEPPNER individually and as an
30384 Instructor for Research Electronics International, LLC (and
30385 predecessors); ROGER WERRIES individually and as an
30386 Instructor for Research Electronics International, LLC (and
30387 predecessors); MATT WINNINGHAM individually and as an
30388 Instructor for Research Electronics International, LLC (and
30389 predecessors); MIKE MILLER individually and as an Accounting
30390 Manager for Research Electronics International, LLC (and
30391 predecessors); SEAN M. KELLY individually and as an Engineer,
30392 Engineering Supervisor, Instructor and Exporter for Research
30393 Electronics International, LLC (and predecessors); SARAH BETH
30394 JONES individually and as an Sales Person, and Office Assistant
30395 for Research Electronics International, LLC (and predecessors);
30396 KIMBERLY JONES individually and as a Marketing Consultant
30397 for Research Electronics International, LLC (and predecessors);
30398 BRAD HENSLEY individually and as a Shipping Manager for
30399 Research Electronics International, LLC (and predecessors); in
30400 Algood, Tennessee and Cookeville, Tennessee did with others for

30401 the purposes of personal, political, and professional gains, without
30402 just cause, or lawful authority and did commit Eavesdropping
30403 against Plaintiff James M. Atkinson in Rockport, Massachusetts.
30404 By means of operating covert audio eavesdropping devices on the
30405 frequencies of: 304.261 MHz, 420.548 MHz, 420.55 MHz, 785
30406 MHz, 876 MHz, 881 MHz, 893 MHz, 912.775 MHz, 1205.6 MHz,
30407 1521.25 MHz, 1521.295 MHz, 1572.035 MHz, 1886.405 MHz,
30408 2174.045 MHz, 2403.945 MHz, 2409.905 MHz, 2415.855 MHz,
30409 2472.545 MHz. In each case, the signals were found to be
30410 originating from separate devices, and in each case the
30411 eavesdropping device was initially hidden from view and covert in
30412 nature. Plaintiff was able to reveal the location, and make visual
30413 contact and identification of the device.

30414
30415 1018. On or about November 20, 2004, THOMAS H. JONES
30416 individually and as an Owner for Research Electronics
30417 International, LLC (and predecessors); BRUCE BARSUMIAN
30418 individually and as an Owner for Research Electronics
30419 International, LLC (and predecessors); MICHELLE GAW
30420 individually and as a Sales Person for Research Electronics

30421 International, LLC (and predecessors); TRISH WEBB individually
30422 and as an Accounting Manager for Research Electronics
30423 International, LLC (and predecessors); PAMELA MCINTYRE
30424 individually and as an Employee for Research Electronics
30425 International, LLC (and predecessors); LEE JONES individually
30426 and as a Sales Manager for Research Electronics International,
30427 LLC (and predecessors); ARLENE J. BARSUMIAN individually
30428 and as an Owner for Research Electronics International, LLC (and
30429 predecessors) and A and L Enterprises; DARLENE JONES (aka:
30430 LISA JONES) individually and as an Owner for Research
30431 Electronics International, LLC (and predecessors) and A and L
30432 Enterprises; ARTURO DIAZ (aka: ART DIAZ) individually and
30433 as an Salesperson and Export Manager for Research Electronics
30434 International, LLC (and predecessors); NICOLE RODGERS
30435 individually and as a Sales Person and Exporter for Research
30436 Electronics International, LLC (and predecessors); DEAN
30437 BUTLER (aka: CLYDEAN BUTLER) individually and as an a
30438 Notary Public, Officer Manager, Sales Person, and Exporter for
30439 Research Electronics International, LLC (and predecessors);
30440 LINDA SISCO individually and as an a Sales Person, Exporter,

30441 and Purchasing Agent for Research Electronics International, LLC
30442 (and predecessors); MARK S. UKER individually and as an
30443 Instructor for Research Electronics International, LLC (and
30444 predecessors); CRISMAN MCSPADDEN individually and as an
30445 Instructor for Research Electronics International, LLC (and
30446 predecessors); STEPHANIE HOEPPNER individually and as an
30447 Instructor for Research Electronics International, LLC (and
30448 predecessors); ROGER WERRIES individually and as an
30449 Instructor for Research Electronics International, LLC (and
30450 predecessors); MATT WINNINGHAM individually and as an
30451 Instructor for Research Electronics International, LLC (and
30452 predecessors); MIKE MILLER individually and as an Accounting
30453 Manager for Research Electronics International, LLC (and
30454 predecessors); SEAN M. KELLY individually and as an Engineer,
30455 Engineering Supervisor, Instructor and Exporter for Research
30456 Electronics International, LLC (and predecessors); SARAH BETH
30457 JONES individually and as an Sales Person, and Office Assistant
30458 for Research Electronics International, LLC (and predecessors);
30459 KIMBERLY JONES individually and as a Marketing Consultant
30460 for Research Electronics International, LLC (and predecessors);

30461 BRAD HENSLEY individually and as a Shipping Manager for
30462 Research Electronics International, LLC (and predecessors); in
30463 Algood, Tennessee and Cookeville, Tennessee did with others for
30464 the purposes of personal, political, and professional gains, without
30465 just cause, or lawful authority and did commit Eavesdropping
30466 against Plaintiff James M. Atkinson in Rockport, Massachusetts.
30467 By means of operating covert audio eavesdropping devices on the
30468 frequencies of: 74.994 MHz, 75.008 MHz, 75.363 MHz, 77.2 MHz,
30469 85.92 MHz, 88.875 MHz, 99.6 MHz, 647 MHz, and a 900 nm
30470 Infrared Audio Transmitter hidden inside a Smoke Detector. In
30471 each case, the signals were found to be originating from separate
30472 devices, and in each case the eavesdropping device was hidden
30473 from view and covert in nature. Plaintiff was able to reveal the
30474 location, and make visual contact and identification of the device.

30475

30476 1019. On or about November 20, 2004, THOMAS H. JONES

30477 individually and as an Owner for Research Electronics

30478 International, LLC (and predecessors); BRUCE BARSUMIAN

30479 individually and as an Owner for Research Electronics

30480 International, LLC (and predecessors); MICHELLE GAW

30481 individually and as a Sales Person for Research Electronics
30482 International, LLC (and predecessors); TRISH WEBB individually
30483 and as an Accounting Manager for Research Electronics
30484 International, LLC (and predecessors); PAMELA MCINTYRE
30485 individually and as an Employee for Research Electronics
30486 International, LLC (and predecessors); LEE JONES individually
30487 and as a Sales Manager for Research Electronics International,
30488 LLC (and predecessors); ARLENE J. BARSUMIAN individually
30489 and as an Owner for Research Electronics International, LLC (and
30490 predecessors) and A and L Enterprises; DARLENE JONES (aka:
30491 LISA JONES) individually and as an Owner for Research
30492 Electronics International, LLC (and predecessors) and A and L
30493 Enterprises; ARTURO DIAZ (aka: ART DIAZ) individually and
30494 as an Salesperson and Export Manager for Research Electronics
30495 International, LLC (and predecessors); NICOLE RODGERS
30496 individually and as a Sales Person and Exporter for Research
30497 Electronics International, LLC (and predecessors); DEAN
30498 BUTLER (aka: CLYDEAN BUTLER) individually and as an a
30499 Notary Public, Officer Manager, Sales Person, and Exporter for
30500 Research Electronics International, LLC (and predecessors);

30501 LINDA SISCO individually and as an a Sales Person, Exporter,
30502 and Purchasing Agent for Research Electronics International, LLC
30503 (and predecessors); MARK S. UKER individually and as an
30504 Instructor for Research Electronics International, LLC (and
30505 predecessors); CRISMAN MCSPADDEN individually and as an
30506 Instructor for Research Electronics International, LLC (and
30507 predecessors); STEPHANIE HOEPPNER individually and as an
30508 Instructor for Research Electronics International, LLC (and
30509 predecessors); ROGER WERRIES individually and as an
30510 Instructor for Research Electronics International, LLC (and
30511 predecessors); MATT WINNINGHAM individually and as an
30512 Instructor for Research Electronics International, LLC (and
30513 predecessors); MIKE MILLER individually and as an Accounting
30514 Manager for Research Electronics International, LLC (and
30515 predecessors); SEAN M. KELLY individually and as an Engineer,
30516 Engineering Supervisor, Instructor and Exporter for Research
30517 Electronics International, LLC (and predecessors); SARAH BETH
30518 JONES individually and as an Sales Person, and Office Assistant
30519 for Research Electronics International, LLC (and predecessors);
30520 KIMBERLY JONES individually and as a Marketing Consultant

30521 for Research Electronics International, LLC (and predecessors);
30522 BRAD HENSLEY individually and as a Shipping Manager for
30523 Research Electronics International, LLC (and predecessors); in
30524 Algood, Tennessee and Cookeville, Tennessee did with others for
30525 the purposes of personal, political, and professional gains, without
30526 just cause, or lawful authority and did commit Eavesdropping
30527 against Plaintiff James M. Atkinson in Rockport, Massachusetts.
30528 By means of operating covert audio eavesdropping devices on the
30529 frequencies of: 87.4 MHz, 87.45 MHz, 87.65 MHz, 99.625 MHz,
30530 100.225 MHz, 100.475 MHz, 101.875 MHz, 132.775 MHz,
30531 134.375 MHz, 142.925 MHz, 143.175 MHz, 144.025 MHz,
30532 144.025 MHz, 145.675 MHz, 146.175 MHz, 146.475 MHz,
30533 146.655 MHz, 147.022 MHz, 147.4625 MHz, 149.9925 MHz,
30534 150.605 MHz, 155.96 MHz, 159.54 MHz, 162 MHz, 162 MHz,
30535 174.885 MHz, 178.1925 MHz, 184.335 MHz, 184.5 MHz,
30536 186.6225 MHz, 192.3075 MHz, 239.3125 MHz, 262.3225 MHz,
30537 265.7 MHz, 268.7 MHz, 271.4 MHz, 278.45 MHz, 300.6 MHz,
30538 314.62 MHz, 357.25 MHz, 398.422 MHz. In each case, the signals
30539 were found to be originating from separate devices, and in each
30540 case the eavesdropping device was hidden from view and covert in

30541 nature. Plaintiff was able to reveal the location, and make visual
30542 contact and identification of the device.

30543
30544 1020. From a period of time spanning from approximate April 2001
30545 to November 2010, THOMAS H. JONES individually and as an
30546 Owner for Research Electronics International, LLC (and
30547 predecessors); BRUCE BARSUMIAN individually and as an
30548 Owner for Research Electronics International, LLC (and
30549 predecessors); MICHELLE GAW individually and as a Sales
30550 Person for Research Electronics International, LLC (and
30551 predecessors); TRISH WEBB individually and as an Accounting
30552 Manager for Research Electronics International, LLC (and
30553 predecessors); PAMELA MCINTYRE individually and as an
30554 Employee for Research Electronics International, LLC (and
30555 predecessors); LEE JONES individually and as a Sales Manager
30556 for Research Electronics International, LLC (and predecessors);
30557 ARLENE J. BARSUMIAN individually and as an Owner for
30558 Research Electronics International, LLC (and predecessors) and A
30559 and L Enterprises; DARLENE JONES (aka: LISA JONES)
30560 individually and as an Owner for Research Electronics

30561 International, LLC (and predecessors) and A and L Enterprises;
30562 ARTURO DIAZ (aka: ART DIAZ) individually and as an
30563 Salesperson and Export Manager for Research Electronics
30564 International, LLC (and predecessors); NICOLE RODGERS
30565 individually and as a Sales Person and Exporter for Research
30566 Electronics International, LLC (and predecessors); DEAN
30567 BUTLER (aka: CLYDEAN BUTLER) individually and as an a
30568 Notary Public, Officer Manager, Sales Person, and Exporter for
30569 Research Electronics International, LLC (and predecessors);
30570 LINDA SISCO individually and as an a Sales Person, Exporter,
30571 and Purchasing Agent for Research Electronics International, LLC
30572 (and predecessors); MARK S. UKER individually and as an
30573 Instructor for Research Electronics International, LLC (and
30574 predecessors); CRISMAN MCSPADDEN individually and as an
30575 Instructor for Research Electronics International, LLC (and
30576 predecessors); STEPHANIE HOEPPNER individually and as an
30577 Instructor for Research Electronics International, LLC (and
30578 predecessors); ROGER WERRIES individually and as an
30579 Instructor for Research Electronics International, LLC (and
30580 predecessors); MATT WINNINGHAM individually and as an

30581 Instructor for Research Electronics International, LLC (and
30582 predecessors); MIKE MILLER individually and as an Accounting
30583 Manager for Research Electronics International, LLC (and
30584 predecessors); SEAN M. KELLY individually and as an Engineer,
30585 Engineering Supervisor, Instructor and Exporter for Research
30586 Electronics International, LLC (and predecessors); SARAH BETH
30587 JONES individually and as an Sales Person, and Office Assistant
30588 for Research Electronics International, LLC (and predecessors);
30589 KIMBERLY JONES individually and as a Marketing Consultant
30590 for Research Electronics International, LLC (and predecessors);
30591 BRAD HENSLEY individually and as a Shipping Manager for
30592 Research Electronics International, LLC (and predecessors); in
30593 Algood, Tennessee and Cookeville, Tennessee did with others for
30594 the purposes of personal, political, and professional gains, without
30595 just cause, or lawful authority and did engage in Monopolies and
30596 restraints of trade against Plaintiff James M. Atkinson in Rockport,
30597 Massachusetts. By means of fraudulently induced contracts, illegal
30598 contracts, threats, coercion, extortion and intimidation.

30599

30600 1021. From a period of time spanning from approximate October
30601 1998 to March 2012, THOMAS H. JONES individually and as an
30602 Owner for Research Electronics International, LLC (and
30603 predecessors); BRUCE BARSUMIAN individually and as an
30604 Owner for Research Electronics International, LLC (and
30605 predecessors); MICHELLE GAW individually and as a Sales
30606 Person for Research Electronics International, LLC (and
30607 predecessors); TRISH WEBB individually and as an Accounting
30608 Manager for Research Electronics International, LLC (and
30609 predecessors); PAMELA MCINTYRE individually and as an
30610 Employee for Research Electronics International, LLC (and
30611 predecessors); LEE JONES individually and as a Sales Manager
30612 for Research Electronics International, LLC (and predecessors);
30613 ARLENE J. BARSUMIAN individually and as an Owner for
30614 Research Electronics International, LLC (and predecessors) and A
30615 and L Enterprises; DARLENE JONES (aka: LISA JONES)
30616 individually and as an Owner for Research Electronics
30617 International, LLC (and predecessors) and A and L Enterprises;
30618 ARTURO DIAZ (aka: ART DIAZ) individually and as an
30619 Salesperson and Export Manager for Research Electronics

30620 International, LLC (and predecessors); NICOLE RODGERS
30621 individually and as a Sales Person and Exporter for Research
30622 Electronics International, LLC (and predecessors); DEAN
30623 BUTLER (aka: CLYDEAN BUTLER) individually and as an a
30624 Notary Public, Officer Manager, Sales Person, and Exporter for
30625 Research Electronics International, LLC (and predecessors);
30626 LINDA SISCO individually and as an a Sales Person, Exporter,
30627 and Purchasing Agent for Research Electronics International, LLC
30628 (and predecessors); MARK S. UKER individually and as an
30629 Instructor for Research Electronics International, LLC (and
30630 predecessors); CRISMAN MCSPADDEN individually and as an
30631 Instructor for Research Electronics International, LLC (and
30632 predecessors); STEPHANIE HOEPPNER individually and as an
30633 Instructor for Research Electronics International, LLC (and
30634 predecessors); ROGER WERRIES individually and as an
30635 Instructor for Research Electronics International, LLC (and
30636 predecessors); MATT WINNINGHAM individually and as an
30637 Instructor for Research Electronics International, LLC (and
30638 predecessors); MIKE MILLER individually and as an Accounting
30639 Manager for Research Electronics International, LLC (and

30640 predecessors); SEAN M. KELLY individually and as an Engineer,
30641 Engineering Supervisor, Instructor and Exporter for Research
30642 Electronics International, LLC (and predecessors); SARAH BETH
30643 JONES individually and as an Sales Person, and Office Assistant
30644 for Research Electronics International, LLC (and predecessors);
30645 KIMBERLY JONES individually and as a Marketing Consultant
30646 for Research Electronics International, LLC (and predecessors);
30647 BRAD HENSLEY individually and as a Shipping Manager for
30648 Research Electronics International, LLC (and predecessors); in
30649 Algood, Tennessee and Cookeville, Tennessee did with others for
30650 the purposes of personal, political, and professional gains, without
30651 just cause, or lawful authority and did commit Economic
30652 Espionage against Plaintiff James M. Atkinson in Rockport,
30653 Massachusetts. By means of eavesdropping upon Plaintiff in order
30654 to gain trade secrets and method, and by taking confidential and
30655 secret business and technical information (unlawfully) collected by
30656 the Rockport Police Department and using it for commercial
30657 advantage.

30658

30659 1022. From a period of time spanning from approximate April 2001
30660 to November 2010, THOMAS H. JONES individually and as an
30661 Owner for Research Electronics International, LLC (and
30662 predecessors); BRUCE BARSUMIAN individually and as an
30663 Owner for Research Electronics International, LLC (and
30664 predecessors); MICHELLE GAW individually and as a Sales
30665 Person for Research Electronics International, LLC (and
30666 predecessors); TRISH WEBB individually and as an Accounting
30667 Manager for Research Electronics International, LLC (and
30668 predecessors); PAMELA MCINTYRE individually and as an
30669 Employee for Research Electronics International, LLC (and
30670 predecessors); LEE JONES individually and as a Sales Manager
30671 for Research Electronics International, LLC (and predecessors);
30672 ARLENE J. BARSUMIAN individually and as an Owner for
30673 Research Electronics International, LLC (and predecessors) and A
30674 and L Enterprises; DARLENE JONES (aka: LISA JONES)
30675 individually and as an Owner for Research Electronics
30676 International, LLC (and predecessors) and A and L Enterprises;
30677 ARTURO DIAZ (aka: ART DIAZ) individually and as an
30678 Salesperson and Export Manager for Research Electronics

30679 International, LLC (and predecessors); NICOLE RODGERS
30680 individually and as a Sales Person and Exporter for Research
30681 Electronics International, LLC (and predecessors); DEAN
30682 BUTLER (aka: CLYDEAN BUTLER) individually and as an a
30683 Notary Public, Officer Manager, Sales Person, and Exporter for
30684 Research Electronics International, LLC (and predecessors);
30685 LINDA SISCO individually and as an a Sales Person, Exporter,
30686 and Purchasing Agent for Research Electronics International, LLC
30687 (and predecessors); MARK S. UKER individually and as an
30688 Instructor for Research Electronics International, LLC (and
30689 predecessors); CRISMAN MCSPADDEN individually and as an
30690 Instructor for Research Electronics International, LLC (and
30691 predecessors); STEPHANIE HOEPPNER individually and as an
30692 Instructor for Research Electronics International, LLC (and
30693 predecessors); ROGER WERRIES individually and as an
30694 Instructor for Research Electronics International, LLC (and
30695 predecessors); MATT WINNINGHAM individually and as an
30696 Instructor for Research Electronics International, LLC (and
30697 predecessors); MIKE MILLER individually and as an Accounting
30698 Manager for Research Electronics International, LLC (and

30699 predecessors); SEAN M. KELLY individually and as an Engineer,
30700 Engineering Supervisor, Instructor and Exporter for Research
30701 Electronics International, LLC (and predecessors); SARAH BETH
30702 JONES individually and as an Sales Person, and Office Assistant
30703 for Research Electronics International, LLC (and predecessors);
30704 KIMBERLY JONES individually and as a Marketing Consultant
30705 for Research Electronics International, LLC (and predecessors);
30706 BRAD HENSLEY individually and as a Shipping Manager for
30707 Research Electronics International, LLC (and predecessors); in
30708 Algood, Tennessee and Cookeville, Tennessee did with others for
30709 the purposes of personal, political, and professional gains, without
30710 just cause, or lawful authority and did engage in Interference with
30711 Commerce against Plaintiff James M. Atkinson in Rockport,
30712 Massachusetts. By means of delaying shipments, interfering with
30713 contractual relationships between Plaintiff and customers, threats
30714 to the Plaintiff in regards to not dealing in the goods of Defendants
30715 competitors, and other related actions.

30716
30717 1023. From a period of time spanning from approximate May 1994 to
30718 November 2010, THOMAS H. JONES individually and as an

30719 Owner for Research Electronics International, LLC (and
30720 predecessors); BRUCE BARSUMIAN individually and as an
30721 Owner for Research Electronics International, LLC (and
30722 predecessors); MICHELLE GAW individually and as a Sales
30723 Person for Research Electronics International, LLC (and
30724 predecessors); TRISH WEBB individually and as an Accounting
30725 Manager for Research Electronics International, LLC (and
30726 predecessors); PAMELA MCINTYRE individually and as an
30727 Employee for Research Electronics International, LLC (and
30728 predecessors); LEE JONES individually and as a Sales Manager
30729 for Research Electronics International, LLC (and predecessors);
30730 ARLENE J. BARSUMIAN individually and as an Owner for
30731 Research Electronics International, LLC (and predecessors) and A
30732 and L Enterprises; DARLENE JONES (aka: LISA JONES)
30733 individually and as an Owner for Research Electronics
30734 International, LLC (and predecessors) and A and L Enterprises;
30735 ARTURO DIAZ (aka: ART DIAZ) individually and as an
30736 Salesperson and Export Manager for Research Electronics
30737 International, LLC (and predecessors); NICOLE RODGERS
30738 individually and as a Sales Person and Exporter for Research

30739 Electronics International, LLC (and predecessors); DEAN
30740 BUTLER (aka: CLYDEAN BUTLER) individually and as an a
30741 Notary Public, Officer Manager, Sales Person, and Exporter for
30742 Research Electronics International, LLC (and predecessors);
30743 LINDA SISCO individually and as an a Sales Person, Exporter,
30744 and Purchasing Agent for Research Electronics International, LLC
30745 (and predecessors); MARK S. UKER individually and as an
30746 Instructor for Research Electronics International, LLC (and
30747 predecessors); CRISMAN MCSPADDEN individually and as an
30748 Instructor for Research Electronics International, LLC (and
30749 predecessors); STEPHANIE HOEPPNER individually and as an
30750 Instructor for Research Electronics International, LLC (and
30751 predecessors); ROGER WERRIES individually and as an
30752 Instructor for Research Electronics International, LLC (and
30753 predecessors); MATT WINNINGHAM individually and as an
30754 Instructor for Research Electronics International, LLC (and
30755 predecessors); MIKE MILLER individually and as an Accounting
30756 Manager for Research Electronics International, LLC (and
30757 predecessors); SEAN M. KELLY individually and as an Engineer,
30758 Engineering Supervisor, Instructor and Exporter for Research

30759 Electronics International, LLC (and predecessors); SARAH BETH
30760 JONES individually and as an Sales Person, and Office Assistant
30761 for Research Electronics International, LLC (and predecessors);
30762 KIMBERLY JONES individually and as a Marketing Consultant
30763 for Research Electronics International, LLC (and predecessors);
30764 BRAD HENSLEY individually and as a Shipping Manager for
30765 Research Electronics International, LLC (and predecessors); in
30766 Algood, Tennessee and Cookeville, Tennessee did with others for
30767 the purposes of personal, political, and professional gains, without
30768 just cause, or lawful authority and did commit Mail Fraud against
30769 Plaintiff James M. Atkinson in Rockport, Massachusetts. By
30770 means of sending by U.S. Mail fraudulent export documents, price
30771 lists in furtherance of export fraud, fraudulent documents involving
30772 the exportability of arms, letters in regards to export operations,
30773 technical documents, and software.

30774
30775 1024. From a period of time spanning from approximate May 1994 to
30776 November 2010, THOMAS H. JONES individually and as an
30777 Owner for Research Electronics International, LLC (and
30778 predecessors); BRUCE BARSUMIAN individually and as an

30779 Owner for Research Electronics International, LLC (and
30780 predecessors); MICHELLE GAW individually and as a Sales
30781 Person for Research Electronics International, LLC (and
30782 predecessors); TRISH WEBB individually and as an Accounting
30783 Manager for Research Electronics International, LLC (and
30784 predecessors); PAMELA MCINTYRE individually and as an
30785 Employee for Research Electronics International, LLC (and
30786 predecessors); LEE JONES individually and as a Sales Manager
30787 for Research Electronics International, LLC (and predecessors);
30788 ARLENE J. BARSUMIAN individually and as an Owner for
30789 Research Electronics International, LLC (and predecessors) and A
30790 and L Enterprises; DARLENE JONES (aka: LISA JONES)
30791 individually and as an Owner for Research Electronics
30792 International, LLC (and predecessors) and A and L Enterprises;
30793 ARTURO DIAZ (aka: ART DIAZ) individually and as an
30794 Salesperson and Export Manager for Research Electronics
30795 International, LLC (and predecessors); NICOLE RODGERS
30796 individually and as a Sales Person and Exporter for Research
30797 Electronics International, LLC (and predecessors); DEAN
30798 BUTLER (aka: CLYDEAN BUTLER) individually and as an a

30799 Notary Public, Officer Manager, Sales Person, and Exporter for
30800 Research Electronics International, LLC (and predecessors);
30801 LINDA SISCO individually and as an a Sales Person, Exporter,
30802 and Purchasing Agent for Research Electronics International, LLC
30803 (and predecessors); MARK S. UKER individually and as an
30804 Instructor for Research Electronics International, LLC (and
30805 predecessors); CRISMAN MCSPADDEN individually and as an
30806 Instructor for Research Electronics International, LLC (and
30807 predecessors); STEPHANIE HOEPPNER individually and as an
30808 Instructor for Research Electronics International, LLC (and
30809 predecessors); ROGER WERRIES individually and as an
30810 Instructor for Research Electronics International, LLC (and
30811 predecessors); MATT WINNINGHAM individually and as an
30812 Instructor for Research Electronics International, LLC (and
30813 predecessors); MIKE MILLER individually and as an Accounting
30814 Manager for Research Electronics International, LLC (and
30815 predecessors); SEAN M. KELLY individually and as an Engineer,
30816 Engineering Supervisor, Instructor and Exporter for Research
30817 Electronics International, LLC (and predecessors); SARAH BETH
30818 JONES individually and as an Sales Person, and Office Assistant

30819 for Research Electronics International, LLC (and predecessors);
30820 KIMBERLY JONES individually and as a Marketing Consultant
30821 for Research Electronics International, LLC (and predecessors);
30822 BRAD HENSLEY individually and as a Shipping Manager for
30823 Research Electronics International, LLC (and predecessors); in
30824 Algood, Tennessee and Cookeville, Tennessee did with others for
30825 the purposes of personal, political, and professional gains, without
30826 just cause, or lawful authority and did commit Wire Fraud against
30827 Plaintiff James M. Atkinson in Rockport, Massachusetts. By
30828 means of sending by wire means fraudulent export documents,
30829 price lists in furtherance of export fraud, fraudulent documents
30830 involving the exportability of arms, letters in regards to export
30831 operations, technical documents, and software.

30832
30833 1025. From a period of time spanning from approximate May 1994 to
30834 November 2010, THOMAS H. JONES individually and as an
30835 Owner for Research Electronics International, LLC (and
30836 predecessors); BRUCE BARSUMIAN individually and as an
30837 Owner for Research Electronics International, LLC (and
30838 predecessors); MICHELLE GAW individually and as a Sales

30839 Person for Research Electronics International, LLC (and
30840 predecessors); TRISH WEBB individually and as an Accounting
30841 Manager for Research Electronics International, LLC (and
30842 predecessors); PAMELA MCINTYRE individually and as an
30843 Employee for Research Electronics International, LLC (and
30844 predecessors); LEE JONES individually and as a Sales Manager
30845 for Research Electronics International, LLC (and predecessors);
30846 ARLENE J. BARSUMIAN individually and as an Owner for
30847 Research Electronics International, LLC (and predecessors) and A
30848 and L Enterprises; DARLENE JONES (aka: LISA JONES)
30849 individually and as an Owner for Research Electronics
30850 International, LLC (and predecessors) and A and L Enterprises;
30851 ARTURO DIAZ (aka: ART DIAZ) individually and as an
30852 Salesperson and Export Manager for Research Electronics
30853 International, LLC (and predecessors); NICOLE RODGERS
30854 individually and as a Sales Person and Exporter for Research
30855 Electronics International, LLC (and predecessors); DEAN
30856 BUTLER (aka: CLYDEAN BUTLER) individually and as an a
30857 Notary Public, Officer Manager, Sales Person, and Exporter for
30858 Research Electronics International, LLC (and predecessors);

30859 LINDA SISCO individually and as an a Sales Person, Exporter,
30860 and Purchasing Agent for Research Electronics International, LLC
30861 (and predecessors); MARK S. UKER individually and as an
30862 Instructor for Research Electronics International, LLC (and
30863 predecessors); CRISMAN MCSPADDEN individually and as an
30864 Instructor for Research Electronics International, LLC (and
30865 predecessors); STEPHANIE HOEPPNER individually and as an
30866 Instructor for Research Electronics International, LLC (and
30867 predecessors); ROGER WERRIES individually and as an
30868 Instructor for Research Electronics International, LLC (and
30869 predecessors); MATT WINNINGHAM individually and as an
30870 Instructor for Research Electronics International, LLC (and
30871 predecessors); MIKE MILLER individually and as an Accounting
30872 Manager for Research Electronics International, LLC (and
30873 predecessors); SEAN M. KELLY individually and as an Engineer,
30874 Engineering Supervisor, Instructor and Exporter for Research
30875 Electronics International, LLC (and predecessors); SARAH BETH
30876 JONES individually and as an Sales Person, and Office Assistant
30877 for Research Electronics International, LLC (and predecessors);
30878 KIMBERLY JONES individually and as a Marketing Consultant

30879 for Research Electronics International, LLC (and predecessors);
30880 BRAD HENSLEY individually and as a Shipping Manager for
30881 Research Electronics International, LLC (and predecessors); in
30882 Algood, Tennessee and Cookeville, Tennessee did with others for
30883 the purposes of personal, political, and professional gains, without
30884 just cause, or lawful authority and did commit Financial
30885 Transactions Involving the Proceeds of Specified Unlawful
30886 Activity against Plaintiff James M. Atkinson in Rockport,
30887 Massachusetts. By means of taking funds derived from
30888 Racketeering operations, illegal arms manufacturing, illegal arm
30889 smuggling, illegal arm training of foreign nationals, selling of
30890 classified or defense information, manufacturing and importation
30891 of illegal eavesdropping devices and other unlawful acts and
30892 laundering the funds from these transactions through the
30893 Defendants to purchase real estate, boats, cars, planes, vacations,
30894 buildings, machinery, cash hordes, other things of value, and to
30895 fund the operation of the illegal enterprise.

30896
30897 1026. From a period of time spanning from approximate May 1994 to
30898 November 2010, THOMAS H. JONES individually and as an

30899 Owner for Research Electronics International, LLC (and
30900 predecessors); BRUCE BARSUMIAN individually and as an
30901 Owner for Research Electronics International, LLC (and
30902 predecessors); MICHELLE GAW individually and as a Sales
30903 Person for Research Electronics International, LLC (and
30904 predecessors); TRISH WEBB individually and as an Accounting
30905 Manager for Research Electronics International, LLC (and
30906 predecessors); PAMELA MCINTYRE individually and as an
30907 Employee for Research Electronics International, LLC (and
30908 predecessors); LEE JONES individually and as a Sales Manager
30909 for Research Electronics International, LLC (and predecessors);
30910 ARLENE J. BARSUMIAN individually and as an Owner for
30911 Research Electronics International, LLC (and predecessors) and A
30912 and L Enterprises; DARLENE JONES (aka: LISA JONES)
30913 individually and as an Owner for Research Electronics
30914 International, LLC (and predecessors) and A and L Enterprises;
30915 ARTURO DIAZ (aka: ART DIAZ) individually and as an
30916 Salesperson and Export Manager for Research Electronics
30917 International, LLC (and predecessors); NICOLE RODGERS
30918 individually and as a Sales Person and Exporter for Research

30919 Electronics International, LLC (and predecessors); DEAN
30920 BUTLER (aka: CLYDEAN BUTLER) individually and as an a
30921 Notary Public, Officer Manager, Sales Person, and Exporter for
30922 Research Electronics International, LLC (and predecessors);
30923 LINDA SISCO individually and as an a Sales Person, Exporter,
30924 and Purchasing Agent for Research Electronics International, LLC
30925 (and predecessors); MARK S. UKER individually and as an
30926 Instructor for Research Electronics International, LLC (and
30927 predecessors); CRISMAN MCSPADDEN individually and as an
30928 Instructor for Research Electronics International, LLC (and
30929 predecessors); STEPHANIE HOEPPNER individually and as an
30930 Instructor for Research Electronics International, LLC (and
30931 predecessors); ROGER WERRIES individually and as an
30932 Instructor for Research Electronics International, LLC (and
30933 predecessors); MATT WINNINGHAM individually and as an
30934 Instructor for Research Electronics International, LLC (and
30935 predecessors); MIKE MILLER individually and as an Accounting
30936 Manager for Research Electronics International, LLC (and
30937 predecessors); SEAN M. KELLY individually and as an Engineer,
30938 Engineering Supervisor, Instructor and Exporter for Research

30939 Electronics International, LLC (and predecessors); SARAH BETH
30940 JONES individually and as an Sales Person, and Office Assistant
30941 for Research Electronics International, LLC (and predecessors);
30942 KIMBERLY JONES individually and as a Marketing Consultant
30943 for Research Electronics International, LLC (and predecessors);
30944 BRAD HENSLEY individually and as a Shipping Manager for
30945 Research Electronics International, LLC (and predecessors); in
30946 Algood, Tennessee and Cookeville, Tennessee did with others for
30947 the purposes of personal, political, and professional gains, without
30948 just cause, or lawful authority and did commit Obstruction of
30949 Justice against Plaintiff James M. Atkinson in Rockport,
30950 Massachusetts. By means of falsifying export and/or documents,
30951 lying to government officers, agents, and employees in regards to
30952 the nature of the arms being sold by the Defendants in order to
30953 impede any investigation into such matters describe within this
30954 complaint.

30955
30956 1027. From a period of time spanning from approximate May 1994 to
30957 November 2010, THOMAS H. JONES individually and as an
30958 Owner for Research Electronics International, LLC (and

30959 predecessors); BRUCE BARSUMIAN individually and as an
30960 Owner for Research Electronics International, LLC (and
30961 predecessors); MICHELLE GAW individually and as a Sales
30962 Person for Research Electronics International, LLC (and
30963 predecessors); TRISH WEBB individually and as an Accounting
30964 Manager for Research Electronics International, LLC (and
30965 predecessors); PAMELA MCINTYRE individually and as an
30966 Employee for Research Electronics International, LLC (and
30967 predecessors); LEE JONES individually and as a Sales Manager
30968 for Research Electronics International, LLC (and predecessors);
30969 ARLENE J. BARSUMIAN individually and as an Owner for
30970 Research Electronics International, LLC (and predecessors) and A
30971 and L Enterprises; DARLENE JONES (aka: LISA JONES)
30972 individually and as an Owner for Research Electronics
30973 International, LLC (and predecessors) and A and L Enterprises;
30974 ARTURO DIAZ (aka: ART DIAZ) individually and as an
30975 Salesperson and Export Manager for Research Electronics
30976 International, LLC (and predecessors); NICOLE RODGERS
30977 individually and as a Sales Person and Exporter for Research
30978 Electronics International, LLC (and predecessors); DEAN

30979 BUTLER (aka: CLYDEAN BUTLER) individually and as an a
30980 Notary Public, Officer Manager, Sales Person, and Exporter for
30981 Research Electronics International, LLC (and predecessors);
30982 LINDA SISCO individually and as an a Sales Person, Exporter,
30983 and Purchasing Agent for Research Electronics International, LLC
30984 (and predecessors); MARK S. UKER individually and as an
30985 Instructor for Research Electronics International, LLC (and
30986 predecessors); CRISMAN MCSPADDEN individually and as an
30987 Instructor for Research Electronics International, LLC (and
30988 predecessors); STEPHANIE HOEPPNER individually and as an
30989 Instructor for Research Electronics International, LLC (and
30990 predecessors); ROGER WERRIES individually and as an
30991 Instructor for Research Electronics International, LLC (and
30992 predecessors); MATT WINNINGHAM individually and as an
30993 Instructor for Research Electronics International, LLC (and
30994 predecessors); MIKE MILLER individually and as an Accounting
30995 Manager for Research Electronics International, LLC (and
30996 predecessors); SEAN M. KELLY individually and as an Engineer,
30997 Engineering Supervisor, Instructor and Exporter for Research
30998 Electronics International, LLC (and predecessors); SARAH BETH

30999 JONES individually and as an Sales Person, and Office Assistant
31000 for Research Electronics International, LLC (and predecessors);
31001 KIMBERLY JONES individually and as a Marketing Consultant
31002 for Research Electronics International, LLC (and predecessors);
31003 BRAD HENSLEY individually and as a Shipping Manager for
31004 Research Electronics International, LLC (and predecessors); in
31005 Algood, Tennessee and Cookeville, Tennessee did with others for
31006 the purposes of personal, political, and professional gains, without
31007 just cause, or lawful authority and did commit Rakeetering against
31008 Plaintiff James M. Atkinson in Rockport, Massachusetts. By
31009 means of a complex, and prolonged organization engaging in
31010 conspiracy, scheme to defraud, prohibited financial transactions,
31011 mail fraud, wire fraud, obstruction of justice, interference with
31012 commerce, and other predicate acts of running a criminal
31013 enterprise, with both a formal hierarchies, repetitive unlawful acts
31014 described within this complaint and over a period of time.

31015
31016 1028. From a period of time spanning from approximate August 2007
31017 to December 2009, THOMAS H. JONES individually and as an
31018 Owner for Research Electronics International, LLC (and

31019 predecessors); BRUCE BARSUMIAN individually and as an
31020 Owner for Research Electronics International, LLC (and
31021 predecessors); MICHELLE GAW individually and as a Sales
31022 Person for Research Electronics International, LLC (and
31023 predecessors); TRISH WEBB individually and as an Accounting
31024 Manager for Research Electronics International, LLC (and
31025 predecessors); PAMELA MCINTYRE individually and as an
31026 Employee for Research Electronics International, LLC (and
31027 predecessors); LEE JONES individually and as a Sales Manager
31028 for Research Electronics International, LLC (and predecessors);
31029 ARLENE J. BARSUMIAN individually and as an Owner for
31030 Research Electronics International, LLC (and predecessors) and A
31031 and L Enterprises; DARLENE JONES (aka: LISA JONES)
31032 individually and as an Owner for Research Electronics
31033 International, LLC (and predecessors) and A and L Enterprises;
31034 ARTURO DIAZ (aka: ART DIAZ) individually and as an
31035 Salesperson and Export Manager for Research Electronics
31036 International, LLC (and predecessors); NICOLE RODGERS
31037 individually and as a Sales Person and Exporter for Research
31038 Electronics International, LLC (and predecessors); DEAN

31039 BUTLER (aka: CLYDEAN BUTLER) individually and as an a
31040 Notary Public, Officer Manager, Sales Person, and Exporter for
31041 Research Electronics International, LLC (and predecessors);
31042 LINDA SISCO individually and as an a Sales Person, Exporter,
31043 and Purchasing Agent for Research Electronics International, LLC
31044 (and predecessors); MARK S. UKER individually and as an
31045 Instructor for Research Electronics International, LLC (and
31046 predecessors); CRISMAN MCSPADDEN individually and as an
31047 Instructor for Research Electronics International, LLC (and
31048 predecessors); STEPHANIE HOEPPNER individually and as an
31049 Instructor for Research Electronics International, LLC (and
31050 predecessors); ROGER WERRIES individually and as an
31051 Instructor for Research Electronics International, LLC (and
31052 predecessors); MATT WINNINGHAM individually and as an
31053 Instructor for Research Electronics International, LLC (and
31054 predecessors); MIKE MILLER individually and as an Accounting
31055 Manager for Research Electronics International, LLC (and
31056 predecessors); SEAN M. KELLY individually and as an Engineer,
31057 Engineering Supervisor, Instructor and Exporter for Research
31058 Electronics International, LLC (and predecessors); SARAH BETH

31059 JONES individually and as an Sales Person, and Office Assistant
31060 for Research Electronics International, LLC (and predecessors);
31061 KIMBERLY JONES individually and as a Marketing Consultant
31062 for Research Electronics International, LLC (and predecessors);
31063 BRAD HENSLEY individually and as a Shipping Manager for
31064 Research Electronics International, LLC (and predecessors); in
31065 Algood, Tennessee and Cookeville, Tennessee did with others for
31066 the purposes of personal, political, and professional gains, without
31067 just cause, or lawful authority and did commit Conspiracy to Injure
31068 Citizens in the Exercise of Federal Rights against Plaintiff James
31069 M. Atkinson in Rockport, Massachusetts. By means of working
31070 closely with the Rockport Police Department in order to
31071 orchestrate delayed shipments, and to set up the Plaintiff in a
31072 complex web of export delays, to result in the arrest, prosecution,
31073 beating of the Plaintiff, and the unlawful searching my police,
31074 destruction of property, theft of property and related acts further
31075 described in this complaint.

31076
31077 1029. From a period of time spanning from approximate August 2007
31078 to December 2009, THOMAS H. JONES individually and as an

31079 Owner for Research Electronics International, LLC (and
31080 predecessors); BRUCE BARSUMIAN individually and as an
31081 Owner for Research Electronics International, LLC (and
31082 predecessors); MICHELLE GAW individually and as a Sales
31083 Person for Research Electronics International, LLC (and
31084 predecessors); TRISH WEBB individually and as an Accounting
31085 Manager for Research Electronics International, LLC (and
31086 predecessors); PAMELA MCINTYRE individually and as an
31087 Employee for Research Electronics International, LLC (and
31088 predecessors); LEE JONES individually and as a Sales Manager
31089 for Research Electronics International, LLC (and predecessors);
31090 ARLENE J. BARSUMIAN individually and as an Owner for
31091 Research Electronics International, LLC (and predecessors) and A
31092 and L Enterprises; DARLENE JONES (aka: LISA JONES)
31093 individually and as an Owner for Research Electronics
31094 International, LLC (and predecessors) and A and L Enterprises;
31095 ARTURO DIAZ (aka: ART DIAZ) individually and as an
31096 Salesperson and Export Manager for Research Electronics
31097 International, LLC (and predecessors); NICOLE RODGERS
31098 individually and as a Sales Person and Exporter for Research

31099 Electronics International, LLC (and predecessors); DEAN
31100 BUTLER (aka: CLYDEAN BUTLER) individually and as an a
31101 Notary Public, Officer Manager, Sales Person, and Exporter for
31102 Research Electronics International, LLC (and predecessors);
31103 LINDA SISCO individually and as an a Sales Person, Exporter,
31104 and Purchasing Agent for Research Electronics International, LLC
31105 (and predecessors); MARK S. UKER individually and as an
31106 Instructor for Research Electronics International, LLC (and
31107 predecessors); CRISMAN MCSPADDEN individually and as an
31108 Instructor for Research Electronics International, LLC (and
31109 predecessors); STEPHANIE HOEPPNER individually and as an
31110 Instructor for Research Electronics International, LLC (and
31111 predecessors); ROGER WERRIES individually and as an
31112 Instructor for Research Electronics International, LLC (and
31113 predecessors); MATT WINNINGHAM individually and as an
31114 Instructor for Research Electronics International, LLC (and
31115 predecessors); MIKE MILLER individually and as an Accounting
31116 Manager for Research Electronics International, LLC (and
31117 predecessors); SEAN M. KELLY individually and as an Engineer,
31118 Engineering Supervisor, Instructor and Exporter for Research

31119 Electronics International, LLC (and predecessors); SARAH BETH
31120 JONES individually and as an Sales Person, and Office Assistant
31121 for Research Electronics International, LLC (and predecessors);
31122 KIMBERLY JONES individually and as a Marketing Consultant
31123 for Research Electronics International, LLC (and predecessors);
31124 BRAD HENSLEY individually and as a Shipping Manager for
31125 Research Electronics International, LLC (and predecessors); in
31126 Algood, Tennessee and Cookeville, Tennessee did with others for
31127 the purposes of personal, political, and professional gains, without
31128 just cause, or lawful authority and did commit Willful Deprivations
31129 of Federal Rights Under Color of Law against Plaintiff James M.
31130 Atkinson in Rockport, Massachusetts. By means of working
31131 closely with the Rockport Police Department in order to
31132 orchestrate delayed shipments, and to set up the Plaintiff in a
31133 complex web of export delays, to result in the arrest, prosecution,
31134 beating of the Plaintiff, and the unlawful searching my police,
31135 destruction of property, theft of property and related acts further
31136 described in this complaint.

31137

31138 1030. From a period of time spanning from approximate August 2007
31139 to December 2009, THOMAS H. JONES individually and as an
31140 Owner for Research Electronics International, LLC (and
31141 predecessors); BRUCE BARSUMIAN individually and as an
31142 Owner for Research Electronics International, LLC (and
31143 predecessors); MICHELLE GAW individually and as a Sales
31144 Person for Research Electronics International, LLC (and
31145 predecessors); TRISH WEBB individually and as an Accounting
31146 Manager for Research Electronics International, LLC (and
31147 predecessors); PAMELA MCINTYRE individually and as an
31148 Employee for Research Electronics International, LLC (and
31149 predecessors); LEE JONES individually and as a Sales Manager
31150 for Research Electronics International, LLC (and predecessors);
31151 ARLENE J. BARSUMIAN individually and as an Owner for
31152 Research Electronics International, LLC (and predecessors) and A
31153 and L Enterprises; DARLENE JONES (aka: LISA JONES)
31154 individually and as an Owner for Research Electronics
31155 International, LLC (and predecessors) and A and L Enterprises;
31156 ARTURO DIAZ (aka: ART DIAZ) individually and as an
31157 Salesperson and Export Manager for Research Electronics

31158 International, LLC (and predecessors); NICOLE RODGERS
31159 individually and as a Sales Person and Exporter for Research
31160 Electronics International, LLC (and predecessors); DEAN
31161 BUTLER (aka: CLYDEAN BUTLER) individually and as an a
31162 Notary Public, Officer Manager, Sales Person, and Exporter for
31163 Research Electronics International, LLC (and predecessors);
31164 LINDA SISCO individually and as an a Sales Person, Exporter,
31165 and Purchasing Agent for Research Electronics International, LLC
31166 (and predecessors); MARK S. UKER individually and as an
31167 Instructor for Research Electronics International, LLC (and
31168 predecessors); CRISMAN MCSPADDEN individually and as an
31169 Instructor for Research Electronics International, LLC (and
31170 predecessors); STEPHANIE HOEPPNER individually and as an
31171 Instructor for Research Electronics International, LLC (and
31172 predecessors); ROGER WERRIES individually and as an
31173 Instructor for Research Electronics International, LLC (and
31174 predecessors); MATT WINNINGHAM individually and as an
31175 Instructor for Research Electronics International, LLC (and
31176 predecessors); MIKE MILLER individually and as an Accounting
31177 Manager for Research Electronics International, LLC (and

31178 predecessors); SEAN M. KELLY individually and as an Engineer,
31179 Engineering Supervisor, Instructor and Exporter for Research
31180 Electronics International, LLC (and predecessors); SARAH BETH
31181 JONES individually and as an Sales Person, and Office Assistant
31182 for Research Electronics International, LLC (and predecessors);
31183 KIMBERLY JONES individually and as a Marketing Consultant
31184 for Research Electronics International, LLC (and predecessors);
31185 BRAD HENSLEY individually and as a Shipping Manager for
31186 Research Electronics International, LLC (and predecessors); in
31187 Algood, Tennessee and Cookeville, Tennessee did with others for
31188 the purposes of personal, political, and professional gains, without
31189 just cause, or lawful authority and did commit Interference with
31190 Federally Protected Activities against Plaintiff James M. Atkinson
31191 in Rockport, Massachusetts. By means of working closely with the
31192 Rockport Police Department in order to orchestrate delayed
31193 shipments, and to set up the Plaintiff in a complex web of export
31194 delays, to result in the arrest, prosecution, beating of the Plaintiff,
31195 and the unlawful searching my police, destruction of property,
31196 theft of property and related acts further described in this
31197 complaint.

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1031. From a period of time spanning from approximate May 1994 to November 2010, THOMAS H. JONES individually and as an Owner for Research Electronics International, LLC (and predecessors); BRUCE BARSUMIAN individually and as an Owner for Research Electronics International, LLC (and predecessors); MICHELLE GAW individually and as a Sales Person for Research Electronics International, LLC (and predecessors); TRISH WEBB individually and as an Accounting Manager for Research Electronics International, LLC (and predecessors); PAMELA MCINTYRE individually and as an Employee for Research Electronics International, LLC (and predecessors); LEE JONES individually and as a Sales Manager for Research Electronics International, LLC (and predecessors); ARLENE J. BARSUMIAN individually and as an Owner for Research Electronics International, LLC (and predecessors) and A and L Enterprises; DARLENE JONES (aka: LISA JONES) individually and as an Owner for Research Electronics International, LLC (and predecessors) and A and L Enterprises; ARTURO DIAZ (aka: ART DIAZ) individually and as an

31218 Salesperson and Export Manager for Research Electronics
31219 International, LLC (and predecessors); NICOLE RODGERS
31220 individually and as a Sales Person and Exporter for Research
31221 Electronics International, LLC (and predecessors); DEAN
31222 BUTLER (aka: CLYDEAN BUTLER) individually and as an a
31223 Notary Public, Officer Manager, Sales Person, and Exporter for
31224 Research Electronics International, LLC (and predecessors);
31225 LINDA SISCO individually and as an a Sales Person, Exporter,
31226 and Purchasing Agent for Research Electronics International, LLC
31227 (and predecessors); MARK S. UKER individually and as an
31228 Instructor for Research Electronics International, LLC (and
31229 predecessors); CRISMAN MCSPADDEN individually and as an
31230 Instructor for Research Electronics International, LLC (and
31231 predecessors); STEPHANIE HOEPPNER individually and as an
31232 Instructor for Research Electronics International, LLC (and
31233 predecessors); ROGER WERRIES individually and as an
31234 Instructor for Research Electronics International, LLC (and
31235 predecessors); MATT WINNINGHAM individually and as an
31236 Instructor for Research Electronics International, LLC (and
31237 predecessors); MIKE MILLER individually and as an Accounting

31238 Manager for Research Electronics International, LLC (and
31239 predecessors); SEAN M. KELLY individually and as an Engineer,
31240 Engineering Supervisor, Instructor and Exporter for Research
31241 Electronics International, LLC (and predecessors); SARAH BETH
31242 JONES individually and as an Sales Person, and Office Assistant
31243 for Research Electronics International, LLC (and predecessors);
31244 KIMBERLY JONES individually and as a Marketing Consultant
31245 for Research Electronics International, LLC (and predecessors);
31246 BRAD HENSLEY individually and as a Shipping Manager for
31247 Research Electronics International, LLC (and predecessors); in
31248 Algood, Tennessee and Cookeville, Tennessee did with others for
31249 the purposes of personal, political, and professional gains, without
31250 just cause, or lawful authority and did make False or Fraudulent
31251 Statement to Government Agency against Plaintiff James M.
31252 Atkinson in Rockport, Massachusetts. By means of lying to
31253 government agents and agencies in regards to the exportation of
31254 goods and services in regards to the unlawful manufacturing and
31255 exportation of arms.

31256

31257 1032. From a period of time spanning from approximate May 1994 to
31258 November 2010, THOMAS H. JONES individually and as an
31259 Owner for Research Electronics International, LLC (and
31260 predecessors); BRUCE BARSUMIAN individually and as an
31261 Owner for Research Electronics International, LLC (and
31262 predecessors); MICHELLE GAW individually and as a Sales
31263 Person for Research Electronics International, LLC (and
31264 predecessors); TRISH WEBB individually and as an Accounting
31265 Manager for Research Electronics International, LLC (and
31266 predecessors); PAMELA MCINTYRE individually and as an
31267 Employee for Research Electronics International, LLC (and
31268 predecessors); LEE JONES individually and as a Sales Manager
31269 for Research Electronics International, LLC (and predecessors);
31270 ARLENE J. BARSUMIAN individually and as an Owner for
31271 Research Electronics International, LLC (and predecessors) and A
31272 and L Enterprises; DARLENE JONES (aka: LISA JONES)
31273 individually and as an Owner for Research Electronics
31274 International, LLC (and predecessors) and A and L Enterprises;
31275 ARTURO DIAZ (aka: ART DIAZ) individually and as an
31276 Salesperson and Export Manager for Research Electronics

31277 International, LLC (and predecessors); NICOLE RODGERS
31278 individually and as a Sales Person and Exporter for Research
31279 Electronics International, LLC (and predecessors); DEAN
31280 BUTLER (aka: CLYDEAN BUTLER) individually and as an a
31281 Notary Public, Officer Manager, Sales Person, and Exporter for
31282 Research Electronics International, LLC (and predecessors);
31283 LINDA SISCO individually and as an a Sales Person, Exporter,
31284 and Purchasing Agent for Research Electronics International, LLC
31285 (and predecessors); MARK S. UKER individually and as an
31286 Instructor for Research Electronics International, LLC (and
31287 predecessors); CRISMAN MCSPADDEN individually and as an
31288 Instructor for Research Electronics International, LLC (and
31289 predecessors); STEPHANIE HOEPPNER individually and as an
31290 Instructor for Research Electronics International, LLC (and
31291 predecessors); ROGER WERRIES individually and as an
31292 Instructor for Research Electronics International, LLC (and
31293 predecessors); MATT WINNINGHAM individually and as an
31294 Instructor for Research Electronics International, LLC (and
31295 predecessors); MIKE MILLER individually and as an Accounting
31296 Manager for Research Electronics International, LLC (and

31297 predecessors); SEAN M. KELLY individually and as an Engineer,
31298 Engineering Supervisor, Instructor and Exporter for Research
31299 Electronics International, LLC (and predecessors); SARAH BETH
31300 JONES individually and as an Sales Person, and Office Assistant
31301 for Research Electronics International, LLC (and predecessors);
31302 KIMBERLY JONES individually and as a Marketing Consultant
31303 for Research Electronics International, LLC (and predecessors);
31304 BRAD HENSLEY individually and as a Shipping Manager for
31305 Research Electronics International, LLC (and predecessors); in
31306 Algood, Tennessee and Cookeville, Tennessee did with others for
31307 the purposes of personal, political, and professional gains, without
31308 just cause, or lawful authority and did commit Smuggling against
31309 Plaintiff James M. Atkinson in Rockport, Massachusetts. By
31310 means of exporting arms absent proper licensure of said arms, and
31311 of lying on exportation document as to the nature and function of
31312 the goods.

31313
31314 1033. From a period of time spanning from approximate May 1994 to
31315 November 2010, THOMAS H. JONES individually and as an
31316 Owner for Research Electronics International, LLC (and

31317 predecessors); BRUCE BARSUMIAN individually and as an
31318 Owner for Research Electronics International, LLC (and
31319 predecessors); MICHELLE GAW individually and as a Sales
31320 Person for Research Electronics International, LLC (and
31321 predecessors); TRISH WEBB individually and as an Accounting
31322 Manager for Research Electronics International, LLC (and
31323 predecessors); PAMELA MCINTYRE individually and as an
31324 Employee for Research Electronics International, LLC (and
31325 predecessors); LEE JONES individually and as a Sales Manager
31326 for Research Electronics International, LLC (and predecessors);
31327 ARLENE J. BARSUMIAN individually and as an Owner for
31328 Research Electronics International, LLC (and predecessors) and A
31329 and L Enterprises; DARLENE JONES (aka: LISA JONES)
31330 individually and as an Owner for Research Electronics
31331 International, LLC (and predecessors) and A and L Enterprises;
31332 ARTURO DIAZ (aka: ART DIAZ) individually and as an
31333 Salesperson and Export Manager for Research Electronics
31334 International, LLC (and predecessors); NICOLE RODGERS
31335 individually and as a Sales Person and Exporter for Research
31336 Electronics International, LLC (and predecessors); DEAN

31337 BUTLER (aka: CLYDEAN BUTLER) individually and as an a
31338 Notary Public, Officer Manager, Sales Person, and Exporter for
31339 Research Electronics International, LLC (and predecessors);
31340 LINDA SISCO individually and as an a Sales Person, Exporter,
31341 and Purchasing Agent for Research Electronics International, LLC
31342 (and predecessors); MARK S. UKER individually and as an
31343 Instructor for Research Electronics International, LLC (and
31344 predecessors); CRISMAN MCSPADDEN individually and as an
31345 Instructor for Research Electronics International, LLC (and
31346 predecessors); STEPHANIE HOEPPNER individually and as an
31347 Instructor for Research Electronics International, LLC (and
31348 predecessors); ROGER WERRIES individually and as an
31349 Instructor for Research Electronics International, LLC (and
31350 predecessors); MATT WINNINGHAM individually and as an
31351 Instructor for Research Electronics International, LLC (and
31352 predecessors); MIKE MILLER individually and as an Accounting
31353 Manager for Research Electronics International, LLC (and
31354 predecessors); SEAN M. KELLY individually and as an Engineer,
31355 Engineering Supervisor, Instructor and Exporter for Research
31356 Electronics International, LLC (and predecessors); SARAH BETH

31357 JONES individually and as an Sales Person, and Office Assistant
31358 for Research Electronics International, LLC (and predecessors);
31359 KIMBERLY JONES individually and as a Marketing Consultant
31360 for Research Electronics International, LLC (and predecessors);
31361 BRAD HENSLEY individually and as a Shipping Manager for
31362 Research Electronics International, LLC (and predecessors); in
31363 Algood, Tennessee and Cookeville, Tennessee did with others for
31364 the purposes of personal, political, and professional gains, without
31365 just cause, or lawful authority and did commit Smuggling Goods
31366 Out of the US against Plaintiff James M. Atkinson in Rockport,
31367 Massachusetts. By means of exporting arms absent proper
31368 licensure of said arms, and of lying on exportation document as to
31369 the nature and function of the goods.

31370
31371 1034. From a period of time spanning from approximate Augst 2007
31372 to November 2010, THOMAS H. JONES individually and as an
31373 Owner for Research Electronics International, LLC (and
31374 predecessors); BRUCE BARSUMIAN individually and as an
31375 Owner for Research Electronics International, LLC (and
31376 predecessors); MICHELLE GAW individually and as a Sales

31377 Person for Research Electronics International, LLC (and
31378 predecessors); TRISH WEBB individually and as an Accounting
31379 Manager for Research Electronics International, LLC (and
31380 predecessors); PAMELA MCINTYRE individually and as an
31381 Employee for Research Electronics International, LLC (and
31382 predecessors); LEE JONES individually and as a Sales Manager
31383 for Research Electronics International, LLC (and predecessors);
31384 ARLENE J. BARSUMIAN individually and as an Owner for
31385 Research Electronics International, LLC (and predecessors) and A
31386 and L Enterprises; DARLENE JONES (aka: LISA JONES)
31387 individually and as an Owner for Research Electronics
31388 International, LLC (and predecessors) and A and L Enterprises;
31389 ARTURO DIAZ (aka: ART DIAZ) individually and as an
31390 Salesperson and Export Manager for Research Electronics
31391 International, LLC (and predecessors); NICOLE RODGERS
31392 individually and as a Sales Person and Exporter for Research
31393 Electronics International, LLC (and predecessors); DEAN
31394 BUTLER (aka: CLYDEAN BUTLER) individually and as an a
31395 Notary Public, Officer Manager, Sales Person, and Exporter for
31396 Research Electronics International, LLC (and predecessors);

31397 LINDA SISCO individually and as an a Sales Person, Exporter,
31398 and Purchasing Agent for Research Electronics International, LLC
31399 (and predecessors); MARK S. UKER individually and as an
31400 Instructor for Research Electronics International, LLC (and
31401 predecessors); CRISMAN MCSPADDEN individually and as an
31402 Instructor for Research Electronics International, LLC (and
31403 predecessors); STEPHANIE HOEPPNER individually and as an
31404 Instructor for Research Electronics International, LLC (and
31405 predecessors); ROGER WERRIES individually and as an
31406 Instructor for Research Electronics International, LLC (and
31407 predecessors); MATT WINNINGHAM individually and as an
31408 Instructor for Research Electronics International, LLC (and
31409 predecessors); MIKE MILLER individually and as an Accounting
31410 Manager for Research Electronics International, LLC (and
31411 predecessors); SEAN M. KELLY individually and as an Engineer,
31412 Engineering Supervisor, Instructor and Exporter for Research
31413 Electronics International, LLC (and predecessors); SARAH BETH
31414 JONES individually and as an Sales Person, and Office Assistant
31415 for Research Electronics International, LLC (and predecessors);
31416 KIMBERLY JONES individually and as a Marketing Consultant

31417 for Research Electronics International, LLC (and predecessors);
31418 BRAD HENSLEY individually and as a Shipping Manager for
31419 Research Electronics International, LLC (and predecessors); in
31420 Algood, Tennessee and Cookeville, Tennessee did with others for
31421 the purposes of personal, political, and professional gains, without
31422 just cause, or lawful authority and did commit Deprivation of
31423 Rights, Privileges, or Immunities - Pattern or Practice of Conduct
31424 against Plaintiff James M. Atkinson in Rockport, Massachusetts.
31425 By means of a complex scheme to trump up criminal charges
31426 against Plaintiff Atkinson, and to attend to enact this scheme
31427 repeatedly, but delaying the exportation of goods, or for stating
31428 that goods could be exported to a country or customer when indeed
31429 they could not.

31430
31431 1035. From a period of time spanning from approximate May 1994 to
31432 November 2010, THOMAS H. JONES individually and as an
31433 Owner for Research Electronics International, LLC (and
31434 predecessors); BRUCE BARSUMIAN individually and as an
31435 Owner for Research Electronics International, LLC (and
31436 predecessors); MICHELLE GAW individually and as a Sales

31437 Person for Research Electronics International, LLC (and
31438 predecessors); TRISH WEBB individually and as an Accounting
31439 Manager for Research Electronics International, LLC (and
31440 predecessors); PAMELA MCINTYRE individually and as an
31441 Employee for Research Electronics International, LLC (and
31442 predecessors); LEE JONES individually and as a Sales Manager
31443 for Research Electronics International, LLC (and predecessors);
31444 ARLENE J. BARSUMIAN individually and as an Owner for
31445 Research Electronics International, LLC (and predecessors) and A
31446 and L Enterprises; DARLENE JONES (aka: LISA JONES)
31447 individually and as an Owner for Research Electronics
31448 International, LLC (and predecessors) and A and L Enterprises;
31449 ARTURO DIAZ (aka: ART DIAZ) individually and as an
31450 Salesperson and Export Manager for Research Electronics
31451 International, LLC (and predecessors); NICOLE RODGERS
31452 individually and as a Sales Person and Exporter for Research
31453 Electronics International, LLC (and predecessors); DEAN
31454 BUTLER (aka: CLYDEAN BUTLER) individually and as an a
31455 Notary Public, Officer Manager, Sales Person, and Exporter for
31456 Research Electronics International, LLC (and predecessors);

31457 LINDA SISCO individually and as an a Sales Person, Exporter,
31458 and Purchasing Agent for Research Electronics International, LLC
31459 (and predecessors); MARK S. UKER individually and as an
31460 Instructor for Research Electronics International, LLC (and
31461 predecessors); CRISMAN MCSPADDEN individually and as an
31462 Instructor for Research Electronics International, LLC (and
31463 predecessors); STEPHANIE HOEPPNER individually and as an
31464 Instructor for Research Electronics International, LLC (and
31465 predecessors); ROGER WERRIES individually and as an
31466 Instructor for Research Electronics International, LLC (and
31467 predecessors); MATT WINNINGHAM individually and as an
31468 Instructor for Research Electronics International, LLC (and
31469 predecessors); MIKE MILLER individually and as an Accounting
31470 Manager for Research Electronics International, LLC (and
31471 predecessors); SEAN M. KELLY individually and as an Engineer,
31472 Engineering Supervisor, Instructor and Exporter for Research
31473 Electronics International, LLC (and predecessors); SARAH BETH
31474 JONES individually and as an Sales Person, and Office Assistant
31475 for Research Electronics International, LLC (and predecessors);
31476 KIMBERLY JONES individually and as a Marketing Consultant

31477 for Research Electronics International, LLC (and predecessors);
31478 BRAD HENSLEY individually and as a Shipping Manager for
31479 Research Electronics International, LLC (and predecessors); in
31480 Algood, Tennessee and Cookeville, Tennessee did with others for
31481 the purposes of personal, political, and professional gains, without
31482 just cause, or lawful authority and did commit Illegal Exportation
31483 of War Material against Plaintiff James M. Atkinson in Rockport,
31484 Massachusetts. By means of exporting arms absent proper
31485 licensure of said arms, and of lying on exportation document as to
31486 the nature and function of the goods.

31487
31488 1036. From a period of time spanning from approximate May 1994 to
31489 November 2010, THOMAS H. JONES individually and as an
31490 Owner for Research Electronics International, LLC (and
31491 predecessors); BRUCE BARSUMIAN individually and as an
31492 Owner for Research Electronics International, LLC (and
31493 predecessors); MICHELLE GAW individually and as a Sales
31494 Person for Research Electronics International, LLC (and
31495 predecessors); TRISH WEBB individually and as an Accounting
31496 Manager for Research Electronics International, LLC (and

31497 predecessors); PAMELA MCINTYRE individually and as an
31498 Employee for Research Electronics International, LLC (and
31499 predecessors); LEE JONES individually and as a Sales Manager
31500 for Research Electronics International, LLC (and predecessors);
31501 ARLENE J. BARSUMIAN individually and as an Owner for
31502 Research Electronics International, LLC (and predecessors) and A
31503 and L Enterprises; DARLENE JONES (aka: LISA JONES)
31504 individually and as an Owner for Research Electronics
31505 International, LLC (and predecessors) and A and L Enterprises;
31506 ARTURO DIAZ (aka: ART DIAZ) individually and as an
31507 Salesperson and Export Manager for Research Electronics
31508 International, LLC (and predecessors); NICOLE RODGERS
31509 individually and as a Sales Person and Exporter for Research
31510 Electronics International, LLC (and predecessors); DEAN
31511 BUTLER (aka: CLYDEAN BUTLER) individually and as an a
31512 Notary Public, Officer Manager, Sales Person, and Exporter for
31513 Research Electronics International, LLC (and predecessors);
31514 LINDA SISCO individually and as an a Sales Person, Exporter,
31515 and Purchasing Agent for Research Electronics International, LLC
31516 (and predecessors); MARK S. UKER individually and as an

31517 Instructor for Research Electronics International, LLC (and
31518 predecessors); CRISMAN MCSPADDEN individually and as an
31519 Instructor for Research Electronics International, LLC (and
31520 predecessors); STEPHANIE HOEPPNER individually and as an
31521 Instructor for Research Electronics International, LLC (and
31522 predecessors); ROGER WERRIES individually and as an
31523 Instructor for Research Electronics International, LLC (and
31524 predecessors); MATT WINNINGHAM individually and as an
31525 Instructor for Research Electronics International, LLC (and
31526 predecessors); MIKE MILLER individually and as an Accounting
31527 Manager for Research Electronics International, LLC (and
31528 predecessors); SEAN M. KELLY individually and as an Engineer,
31529 Engineering Supervisor, Instructor and Exporter for Research
31530 Electronics International, LLC (and predecessors); SARAH BETH
31531 JONES individually and as an Sales Person, and Office Assistant
31532 for Research Electronics International, LLC (and predecessors);
31533 KIMBERLY JONES individually and as a Marketing Consultant
31534 for Research Electronics International, LLC (and predecessors);
31535 BRAD HENSLEY individually and as a Shipping Manager for
31536 Research Electronics International, LLC (and predecessors); in

31537 Algood, Tennessee and Cookeville, Tennessee did with others for
31538 the purposes of personal, political, and professional gains, without
31539 just cause, or lawful authority and did commit violations of the
31540 Arms Export Control Act (AECA) against Plaintiff James M.
31541 Atkinson in Rockport, Massachusetts. By means of exporting arms
31542 absent proper licensure of said arms, and of lying on exportation
31543 document as to the nature and function of the goods.

31544
31545 1037. From a period of time spanning from approximate May 1994 to
31546 November 2010, THOMAS H. JONES individually and as an
31547 Owner for Research Electronics International, LLC (and
31548 predecessors); BRUCE BARSUMIAN individually and as an
31549 Owner for Research Electronics International, LLC (and
31550 predecessors); MICHELLE GAW individually and as a Sales
31551 Person for Research Electronics International, LLC (and
31552 predecessors); TRISH WEBB individually and as an Accounting
31553 Manager for Research Electronics International, LLC (and
31554 predecessors); PAMELA MCINTYRE individually and as an
31555 Employee for Research Electronics International, LLC (and
31556 predecessors); LEE JONES individually and as a Sales Manager

31557 for Research Electronics International, LLC (and predecessors);
31558 ARLENE J. BARSUMIAN individually and as an Owner for
31559 Research Electronics International, LLC (and predecessors) and A
31560 and L Enterprises; DARLENE JONES (aka: LISA JONES)
31561 individually and as an Owner for Research Electronics
31562 International, LLC (and predecessors) and A and L Enterprises;
31563 ARTURO DIAZ (aka: ART DIAZ) individually and as an
31564 Salesperson and Export Manager for Research Electronics
31565 International, LLC (and predecessors); NICOLE RODGERS
31566 individually and as a Sales Person and Exporter for Research
31567 Electronics International, LLC (and predecessors); DEAN
31568 BUTLER (aka: CLYDEAN BUTLER) individually and as an a
31569 Notary Public, Officer Manager, Sales Person, and Exporter for
31570 Research Electronics International, LLC (and predecessors);
31571 LINDA SISCO individually and as an a Sales Person, Exporter,
31572 and Purchasing Agent for Research Electronics International, LLC
31573 (and predecessors); MARK S. UKER individually and as an
31574 Instructor for Research Electronics International, LLC (and
31575 predecessors); CRISMAN MCSPADDEN individually and as an
31576 Instructor for Research Electronics International, LLC (and

31577 predecessors); STEPHANIE HOEPPNER individually and as an
31578 Instructor for Research Electronics International, LLC (and
31579 predecessors); ROGER WERRIES individually and as an
31580 Instructor for Research Electronics International, LLC (and
31581 predecessors); MATT WINNINGHAM individually and as an
31582 Instructor for Research Electronics International, LLC (and
31583 predecessors); MIKE MILLER individually and as an Accounting
31584 Manager for Research Electronics International, LLC (and
31585 predecessors); SEAN M. KELLY individually and as an Engineer,
31586 Engineering Supervisor, Instructor and Exporter for Research
31587 Electronics International, LLC (and predecessors); SARAH BETH
31588 JONES individually and as an Sales Person, and Office Assistant
31589 for Research Electronics International, LLC (and predecessors);
31590 KIMBERLY JONES individually and as a Marketing Consultant
31591 for Research Electronics International, LLC (and predecessors);
31592 BRAD HENSLEY individually and as a Shipping Manager for
31593 Research Electronics International, LLC (and predecessors); in
31594 Algood, Tennessee and Cookeville, Tennessee did with others for
31595 the purposes of personal, political, and professional gains, without
31596 just cause, or lawful authority and did commit Export Violations

31597 against Plaintiff James M. Atkinson in Rockport, Massachusetts.
31598 By means of exporting arms absent proper licensure of said arms,
31599 and of lying on exportation document as to the nature and function
31600 of the goods.

31601
31602 1038. From a period of time spanning from approximate May 1994 to
31603 November 2010, THOMAS H. JONES individually and as an
31604 Owner for Research Electronics International, LLC (and
31605 predecessors); BRUCE BARSUMIAN individually and as an
31606 Owner for Research Electronics International, LLC (and
31607 predecessors); MICHELLE GAW individually and as a Sales
31608 Person for Research Electronics International, LLC (and
31609 predecessors); TRISH WEBB individually and as an Accounting
31610 Manager for Research Electronics International, LLC (and
31611 predecessors); PAMELA MCINTYRE individually and as an
31612 Employee for Research Electronics International, LLC (and
31613 predecessors); LEE JONES individually and as a Sales Manager
31614 for Research Electronics International, LLC (and predecessors);
31615 ARLENE J. BARSUMIAN individually and as an Owner for
31616 Research Electronics International, LLC (and predecessors) and A

31617 and L Enterprises; DARLENE JONES (aka: LISA JONES)
31618 individually and as an Owner for Research Electronics
31619 International, LLC (and predecessors) and A and L Enterprises;
31620 ARTURO DIAZ (aka: ART DIAZ) individually and as an
31621 Salesperson and Export Manager for Research Electronics
31622 International, LLC (and predecessors); NICOLE RODGERS
31623 individually and as a Sales Person and Exporter for Research
31624 Electronics International, LLC (and predecessors); DEAN
31625 BUTLER (aka: CLYDEAN BUTLER) individually and as an a
31626 Notary Public, Officer Manager, Sales Person, and Exporter for
31627 Research Electronics International, LLC (and predecessors);
31628 LINDA SISCO individually and as an a Sales Person, Exporter,
31629 and Purchasing Agent for Research Electronics International, LLC
31630 (and predecessors); MARK S. UKER individually and as an
31631 Instructor for Research Electronics International, LLC (and
31632 predecessors); CRISMAN MCSPADDEN individually and as an
31633 Instructor for Research Electronics International, LLC (and
31634 predecessors); STEPHANIE HOEPPNER individually and as an
31635 Instructor for Research Electronics International, LLC (and
31636 predecessors); ROGER WERRIES individually and as an

31637 Instructor for Research Electronics International, LLC (and
31638 predecessors); MATT WINNINGHAM individually and as an
31639 Instructor for Research Electronics International, LLC (and
31640 predecessors); MIKE MILLER individually and as an Accounting
31641 Manager for Research Electronics International, LLC (and
31642 predecessors); SEAN M. KELLY individually and as an Engineer,
31643 Engineering Supervisor, Instructor and Exporter for Research
31644 Electronics International, LLC (and predecessors); SARAH BETH
31645 JONES individually and as an Sales Person, and Office Assistant
31646 for Research Electronics International, LLC (and predecessors);
31647 KIMBERLY JONES individually and as a Marketing Consultant
31648 for Research Electronics International, LLC (and predecessors);
31649 BRAD HENSLEY individually and as a Shipping Manager for
31650 Research Electronics International, LLC (and predecessors); in
31651 Algood, Tennessee and Cookeville, Tennessee did with others for
31652 the purposes of personal, political, and professional gains, without
31653 just cause, or lawful authority and did omit violations of
31654 International Traffic in Arms Regulations (ITAR) against Plaintiff
31655 James M. Atkinson in Rockport, Massachusetts. By means of

31656 exporting arms absent proper licensure of said arms, and of lying
31657 on exportation document as to the nature and function of the goods.

31658
31659 **1039. Additional Statements of Claims may be found though**
31660 **other sections of this complaint, but the aforementioned claims**
31661 **however, form the core of the claims, with those which follow**
31662 **being included by reference as secondary statements of claims.**
31663

31664

31665 **OVERVIEW**

31666

31667 1040. The right to arms is understood by all Americans, and
31668 recognized by law to be a right, a privilege, and/or immunity of
31669 citizenship of the United States.

31670

31671 1041. The right to arms is so deeply ingrained into American
31672 society and such a widely recognized right that on the written
31673 examinations for a person to become a naturalized citizen of the
31674 United States that two of the questions in the body of 100
31675 questions actually involves the sanctity of the right of members of
31676 the public to keep and bear arms.

31677

31678 1042. The U.S. Supreme Court has ruled that the 2nd Amendment

31679 right to keep, and to bear or carry arms applies to the States by
31680 virtue of application of the 14th Amendment, and thus neither the
31681 Federal Government, nor any state agency, nor agent of the state
31682 may interfere with the unqualified right to keep and bear arms.

31683
31684 1043. Second Amendment rights are no different then First
31685 Amendment rights, nor the 4th, 5th, 6th, 7th, 8th, 9th, or 14th
31686 Amendments, nor for that matter any other part of the Constitution
31687 or Bill of Rights.

31688
31689 1044. The government cannot exercise prior restraint in either
31690 matters of the First Amendment, nor in matters of the Second
31691 Amendment.

31692
31693 1045. The government (neither State, nor Federal) may not prohibit
31694 the possession of a high volume printing press any more then they
31695 may prohibit a high capacity firearm magazine, a high capacity
31696 feeding device for a firearm, a high capacity firearm, nor a high
31697 capacity or low capacity assault weapon.

31698

31699 1046. A high volume printing press in and of itself is no more or
31700 less dangerous than a high capacity firearm or a high capacity
31701 firearm magazine. In both cases, a citizen is responsible for the use
31702 or misuse of either, but the government may not impose prior
31703 restraint on either.

31704
31705 1047. A printing press, arms of various sorts, and holy books are all
31706 equally protected under the Bill of Rights. Not the States, nor the
31707 Federal Government may outlaw or license a religion, may not
31708 mandate a certain thickness or page count of the Holy Bible, nor
31709 the scripting of prayers by the faithful, define the size of a Prayer
31710 Rug, mandate that Mass be spoken in High Latin or English, nor
31711 impose the desires of the Government in regards to religion or
31712 political choices, nor may they impose undue control or restraint
31713 on the keeping and bearing of arms, or of the press.

31714
31715 1048. All firearms, arms, ammunition, accessories, or attachments
31716 utilized by law enforcement for individual defense of the officer or
31717 for entering homes, buildings, or vehicles are suitable examples
31718 that these same or similar weapons are well suited for defense of

31719 the home of citizens.

31720

31721 1049. The firearm itself, the configuration of the magazines, of
31722 feeding devices, the ammunition used, and the manner in which it
31723 is deployed by police officers are all evidence that a weapon is
31724 well suited for home defense by the citizens.

31725

31726 1050. By their very design, firearms are dangerous, they are
31727 supposed to be dangerous, and they are supposed to be deadly, any
31728 fool knows this. People train to become proficient with arms in
31729 order to use them in a dangerous and controlled manner, and in
31730 some cases a deadly manner. Any assertions that a particular
31731 modern arm is more or less dangerous than another is sheer and
31732 utter lunacy.

31733

31734 1051. The “dangerousness” of any particular firearm lies in the
31735 intent of the hands that wields it, and if those hands have evil
31736 intentions and they lack access to one type of arm then they will
31737 turn to other weapons and arms that are equally or more dangerous
31738 than firearms, but more available to them.

31739

31740

1052. Even a very small automobile or truck is dramatically more

31741

dangerous, as a lethal weapon than a firearm, pistol, revolver,

31742

shotgun, rifle, sniper rifle, or other related arms. The energy and

31743

mass of a moving motor vehicle exceeds that of a bullet or pellet

31744

by many orders of magnitude. Anybody who has professional

31745

training on arms and of the tactical use of vehicles, or of combat

31746

driving, or protective driving understands this well. Students at

31747

numerous government schools are actually taught to utilize motor

31748

vehicles as readily available weapons, and as a weapon that is

31749

dramatically more deadly than a firearm, or other kinds of weapons

31750

or arms.

31751

31752

1053. A high capacity magazine or feeding device is protected

31753

under the 2nd and 14th Amendment, the government may not dictate

31754

any aspect of the arms that a person may choose for defense, not

31755

the ammunition feeding device or magazine, nor the type of

31756

ammunition used.

31757

31758

1054. The U.S. Military and the municipal police officers routinely

31759 carry firearms with 15, 19, 20, 30, and even 40 round ammunition
31760 magazines, and there is no legitimate reason to obstruct the law
31761 abiding public from possessing or carrying the same things.

31762

31763 1055. The U.S. Supreme Court affirms this right, immunity, and
31764 privilege in both *District of Columbia v. Heller*, 554 U.S. 570, 592
31765 (2008), and *McDonald v. Chicago*, 561 U.S. ___, 130 S. Ct. 3020,
31766 3026 (2010) decisions. Hence, no State may restrict, control, or
31767 license or restrict high capacity magazines, high capacity feeding
31768 devices, or any form of high capacity firearm.

31769

31770 1056. In *District of Columbia v. Heller* in 2008, the U.S. Supreme
31771 Court also forcefully embraces the sanctity of the individuals
31772 “right of law-abiding, responsible citizens to use arms in defense
31773 of hearth and home,” and hence unqualified possession of such
31774 arms within the sanctity of the home or business.

31775

31776 1057. In *McDonald v. Chicago* (2010) the court further clarified the
31777 decisions, opinions and rulings in *Heller*, but further widened its
31778 very strong application to the many states (including the

31779 Commonwealth of Massachusetts), and commented on the matter
31780 with even greater force.

31781

31782 1058. Hence, because of *Heller* (2008) a firearm possession in the
31783 hearth and home is strongly constitutionally protected, and any
31784 common search or seizure techniques to search for arms due to
31785 mere suspect possession of arms (absent the person being a
31786 convicted felon, or adjudged mentally defective, or a crime having
31787 been committed with the arms) infringes, or unduly burdens and
31788 infringes on the exercise of the Second Amendment rights of the
31789 Plaintiff. Thus, the police can not search a citizens home merely to
31790 ferret out arms, merely because they are possessed, or alleged to be
31791 possessed as such possession or alleged possess is indeed protected
31792 under the Bill of Rights, and a *defacto* civil right.

31793

31794 1059. Further, as these weapons may be possessed inside the home,
31795 absent any form of licensure (beyond that of the possessor being a
31796 U.S. Citizen, who is not a convicted felon, nor adjudged mentally
31797 insane), the State nor police may no seek a search warrant, nor may
31798 probable cause be found that a crime had been committed merely

31799 because lawfully obtained arms are suspected to be present in the
31800 home. Essentially, the possession of arms, is not in and of itself a
31801 crime, unless those arms were used in a secondary criminal act
31802 (or the person is a convicted felon, or adjudged insane in a court of
31803 law).

31804
31805 1060. James Wilson, Associate Justice of the U.S. Supreme Court,
31806 principal author of the 1790 Pennsylvania Constitution, and a
31807 member of the Philadelphia Convention stated:

31808
31809 “Homicide is enjoined, when it is necessary for the defence of
31810 one's person or house. With regard to the first, it is the great
31811 natural law of self-preservation, which, as we have seen, cannot be
31812 repealed, or superseded, or suspended by any human institution.
31813 This law, however, is expressly recognized in the constitution of
31814 Pennsylvania.”

31815
31816 “The right of the citizens to bear arms in the defence of themselves
31817 shall not be questioned.” This is one of our many renewals of the
31818 Saxon regulations. " They were bound," says Mr. Selden, "to keep
31819 arms for the preservation of the kingdom, and of their own
31820 persons.”

31821
31822 1061. Consider that any weapon used by a SWAT team for home or
31823 business entries of a tactical nature and/or raids is strong evidence
31824 that the same weapon is particularly well suited for home defense.
31825 Otherwise, logically, the SWAT Team would not be using such

31826 weapons.

31827

31828 1062. Logically then, any and all firearms which a law enforcement
31829 officer, or SWAT team member, would normally carry on a day to
31830 day basis or deploy anywhere in the country, or which is endorsed
31831 for, sold for, endorsed as, or in any way considered as a firearm
31832 suited for individual law enforcement officers to carry or use is
31833 *prima facia* evidence that it is suitable for home defense as it is
31834 generally accepted as safe for citizens to keep, to carry, or to bear.
31835 The same holds true of any firearm, magazine, feeding device, or
31836 ammunition in common use by law federal, state, and local law
31837 enforcement officers, or the military, or intelligence officers.

31838

31839 1063. Under the equal protection clause of the Bill of Rights (14th
31840 Amendment), the police are not entitled to any greater or lesser
31841 protection than that of the common law abiding citizen in regards
31842 to arms. Nor may any law-abiding citizen be denied the ability to
31843 keep arms identical to, or similar to those carried by the police of
31844 the military. In effect, by application of the Equal Protections
31845 clause of the 14th Amendment the citizens of the United States and

31846 the Commonwealth of Massachusetts are in fact allowed to possess
31847 all arms, up to and equal to those issued to, carried by, authorized
31848 by, or used by members of law enforcement or the various states or
31849 Federal agencies, or Military. Thus, if a police officer or soldier is
31850 permitted to possess or carry a type of arm, then so are members of
31851 the public.

31852

31853 1064. In *McDonald v. Chicago*, Justice Thomas states that:

31854 “African Americans in the South would likely have remained
31855 vulnerable to attack by many of their worst abusers: the state
31856 militia and state peace officers. In the years immediately following
31857 the Civil War, a law banning the possession of guns by all private
31858 citizens would have been nondiscriminatory only in the formal
31859 sense. Any such law—like the Chicago and Oak Park ordinances
31860 challenged here—presumably would have permitted the possession
31861 of guns by those acting under the authority of the State and would
31862 thus have left firearms in the hands of the militia and local peace
31863 officers. And as the Report of the Joint Committee on
31864 Reconstruction revealed, see *supra*, at 24–25, those groups were
31865 widely involved in harassing blacks in the South.”

31866

31867 1065. The U.S. Supreme Court ruling in *Heller* and in *McDonald*

31868 allows the occupant of the home to determine which firearms are
31869 primarily useful for home defense, and does not allow the
31870 government to dictate which weapons be kept, or used in this
31871 regard. In fact, the law permits the possession and use of not only

31872 firearms, but also that of any arms available to the person.

31873

31874 1066. This weapon selection is highly personal, and can range from
31875 little more than a pointy stick, to an edged weapon, a bayonet, a
31876 sword or cutlass, or if they so choose a firearm of the sort they feel
31877 is most suitable.

31878

31879 1067. Conversely, should a citizen feel strongly against the keeping,
31880 or the bearing of arms they are well within their rights not to
31881 possess or to carry same, but they may not impose their religious,
31882 philosophical, and social choices regarding arms, **or** self-defense
31883 upon other citizens.

31884

31885 1068. The state however, may not restrict the mere possession or
31886 “keeping” of arms, nor can the state restrict the “bearing of arms”
31887 by normal law abiding citizens, and as per the Supreme Court; at
31888 most the State may only control the manner in which they are
31889 carried with a minimum of interference or control. The state is thus
31890 prohibited from imposing any kind of “licensing” or “permitting”
31891 scheme to either possess or to carry arms.

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1069. The state may not prohibit the keeping, carrying, or bearing arms, but may, within very narrow considerations which involve the mode by which the arms may be carried. The state may not for example mandate that the firearm be carried in an unloaded condition, as this would violate the *Heller* decision. Thus, a citizen is allowed to maintain their arms, fully loaded, and readily available to use, and carried in a way that permits rapid access and deployment. This then restricts the state into mandating that arms may be openly carried, or carried concealed, or otherwise carried covertly, but it does not permit them to prohibit peaceable carriage of such loaded arms.

1070. The State could in theory under *Heller*, mandate for public carrying or bearing of firearms; that a “high ride” style pistol holster should be used, or that a “drop rig” style of holster is mandated, or perhaps even require “retention” or top strap styles of holster, so long as none of these holsters unduly restrained the citizens access to, and deployment of the said firearm, but they may in no way restrict or control the actual act of carrying or

31912 bearing of said arms.

31913

31914 1071. A prudent, law abiding citizen, who is well trained in arms
31915 will tend to prefer a concealed firearm, that is worn on a hip
31916 mounted “pancake” style of holster called a “high ride”, which
31917 contains slots by which it may be mounted with a slight angle
31918 towards the angle of the weapon being drawn against an assailant,
31919 and the holster containing a type of top strap or snapping fastener
31920 to ensure that the weapons does not accidently become dislodged
31921 from the holster. Such mode of carriage is considered “polite, and
31922 socially acceptable” as the open display of arms is socially
31923 impolite, socially offensive in some geographic areas, and inferior
31924 from a tactical perspective.

31925

31926 1072. At most, the state may impose certain controls to keep arms
31927 out of the hands of convicted felons or those who are adjudged
31928 insane, but they may not (under our current form of government)
31929 otherwise control, license, or ban arms.

31930

31931 1073. The Bill of Rights, and the interpretations and decisions of

31932 the U.S. Supreme Court does not permit the state to prohibit the
31933 possession of a Holy Bible, the Torah, or the Quran, or any other
31934 holy book which the state may not like, but may control the retail
31935 sale of such to a very limited extent. Nevertheless, the State cannot
31936 control or license mere possession nor use of said holy books.

31937

31938 1074. There is no requirement under the law to obtain a license of
31939 any sort for a holy book of any religion or denomination, not a
31940 Bible, not a Sermon Book, not a Prayer Book, not a Psalm book, or
31941 a Crucifix, or prayer rug, not Statues, not candles, not high
31942 capacity church pews, not ornate prayer rugs, not pipe organs, not
31943 grand pianos, not banners, not musical instruments, nor Arks, not
31944 standards, not religious iconography, not bells, not chalices, not
31945 fonts, not baptisms, not incense, not crosses, not religious symbols,
31946 not stained glass, not wafers, not hosts, not a hiram, not relics, not
31947 a Yarmulkah or Yarmulke, nor Chalice Paten, nor Communion
31948 Paten, nor Ciborium, nor Host Box, nor Missal, nor Chasuble, nor
31949 Albs, nor Altar Cloths, nor Purificator, nor Finger Towels, nor
31950 Bread Trays, nor Cup Trays, nor Bema, nor Shulcahn, nor Ner
31951 Tamid, nor Corporals, nor Amices, nor Palls, nor Cincture, nor Oil

31952 Stock, nor Pyx, nor Menorah, nor Kiddush Cup, nor Vademecum,
31953 not head dresses, not a hijab, not vestments, nor Tallit or Tallis, nor
31954 choir robes.

31955

31956 1075. Neither is any government permission or license, or ID card
31957 (which is a *defacto* license if it can be revoked) required for
31958 keeping Holy Bibles or other religion artifacts in ones home, or to
31959 bear them up or carry them in practice of ones chosen religion.

31960

31961 1076. The Bill of Rights, and the interpretations and decisions of
31962 the U.S. Supreme Court does not permit the state to prohibit the
31963 possession of a modern printing press (or Holy Bible) which the
31964 state may not like, but may control the retail sale of such a press
31965 should it be overly dangerous to operate, or should the Holy Bible
31966 be printed of plastic explosive sheets, pressed gun cotton, flash
31967 paper, or be in an inherently dangerous form. However, the State
31968 cannot control or license mere possession of said printing press
31969 (nor of the Holy Bible), nor for that matter arms of various types.

31970

31971 1077. There is no requirement under the law to obtain a license of

31972 any sort for a printing press ownership, not for a quill pen, not a
31973 bottle of ink, not a fountain pen, not a sheet of paper, nor an inkjet
31974 printer, or even a high capacity laser printer, nor high capacity
31975 word processor, nor even a super computer. Not typefaces, not
31976 type, not metal plates, not inking pads, nor composing sticks, not
31977 type cases, nor other tools of the printing trade.

31978
31979 1078. Neither is any government permission or license, permit, or
31980 ID card (which is a *de facto* license if it can be revoked) required to
31981 keep arms in ones home, or to bear them up or carry them in
31982 defense of others, or even in defense of the State.

31983
31984 1079. The Second Amendment “guarantee[s] the individual right to
31985 possess and carry weapons in case of confrontation,” *District of*
31986 *Columbia v. Heller*, 554 U.S. 570, 592 (2008), and is “fully
31987 applicable against the States,” *McDonald v. Chicago*, 561 U.S.
31988 ____, 130 S. Ct. 3020, 3026 (2010).

31989
31990 1080. However, the Commonwealth of Massachusetts and the
31991 Attorney General of Massachusetts steadfastly refuses to update

31992 the statutes of Massachusetts to reflect either the *District of*
31993 *Columbia v. Heller* and *McDonald v. Chicago* U.S. Supreme
31994 Court decisions. To make and “enforce laws” which are actually
31995 forbidden and banned in our correct system of government. These
31996 actors are not upholding the Constitution and Bill of Rights of the
31997 United States, and are instead perverting and twisting it instead in a
31998 action which shocks the conscience, which infringes upon the
31999 rights citizen of the United States (including Plaintiff Atkinson),
32000 and they are doing this for political, person, and monetary gain.

32001

32002 1081. The (Defendant) Essex County District Attorney Jonathan
32003 Blodgett continues to pressure not only police, but also his own
32004 Assistant District Attorneys (Defendants as well) to “enforce laws”
32005 which are actually forbidden and banned in our current system of
32006 government. These actors are not upholding the Constitution and
32007 Bill of Rights of the United States, and are instead perverting and
32008 twisting it in actions which shocks the conscience, which infringes
32009 upon the rights citizen of the United States (including Plaintiff
32010 Atkinson), and they are doing this for political, personal, and
32011 monetary gain, and in violation of the 2nd and 14th Amendment.

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1082. The Defendant Judge Jennings and Defendant Clerk Magistrates in Gloucester District Court are also “making and enforcing” forbidden laws, and engaging in contravention of the Constitution and the Bill of Rights, and engaging in acts which shocks the consciousness

1083. Even though the Supreme Court of the United States had forcefully interpreted the 2nd Amendment and applied it in full force to all of the states by virtue of the 14th Amendment in 2008, the Supreme Judicial Court of the Commonwealth of Massachusetts has steadfastly refused to acknowledge this ruling by the highest court, and continues to violate the Civil Rights of U.S. Citizens in contravention of U.S. Law.

1084. The Commonwealth continues to arrogantly, and illegally ignore both the Constitution of the United States, the Bill of Rights, and the decisions of the Supreme Court, to the level that the Commonwealth exhibits an attitude, and conducts legal matters related to firearm with utter disregard for the civil rights of the

32032 citizens, complete, willful arrogance in regards to the 2nd and 14th
32033 Amendments, and even bolder affront to the U.S. Supreme Court,
32034 and even the Constitution of the Commonwealth of Massachusetts,
32035 whereby the Commonwealth now chooses merely to ignore the
32036 rulings by this nations highest court, and to harass, molest, arrest,
32037 charge, indict, and incarcerate citizens who are lawfully in
32038 possession of arms.

32039
32040 1085. The Commonwealth of Massachusetts further demonstrates
32041 their evil intentions by foisting a ruse of various licensing scheme
32042 that exists for no reason but to deprive law-abiding citizens of
32043 defensive arms in their home or businesses, or even their person;
32044 and to infringe upon the civil rights of peaceable U.S. Citizens.

32045
32046 1086. As if this arrogance of the Commonwealth could not run
32047 more afoul of the U.S. Constitution; the Bill of Rights; Freedmen's
32048 Bureau Act of 1866 (which acknowledged the existence of the
32049 unqualified right of all citizens to keep, carry, or bear arms); the
32050 various rulings of the U.S. Supreme Court; and Massachusetts
32051 Constitution, Part The First, Article XVII, the Commonwealth

32052 continues to unlawfully and with ill and criminal intent forcibly
32053 and with deceit enter law abiding businesses, and homes of citizens
32054 who are fully qualified by law to possess arms, and to take those
32055 arms away by force and by deception in direct violation of Federal
32056 law, and they do so with the approval of the Attorney General of
32057 the Commonwealth, and with a approval of the District Attorneys,
32058 who then empanel Grand Juries, so that the Attorney General and
32059 District Attorneys are “making law” and trying to illegally force
32060 precedent, and misusing the Grand Jury system for political power
32061 and social controls, instead of obeying the law themselves. In some
32062 cases, the police or the district attorneys will trick a Judge or
32063 Magistrate into issuing a search warrant or an arrest warrant, even
32064 when it is prohibited by law, or a corrupt Judge or Magistrate will
32065 issue a search warrant that is not based on probable cause, but
32066 rather to promote their own political and financial agendas.

32067
32068 1087. The Commonwealth encourages law enforcement officers to
32069 lie and to perjure himself or herself in order to gain arrest or search
32070 warrants, and to confect a gross deception on the court system.
32071 These law enforcement officers do this knowing that neither the

32072 District Attorneys nor the Attorney General will prosecute them,
32073 even when they are caught in this state sponsored deception and
32074 perjury.

32075

32076 1088. Plaintiff seeks to establish that the recognition and
32077 incorporation of the Second Amendment – the right to possess and
32078 carry weapons in case of confrontation – renders the State’s
32079 present regulatory choice unconstitutional. Whatever the contours
32080 of a constitutional scheme might be, the Second Amendment
32081 renders a ban on the keeping and, or carrying or arms, or firearms
32082 impermissible.

32083

32084 1089. Article 14 of the Massachusetts Constitution is similar but not
32085 identical to the Fourth Amendment to the United States
32086 Constitution. The state provision declares:

32087

32088 “Every subject has a right to be secure from all unreasonable
32089 searches, and seizures, of his person, his houses, his papers,
32090 and all his possessions. All warrants, therefore, are contrary
32091 to this right, if the cause or foundation of them be not
32092 previously supported by oath or affirmation; and if the order
32093 in the warrant to a civil officer, to make search in suspected
32094 places, or to arrest one or more suspected persons, or to
32095 seize their property, be not accompanied with a special
32096 designation of the persons or objects of search, arrest, or
32097 seizure: and no warrant ought to be issued but in cases, and
32098 with the formalities prescribed by the laws.”

32099

32100 1090. The Fourth Amendment to the United States Constitution
32101 states:

32102
32103 “The right of the people to be secure in their persons, houses,
32104 papers, and effects, against unreasonable searches and
32105 seizures, shall not be violated, and no warrants shall issue,
32106 but upon probable cause, supported by oath or affirmation,
32107 and particularly describing the place to be searched, and the
32108 persons or things to be seized.”
32109

32110
32111 1091. The Fourth Amendment's protections hold particular
32112 importance for searches and seizures within a private residence. In
32113 *Payton v. New York*, 445 U.S. at 589-90, the Supreme Court
32114 explained that:

32115
32116 The Fourth Amendment protects the individual's privacy
32117 in a variety of settings. In none is the zone of privacy
32118 more clearly defined than when bounded by the
32119 unambiguous physical dimensions of an individual's
32120 home – a zone that finds its roots in clear and specific
32121 constitutional terms. . . . In terms that apply equally to
32122 seizures of property and seizures of persons, the Fourth
32123 Amendment has drawn a firm line at the entrance to the
32124 house.
32125

32126 The Fourth Amendment's warrant requirement serves as
32127 the primary safeguard against unlawful searches and
32128 seizures within the home. *Welsh v. Wisconsin*, 466 U.S.
32129 740, 748 (1984) (noting that "the physical entry of the
32130 home is the chief evil against which the wording of the
32131 Fourth Amendment is directed").
32132

32133
32134 1092. In *Kyllo v. United States*, 533 U.S. 27, 30 (2001), the Supreme
32135 Court reaffirmed *Payton*, explaining that:

32136
32137 “We have said that **the Fourth Amendment draws 'a firm**
32138 **line at the entrance to the house.'** **That line, we think,**
32139 **must be not only firm but also bright.**”

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1093. Plaintiff seeks immediate declaratory judgment and emergency injunctive relief on certain matters.

JURISDICTION AND VENUE

1094. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331, 1332, 1337, 1339, 1343, 2201, 2202; 42 U.S.C. § 1983; 18 U.S.C. §§ 1961-1968, 31 U.S.C. §§ 3729–3733, 47 U.S.C. §§ 2.1-1305, and 18 U.S.C. §§ 2510-2522.

1095. This Court has personal jurisdiction over each of the Defendants because, inter alia, they acted under the color of laws, policies, customs, and/or practices of the Commonwealth of Massachusetts and political sub-divisions, and/or within the geographic confines of the Commonwealth of Massachusetts.

1096. Venue is proper pursuant to 28 U.S.C. § 1391 because virtually all of the Defendants may be found in this district, and because the majority of the events, and acts took place in this

32160 District, and the acts and omissions giving rise to this action
32161 include State laws enacted in the State capital of Boston.

32162

32163 **CONSTITUTIONAL PROVISIONS**
32164 **AND PRIOR CASE LAW**
32165

32166 1097. The Constitution of the United States was adopted on
32167 September 17, 1787, by the Convention in Philadelphia,
32168 Pennsylvania, and ratified by conventions in each U.S. state in the
32169 name of "The People." The Constitution has been amended twenty-
32170 seven times; the first ten amendments are known as the "Bill of
32171 Rights."

32172

32173 1098. The Constitution of the United States was ratified by the
32174 Commonwealth of Massachusetts on February 6, 1788, with a vote
32175 of 187 for, and 168 against, and thus became law.

32176

32177 1099. The founders of our nation, many of whom were from
32178 Massachusetts, thought that the personal right to bear arms was
32179 essential to freedom.

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1100. At the Massachusetts Constitutional convention in 1788 Samuel Adams opined, “The said Constitution [shall] be never construed to authorize Congress to infringe the just liberty of the press, of the rights of conscience; or to prevent the people of the United States, who are peaceable citizens, from keeping **their own** arms.”

1101. Another well-known statesman of the Commonwealth, Elbridge Gerry, warned in 1789, “What sir is the use of the militia? It is to prevent the establishment of a standing army, the bane of liberty.... Whatever Government means to invade the rights and liberties of the people, they always attempt to destroy the militia in order to raise a standing army upon its ruins.”

1102. The Bill of Rights was introduced by James Madison to the 1st United States Congress in 1789 as a series of legislative articles and came into effect as Constitutional Amendments on December 15, 1791, through the process of ratification by three-fourths of the States.

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1103. “Nothing can destroy a government more quickly than its failure to observe its own laws, or worse, its disregard of the charter of its own existence.” U.S. Supreme Court in *State v. Athan*, 2007

1104. On March 2, 1792, Massachusetts became the 12th state to ratify the Bill of Rights, which included provisions for the public to be allowed to keep, and to bear or carry arms; to practice the religion or faith of their choosing, if any; and should they be so industrious to be allowed to obtain a printing press, and to operate either for their own edification, or to the edification of others.

1105. Thusly, in 1792 the Commonwealth of Massachusetts passed into law, and excepted that a “Holy Trinity” of sorts was formed whereby the Commonwealth of Massachusetts could no longer infringe upon the citizens right to matters of faith, arms, or of the press.

1106. On March 2, 1792 the Commonwealth of Massachusetts made a promise to the Plaintiff Atkinson, that without any form of

32221 state licenses, permissions, or unreasonable restrictions that he
32222 could keep arms in his home or property, and they he could carry
32223 or travel with bearable arms upon his person, loaded and in a mode
32224 of carry which rendered then immediately accessible. On the same
32225 date, the Commonwealth of Massachusetts also promised that he
32226 could pray in the manner which his faith embraced, that he was
32227 allowed to speak freely and they he was entitled to purchase and
32228 operate a printing press.

32229
32230 1107. In must be noted, that the Commonwealth of Massachusetts
32231 was historically one of the nations greatest offenders of human
32232 rights in regards to matters of faith or speech, and great Salem
32233 Witch Trials, illegal acts and laws against the Quakers, and
32234 religious persecutions in later years is a well-documented, and
32235 shameful blemish upon the very soul of the State.

32236
32237 1108. The Second Amendment of the Constitution (the Bill of
32238 Rights) provides the unqualified right:
32239 “A well regulated Militia, being necessary to the security of a free
32240 State, the right of the people to keep and bear Arms, shall not be
32241 infringed.” - U.S. Constitution Amendment II.
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1109. The Second Amendment guarantees individuals a fundamental right to carry operable arms in all non-sensitive public places for the purpose of self-defense.

1110. The Fourteenth Amendment was ratified and passed into law on July 9, 1868. Thus the 14th Amendment was accepted by the Commonwealth of Massachusetts as law.

1111. On July 9, 1868 the Commonwealth made another promise to the Plaintiff Atkinson, that the “[Commonwealth of Massachusetts] shall not make or enforce any law” which shall abridge the privileges or immunities of citizens”.

1112. The Commonwealth of Massachusetts broke this promise to Plaintiff Atkinson, when the Commonwealth did in fact begin “making law” with was expressly forbidden under the under Section 1 of the Fourteenth Amendment (July 9, 1868), and it directly infringed upon the Plaintiff Atkinson 2nd Amendment Rights to Keep and Bear arms (that became law on March 2, 1792).

32263 1113. The Commonwealth of Massachusetts has also broken this
32264 explicit promise to Plaintiff Atkinson, when the Commonwealth
32265 did in fact begin “Enforcing the Forbidden Law” which was
32266 expressly forbidden under the under Section 1 of the Fourteenth
32267 Amendment (July 9, 1868), and it directly infringed upon the
32268 Plaintiff Atkinson 2nd Amendment Rights to Keep and Bear arms
32269 (that became law on March 2, 1792).

32270
32271 1114. Thus the Commonwealth of Massachusetts, operating in
32272 violation of Federal Law, the Constitution of the United States, and
32273 the Bill of Rights, to include both the 2nd and 14th Amendment, did
32274 make forbidden law (which they had previously promised not to
32275 do), and then once the forbidden law was made, the
32276 Commonwealth of Massachusetts further broke Federal Law by
32277 enforcing their illegal statutes in an organized scheme to defraud
32278 and to infringe upon the civil rights of the citizens of the
32279 Commonwealth of Massachusetts and U.S. Citizens who might
32280 visit or travel though the state, and to infringe upon the Civil
32281 Rights of Plaintiff Atkinson, and to deprive him of his
32282 Constitutional rights, for the purposes of personal, political, and

32283 monetary gain by the Defendants, and to deprive the Plaintiff (and
32284 others) of his civil rights, under the color of law.

32285
32286 1115. Indeed, this infringement by the Commonwealth of
32287 Massachusetts, and political subdivisions thereof constructed a
32288 complex organization, which operated over a long period of time,
32289 starting in 1907 and operating continuously until the present day,
32290 performing mail fraud, wire fraud, scheme to defraud, obstruction
32291 of justice, larceny, and other predicate actions of a Racketeering
32292 operation.

32293
32294 1116. The Commonwealth of Massachusetts initiated this illegal
32295 Racketeering activity initially in 1907, by unlawfully (and in
32296 violation of the 2nd Amendment applied by way of the 14th
32297 Amendment to the states) making law though “*Chapter 172 of the*
32298 *Acts of 1906.*”

32299
32300 1117. It is important to mention that Commonwealth of
32301 Massachusetts “*Chapter 172 of the Acts of 1906*” came about as a
32302 response the Women’s Suffrage Movement, as a mechanism to

32303 keep the firearms out of the hands of vote seeking women by
32304 requiring a license be obtained from their local police department,
32305 and restricted which women could possess arms, and the
32306 governments of both the United States, England, New Zealand, and
32307 other countries were concerned that women were about to take up
32308 arms to use them forcibly to obtain the right to vote.

32309
32310 1118. In 1951, "*Chapter 201 of the Acts of 1951*" the
32311 Commonwealth of Massachusetts further added language that
32312 seems to have given control of the licensing to the local chief or
32313 local licensing authority. This was of course an illegal and
32314 unconstitutional Act by the Commonwealth of Massachusetts, as
32315 they were forbidden to make any law of this nature, and most
32316 certainly forbidden to enforce any such law.

32317
32318 1119. It does bear mentioning that the African-American Civil
32319 Rights Movement of the late 1940's and 1950 was the driving
32320 force behind the "*Chapter 201 of the Acts of 1951*" as this forced
32321 African-Americans to get permission from their local chief of
32322 police or local licensing authority to own or to bear arms as a result

32323 of the widespread lynching of civil rights leaders across the South,
32324 so that African-Americans in Massachusetts could not protect
32325 themselves against widespread lynching as they were being
32326 encourage to do by civil rights leaders. While the lynching were
32327 predominantly in the area outside of New England, the civil rights
32328 leaders nonetheless endorses African-Americans keeping arms
32329 with which to defend their households against the growing
32330 violence.

32331
32332 1120. Thus in 1905, the Commonwealth of Massachusetts made
32333 laws that were forbidden, in order to infringe upon the right of
32334 women to keep and bear arms; and then in 1951 made additional
32335 forbidden laws to keep arms out of the hands of African-
32336 Americans, in violation of federal statues, Constitutional rights,
32337 immunities and privileges, and the Second and Fourteenth
32338 Amendment. This appears to be the entire function of the
32339 forbidden laws of 1906 and 1951 which were to deprive a certain
32340 class, gender, or color of citizen from arms in a forbidden act of
32341 prior restraint.

32342

32343 1121. It is notable that that the forbidden Massachusetts statutes of
32344 1906 and 1951 form the core and base of all other modern day
32345 Massachusetts firearms laws in their heritage, as incestuous as it
32346 might be, to first keeping arms out of the hands of women, and the
32347 secondly out of the hands of negroes.

32348
32349 1122. The Commonwealth of Massachusetts Firearms Identification
32350 Card (FID Card) was confectioned in 1968, as a forbidden mechanism
32351 under “*Chapter 737 of the Acts of 1968*”. It took effect on January
32352 1, 1969. Then in 1969, “*Chapter 799 of the Acts of 1969*” rewrote
32353 the FID section to make many clarifications. But, both the initial
32354 confection of the FID Card in 1968 and the changes to in 1969
32355 served no purpose other than to force African-Americans to obtain
32356 a license to possess any arms, under the guise of an “Identification
32357 Card”. As this FID could be revoked by authorities on not more
32358 than a whim (or gender, or skin color), it was a defacto license,
32359 albeit one forbidden by federal law.

32360
32361 1123. In 1971, the Commonwealth of Massachusetts with “*Chapter*
32362 *225 of the Acts of 1971*” rewrote part of the law to allow the

32363 licensing authority to conduct a mental health background check
32364 when the authority doubted the applicant's response to the question
32365 of past hospitalization or mental illness. While the Federal courts
32366 have recognized that someone must be actually adjudged a felon,
32367 or actually adjudged insane by a Court, the Commonwealth of
32368 Massachusetts attempted to unlawfully obtain medical records of
32369 citizens whom the police did not wish to have arms, and a
32370 forbidden mechanism of prior restraint. Should a U.S. Citizen have
32371 actually been found insane or found to be a felon by a court, the
32372 records would be available at the courthouse for the police to
32373 review, the statute to permit access to medical records forms
32374 nothing more than a fishing expedition, and further defines the FID
32375 card as a defacto (forbidden) firearms license.

32376
32377 1124. The Commonwealth of Massachusetts through "***Chapter 312***
32378 ***of the Acts of 1972,***" "***Chapter 239 of the Acts of 1976,***"
32379 ***Chapter 339 of the Acts of 1989,***" "***Chapter 24 of the Acts of***
32380 ***1994,***" "***Chapter 151 & 200 of the Acts of 1996,***" "***Chapter 180***
32381 ***of the Acts of 1998,***" "***Chapter 358 of the Acts of 1998,***"
32382 ***Chapter 159 of the Acts of 2000,***" "***Chapter 236 of the Acts of***

32383 *2000*” functionally defines the FID card in a manner which
32384 demonstrates that it is noting more than a multi-tiered scheme of
32385 forbidden revocable arms licensing and thus an infringement and
32386 deprivation of civil rights.

32387

32388 1125. Under Section 1 of the Fourteenth Amendment, the Bill of
32389 Rights (including the 2nd Amendment), must be obeyed by the
32390 Commonwealth of Massachusetts, and others, and forbids the
32391 making or enforcing any law which infringed on any immunities
32392 or privileges of citizenship:

32393 “All persons born or naturalized in the United States, and
32394 subject to the jurisdiction thereof, are citizens of the United
32395 States and of the State wherein they reside. No State shall make
32396 or enforce any law which shall abridge the privileges or
32397 immunities of citizens of the United States; nor shall any State
32398 deprive any person of life, liberty, or property, without due
32399 process of law; nor deny to any person within its jurisdiction
32400 the equal protection of the laws.”
32401

32402 1126. The Commonwealth of Massachusetts is in fact “a state” for
32403 purposes of the 14th Amendment, and they did in fact sign the 14th
32404 Amendment, and thus they agreed not to make any law in regards
32405 to either the keeping or arms, nor of the bearing of arms, and they
32406 agreed not to enforce any related law.

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1127. Notwithstanding these promises made to Plaintiff Atkinson

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and to other citizens about law which would not be made, and laws

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which would not be enforced, the Commonwealth of

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Massachusetts violated not only their promises and the law, but did

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it to suppress and repress both women and Negros, and eventually,

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white Christian males (such as Plaintiff Atkinson).

32414

32415

1128. The Fourteenth Amendment incorporates the requirements of

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the Second Amendment against the States and their units of local

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government, and political sub-divisions. *McDonald v. Chicago*,

32418

561 U.S. ___, 130 S. Ct. 3020, 3042 (Jun. 28, 2010).

32419

32420

1129. Thus, the Commonwealth of Massachusetts is prohibited

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from making or enforcing any law, which abridge the privileges or

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immunities of citizens to keep, carry, and to bear arms of their

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choosing (with extremely narrow limitations). Thus, any such laws

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are automatically null and void, moot, and an infringement of the

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privileges or immunities of citizens of the United States.

32426

32427 1130. In explaining why examining the history of the right to bear
32428 arms in England was necessary, the *Heller* the Court stated that
32429 "it has always been widely understood that the Second
32430 Amendment, like the First and Fourth Amendments, codified a
32431 pre-existing right."
32432

32433 And, in further describing the scope of the Second Amendment, the
32434 Court again pointed to the First Amendment for several direct
32435 analogies, all indicating similarities rather than differences between
32436 the two provisions: *Heller*, 128 S. Ct. at 2791-2792

32437 "Just as the First Amendment protects modern forms of
32438 communications ... the Second Amendment extends, *prima facie*,
32439 to **all instruments that constitute bearable arms, even those**
32440 **that were not in existence at the time of the founding.** The First
32441 Amendment contains the freedom-of-speech guarantee that the
32442 people ratified, which included exceptions for obscenity, libel, and
32443 disclosure of state secrets, but not for the expression of extremely
32444 unpopular and wrong-headed views. The Second Amendment is no
32445 different. "
32446

32447 "There seems to us no doubt, on the basis of both text and history,
32448 that the Second Amendment conferred an **individual right** to keep
32449 and bear arms. Of course the right was not unlimited, just as the
32450 First Amendment's right of free speech was not.... Thus, we do not
32451 read the Second Amendment to protect the right of citizens to carry
32452 arms for any sort of confrontation, just as we do not read the First
32453 Amendment to protect the right of citizens to speak for any
32454 purpose. "
32455

32456 1131. The definition by the court as to the nature and type of arms

32457 protected by the Second Amendment is of great importance in
32458 understanding that **all bearable arms** are protected, not merely
32459 rifles, shotguns, pistols, or revolvers, but any “man portable” arms
32460 are in fact a protected class of weapons. In the military forces of
32461 the world these are considered “individual arms” or crew served
32462 arms in their they may be borne into the field of combat without
32463 the use of gun carriages, wagons, motorized or animal drawn
32464 platforms, or other means of non-man powered transport.

32465
32466 1132. Indeed, the Court does draw a bright line that in order to be
32467 fully protected, the arms must be bearable, or more simply said,
32468 carried by a human. Arms such as 6-inch cannons cannot be
32469 carried upon ones back or concealed in clothing and thus fall
32470 within a grey area in that while they do fall into a definition of
32471 arms” they are not actually “bearable arms” and thus not explicitly
32472 protected as “bearable arms” would be.

32473
32474 1133. As the Second Amendment as interpreted by the Court in
32475 both *Heller* and *McDonald* speaks to personally kept and borne
32476 arms; and the Second Amendment speaks to these personal arms

32477 being integral to a collective defense of the national security; and
32478 which the Fourteenth Amendment speaks that no state may in any
32479 way make nor enforce any law that infringes upon this sacred right
32480 and responsibility.

32481

32482 1134. As the Supreme Court has now stated forcefully and clearly
32483 that the private keeping of bearable arms is a vital national security,
32484 matter "...being necessary to the security of a free State..." and in
32485 turn a violation of 18 USC § 2381.

32486

32487 1135. Thusly, any action whatsoever by the Commonwealth of
32488 Massachusetts to make or enforce the keeping, or the bearing of
32489 arms is a *defacto* violation not only of individual civil rights, but
32490 also a violation of national security matters, and an aggressive
32491 erosion of our national defense... **as defined by law.**

32492

32493 1136. As the Supreme Court has also stated forcefully and clearly
32494 that the private keeping of bearable arms is a vital national security,
32495 matter "...being necessary to the security of a free State..." any
32496 interference whatsoever in regards to the personal ownership of

32497 bearable arms is a *defacto* violation of 10 USC § 311(b)(2) in that
32498 the Court states that arms may be possessed exclusive of militia
32499 service, but also inclusive of unorganized militia service.

32500

32501 1137. As the ages for military service or militia service (organized
32502 or unorganized) have been liberally expanded from colonial days
32503 to the modern day from 45 year to 67 years of ages, the Military
32504 body as an organism ranges in age from 17 to 67 years of age, and
32505 now includes both male and female members. Thus, between the
32506 standing armies, navies, the organized militias, and the
32507 unorganized militias the U.S. States of America can muster a
32508 fighting force of in excess of 205 million U.S. soldiers and militia
32509 men (compared to the 749 million soldiers and militia of the
32510 People Republic of China, our greatest national security adversary).

32511

32512 1138. As the U.S. Military recognizes and permits military service
32513 up to the age of 67, and permits enlistment at the age of 17, there
32514 can thus be no dispute that the “capable of military service”
32515 includes a span of at least 50 years. This provides yet another
32516 bright line in regards to the keeping and bearing of arms, inclusive

32517 or exclusive of military service.

32518

32519 1139. The Supreme Court in *District of Columbia v. Heller*

32520 confirmed that the categorical ban of arms in common use by law-

32521 abiding citizens could not survive “any of the standards of scrutiny

32522 that [the Court has] applied to enumerated constitutional rights.”

32523 554 U.S. 570, 627-628 (2008). The Court’s opinion in *Heller* is not

32524 simply limited to protection of handgun ownership. The Court

32525 further stated:

32526 “...the conception of the militia at the time of the Second
32527 Amendment's ratification was the body of all citizens capable of
32528 military service, who would bring the sorts of lawful weapons
32529 that they possessed at home to militia duty. It may well be true
32530 today that a militia, to be as effective as militias in the 18th
32531 century, would require sophisticated arms that are highly
32532 unusual in society at large. Indeed, it may be true that no
32533 amount of small arms could be useful against modern-day
32534 bombers and tanks. But the fact that modern developments have
32535 limited the degree of fit between the prefatory clause and the
32536 protected right cannot change our interpretation of the right.”

32537

32538 *Id.* at 2817. Furthermore, the choice of something other than a

32539 handgun has been recognized as and would be indicative of an

32540 acceptable means for self-defense. *Thompson v. United States*, 155

32541 U.S. 271, 279 (1894) (employment of a rifle for the purpose of self

32542 defense).

32543

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1140. If those interpretations were not enough, the *Heller* Court

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also quotes approvingly from an 1825 Massachusetts Supreme

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Judicial Court opinion and an 1868 constitutional law treatise that

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make the direct analogy between the right to bear arms and the

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freedom of the printing press: *Commonwealth v. Blanding*, 20

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Mass. (3 Pick.) 304, 313-14 (1825))

32550

“The liberty of the press was to be **unrestrained**, but he who used
it was to be responsible in cases of its abuse; **like the right to keep
firearms**, which does not protect him who uses them for
annoyance or destruction.”

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“The [Second Amendment] clause is analogous to the one securing
the freedom of speech and of the press. **Freedom, not license**, is
secured; the fair use, not the libelous abuse, is protected.”

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1141. Thus, a license of any sort forms at its core a type of basic

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infringement, or granting of permission from a government entity,

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and not a *defacto* freedom. A license may be controlled, revoked,

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suspended, manipulated, and used as a means to control the acts of

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the holder of such a license.

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1142. A license and a freedom are not in fact the same thing; the

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license is a mechanism of constraints and controls, the “freedom”

32567 that of enablement and empowerment.

32568

32569 1143. If the Second Amendment to the U.S. Constitution instead
32570 written "...the right of the people to keep and drive motor vehicles,
32571 shall not be infringed" then the State would err in creating any
32572 system of infringement under the guise of a Drivers License, and
32573 the Court would require the revocation of such a licensing scheme
32574 as such would be a blatant infringement upon the ancient, and
32575 unqualified right to engage in such a freedom.

32576

32577 1144. If the Second Amendment instead read "...the right of the
32578 people to keep and ride aardvarks, shall not be infringed" the
32579 government would thus be unable to control the type of aardvarks
32580 a citizen might possess, the number of legs it may possess, the
32581 color of the aardvarks, the use of a saddle, or many of the
32582 multitude of other concerns related to aardvarks, and any such
32583 attempt by the government to control the matter of aardvarks or to
32584 enact any form of licensing scheme would be a *defacto*
32585 infringement, on the aforementioned right.

32586

32587 1145. Indeed the 2nd Amendment does not address matters of motor
32588 vehicles or that of aardvarks, dogs, cats, mules, or horses, but
32589 instead a much simpler issue, that of “arms”, which is an ancient
32590 right, upon which any form of infringement is strictly forbidden.

32591
32592 1146. While the riding of horses or aardvarks are not licensed, and
32593 the driving of automobiles is, as is the flying of airplanes and
32594 helicopters, or the piloting a motorboat on the public waters.
32595 However, none of these acts are Constitutionally protected, nor are
32596 they specifically listed in the Bill of Rights. Arms on the other
32597 hand are listed in the Bill of Rights, and arms are indeed
32598 constitutionally protected, and vital to both personal and national
32599 security in every way.

32600
32601 1147. In *Heller*, the Court stated, “the Second Amendment extends,
32602 *prima facie*, to all instruments that constitute bearable arms, even
32603 those that were not in existence at the time of the founding.” *Id.* at
32604 582. The Court thus rejected the notion that simply because
32605 something is a modern arm of the type in common use at the time,
32606 that it is therefore a “dangerous and unusual weapon.”

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1148. Otherwise, the Second Amendment would only protect only

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possession of older, unstable muzzle loading muskets and permit

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bans on modern safety ammunition and other modern

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technological improvements to arms, such as cartridge-based

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ammunition, automatic and manual safeties. Such an analysis, in

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the context of the First Amendment, would permit unfettered

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restrictions on speech recorded onto a digital medium, such as CD,

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MP3, and emailed text and further prevent the press' employment

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of modern printing mediums and Internet based publication. The

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Commonwealth of Massachusetts seeks to ban modern

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technological improvements to arms under the guise of public

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safety. It is for that reason that a judicial review must be

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undertaken to determine the constitutionality of all Commonwealth

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of Massachusetts statutes, licensing, and procedures in regards to

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arms of any form.

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1149. The Courts have already ruled that the government cannot

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license that which is a freedom. As the Court has also ruled that

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possessing arms within the home is a freedom; hence, no state can

32627 impose any kind of licensing scheme of any sort of arms in the
32628 home, or upon ones own property, or business. Nor may the state
32629 impose any sort of licensing scheme on arms that are being
32630 peaceably carried, merely that they may control to a very limited
32631 extent the mode of carry or of concealment, but nothing beyond
32632 that.

32633
32634 1150. Further, as the mere act of licensing is an act of *defacto*
32635 infringement, no license may be required to keep “arms” in any
32636 part of the United States, and infringements of any form are
32637 forbidden.

32638
32639 1151. “The right to bear arms has always been the distinctive
32640 privilege of freemen. Aside from any necessity of self-protection to
32641 the person, it represents among all nations power coupled with the
32642 exercise of a certain jurisdiction. . . . [I]t was not necessary that the
32643 right to bear arms should be granted in the Constitution, for it had
32644 always existed.” - J. Ordronaux, *Constitutional Legislation in the*
32645 *United States* 241–242 (1891).

32646
32647 1152. In *Heller* the Court further observes:
32648 “In the aftermath of the Civil War, there was an outpouring of
32649 discussion of the Second Amendment in Congress and in public
32650 discourse, as people debated whether and how to secure
32651 constitutional rights for newly free slaves. See generally S.
32652 Halbrook, *Freedmen, the Fourteenth Amendment, and the Right to*

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Bear Arms, 1866–1876 (1998) (hereinafter Halbrook); Brief for Institute for Justice as Amicus Curiae. Since those discussions took place 75 years after the ratification of the Second Amendment, they do not provide as much insight into its original meaning as earlier sources. Yet those born and educated in the early 19th century faced a widespread effort to limit arms ownership by a large number of citizens; their understanding of the origins and continuing significance of the Amendment is instructive.”

“Blacks were routinely disarmed by Southern States after the Civil War. Those who opposed these injustices frequently stated that they infringed blacks’ constitutional right to keep and bear arms. Needless to say, the claim was not that blacks were being prohibited from carrying arms in an organized state militia. A Report of the Commission of the Freedmen’s Bureau in 1866 stated plainly:

“[T]he civil law [of Kentucky] prohibits the colored man from bearing arms. . . . Their arms are taken from them by the civil authorities. . . . Thus, the right of the people to keep and bear arms as provided in the Constitution is infringed.” H. R. Exec. Doc. No. 70, 39th Cong., 1st Sess., 233, 236. A joint congressional Report decried:

“in some parts of [South Carolina], armed parties are, without proper authority, engaged in seizing all firearms found in the hands of the freemen. Such conduct is in clear and direct violation of their personal rights as guaranteed by the Constitution of the United States, which declares that ‘the right of the people to keep and bear arms shall not be infringed.’ The freedmen of South Carolina have shown by their peaceful and orderly conduct that they can safely be trusted with fire-arms, and they need them to kill game for subsistence, and to protect their crops from destruction by birds and animals.” - Joint Comm. on Reconstruction, H. R. Rep. No. 30, 39th Cong., 1st Sess., pt. 2, p. 229 (1866) (Proposed Circular of Brigadier General R. Saxton). “

“The view expressed in these statements was widely reported and was apparently widely held. For example, an editorial in The Loyal Georgian (Augusta) on February 3, 1866, assured blacks

32693 that “[a]ll men, without distinction of color, have the right to keep
32694 and bear arms to defend their homes, families or themselves.”

32695 Halbrook 19.

32696 Congress enacted the Freedmen’s Bureau Act on July 16, 1866.

32697 Section 14 stated:

32698 “[T]he right . . . to have full and equal benefit of all laws and
32699 proceedings concerning personal liberty, personal security, and
32700 the acquisition, enjoyment, and disposition of estate, real and
32701 personal, including the constitutional right to bear arms, shall
32702 be secured to and enjoyed by all the citizens . . . without respect
32703 to race or color, or previous condition of slavery. . . .” 14
32704 Stat. 176–177.”

32705
32706 “The understanding that the Second Amendment gave freed blacks
32707 the right to keep and bear arms was reflected in congressional
32708 discussion of the bill, with even an opponent of it saying that the
32709 founding generation “were for every man bearing his arms about
32710 him and keeping them in his house, his castle, for his own defense.”

32711 Cong. Globe, 39th Cong., 1st Sess., 362, 371 (1866) (Sen. Davis).

32712 Similar discussion attended the passage of the Civil Rights Act of
32713 1871 and the Fourteenth Amendment. For example,

32714 Representative Butler said of the Act: “Section eight is intended to

32715 enforce the well-known constitutional provision guaranteeing the
32716 right of the citizen to ‘keep and bear arms,’ and provides that

32717 **whoever shall take away, by force or violence, or by threats**
32718 **and intimidation, the arms and weapons which any person may**
32719 **have for his defense, shall be deemed guilty of larceny of the**
32720 **same.**” H. R. Rep. No. 37, 41st Cong., 3d Sess., pp. 7–8 (1871).

32721 With respect to the proposed Amendment, Senator Pomeroy
32722 described as one of the three “indispensable” “safeguards of
32723 liberty . . . under the Constitution” a man’s “right to bear arms for
32724 the defense of himself and family and his homestead.”

32725
32726 “Cong. Globe, 39th Cong., 1st Sess., 1182 (1866). Representative
32727 Nye thought the Fourteenth Amendment unnecessary because
32728 “[a]s citizens of the United States [blacks] have equal right to
32729 protection, and to keep and bear arms for self-defense.” Id., at
32730 1073 (1866). “

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32732 “It was plainly the understanding in the post-Civil War

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Congress that the Second Amendment protected an individual right to use arms for self-defense.”

1153. The States retain the ability to regulate the manner of carrying handguns within certain constitutional parameters (concealed versus not concealed); to prohibit the carrying of handguns in very specific, narrowly defined sensitive places; to prohibit the carrying of arms that are not within the scope of Second Amendment protection; and, to disqualify specific, particularly dangerous individuals (convicted felons and the adjudged mentally insane) from carrying handguns.

1154. The States may not ban arms, nor compel a license to possess or carry handguns or other arms for self defense, may not deny individuals the right to carry handguns or other arms in non-sensitive places, may not deprive individuals of the right to carry handguns in an arbitrary and capricious manner, or impose regulations on the right to carry handguns or other arms, or impose any licensing scheme of any sort which are inconsistent with the Second Amendment.

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1155. The Court in *Ezell v. City of Chicago*, stated:

“*McDonald* confirms that when state- or local-government action is challenged, the focus of the original-meaning inquiry is carried forward in time; the Second Amendment's scope as a limitation on the States depends on how the right was understood when the Fourteenth Amendment was ratified . . . this wider historical lens is required if we are to follow the Court's lead in resolving questions about the scope of the Second Amendment by consulting its original public meaning as both a starting point and an important constraint on the analysis.” - 2011 U.S. App. LEXIS 14108 at 39-40.

1156. Another reason that the *Heller* decision is appropriate for the Court to consider in free press cases is that *Heller's* approach is, in fact, very similar to how the Court has already discussed the Free Press Clause, in those relatively few cases in which the history of the Free Press Clause has come up. The Supreme Court has recognized that a prepublication licensing requirement a prior restraint is a violation of the First Amendment," reminiscent of the history of abuses of the British Crown under the notorious Printing Acts. As Justice Scalia explained: *Thomas v. Chi. Park Dist.*, 534 U.S. 316, 320 (2002)

“The First Amendment's guarantee of "the freedom of speech, or of the press" prohibits a wide assortment of government restraints upon expression, but the core abuse against which it was directed was the scheme of licensing laws implemented by the monarch

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and Parliament to contain the "evils" of the printing press in 16th- and 17th-century England. The Printing Act of 1662 had "prescribed what could be printed, who could print, and who could sell."

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1157. The States also may not restrict, or license the possession of firearms, pistols, rifles, revolvers, swords, foils, daggers, or other useful arms that the citizen selects as being most suited to their own defense, and which have been historically useful in defending the home or business.

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1158. The States are not allowed to dictate which weapons may or may not be kept within the home, only that certain overly unstable or overly dangerous firearms (by reason of a design flaw, or tendency to unexpectedly explode into shrapnel) may be controlled in retail sale, not in possession. For example, a large carriage-mounted, decrepit, badly corroded and cracked cannon would be most unsuited for defense inside the home; however, any modern shotgun, rifle, pistol, revolver, or edged or impact weapons or other weapons which is in good repair and/or commonly used by the police or the military would be well suited to home, business, and property defense.

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1159. *State v. Kessler*, 289 Or. 359, 614 P. 2d 94, at 95, at 98

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(1980).

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“We are not unmindful that there is current controversy over the wisdom of a right to bear arms, and that the original motivations for such a provision might not seem compelling if debated as a new issue. Our task, however, in construing a constitutional provision is to respect the principles given the status of constitutional guarantees and limitations by the drafters; it is not to abandon these principles when this fits the needs of the moment.”

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“Therefore, the term 'arms' as used by the drafters of the constitutions probably was intended to include those weapons used by settlers for both personal and military defense. The term 'arms' was not limited to firearms, but included several handcarried weapons commonly used for defense. The term 'arms' would not have included cannon or other heavy ordnance not kept by militiamen or private citizens.”

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1160. *Motley v. Kellogg*, 409 N.E. 2d 1207, at 1210 (Ind. App.

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1980)

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“[N]ot making applications available at the chief's office effectively denied members of the community the opportunity to obtain a gun permit and bear arms for their self-defense.”

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1161. *Schubert v. DeBard*, 398 N.E. 2d 1339, at 1341 (Ind. App.

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1980)

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“We think it clear that our constitution provides our citizenry the right to bear arms for their self- defense.”

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32834 1162. *Taylor v. McNeal*, 523 S.W. 2d 148, at 150 (Mo. App. 1975)

32835 "The pistols in question are not contraband. * * * Under Art. I, sec
32836 23, Mo. Const. 1945, V.A.M.S., every citizen has the right to keep
32837 and bear arms in defense of his home, person, and property, with
32838 the limitation that this section shall not justify the wearing of
32839 concealed arms."

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32841 1163. *City of Lakewood v. Pillow*, 180 Colo. 20, 501 P. 2d 744, at

32842 745 (en banc 1972).

32843 "As an example, we note that this ordinance would prohibit
32844 gunsmiths, pawnbrokers and sporting goods stores from carrying
32845 on a substantial part of their business. Also, the ordinance appears
32846 to prohibit individuals from transporting guns to and from such
32847 places of business. Furthermore, it makes it unlawful for a person
32848 to possess a firearm in a vehicle or in a place of business for the
32849 purpose of self-defense. Several of these activities are
32850 constitutionally protected. Colo. Const. art. II, sec 13."

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32852 1164. *City of Las Vegas v. Moberg*, 82 N.M. 626, 485 P. 2d 737, at

32853 738 (N.M. App. 1971).

32854 "It is our opinion that an ordinance may not deny the people the
32855 constitutionally guaranteed right to bear arms, and to that extent
32856 the ordinance under consideration is void."

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32859 1165. *State v. Nickerson*, 126 Mt. 157, 247 P. 2d 188, at 192 (1952).

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32861 "The law of this jurisdiction accords to the defendant the right to
32862 keep and bear arms and to use same in defense of his own home,
32863 his person and property."

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32865 1166. *People v. Liss*, 406 Ill. 419, 94 N.E. 2d 320, at 323 (1950).

32866 “The second amendment to the constitution of the United States
32867 provides the right of the people to keep and bear arms shall not be
32868 infringed. This of course does not prevent the enactment of a law
32869 against carrying concealed weapons, but it does indicate it should
32870 be kept in mind, in the construction of a statu[t]e of such character,
32871 that it is aimed at persons of criminal instincts, and for the
32872 prevention of crime, and not against use in the protection of person
32873 or property.”
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32875 1167. *People v. Nakamura*, 99 Colo. 262, at 264, 62 P. 2d 246 (en
32876 banc 1936).

32877 “It is equally clear that the act wholly disarms aliens for all
32878 purposes. The state . . . cannot disarm any class of persons or
32879 deprive them of the right guaranteed under section 13, article II of
32880 the Constitution, to bear arms in defense of home, person and
32881 property. The guaranty thus extended is meaningless if any person
32882 is denied the right to possess arms for such protection.”
32883

32884 1168. *Glasscock v. City of Chattanooga*, 157 Tenn. 518, at 520, 11
32885 S.W. 2d 678 (1928).

32886 “There is no qualification of the prohibition against the carrying of
32887 a pistol in the city ordinance before us but it is made unlawful 'to
32888 carry on or about the person any pistol,' that is, any sort of pistol in
32889 any sort of manner. *** [W]e must accordingly hold the provision
32890 of this ordinance as to the carrying of a pistol invalid.”
32891

32892 1169. *People v. Zerillo*, 219 Mich. 635, 189 N.W. 927, at 928
32893 (1922).

32894 “The provision in the Constitution granting the right to all persons
32895 to bear arms is a limitation upon the right of the Legislature to
32896 enact any law to the contrary. The exercise of a right guaranteed

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by the Constitution cannot be made subject to the will of the sheriff.”

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1170. *State v. Kerner*, 181 N.C. 574, 107 S.E. 222, at 224 (1921).

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“We are of the opinion, however, that 'pistol' *ex vi termini* is properly included within the word 'arms,' and that the right to bear such arms cannot be infringed. The historical use of pistols as 'arms' of offense and defense is beyond controversy.”

“The maintenance of the right to bear arms is a most essential one to every free people and should not be whittled down by technical constructions.”

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1171. *State v. Rosenthal*, 75 VT. 295, 55 A. 610, at 611 (1903).

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“The people of the state have a right to bear arms for the defense of themselves and the state. *** The result is that Ordinance No. 10, so far as it relates to the carrying of a pistol, is inconsistent with and repugnant to the Constitution and the laws of the state, and it is therefore to that extent, void.”

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1172. *In re Brickey*, 8 Ida. 597, at 598-99, 70 p. 609 (1902).

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“The second amendment to the federal constitution is in the following language: 'A well-regulated militia, being necessary to the security of a free state, the right of the people to keep and bear arms, shall not be infringed.' The language of section 11, article I of the constitution of Idaho, is as follows: 'The people have the right to bear arms for their security and defense, but the legislature shall regulate the exercise of this right by law.' Under these constitutional provisions, the legislature has no power to prohibit a citizen from bearing arms in any portion of the state of Idaho, whether within or without the corporate limits of cities, towns, and villages.”

32930 1173. *Wilson v. State*, 33 Ark. 557, at 560, 34 Am. Rep. 52, at 54

32931 (1878).

32932 “If cowardly and dishonorable men sometimes shoot unarmed men
32933 with army pistols or guns, the evil must be prevented by the
32934 penitentiary and gallows, and not by a general deprivation of
32935 constitutional privilege.”

32936

32937 1174. *Jennings v. State*, 5 Tex. Crim. App. 298, at 300-01 (1878).

32938 “We believe that portion of the act which provides that, in case of
32939 conviction, the defendant shall forfeit to the county the weapon of
32940 weapons so found on or about his person is not within the scope of
32941 legislative authority. * * * One of his most sacred rights is that of
32942 having arms for his own defence and that of the State. This right is
32943 one of the surest safeguards of liberty and self-preservation.”

32944

32945 1175. *Andrews v. State*, 50 Tenn. 165, 8 Am. Rep. 8, at 17 (1871).

32946 “The passage from Story shows clearly that this right was intended,
32947 as we have maintained in this opinion, and was guaranteed to and
32948 to be exercised and enjoyed by the citizen as such, and not by him
32949 as a soldier, or in defense solely of his political rights.”

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32951 1176. *Nunn v. State*, 1 Ga. (1 Kel.) 243, at 251 (1846).

32952 “The right of the people to bear arms shall not be infringed.” The
32953 right of the whole people, old and young, men, women and boys,
32954 and not militia only, to keep and bear arms of every description,
32955 and not such merely as are used by the militia, shall not be
32956 infringed, curtailed, or broken in upon, in the smallest degree; and
32957 all this for the important end to be attained: the rearing up and
32958 qualifying a well- regulated militia, so vitally necessary to the
32959 security of a free State.”

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1177. *Simpson v. State*, 13 Tenn. 356, at 359-60 (1833).

“But suppose it to be assumed on any ground, that our ancestors adopted and brought over with them this English statute, [the statute of Northampton,] or portion of the common law, our constitution has completely abrogated it; it says, ‘that the freemen of this State have a right to keep and bear arms for their common defence.’ Article II, sec. 26. * * * By this clause of the constitution, an express power is given and secured to all the free citizens of the State to keep and bear arms for their defence, without any qualification whatever as to their kind or nature; and it is conceived, that it would be going much too far, to impair by construction or abridgement a constitutional privilege, which is so declared; neither, after so solemn an instrument hath said the people may carry arms, can we be permitted to impute to the acts thus licensed, such a necessarily consequent operation as terror to the people to be incurred thereby; we must attribute to the framers of it, the absence of such a view.”

1178. *Bliss v. Commonwealth*, 12 Ky. (2 Litt.) 90, at 92, and 93, 13 Am. Dec. 251 (1822).

“For, in principle, there is no difference between a law prohibiting the wearing concealed arms, and a law forbidding the wearing such as are exposed; and if the former be unconstitutional, the latter must be so likewise.”

“But it should not be forgotten, that it is not only a part of the right that is secured by the constitution; it is the right entire and complete, as it existed at the adoption of the constitution; and if any portion of that right be impaired, immaterial how small the part may be, and immaterial the order of time at which it be done, it is equally forbidden by the constitution.”

1179. In *Archuleta v. Wagner*, 523 F.3d 1278, 1282 (10th Cir. 2008)

32995 “[G]overnment officials performing discretionary functions
32996 generally are granted a qualified immunity and are shielded from
32997 liability for civil damages insofar as their conduct does not violate
32998 clearly established statutory or constitutional rights of which a
32999 reasonable person would have known.” *Id.* at 1282-83 (quoting
33000 ***Wilson v. Layne***, 526 U.S. 603, 609 (1999)). “Once the qualified
33001 immunity defense is asserted, . . . the plaintiff must demonstrate
33002 that the defendant’s actions violated a constitutional or statutory
33003 right” and that “the constitutional or statutory rights the defendant
33004 allegedly violated were clearly established at the time of the
33005 conduct at issue.”
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33007 1180. In determining whether a constitutional right was clearly
33008 established, we look at the specific context of the case. ***Bowling v.***
33009 ***Rector***, 584 F.3d 956, 964 (10th Cir. 2009).

33010 “A plaintiff can demonstrate that **a constitutional right is clearly**
33011 **established by reference to cases from the Supreme Court**, the
33012 Tenth Circuit, or the weight of authority from other circuits. There
33013 need not be precise factual correspondence between earlier cases
33014 and the case at hand, because general statements of the law are not
33015 inherently incapable of giving fair and clear warning. The right
33016 must only be sufficiently clear that a reasonable official would
33017 understand that what he is doing violates that right.”
33018

33019 1181. Further in ***Snell v. Tunnell***, 920 F.2d 673, 700 (10th Cir.
33020 1990) the court states.

33021 “The requisite causal connection is satisfied if the defendant set in
33022 motion a series of events that the defendant knew or reasonably
33023 should have known would cause others to deprive the plaintiff of
33024 her constitutional rights.”

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33026 “Any official who ‘causes’ a citizen to be deprived of her
33027 constitutional rights can also be held liable.” ***Snell***, 920 F.2d at

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700 (quotation omitted).

1182. The 10th Cir. Court has demonstrated causation by showing an affirmative link between the constitutional deprivation and the officer's or government officials exercise of control or direction.

1183. The Supreme Court has already ruled on this matter, and poses the first question of conduct in *Wilson v. Layne*, 526 U.S. 603, 609 (1999); *County of Sacramento v. Lewis*, 523 U.S. 833, 841 n.5 (1998); *Siegert v. Gilley*, 500 U.S. 226, 232 (1991). The threshold inquiry is whether the plaintiff's allegations, if true, establish a constitutional violation. *Hope v. Pelzer*, 122 S. Ct. 2508, 2513 (2002); *Saucier v. Katz*, 533 U.S. 194, 201 (2001); *Siegert*, 500 U.S. at 232. In the first question, The right to keep and bear arms is a defacto "Constitutional Right" under the 2nd and 14th Amendments, and any infringement or deprivation attempt by any government official or government agency "pierces and rips asunder the veil" of either absolute immunity, qualified immunity, prosecutorial, and even judicial, or immunities of any other types or descriptions. Hence, any government officer, employee, or agent that violates, or attempts to violate a citizen's Constitutional right

33049 does so at the cost of forfeiting all forms of immunity of their
33050 office or position, and hence they stand naked and vulnerable
33051 before the court, with no immunity of any form whatsoever.

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33053 1184. The second question by the Supreme Court is whether the right
33054 was clearly established before the time of the alleged violation.

33055 “That question is necessary because those acting under color of
33056 authority should be on notice that their conduct is unlawful
33057 before they are subject to suit.” *Hope*, 122 S. Ct. at 2516-18;
33058 *Anderson v. Creighton*, 483 U.S. 635, 638-40 (1987).
33059

33060 1185. On the second Question by the Supreme Court is that if the
33061 right being “clearly established” in that the right is understood by
33062 the common man, is well ingrained into the training of any
33063 member of the military or law enforcement, and in fact is taught in
33064 most High School civics and government courses (and is required
33065 to be known in order to become a U.S. Citizen through
33066 naturalization). In short, the question is that is it a commonly
33067 understood, and commonly accepted civil right. The answer in this
33068 case is that indeed, most high school graduates or immigrants
33069 would recognize the right, as would any member of the military,
33070 most college graduates, and as would all police officers in the

33071 Town of Rockport, or elsewhere. The question of whether a right is
33072 clearly established is an issue of law for the court to decide. *Elder*
33073 *v. Holloway*, 510 U.S. 510, 516 (1994), but it can be assumed that
33074 the state actors were well aware that the right was indeed “clearly
33075 established” or “well understood” by them.

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33077 1186. The third question is whether a reasonable agent of the state,
33078 acting under color of law, similarly situated, would understand that
33079 the challenged or prohibited conduct violated that established right.
33080 *Swain v. Spinney*, 117 F.3d 1, 9 (1st Cir. 1997). On the third
33081 question, the reasonableness inquiry is also a legal determination,
33082 although it may entail preliminary factual determinations if there
33083 are disputed material facts (which should be left for a jury). *Swain*,
33084 117 F.3d at 10.

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33086 1187. “[T]he concept of due process is equivalent to ‘fundamental
33087 fairness.’” *Newman v. Massachusetts*, 884 F. 2d 19, 23 (1st Cir.
33088 1989) (citation omitted). Due process requires that impacted
33089 individuals be “entitled to the Constitutional minimum of ‘some
33090 kind of hearing’ and ‘some pre termination opportunity to

33091 respond.”” *O’Neil v. Baker*, 210 F. 3d 41, 47-78 (1st Cir. 2000)
33092 (quoting *Cleveland Bd. Of Educ. v. Loudermill*, 470 U.S. 532, 542
33093 (1985) (footnote omitted). “The ubiquity of the ‘notice and
33094 opportunity to be heard’ principle as a matter of fundamental
33095 fairness is deeply engrained in our jurisprudence.” *Oakes v. United*
33096 *States*, 400 F. 3d 92, 98 (1st Cir. 2005) citations omitted.

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33098 1188. In *Ezell v. City of Chicago*, 10 -3525 (7th Cir. 7-6-2011) the
33099 Appeals Court decided the scope of the Second Amendment right
33100 as recognized in *Heller* and applied to the States in *McDonald*;

33101 “*Heller* held that the Amendment secures an individual
33102 right to keep and bear arms, the core component of which is the
33103 right to possess operable fire arm handguns included for self-
33104 defense, most notably in the home. *Id.* at 592-95, 599, 628-29.”

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33106 1189. *Ezell* (2011) further tells us:

33107 “But the Supreme Court has now spoken in *Heller* and
33108 *McDonald* on the Second Amendment right to possess a gun in
33109 the home for self-defense and the City must come to terms with
33110 that reality. Any regulation on firearms ownership must respect
33111 that right.”

33112

33113 1190. In *Snyder v. Massachusetts*, 291 U. S. 97, 105 (1934), the

33114 Court spoke of rights that are “so rooted in the traditions and

33115 conscience of our people as to be ranked as fundamental.” As the
33116 Supreme Court has found in the *McDonald*, and *Heller* decisions,
33117 the right to keep and bear arms, particularly within the sanctity of
33118 one’s home, is and **always has been an ordered liberty** of United
33119 States citizenship fundamental and beyond the pale of
33120 discretionary, subjective regulations by the States.

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33122 1191. Plaintiff Atkinson, respectfully submits that any statutory
33123 scheme which invades the fundamental liberty right of self defense
33124 within the home by enacting any scheme which attempts to
33125 regulate the possession and/or storage of any firearm(s) providing
33126 a basis to interfere in any way or attempt to revoke or impinge
33127 upon such a right without the barest of fundamental fairness and
33128 due process such as a *Loudermill* type hearing, is fatally flawed
33129 and wholly prohibited under the application of the Second
33130 Amendment to all of the States in light of the newly decided
33131 authority contained herein. Under the present status of
33132 jurisprudence, in light of newly decided authorities, it is
33133 respectfully submitted that without a prior showing cloaked with
33134 the fairness of a *Loudermill* type hearing that an individual is

33135 either a convicted felon or legally and previously adjudged insane,
33136 any interfere with a Massachusetts citizen's unqualified right to
33137 keep arms within the sanctity of the citizen's home is *per se*
33138 unreasonable and prohibited.

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33140 1192. Although *McDonald's* five Justice majority reached the
33141 conclusion that the right to keep and bear arms is a protected
33142 liberty interest under the Second Amendment in different ways,
33143 under either the Due Process Clause or Privileges or Immunities
33144 Clause, a majority confirmed that "the Second Amendment right is
33145 fully applicable to the States." *McDonald* at 3026. Where a
33146 "fourteenth amendment liberty interest is implicated...the state
33147 therefore must adhere to rigorous procedural safeguards."
33148 *Valdivieso Ortiz v. Burgos*, 807 F. 2d 6, 8 (1st Cir. 1986); see also
33149 *Kuck v. Danaher*, 600 F. 3d 159, 165 (2d Cir. 2010) (same).

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33151 1193. Richard Henry Lee, Virginia delegate to the
33152 Continental Congress, initiator of the Declaration of
33153 Independence, and member of the first Senate, which
33154 passed the Bill of Rights, stated:

33155 “To preserve liberty, it is essential that the whole body of
33156 the people always possess arms, and be taught alike,
33157 especially when young, how to use them.”
33158

33159 1194. On January 20, 1982, Orrin G. Hatch, Chairman of
33160 the Subcommittee on the Constitution of the Senate, 96th
33161 Congress, 2nd Session:

33162 “Utilizing the research capabilities of the Subcommittee
33163 on the Constitution, the resources of the Library of
33164 Congress, and the assistance of constitutional scholars
33165 such as Mary Kaaren Jolly, Steven Halbrook, and David T.
33166 Hardy, the subcommittee has managed to uncover
33167 information on the right to keep and bear arms which
33168 documents quite clearly its status as a **major individual**
33169 **right** of American citizens. We did not guess at the
33170 purpose of the British 1689 Declaration of Rights; we
33171 located the Journals of the House of Commons and private
33172 notes of the Declaration's sponsors, now dead for two
33173 centuries. We did not make suppositions as to colonial
33174 interpretations of that Declaration's right to keep arms; we
33175 examined colonial newspapers which discussed it. We did
33176 not speculate as to the intent of the framers of the second
33177 amendment; we examined James Madison's drafts for it,
33178 his handwritten outlines of speeches upon the Bill of
33179 Rights, and discussions of the second amendment by early
33180 scholars who were personal friends of Madison, Jefferson,
33181 and Washington while these still lived. What the
33182 Subcommittee on the Constitution uncovered was clear —
33183 and long lost — proof that the second amendment to our
33184 Constitution was intended as an individual right of the
33185 American citizen to keep and carry arms in a peaceful
33186 manner, for protection of himself, his family, and his
33187 freedoms.”
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33189 1195. Patrick Henry, in the Virginia Convention on the

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ratification of the Constitution further articulated that:

“The great object is that every man be armed . . . Everyone who is able may have a gun.”

1196. The author of the Bill of Rights, James Madison, writes in this Federalists Papers:

“The advantage of being armed . . . the Americans possess over the people of all other nations . . . Notwithstanding the military establishments in the several Kingdoms of Europe, which are carried as far as the public resources will bear, the governments are afraid to trust the people with arms.”

1197. The Supreme Court’s prior restraint doctrine mandates higher standards:

“It is settled by a long line of recent decisions of this Court that an ordinance which... makes the peaceful enjoyment of freedoms which the Constitution guarantees contingent upon the uncontrolled will of an official – as by requiring a permit or license which may be granted or withheld in the discretion of such official – is an unconstitutional censorship or prior restraint upon the enjoyment of those freedoms.”

1198. All Defendants in this action have violated Federal law and have conspired against the rights of Plaintiff Atkinson, and have deprived Plaintiff Atkinson of his rights under color of law.

33218 1199. Plaintiff is a disabled veteran

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33220 1200. Plaintiff was “by force or threat of force willfully injured,
33221 intimidated or interfered with, or attempts to injure, intimidate or
33222 interfere”

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33224 1201. Plaintiff was not allowed to keep and bear arms (privilege and
33225 immunity of being a citizen), and thus a deprivation and
33226 infringement of rights.

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33228 1202. Defendants actions interfered with Plaintiff attending two
33229 different public schools, that are partially federally funded, and
33230 where the tuition was waived, as Plaintiff is a veteran, thus he is
33231 deprived of a benefit.

33232

33233 1203. Under 18 USC 245(b)(1)(B) Plaintiffs veterans benefits, 2nd
33234 Amendments privileges, and educational programs provided by the
33235 United States were interfered with, intimidated, and injured.

33236

33237 1204. By the police notifying the three colleges, they indeed
33238 intimidated them and caused fear (within the college), thus causing
33239 them to suspend or expel Plaintiff. This is notable as Plaintiff was
33240 not accused of any act of violence at any time, nor had he been
33241 adjudged by any court to be dangerous.

33242
33243 1205. Thus, Plaintiff asserts that under 18 USC 245 was violated by
33244 all 14 police officers or federal agents involved, the magistrate, the
33245 district court judge, the Commonwealth, the Sheriff's Department,
33246 and other actors involved in any way in the search warrant either
33247 being applied for, approved (if it was), filed, executed, enforced, or
33248 prosecuted.

33249 TITLE 18 > PART I > CHAPTER 13 > § 245
33250 § 245. Federally protected activities
33251 (a)
33252 (1) Nothing in this section shall be construed as
33253 indicating an intent on the part of Congress to prevent
33254 any State, any possession or Commonwealth of the
33255 United States, or the District of Columbia, from
33256 exercising jurisdiction over any offense over which it
33257 would have jurisdiction in the absence of this section, nor
33258 shall anything in this section be construed as depriving
33259 State and local law enforcement authorities of
33260 responsibility for prosecuting acts that may be violations
33261 of this section and that are violations of State and local
33262 law. No prosecution of any offense described in this
33263 section shall be undertaken by the United States except
33264 upon the certification in writing of the Attorney General,

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the Deputy Attorney General, the Associate Attorney General, or any Assistant Attorney General specially designated by the Attorney General that in his judgment a prosecution by the United States is in the public interest and necessary to secure substantial justice, which function of certification may not be delegated.

(2) Nothing in this subsection shall be construed to limit the authority of Federal officers, or a Federal grand jury, to investigate possible violations of this section.

(b) Whoever, whether or not acting under color of law, by force or threat of force willfully injures, intimidates or interferes with, or attempts to injure, intimidate or interfere with—

(1) any person because he is or has been, or in order to intimidate such person or any other person or any class of persons from—

(A) voting or qualifying to vote, qualifying or campaigning as a candidate for elective office, or qualifying or acting as a poll watcher, or any legally authorized election official, in any primary, special, or general election;

(B) participating in or enjoying any **benefit**, service, **privilege**, program, facility, or activity provided or administered by the United States;

(C) applying for or enjoying employment, or any perquisite thereof, by any agency of the United States;

(D) serving, or attending upon any court in connection with possible service, as a grand or petit juror in any court of the United States;

(E) participating in or enjoying the benefits of any program or activity receiving Federal financial assistance; or

(2) any person because of his race, color, religion or national origin and because he is or has been—

(A) enrolling in or attending any public school or public college;

33305 (B) participating in or enjoying any benefit, service,
33306 privilege, program, facility or activity provided or
33307 administered by any State or subdivision thereof;
33308 (C) applying for or enjoying employment, or any
33309 perquisite thereof, by any private employer or any agency
33310 of any State or subdivision thereof, or joining or using
33311 the services or advantages of any labor organization,
33312 hiring hall, or employment agency;
33313 (D) serving, or attending upon any court of any State in
33314 connection with possible service, as a grand or petit
33315 juror;
33316 (E) traveling in or using any facility of interstate
33317 commerce, or using any vehicle, terminal, or facility of
33318 any common carrier by motor, rail, water, or air;
33319 (F) enjoying the goods, services, facilities, privileges,
33320 advantages, or accommodations of any inn, hotel, motel,
33321 or other establishment which provides lodging to
33322 transient guests, or of any restaurant, cafeteria,
33323 lunchroom, lunch counter, soda fountain, or other facility
33324 which serves the public and which is principally engaged
33325 in selling food or beverages for consumption on the
33326 premises, or of any gasoline station, or of any motion
33327 picture house, theater, concert hall, sports arena, stadium,
33328 or any other place of exhibition or entertainment which
33329 serves the public, or of any other establishment which
33330 serves the public and
33331 (i) which is located within the premises of any of the
33332 aforesaid establishments or within the premises of which
33333 is physically located any of the aforesaid establishments,
33334 and
33335 (ii) which holds itself out as serving patrons of such
33336 establishments; or
33337
33338 (3) during or incident to a riot or civil disorder, any
33339 person engaged in a business in commerce or affecting
33340 commerce, including, but not limited to, any person
33341 engaged in a business which sells or offers for sale to
33342 interstate travelers a substantial portion of the articles,
33343 commodities, or services which it sells or where a

33344 substantial portion of the articles or commodities which it
33345 sells or offers for sale have moved in commerce; or
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33347 (4) any person because he is or has been, or in order to
33348 intimidate such person or any other person or any class of
33349 persons from—
33350 (A) participating, without discrimination on account of
33351 race, color, religion or national origin, in any of the
33352 benefits or activities described in subparagraphs (1)(A)
33353 through (1)(E) or subparagraphs (2)(A) through (2)(F); or
33354 (B) affording another person or class of persons
33355 opportunity or protection to so participate; or
33356
33357 (5) any citizen because he is or has been, or in order to
33358 intimidate such citizen or any other citizen from lawfully
33359 aiding or encouraging other persons to participate,
33360 without discrimination on account of race, color, religion
33361 or national origin, in any of the benefits or activities
33362 described in subparagraphs (1)(A) through (1)(E) or
33363 subparagraphs (2)(A) through (2)(F), or participating
33364 lawfully in speech or peaceful assembly opposing any
33365 denial of the opportunity to so participate—
33366
33367 shall be fined under this title, or imprisoned not more
33368 than one year, or both; and if bodily injury results from
33369 the acts committed in violation of this section or if such
33370 acts include the use, attempted use, or threatened use of a
33371 dangerous weapon, explosives, or fire shall be fined
33372 under this title, or imprisoned not more than ten years, or
33373 both; and if death results from the acts committed in
33374 violation of this section or if such acts include
33375 kidnapping or an attempt to kidnap, aggravated sexual
33376 abuse or an attempt to commit aggravated sexual abuse,
33377 or an attempt to kill, shall be fined under this title or
33378 imprisoned for any term of years or for life, or both, or
33379 may be sentenced to death. As used in this section, the
33380 term “participating lawfully in speech or peaceful
33381 assembly” shall not mean the aiding, abetting, or inciting
33382 of other persons to riot or to commit any act of physical

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violence upon any individual or against any real or personal property in furtherance of a riot.

Nothing in subparagraph (2)(F) or (4)(A) of this subsection shall apply to the proprietor of any establishment which provides lodging to transient guests, or to any employee acting on behalf of such proprietor, with respect to the enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of such establishment if such establishment is located within a building which contains not more than five rooms for rent or hire and which is actually occupied by the proprietor as his residence.

(c) Nothing in this section shall be construed so as to deter any law enforcement officer from lawfully carrying out the duties of his office; and no law enforcement officer shall be considered to be in violation of this section for lawfully carrying out the duties of his office or lawfully enforcing ordinances and laws of the United States, the District of Columbia, any of the several States, or any political subdivision of a State. For purposes of the preceding sentence, the term “law enforcement officer” means any officer of the United States, the District of Columbia, a State, or political subdivision of a State, who is empowered by law to conduct investigations of, or make arrests because of, offenses against the United States, the District of Columbia, a State, or a political subdivision of a State.

(d) For purposes of this section, the term “State” includes a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.

TITLE 18 > PART I > CHAPTER 13 > § 241

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§ 241. Conspiracy against rights
If two or more persons conspire to injure, oppress, threaten, or intimidate any person in any State, Territory, Commonwealth, Possession, or District in the free exercise or enjoyment of any right or privilege secured to him by the

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Constitution or laws of the United States, or because of his having so exercised the same; or
If two or more persons go in disguise on the highway, or on the premises of another, with intent to prevent or hinder his free exercise or enjoyment of any right or privilege so secured—
They shall be fined under this title or imprisoned not more than ten years, or both; and if death results from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill, they shall be fined under this title or imprisoned for any term of years or for life, or both, or may be sentenced to death.

TITLE 18 > PART I > CHAPTER 13 > § 242

§ 242. Deprivation of rights under color of law
Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any person in any State, Territory, Commonwealth, Possession, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States, or to different punishments, pains, or penalties, on account of such person being an alien, or by reason of his color, or race, than are prescribed for the punishment of citizens, shall be fined under this title or imprisoned not more than one year, or both; and if bodily injury results from the acts committed in violation of this section or if such acts include the use, attempted use, or threatened use of a dangerous weapon, explosives, or fire, shall be fined under this title or imprisoned not more than ten years, or both; and if death results from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse, or an attempt to commit aggravated sexual abuse, or an attempt to kill, shall be fined under this title, or imprisoned for any term of years or for life, or both, or may be sentenced to death.

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PLAINTIFF

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1206. Plaintiff Atkinson an internationally respected, recognized and

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published, expert in the subject matter of technical counter-

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intelligence, TEMPEST, TSCM, espionage defenses; spy hunting

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through technical and scientific analysis methods.

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1207. Plaintiff Atkinson, is representing himself at this time in this

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matter *pro se* and *propria persona*, but he is not acting as a Private

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Attorney General in this case (at present), and is acting solely on

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his own behalf.

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1208. In civil rights cases where plaintiff appears *pro se*, federal court

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must construe pleadings liberally and must afford plaintiff benefit

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of any doubt; *North Star International v. Arizona Corporation*

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Commission, 720 F.2d 578,580 (9th Cir. 1983). All material

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allegations in the complaint are to be accepted as true and all

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doubts are to be resolved in favor of the Plaintiff. *Ernest W. Hahn,*

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Inc. v. Coddling, 615 F2d. 830, 834-35 (9th Cir. 1980). “We may

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affirm the judgment on any basis supported by the record even if

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the district court did not rely on that basis.” *United States v. County of Humboldt*. 628 F.2d 549, 551, (9th Cir 1980).

1209. Plaintiff Atkinson hereby serves formal notice pursuant to Federal Rules of Civil Procedure, 5.1 “Constitutional Challenge to a Statute - Notice, Certification, and Intervention” and formal notice of “Civil Right Violation, Infringement, and Deprivation” that numerous Massachusetts General Laws, Statutes, and Regulations are unconstitutional.

1210. Notice of this Constitutional challenge has previously been in writing and made to the Attorney General of the Commonwealth of Massachusetts in the manner required by Federal Rules of Civil Procedure 5.1. This notification to the Attorney General was then utterly ignored by them.

1211. Plaintiff Atkinson resides at 31R Broadway, Rockport, MA 01966 in Essex County.

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1212. Plaintiff Atkinson brings this notice, claim, and complaint forward on his own behalf before this court.

1213. Plaintiff Atkinson is an expert in the use and handing of arms, teaching of open handed combat, non-lethal use of force; less-lethal use of force; improvised weapons; small arms; SWAT; Hostage Rescue (HRT); and Emergency Response (ERT) teams in all forms of firearms; chemical weapons instructor and master instructor; long range sniping instructor; machine gun instructor; explosive entry specialist; covert bio-regulators use instructor; nerve toxics and poisons at both the lethal and non-lethal levels; improvised explosive devices; concealed firearms carry instructor; and vehicle combat driving instructor; and vehicle commandeering instructor.

1214. Plaintiff Atkinson is also a highly skilled factory trained and certified armorer with every major weapons platform used by major law enforcement agencies, federal agencies, the U.S. Military, Diplomatic, Special Operations Forces, and the military, diplomatic, and police agencies of foreign countries. These

33522 armorer credentials include, but are not limited to: Mossberg,
33523 Remington, Glock, Browning, Smith and Wesson, Heckler and
33524 Koch, IMI, Berretta, Sig-Arms, Defense Technologies, Mace
33525 Security International, and others.

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33527 1215. Plaintiff Atkinson was also a volunteer Emergency First
33528 Responder (EFR) and Emergency Medical Technician (EMT) in
33529 his community (up to the events described elsewhere in this
33530 complaint), a volunteer CPR and First Aid Instructor for the
33531 American Red Cross, Life Member of the National Rifle
33532 Association, Life Member of the Police Marksmen Association,
33533 and Life Member of the Law Enforcement Association of America,
33534 and other groups.

33535

33536 1216. Plaintiff James M. Atkinson, is the Founder, President and
33537 Senior Engineer of Granite Island Group located in Gloucester,
33538 MA, which is a small veteran owned company operating as a sole
33539 proprietorship that since 1987 has specialized in the field of
33540 electronics engineering. The firm has special capability involving

33541 the protection of classified, confidential, privileged, or private
33542 information against technical attack, eavesdropping, or exploitation.

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33544 1217. Plaintiff Atkinson is responsible for performing visual and
33545 instrumented TSCM (Technical Surveillance Counter Measure)
33546 surveys. This includes the analysis of all signals present on the
33547 airways; evaluation of telephone lines, computer networks,
33548 detection of computer viruses and Trojan horses, security of voice
33549 and data switching systems, and any mechanism by which a spy
33550 could commit technical eavesdropping or surveillance against or
33551 exploitation of a target through technical means. Also included in
33552 these responsibilities are the studies of electromagnetic
33553 interference (EMI), and the study of electromagnetic compliance
33554 (EMC), to include the performance of visual and instrumented
33555 TEMPEST inspections, and measures to mitigate other technical
33556 weaknesses in communications and computer systems.

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33558 1218. Plaintiff Atkinson has attended extensive private and
33559 government sponsored TSCM, TEMPEST, cryptographic,
33560 technical intelligence, electronics, and security training both in the

33561 United States and abroad. He has been involved in many hundreds
33562 of TSCM, TEMPEST inspections, over the past 30 years of
33563 government and private sector assignments. He has been
33564 extensively published on these subject matters, and has authored
33565 materials that have affected national policy.

33566
33567 1219. Plaintiff Atkinson clients include major corporations, heads-of-
33568 state, diplomats, government agencies, defense contractors,
33569 hospitals, courthouses, police stations, banks, universities, publicly
33570 traded companies, private companies, stockbrokers, ranchers,
33571 farmers, fisherman, accountants, law firms, restaurants, political
33572 leaders, ministers, federal judges, small businesses, and private
33573 individuals. Included in his long term clients for TSCM Equipment,
33574 TSCM Software, and TSCM and Intelligence Analysis services is
33575 the Central Intelligence Agency, U.S. State Department, Federal
33576 Bureau of Investigation, Department of Homeland Security, U.S.
33577 Army, U.S. Navy, U.S. Marine Corps, U.S. Air Force, Congress,
33578 Executive Office of the President of the United States, U.S.
33579 Marshalls, U.S. Attorney, NASA, and other federal agencies. The
33580 Commonwealth of Massachusetts agencies such as the

33581 Massachusetts State Police, the MBTA Police, the Governors
33582 Office, various Senators or representatives, and others in public
33583 office have also used his goods and services over the decades.

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33585 1220. Plaintiff Atkinson is a long-term resident of the Commonwealth
33586 of Massachusetts, and more specifically Rockport, MA; has
33587 testified multiple times before Congress as a subject matter expert
33588 in regards to technical counter-intelligence and counter-terrorism,
33589 and has been consulted in person on matters of diplomacy or
33590 technical espionage directly by sitting Presidents, and leaders of
33591 other countries, the intelligence services of a wide range of
33592 countries including the United States Government.

33593

33594 1221. Plaintiff Atkinson has provided goods, services, and advice to
33595 virtually every U.S. Intelligence Agency, and to all elements of the
33596 U.S. Military over a period spanning over three decade, including
33597 intelligence, diplomatic, and military contractors, sub-contractors,
33598 covert cut-outs and, or front companies for the intelligence and
33599 military community.

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33601 1222. Plaintiff Atkinson is also a scientist working on a device for
33602 non-contact electro-cardiology, and cardiac electrophysiology; a
33603 treatment for lactic acid induced hypo-perfusion or “Shock”; a cure
33604 for diabetes on an organelle and molecular basis; and a treatment
33605 for neuropathy or severed spinal cords, and related traumatic
33606 medical issues.

33607
33608 1223. He is also a skilled fine arts photographer, who has been
33609 working on an anatomy textbook for the medical and fine arts
33610 community.

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33612 1224. Plaintiff Atkinson is a law-abiding citizen, who is over the age
33613 of 21, with tremendous respect of the law, a kind, charitable, and
33614 gentle man, and has a sworn duty both as a citizen and a veteran to
33615 uphold and defend the Constitution of the United States (against all
33616 enemies foreign and domestic).

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33618 1225. Plaintiff Atkinson has never been convicted of any crime; has
33619 never been convicted of any felony; is not a fugitive from justice;
33620 is not an unlawful user of or addicted to any control substance; is

33621 not an alcoholic; has never been treated for any kind of drug or
33622 alcohol addiction or disorder; has not been adjudicated as a mental
33623 defective, nor has he been committed or confined to any mental
33624 institution; nor has he been discharged from the Armed Forces
33625 under dishonorable conditions.

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33627 1226. Plaintiff Atkinson is not now, nor has he been in the past the
33628 subject of any court order in regards to violence or abuse against
33629 any intimate partner, or any other person. Nor has Plaintiff been
33630 convicted of any crime of domestic violence.

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33632 1227. Plaintiff Atkinson is not an alien, nor has he at any time
33633 renounced his citizenship, nor has he at anytime engaged in acts of
33634 war against the United States or America, or of any political
33635 division or subdivision.

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33637 1228. Plaintiff Atkinson served honorably, and with distinction in the
33638 Active Duty Armed Forces of the United States, and was granted
33639 an Honorable Discharge from the United States Air Force.

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1229. In short, Plaintiff Atkinson has been a lawful, responsible, and safe user of projectile, edged, impact, chemical, and other arms for over 40 years, and has both kept and borne arms for his own defense, and for the defense of the nation and of the state.

1230. Plaintiff Atkinson is in no way disqualified in exercising his Constitutional rights in regards to the keeping and, or of bearing the arms of his choosing.

DEFENDANTS

1231. The allegations contained in paragraphs 1 though the current paragraph, and including all of the following paragraphs, are re-alleged and incorporated as though fully set forth herein. The following described acts and counts by described Defendants infringe Plaintiff's civil rights and damage Plaintiff in violation of 42 U.S.C. § 1983 and should be included as "Causes of Action" in addition to those causes of action found elsewhere in this complaint.

TOWN OF ROCKPORT

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33662 1232. Defendant TOWN OF ROCKPORT, hereinafter “The Town,”
33663 is and was at all times mentioned herein a local political
33664 subdivision of the Commonwealth of Massachusetts, and a
33665 political sub-division of the United States of America, was at all
33666 times mentioned herein responsible for the supervisory and
33667 budgetary operations of its law enforcement and public safety
33668 agencies, including the police department, fire department, harbor
33669 masters department, ambulance department, and other departments.

33670
33671 1233. The Town is also a recipient of federal funds, which it
33672 distributes to its subordinate law enforcement agencies, fire
33673 departments, and ambulance departments.

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33675 1234. The Town uses federal funds to pay salaries, wages, or to
33676 provide benefits to employees.

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33678 1235. Plaintiff is informed and believes that Defendant Town is the
33679 policy-maker and fiduciary supervisors of the remaining
33680 subordinates, agents, and employees identified hereinafter.

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1236. Plaintiff is informed and belief that Defendant Town had knowledge that the wrongs hereinafter mentioned were and continue to be done; were about to be committed, and having power to prevent or aid in preventing the commission of the same, neglected or refused so to do.

1237. Defendant directly deprived, violated, and infringed upon Plaintiff's civil rights, with malice, and with careful planning and conspiracy with others.

1238. Plaintiff is informed and believes that it is through the leadership, ratification, and support of Defendant The Town that its subordinate law enforcement agencies, fire department, and ambulance department, and Defendants identified hereinafter, had permission to implement the custom, practice and usage which violated and continue to violate Plaintiff's constitutionally, statutory and regulatory rights, activities, privileges, and immunities in accordance with the United States Constitution, 1st, 2nd, 4th, 5th, 6th, 8th, 9th, and 14th Amendments, and the U.S.

33701 Constitution, Article Four, Section 2, and Massachusetts
33702 Constitution, Part the First, Article XVII; Defendant Town is being
33703 sued in its official Capacity.

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33705 1239. Any veil of immunity, which this defendant may have
33706 previously enjoyed by virtue of their office or position, is “pierced
33707 and ripped asunder” due to their infringement and deprivation of
33708 the Constitutional Rights of the Plaintiff, and thus this Defendant
33709 (and all other Defendants) stands fully naked and vulnerable before
33710 the court, with no immunity of any form.

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33712 1240. Defendant has prior history of civil right abuses, and has
33713 previously been sued in Federal District court over such civil right
33714 violations, which forms a long-term course of conduct, committed
33715 with despicable arrogance, and which shocks the conscience.

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33717 1241. Further, this defendant has engaged in conduct and as a
33718 continuing unit of an enterprise, through a pattern, of racketeering
33719 enterprises (including, but not limited to: mail fraud, wire fraud,
33720 scheme to defraud, robbery, kidnapping, obstruction of justice,

33721 interference in commerce, also involving monetary transactions in
33722 property derived from specified unlawful activity), and have
33723 caused injury to the business and/or property of the Plaintiff
33724 Atkinson.

33725
33726 1242. This Defendant has exceeded, and overstepped their authority
33727 and violated the Constitutional rights of the Plaintiff, infringing
33728 and deprived him of his civil rights. Defendant resides at 34
33729 Broadway, Rockport, MA 01966

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33731 **COMMONWEALTH OF MASSACHUSETTS**

33732 1243. Defendant COMMONWEALTH OF MASSACHUSETTS,
33733 hereinafter “Commonwealth,” is and was at all times mentioned
33734 herein a local political subdivision of the United States, was at all
33735 times mentioned herein responsible for the supervisory and
33736 budgetary operations of its law enforcement, regulatory,
33737 governmental, judicial, educational, and infrastructure agencies.

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33739 1244. Commonwealth is also a recipient of federal funds, which it
33740 distributes to its subordinate law enforcement, public safety, and
33741 other agencies.

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33743 1245. Plaintiff is informed and believes that Defendant
33744 Commonwealth is the policy-maker and fiduciary supervisors of
33745 the remaining subordinates, agents, and employees identified
33746 hereinafter. Plaintiff is informed and believes that Defendant
33747 Commonwealth had knowledge that the wrongs hereinafter
33748 mentioned were and continue to be done; were about to be
33749 committed, and having power to prevent or aid in preventing the
33750 commission of the same, neglected or refused so to do.

33751
33752 1246. Defendant has prior history of civil right abuses, and has
33753 previously been sued in Federal District court over such civil right
33754 violations, which forms a long-term course of conduct, committed
33755 with despicable arrogance, and which shocks the conscience.

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33757 1247. Defendant directly deprived, violated, and infringed upon
33758 Plaintiff's civil rights, with malice, and with careful planning and
33759 conspiracy with others.

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33761 1248. Plaintiff is informed and believes that it is through the
33762 leadership, ratification, and support of Defendant Commonwealth
33763 that its subordinate law enforcement agencies, and Defendants
33764 identified hereinafter, had permission to implement the custom,
33765 practice and usage which violated and continue to violate
33766 Plaintiff's constitutionally, statutory and regulatory rights,
33767 activities, privileges, and immunities in accordance with the United
33768 States Constitution, 1st, 2nd, 4th, 5th, 6th, 8th, 9th, and 14th
33769 Amendments, and the U.S. Constitution, Article Four, Section 2,
33770 and Massachusetts Constitution, Part the First, Article XVII;
33771 Defendant Commonwealth is being sued in its official Capacity.

33772
33773 1249. Any veil of immunity, which this defendant may have
33774 previously enjoyed by virtue of their office or position, is "pierced
33775 and ripped asunder" due to their infringement and deprivation of
33776 the Constitutional Rights of the Plaintiff, and thus this Defendant

33777 (and all other Defendants) stands fully naked and vulnerable before
33778 the court, with no immunity of any form.

33779
33780 1250. Further, this defendant has engaged in conduct and as a
33781 continuing unit of an enterprise, through a pattern, of racketeering
33782 enterprises (including, but not limited to: mail fraud, wire fraud,
33783 scheme to defraud, robbery, kidnapping, obstruction of justice,
33784 interference in commerce, also involving monetary transactions in
33785 property derived from specified unlawful activity), and have
33786 caused injury to the business and/or property of the Plaintiff
33787 Atkinson.

33788
33789 1251. This Defendant has exceeded, and overstepped their authority
33790 and violated the Constitutional rights of the Plaintiff, infringing
33791 and deprived him of his civil rights. Defendant resides at One
33792 Ashburton Place, Boston, MA 02108 -1518

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33794 **SALEM STATE COLLEGE**

33795 1252. Defendant SALEM STATE COLLEGE, hereinafter “Salem
33796 State,” is and was at all times mentioned herein a State agency,

33797 controlled and responsible for the supervisory and budgetary
33798 operations of its law enforcement agencies, school leadership,
33799 school administration. Salem State is also a recipient of federal
33800 funds, which it distributes to its departments within the school.
33801 Plaintiff is informed and believes that Defendant Salem State is the
33802 policy-maker and fiduciary supervisors of the remaining
33803 subordinates, agents, and employees identified hereinafter.

33804
33805 1253. As Plaintiff Atkinson is also a disabled veteran, he is permitted
33806 to attend this state operated college with no charge for tuition.

33807
33808 1254. As such, any unjust punitive action by this school is an
33809 unlawful deprivation of Veteran Rights. Plaintiff is informed and
33810 believes that Defendant Salem State had knowledge that the
33811 wrongs hereinafter mentioned were and continue to be done; were
33812 about to be committed, and having power to prevent or aid in
33813 preventing the commission of the same, neglected or refused so to
33814 do.

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33816 1255. Defendant directly deprived, violated, and infringed upon
33817 Plaintiff's civil rights, with malice, and with careful planning and
33818 conspiracy with others.

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33820 1256. Defendant has prior history of civil right abuses, and has
33821 previously been sued in Federal District court over such civil right
33822 violations, which forms a long-term course of conduct, committed
33823 with despicable arrogance, and which shocks the conscience.

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33825 1257. Plaintiff is informed and believes that it is through the
33826 leadership, ratification, and support of Defendant Salem State that
33827 its subordinate law enforcement agencies, and Defendants
33828 identified hereinafter, had permission to implement the custom,
33829 practice and usage which violated and continue to violate
33830 Plaintiff's constitutionally, statutory and regulatory rights,
33831 activities, privileges, and immunities in accordance with the United
33832 States Constitution, 1st, 2nd, 4th, 5th, 6th, 8th, 9th, and 14th
33833 Amendments, and the U.S. Constitution, Article Four, Section 2,
33834 and Massachusetts Constitution, Part the First, Article XVII;
33835 Defendant Salem State is being sued in its official Capacity.

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1258. Any veil of immunity, which this defendant may have

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previously enjoyed by virtue of their office or position, is “pierced

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and ripped asunder” due to their infringement and deprivation of

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the Constitutional Rights of the Plaintiff, and thus this Defendant

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(and all other Defendants) stands fully naked and vulnerable before

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the court, with no immunity of any form.

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1259. Further, this defendant has engaged in conduct and as a

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continuing unit of an enterprise, through a pattern, of racketeering

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enterprises (including, but not limited to: mail fraud, wire fraud,

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scheme to defraud, robbery, kidnapping, obstruction of justice,

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interference in commerce, also involving monetary transactions in

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property derived from specified unlawful activity), and have

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caused injury to the business and/or property of the Plaintiff

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Atkinson.

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1260. This Defendant has exceeded, and overstepped their authority

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and violated the Constitutional rights of the Plaintiff, infringing

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and deprived him of his civil rights. Defendant resides at 352
Lafayette Street, Salem, MA 01970-5353

NORTH SHORE COMMUNITY COLLEGE

1261. Defendant NORTH SHORE COMMUNITY COLLEGE,
hereinafter “North Shore,” is and was at all times mentioned herein
a State agency, controlled and responsible for the supervisory and
budgetary operations of its law enforcement agencies, school
leadership, school administration.

1262. North Shore is also a recipient of federal funds, which it
distributes to its departments within the school.

1263. Plaintiff is informed and believes that Defendant North Shore is
the policy-maker and fiduciary supervisors of the remaining
subordinates, agents, and employees identified hereinafter.

1264. As Plaintiff Atkinson is also a disabled veteran, he is permitted
to attend this state operated college with no charge for tuition.

33875 1265. As such, any unjust punitive action by this school is an
33876 unlawful deprivation of Veteran Rights. Plaintiff is informed and
33877 believes that Defendant North Shore had knowledge that the
33878 wrongs hereinafter mentioned were and continue to be done; were
33879 about to be committed, and having power to prevent or aid in
33880 preventing the commission of the same, neglected or refused so to
33881 do.

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33883 1266. Defendant directly deprived, violated, and infringed upon
33884 Plaintiff's civil rights, with malice, and with careful planning and
33885 conspiracy with others.

33886
33887 1267. Plaintiff is informed and believes that it is through the
33888 leadership, ratification, and support of Defendant North Shore that
33889 its subordinate law enforcement agencies, and Defendants
33890 identified hereinafter, had permission to implement the custom,
33891 practice and usage which violated and continue to violate
33892 Plaintiff's constitutionally, statutory and regulatory rights,
33893 activities, privileges, and immunities in accordance with the United
33894 States Constitution, 1st, 2nd, 4th, 5th, 6th, 8th, 9th, and 14th

33895 Amendments, and the U.S. Constitution, Article Four, Section 2,
33896 and Massachusetts Constitution, Part the First, Article XVII;
33897 Defendant North Shore is being sued in its official Capacity.

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33899 1268. Any veil of immunity, which this defendant may have
33900 previously enjoyed by virtue of their office or position, is “pierced
33901 and ripped asunder” due to their infringement and deprivation of
33902 the Constitutional Rights of the Plaintiff, and thus this Defendant
33903 (and all other Defendants) stands fully naked and vulnerable before
33904 the court, with no immunity of any form.

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33906 1269. Further, this defendant has engaged in conduct and as a
33907 continuing unit of an enterprise, through a pattern, of racketeering
33908 enterprises (including, but not limited to: mail fraud, wire fraud,
33909 scheme to defraud, robbery, kidnapping, obstruction of justice,
33910 interference in commerce, also involving monetary transactions in
33911 property derived from specified unlawful activity), and have
33912 caused injury to the business and/or property of the Plaintiff
33913 Atkinson.

33914

33915 1270. This Defendant has exceeded, and overstepped their authority
33916 and violated the Constitutional rights of the Plaintiff, infringing
33917 and deprived him of his civil rights. Defendant resides at 1
33918 Ferncroft Road, Danvers, MA 01923

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MONTSERRAT COLLEGE OF ART

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1271. Defendant MONTSERRAT COLLEGE OF ART, hereinafter

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“Montserrat,” also known as “Montserrat College of Art, Inc.” and

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“Montserrat College of Art Endo” and also “Montserrat School of

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Visual Arts” is and was at all times mentioned herein a extension

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of a state agency, and also acting periodically as a private art

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college, performing the bidding, and under the control and/or

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influence of state law enforcement agencies.

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1272. The Montserrat leadership, and school administration is in fact

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an extension of the State, while Montserrat claims that it is a

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private college.

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1273. Montserrat is also a recipient of federal funds, which it

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distributes to its departments with the school.

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1274. Plaintiff is informed and believes that Defendant Montserrat is

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the policy-maker and fiduciary supervisors of the remaining

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subordinates, agents, and employees identified hereinafter.

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1275. Plaintiff is informed and believes that Defendant Montserrat

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had knowledge that the wrongs hereinafter mentioned were and

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continue to be done; conspired with others to commit, were about

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to be committed, and having power to prevent or aid in preventing

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the commission of the same, neglected or refused so to do.

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1276. Defendant directly deprived, violated, and infringed upon

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Plaintiff's civil rights, with malice, and with careful planning and

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conspiracy with others.

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1277. Plaintiff is informed and believes that it is through the

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leadership, ratification, and support of Defendant that its

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subordinate departments, and Defendants identified hereinafter,

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had permission to implement the custom, practice and usage which

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violated and continue to violate Plaintiff's constitutionally,

33955 statutory and regulatory rights, activities, privileges, and
33956 immunities in accordance with the United States Constitution, 1st,
33957 2nd, 4th, 5th, 6th, 8th, 9th, and 14th Amendments, and the U.S.
33958 Constitution, Article Four, Section 2, and Massachusetts
33959 Constitution, Part the First, Article XVII; Defendant Montserrat is
33960 being sued in its official Capacity.

33961

33962 1278. Any veil of immunity, which this defendant may have
33963 previously enjoyed by virtue of their office or position, is “pierced
33964 and ripped asunder” due to their infringement and deprivation of
33965 the Constitutional Rights of the Plaintiff, and thus this Defendant
33966 (and all other Defendants) stands fully naked and vulnerable before
33967 the court, with no immunity of any form.

33968

33969 1279. Further, this defendant has engaged in conduct and as a
33970 continuing unit of an enterprise, through a pattern, of racketeering
33971 enterprises (including, but not limited to: mail fraud, wire fraud,
33972 scheme to defraud, robbery, kidnapping, obstruction of justice,
33973 interference in commerce, also involving monetary transactions in
33974 property derived from specified unlawful activity), and have

33975 caused injury to the business and/or property of the Plaintiff

33976 Atkinson.

33977

33978 1280. This Defendant has exceeded, and overstepped their authority

33979 and violated the Constitutional rights of the Plaintiff, infringing

33980 and deprived him of his civil rights. Defendant resides at 23 Essex

33981 Street, Beverly, MA 01915-4508

33982

33983 **ESSEX COUNTY SHERIFFS DEPARTMENT**

33984 1281. Defendant ESSEX COUNTY SHERIFFS DEPARTMENT,

33985 hereinafter “Sheriff,” is and was at all times mentioned herein a

33986 local law enforcement agency within the political subdivision of

33987 Essex County within the Commonwealth of Massachusetts, was at

33988 all times mentioned herein responsible for the supervisory and

33989 budgetary operations of its law enforcement agencies.

33990

33991 1282. Defendant Sheriff is also a recipient of federal funds, which it

33992 distributes to its subordinate law enforcement, corrections, public

33993 and administrative agencies and departments. Plaintiff is informed

33994 and believes that Defendant Sheriff is the policy-maker and

33995 fiduciary supervisors of the remaining subordinates, agents, and
33996 employees identified hereinafter.

33997

33998 1283. Plaintiff is informed and believes that Defendant Sheriff had
33999 knowledge that the wrongs hereinafter mentioned were and
34000 continue to be done; were about to be committed, and having
34001 power to prevent or aid in preventing the commission of the same,
34002 neglected or refused so to do.

34003

34004 1284. Defendant directly deprived, violated, and infringed upon
34005 Plaintiff's civil rights, with malice, and with careful planning and
34006 conspiracy with others.

34007

34008 1285. Plaintiff is informed and believes that it is through the
34009 leadership, ratification, and support of Defendant Sheriff that its
34010 subordinate law enforcement agencies, fire department, and
34011 ambulance department, and Defendants identified hereinafter, had
34012 permission to implement the custom, practice and usage which
34013 violated and continue to violate Plaintiff's constitutionally,
34014 statutory and regulatory rights, activities, privileges, and

34015 immunities in accordance with the United States Constitution, 1st,
34016 2nd, 4th, 5th, 6th, 8th, 9th, and 14th Amendments, and the U.S.
34017 Constitution, Article Four, Section 2, and Massachusetts
34018 Constitution, Part the First, Article XVII; Defendant Sheriff is
34019 being sued in its official Capacity.

34020
34021 1286. Any veil of immunity, which this defendant may have
34022 previously enjoyed by virtue of their office or position, is “pierced
34023 and ripped asunder” due to their infringement and deprivation of
34024 the Constitutional Rights of the Plaintiff, and thus this Defendant
34025 (and all other Defendants) stands fully naked and vulnerable before
34026 the court, with no immunity of any form.

34027
34028 1287. Further, this defendant has engaged in conduct and as a
34029 continuing unit of an enterprise, through a pattern, of racketeering
34030 enterprises (including, but not limited to: mail fraud, wire fraud,
34031 scheme to defraud, robbery, kidnapping, obstruction of justice,
34032 interference in commerce, also involving monetary transactions in
34033 property derived from specified unlawful activity), and have

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caused injury to the business and/or property of the Plaintiff
Atkinson.

1288. This Defendant has exceeded, and overstepped their authority
and violated the Constitutional rights of the Plaintiff, infringing
and deprived him of his civil rights. Defendant resides at 20
Manning Rd, Middleton, MA 01949

RESEARCH ELECTRONICS INTERNATIONAL, LLC

1289. Defendant RESEARCH ELECTRONICS INTERNATIONAL,
LLC hereinafter “Research Electronics,” and alternately as “REI”
is and was at all times mentioned herein an extension of a state
agency, performing the bidding, and under the control and/or
influence of state law enforcement agencies.

1290. Defendant is also a recipient of federal funds, which it
distributes to its various departments.

34052 1291. Plaintiff is informed and believes that Defendant is the policy-
34053 maker and fiduciary supervisors of the remaining subordinates,
34054 agents, and employees identified hereinafter.

34055
34056 1292. Plaintiff is informed and believes that Defendant had
34057 knowledge that the wrongs hereinafter mentioned were and
34058 continue to be done; conspired with others to commit, were about
34059 to be committed, and having power to prevent or aid in preventing
34060 the commission of the same, neglected or refused so to do.

34061
34062 1293. Defendant directly deprived, violated, and infringed upon
34063 Plaintiff's civil rights, with malice, and with careful planning and
34064 conspiracy with others.

34065
34066 1294. Plaintiff is informed and believes that it is through the
34067 leadership, ratification, and support of Defendant that its
34068 subordinate departments, actors, employees, agents, and
34069 Defendants identified hereinafter, had permission to implement the
34070 custom, practice and usage which violated and continue to violate
34071 Plaintiff's constitutionally, statutory and regulatory rights,

34072 activities, privileges, and immunities in accordance with the United
34073 States Constitution, 1st, 2nd, 4th, 5th, 6th, 8th, 9th, and 14th
34074 Amendments, and the U.S. Constitution, Article Four, Section 2,
34075 and Massachusetts Constitution, Part the First, Article XVII;
34076 Defendant is being sued in its official Capacity.

34077

34078 1295. Any veil of immunity, which this defendant may have
34079 previously enjoyed by virtue of their office or position, is “pierced
34080 and ripped asunder” due to their infringement and deprivation of
34081 the Constitutional Rights of the Plaintiff, and thus this Defendant
34082 (and all other Defendants) stands fully naked and vulnerable before
34083 the court, with no immunity of any form.

34084

34085 1296. Further, this defendant has engaged in conduct and as a
34086 continuing unit of an enterprise, through a pattern, of racketeering
34087 enterprises (including, but not limited to: mail fraud, wire fraud,
34088 scheme to defraud, robbery, kidnapping, obstruction of justice,
34089 interference in commerce, also involving monetary transactions in
34090 property derived from specified unlawful activity), and have

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caused injury to the business and/or property of the Plaintiff
Atkinson.

1297. This Defendant has exceeded, and overstepped their authority
and violated the Constitutional rights of the Plaintiff, infringing
and deprived him of his civil rights. Defendant resides or does
business at: 455 Security Place, Algood TN 38506

A AND L ENTERPRISE

1298. Defendant A AND L ENTERPRISE, hereinafter “A and L,” is
and was at all times mentioned herein an extension of a state
agency, performing the bidding, and under the control and/or
influence of state law enforcement agencies.

1299. Defendant is also a recipient of federal funds, which it
distributes to its various departments. Plaintiff is informed and
believes that Defendant is the policy-maker and fiduciary
supervisors of the remaining subordinates, agents, and employees
identified hereinafter.

34111 1300. Plaintiff is informed and believes that Defendant had
34112 knowledge that the wrongs hereinafter mentioned were and
34113 continue to be done; conspired with others to commit, were about
34114 to be committed, and having power to prevent or aid in preventing
34115 the commission of the same, neglected or refused so to do.

34116
34117 1301. Defendant directly deprived, violated, and infringed upon
34118 Plaintiff's civil rights, with malice, and with careful planning and
34119 conspiracy with others.

34120
34121 1302. Plaintiff is informed and believes that it is through the
34122 leadership, ratification, and support of Defendant that its
34123 subordinate departments, actors, employees, agents, and
34124 Defendants identified hereinafter, had permission to implement the
34125 custom, practice and usage which violated and continue to violate
34126 Plaintiff's constitutionally, statutory and regulatory rights,
34127 activities, privileges, and immunities in accordance with the United
34128 States Constitution, 1st, 2nd, 4th, 5th, 6th, 8th, 9th, and 14th
34129 Amendments, and the U.S. Constitution, Article Four, Section 2,

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and Massachusetts Constitution, Part the First, Article XVII;
Defendant is being sued in its official Capacity.

1303. Any veil of immunity, which this defendant may have previously enjoyed by virtue of their office or position, is “pierced and ripped asunder” due to their infringement and deprivation of the Constitutional Rights of the Plaintiff, and thus this Defendant (and all other Defendants) stands fully naked and vulnerable before the court, with no immunity of any form.

1304. Further, this defendant has engaged in conduct and as a continuing unit of an enterprise, through a pattern, of racketeering enterprises (including, but not limited to: mail fraud, wire fraud, scheme to defraud, robbery, kidnapping, obstruction of justice, interference in commerce, also involving monetary transactions in property derived from specified unlawful activity), and have caused injury to the business and/or property of the Plaintiff Atkinson.

34149 1305. This Defendant has exceeded, and overstepped their authority
34150 and violated the Constitutional rights of the Plaintiff, infringing
34151 and deprived him of his civil rights. Defendant resides or does
34152 business at: 455 Security Place, Algood TN 38506

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34154

ADDISON GILBERT HOSPITAL

34155

1306. Defendant ADDISON GILBERT HOSPITAL, also known as
34156 “Northeast Medical Practice, Inc”, hereinafter “AGH,” is and was
34157 at all times mentioned herein an extension of a state agency,
34158 performing the bidding, and under the control and/or influence of
34159 state law enforcement agencies. Essentially, “Northeast Medical
34160 Practice, Inc” owns both Beverly Hospital and Addison Gilbert
34161 Hospital.

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34163

1307. Defendant is also a recipient of federal funds, which it
34164 distributes to its various departments. Plaintiff is informed and
34165 believes that Defendant is the policy-maker and fiduciary
34166 supervisors of the remaining subordinates, agents, and employees
34167 identified hereinafter.

34168

34169 1308. Plaintiff is informed and believes that Defendant had
34170 knowledge that the wrongs hereinafter mentioned were and
34171 continue to be done; conspired with others to commit, were about
34172 to be committed, and having power to prevent or aid in preventing
34173 the commission of the same, neglected or refused so to do.

34174
34175 1309. Defendant directly deprived, violated, and infringed upon
34176 Plaintiff's civil rights, with malice, and with careful planning and
34177 conspiracy with others.

34178
34179 1310. Plaintiff is informed and believes that it is through the
34180 leadership, ratification, and support of Defendant that its
34181 subordinate departments, actors, employees, agents, and
34182 Defendants identified hereinafter, had permission to implement the
34183 custom, practice and usage which violated and continue to violate
34184 Plaintiff's constitutionally, statutory and regulatory rights,
34185 activities, privileges, and immunities in accordance with the United
34186 States Constitution, 1st, 2nd, 4th, 5th, 6th, 8th, 9th, and 14th
34187 Amendments, and the U.S. Constitution, Article Four, Section 2,

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and Massachusetts Constitution, Part the First, Article XVII;
Defendant is being sued in its official Capacity.

1311. Any veil of immunity, which this defendant may have previously enjoyed by virtue of their office or position, is “pierced and ripped asunder” due to their infringement and deprivation of the Constitutional Rights of the Plaintiff, and thus this Defendant (and all other Defendants) stands fully naked and vulnerable before the court, with no immunity of any form.

1312. Further, this defendant has engaged in conduct and as a continuing unit of an enterprise, through a pattern, of racketeering enterprises (including, but not limited to: mail fraud, wire fraud, scheme to defraud, robbery, kidnapping, obstruction of justice, interference in commerce, also involving monetary transactions in property derived from specified unlawful activity), and have caused injury to the business and/or property of the Plaintiff Atkinson.

34207 1313. This Defendant has exceeded, and overstepped their authority
34208 and violated the Constitutional rights of the Plaintiff, infringing
34209 and deprived him of his civil rights. Defendant resides or does
34210 business at: 298 Washington St., Gloucester MA 01930

34211

34212

BEVERLY HOSPITAL

34213 1314. Defendant BEVERLY HOSPITAL, also known as “Northeast
34214 Medical Practice, Inc” and also as “Beverly Hospital, Inc.”
34215 hereinafter “Beverly Hospital,” is and was at all times mentioned
34216 herein an extension of a state agency, performing the bidding, and
34217 under the control and/or influence of state law enforcement
34218 agencies.

34219

34220 1315. Defendant is also a recipient of federal funds, which it
34221 distributes to its various departments.

34222

34223 1316. Plaintiff is informed and believes that Defendant is the policy-
34224 maker and fiduciary supervisors of the remaining subordinates,
34225 agents, and employees identified hereinafter.

34226

34227 1317. Plaintiff is informed and believes that Defendant had
34228 knowledge that the wrongs hereinafter mentioned were and
34229 continue to be done; conspired with others to commit, were about
34230 to be committed, and having power to prevent or aid in preventing
34231 the commission of the same, neglected or refused so to do.

34232
34233 1318. Defendant directly deprived, violated, and infringed upon
34234 Plaintiff's civil rights, with malice, and with careful planning and
34235 conspiracy with others.

34236
34237 1319. Plaintiff is informed and believes that it is through the
34238 leadership, ratification, and support of Defendant that its
34239 subordinate departments, actors, employees, agents, and
34240 Defendants identified hereinafter, had permission to implement the
34241 custom, practice and usage which violated and continue to violate
34242 Plaintiff's constitutionally, statutory and regulatory rights,
34243 activities, privileges, and immunities in accordance with the United
34244 States Constitution, 1st, 2nd, 4th, 5th, 6th, 8th, 9th, and 14th
34245 Amendments, and the U.S. Constitution, Article Four, Section 2,

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and Massachusetts Constitution, Part the First, Article XVII;
Defendant is being sued in its official Capacity.

1320. Any veil of immunity, which this defendant may have previously enjoyed by virtue of their office or position, is “pierced and ripped asunder” due to their infringement and deprivation of the Constitutional Rights of the Plaintiff, and thus this Defendant (and all other Defendants) stands fully naked and vulnerable before the court, with no immunity of any form.

1321. Further, this defendant has engaged in conduct and as a continuing unit of an enterprise, through a pattern, of racketeering enterprises (including, but not limited to: mail fraud, wire fraud, scheme to defraud, robbery, kidnapping, obstruction of justice, interference in commerce, also involving monetary transactions in property derived from specified unlawful activity), and have caused injury to the business and/or property of the Plaintiff Atkinson.

34265 1322. This Defendant has exceeded, and overstepped their authority
34266 and violated the Constitutional rights of the Plaintiff, infringing
34267 and deprived him of his civil rights. Defendant resides or does
34268 business at: 85 Herrick St., Beverly MA 01915

34269

34270 **CAPE ANN CHAMBER OF COMMERCE**

34271 1323. Defendant CAPE ANN CHAMBER OF COMMERCE,
34272 hereinafter “Cape Ann Chamber of Commerce,” is and was at all
34273 times mentioned herein an extension of a state agency, performing
34274 the bidding, and under the control and/or influence of state law
34275 enforcement agencies.

34276

34277 1324. Defendant is also a recipient of federal funds, which it
34278 distributes to its various departments.

34279

34280 1325. Plaintiff is informed and believes that Defendant is the policy-
34281 maker and fiduciary supervisors of the remaining subordinates,
34282 agents, and employees identified hereinafter.

34283

34284 1326. Plaintiff is informed and believes that Defendant had
34285 knowledge that the wrongs hereinafter mentioned were and
34286 continue to be done; conspired with others to commit, were about
34287 to be committed, and having power to prevent or aid in preventing
34288 the commission of the same, neglected or refused so to do.

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34290 1327. Defendant directly deprived, violated, and infringed upon
34291 Plaintiff's civil rights, with malice, and with careful planning and
34292 conspiracy with others.

34293
34294 1328. Plaintiff is informed and believes that it is through the
34295 leadership, ratification, and support of Defendant that its
34296 subordinate departments, actors, employees, agents, and
34297 Defendants identified hereinafter, had permission to implement the
34298 custom, practice and usage which violated and continue to violate
34299 Plaintiff's constitutionally, statutory and regulatory rights,
34300 activities, privileges, and immunities in accordance with the United
34301 States Constitution, 1st, 2nd, 4th, 5th, 6th, 8th, 9th, and 14th
34302 Amendments, and the U.S. Constitution, Article Four, Section 2,

34303 and Massachusetts Constitution, Part the First, Article XVII;
34304 Defendant is being sued in its official Capacity.

34305
34306 1329. Further, this defendant has engaged in conduct and as a
34307 continuing unit of an enterprise, through a pattern, of racketeering
34308 enterprises (including, but not limited to: mail fraud, wire fraud,
34309 scheme to defraud, robbery, kidnapping, obstruction of justice,
34310 interference in commerce, also involving monetary transactions in
34311 property derived from specified unlawful activity), and have
34312 caused injury to the business and/or property of the Plaintiff
34313 Atkinson.

34314
34315 1330. This Defendant has exceeded, and overstepped their authority
34316 and violated the Constitutional rights of the Plaintiff, infringing
34317 and deprived him of his civil rights. Defendant resides or does
34318 business at: 33 Commercial Street, Gloucester, MA 01930

34319
34320 **LYONS AMBULANCE, LLC**

34321 1331. Defendant LYONS AMBULANCE, LLC, hereinafter “Lyons
34322 Ambulance,” or alternately “Lyons” is and was at all times

34323 mentioned herein an extension of a state agency, performing the
34324 bidding, and under the control and/or influence of state law
34325 enforcement agencies.

34326
34327 1332. Defendant is also a recipient of federal funds, which it
34328 distributes to its various departments.

34329
34330 1333. Plaintiff is informed and believes that Defendant is the policy-
34331 maker and fiduciary supervisors of the remaining subordinates,
34332 agents, and employees identified hereinafter.

34333
34334 1334. Plaintiff is informed and believes that Defendant had
34335 knowledge that the wrongs hereinafter mentioned were and
34336 continue to be done; conspired with others to commit, were about
34337 to be committed, and having power to prevent or aid in preventing
34338 the commission of the same, neglected or refused so to do.

34339
34340 1335. Defendant directly deprived, violated, and infringed upon
34341 Plaintiff's civil rights, with malice, and with careful planning and
34342 conspiracy with others.

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1336. Plaintiff is informed and believes that it is through the leadership, ratification, and support of Defendant that its subordinate departments, actors, employees, agents, and Defendants identified hereinafter, had permission to implement the custom, practice and usage which violated and continue to violate Plaintiff's constitutionally, statutory and regulatory rights, activities, privileges, and immunities in accordance with the United States Constitution, 1st, 2nd, 4th, 5th, 6th, 8th, 9th, and 14th Amendments, and the U.S. Constitution, Article Four, Section 2, and Massachusetts Constitution, Part the First, Article XVII; Defendant is being sued in its official Capacity.

1337. Any veil of immunity, which this defendant may have previously enjoyed by virtue of their office or position, is "pierced and ripped asunder" due to their infringement and deprivation of the Constitutional Rights of the Plaintiff, and thus this Defendant (and all other Defendants) stands fully naked and vulnerable before the court, with no immunity of any form.

34363 1338. Further, this defendant has engaged in conduct and as a
34364 continuing unit of an enterprise, through a pattern, of racketeering
34365 enterprises (including, but not limited to: mail fraud, wire fraud,
34366 scheme to defraud, robbery, kidnapping, obstruction of justice,
34367 interference in commerce, also involving monetary transactions in
34368 property derived from specified unlawful activity), and have
34369 caused injury to the business and/or property of the Plaintiff
34370 Atkinson.

34371
34372 1339. This Defendant has exceeded, and overstepped their authority
34373 and violated the Constitutional rights of the Plaintiff, infringing
34374 and deprived him of his civil rights. Defendant resides or does
34375 business at: 135 Maple St., Danvers MA 01923

34376
34377 **BEVERLY NATIONAL BANK**

34378 1340. Defendant BEVERLY NATIONAL BANK, hereinafter
34379 “Beverly National Bank,” and also known as “Beverly National
34380 Ban Corporation”, and now DANVERS BANCORP, INC., also
34381 known as: “DanversBank” hereinafter “Danvers Bank,” is and was
34382 at all times mentioned herein an extension of a state agency,

34383 performing the bidding, and under the control and/or influence of
34384 state law enforcement agencies.

34385

34386 1341. Defendant is also a recipient of federal funds, which it
34387 distributes to its various departments.

34388

34389 1342. Plaintiff is informed and believes that Defendant is the policy-
34390 maker and fiduciary supervisors of the remaining subordinates,
34391 agents, and employees identified hereinafter.

34392

34393 1343. Plaintiff is informed and believes that Defendant had
34394 knowledge that the wrongs hereinafter mentioned were and
34395 continue to be done; conspired with others to commit, were about
34396 to be committed, and having power to prevent or aid in preventing
34397 the commission of the same, neglected or refused so to do.

34398

34399 1344. Defendant directly deprived, violated, and infringed upon
34400 Plaintiff's civil rights, with malice, and with careful planning and
34401 conspiracy with others.

34402

34403 1345. Plaintiff is informed and believes that Defendant provided loans,
34404 financing, and financial controls to Beverly Hospital, Lyons
34405 Ambulance, and to Montserrat College, and to other Defendants by
34406 way of their bank officer John L. Good, who is also intimately
34407 involved with the running of Beverly Hospital, Lyons Ambulance,
34408 and Montserrat College of Art.

34409
34410 1346. Plaintiff is informed and believes that it is through the
34411 leadership, ratification, and support of Defendant that its
34412 subordinate departments, actors, employees, agents, and
34413 Defendants identified hereinafter, had permission to implement the
34414 custom, practice and usage which violated and continue to violate
34415 Plaintiff's constitutionally, statutory and regulatory rights,
34416 activities, privileges, and immunities in accordance with the United
34417 States Constitution, 1st, 2nd, 4th, 5th, 6th, 8th, 9th, and 14th
34418 Amendments, and the U.S. Constitution, Article Four, Section 2,
34419 and Massachusetts Constitution, Part the First, Article XVII;
34420 Defendant is being sued in its official Capacity. Further, this
34421 defendant has engaged in conduct and as a continuing unit of an
34422 enterprise, through a pattern, of racketeering enterprises (including,

34423 but not limited to: mail fraud, wire fraud, scheme to defraud,
34424 robbery, kidnapping, obstruction of justice, interference in
34425 commerce, also involving monetary transactions in property
34426 derived from specified unlawful activity), and have caused injury
34427 to the business and/or property of the Plaintiff Atkinson.

34428
34429 1347. This Defendant has exceeded, and overstepped their authority
34430 and violated the Constitutional rights of the Plaintiff, infringing
34431 and deprived him of his civil rights. Defendant resides or does
34432 business at: One Conant Street, Danvers, MA 01923

34433

34434 **MARY ELIZABETH HEFFERNAN**

34435 1348. Defendant MARY ELIZABETH HEFFERNAN is sued in
34436 her official capacity and individually as Secretary of Public Safety
34437 and Executive Office of Public Safety and Security for the
34438 Commonwealth of Massachusetts, responsible for executing and
34439 administering the laws and policies at issue in this lawsuit.
34440 Defendant directly deprived, violated, and infringed upon
34441 Plaintiff's civil rights, with malice, and with careful planning and
34442 conspiracy with others. Any veil of immunity, which this

34443 defendant may have previously enjoyed by virtue of their office or
34444 position, is “pierced and ripped asunder” due to their infringement
34445 and deprivation of the Constitutional Rights of the Plaintiff, and
34446 thus this Defendant (and all other Defendants) stands fully naked
34447 and vulnerable before the court, with no immunity of any form.
34448 Further, this defendant has engaged in conduct and as a continuing
34449 unit of an enterprise, through a pattern, of racketeering enterprises
34450 (including, but not limited to: mail fraud, wire fraud, scheme to
34451 defraud, robbery, kidnapping, obstruction of justice, interference in
34452 commerce, also involving monetary transactions in property
34453 derived from specified unlawful activity), and have caused injury
34454 to the business and/or property of the Plaintiff Atkinson. This
34455 Defendant has exceeded, and overstepped their authority and
34456 violated the Constitutional rights of the Plaintiff, infringing and
34457 deprived him of his civil rights. Defendant resides at One
34458 Ashburton Place, Boston, MA 02108 -1518

34460 **MARK DELANEY**

34461 1349. Defendant MARK DELANEY is sued in his official capacity
34462 and individually as Colonel of the State Police for the

34463 Commonwealth of Massachusetts, responsible for executing and
34464 administering the laws and policies at issue in this lawsuit.
34465 Defendant directly and indirectly deprived, violated, and infringed
34466 upon Plaintiff's civil rights, with malice, and with careful planning
34467 and conspiracy with others. Defendant has prior history of civil
34468 right abuses, and has previously been sued in Federal District court
34469 over such civil right violations, which forms a long-term course of
34470 conduct, committed with despicable arrogance, and which shocks
34471 the conscience. Any veil of immunity, which this defendant may
34472 have previously enjoyed by virtue of their office or position, is
34473 "pierced and ripped asunder" due to their infringement and
34474 deprivation of the Constitutional Rights of the Plaintiff, and thus
34475 this Defendant (and all other Defendants) stands fully naked and
34476 vulnerable before the court, with no immunity of any form. Further,
34477 this defendant has engaged in conduct and as a continuing unit of
34478 an enterprise, through a pattern, of racketeering enterprises
34479 (including, but not limited to: mail fraud, wire fraud, scheme to
34480 defraud, robbery, kidnapping, obstruction of justice, interference in
34481 commerce, also involving monetary transactions in property
34482 derived from specified unlawful activity), and have caused injury

34483 to the business and/or property of the Plaintiff Atkinson. This
34484 Defendant has exceeded, and overstepped their authority and
34485 violated the Constitutional rights of the Plaintiff, infringing and
34486 deprived him of his civil rights. Defendant resides at One
34487 Ashburton Place, Boston, MA 02108 -1518
34488
34489 1350. Defendant JAMES F. SLATER is sued in his official capacity
34490 and individually as Criminal History Systems Board (CHSB),
34491 renamed the Department of Criminal Justice Information Services
34492 (DCJIS); for the Commonwealth of Massachusetts, responsible for
34493 executing and administering the laws and policies at issue in this
34494 lawsuit. Defendant directly deprived, violated, and infringed upon
34495 Plaintiff's civil rights, with malice, and with careful planning and
34496 conspiracy with others. Any veil of immunity, which this
34497 defendant may have previously enjoyed by virtue of their office or
34498 position, is "pierced and ripped asunder" due to their infringement
34499 and deprivation of the Constitutional Rights of the Plaintiff, and
34500 thus this Defendant (and all other Defendants) stands fully naked
34501 and vulnerable before the court, with no immunity of any form.
34502 Further, this defendant has engaged in conduct and as a continuing

34503 unit of an enterprise, through a pattern, of racketeering enterprises
34504 (including, but not limited to: mail fraud, wire fraud, scheme to
34505 defraud, robbery, kidnapping, obstruction of justice, interference in
34506 commerce, also involving monetary transactions in property
34507 derived from specified unlawful activity), and have caused injury
34508 to the business and/or property of the Plaintiff Atkinson. This
34509 Defendant has exceeded, and overstepped their authority and
34510 violated the Constitutional rights of the Plaintiff, infringing and
34511 deprived him of his civil rights. Defendant resides at One
34512 Ashburton Place, Boston, MA 02108 -1518.

34514 **ROCKPORT POLICE OFFICERS**

34515 **JAMES HURST**

34516 1351. Defendant JAMES HURST is sued in his/her official capacity
34517 and individually as a Police Officer for Town of Rockport,
34518 responsible for executing and administering the laws and policies
34519 at issue in this lawsuit. Defendant directly deprived, violated, and
34520 infringed upon Plaintiff's civil rights, with malice, and with careful
34521 planning and conspiracy with others. Defendant has while acting
34522 under color of law and while armed with a dangerous weapon at all

34523 times with the intent to commit a felony; has engaged in a pattern
34524 of robbery; armed robbery; embezzlement; fraud; larceny; false
34525 statements; intimidation of a witness; false arrest; kidnapping;
34526 confinement; home invasion; armed home invasion; assault; armed
34527 assault; assaulted with bodily injury in furtherance of committing a
34528 felony; willfully inflicting injury; unlawfully used or threatened to
34529 use against another the power of or authority vested in him; use of
34530 excessive force; breaking and entered into a dwelling house;
34531 assault and battery; broke into a truck in order to commit a felony;
34532 induced another to part with property under false pretenses; had in
34533 his possession tools and implements to break open a building,
34534 room, or vault in order to steal and to commit other crimes; placed
34535 a person in fear of their lives in order to force the person to
34536 surrender the means of opening a locked room and locked safes;
34537 damaged property; intimidated witness or potential witness; caused
34538 serious alarm to a reasonable person; inflicted substantial
34539 emotional distress; entered a dwelling places of another knowing
34540 that one or more persons present within was likely armed with
34541 dangerous weapons; fraudulently converted property that was in
34542 the custody of the Town to his own personal use; concealed

34543 felonies committed by others who were part of the conspiracy;
34544 stole and, or received and gave to others stolen trade secrets; made
34545 false and fictitious claims, injured and defaced a dwelling house;
34546 remained on private property after being forbidden to remain
34547 thereon by the person in legal control of the premises; without
34548 authorization, committed subornation of perjury; made multiple
34549 false reports to state boards or commissioners; while acting as an
34550 employee of the Town of Rockport, filed false written reports and
34551 statements; took money and rewards to compound or conceal
34552 felonies; aided in the commission of a felony; knowingly accessed
34553 computers, and computer systems and failed to terminate such
34554 access knowing that such access was not authorized; interfered
34555 with civil rights; committed conspiracy to violate civil rights;
34556 violated Constitutional Rights; and committed other State and
34557 Federal crimes. The Plaintiff Atkinson, who is a disabled veteran,
34558 was the victim of these aforementioned criminal acts, deprivations,
34559 and infringements by Defendant. Any veil of immunity, which this
34560 defendant may have previously enjoyed by virtue of their office or
34561 position, is “pierced and ripped asunder” due to their infringement
34562 and deprivation of the Constitutional Rights of the Plaintiff, and

34563 thus this Defendant (and all other Defendants) stands fully naked
34564 and vulnerable before the court, with no immunity of any form.
34565 Further, this defendant has engaged in conduct and as a continuing
34566 unit of an enterprise, through a pattern, of racketeering enterprises
34567 (including, but not limited to: mail fraud, wire fraud, scheme to
34568 defraud, robbery, kidnapping, obstruction of justice, interference in
34569 commerce, also involving monetary transactions in property
34570 derived from specified unlawful activity), and have caused injury
34571 to the business and/or property of the Plaintiff Atkinson. This
34572 Defendant has exceeded, and overstepped their authority and
34573 violated the Constitutional rights of the Plaintiff, infringing and
34574 deprived him of his civil rights. Defendant resides at 168 Main
34575 Street, Rockport, MA 01966

34576
34577 1352. Defendant DANIEL MAHONEY is sued in his/her official
34578 capacity and individually as a Police Officer for Town of Rockport,
34579 responsible for executing and administering the laws and policies
34580 at issue in this lawsuit. Defendant directly deprived, violated, and
34581 infringed upon Plaintiff's civil rights, with malice, and with careful
34582 planning and conspiracy with others. Defendant has while acting

34583 under color of law and while armed with a dangerous weapon at all
34584 times with the intent to commit a felony; has engaged in a pattern
34585 of robbery; armed robbery; embezzlement; fraud; larceny; false
34586 statements; intimidation of a witness; false arrest; kidnapping;
34587 confinement; home invasion; armed home invasion; assault; armed
34588 assault; assaulted with bodily injury in furtherance of committing a
34589 felony; willfully inflicting injury; unlawfully used or threatened to
34590 use against another the power of or authority vested in him; use of
34591 excessive force; breaking and entered into a dwelling house;
34592 assault and battery; broke into a truck in order to commit a felony;
34593 induced another to part with property under false pretenses; had in
34594 his possession tools and implements to break open a building,
34595 room, or vault in order to steal and to commit other crimes; placed
34596 a person in fear of their lives in order to force the person to
34597 surrender the means of opening a locked room and locked safes;
34598 damaged property; intimidated witness or potential witness; caused
34599 serious alarm to a reasonable person; inflicted substantial
34600 emotional distress; entered a dwelling places of another knowing
34601 that one or more persons present within was likely armed with
34602 dangerous weapons; fraudulently converted property that was in

34603 the custody of the Town to his own personal use; concealed
34604 felonies committed by others who were part of the conspiracy;
34605 stole and, or received and gave to others stolen trade secrets; made
34606 false and fictitious claims, injured and defaced a dwelling house;
34607 remained on private property after being forbidden to remain
34608 thereon by the person in legal control of the premises; without
34609 authorization, committed subornation of perjury; made multiple
34610 false reports to state boards or commissioners; while acting as an
34611 employee of the Town of Rockport, filed false written reports and
34612 statements; took money and rewards to compound or conceal
34613 felonies; aided in the commission of a felony; knowingly accessed
34614 computers, and computer systems and failed to terminate such
34615 access knowing that such access was not authorized; interfered
34616 with civil rights; committed conspiracy to violate civil rights;
34617 violated Constitutional Rights; and committed other State and
34618 Federal crimes. The Plaintiff Atkinson, who is a disabled veteran,
34619 was the victim of these aforementioned criminal acts, deprivations,
34620 and infringements by Defendant.

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1353. Defendant has prior history of civil right abuses, and has previously been sued in Federal District court over such civil right violations, which forms a long-term course of conduct, committed with despicable arrogance, and which shocks the conscience.

1354. Any veil of immunity, which this defendant may have previously enjoyed by virtue of their office or position, is “pierced and ripped asunder” due to their infringement and deprivation of the Constitutional Rights of the Plaintiff, and thus this Defendant (and all other Defendants) stands fully naked and vulnerable before the court, with no immunity of any form. Further, this defendant has engaged in conduct and as a continuing unit of an enterprise, through a pattern, of racketeering enterprises (including, but not limited to: mail fraud, wire fraud, scheme to defraud, robbery, kidnapping, obstruction of justice, interference in commerce, also involving monetary transactions in property derived from specified unlawful activity), and have caused injury to the business and/or property of the Plaintiff Atkinson.

34641 1355. This Defendant has exceeded, and overstepped their authority
34642 and violated the Constitutional rights of the Plaintiff, infringing
34643 and deprived him of his civil rights. Defendant resides at 168 Main
34644 Street, Rockport, MA 01966

34645
34646 1356. Defendant MICHAEL MARINO is sued in his/her official
34647 capacity and individually as a Police Officer for Town of Rockport,
34648 responsible for executing and administering the laws and policies
34649 at issue in this lawsuit. Defendant directly deprived, violated, and
34650 infringed upon Plaintiff's civil rights, with malice, and with careful
34651 planning and conspiracy with others.

34652
34653 1357. Defendant has while acting under color of law and while
34654 armed with a dangerous weapon at all times with the intent to
34655 commit a felony; has engaged in a pattern of robbery; armed
34656 robbery; embezzlement; fraud; larceny; false statements;
34657 intimidation of a witness; false arrest; kidnapping; confinement;
34658 home invasion; armed home invasion; assault; armed assault;
34659 assaulted with bodily injury in furtherance of committing a felony;
34660 willfully inflicting injury; unlawfully used or threatened to use

34661 against another the power of or authority vested in him; use of
34662 excessive force; breaking and entered into a dwelling house;
34663 assault and battery; broke into a truck in order to commit a felony;
34664 induced another to part with property under false pretenses; had in
34665 his possession tools and implements to break open a building,
34666 room, or vault in order to steal and to commit other crimes; placed
34667 a person in fear of their lives in order to force the person to
34668 surrender the means of opening a locked room and locked safes;
34669 damaged property; intimidated witness or potential witness; caused
34670 serious alarm to a reasonable person; inflicted substantial
34671 emotional distress; entered a dwelling places of another knowing
34672 that one or more persons present within was likely armed with
34673 dangerous weapons; fraudulently converted property that was in
34674 the custody of the Town to his own personal use; concealed
34675 felonies committed by others who were part of the conspiracy;
34676 stole and, or received and gave to others stolen trade secrets; made
34677 false and fictitious claims, injured and defaced a dwelling house;
34678 remained on private property after being forbidden to remain
34679 thereon by the person in legal control of the premises; without
34680 authorization, committed subornation of perjury; made multiple

34681 false reports to state boards or commissioners; while acting as an
34682 employee of the Town of Rockport, filed false written reports and
34683 statements; took money and rewards to compound or conceal
34684 felonies; aided in the commission of a felony; knowingly accessed
34685 computers, and computer systems and failed to terminate such
34686 access knowing that such access was not authorized; interfered
34687 with civil rights; committed conspiracy to violate civil rights;
34688 violated Constitutional Rights; and committed other State and
34689 Federal crimes. The Plaintiff Atkinson, who is a disabled veteran,
34690 was the victim of these aforementioned criminal acts, deprivations,
34691 and infringements by Defendant.

34692
34693 1358. Any veil of immunity, which this defendant may have
34694 previously enjoyed by virtue of their office or position, is “pierced
34695 and ripped asunder” due to their infringement and deprivation of
34696 the Constitutional Rights of the Plaintiff, and thus this Defendant
34697 (and all other Defendants) stands fully naked and vulnerable before
34698 the court, with no immunity of any form.

34699
34700 1359. Further, this defendant has engaged in conduct and as a

34701 continuing unit of an enterprise, through a pattern, of racketeering
34702 enterprises (including, but not limited to: mail fraud, wire fraud,
34703 scheme to defraud, robbery, kidnapping, obstruction of justice,
34704 interference in commerce, also involving monetary transactions in
34705 property derived from specified unlawful activity), and have
34706 caused injury to the business and/or property of the Plaintiff
34707 Atkinson.

34708
34709 1360. This Defendant has exceeded, and overstepped their authority
34710 and violated the Constitutional rights of the Plaintiff, infringing
34711 and deprived him of his civil rights. Defendant resides at 168 Main
34712 Street, Rockport, MA 01966

34713
34714 1361. Defendant JOHN T. MCCARTHY is sued in his/her official
34715 capacity and individually as the Chief of Police for the Town of
34716 Rockport, responsible for executing and administering the laws
34717 and policies at issue in this lawsuit. Defendant directly deprived,
34718 violated, and infringed upon Plaintiff's civil rights, with malice,
34719 and with careful planning and conspiracy with others.

34720

34721 1362. Defendant has while acting under color of law and while
34722 armed with a dangerous weapon at all times with the intent to
34723 commit a felony; has engaged in a pattern of robbery; armed
34724 robbery; embezzlement; fraud; larceny; false statements;
34725 intimidation of a witness; false arrest; kidnapping; confinement;
34726 home invasion; armed home invasion; assault; armed assault;
34727 assaulted with bodily injury in furtherance of committing a felony;
34728 willfully inflicting injury; unlawfully used or threatened to use
34729 against another the power of or authority vested in him; use of
34730 excessive force; breaking and entered into a dwelling house;
34731 assault and battery; broke into a truck in order to commit a felony;
34732 induced another to part with property under false pretenses; had in
34733 his possession tools and implements to break open a building,
34734 room, or vault in order to steal and to commit other crimes; placed
34735 a person in fear of their lives in order to force the person to
34736 surrender the means of opening a locked room and locked safes;
34737 damaged property; intimidated witness or potential witness; caused
34738 serious alarm to a reasonable person; inflicted substantial
34739 emotional distress; entered a dwelling places of another knowing
34740 that one or more persons present within was likely armed with

34741 dangerous weapons; fraudulently converted property that was in
34742 the custody of the Town to his own personal use; concealed
34743 felonies committed by others who were part of the conspiracy;
34744 stole and, or received and gave to others stolen trade secrets; made
34745 false and fictitious claims, injured and defaced a dwelling house;
34746 remained on private property after being forbidden to remain
34747 thereon by the person in legal control of the premises; without
34748 authorization, committed subornation of perjury; made multiple
34749 false reports to state boards or commissioners; while acting as an
34750 employee of the Town of Rockport, filed false written reports and
34751 statements; took money and rewards to compound or conceal
34752 felonies; aided in the commission of a felony; knowingly accessed
34753 computers, and computer systems and failed to terminate such
34754 access knowing that such access was not authorized; interfered
34755 with civil rights; committed conspiracy to violate civil rights;
34756 violated Constitutional Rights; and committed other State and
34757 Federal crimes. The Plaintiff Atkinson, who is a disabled veteran,
34758 was the victim of these aforementioned criminal acts, deprivations,
34759 and infringements by Defendant.

34760

34761 1363. Any veil of immunity, which this defendant may have
34762 previously enjoyed by virtue of their office or position, is “pierced
34763 and ripped asunder” due to their infringement and deprivation of
34764 the Constitutional Rights of the Plaintiff, and thus this Defendant
34765 (and all other Defendants) stands fully naked and vulnerable before
34766 the court, with no immunity of any form.

34767
34768 1364. Further, this defendant has engaged in conduct and as a
34769 continuing unit of an enterprise, through a pattern, of racketeering
34770 enterprises (including, but not limited to: mail fraud, wire fraud,
34771 scheme to defraud, robbery, kidnapping, obstruction of justice,
34772 interference in commerce, also involving monetary transactions in
34773 property derived from specified unlawful activity), and have
34774 caused injury to the business and/or property of the Plaintiff
34775 Atkinson.

34776
34777 1365. This Defendant has exceeded, and overstepped their authority
34778 and violated the Constitutional rights of the Plaintiff, infringing
34779 and deprived him of his civil rights. Defendant resides at 168 Main
34780 Street, Rockport, MA 01966

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1366. Defendant GREGORY GEORGE is sued in his/her official capacity and individually as an Police Officer for Town of Rockport, responsible for executing and administering the laws and policies at issue in this lawsuit.

1367. Defendant directly deprived, violated, and infringed upon Plaintiff's civil rights, with malice, and with careful planning and conspiracy with others.

1368. Defendant has while acting under color of law and while armed with a dangerous weapon at all times with the intent to commit a felony; has engaged in a pattern of robbery; armed robbery; embezzlement; fraud; larceny; false statements; intimidation of a witness; false arrest; kidnapping; confinement; home invasion; armed home invasion; assault; armed assault; assaulted with bodily injury in furtherance of committing a felony; willfully inflicting injury; unlawfully used or threatened to use against another the power of or authority vested in him; use of excessive force; breaking and entered into a dwelling house;

34801 assault and battery; broke into a truck in order to commit a felony;
34802 induced another to part with property under false pretenses; had in
34803 his possession tools and implements to break open a building,
34804 room, or vault in order to steal and to commit other crimes; placed
34805 a person in fear of their lives in order to force the person to
34806 surrender the means of opening a locked room and locked safes;
34807 damaged property; intimidated witness or potential witness; caused
34808 serious alarm to a reasonable person; inflicted substantial
34809 emotional distress; entered a dwelling places of another knowing
34810 that one or more persons present within was likely armed with
34811 dangerous weapons; fraudulently converted property that was in
34812 the custody of the Town to his own personal use; concealed
34813 felonies committed by others who were part of the conspiracy;
34814 stole and, or received and gave to others stolen trade secrets; made
34815 false and fictitious claims, injured and defaced a dwelling house;
34816 remained on private property after being forbidden to remain
34817 thereon by the person in legal control of the premises; without
34818 authorization, committed subornation of perjury; made multiple
34819 false reports to state boards or commissioners; while acting as an
34820 employee of the Town of Rockport, filed false written reports and

34821 statements; took money and rewards to compound or conceal
34822 felonies; aided in the commission of a felony; knowingly accessed
34823 computers, and computer systems and failed to terminate such
34824 access knowing that such access was not authorized; interfered
34825 with civil rights; committed conspiracy to violate civil rights;
34826 violated Constitutional Rights; and committed other State and
34827 Federal crimes. The Plaintiff Atkinson, who is a disabled veteran,
34828 was the victim of these aforementioned criminal acts, deprivations,
34829 and infringements by Defendant.

34830
34831 1369. Any veil of immunity, which this defendant may have
34832 previously enjoyed by virtue of their office or position, is “pierced
34833 and ripped asunder” due to their infringement and deprivation of
34834 the Constitutional Rights of the Plaintiff, and thus this Defendant
34835 (and all other Defendants) stands fully naked and vulnerable before
34836 the court, with no immunity of any form.

34837
34838 1370. Further, this defendant has engaged in conduct and as a
34839 continuing unit of an enterprise, through a pattern, of racketeering
34840 enterprises (including, but not limited to: mail fraud, wire fraud,

34841 scheme to defraud, robbery, kidnapping, obstruction of justice,
34842 interference in commerce, also involving monetary transactions in
34843 property derived from specified unlawful activity), and have
34844 caused injury to the business and/or property of the Plaintiff
34845 Atkinson. This Defendant has exceeded, and overstepped their
34846 authority and violated the Constitutional rights of the Plaintiff,
34847 infringing and deprived him of his civil rights. Defendant resides at
34848 168 Main Street, Rockport, MA 01966

34849
34850 1371. Defendant SEAN ANDRUS is sued in his/her official
34851 capacity and individually as a Police Officer for Town of Rockport,
34852 responsible for executing and administering the laws and policies
34853 at issue in this lawsuit. Defendant directly deprived, violated, and
34854 infringed upon Plaintiff's civil rights, with malice, and with careful
34855 planning and conspiracy with others.

34856
34857 1372. Defendant has while acting under color of law and while
34858 armed with a dangerous weapon at all times with the intent to
34859 commit a felony; has engaged in a pattern of robbery; armed
34860 robbery; embezzlement; fraud; larceny; false statements;

34861 intimidation of a witness; false arrest; kidnapping; confinement;
34862 home invasion; armed home invasion; assault; armed assault;
34863 assaulted with bodily injury in furtherance of committing a felony;
34864 willfully inflicting injury; unlawfully used or threatened to use
34865 against another the power of or authority vested in him; use of
34866 excessive force; breaking and entered into a dwelling house;
34867 assault and battery; broke into a truck in order to commit a felony;
34868 induced another to part with property under false pretenses; had in
34869 his possession tools and implements to break open a building,
34870 room, or vault in order to steal and to commit other crimes; placed
34871 a person in fear of their lives in order to force the person to
34872 surrender the means of opening a locked room and locked safes;
34873 damaged property; intimidated witness or potential witness; caused
34874 serious alarm to a reasonable person; inflicted substantial
34875 emotional distress; entered a dwelling places of another knowing
34876 that one or more persons present within was likely armed with
34877 dangerous weapons; fraudulently converted property that was in
34878 the custody of the Town to his own personal use; concealed
34879 felonies committed by others who were part of the conspiracy;
34880 stole and, or received and gave to others stolen trade secrets; made

34881 false and fictitious claims, injured and defaced a dwelling house;
34882 remained on private property after being forbidden to remain
34883 thereon by the person in legal control of the premises; without
34884 authorization, committed subornation of perjury; made multiple
34885 false reports to state boards or commissioners; while acting as an
34886 employee of the Town of Rockport, filed false written reports and
34887 statements; took money and rewards to compound or conceal
34888 felonies; aided in the commission of a felony; knowingly accessed
34889 computers, and computer systems and failed to terminate such
34890 access knowing that such access was not authorized; interfered
34891 with civil rights; committed conspiracy to violate civil rights;
34892 violated Constitutional Rights; and committed other State and
34893 Federal crimes. The Plaintiff Atkinson, who is a disabled veteran,
34894 was the victim of these aforementioned criminal acts, deprivations,
34895 and infringements by Defendant.

34896
34897 1373. Any veil of immunity, which this defendant may have
34898 previously enjoyed by virtue of their office or position, is “pierced
34899 and ripped asunder” due to their infringement and deprivation of
34900 the Constitutional Rights of the Plaintiff, and thus this Defendant

34901 (and all other Defendants) stands fully naked and vulnerable before
34902 the court, with no immunity of any form. Further, this defendant
34903 has engaged in conduct and as a continuing unit of an enterprise,
34904 through a pattern, of racketeering enterprises (including, but not
34905 limited to: mail fraud, wire fraud, scheme to defraud, robbery,
34906 kidnapping, obstruction of justice, interference in commerce, also
34907 involving monetary transactions in property derived from specified
34908 unlawful activity), and have caused injury to the business and/or
34909 property of the Plaintiff Atkinson. This Defendant has exceeded,
34910 and overstepped their authority and violated the Constitutional
34911 rights of the Plaintiff, infringing and deprived him of his civil
34912 rights. Defendant resides at 168 Main Street, Rockport, MA 01966

34913
34914 1374. Defendant JAMES HURST is sued in his/her official capacity
34915 and individually as a Police Officer for Town of Rockport,
34916 responsible for executing and administering the laws and policies
34917 at issue in this lawsuit. Defendant directly deprived, violated, and
34918 infringed upon Plaintiff's civil rights, with malice, and with careful
34919 planning and conspiracy with others. Defendant has while acting
34920 under color of law and while armed with a dangerous weapon at all

34921 times with the intent to commit a felony; has engaged in a pattern
34922 of robbery; armed robbery; embezzlement; fraud; larceny; false
34923 statements; intimidation of a witness; false arrest; kidnapping;
34924 confinement; home invasion; armed home invasion; assault; armed
34925 assault; assaulted with bodily injury in furtherance of committing a
34926 felony; willfully inflicting injury; unlawfully used or threatened to
34927 use against another the power of or authority vested in him; use of
34928 excessive force; breaking and entered into a dwelling house;
34929 assault and battery; broke into a truck in order to commit a felony;
34930 induced another to part with property under false pretenses; had in
34931 his possession tools and implements to break open a building,
34932 room, or vault in order to steal and to commit other crimes; placed
34933 a person in fear of their lives in order to force the person to
34934 surrender the means of opening a locked room and locked safes;
34935 damaged property; intimidated witness or potential witness; caused
34936 serious alarm to a reasonable person; inflicted substantial
34937 emotional distress; entered a dwelling places of another knowing
34938 that one or more persons present within was likely armed with
34939 dangerous weapons; fraudulently converted property that was in
34940 the custody of the Town to his own personal use; concealed

34941 felonies committed by others who were part of the conspiracy;
34942 stole and, or received and gave to others stolen trade secrets; made
34943 false and fictitious claims, injured and defaced a dwelling house;
34944 remained on private property after being forbidden to remain
34945 thereon by the person in legal control of the premises; without
34946 authorization, committed subornation of perjury; made multiple
34947 false reports to state boards or commissioners; while acting as an
34948 employee of the Town of Rockport, filed false written reports and
34949 statements; took money and rewards to compound or conceal
34950 felonies; aided in the commission of a felony; knowingly accessed
34951 computers, and computer systems and failed to terminate such
34952 access knowing that such access was not authorized; interfered
34953 with civil rights; committed conspiracy to violate civil rights;
34954 violated Constitutional Rights; and committed other State and
34955 Federal crimes. The Plaintiff Atkinson, who is a disabled veteran,
34956 was the victim of these aforementioned criminal acts, deprivations,
34957 and infringements by Defendant. Any veil of immunity, which this
34958 defendant may have previously enjoyed by virtue of their office or
34959 position, is “pierced and ripped asunder” due to their infringement
34960 and deprivation of the Constitutional Rights of the Plaintiff, and

34961 thus this Defendant (and all other Defendants) stands fully naked
34962 and vulnerable before the court, with no immunity of any form.
34963 Further, this defendant has engaged in conduct and as a continuing
34964 unit of an enterprise, through a pattern, of racketeering enterprises
34965 (including, but not limited to: mail fraud, wire fraud, scheme to
34966 defraud, robbery, kidnapping, obstruction of justice, interference in
34967 commerce, also involving monetary transactions in property
34968 derived from specified unlawful activity), and have caused injury
34969 to the business and/or property of the Plaintiff Atkinson. This
34970 Defendant has exceeded, and overstepped their authority and
34971 violated the Constitutional rights of the Plaintiff, infringing and
34972 deprived him of his civil rights. Defendant resides at 168 Main
34973 Street, Rockport, MA 01966
34974
34975 1375. Defendant MARK SCHMINK is sued in his/her official
34976 capacity and individually as a Police Officer for Town of Rockport,
34977 responsible for executing and administering the laws and policies
34978 at issue in this lawsuit. Defendant directly deprived, violated, and
34979 infringed upon Plaintiff's civil rights, with malice, and with careful
34980 planning and conspiracy with others. Defendant has while acting

34981 under color of law and while armed with a dangerous weapon at all
34982 times with the intent to commit a felony; has engaged in a pattern
34983 of robbery; armed robbery; embezzlement; fraud; larceny; false
34984 statements; intimidation of a witness; false arrest; kidnapping;
34985 confinement; home invasion; armed home invasion; assault; armed
34986 assault; assaulted with bodily injury in furtherance of committing a
34987 felony; willfully inflicting injury; unlawfully used or threatened to
34988 use against another the power of or authority vested in him; use of
34989 excessive force; breaking and entered into a dwelling house;
34990 assault and battery; broke into a truck in order to commit a felony;
34991 induced another to part with property under false pretenses; had in
34992 his possession tools and implements to break open a building,
34993 room, or vault in order to steal and to commit other crimes; placed
34994 a person in fear of their lives in order to force the person to
34995 surrender the means of opening a locked room and locked safes;
34996 damaged property; intimidated witness or potential witness; caused
34997 serious alarm to a reasonable person; inflicted substantial
34998 emotional distress; entered a dwelling places of another knowing
34999 that one or more persons present within was likely armed with
35000 dangerous weapons; fraudulently converted property that was in

35001 the custody of the Town to his own personal use; concealed
35002 felonies committed by others who were part of the conspiracy;
35003 stole and, or received and gave to others stolen trade secrets; made
35004 false and fictitious claims, injured and defaced a dwelling house;
35005 remained on private property after being forbidden to remain
35006 thereon by the person in legal control of the premises; without
35007 authorization, committed subornation of perjury; made multiple
35008 false reports to state boards or commissioners; while acting as an
35009 employee of the Town of Rockport, filed false written reports and
35010 statements; took money and rewards to compound or conceal
35011 felonies; aided in the commission of a felony; knowingly accessed
35012 computers, and computer systems and failed to terminate such
35013 access knowing that such access was not authorized; interfered
35014 with civil rights; committed conspiracy to violate civil rights;
35015 violated Constitutional Rights; and committed other State and
35016 Federal crimes. The Plaintiff Atkinson, who is a disabled veteran,
35017 was the victim of these aforementioned criminal acts, deprivations,
35018 and infringements by Defendant. Defendant has prior history of
35019 civil right abuses, and has previously been sued in Federal District
35020 court over such civil right violations, which forms a long-term

35021 course of conduct, committed with despicable arrogance, and
35022 which shocks the conscience. Any veil of immunity, which this
35023 defendant may have previously enjoyed by virtue of their office or
35024 position, is “pierced and ripped asunder” due to their infringement
35025 and deprivation of the Constitutional Rights of the Plaintiff, and
35026 thus this Defendant (and all other Defendants) stands fully naked
35027 and vulnerable before the court, with no immunity of any form.
35028 Further, this defendant has engaged in conduct and as a continuing
35029 unit of an enterprise, through a pattern, of racketeering enterprises
35030 (including, but not limited to: mail fraud, wire fraud, scheme to
35031 defraud, robbery, kidnapping, obstruction of justice, interference in
35032 commerce, also involving monetary transactions in property
35033 derived from specified unlawful activity), and have caused injury
35034 to the business and/or property of the Plaintiff Atkinson. This
35035 Defendant has exceeded, and overstepped their authority and
35036 violated the Constitutional rights of the Plaintiff, infringing and
35037 deprived him of his civil rights. Defendant resides at 168 Main
35038 Street, Rockport, MA 01966

35039

35040 1376. Defendant ROBERT TIBERT is sued in his/her official

35041 capacity and individually as a Police Officer for Town of Rockport,
35042 responsible for executing and administering the laws and policies
35043 at issue in this lawsuit. Defendant directly deprived, violated, and
35044 infringed upon Plaintiff's civil rights, with malice, and with careful
35045 planning and conspiracy with others. Defendant has while acting
35046 under color of law and while armed with a dangerous weapon at all
35047 times with the intent to commit a felony; has engaged in a pattern
35048 of robbery; armed robbery; embezzlement; fraud; larceny; false
35049 statements; intimidation of a witness; false arrest; kidnapping;
35050 confinement; home invasion; armed home invasion; assault; armed
35051 assault; assaulted with bodily injury in furtherance of committing a
35052 felony; willfully inflicting injury; unlawfully used or threatened to
35053 use against another the power of or authority vested in him; use of
35054 excessive force; breaking and entered into a dwelling house;
35055 assault and battery; broke into a truck in order to commit a felony;
35056 induced another to part with property under false pretenses; had in
35057 his possession tools and implements to break open a building,
35058 room, or vault in order to steal and to commit other crimes; placed
35059 a person in fear of their lives in order to force the person to
35060 surrender the means of opening a locked room and locked safes;

35061 damaged property; intimidated witness or potential witness; caused
35062 serious alarm to a reasonable person; inflicted substantial
35063 emotional distress; entered a dwelling places of another knowing
35064 that one or more persons present within was likely armed with
35065 dangerous weapons; fraudulently converted property that was in
35066 the custody of the Town to his own personal use; concealed
35067 felonies committed by others who were part of the conspiracy;
35068 stole and, or received and gave to others stolen trade secrets; made
35069 false and fictitious claims, injured and defaced a dwelling house;
35070 remained on private property after being forbidden to remain
35071 thereon by the person in legal control of the premises; without
35072 authorization, committed subornation of perjury; made multiple
35073 false reports to state boards or commissioners; while acting as an
35074 employee of the Town of Rockport, filed false written reports and
35075 statements; took money and rewards to compound or conceal
35076 felonies; aided in the commission of a felony; knowingly accessed
35077 computers, and computer systems and failed to terminate such
35078 access knowing that such access was not authorized; interfered
35079 with civil rights; committed conspiracy to violate civil rights;
35080 violated Constitutional Rights; and committed other State and

35081 Federal crimes. The Plaintiff Atkinson, who is a disabled veteran,
35082 was the victim of these aforementioned criminal acts, deprivations,
35083 and infringements by Defendant. Any veil of immunity, which this
35084 defendant may have previously enjoyed by virtue of their office or
35085 position, is “pierced and ripped asunder” due to their infringement
35086 and deprivation of the Constitutional Rights of the Plaintiff, and
35087 thus this Defendant (and all other Defendants) stands fully naked
35088 and vulnerable before the court, with no immunity of any form.
35089 Further, this defendant has engaged in conduct and as a continuing
35090 unit of an enterprise, through a pattern, of racketeering enterprises
35091 (including, but not limited to: mail fraud, wire fraud, scheme to
35092 defraud, robbery, kidnapping, obstruction of justice, interference in
35093 commerce, also involving monetary transactions in property
35094 derived from specified unlawful activity), and have caused injury
35095 to the business and/or property of the Plaintiff Atkinson. This
35096 Defendant has exceeded, and overstepped their authority and
35097 violated the Constitutional rights of the Plaintiff, infringing and
35098 deprived him of his civil rights. Defendant resides at 168 Main
35099 Street, Rockport, MA 01966

35100

35101 1377. Defendant MICHAEL ANDERSON is sued in his/her official
35102 capacity and individually as a Police Officer for Town of Rockport,
35103 responsible for executing and administering the laws and policies
35104 at issue in this lawsuit. Defendant directly deprived, violated, and
35105 infringed upon Plaintiff's civil rights, with malice, and with careful
35106 planning and conspiracy with others. Defendant has while acting
35107 under color of law and while armed with a dangerous weapon at all
35108 times with the intent to commit a felony; has engaged in a pattern
35109 of robbery; armed robbery; embezzlement; fraud; larceny; false
35110 statements; intimidation of a witness; false arrest; kidnapping;
35111 confinement; home invasion; armed home invasion; assault; armed
35112 assault; assaulted with bodily injury in furtherance of committing a
35113 felony; willfully inflicting injury; unlawfully used or threatened to
35114 use against another the power of or authority vested in him; use of
35115 excessive force; breaking and entered into a dwelling house;
35116 assault and battery; broke into a truck in order to commit a felony;
35117 induced another to part with property under false pretenses; had in
35118 his possession tools and implements to break open a building,
35119 room, or vault in order to steal and to commit other crimes; placed
35120 a person in fear of their lives in order to force the person to

35121 surrender the means of opening a locked room and locked safes;
35122 damaged property; intimidated witness or potential witness; caused
35123 serious alarm to a reasonable person; inflicted substantial
35124 emotional distress; entered a dwelling places of another knowing
35125 that one or more persons present within was likely armed with
35126 dangerous weapons; fraudulently converted property that was in
35127 the custody of the Town to his own personal use; concealed
35128 felonies committed by others who were part of the conspiracy;
35129 stole and, or received and gave to others stolen trade secrets; made
35130 false and fictitious claims, injured and defaced a dwelling house;
35131 remained on private property after being forbidden to remain
35132 thereon by the person in legal control of the premises; without
35133 authorization, committed subornation of perjury; made multiple
35134 false reports to state boards or commissioners; while acting as an
35135 employee of the Town of Rockport, filed false written reports and
35136 statements; took money and rewards to compound or conceal
35137 felonies; aided in the commission of a felony; knowingly accessed
35138 computers, and computer systems and failed to terminate such
35139 access knowing that such access was not authorized; interfered
35140 with civil rights; committed conspiracy to violate civil rights;

35141 violated Constitutional Rights; and committed other State and
35142 Federal crimes. The Plaintiff Atkinson, who is a disabled veteran,
35143 was the victim of these aforementioned criminal acts, deprivations,
35144 and infringements by Defendant. Any veil of immunity, which this
35145 defendant may have previously enjoyed by virtue of their office or
35146 position, is “pierced and ripped asunder” due to their infringement
35147 and deprivation of the Constitutional Rights of the Plaintiff, and
35148 thus this Defendant (and all other Defendants) stands fully naked
35149 and vulnerable before the court, with no immunity of any form.
35150 Further, this defendant has engaged in conduct and as a continuing
35151 unit of an enterprise, through a pattern, of racketeering enterprises
35152 (including, but not limited to: mail fraud, wire fraud, scheme to
35153 defraud, robbery, kidnapping, obstruction of justice, interference in
35154 commerce, also involving monetary transactions in property
35155 derived from specified unlawful activity), and have caused injury
35156 to the business and/or property of the Plaintiff Atkinson. This
35157 Defendant has exceeded, and overstepped their authority and
35158 violated the Constitutional rights of the Plaintiff, infringing and
35159 deprived him of his civil rights. Defendant resides at 168 Main
35160 Street, Rockport, MA 01966

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1378. Defendant TIMOTHY FRITHSEN is sued in his/her official capacity and individually as a Police Officer for Town of Rockport, responsible for executing and administering the laws and policies at issue in this lawsuit. Defendant directly deprived, violated, and infringed upon Plaintiff's civil rights, with malice, and with careful planning and conspiracy with others. Defendant has while acting under color of law and while armed with a dangerous weapon at all times with the intent to commit a felony; has engaged in a pattern of robbery; armed robbery; embezzlement; fraud; larceny; false statements; intimidation of a witness; false arrest; kidnapping; confinement; home invasion; armed home invasion; assault; armed assault; assaulted with bodily injury in furtherance of committing a felony; willfully inflicting injury; unlawfully used or threatened to use against another the power of or authority vested in him; use of excessive force; breaking and entered into a dwelling house; assault and battery; broke into a truck in order to commit a felony; induced another to part with property under false pretenses; had in his possession tools and implements to break open a building, room, or vault in order to steal and to commit other crimes; placed

35181 a person in fear of their lives in order to force the person to
35182 surrender the means of opening a locked room and locked safes;
35183 damaged property; intimidated witness or potential witness; caused
35184 serious alarm to a reasonable person; inflicted substantial
35185 emotional distress; entered a dwelling places of another knowing
35186 that one or more persons present within was likely armed with
35187 dangerous weapons; fraudulently converted property that was in
35188 the custody of the Town to his own personal use; concealed
35189 felonies committed by others who were part of the conspiracy;
35190 stole and, or received and gave to others stolen trade secrets; made
35191 false and fictitious claims, injured and defaced a dwelling house;
35192 remained on private property after being forbidden to remain
35193 thereon by the person in legal control of the premises; without
35194 authorization, committed subornation of perjury; made multiple
35195 false reports to state boards or commissioners; while acting as an
35196 employee of the Town of Rockport, filed false written reports and
35197 statements; took money and rewards to compound or conceal
35198 felonies; aided in the commission of a felony; knowingly accessed
35199 computers, and computer systems and failed to terminate such
35200 access knowing that such access was not authorized; interfered

35201 with civil rights; committed conspiracy to violate civil rights;
35202 violated Constitutional Rights; and committed other State and
35203 Federal crimes. The Plaintiff Atkinson, who is a disabled veteran,
35204 was the victim of these aforementioned criminal acts, deprivations,
35205 and infringements by Defendant. Any veil of immunity, which this
35206 defendant may have previously enjoyed by virtue of their office or
35207 position, is “pierced and ripped asunder” due to their infringement
35208 and deprivation of the Constitutional Rights of the Plaintiff, and
35209 thus this Defendant (and all other Defendants) stands fully naked
35210 and vulnerable before the court, with no immunity of any form.
35211 Further, this defendant has engaged in conduct and as a continuing
35212 unit of an enterprise, through a pattern, of racketeering enterprises
35213 (including, but not limited to: mail fraud, wire fraud, scheme to
35214 defraud, robbery, kidnapping, obstruction of justice, interference in
35215 commerce, also involving monetary transactions in property
35216 derived from specified unlawful activity), and have caused injury
35217 to the business and/or property of the Plaintiff Atkinson. This
35218 Defendant has exceeded, and overstepped their authority and
35219 violated the Constitutional rights of the Plaintiff, infringing and
35220 deprived him of his civil rights. Defendant resides at 168 Main

Street, Rockport, MA 01966

1379. Defendant JOHN DOE 001 - 009 is sued in his/her official capacity and individually as a Police Officer for Town of Rockport, responsible for executing and administering the laws and policies at issue in this lawsuit. Defendant directly deprived, violated, and infringed upon Plaintiff's civil rights, with malice, and with careful planning and conspiracy with others. Any veil of immunity, which this defendant may have previously enjoyed by virtue of their office or position, is "pierced and ripped asunder" due to their infringement and deprivation of the Constitutional Rights of the Plaintiff, and thus this Defendant (and all other Defendants) stands fully naked and vulnerable before the court, with no immunity of any form. Further, this defendant has engaged in conduct and as a continuing unit of an enterprise, through a pattern, of racketeering enterprises (including, but not limited to: mail fraud, wire fraud, scheme to defraud, robbery, kidnapping, obstruction of justice, interference in commerce, also involving monetary transactions in property derived from specified unlawful activity), and have caused injury to the business and/or property of the Plaintiff

35241 Atkinson. This Defendant has exceeded, and overstepped their
35242 authority and violated the Constitutional rights of the Plaintiff,
35243 infringing and deprived him of his civil rights. Defendant resides at
35244 168 Main Street, Rockport, MA 01966

35245
35246 1380. Defendant CHRISTIAN MCDOWELL is sued in his/her
35247 official capacity and individually as a Special Agent for Federal
35248 Bureau of Investigation, responsible for executing and
35249 administering the laws and policies at issue in this lawsuit.
35250 Defendant directly deprived, violated, and infringed upon
35251 Plaintiff's civil rights, with malice, and with careful planning and
35252 conspiracy with others. Defendant has while acting under color of
35253 law and while armed with a dangerous weapon at all times with the
35254 intent to commit a felony; has engaged in a pattern of robbery;
35255 armed robbery; embezzlement; fraud; larceny; false statements;
35256 intimidation of a witness; false arrest; kidnapping; confinement;
35257 home invasion; armed home invasion; assault; armed assault;
35258 assaulted with bodily injury in furtherance of committing a felony;
35259 willfully inflicting injury; unlawfully used or threatened to use
35260 against another the power of or authority vested in him; use of

35261 excessive force; breaking and entered into a dwelling house;
35262 assault and battery; broke into a truck in order to commit a felony;
35263 induced another to part with property under false pretenses; had in
35264 his possession tools and implements to break open a building,
35265 room, or vault in order to steal and to commit other crimes; placed
35266 a person in fear of their lives in order to force the person to
35267 surrender the means of opening a locked room and locked safes;
35268 damaged property; intimidated witness or potential witness; caused
35269 serious alarm to a reasonable person; inflicted substantial
35270 emotional distress; entered a dwelling places of another knowing
35271 that one or more persons present within was likely armed with
35272 dangerous weapons; fraudulently converted property that was in
35273 the custody of the Town to his own personal use; concealed
35274 felonies committed by others who were part of the conspiracy;
35275 stole and, or received and gave to others stolen trade secrets; made
35276 false and fictitious claims, injured and defaced a dwelling house;
35277 remained on private property after being forbidden to remain
35278 thereon by the person in legal control of the premises; without
35279 authorization, committed subornation of perjury; made multiple
35280 false reports to state boards or commissioners; while acting as an

35281 employee of the Town of Rockport, filed false written reports and
35282 statements; took money and rewards to compound or conceal
35283 felonies; aided in the commission of a felony; knowingly accessed
35284 computers, and computer systems and failed to terminate such
35285 access knowing that such access was not authorized; interfered
35286 with civil rights; committed conspiracy to violate civil rights;
35287 violated Constitutional Rights; and committed other State and
35288 Federal crimes. The Plaintiff Atkinson, who is a disabled veteran,
35289 was the victim of these aforementioned criminal acts, deprivations,
35290 and infringements by Defendant. Any veil of immunity, which this
35291 defendant may have previously enjoyed by virtue of their office or
35292 position, is “pierced and ripped asunder” due to their infringement
35293 and deprivation of the Constitutional Rights of the Plaintiff, and
35294 thus this Defendant (and all other Defendants) stands fully naked
35295 and vulnerable before the court, with no immunity of any form.
35296 Further, this defendant has engaged in conduct and as a continuing
35297 unit of an enterprise, through a pattern, of racketeering enterprises
35298 (including, but not limited to: mail fraud, wire fraud, scheme to
35299 defraud, robbery, kidnapping, obstruction of justice, interference in
35300 commerce, also involving monetary transactions in property

35301 derived from specified unlawful activity), and have caused injury
35302 to the business and/or property of the Plaintiff Atkinson. This
35303 Defendant has exceeded, and overstepped their authority and
35304 violated the Constitutional rights of the Plaintiff, infringing and
35305 deprived him of his civil rights. Defendant resides at One Center
35306 Plaza. Boston, MA 02108

35307
35308 1381. Defendant JOHN DOE 010 - 015 is sued in his/her official
35309 capacity and individually as a Special Agent for Federal Bureau of
35310 Investigation, responsible for executing and administering the laws
35311 and policies at issue in this lawsuit. Defendant directly deprived,
35312 violated, and infringed upon Plaintiff's civil rights, with malice,
35313 and with careful planning and conspiracy with others. Any veil of
35314 immunity, which this defendant may have previously enjoyed by
35315 virtue of their office or position, is "pierced and ripped asunder"
35316 due to their infringement and deprivation of the Constitutional
35317 Rights of the Plaintiff, and thus this Defendant (and all other
35318 Defendants) stands fully naked and vulnerable before the court,
35319 with no immunity of any form. Further, this defendant has engaged
35320 in conduct and as a continuing unit of an enterprise, through a

35321 pattern, of racketeering enterprises (including, but not limited to:
35322 mail fraud, wire fraud, scheme to defraud, robbery, kidnapping,
35323 obstruction of justice, interference in commerce, also involving
35324 monetary transactions in property derived from specified unlawful
35325 activity), and have caused injury to the business and/or property of
35326 the Plaintiff Atkinson. This Defendant has exceeded, and
35327 overstepped their authority and violated the Constitutional rights of
35328 the Plaintiff, infringing and deprived him of his civil rights.
35329 Defendant resides at One Center Plaza. Boston, MA 02108

35330
35331 1382. Defendant ROSEMARY LESCH is sued in his/her official
35332 capacity and individually as a Rockport Ambulance Department
35333 Head, Emergency Medical Technician (EMT), and Harbormaster
35334 for Town of Rockport, and Police Officer, responsible for
35335 executing and administering the laws and policies at issue in this
35336 lawsuit. Defendant directly deprived, violated, and infringed upon
35337 Plaintiff's civil rights, with malice, and with careful planning and
35338 conspiracy with others. Further, Defendant made false statements,
35339 and false claims, intimidated a witness or probable witness.
35340 Defendant promoted a hostile work environment, and did not stop

35341 sexual harassment in the workplace. Any veil of immunity, which
35342 this defendant may have previously enjoyed by virtue of their
35343 office or position, is “pierced and ripped asunder” due to their
35344 infringement and deprivation of the Constitutional Rights of the
35345 Plaintiff, and thus this Defendant (and all other Defendants) stands
35346 fully naked and vulnerable before the court, with no immunity of
35347 any form. Further, this defendant has engaged in conduct and as a
35348 continuing unit of an enterprise, through a pattern, of racketeering
35349 enterprises (including, but not limited to: mail fraud, wire fraud,
35350 scheme to defraud, robbery, kidnapping, obstruction of justice,
35351 interference in commerce, also involving monetary transactions in
35352 property derived from specified unlawful activity), and have
35353 caused injury to the business and/or property of the Plaintiff
35354 Atkinson. This Defendant has exceeded, and overstepped their
35355 authority and violated the Constitutional rights of the Plaintiff,
35356 infringing and deprived him of his civil rights. Defendant resides at
35357 34 Broadway, Rockport, MA 01966

35358
35359 1383. Defendant SCOTT STORY is sued in his/her official capacity
35360 and individually as a Rockport Ambulance Department Head,

35361 Emergency Medical Technician (EMT), and Harbormaster for
35362 Town of Rockport, and police officer, responsible for executing
35363 and administering the laws and policies at issue in this lawsuit.
35364 Defendant directly deprived, violated, and infringed upon
35365 Plaintiff's civil rights, with malice, and with careful planning and
35366 conspiracy with others. Defendant promoted a hostile work
35367 environment, and did not stop sexual harassment in the workplace.
35368 Any veil of immunity, which this defendant may have previously
35369 enjoyed by virtue of their office or position, is "pierced and ripped
35370 asunder" due to their infringement and deprivation of the
35371 Constitutional Rights of the Plaintiff, and thus this Defendant (and
35372 all other Defendants) stands fully naked and vulnerable before the
35373 court, with no immunity of any form. Further, this defendant has
35374 engaged in conduct and as a continuing unit of an enterprise,
35375 through a pattern, of racketeering enterprises (including, but not
35376 limited to: mail fraud, wire fraud, scheme to defraud, robbery,
35377 kidnapping, obstruction of justice, interference in commerce, also
35378 involving monetary transactions in property derived from specified
35379 unlawful activity), and have caused injury to the business and/or
35380 property of the Plaintiff Atkinson. This Defendant has exceeded,

35381 and overstepped their authority and violated the Constitutional
35382 rights of the Plaintiff, infringing and deprived him of his civil
35383 rights. Defendant resides at 34 Broadway, Rockport, MA 01966

35384

35385 1384. Defendant RITA BUDROW is sued in his/her official
35386 capacity and individually as an Emergency Medical Technician
35387 (EMT) for Town of Rockport, responsible for executing and
35388 administering the laws and policies at issue in this lawsuit.
35389 Defendant directly deprived, violated, and infringed upon
35390 Plaintiff's civil rights, with malice, and with careful planning and
35391 conspiracy with others. Further, Defendant made false statements,
35392 and false claims, intimidated a witness or probable witness.
35393 Defendant engaged in creating and promoting a hostile work
35394 environment. Any veil of immunity, which this defendant may
35395 have previously enjoyed by virtue of their office or position, is
35396 "pierced and ripped asunder" due to their infringement and
35397 deprivation of the Constitutional Rights of the Plaintiff, and thus
35398 this Defendant (and all other Defendants) stands fully naked and
35399 vulnerable before the court, with no immunity of any form. Further,
35400 this defendant has engaged in conduct and as a continuing unit of

35401 an enterprise, through a pattern, of racketeering enterprises
35402 (including, but not limited to: mail fraud, wire fraud, scheme to
35403 defraud, robbery, kidnapping, obstruction of justice, interference in
35404 commerce, also involving monetary transactions in property
35405 derived from specified unlawful activity), and have caused injury
35406 to the business and/or property of the Plaintiff Atkinson. This
35407 Defendant has exceeded, and overstepped their authority and
35408 violated the Constitutional rights of the Plaintiff, infringing and
35409 deprived him of his civil rights. Defendant resides at 27 Hodgkin's
35410 St., Rockport MA 01966

35411
35412 1385. Defendant JANE CARR is sued in his/her official capacity
35413 and individually as an Emergency Medical Technician (EMT), and
35414 a defacto departmental supervisor for the Town of Rockport,
35415 responsible for executing and administering the laws and policies
35416 at issue in this lawsuit. Defendant is also sued in his/her official
35417 capacity and individually as an Emergency Medical Technician
35418 (EMT) for Lyons Ambulance. Defendant is also sued in his/her
35419 official capacity and individually as an Emergency Medical
35420 Technician (EMT) and Nurses Aid for Beverly Hospital.

35421 Defendant directly deprived, violated, and infringed upon
35422 Plaintiff's civil rights, with malice, and with careful planning and
35423 conspiracy with others. Further, Defendant made false statements,
35424 and false claims, intimidated a witness or probable witness. This
35425 Defendant has exceeded, and overstepped their authority and
35426 violated the Constitutional rights of the Plaintiff, infringing and
35427 deprived him of his civil rights. Defendant engaged in creating and
35428 promoting a hostile work environment. Any veil of immunity,
35429 which this defendant may have previously enjoyed by virtue of
35430 their office or position, is "pierced and ripped asunder" due to their
35431 infringement and deprivation of the Constitutional Rights of the
35432 Plaintiff, and thus this Defendant (and all other Defendants) stands
35433 fully naked and vulnerable before the court, with no immunity of
35434 any form. Further, this defendant has engaged in conduct and as a
35435 continuing unit of an enterprise, through a pattern, of racketeering
35436 enterprises (including, but not limited to: mail fraud, wire fraud,
35437 scheme to defraud, robbery, kidnapping, obstruction of justice,
35438 interference in commerce, also involving monetary transactions in
35439 property derived from specified unlawful activity), and have
35440 caused injury to the business and/or property of the Plaintiff

35441 Atkinson. This Defendant has exceeded, and overstepped their
35442 authority and violated the Constitutional rights of the Plaintiff,
35443 infringing and deprived him of his civil rights. Defendant resides at
35444 27 Granite St, Rockport MA 01966

35445
35446 1386. Defendant DIANE E. CRUDDEN, also known as “Diane E.
35447 Crudden” is sued in his/her official capacity and individually as an
35448 Emergency Medical Technician (EMT) for Town of Rockport,
35449 responsible for executing and administering the laws and policies
35450 at issue in this lawsuit. Defendant directly deprived, violated, and
35451 infringed upon Plaintiff’s civil rights, with malice, and with careful
35452 planning and conspiracy with others. Further, Defendant made
35453 false statements, and false claims, intimidated a witness or
35454 probable witness. Defendant promoted a hostile work environment,
35455 and engaged in significant sexual harassment in the workplace.
35456 Any veil of immunity, which this defendant may have previously
35457 enjoyed by virtue of their office or position, is “pierced and ripped
35458 asunder” due to their infringement and deprivation of the
35459 Constitutional Rights of the Plaintiff, and thus this Defendant (and
35460 all other Defendants) stands fully naked and vulnerable before the

35461 court, with no immunity of any form. Further, this defendant has
35462 engaged in conduct and as a continuing unit of an enterprise,
35463 through a pattern, of racketeering enterprises (including, but not
35464 limited to: mail fraud, wire fraud, scheme to defraud, robbery,
35465 kidnapping, obstruction of justice, interference in commerce, also
35466 involving monetary transactions in property derived from specified
35467 unlawful activity), and have caused injury to the business and/or
35468 property of the Plaintiff Atkinson. This Defendant has exceeded,
35469 and overstepped their authority and violated the Constitutional
35470 rights of the Plaintiff, infringing and deprived him of his civil
35471 rights. Defendant is a Registered Nurse, License #RN277304, and
35472 a Emergency Medical Technician, License #827637. Defendant
35473 resides at 3 Hilltop Lane, Rockport MA 01966

35474
35475 1387. Defendant JOHN DOE 016 - 31 is sued in his/her official
35476 capacity and individually as an Emergency Medical Technician
35477 (EMT) and/or firefighter for the Town of Rockport, responsible for
35478 executing and administering the laws and policies at issue in this
35479 lawsuit. Further, Defendant made false statements, and false claims,
35480 intimidated a witness or probable witness. Defendant directly

35481 deprived, violated, and infringed upon Plaintiff's civil rights, with
35482 malice, and with careful planning and conspiracy with others. Any
35483 veil of immunity, which this defendant may have previously
35484 enjoyed by virtue of their office or position, is "pierced and ripped
35485 asunder" due to their infringement and deprivation of the
35486 Constitutional Rights of the Plaintiff, and thus this Defendant (and
35487 all other Defendants) stands fully naked and vulnerable before the
35488 court, with no immunity of any form. Further, this defendant has
35489 engaged in conduct and as a continuing unit of an enterprise,
35490 through a pattern, of racketeering enterprises (including, but not
35491 limited to: mail fraud, wire fraud, scheme to defraud, robbery,
35492 kidnapping, obstruction of justice, interference in commerce, also
35493 involving monetary transactions in property derived from specified
35494 unlawful activity), and have caused injury to the business and/or
35495 property of the Plaintiff Atkinson. This Defendant has exceeded,
35496 and overstepped their authority and violated the Constitutional
35497 rights of the Plaintiff, infringing and deprived him of his civil
35498 rights. Defendant resides at 34 Broadway, Rockport, MA 01966.

35499

35500 1388. Defendant HENRY MICHALSKI is sued in his/her official

35501 capacity and individually as the Lead EMT Instructor for Lyons
35502 Ambulance, LLC, a Commonwealth of Massachusetts EMT
35503 Examiner, and EMT Instructor for North Shore Community
35504 College, responsible for executing and administering the laws and
35505 policies at issue in this lawsuit.

35506
35507 1389. This Defendant has exceeded, and overstepped their authority
35508 and violated the Constitutional rights of the Plaintiff, infringing
35509 and deprived him of his civil rights.

35510
35511 1390. Defendant MICHALSKI has been convicted of conducting
35512 wide spread EMT training fraud, and during an EMT training
35513 course which the Plaintiff attended, Defendant Michalski
35514 instructed students to fraudulently cheat on their class times and to
35515 take credit for class sessions or courses which they never attended,
35516 and then conspired with other people involved in the class as either
35517 a student or instructor to harass, and to violated the civil rights of
35518 the Plaintiff.

35519
35520 1391. Defendant encouraged, endorsed, organized, and/orchestrated

35521 an ongoing criminal enterprise, and a widespread cover-up.
35522 Defendant directly deprived, violated, and infringed upon
35523 Plaintiff's civil rights, with malice, and with careful planning and
35524 conspiracy with others. Further, Defendant made false statements,
35525 and false claims, intimidated a witness or probable witness.

35526
35527 1392. On March 8, 2011 in Salem Superior Court, this Defendant
35528 "plead guilty to submitting false EMT training records for classes
35529 he never conducted, and then lying about it to a grand jury. He
35530 pleaded guilty to perjury, two counts of attempted obstruction of
35531 justice and six counts of violating the state emergency service laws.

35532
35533 1393. It is notable that during the trial of Henry Michalski that it
35534 was revealed that the wife of the this Defendant whose name is
35535 "Penny Michalski" (also listed as a co-defendant) worked for the
35536 Attorney Generals office, who had knowledge of the EMT training
35537 fraud and obstructed the investigation of the matter to protect a
35538 member of the AG's office's family, even though that family
35539 member was involved in significant criminal activities and a
35540 significant organized criminal enterprise, who knowingly

35541 endangered the life and safety of thousands of citizens.

35542

35543 1394. Any veil of immunity, which this defendant may have
35544 previously enjoyed by virtue of their office or position, is “pierced
35545 and ripped asunder” due to their infringement and deprivation of
35546 the Constitutional Rights of the Plaintiff, and thus this Defendant
35547 (and all other Defendants) stands fully naked and vulnerable before
35548 the court, with no immunity of any form.

35549

35550 1395. Further, this defendant has engaged in conduct and as a
35551 continuing unit of an enterprise, through a pattern, of racketeering
35552 enterprises (including, but not limited to: mail fraud, wire fraud,
35553 scheme to defraud, robbery, kidnapping, obstruction of justice,
35554 interference in commerce, also involving monetary transactions in
35555 property derived from specified unlawful activity), and have
35556 caused injury to the business and/or property of the Plaintiff
35557 Atkinson. This Defendant has exceeded, and overstepped their
35558 authority and violated the Constitutional rights of the Plaintiff,
35559 infringing and deprived him of his civil rights. Defendant resides at
35560 135 Maple St., Danvers MA 01923

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1396. Defendant PENNY MICHALSKI is sued in his/her official capacity and individually as an employee of the Attorney Generals Office of the Commonwealth of Massachusetts, responsible for executing and administering the laws and policies at issue in this lawsuit. Defendant directly deprived, violated, and infringed upon Plaintiff's civil rights, with malice, and with careful planning and conspiracy with others. Any veil of immunity, which this defendant may have previously enjoyed by virtue of their office or position, is "pierced and ripped asunder" due to their infringement and deprivation of the Constitutional Rights of the Plaintiff, and thus this Defendant (and all other Defendants) stands fully naked and vulnerable before the court, with no immunity of any form. Further, this defendant has engaged in conduct and as a continuing unit of an enterprise, through a pattern, of racketeering enterprises (including, but not limited to: mail fraud, wire fraud, scheme to defraud, robbery, kidnapping, obstruction of justice, interference in commerce, also involving monetary transactions in property derived from specified unlawful activity), and have caused injury to the business and/or property of the Plaintiff Atkinson. This

35581 Defendant has exceeded, and overstepped their authority and
35582 violated the Constitutional rights of the Plaintiff, infringing and
35583 deprived him of his civil rights. Defendant resides at 135 Maple St.,
35584 Danvers MA 01923

35585
35586 1397. Defendant KEVIN M. LYONS is sued in his/her official
35587 capacity and individually as an Owner for Lyons Ambulance
35588 Service LLC, responsible for executing and administering the laws
35589 and policies at issue in this lawsuit. Defendant KEVIN M. LYONS
35590 was well aware of the fraudulent EMT training courses, which
35591 were being held in his place of business, and building, mere feet
35592 from his desk. Defendant directly deprived, violated, and infringed
35593 upon Plaintiff's civil rights, with malice, and with careful planning
35594 and conspiracy with others. Defendant encouraged, endorsed,
35595 organized, and/orchestrated an ongoing criminal enterprise, and a
35596 widespread cover-up. Further, this defendant has engaged in
35597 conduct and as a continuing unit of an enterprise, through a pattern,
35598 of racketeering enterprises (including, but not limited to: mail
35599 fraud, wire fraud, scheme to defraud, robbery, kidnapping,
35600 obstruction of justice, interference in commerce, also involving

35601 monetary transactions in property derived from specified unlawful
35602 activity), and have caused injury to the business and/or property of
35603 the Plaintiff Atkinson. This Defendant has exceeded, and
35604 overstepped their authority and violated the Constitutional rights of
35605 the Plaintiff, infringing and deprived him of his civil rights.

35606 Defendant resides at 135 Maple St., Danvers MA 01923

35607

35608 1398. Defendant FRANK CARABELLO is sued in his/her official
35609 capacity and individually as the Director of Operations for Lyons
35610 Ambulance Service LLC, responsible for executing and
35611 administering the laws and policies at issue in this lawsuit.

35612 Defendant FRANK CARABELLO was well aware of the
35613 fraudulent EMT training courses, which were being held in his
35614 place of business, and building, mere feet from his desk. Defendant
35615 directly deprived, violated, and infringed upon Plaintiff's civil
35616 rights, with malice, and with careful planning and conspiracy with
35617 others. Defendant encouraged, endorsed, organized,
35618 and/orchestrated an ongoing criminal enterprise, and a widespread
35619 cover-up. Further, this defendant has engaged in conduct and as a
35620 continuing unit of an enterprise, through a pattern, of racketeering

35621 enterprises (including, but not limited to: mail fraud, wire fraud,
35622 scheme to defraud, robbery, kidnapping, obstruction of justice,
35623 interference in commerce, also involving monetary transactions in
35624 property derived from specified unlawful activity), and have
35625 caused injury to the business and/or property of the Plaintiff
35626 Atkinson. This Defendant has exceeded, and overstepped their
35627 authority and violated the Constitutional rights of the Plaintiff,
35628 infringing and deprived him of his civil rights. Defendant resides at
35629 135 Maple St., Danvers MA 01923

35630
35631 1399. Defendant DARRELL MOORE is sued in his/her official
35632 capacity and individually as an EMT Instructor for Lyons
35633 Ambulance Service LLC, and a Commonwealth of Massachusetts
35634 EMT Examiner, responsible for executing and administering the
35635 laws and policies at issue in this lawsuit, and then conspired with
35636 other people involved in the class as either a student or instructor
35637 to harass, and to violated the civil rights of the Plaintiff. Defendant
35638 directly deprived, violated, and infringed upon Plaintiff's civil
35639 rights, with malice, and with careful planning and conspiracy with
35640 others. Defendant encouraged, endorsed, organized,

35641 and/orchestrated an ongoing criminal enterprise, and a widespread
35642 cover-up. Further, Defendant made false statements, and false
35643 claims, intimidated a witness or probable witness. Further, this
35644 defendant has engaged in conduct and as a continuing unit of an
35645 enterprise, through a pattern, of racketeering enterprises (including,
35646 but not limited to: mail fraud, wire fraud, scheme to defraud,
35647 robbery, kidnapping, obstruction of justice, interference in
35648 commerce, also involving monetary transactions in property
35649 derived from specified unlawful activity), and have caused injury
35650 to the business and/or property of the Plaintiff Atkinson. This
35651 Defendant has exceeded, and overstepped their authority and
35652 violated the Constitutional rights of the Plaintiff, infringing and
35653 deprived him of his civil rights. Defendant resides at 135 Maple St.,
35654 Danvers MA 01923

35655
35656 1400. Defendant ROBERT PIEPIORA is sued in his/her official
35657 capacity and individually as an EMT Instructor for Lyons
35658 Ambulance Service LLC, and a Commonwealth of Massachusetts
35659 EMT Examiner, responsible for executing and administering the
35660 laws and policies at issue in this lawsuit, and then conspired with

35661 other people involved in the class as either a student or instructor
35662 to harass, and to violated the civil rights of the Plaintiff. Defendant
35663 directly deprived, violated, and infringed upon Plaintiff's civil
35664 rights, with malice, and with careful planning and conspiracy with
35665 others. Defendant encouraged, endorsed, organized,
35666 and/orchestrated an ongoing criminal enterprise, and a widespread
35667 cover-up. Further, Defendant made false statements, and false
35668 claims, intimidated a witness or probable witness. Further, this
35669 defendant has engaged in conduct and as a continuing unit of an
35670 enterprise, through a pattern, of racketeering enterprises (including,
35671 but not limited to: mail fraud, wire fraud, scheme to defraud,
35672 robbery, kidnapping, obstruction of justice, interference in
35673 commerce, also involving monetary transactions in property
35674 derived from specified unlawful activity), and have caused injury
35675 to the business and/or property of the Plaintiff Atkinson. This
35676 Defendant has exceeded, and overstepped their authority and
35677 violated the Constitutional rights of the Plaintiff, infringing and
35678 deprived him of his civil rights. Defendant resides at 135 Maple St.,
35679 Danvers MA 01923

35680

35681 1401. Defendant DAVID RAYMOND is sued in his/her official
35682 capacity and individually as an EMT Instructor for Lyons
35683 Ambulance Service LLC, and a Commonwealth of Massachusetts
35684 EMT Examiner, responsible for executing and administering the
35685 laws and policies at issue in this lawsuit, and then conspired with
35686 other people involved in the class as either a student of instructor
35687 to harass, and to violated the civil rights of the Plaintiff. Defendant
35688 directly deprived, violated, and infringed upon Plaintiff's civil
35689 rights, with malice, and with careful planning and conspiracy with
35690 others. Defendant encouraged, endorsed, organized,
35691 and/orchestrated an ongoing criminal enterprise, and a widespread
35692 cover-up. Further, Defendant made false statements, and false
35693 claims, intimidated a witness or probable witness. Further, this
35694 defendant has engaged in conduct and as a continuing unit of an
35695 enterprise, through a pattern, of racketeering enterprises (including,
35696 but not limited to: mail fraud, wire fraud, scheme to defraud,
35697 robbery, kidnapping, obstruction of justice, interference in
35698 commerce, also involving monetary transactions in property
35699 derived from specified unlawful activity), and have caused injury
35700 to the business and/or property of the Plaintiff Atkinson. This

35701 Defendant has exceeded, and overstepped their authority and
35702 violated the Constitutional rights of the Plaintiff, infringing and
35703 deprived him of his civil rights. Defendant resides at 135 Maple St.,
35704 Danvers MA 01923

35705
35706 1402. Defendant JOHN DOE 032 – 044 is sued in his/her official
35707 capacity and individually as an adjunct EMT Instructor and EMT
35708 or driver for Lyons Ambulance Service LLC, responsible for
35709 executing and administering the laws and policies at issue in this
35710 lawsuit, and then conspired with other people involved in the class
35711 as either a student of instructor to harass, and to violated the civil
35712 rights of the Plaintiff. Defendant directly deprived, violated, and
35713 infringed upon Plaintiff's civil rights, with malice, and with careful
35714 planning and conspiracy with others. Defendant encouraged,
35715 endorsed, organized, and/orchestrated an ongoing criminal
35716 enterprise, and a widespread cover-up. Further, Defendant made
35717 false statements, and false claims, intimidated a witness or
35718 probable witness. Further, this defendant has engaged in conduct
35719 and as a continuing unit of an enterprise, through a pattern, of
35720 racketeering enterprises (including, but not limited to: mail fraud,

35721 wire fraud, scheme to defraud, robbery, kidnapping, obstruction of
35722 justice, interference in commerce, also involving monetary
35723 transactions in property derived from specified unlawful activity),
35724 and have caused injury to the business and/or property of the
35725 Plaintiff Atkinson. This Defendant has exceeded, and overstepped
35726 their authority and violated the Constitutional rights of the Plaintiff,
35727 infringing and deprived him of his civil rights. Defendant resides at
35728 135 Maple St., Danvers MA 01923

35729
35730 1403. Defendants JOHN DOE 94-116 is sued his/her official
35731 capacity as a public safety employee and individually as an EMT
35732 Student of Lyons Ambulance. Defendant directly deprived,
35733 violated, and infringed upon Plaintiff's civil rights, with malice,
35734 and with careful planning and conspiracy with others. Further,
35735 Defendant made false statements regarding the Lyons EMT Course,
35736 and obtained or attempted to obtain a State EMT license under
35737 false pretenses, and took part in an orchestrated, and complex
35738 criminal conspiracy. Further, this defendant has engaged in
35739 conduct and as a continuing unit of an enterprise, through a pattern,
35740 of racketeering enterprises (including, but not limited to: mail

35741 fraud, wire fraud, scheme to defraud, robbery, kidnapping,
35742 obstruction of justice, interference in commerce, also involving
35743 monetary transactions in property derived from specified unlawful
35744 activity), and have caused injury to the business and/or property of
35745 the Plaintiff Atkinson. This Defendant has exceeded, and
35746 overstepped their authority and violated the Constitutional rights of
35747 the Plaintiff, infringing and deprived him of his civil rights.

35748 Defendant resides at 135 Maple St., Danvers MA 01923
35749

35750 1404. Defendant JOHN L. GOOD is sued in his/her official
35751 capacity and individually as an Executive Vice President for
35752 Beverly National Bank, Executive Vice President for Danvers
35753 Bancorp, also as an EMT Instructor for Lyons Ambulance, an
35754 Executive at Beverly Hospital, and a bank officer for Montserrat
35755 College of Art and responsible for executing and administering the
35756 laws and policies at issue in this lawsuit. Defendant did then
35757 conspired with other people involved in the fraudulent Lyons EMT
35758 course class an instructor to harass, and to violated the civil rights
35759 of the Plaintiff. Defendant directly deprived, violated, and
35760 infringed upon Plaintiff's civil rights, with malice, and with careful

35761 planning and conspiracy with others. This Defendant did also
35762 conspire with Montserrat College of Art, to cause the Plaintiff to
35763 be suspended as a student. Defendant encouraged, endorsed,
35764 organized, and/orchestrated an ongoing criminal enterprise, and a
35765 widespread cover-up. Further, this defendant has engaged in
35766 conduct and as a continuing unit of an enterprise, through a pattern,
35767 of racketeering enterprises (including, but not limited to: mail
35768 fraud, wire fraud, scheme to defraud, robbery, kidnapping,
35769 obstruction of justice, interference in commerce, also involving
35770 monetary transactions in property derived from specified unlawful
35771 activity), and have caused injury to the business and/or property of
35772 the Plaintiff Atkinson. This Defendant has exceeded, and
35773 overstepped their authority and violated the Constitutional rights of
35774 the Plaintiff, infringing and deprived him of his civil rights.

35775 Defendant resides at One Conant Street, Danvers, MA 01923

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35777 1405. Defendant MICHAEL COONEY is sued in his/her official
35778 capacity and individually as an Investigator for Massachusetts
35779 State Police, responsible for executing and administering the laws
35780 and policies at issue in this lawsuit. Defendant directly deprived,

35781 violated, and infringed upon Plaintiff's civil rights, with malice,
35782 and with careful planning and conspiracy with others. Defendant
35783 encouraged, endorsed, organized, and/orchestrated an ongoing
35784 criminal enterprise, and a widespread cover-up. Any veil of
35785 immunity, which this defendant may have previously enjoyed by
35786 virtue of their office or position, is "pierced and ripped asunder"
35787 due to their infringement and deprivation of the Constitutional
35788 Rights of the Plaintiff, and thus this Defendant (and all other
35789 Defendants) stands fully naked and vulnerable before the court,
35790 with no immunity of any form. Further, this defendant has engaged
35791 in conduct and as a continuing unit of an enterprise, through a
35792 pattern, of racketeering enterprises (including, but not limited to:
35793 mail fraud, wire fraud, scheme to defraud, robbery, kidnapping,
35794 obstruction of justice, interference in commerce, also involving
35795 monetary transactions in property derived from specified unlawful
35796 activity), and have caused injury to the business and/or property of
35797 the Plaintiff Atkinson. This Defendant has exceeded, and
35798 overstepped their authority and violated the Constitutional rights of
35799 the Plaintiff, infringing and deprived him of his civil rights.
35800 Defendant resides at One Ashburton Place, Boston, MA 02108 -

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1406. Defendant PAUL COFFEY is sued in his/her official capacity and individually as an OEMS Investigator for Commonwealth of Massachusetts, responsible for executing and administering the laws and policies at issue in this lawsuit. Further, this Defendant engaged in a scheme to obstruct justice, and to cover-up extensive EMT training fraud within the state for political gain, and to deprive Plaintiff of due process and has violated the civil rights of Plaintiff when Plaintiff reported this extensive fraud to this office. Defendant directly deprived, violated, and infringed upon Plaintiff's civil rights, with malice, and with careful planning and conspiracy with others. Defendant encouraged, endorsed, organized, and/orchestrated an ongoing criminal enterprise, and a widespread cover-up. Defendant has prior history of civil right abuses, and has previously been sued in Federal District court over such civil right violations, which forms a long-term course of conduct, committed with despicable arrogance, and which shocks the conscience. Any veil of immunity, which this defendant may have previously enjoyed by virtue of their office or position, is

35821 “pierced and ripped asunder” due to their infringement and
35822 deprivation of the Constitutional Rights of the Plaintiff, and thus
35823 this Defendant (and all other Defendants) stands fully naked and
35824 vulnerable before the court, with no immunity of any form. Further,
35825 this defendant has engaged in conduct and as a continuing unit of
35826 an enterprise, through a pattern, of racketeering enterprises
35827 (including, but not limited to: mail fraud, wire fraud, scheme to
35828 defraud, robbery, kidnapping, obstruction of justice, interference in
35829 commerce, also involving monetary transactions in property
35830 derived from specified unlawful activity), and have caused injury
35831 to the business and/or property of the Plaintiff Atkinson. This
35832 Defendant has exceeded, and overstepped their authority and
35833 violated the Constitutional rights of the Plaintiff, infringing and
35834 deprived him of his civil rights. Defendant resides at 99 Chauncy
35835 Street, 11th Floor, Boston, MA 02111

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35837 1407. Defendant ABDULLAH REHAYEM is sued in his/her official
35838 capacity and individually as the OEMS Director for
35839 Commonwealth of Massachusetts, responsible for executing and
35840 administering the laws and policies at issue in this lawsuit. Further,

35841 this Defendant engaged in a scheme to obstruct justice, and to
35842 cover-up extensive EMT training fraud within the state for political
35843 gain, and to deprive Plaintiff of due process and has violated the
35844 civil rights of Plaintiff when Plaintiff reported this extensive fraud
35845 to this office. Defendant directly deprived, violated, and infringed
35846 upon Plaintiff's civil rights, with malice, and with careful planning
35847 and conspiracy with others. Defendant encouraged, endorsed,
35848 organized, and/orchestrated an ongoing criminal enterprise, and a
35849 widespread cover-up. Any veil of immunity, which this defendant
35850 may have previously enjoyed by virtue of their office or position,
35851 is "pierced and ripped asunder" due to their infringement and
35852 deprivation of the Constitutional Rights of the Plaintiff, and thus
35853 this Defendant (and all other Defendants) stands fully naked and
35854 vulnerable before the court, with no immunity of any form.
35855 Defendant has prior history of civil right abuses, and has
35856 previously been sued in Federal District court over such civil right
35857 violations, which forms a long-term course of conduct, committed
35858 with despicable arrogance, and which shocks the conscience.
35859 Further, this defendant has engaged in conduct and as a continuing
35860 unit of an enterprise, through a pattern, of racketeering enterprises

35861 (including, but not limited to: mail fraud, wire fraud, scheme to
35862 defraud, robbery, kidnapping, obstruction of justice, interference in
35863 commerce, also involving monetary transactions in property
35864 derived from specified unlawful activity), and have caused injury
35865 to the business and/or property of the Plaintiff Atkinson. This
35866 Defendant has exceeded, and overstepped their authority and
35867 violated the Constitutional rights of the Plaintiff, infringing and
35868 deprived him of his civil rights. Defendant resides at 99 Chauncy
35869 Street, 11th Floor, Boston, MA 02111

35870
35871 1408. Defendant RENEE D. LAKE is sued in his/her official
35872 capacity and individually as an OEMS Compliance Coordinator for
35873 Commonwealth of Massachusetts, responsible for executing and
35874 administering the laws and policies at issue in this lawsuit. Further,
35875 this Defendant engaged in a scheme to obstruct justice, and to
35876 cover-up extensive EMT training fraud within the state for political
35877 gain, and to deprive Plaintiff of due process and has violated the
35878 civil rights of Plaintiff when Plaintiff reported this extensive fraud
35879 to this office. Defendant directly deprived, violated, and infringed
35880 upon Plaintiff's civil rights, with malice, and with careful planning

35881 and conspiracy with others. Defendant encouraged, endorsed,
35882 organized, and/orchestrated an ongoing criminal enterprise, and a
35883 widespread cover-up. Any veil of immunity, which this defendant
35884 may have previously enjoyed by virtue of their office or position,
35885 is “pierced and ripped asunder” due to their infringement and
35886 deprivation of the Constitutional Rights of the Plaintiff, and thus
35887 this Defendant (and all other Defendants) stands fully naked and
35888 vulnerable before the court, with no immunity of any form. Further,
35889 this defendant has engaged in conduct and as a continuing unit of
35890 an enterprise, through a pattern, of racketeering enterprises
35891 (including, but not limited to: mail fraud, wire fraud, scheme to
35892 defraud, robbery, kidnapping, obstruction of justice, interference in
35893 commerce, also involving monetary transactions in property
35894 derived from specified unlawful activity), and have caused injury
35895 to the business and/or property of the Plaintiff Atkinson. This
35896 Defendant has exceeded, and overstepped their authority and
35897 violated the Constitutional rights of the Plaintiff, infringing and
35898 deprived him of his civil rights. Defendant resides at 99 Chauncy
35899 Street, 11th Floor, Boston, MA 02111

35900

35901 1409. Defendant M. THOMAS QUAIL is sued in his/her official
35902 capacity and individually as an OEMS Clinical Coordinator for
35903 Commonwealth of Massachusetts, responsible for executing and
35904 administering the laws and policies at issue in this lawsuit. Further,
35905 this Defendant engaged in a scheme to obstruct justice, and to
35906 cover-up extensive EMT training fraud within the state for political
35907 gain, and to deprive Plaintiff of due process and has violated the
35908 civil rights of Plaintiff when Plaintiff reported this extensive fraud
35909 to this office. Defendant directly deprived, violated, and infringed
35910 upon Plaintiff's civil rights, with malice, and with careful planning
35911 and conspiracy with others. Defendant encouraged, endorsed,
35912 organized, and/orchestrated an ongoing criminal enterprise, and a
35913 widespread cover-up. Any veil of immunity, which this defendant
35914 may have previously enjoyed by virtue of their office or position,
35915 is "pierced and ripped asunder" due to their infringement and
35916 deprivation of the Constitutional Rights of the Plaintiff, and thus
35917 this Defendant (and all other Defendants) stands fully naked and
35918 vulnerable before the court, with no immunity of any form. Further,
35919 this defendant has engaged in conduct and as a continuing unit of
35920 an enterprise, through a pattern, of racketeering enterprises

35921 (including, but not limited to: mail fraud, wire fraud, scheme to
35922 defraud, robbery, kidnapping, obstruction of justice, interference in
35923 commerce, also involving monetary transactions in property
35924 derived from specified unlawful activity), and have caused injury
35925 to the business and/or property of the Plaintiff Atkinson. This
35926 Defendant has exceeded, and overstepped their authority and
35927 violated the Constitutional rights of the Plaintiff, infringing and
35928 deprived him of his civil rights. Defendant resides at 99 Chauncy
35929 Street, 11th Floor, Boston, MA 02111

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35931 1410. Defendant BRENDAN MURPHY is sued in his/her official
35932 capacity and individually as an OEMS Investigator for
35933 Commonwealth of Massachusetts, responsible for executing and
35934 administering the laws and policies at issue in this lawsuit. Further,
35935 this Defendant engaged in a scheme to obstruct justice, and to
35936 cover-up extensive EMT training fraud within the state for political
35937 gain, and to deprive Plaintiff of due process and has violated the
35938 civil rights of Plaintiff when Plaintiff reported this extensive fraud
35939 to this office. Defendant directly deprived, violated, and infringed
35940 upon Plaintiff's civil rights, with malice, and with careful planning

35941 and conspiracy with others. Defendant encouraged, endorsed,
35942 organized, and/orchestrated an ongoing criminal enterprise, and a
35943 widespread cover-up. Defendant has prior history of civil right
35944 abuses, and has previously been sued in Federal District court over
35945 such civil right violations, which forms a long-term course of
35946 conduct, committed with despicable arrogance, and which shocks
35947 the conscience. Any veil of immunity, which this defendant may
35948 have previously enjoyed by virtue of their office or position, is
35949 “pierced and ripped asunder” due to their infringement and
35950 deprivation of the Constitutional Rights of the Plaintiff, and thus
35951 this Defendant (and all other Defendants) stands fully naked and
35952 vulnerable before the court, with no immunity of any form. Further,
35953 this defendant has engaged in conduct and as a continuing unit of
35954 an enterprise, through a pattern, of racketeering enterprises
35955 (including, but not limited to: mail fraud, wire fraud, scheme to
35956 defraud, robbery, kidnapping, obstruction of justice, interference in
35957 commerce, also involving monetary transactions in property
35958 derived from specified unlawful activity), and have caused injury
35959 to the business and/or property of the Plaintiff Atkinson. This
35960 Defendant has exceeded, and overstepped their authority and

35961 violated the Constitutional rights of the Plaintiff, infringing and
35962 deprived him of his civil rights. Defendant resides at 99 Chauncy
35963 Street, 11th Floor, Boston, MA 02111

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35965 1411. Defendant MARK MILLET is sued in his/her official
35966 capacity and individually as an EMS Coordinator for Beverly
35967 Hospital, responsible for executing and administering the laws and
35968 policies at issue in this lawsuit. Defendant directly deprived,
35969 violated, and infringed upon Plaintiff's civil rights, with malice,
35970 and with careful planning and conspiracy with others. Defendant
35971 encouraged, endorsed, organized, and/orchestrated an ongoing
35972 criminal enterprise, and a widespread cover-up. Any veil of
35973 immunity, which this defendant may have previously enjoyed by
35974 virtue of their office or position, is "pierced and ripped asunder"
35975 due to their infringement and deprivation of the Constitutional
35976 Rights of the Plaintiff, and thus this Defendant (and all other
35977 Defendants) stands fully naked and vulnerable before the court,
35978 with no immunity of any form. Further, this defendant has engaged
35979 in conduct and as a continuing unit of an enterprise, through a
35980 pattern, of racketeering enterprises (including, but not limited to:

35981 mail fraud, wire fraud, scheme to defraud, robbery, kidnapping,
35982 obstruction of justice, interference in commerce, also involving
35983 monetary transactions in property derived from specified unlawful
35984 activity), and have caused injury to the business and/or property of
35985 the Plaintiff Atkinson. This Defendant has exceeded, and
35986 overstepped their authority and violated the Constitutional rights of
35987 the Plaintiff, infringing and deprived him of his civil rights.

35988 Defendant resides at 85 Herrick St., Beverly MA 01915
35989

35990 1412. Defendant STEVEN KRENDEL is sued in his/her official
35991 capacity and individually as the Medical Control Physician for
35992 Beverly Hospital, responsible for executing and administering the
35993 laws and policies at issue in this lawsuit. Defendant directly
35994 deprived, violated, and infringed upon Plaintiff's civil rights, with
35995 malice, and with careful planning and conspiracy with others.
35996 Defendant encouraged, endorsed, organized, and/orchestrated an
35997 ongoing criminal enterprise, and a widespread cover-up. Defendant
35998 has the legal authority and responsibility as "Medical Control" for
35999 the area of the North Shore to include, but not be limited to
36000 Danvers, Rockport, Gloucester, and others. Hence, all EMT's in

36001 the area practice medicine under the direction and oversight of
36002 Defendant Krendel, and he in turn is responsible for their
36003 supervision and control. This poor oversight on the part of
36004 Defendant Krendel, resulted in medical malpractice, malfeasance,
36005 and possible adverse treatment of emergency patients by EMTs.
36006 Any veil of immunity, which this defendant may have previously
36007 enjoyed by virtue of their office or position, is “pierced and ripped
36008 asunder” due to their infringement and deprivation of the
36009 Constitutional Rights of the Plaintiff, and thus this Defendant (and
36010 all other Defendants) stands fully naked and vulnerable before the
36011 court, with no immunity of any form. Further, this defendant has
36012 engaged in conduct and as a continuing unit of an enterprise,
36013 through a pattern, of racketeering enterprises (including, but not
36014 limited to: mail fraud, wire fraud, scheme to defraud, robbery,
36015 kidnapping, obstruction of justice, interference in commerce, also
36016 involving monetary transactions in property derived from specified
36017 unlawful activity), and have caused injury to the business and/or
36018 property of the Plaintiff Atkinson. This Defendant has exceeded,
36019 and overstepped their authority and violated the Constitutional
36020 rights of the Plaintiff, infringing and deprived him of his civil

36021 rights. Defendant resides at 85 Herrick St., Beverly MA 01915

36022

36023 1413. Defendant JOHN AUERBACH is sued in his/her official
36024 capacity and individually as the Commissioner, Department of
36025 Public Health for Commonwealth of Massachusetts, responsible
36026 for executing and administering the laws and policies at issue in
36027 this lawsuit.

36028 1414. Defendant refuses to protect, enforce, or defend the U.S.
36029 Constitution, refuses to enforce, to protect or to defend the Bill of
36030 Rights, and steadfastly refuses to enforce or obey the decisions of
36031 the U.S. Supreme Court in regards to the Second and Fourteenth
36032 Amendment and other laws described herein.

36033 1415. Defendant directly deprived, violated, and infringed upon
36034 Plaintiff's civil rights, with malice, and with careful planning and
36035 conspiracy with others.

36036 1416. Any veil of immunity, which this defendant may have
36037 previously enjoyed by virtue of their office or position, is "pierced
36038 and ripped asunder" due to their infringement and deprivation of
36039 the Constitutional Rights of the Plaintiff, and thus this Defendant

36040 (and all other Defendants) stands fully naked and vulnerable before
36041 the court, with no immunity of any form.

36042 1417. Defendant has prior history of civil right abuses, and has
36043 previously been sued in Federal District court over such civil right
36044 violations, which forms a long-term course of conduct, committed
36045 with despicable arrogance, and which shocks the conscience.

36046 1418. Further, this defendant has engaged in conduct and as a
36047 continuing unit of an enterprise, through a pattern, of racketeering
36048 enterprises (including, but not limited to: mail fraud, wire fraud,
36049 scheme to defraud, robbery, kidnapping, obstruction of justice,
36050 interference in commerce, also involving monetary transactions in
36051 property derived from specified unlawful activity), and have
36052 caused injury to the business and/or property of the Plaintiff
36053 Atkinson.

36054 1419. This Defendant has exceeded, and overstepped their authority
36055 and violated the Constitutional rights of the Plaintiff, infringing
36056 and deprived him of his civil rights. Defendant resides at One
36057 Ashburton Place, □ Boston, MA 02108 -1518.

36058

36059 1420. Defendant MARTHA COAKLEY is sued in his/her official
36060 capacity and individually as the Attorney General for
36061 Commonwealth of Massachusetts, responsible for executing and
36062 administering the laws and policies at issue in this lawsuit.

36063 1421. Defendant refuses to protect, enforce, or defend the U.S.
36064 Constitution, refuses to enforce, to protect or defend the Bill of
36065 Rights, and steadfastly refuses to enforce or obey the decisions of
36066 the U.S. Supreme Court in regards to the Second and Fourteenth
36067 Amendment and other laws described herein. Defendant
36068 encouraged, endorsed, organized, and/orchestrated an ongoing
36069 criminal enterprise, and a widespread cover-up.

36070 1422. Defendant directly deprived, violated, and infringed upon
36071 Plaintiff's civil rights, with malice, and with careful planning and
36072 conspiracy with others.

36073 1423. Defendant has prior history of civil right abuses, and has
36074 previously been sued in Federal District court over such civil right
36075 violations, which forms a long-term course of conduct, committed
36076 with despicable arrogance, and which shocks the conscience.

36077 1424. Any veil of immunity, which this defendant may have
36078 previously enjoyed by virtue of their office or position, is "pierced

36079 and ripped asunder” due to their infringement and deprivation of
36080 the Constitutional Rights of the Plaintiff, and thus this Defendant
36081 (and all other Defendants) stands fully naked and vulnerable before
36082 the court, with no immunity of any form.

36083 1425. Further, this defendant has engaged in conduct and as a
36084 continuing unit of an enterprise, through a pattern, of racketeering
36085 enterprises (including, but not limited to: mail fraud, wire fraud,
36086 scheme to defraud, robbery, kidnapping, obstruction of justice,
36087 interference in commerce, also involving monetary transactions in
36088 property derived from specified unlawful activity), and have
36089 caused injury to the business and/or property of the Plaintiff
36090 Atkinson.

36091 1426. This Defendant has exceeded, and overstepped their authority
36092 and violated the Constitutional rights of the Plaintiff, infringing
36093 and deprived him of his civil rights. Defendant resides at One
36094 Ashburton Place, Boston, MA 02108 -1518.

36095
36096 1427. Defendant KATHERINE HARTIGAN is sued in his/her
36097 official capacity and individually as an Assistant District Attorney
36098 for Commonwealth of Massachusetts, responsible for executing

36099 and administering the laws and policies at issue in this lawsuit.

36100 1428. Defendant refuses to protect, enforce, or defend the U.S.

36101 Constitution, refuses to enforce, to protect or to defend the Bill of

36102 Rights, and steadfastly refuses to enforce or obey the decisions of

36103 the U.S. Supreme Court in regards to the Second and Fourteenth

36104 Amendment and other laws described herein.

36105 1429. Defendant directly deprived, violated, and infringed upon

36106 Plaintiff's civil rights, with malice, and with careful planning and

36107 conspiracy with others.

36108 1430. Defendant encouraged, endorsed, organized, and/orchestrated

36109 an ongoing criminal enterprise, and a widespread cover-up

36110 including witness harassment.

36111 1431. Any veil of immunity, which this defendant may have

36112 previously enjoyed by virtue of their office or position, is "pierced

36113 and ripped asunder" due to their infringement and deprivation of

36114 the Constitutional Rights of the Plaintiff, and thus this Defendant

36115 (and all other Defendants) stands fully naked and vulnerable before

36116 the court, with no immunity of any form.

36117 1432. Further, this defendant has engaged in conduct and as a

36118 continuing unit of an enterprise, through a pattern, of racketeering

36119 enterprises (including, but not limited to: mail fraud, wire fraud,
36120 scheme to defraud, robbery, kidnapping, obstruction of justice,
36121 interference in commerce, also involving monetary transactions in
36122 property derived from specified unlawful activity), and have
36123 caused injury to the business and/or property of the Plaintiff
36124 Atkinson.

36125 1433. This Defendant has exceeded, and overstepped their authority
36126 and violated the Constitutional rights of the Plaintiff, infringing
36127 and deprived him of his civil rights. Defendant resides at 10
36128 Federal St, Salem, MA 01970

36129
36130 1434. Defendant JOHN B. BRENNAN is sued in his/her official
36131 capacity and individually as an Assistant District Attorney for
36132 Commonwealth of Massachusetts, responsible for executing and
36133 administering the laws and policies at issue in this lawsuit.

36134 1435. Defendant refuses to protect, enforce, or defend the U.S.
36135 Constitution, refuses to enforce, to protect or to defend the Bill of
36136 Rights, and steadfastly refuses to enforce or obey the decisions of
36137 the U.S. Supreme Court in regards to the Second and Fourteenth
36138 Amendment and other laws described herein.

36139 1436. Defendant directly deprived, violated, and infringed upon
36140 Plaintiff's civil rights, with malice, and with careful planning and
36141 conspiracy with others. Defendant has prior history of civil right
36142 abuses, and has previously been sued in Federal District court over
36143 such civil right violations, which forms a long-term course of
36144 conduct, committed with despicable arrogance, and which shocks
36145 the conscience.

36146 1437. This Defendant has exceeded, and overstepped their authority
36147 and violated the Constitutional rights of the Plaintiff, infringing
36148 and deprived him of his civil rights. Defendant encouraged,
36149 endorsed, organized, and/orchestrated an ongoing criminal
36150 enterprise, and a widespread cover-up.

36151 1438. Any veil of immunity, which this defendant may have
36152 previously enjoyed by virtue of their office or position, is "pierced
36153 and ripped asunder" due to their infringement and deprivation of
36154 the Constitutional Rights of the Plaintiff, and thus this Defendant
36155 (and all other Defendants) stands fully naked and vulnerable before
36156 the court, with no immunity of any form.

36157 1439. Further, this defendant has engaged in conduct and as a
36158 continuing unit of an enterprise, through a pattern, of racketeering

36159 enterprises (including, but not limited to: mail fraud, wire fraud,
36160 scheme to defraud, robbery, kidnapping, obstruction of justice,
36161 interference in commerce, also involving monetary transactions in
36162 property derived from specified unlawful activity), and have
36163 caused injury to the business and/or property of the Plaintiff
36164 Atkinson.

36165 1440. This Defendant has exceeded, and overstepped their authority
36166 and violated the Constitutional rights of the Plaintiff, infringing
36167 and deprived him of his civil rights. Defendant resides at 10
36168 Federal St, Salem, MA 01970

36169
36170 1441. Defendant KEVIN P. BURKE is sued in his/her official
36171 capacity and individually as the Clerk-Magistrate for
36172 Commonwealth of Massachusetts, responsible for executing and
36173 administering the laws and policies at issue in this lawsuit.
36174 Defendant refuses to protect, enforce, or defend the U.S.
36175 Constitution, refuses to enforce, to protect or to defend the Bill of
36176 Rights, and steadfastly refuses to enforce or obey the decisions of
36177 the U.S. Supreme Court in regards to the Second and Fourteenth
36178 Amendment and other laws described herein. Defendant misused

36179 his position to approve illegal, unreasonable, illegal arrest and
36180 search warrants that were not based on probable cause, and were
36181 instead approved purely for political and monetary gains, and other
36182 consideration in violation of Plaintiff's civil rights. Defendant
36183 directly deprived, violated, and infringed upon Plaintiff's civil
36184 rights, with malice, and with careful planning and conspiracy with
36185 others. Defendant has prior history of civil right abuses, and has
36186 previously been sued in Federal District court over such civil right
36187 violations, which forms a long-term course of conduct, committed
36188 with despicable arrogance, and which shocks the conscience. Any
36189 veil of immunity, which this defendant may have previously
36190 enjoyed by virtue of their office or position, is "pierced and ripped
36191 asunder" due to their infringement and deprivation of the
36192 Constitutional Rights of the Plaintiff, and thus this Defendant (and
36193 all other Defendants) stands fully naked and vulnerable before the
36194 court, with no immunity of any form. Further, this defendant has
36195 engaged in conduct and as a continuing unit of an enterprise,
36196 through a pattern, of racketeering enterprises (including, but not
36197 limited to: mail fraud, wire fraud, scheme to defraud, robbery,
36198 kidnapping, obstruction of justice, interference in commerce, also

36199 involving monetary transactions in property derived from specified
36200 unlawful activity), and have caused injury to the business and/or
36201 property of the Plaintiff Atkinson. This Defendant has exceeded,
36202 and overstepped their authority and violated the Constitutional
36203 rights of the Plaintiff, infringing and deprived him of his civil
36204 rights. Defendant resides at 197 Main Street, Gloucester, MA
36205 01930

36206
36207 1442. Defendant **JOSEPH W. JENNINGS, III in his official capacity**
36208 **and individually as an District Judge for Commonwealth of**
36209 **Massachusetts**, responsible for executing and administering the
36210 laws and policies at issue in this lawsuit. Defendant directly
36211 deprived, violated, and infringed upon Plaintiff's civil rights, with
36212 malice, and with careful planning and conspiracy with others.
36213 Defendant encouraged, endorsed, organized, and/orchestrated an
36214 ongoing criminal enterprise, and a widespread cover-up. Any veil
36215 of immunity, which this defendant may have previously enjoyed
36216 by virtue of their office or position, is "pierced and ripped asunder"
36217 due to their infringement and deprivation of the Constitutional
36218 Rights of the Plaintiff, and thus this Defendant (and all other

36219 Defendants) stands fully naked and vulnerable before the court,
36220 with no immunity of any form. Further, this defendant has engaged
36221 in conduct and as a continuing unit of an enterprise, through a
36222 pattern, of racketeering enterprises (including, but not limited to:
36223 mail fraud, wire fraud, scheme to defraud, robbery, kidnapping,
36224 obstruction of justice, interference in commerce, also involving
36225 monetary transactions in property derived from specified unlawful
36226 activity), and have caused injury to the business and/or property of
36227 the Plaintiff Atkinson. This Defendant has exceeded, and
36228 overstepped their authority and violated the Constitutional rights of
36229 the Plaintiff, infringing and deprived him of his civil rights.
36230 Defendant resides at a yet unknown address with the
36231 Commonwealth of Massachusetts.

36232
36233 1443. Defendant MARGARET D. ARTEAU in her official capacity
36234 and individually as an Clerk-Magistrate for Commonwealth of
36235 Massachusetts, responsible for executing and administering the
36236 laws and policies at issue in this lawsuit. Defendant directly
36237 deprived, violated, and infringed upon Plaintiff's civil rights, with
36238 malice, and with careful planning and conspiracy with others.

36239 Defendant encouraged, endorsed, organized, and/orchestrated an
36240 ongoing criminal enterprise, and a widespread cover-up. Any veil
36241 of immunity, which this defendant may have previously enjoyed
36242 by virtue of their office or position, is “pierced and ripped asunder”
36243 due to their infringement and deprivation of the Constitutional
36244 Rights of the Plaintiff, and thus this Defendant (and all other
36245 Defendants) stands fully naked and vulnerable before the court,
36246 with no immunity of any form. Further, this defendant has engaged
36247 in conduct and as a continuing unit of an enterprise, through a
36248 pattern, of racketeering enterprises (including, but not limited to:
36249 mail fraud, wire fraud, scheme to defraud, robbery, kidnapping,
36250 obstruction of justice, interference in commerce, also involving
36251 monetary transactions in property derived from specified unlawful
36252 activity), and have caused injury to the business and/or property of
36253 the Plaintiff Atkinson. This Defendant has exceeded, and
36254 overstepped their authority and violated the Constitutional rights of
36255 the Plaintiff, infringing and deprived him of his civil rights.
36256 Defendant resides at a yet unknown address with the
36257 Commonwealth of Massachusetts.

36258

36259 1444. Defendant TOM HAMILTON in his official capacity and
36260 individually as an Agent of the United States Postal Service
36261 Inspections Division of the United States Post Office,
36262 responsible for executing and administering the laws and policies
36263 at issue in this lawsuit. Defendant directly deprived, violated, and
36264 infringed upon Plaintiff's civil rights, with malice, and with careful
36265 planning and conspiracy with others. Defendant encouraged,
36266 endorsed, organized, and/orchestrated an ongoing criminal
36267 enterprise, and a widespread cover-up. Any veil of immunity,
36268 which this defendant may have previously enjoyed by virtue of
36269 their office or position, is "pierced and ripped asunder" due to their
36270 infringement and deprivation of the Constitutional Rights of the
36271 Plaintiff, and thus this Defendant (and all other Defendants) stands
36272 fully naked and vulnerable before the court, with no immunity of
36273 any form. Further, this defendant has engaged in conduct and as a
36274 continuing unit of an enterprise, through a pattern, of racketeering
36275 enterprises (including, but not limited to: mail fraud, wire fraud,
36276 scheme to defraud, robbery, kidnapping, obstruction of justice,
36277 interference in commerce, also involving monetary transactions in
36278 property derived from specified unlawful activity), and have

36279 caused injury to the business and/or property of the Plaintiff
36280 Atkinson. This Defendant has exceeded, and overstepped their
36281 authority and violated the Constitutional rights of the Plaintiff,
36282 infringing and deprived him of his civil rights. Defendant resides at
36283 a yet unknown address with the Commonwealth of Massachusetts.

36284
36285 1445. Defendant JACK KELTER in his official capacity and
36286 individually as a Special Agent of the United States Bureau of
36287 Alcohol, Tobacco, and Firearms (ATF) of the Department of
36288 Homeland Security, responsible for executing and administering
36289 the laws and policies at issue in this lawsuit. Defendant directly
36290 deprived, violated, and infringed upon Plaintiff's civil rights, with
36291 malice, and with careful planning and conspiracy with others.
36292 Defendant encouraged, endorsed, organized, and/orchestrated an
36293 ongoing criminal enterprise, and a widespread cover-up. Any veil
36294 of immunity, which this defendant may have previously enjoyed
36295 by virtue of their office or position, is "pierced and ripped asunder"
36296 due to their infringement and deprivation of the Constitutional
36297 Rights of the Plaintiff, and thus this Defendant (and all other
36298 Defendants) stands fully naked and vulnerable before the court,

36299 with no immunity of any form. Further, this defendant has engaged
36300 in conduct and as a continuing unit of an enterprise, through a
36301 pattern, of racketeering enterprises (including, but not limited to:
36302 mail fraud, wire fraud, scheme to defraud, robbery, kidnapping,
36303 obstruction of justice, interference in commerce, also involving
36304 monetary transactions in property derived from specified unlawful
36305 activity), and have caused injury to the business and/or property of
36306 the Plaintiff Atkinson. This Defendant has exceeded, and
36307 overstepped their authority and violated the Constitutional rights of
36308 the Plaintiff, infringing and deprived him of his civil rights.
36309 Defendant resides at a yet unknown address with the
36310 Commonwealth of Massachusetts.

36311
36312 1446. Defendant JAMISON F. WIROLL (aka: JAMIE WIROLL) in his
36313 official capacity and individually as a Special Agent of the United
36314 States Immigration and Customs Enforcement (ICE) of the
36315 Department of Homeland Security, responsible for executing and
36316 administering the laws and policies at issue in this lawsuit.
36317 Defendant directly deprived, violated, and infringed upon
36318 Plaintiff's civil rights, with malice, and with careful planning and

36319 conspiracy with others. Defendant encouraged, endorsed,
36320 organized, and/orchestrated an ongoing criminal enterprise, and a
36321 widespread cover-up. Any veil of immunity, which this defendant
36322 may have previously enjoyed by virtue of their office or position,
36323 is “pierced and ripped asunder” due to their infringement and
36324 deprivation of the Constitutional Rights of the Plaintiff, and thus
36325 this Defendant (and all other Defendants) stands fully naked and
36326 vulnerable before the court, with no immunity of any form. Further,
36327 this defendant has engaged in conduct and as a continuing unit of
36328 an enterprise, through a pattern, of racketeering enterprises
36329 (including, but not limited to: mail fraud, wire fraud, scheme to
36330 defraud, robbery, kidnapping, obstruction of justice, interference in
36331 commerce, also involving monetary transactions in property
36332 derived from specified unlawful activity), and have caused injury
36333 to the business and/or property of the Plaintiff Atkinson. This
36334 Defendant has exceeded, and overstepped their authority and
36335 violated the Constitutional rights of the Plaintiff, infringing and
36336 deprived him of his civil rights. Defendant resides at a yet
36337 unknown address with the Commonwealth of Massachusetts.

36338

36339 1447. Defendant JONATHAN W. BLODGETT in his official
36340 capacity and individually as the District Attorney of Essex County,
36341 responsible for executing and administering the laws and policies
36342 at issue in this lawsuit. Defendant directly deprived, violated, and
36343 infringed upon Plaintiff's civil rights, with malice, and with careful
36344 planning and conspiracy with others. Defendant encouraged,
36345 endorsed, organized, and/orchestrated an ongoing criminal
36346 enterprise, and a widespread cover-up. Any veil of immunity,
36347 which this defendant may have previously enjoyed by virtue of
36348 their office or position, is "pierced and ripped asunder" due to their
36349 infringement and deprivation of the Constitutional Rights of the
36350 Plaintiff, and thus this Defendant (and all other Defendants) stands
36351 fully naked and vulnerable before the court, with no immunity of
36352 any form. Further, this defendant has engaged in conduct and as a
36353 continuing unit of an enterprise, through a pattern, of racketeering
36354 enterprises (including, but not limited to: mail fraud, wire fraud,
36355 scheme to defraud, robbery, kidnapping, obstruction of justice,
36356 interference in commerce, also involving monetary transactions in
36357 property derived from specified unlawful activity), and have
36358 caused injury to the business and/or property of the Plaintiff

36359 Atkinson. This Defendant has exceeded, and overstepped their
36360 authority and violated the Constitutional rights of the Plaintiff,
36361 infringing and deprived him of his civil rights. Defendant resides
36362 at: 18 Princeton St., Peabody, MA 01960

36363
36364 1448. Defendant Zorran Atanasovski is sued in his/her official
36365 capacity and individually as an Employee of the Commonwealth of
36366 Massachusetts, Executive Office of Public Safety and Security,
36367 Criminal History Systems Board, Firearms Records Bureau ,
36368 responsible for executing and administering the laws and policies
36369 at issue in this lawsuit. Defendant directly deprived, violated, and
36370 infringed upon Plaintiff's civil rights, with malice, and with careful
36371 planning and conspiracy with others. Defendant encouraged,
36372 endorsed, organized, and/orchestrated an ongoing criminal
36373 enterprise, and a widespread cover-up. Any veil of immunity,
36374 which this defendant may have previously enjoyed by virtue of
36375 their office or position, is "pierced and ripped asunder" due to their
36376 infringement and deprivation of the Constitutional Rights of the
36377 Plaintiff, and thus this Defendant (and all other Defendants) stands
36378 fully naked and vulnerable before the court, with no immunity of

36379 any form. Further, this defendant has engaged in conduct and as a
36380 continuing unit of an enterprise, through a pattern, of racketeering
36381 enterprises (including, but not limited to: mail fraud, wire fraud,
36382 scheme to defraud, robbery, kidnapping, obstruction of justice,
36383 interference in commerce, also involving monetary transactions in
36384 property derived from specified unlawful activity), and have
36385 caused injury to the business and/or property of the Plaintiff
36386 Atkinson. This Defendant has exceeded, and overstepped their
36387 authority and violated the Constitutional rights of the Plaintiff,
36388 infringing and deprived him of his civil rights. Defendant resides at
36389 One Ashburton Place, Boston, MA 02108 -1518.

36390
36391 1449. Defendant Jason Guida is sued in his/her official capacity and
36392 individually as an Employee of the Commonwealth of
36393 Massachusetts, Executive Office of Public Safety and Security,
36394 Criminal History Systems Board, Firearms Records Bureau,
36395 responsible for executing and administering the laws and policies
36396 at issue in this lawsuit. Defendant directly deprived, violated, and
36397 infringed upon Plaintiff's civil rights, with malice, and with careful
36398 planning and conspiracy with others. Defendant encouraged,

36399 endorsed, organized, and/orchestrated an ongoing criminal
36400 enterprise, and a widespread cover-up. Any veil of immunity,
36401 which this defendant may have previously enjoyed by virtue of
36402 their office or position, is “pierced and ripped asunder” due to their
36403 infringement and deprivation of the Constitutional Rights of the
36404 Plaintiff, and thus this Defendant (and all other Defendants) stands
36405 fully naked and vulnerable before the court, with no immunity of
36406 any form. Further, this defendant has engaged in conduct and as a
36407 continuing unit of an enterprise, through a pattern, of racketeering
36408 enterprises (including, but not limited to: mail fraud, wire fraud,
36409 scheme to defraud, robbery, kidnapping, obstruction of justice,
36410 interference in commerce, also involving monetary transactions in
36411 property derived from specified unlawful activity), and have
36412 caused injury to the business and/or property of the Plaintiff
36413 Atkinson. This Defendant has exceeded, and overstepped their
36414 authority and violated the Constitutional rights of the Plaintiff,
36415 infringing and deprived him of his civil rights. Defendant resides at
36416 One Ashburton Place, Boston, MA 02108 -1518.

36417

36418 1450. Defendant Peggy Hennihan, is sued in his/her official capacity
36419 and individually as an Attorney for the Commonwealth of
36420 Massachusetts Department of Public Health, responsible for
36421 executing and administering the laws and policies at issue in this
36422 lawsuit. Defendant directly deprived, violated, and infringed upon
36423 Plaintiff's civil rights, with malice, and with careful planning and
36424 conspiracy with others. Defendant encouraged, endorsed,
36425 organized, and/orchestrated an ongoing criminal enterprise, and a
36426 widespread cover-up. Any veil of immunity, which this defendant
36427 may have previously enjoyed by virtue of their office or position,
36428 is "pierced and ripped asunder" due to their infringement and
36429 deprivation of the Constitutional Rights of the Plaintiff, and thus
36430 this Defendant (and all other Defendants) stands fully naked and
36431 vulnerable before the court, with no immunity of any form. Further,
36432 this defendant has engaged in conduct and as a continuing unit of
36433 an enterprise, through a pattern, of racketeering enterprises
36434 (including, but not limited to: mail fraud, wire fraud, scheme to
36435 defraud, robbery, kidnapping, obstruction of justice, interference in
36436 commerce, also involving monetary transactions in property
36437 derived from specified unlawful activity), and have caused injury

36438 to the business and/or property of the Plaintiff Atkinson. This
36439 Defendant has exceeded, and overstepped their authority and
36440 violated the Constitutional rights of the Plaintiff, infringing and
36441 deprived him of his civil rights. Defendant resides at One
36442 Ashburton Place, Boston, MA 02108 -1518.

36443

36444 1451. Defendant MARK PULLI is sued in his/her official capacity
36445 and individually as an Investigator for Commonwealth of
36446 Massachusetts, responsible for executing and administering the
36447 laws and policies at issue in this lawsuit. Defendant directly
36448 deprived, violated, and infringed upon Plaintiff's civil rights, with
36449 malice, and with careful planning and conspiracy with others.
36450 Defendant encouraged, endorsed, organized, and/orchestrated an
36451 ongoing criminal enterprise, and a widespread cover-up. Any veil
36452 of immunity, which this defendant may have previously enjoyed
36453 by virtue of their office or position, is "pierced and ripped asunder"
36454 due to their infringement and deprivation of the Constitutional
36455 Rights of the Plaintiff, and thus this Defendant (and all other
36456 Defendants) stands fully naked and vulnerable before the court,
36457 with no immunity of any form. Further, this defendant has engaged

36458 in conduct and as a continuing unit of an enterprise, through a
36459 pattern, of racketeering enterprises (including, but not limited to:
36460 mail fraud, wire fraud, scheme to defraud, robbery, kidnapping,
36461 obstruction of justice, interference in commerce, also involving
36462 monetary transactions in property derived from specified unlawful
36463 activity), and have caused injury to the business and/or property of
36464 the Plaintiff Atkinson. This Defendant has exceeded, and
36465 overstepped their authority and violated the Constitutional rights of
36466 the Plaintiff, infringing and deprived him of his civil rights.
36467 Defendant resides at One Ashburton Place, Boston, MA 02108 -
36468 1518.

36469
36470 1452. Defendant LLOYD A. HOLMES is sued in his/her official
36471 capacity and individually as an Dean of Students for North Shore
36472 Community College, responsible for executing and administering
36473 the laws and policies at issue in this lawsuit. Defendant directly
36474 deprived, violated, and infringed upon Plaintiff's civil rights, with
36475 malice, and with careful planning and conspiracy with others. Any
36476 veil of immunity, which this defendant may have previously
36477 enjoyed by virtue of their office or position, is "pierced and ripped

36478 asunder” due to their infringement and deprivation of the
36479 Constitutional Rights of the Plaintiff, and thus this Defendant (and
36480 all other Defendants) stands fully naked and vulnerable before the
36481 court, with no immunity of any form. Further, this defendant has
36482 engaged in conduct and as a continuing unit of an enterprise,
36483 through a pattern, of racketeering enterprises (including, but not
36484 limited to: mail fraud, wire fraud, scheme to defraud, robbery,
36485 kidnapping, obstruction of justice, interference in commerce, also
36486 involving monetary transactions in property derived from specified
36487 unlawful activity), and have caused injury to the business and/or
36488 property of the Plaintiff Atkinson. This Defendant has exceeded,
36489 and overstepped their authority and violated the Constitutional
36490 rights of the Plaintiff, infringing and deprived him of his civil
36491 rights. Defendant resides at 1 Ferncroft Road, Danvers, MA 01923

36492
36493 1453. Defendant WAYNE BURTON is sued in his/her official
36494 capacity and individually as the President for North Shore
36495 Community College, responsible for executing and administering
36496 the laws and policies at issue in this lawsuit. Defendant directly
36497 deprived, violated, and infringed upon Plaintiff’s civil rights, with

36498 malice, and with careful planning and conspiracy with others. Any
36499 veil of immunity, which this defendant may have previously
36500 enjoyed by virtue of their office or position, is “pierced and ripped
36501 asunder” due to their infringement and deprivation of the
36502 Constitutional Rights of the Plaintiff, and thus this Defendant (and
36503 all other Defendants) stands fully naked and vulnerable before the
36504 court, with no immunity of any form. Further, this defendant has
36505 engaged in conduct and as a continuing unit of an enterprise,
36506 through a pattern, of racketeering enterprises (including, but not
36507 limited to: mail fraud, wire fraud, scheme to defraud, robbery,
36508 kidnapping, obstruction of justice, interference in commerce, also
36509 involving monetary transactions in property derived from specified
36510 unlawful activity), and have caused injury to the business and/or
36511 property of the Plaintiff Atkinson. This Defendant has exceeded,
36512 and overstepped their authority and violated the Constitutional
36513 rights of the Plaintiff, infringing and deprived him of his civil
36514 rights. Defendant resides at 1 Ferncroft Road, Danvers, MA 01923
36515
36516 1454. Defendant DONNA RICHEMOND is sued in his/her official
36517 capacity and individually as the Vice President, Student and

36518 Enrollment Services for North Shore Community College,
36519 responsible for executing and administering the laws and policies
36520 at issue in this lawsuit. Defendant directly deprived, violated, and
36521 infringed upon Plaintiff's civil rights, with malice, and with careful
36522 planning and conspiracy with others. Any veil of immunity, which
36523 this defendant may have previously enjoyed by virtue of their
36524 office or position, is "pierced and ripped asunder" due to their
36525 infringement and deprivation of the Constitutional Rights of the
36526 Plaintiff, and thus this Defendant (and all other Defendants) stands
36527 fully naked and vulnerable before the court, with no immunity of
36528 any form. Further, this defendant has engaged in conduct and as a
36529 continuing unit of an enterprise, through a pattern, of racketeering
36530 enterprises (including, but not limited to: mail fraud, wire fraud,
36531 scheme to defraud, robbery, kidnapping, obstruction of justice,
36532 interference in commerce, also involving monetary transactions in
36533 property derived from specified unlawful activity), and have
36534 caused injury to the business and/or property of the Plaintiff
36535 Atkinson. This Defendant has exceeded, and overstepped their
36536 authority and violated the Constitutional rights of the Plaintiff,
36537 infringing and deprived him of his civil rights. Defendant resides at

36538 1 Ferncroft Road, Danvers, MA 01923

36539

36540

1455. Defendant DOUG PUSKA is sued in his/her official capacity and individually as the Chief of Police for North Shore Community College, responsible for executing and administering the laws and policies at issue in this lawsuit. Defendant directly deprived, violated, and infringed upon Plaintiff's civil rights, with malice, and with careful planning and conspiracy with others. Any veil of immunity, which this defendant may have previously enjoyed by virtue of their office or position, is "pierced and ripped asunder" due to their infringement and deprivation of the Constitutional Rights of the Plaintiff, and thus this Defendant (and all other Defendants) stands fully naked and vulnerable before the court, with no immunity of any form. Further, this defendant has engaged in conduct and as a continuing unit of an enterprise, through a pattern, of racketeering enterprises (including, but not limited to: mail fraud, wire fraud, scheme to defraud, robbery, kidnapping, obstruction of justice, interference in commerce, also involving monetary transactions in property derived from specified unlawful activity), and have caused injury to the business and/or property of

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36558 the Plaintiff Atkinson. This Defendant has exceeded, and
36559 overstepped their authority and violated the Constitutional rights of
36560 the Plaintiff, infringing and deprived him of his civil rights.

36561 Defendant resides at 1 Ferncroft Road, Danvers, MA 01923

36562

36563 1456. Defendant KENNETH TASHJY is sued in his/her official
36564 capacity and individually as the College Legal Counsel for North
36565 Shore Community College, responsible for executing and
36566 administering the laws and policies at issue in this lawsuit.

36567 Defendant directly deprived, violated, and infringed upon
36568 Plaintiff's civil rights, with malice, and with careful planning and
36569 conspiracy with others. Any veil of immunity, which this
36570 defendant may have previously enjoyed by virtue of their office or
36571 position, is "pierced and ripped asunder" due to their infringement
36572 and deprivation of the Constitutional Rights of the Plaintiff, and
36573 thus this Defendant (and all other Defendants) stands fully naked
36574 and vulnerable before the court, with no immunity of any form.

36575 Further, this defendant has engaged in conduct and as a continuing
36576 unit of an enterprise, through a pattern, of racketeering enterprises
36577 (including, but not limited to: mail fraud, wire fraud, scheme to

36578 defraud, robbery, kidnapping, obstruction of justice, interference in
36579 commerce, also involving monetary transactions in property
36580 derived from specified unlawful activity), and have caused injury
36581 to the business and/or property of the Plaintiff Atkinson. This
36582 Defendant has exceeded, and overstepped their authority and
36583 violated the Constitutional rights of the Plaintiff, infringing and
36584 deprived him of his civil rights. Defendant resides at 1 Ferncroft
36585 Road, Danvers, MA 01923

36586

36587 1457. Defendant MARSHALL J. HANDLY is sued in his/her
36588 official capacity and individually as the Legal Department for
36589 Montserrat College of Art, responsible for executing and
36590 administering the laws and policies at issue in this lawsuit.
36591 Defendant directly deprived, violated, and infringed upon
36592 Plaintiff's civil rights, with malice, and with careful planning and
36593 conspiracy with others. Any veil of immunity, which this
36594 defendant may have previously enjoyed by virtue of their office or
36595 position, is "pierced and ripped asunder" due to their infringement
36596 and deprivation of the Constitutional Rights of the Plaintiff, and
36597 thus this Defendant (and all other Defendants) stands fully naked

36598 and vulnerable before the court, with no immunity of any form.
36599 Further, this defendant has engaged in conduct and as a continuing
36600 unit of an enterprise, through a pattern, of racketeering enterprises
36601 (including, but not limited to: mail fraud, wire fraud, scheme to
36602 defraud, robbery, kidnapping, obstruction of justice, interference in
36603 commerce, also involving monetary transactions in property
36604 derived from specified unlawful activity), and have caused injury
36605 to the business and/or property of the Plaintiff Atkinson. This
36606 Defendant has exceeded, and overstepped their authority and
36607 violated the Constitutional rights of the Plaintiff, infringing and
36608 deprived him of his civil rights. Defendant resides at 23 Essex
36609 Street, Beverly, MA 01915-4508

36610
36611 1458. Defendant STEPHEN D. IMMERMANN is sued in his/her
36612 official capacity and individually as the President for Montserrat
36613 College of Art, responsible for executing and administering the
36614 laws and policies at issue in this lawsuit. Defendant directly
36615 deprived, violated, and infringed upon Plaintiff's civil rights, with
36616 malice, and with careful planning and conspiracy with others.
36617 Defendant encouraged, endorsed, organized, and/orchestrated an

36618 ongoing criminal enterprise, and a widespread cover-up. Further,
36619 this defendant has engaged in conduct and as a continuing unit of
36620 an enterprise, through a pattern, of racketeering enterprises
36621 (including, but not limited to: mail fraud, wire fraud, scheme to
36622 defraud, robbery, kidnapping, obstruction of justice, interference in
36623 commerce, also involving monetary transactions in property
36624 derived from specified unlawful activity), and have caused injury
36625 to the business and/or property of the Plaintiff Atkinson. This
36626 Defendant has exceeded, and overstepped their authority and
36627 violated the Constitutional rights of the Plaintiff, infringing and
36628 deprived him of his civil rights. Defendant resides at 23 Essex
36629 Street, Beverly, MA 01915-4508

36630
36631 1459. Defendant BRIAN BICKNELL is sued in his/her official
36632 capacity and individually as the Dean for Montserrat College of
36633 Art, responsible for executing and administering the laws and
36634 policies at issue in this lawsuit. Defendant directly deprived,
36635 violated, and infringed upon Plaintiff's civil rights, with malice,
36636 and with careful planning and conspiracy with others. Further, this
36637 defendant has engaged in conduct and as a continuing unit of an

36638 enterprise, through a pattern, of racketeering enterprises (including,
36639 but not limited to: mail fraud, wire fraud, scheme to defraud,
36640 robbery, kidnapping, obstruction of justice, interference in
36641 commerce, also involving monetary transactions in property
36642 derived from specified unlawful activity), and have caused injury
36643 to the business and/or property of the Plaintiff Atkinson. This
36644 Defendant has exceeded, and overstepped their authority and
36645 violated the Constitutional rights of the Plaintiff, infringing and
36646 deprived him of his civil rights. Defendant resides at 23 Essex
36647 Street, Beverly, MA 01915-4508

36648
36649 1460. Defendant LEE DELLICKER is sued in his/her official
36650 capacity and individually as a Trustee and Chair of the Board for
36651 Montserrat College of Art, responsible for executing and
36652 administering the laws and policies at issue in this lawsuit.
36653 Defendant directly deprived, violated, and infringed upon
36654 Plaintiff's civil rights, with malice, and with careful planning and
36655 conspiracy with others. Further, this defendant has engaged in
36656 conduct and as a continuing unit of an enterprise, through a pattern,
36657 of racketeering enterprises (including, but not limited to: mail

36658 fraud, wire fraud, scheme to defraud, robbery, kidnapping,
36659 obstruction of justice, interference in commerce, also involving
36660 monetary transactions in property derived from specified unlawful
36661 activity), and have caused injury to the business and/or property of
36662 the Plaintiff Atkinson. This Defendant has exceeded, and
36663 overstepped their authority and violated the Constitutional rights of
36664 the Plaintiff, infringing and deprived him of his civil rights.

36665 Defendant resides at 23 Essex Street, Beverly, MA 01915-4508
36666

36667 1461. Defendant LECIA TURCOTTE is sued in his/her official
36668 capacity and individually as a Trustee and Vice Chair of the Board
36669 for Montserrat College of Art, responsible for executing and
36670 administering the laws and policies at issue in this lawsuit.
36671 Defendant directly deprived, violated, and infringed upon
36672 Plaintiff's civil rights, with malice, and with careful planning and
36673 conspiracy with others. Further, this defendant has engaged in
36674 conduct and as a continuing unit of an enterprise, through a pattern,
36675 of racketeering enterprises (including, but not limited to: mail
36676 fraud, wire fraud, scheme to defraud, robbery, kidnapping,
36677 obstruction of justice, interference in commerce, also involving

36678 monetary transactions in property derived from specified unlawful
36679 activity), and have caused injury to the business and/or property of
36680 the Plaintiff Atkinson. This Defendant has exceeded, and
36681 overstepped their authority and violated the Constitutional rights of
36682 the Plaintiff, infringing and deprived him of his civil rights.
36683 Defendant resides at 23 Essex Street, Beverly, MA 01915-4508
36684

36685 1462. Defendant DONALD BOWEN is sued in his/her official
36686 capacity and individually as a Trustee and Director for Montserrat
36687 College of Art, responsible for executing and administering the
36688 laws and policies at issue in this lawsuit. Defendant directly
36689 deprived, violated, and infringed upon Plaintiff's civil rights, with
36690 malice, and with careful planning and conspiracy with others.
36691 Further, this defendant has engaged in conduct and as a continuing
36692 unit of an enterprise, through a pattern, of racketeering enterprises
36693 (including, but not limited to: mail fraud, wire fraud, scheme to
36694 defraud, robbery, kidnapping, obstruction of justice, interference in
36695 commerce, also involving monetary transactions in property
36696 derived from specified unlawful activity), and have caused injury
36697 to the business and/or property of the Plaintiff Atkinson. This

36698 Defendant has exceeded, and overstepped their authority and
36699 violated the Constitutional rights of the Plaintiff, infringing and
36700 deprived him of his civil rights. Defendant resides at 23 Essex
36701 Street, Beverly, MA 01915-4508

36702
36703 1463. Defendant MARTHA BUSKIRK is sued in his/her official
36704 capacity and individually as a Trustee for Montserrat College of
36705 Art, responsible for executing and administering the laws and
36706 policies at issue in this lawsuit. Defendant directly deprived,
36707 violated, and infringed upon Plaintiff's civil rights, with malice,
36708 and with careful planning and conspiracy with others. Further, this
36709 defendant has engaged in conduct and as a continuing unit of an
36710 enterprise, through a pattern, of racketeering enterprises (including,
36711 but not limited to: mail fraud, wire fraud, scheme to defraud,
36712 robbery, kidnapping, obstruction of justice, interference in
36713 commerce, also involving monetary transactions in property
36714 derived from specified unlawful activity), and have caused injury
36715 to the business and/or property of the Plaintiff Atkinson. This
36716 Defendant has exceeded, and overstepped their authority and
36717 violated the Constitutional rights of the Plaintiff, infringing and

36718 deprived him of his civil rights. Defendant resides at 23 Essex
36719 Street, Beverly, MA

36720

36721 1464. Defendant CHRISTOPHER COLLINS is sued in his/her
36722 official capacity and individually as a Trustee and Director for
36723 Montserrat College of Art, responsible for executing and
36724 administering the laws and policies at issue in this lawsuit.
36725 Defendant directly deprived, violated, and infringed upon
36726 Plaintiff's civil rights, with malice, and with careful planning and
36727 conspiracy with others. Further, this defendant has engaged in
36728 conduct and as a continuing unit of an enterprise, through a pattern,
36729 of racketeering enterprises (including, but not limited to: mail
36730 fraud, wire fraud, scheme to defraud, robbery, kidnapping,
36731 obstruction of justice, interference in commerce, also involving
36732 monetary transactions in property derived from specified unlawful
36733 activity), and have caused injury to the business and/or property of
36734 the Plaintiff Atkinson. This Defendant has exceeded, and
36735 overstepped their authority and violated the Constitutional rights of
36736 the Plaintiff, infringing and deprived him of his civil rights.

36737 Defendant resides at 23 Essex Street, Beverly, MA 01915-4508

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1465. Defendant NANCY CRATE is sued in his/her official capacity and individually as a Trustee and Director for Montserrat College of Art, responsible for executing and administering the laws and policies at issue in this lawsuit. Defendant directly deprived, violated, and infringed upon Plaintiff's civil rights, with malice, and with careful planning and conspiracy with others. Further, this defendant has engaged in conduct and as a continuing unit of an enterprise, through a pattern, of racketeering enterprises (including, but not limited to: mail fraud, wire fraud, scheme to defraud, robbery, kidnapping, obstruction of justice, interference in commerce, also involving monetary transactions in property derived from specified unlawful activity), and have caused injury to the business and/or property of the Plaintiff Atkinson. This Defendant has exceeded, and overstepped their authority and violated the Constitutional rights of the Plaintiff, infringing and deprived him of his civil rights. Defendant resides at 23 Essex Street, Beverly, MA 01915-4508

36757 1466. Defendant CRAIG H. DEERY is sued in his/her official
36758 capacity and individually as a Trustee for Montserrat College of
36759 Art, responsible for executing and administering the laws and
36760 policies at issue in this lawsuit. Defendant directly deprived,
36761 violated, and infringed upon Plaintiff's civil rights, with malice,
36762 and with careful planning and conspiracy with others. Further, this
36763 defendant has engaged in conduct and as a continuing unit of an
36764 enterprise, through a pattern, of racketeering enterprises (including,
36765 but not limited to: mail fraud, wire fraud, scheme to defraud,
36766 robbery, kidnapping, obstruction of justice, interference in
36767 commerce, also involving monetary transactions in property
36768 derived from specified unlawful activity), and have caused injury
36769 to the business and/or property of the Plaintiff Atkinson. This
36770 Defendant has exceeded, and overstepped their authority and
36771 violated the Constitutional rights of the Plaintiff, infringing and
36772 deprived him of his civil rights. Defendant resides at 23 Essex
36773 Street, Beverly, MA 01915-4508

36774
36775 1467. Defendant STEVEN DODGE is sued in his/her official
36776 capacity and individually as a Trustee and Director for Montserrat

36777 College of Art, responsible for executing and administering the
36778 laws and policies at issue in this lawsuit. Defendant directly
36779 deprived, violated, and infringed upon Plaintiff's civil rights, with
36780 malice, and with careful planning and conspiracy with others.
36781 Further, this defendant has engaged in conduct and as a continuing
36782 unit of an enterprise, through a pattern, of racketeering enterprises
36783 (including, but not limited to: mail fraud, wire fraud, scheme to
36784 defraud, robbery, kidnapping, obstruction of justice, interference in
36785 commerce, also involving monetary transactions in property
36786 derived from specified unlawful activity), and have caused injury
36787 to the business and/or property of the Plaintiff Atkinson. The
36788 defendant acts as one of the financial hubs or nexus of the money
36789 laundering operation centered on Montserrat College of Art and
36790 the Windover Corporation. This Defendant has exceeded, and
36791 overstepped their authority and violated the Constitutional rights of
36792 the Plaintiff, infringing and deprived him of his civil rights.
36793 Defendant resides at 23 Essex Street, Beverly, MA 01915-4508
36794
36795 1468. Defendant HENRIETTA GATES is sued in his/her official
36796 capacity and individually as a Trustee and Director for Montserrat

36797 College of Art, responsible for executing and administering the
36798 laws and policies at issue in this lawsuit. Defendant directly
36799 deprived, violated, and infringed upon Plaintiff's civil rights, with
36800 malice, and with careful planning and conspiracy with others.
36801 Further, this defendant has engaged in conduct and as a continuing
36802 unit of an enterprise, through a pattern, of racketeering enterprises
36803 (including, but not limited to: mail fraud, wire fraud, scheme to
36804 defraud, robbery, kidnapping, obstruction of justice, interference in
36805 commerce, also involving monetary transactions in property
36806 derived from specified unlawful activity), and have caused injury
36807 to the business and/or property of the Plaintiff Atkinson. This
36808 Defendant has exceeded, and overstepped their authority and
36809 violated the Constitutional rights of the Plaintiff, infringing and
36810 deprived him of his civil rights. Defendant resides at 23 Essex
36811 Street, Beverly, MA 01915-4508

36812
36813 1469. Defendant MIRANDA GOODING is sued in his/her official
36814 capacity and individually as a Trustee for Montserrat College of
36815 Art, responsible for executing and administering the laws and
36816 policies at issue in this lawsuit. Defendant directly deprived,

36817 violated, and infringed upon Plaintiff's civil rights, with malice,
36818 and with careful planning and conspiracy with others. Further, this
36819 defendant has engaged in conduct and as a continuing unit of an
36820 enterprise, through a pattern, of racketeering enterprises (including,
36821 but not limited to: mail fraud, wire fraud, scheme to defraud,
36822 robbery, kidnapping, obstruction of justice, interference in
36823 commerce, also involving monetary transactions in property
36824 derived from specified unlawful activity), and have caused injury
36825 to the business and/or property of the Plaintiff Atkinson. This
36826 Defendant has exceeded, and overstepped their authority and
36827 violated the Constitutional rights of the Plaintiff, infringing and
36828 deprived him of his civil rights. Defendant resides at 23 Essex
36829 Street, Beverly, MA 01915-4508

36830
36831 1470. Defendant LINDA HARVEY is sued in his/her official capacity
36832 and individually as a Trustee and Director for Montserrat College
36833 of Art, responsible for executing and administering the laws and
36834 policies at issue in this lawsuit. Defendant directly deprived,
36835 violated, and infringed upon Plaintiff's civil rights, with malice,
36836 and with careful planning and conspiracy with others. Further, this

36837 defendant has engaged in conduct and as a continuing unit of an
36838 enterprise, through a pattern, of racketeering enterprises (including,
36839 but not limited to: mail fraud, wire fraud, scheme to defraud,
36840 robbery, kidnapping, obstruction of justice, interference in
36841 commerce, also involving monetary transactions in property
36842 derived from specified unlawful activity), and have caused injury
36843 to the business and/or property of the Plaintiff Atkinson. This
36844 Defendant has exceeded, and overstepped their authority and
36845 violated the Constitutional rights of the Plaintiff, infringing and
36846 deprived him of his civil rights. Defendant resides at 23 Essex
36847 Street, Beverly, MA 01915-4508

36848
36849 1471. Defendant BETSY HOPKINS is sued in his/her official
36850 capacity and individually as a Trustee and Clerk for Montserrat
36851 College of Art, responsible for executing and administering the
36852 laws and policies at issue in this lawsuit. Defendant directly
36853 deprived, violated, and infringed upon Plaintiff's civil rights, with
36854 malice, and with careful planning and conspiracy with others.
36855 Further, this defendant has engaged in conduct and as a continuing
36856 unit of an enterprise, through a pattern, of racketeering enterprises

36857 (including, but not limited to: mail fraud, wire fraud, scheme to
36858 defraud, robbery, kidnapping, obstruction of justice, interference in
36859 commerce, also involving monetary transactions in property
36860 derived from specified unlawful activity), and have caused injury
36861 to the business and/or property of the Plaintiff Atkinson. This
36862 Defendant has exceeded, and overstepped their authority and
36863 violated the Constitutional rights of the Plaintiff, infringing and
36864 deprived him of his civil rights. Defendant resides at 23 Essex
36865 Street, Beverly, MA 01915-4508

36866
36867 1472. Defendant JOHN PETERMAN is sued in his/her official
36868 capacity and individually as a Trustee for Montserrat College of
36869 Art, responsible for executing and administering the laws and
36870 policies at issue in this lawsuit. Defendant directly deprived,
36871 violated, and infringed upon Plaintiff's civil rights, with malice,
36872 and with careful planning and conspiracy with others. Further, this
36873 defendant has engaged in conduct and as a continuing unit of an
36874 enterprise, through a pattern, of racketeering enterprises (including,
36875 but not limited to: mail fraud, wire fraud, scheme to defraud,
36876 robbery, kidnapping, obstruction of justice, interference in

36877 commerce, also involving monetary transactions in property
36878 derived from specified unlawful activity), and have caused injury
36879 to the business and/or property of the Plaintiff Atkinson. This
36880 Defendant has exceeded, and overstepped their authority and
36881 violated the Constitutional rights of the Plaintiff, infringing and
36882 deprived him of his civil rights. Defendant resides at 23 Essex
36883 Street, Beverly, MA 01915-4508

36884
36885 1473. Defendant JURRIEN TIMMER is sued in his/her official
36886 capacity and individually as a Director and Trustee for Montserrat
36887 College of Art, responsible for executing and administering the
36888 laws and policies at issue in this lawsuit. Defendant directly
36889 deprived, violated, and infringed upon Plaintiff's civil rights, with
36890 malice, and with careful planning and conspiracy with others.
36891 Further, this defendant has engaged in conduct and as a continuing
36892 unit of an enterprise, through a pattern, of racketeering enterprises
36893 (including, but not limited to: mail fraud, wire fraud, scheme to
36894 defraud, robbery, kidnapping, obstruction of justice, interference in
36895 commerce, also involving monetary transactions in property
36896 derived from specified unlawful activity), and have caused injury

36897 to the business and/or property of the Plaintiff Atkinson. This
36898 Defendant has exceeded, and overstepped their authority and
36899 violated the Constitutional rights of the Plaintiff, infringing and
36900 deprived him of his civil rights. Defendant resides at 23 Essex
36901 Street, Beverly, MA 01915-4508

36902
36903 1474. Defendant CHARLES WHITTEN is sued in his/her official
36904 capacity and individually as a Director and Trustee for Montserrat
36905 College of Art, responsible for executing and administering the
36906 laws and policies at issue in this lawsuit. Defendant directly
36907 deprived, violated, and infringed upon Plaintiff's civil rights, with
36908 malice, and with careful planning and conspiracy with others.
36909 Further, this defendant has engaged in conduct and as a continuing
36910 unit of an enterprise, through a pattern, of racketeering enterprises
36911 (including, but not limited to: mail fraud, wire fraud, scheme to
36912 defraud, robbery, kidnapping, obstruction of justice, interference in
36913 commerce, also involving monetary transactions in property
36914 derived from specified unlawful activity), and have caused injury
36915 to the business and/or property of the Plaintiff Atkinson. This
36916 Defendant has exceeded, and overstepped their authority and

36917 violated the Constitutional rights of the Plaintiff, infringing and
36918 deprived him of his civil rights. Defendant resides at 23 Essex
36919 Street, Beverly, MA 01915-4508
36920
36921 1475. Defendant ALAN WILSON is sued in his/her official capacity
36922 and individually as a Trustee for Montserrat College of Art,
36923 responsible for executing and administering the laws and policies
36924 at issue in this lawsuit. Defendant directly deprived, violated, and
36925 infringed upon Plaintiff's civil rights, with malice, and with careful
36926 planning and conspiracy with others. Further, this defendant has
36927 engaged in conduct and as a continuing unit of an enterprise,
36928 through a pattern, of racketeering enterprises (including, but not
36929 limited to: mail fraud, wire fraud, scheme to defraud, robbery,
36930 kidnapping, obstruction of justice, interference in commerce, also
36931 involving monetary transactions in property derived from specified
36932 unlawful activity), and have caused injury to the business and/or
36933 property of the Plaintiff Atkinson. This Defendant has exceeded,
36934 and overstepped their authority and violated the Constitutional
36935 rights of the Plaintiff, infringing and deprived him of his civil

36936 rights. Defendant resides at 23 Essex Street, Beverly, MA 01915-
36937 4508

36938
36939 1476. Defendant KATHERINE WINTER is sued in his/her official
36940 capacity and individually as a Trustee and Director for Montserrat
36941 College of Art, responsible for executing and administering the
36942 laws and policies at issue in this lawsuit. Defendant directly
36943 deprived, violated, and infringed upon Plaintiff's civil rights, with
36944 malice, and with careful planning and conspiracy with others.

36945 Further, this defendant has engaged in conduct and as a continuing
36946 unit of an enterprise, through a pattern, of racketeering enterprises
36947 (including, but not limited to: mail fraud, wire fraud, scheme to
36948 defraud, robbery, kidnapping, obstruction of justice, interference in
36949 commerce, also involving monetary transactions in property
36950 derived from specified unlawful activity), and have caused injury
36951 to the business and/or property of the Plaintiff Atkinson. This
36952 Defendant has exceeded, and overstepped their authority and
36953 violated the Constitutional rights of the Plaintiff, infringing and
36954 deprived him of his civil rights. Defendant resides at 23 Essex
36955 Street, Beverly, MA 01915-4508

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1477. Defendant JO BRODERICK is sued in his/her official capacity and individually as the Dean of College Relations for Montserrat College of Art, responsible for executing and administering the laws and policies at issue in this lawsuit. Defendant directly deprived, violated, and infringed upon Plaintiff's civil rights, with malice, and with careful planning and conspiracy with others. Further, this defendant has engaged in conduct and as a continuing unit of an enterprise, through a pattern, of racketeering enterprises (including, but not limited to: mail fraud, wire fraud, scheme to defraud, robbery, kidnapping, obstruction of justice, interference in commerce, also involving monetary transactions in property derived from specified unlawful activity), and have caused injury to the business and/or property of the Plaintiff Atkinson. This Defendant has exceeded, and overstepped their authority and violated the Constitutional rights of the Plaintiff, infringing and deprived him of his civil rights. Defendant resides at 23 Essex Street, Beverly, MA 01915-4508

36975 1478. Defendant RICK LONGO is sued in his/her official capacity
36976 and individually as the Dean of Admissions & Enrollment
36977 Management for Montserrat College of Art, responsible for
36978 executing and administering the laws and policies at issue in this
36979 lawsuit. Defendant directly deprived, violated, and infringed upon
36980 Plaintiff's civil rights, with malice, and with careful planning and
36981 conspiracy with others. Further, this defendant has engaged in
36982 conduct and as a continuing unit of an enterprise, through a pattern,
36983 of racketeering enterprises (including, but not limited to: mail
36984 fraud, wire fraud, scheme to defraud, robbery, kidnapping,
36985 obstruction of justice, interference in commerce, also involving
36986 monetary transactions in property derived from specified unlawful
36987 activity), and have caused injury to the business and/or property of
36988 the Plaintiff Atkinson. This Defendant has exceeded, and
36989 overstepped their authority and violated the Constitutional rights of
36990 the Plaintiff, infringing and deprived him of his civil rights.

36991 Defendant resides at 23 Essex Street, Beverly, MA 01915-4508

36992

36993 1479. Defendant LAURA TONELLI is sued in his/her official

36994 capacity and individually as the Dean of Faculty and Academic

36995 Affairs for Montserrat College of Art, responsible for executing
36996 and administering the laws and policies at issue in this lawsuit.
36997 Defendant directly deprived, violated, and infringed upon
36998 Plaintiff's civil rights, with malice, and with careful planning and
36999 conspiracy with others. Further, this defendant has engaged in
37000 conduct and as a continuing unit of an enterprise, through a pattern,
37001 of racketeering enterprises (including, but not limited to: mail
37002 fraud, wire fraud, scheme to defraud, robbery, kidnapping,
37003 obstruction of justice, interference in commerce, also involving
37004 monetary transactions in property derived from specified unlawful
37005 activity), and have caused injury to the business and/or property of
37006 the Plaintiff Atkinson. This Defendant has exceeded, and
37007 overstepped their authority and violated the Constitutional rights of
37008 the Plaintiff, infringing and deprived him of his civil rights.

37009 Defendant resides at 23 Essex Street, Beverly, MA 01915-4508

37010

37011 1480. Defendant THERESA SKELLY is sued in his/her official
37012 capacity and individually as the Registrar for Montserrat College
37013 of Art, responsible for executing and administering the laws and
37014 policies at issue in this lawsuit. Defendant directly deprived,

37015 violated, and infringed upon Plaintiff's civil rights, with malice,
37016 and with careful planning and conspiracy with others. Further, this
37017 defendant has engaged in conduct and as a continuing unit of an
37018 enterprise, through a pattern, of racketeering enterprises (including,
37019 but not limited to: mail fraud, wire fraud, scheme to defraud,
37020 robbery, kidnapping, obstruction of justice, interference in
37021 commerce, also involving monetary transactions in property
37022 derived from specified unlawful activity), and have caused injury
37023 to the business and/or property of the Plaintiff Atkinson. This
37024 Defendant has exceeded, and overstepped their authority and
37025 violated the Constitutional rights of the Plaintiff, infringing and
37026 deprived him of his civil rights. Defendant resides at 23 Essex
37027 Street, Beverly, MA 01915-4508

37028
37029 1481. Defendant JEFFREY NEWELL is sued in his/her official
37030 capacity and individually as the Director of Admissions for
37031 Montserrat College of Art, responsible for executing and
37032 administering the laws and policies at issue in this lawsuit.
37033 Defendant directly deprived, violated, and infringed upon
37034 Plaintiff's civil rights, with malice, and with careful planning and

37035 conspiracy with others. Further, this defendant has engaged in
37036 conduct and as a continuing unit of an enterprise, through a pattern,
37037 of racketeering enterprises (including, but not limited to: mail
37038 fraud, wire fraud, scheme to defraud, robbery, kidnapping,
37039 obstruction of justice, interference in commerce, also involving
37040 monetary transactions in property derived from specified unlawful
37041 activity), and have caused injury to the business and/or property of
37042 the Plaintiff Atkinson. This Defendant has exceeded, and
37043 overstepped their authority and violated the Constitutional rights of
37044 the Plaintiff, infringing and deprived him of his civil rights.

37045 Defendant resides at 23 Essex Street, Beverly, MA 01915-4508
37046

37047 1482. Defendant SCOTT JAMES is sued in his/her official capacity
37048 and individually as an Associate Vice President for Salem State
37049 College, responsible for executing and administering the laws and
37050 policies at issue in this lawsuit. Defendant directly deprived,
37051 violated, and infringed upon Plaintiff's civil rights, with malice,
37052 and with careful planning and conspiracy with others. Further, this
37053 defendant has engaged in conduct and as a continuing unit of an
37054 enterprise, through a pattern, of racketeering enterprises (including,

37055 but not limited to: mail fraud, wire fraud, scheme to defraud,
37056 robbery, kidnapping, obstruction of justice, interference in
37057 commerce, also involving monetary transactions in property
37058 derived from specified unlawful activity), and have caused injury
37059 to the business and/or property of the Plaintiff Atkinson. This
37060 Defendant has exceeded, and overstepped their authority and
37061 violated the Constitutional rights of the Plaintiff, infringing and
37062 deprived him of his civil rights. Defendant resides at 352 Lafayette
37063 Street, Salem, MA 01970-5353

37064
37065 1483. Defendant PATRICIA MAGUIRE MESERVEY is sued in
37066 his/her official capacity and individually as the President for Salem
37067 State College, responsible for executing and administering the laws
37068 and policies at issue in this lawsuit. Defendant directly deprived,
37069 violated, and infringed upon Plaintiff's civil rights, with malice,
37070 and with careful planning and conspiracy with others. Defendant
37071 encouraged, endorsed, organized, and/orchestrated an ongoing
37072 criminal enterprise, and a widespread cover-up. Any veil of
37073 immunity, which this defendant may have previously enjoyed by
37074 virtue of their office or position, is "pierced and ripped asunder"

37075 due to their infringement and deprivation of the Constitutional
37076 Rights of the Plaintiff, and thus this Defendant (and all other
37077 Defendants) stands fully naked and vulnerable before the court,
37078 with no immunity of any form. Further, this defendant has engaged
37079 in conduct and as a continuing unit of an enterprise, through a
37080 pattern, of racketeering enterprises (including, but not limited to:
37081 mail fraud, wire fraud, scheme to defraud, robbery, kidnapping,
37082 obstruction of justice, interference in commerce, also involving
37083 monetary transactions in property derived from specified unlawful
37084 activity), and have caused injury to the business and/or property of
37085 the Plaintiff Atkinson. This Defendant has exceeded, and
37086 overstepped their authority and violated the Constitutional rights of
37087 the Plaintiff, infringing and deprived him of his civil rights.

37088 Defendant resides at 352 Lafayette Street, Salem, MA 01970-5353

37089
37090 1484. Defendant JAMES STOLL is sued in his/her official capacity
37091 and individually as the Associate Vice President and Dean of
37092 Students for Salem State College, responsible for executing and
37093 administering the laws and policies at issue in this lawsuit.
37094 Defendant directly deprived, violated, and infringed upon

37095 Plaintiff's civil rights, with malice, and with careful planning and
37096 conspiracy with others. Any veil of immunity, which this
37097 defendant may have previously enjoyed by virtue of their office or
37098 position, is "pierced and ripped asunder" due to their infringement
37099 and deprivation of the Constitutional Rights of the Plaintiff, and
37100 thus this Defendant (and all other Defendants) stands fully naked
37101 and vulnerable before the court, with no immunity of any form.
37102 Further, this defendant has engaged in conduct and as a continuing
37103 unit of an enterprise, through a pattern, of racketeering enterprises
37104 (including, but not limited to: mail fraud, wire fraud, scheme to
37105 defraud, robbery, kidnapping, obstruction of justice, interference in
37106 commerce, also involving monetary transactions in property
37107 derived from specified unlawful activity), and have caused injury
37108 to the business and/or property of the Plaintiff Atkinson. This
37109 Defendant has exceeded, and overstepped their authority and
37110 violated the Constitutional rights of the Plaintiff, infringing and
37111 deprived him of his civil rights. Defendant resides at 352 Lafayette
37112 Street, Salem, MA 01970-5353

37113

37114 1485. Defendant SHAWN A. NEWTON is sued in his/her official
37115 capacity and individually as the Assistant Dean of Students,
37116 Student Life for Salem State College, responsible for executing
37117 and administering the laws and policies at issue in this lawsuit.
37118 Defendant directly deprived, violated, and infringed upon
37119 Plaintiff's civil rights, with malice, and with careful planning and
37120 conspiracy with others. Defendant encouraged, endorsed,
37121 organized, and/orchestrated an ongoing criminal enterprise, and a
37122 widespread cover-up. Any veil of immunity, which this defendant
37123 may have previously enjoyed by virtue of their office or position,
37124 is "pierced and ripped asunder" due to their infringement and
37125 deprivation of the Constitutional Rights of the Plaintiff, and thus
37126 this Defendant (and all other Defendants) stands fully naked and
37127 vulnerable before the court, with no immunity of any form. Further,
37128 this defendant has engaged in conduct and as a continuing unit of
37129 an enterprise, through a pattern, of racketeering enterprises
37130 (including, but not limited to: mail fraud, wire fraud, scheme to
37131 defraud, robbery, kidnapping, obstruction of justice, interference in
37132 commerce, also involving monetary transactions in property
37133 derived from specified unlawful activity), and have caused injury

37134 to the business and/or property of the Plaintiff Atkinson. This
37135 Defendant has exceeded, and overstepped their authority and
37136 violated the Constitutional rights of the Plaintiff, infringing and
37137 deprived him of his civil rights. Defendant resides at 352 Lafayette
37138 Street, Salem, MA 01970-5353

37139
37140 1486. Defendant WILLIAM ANGLIN is sued in his/her official
37141 capacity and individually as the Chief, Public Safety for Salem
37142 State College, responsible for executing and administering the laws
37143 and policies at issue in this lawsuit. Defendant directly deprived,
37144 violated, and infringed upon Plaintiff's civil rights, with malice,
37145 and with careful planning and conspiracy with others. Any veil of
37146 immunity, which this defendant may have previously enjoyed by
37147 virtue of their office or position, is "pierced and ripped asunder"
37148 due to their infringement and deprivation of the Constitutional
37149 Rights of the Plaintiff, and thus this Defendant (and all other
37150 Defendants) stands fully naked and vulnerable before the court,
37151 with no immunity of any form. Further, this defendant has engaged
37152 in conduct and as a continuing unit of an enterprise, through a
37153 pattern, of racketeering enterprises (including, but not limited to:

37154 mail fraud, wire fraud, scheme to defraud, robbery, kidnapping,
37155 obstruction of justice, interference in commerce, also involving
37156 monetary transactions in property derived from specified unlawful
37157 activity), and have caused injury to the business and/or property of
37158 the Plaintiff Atkinson. This Defendant has exceeded, and
37159 overstepped their authority and violated the Constitutional rights of
37160 the Plaintiff, infringing and deprived him of his civil rights.

37161 Defendant resides at 352 Lafayette Street, Salem, MA 01970-5353

37162

37163 1487. Defendant JOHN DOE 045 – 046 is sued in his/her official
37164 capacity and individually as a Campus Security for Salem State
37165 College, responsible for executing and administering the laws and
37166 policies at issue in this lawsuit. Defendant directly deprived,
37167 violated, and infringed upon Plaintiff's civil rights, with malice,
37168 and with careful planning and conspiracy with others. Any veil of
37169 immunity, which this defendant may have previously enjoyed by
37170 virtue of their office or position, is "pierced and ripped asunder"
37171 due to their infringement and deprivation of the Constitutional
37172 Rights of the Plaintiff, and thus this Defendant (and all other
37173 Defendants) stands fully naked and vulnerable before the court,

37174 with no immunity of any form. Further, this defendant has engaged
37175 in conduct and as a continuing unit of an enterprise, through a
37176 pattern, of racketeering enterprises (including, but not limited to:
37177 mail fraud, wire fraud, scheme to defraud, robbery, kidnapping,
37178 obstruction of justice, interference in commerce, also involving
37179 monetary transactions in property derived from specified unlawful
37180 activity), and have caused injury to the business and/or property of
37181 the Plaintiff Atkinson. These defendants did unlawfully detain, and
37182 did unlawfully arrest the Plaintiff. This Defendant has exceeded,
37183 and overstepped their authority and violated the Constitutional
37184 rights of the Plaintiff, infringing and deprived him of his civil
37185 rights. Defendant resides at 352 Lafayette Street, Salem, MA
37186 01970-5353

37187
37188 1488. Defendant JOHN DOE 047 – 051 is sued in his/her official
37189 capacity and individually as a Judicial Board Member for Salem
37190 State College, responsible for executing and administering the laws
37191 and policies at issue in this lawsuit. Defendant directly deprived,
37192 violated, and infringed upon Plaintiff's civil rights, with malice,
37193 and with careful planning and conspiracy with others. Any veil of

37194 immunity, which this defendant may have previously enjoyed by
37195 virtue of their office or position, is “pierced and ripped asunder”
37196 due to their infringement and deprivation of the Constitutional
37197 Rights of the Plaintiff, and thus this Defendant (and all other
37198 Defendants) stands fully naked and vulnerable before the court,
37199 with no immunity of any form. Further, this defendant has engaged
37200 in conduct and as a continuing unit of an enterprise, through a
37201 pattern, of racketeering enterprises (including, but not limited to:
37202 mail fraud, wire fraud, scheme to defraud, robbery, kidnapping,
37203 obstruction of justice, interference in commerce, also involving
37204 monetary transactions in property derived from specified unlawful
37205 activity), and have caused injury to the business and/or property of
37206 the Plaintiff Atkinson. This Defendant has exceeded, and
37207 overstepped their authority and violated the Constitutional rights of
37208 the Plaintiff, infringing and deprived him of his civil rights.

37209 Defendant resides at 352 Lafayette Street, Salem, MA 01970-5353

37210
37211 1489. Defendant SHANE RODRIGUEZ is sued in his/her official
37212 capacity and individually as the Deputy Chief, Campus Police for
37213 Salem State College, responsible for executing and administering

37214 the laws and policies at issue in this lawsuit. Defendant directly
37215 deprived, violated, and infringed upon Plaintiff's civil rights, with
37216 malice, and with careful planning and conspiracy with others. Any
37217 veil of immunity, which this defendant may have previously
37218 enjoyed by virtue of their office or position, is "pierced and ripped
37219 asunder" due to their infringement and deprivation of the
37220 Constitutional Rights of the Plaintiff, and thus this Defendant (and
37221 all other Defendants) stands fully naked and vulnerable before the
37222 court, with no immunity of any form. Further, this defendant has
37223 engaged in conduct and as a continuing unit of an enterprise,
37224 through a pattern, of racketeering enterprises (including, but not
37225 limited to: mail fraud, wire fraud, scheme to defraud, robbery,
37226 kidnapping, obstruction of justice, interference in commerce, also
37227 involving monetary transactions in property derived from specified
37228 unlawful activity), and have caused injury to the business and/or
37229 property of the Plaintiff Atkinson. This Defendant has exceeded,
37230 and overstepped their authority and violated the Constitutional
37231 rights of the Plaintiff, infringing and deprived him of his civil
37232 rights. Defendant resides at 352 Lafayette Street, Salem, MA
37233 01970-5353

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1490. Defendant KEMAH TRAVERS is sued in his/her official capacity and individually as a Judicial Board Member for Salem State College, responsible for executing and administering the laws and policies at issue in this lawsuit. Defendant directly deprived, violated, and infringed upon Plaintiff's civil rights, with malice, and with careful planning and conspiracy with others. Any veil of immunity, which this defendant may have previously enjoyed by virtue of their office or position, is "pierced and ripped asunder" due to their infringement and deprivation of the Constitutional Rights of the Plaintiff, and thus this Defendant (and all other Defendants) stands fully naked and vulnerable before the court, with no immunity of any form. Further, this defendant has engaged in conduct and as a continuing unit of an enterprise, through a pattern, of racketeering enterprises (including, but not limited to: mail fraud, wire fraud, scheme to defraud, robbery, kidnapping, obstruction of justice, interference in commerce, also involving monetary transactions in property derived from specified unlawful activity), and have caused injury to the business and/or property of the Plaintiff Atkinson. This Defendant has exceeded, and

37254 overstepped their authority and violated the Constitutional rights of
37255 the Plaintiff, infringing and deprived him of his civil rights.
37256 Defendant resides at 352 Lafayette Street, Salem, MA 01970-5353
37257
37258 1491. Defendant KRISTINA MASON is sued in his/her official
37259 capacity and individually as a Judicial Board Member for Salem
37260 State College, responsible for executing and administering the laws
37261 and policies at issue in this lawsuit. Defendant directly deprived,
37262 violated, and infringed upon Plaintiff's civil rights, with malice,
37263 and with careful planning and conspiracy with others. Any veil of
37264 immunity, which this defendant may have previously enjoyed by
37265 virtue of their office or position, is "pierced and ripped asunder"
37266 due to their infringement and deprivation of the Constitutional
37267 Rights of the Plaintiff, and thus this Defendant (and all other
37268 Defendants) stands fully naked and vulnerable before the court,
37269 with no immunity of any form. Further, this defendant has engaged
37270 in conduct and as a continuing unit of an enterprise, through a
37271 pattern, of racketeering enterprises (including, but not limited to:
37272 mail fraud, wire fraud, scheme to defraud, robbery, kidnapping,
37273 obstruction of justice, interference in commerce, also involving

37274 monetary transactions in property derived from specified unlawful
37275 activity), and have caused injury to the business and/or property of
37276 the Plaintiff Atkinson. This Defendant has exceeded, and
37277 overstepped their authority and violated the Constitutional rights of
37278 the Plaintiff, infringing and deprived him of his civil rights.

37279 Defendant resides at 352 Lafayette Street, Salem, MA 01970-5353

37280

37281 1492. Defendant LEE BROSSOIT is sued in his/her official capacity
37282 and individually as the Assistant Dean for Graduate Admissions
37283 for Salem State College, responsible for executing and
37284 administering the laws and policies at issue in this lawsuit.

37285 Defendant directly deprived, violated, and infringed upon
37286 Plaintiff's civil rights, with malice, and with careful planning and
37287 conspiracy with others. Any veil of immunity, which this
37288 defendant may have previously enjoyed by virtue of their office or
37289 position, is "pierced and ripped asunder" due to their infringement
37290 and deprivation of the Constitutional Rights of the Plaintiff, and
37291 thus this Defendant (and all other Defendants) stands fully naked
37292 and vulnerable before the court, with no immunity of any form.

37293 Further, this defendant has engaged in conduct and as a continuing

37294 unit of an enterprise, through a pattern, of racketeering enterprises
37295 (including, but not limited to: mail fraud, wire fraud, scheme to
37296 defraud, robbery, kidnapping, obstruction of justice, interference in
37297 commerce, also involving monetary transactions in property
37298 derived from specified unlawful activity), and have caused injury
37299 to the business and/or property of the Plaintiff Atkinson. This
37300 Defendant has exceeded, and overstepped their authority and
37301 violated the Constitutional rights of the Plaintiff, infringing and
37302 deprived him of his civil rights. Defendant resides at 352 Lafayette
37303 Street, Salem, MA 01970-5353

37304
37305 1493. Defendant JOHN DOE 052 – 053 is sued in his/her official
37306 capacity and individually as a Nurse for Essex County Sheriff's
37307 Department, responsible for executing and administering the laws
37308 and policies at issue in this lawsuit. Defendant directly deprived,
37309 violated, and infringed upon Plaintiff's civil rights, with malice,
37310 and with careful planning and conspiracy with others. Defendant
37311 encouraged, endorsed, organized, and/orchestrated an ongoing
37312 criminal enterprise, and a widespread cover-up. Any veil of
37313 immunity, which this defendant may have previously enjoyed by

37314 virtue of their office or position, is “pierced and ripped asunder”
37315 due to their infringement and deprivation of the Constitutional
37316 Rights of the Plaintiff, and thus this Defendant (and all other
37317 Defendants) stands fully naked and vulnerable before the court,
37318 with no immunity of any form. Further, this defendant has engaged
37319 in conduct and as a continuing unit of an enterprise, through a
37320 pattern, of racketeering enterprises (including, but not limited to:
37321 mail fraud, wire fraud, scheme to defraud, robbery, kidnapping,
37322 obstruction of justice, interference in commerce, also involving
37323 monetary transactions in property derived from specified unlawful
37324 activity), and have caused injury to the business and/or property of
37325 the Plaintiff Atkinson. This Defendant has exceeded, and
37326 overstepped their authority and violated the Constitutional rights of
37327 the Plaintiff, infringing and deprived him of his civil rights.

37328 Defendant resides at 20 Manning Rd, Middleton, MA 01949

37329

37330 1494. Defendant MELANIE GOODLAXSON is sued in his/her
37331 official capacity and individually as a Nurse for Essex County
37332 Sheriff's Department, responsible for executing and administering
37333 the laws and policies at issue in this lawsuit. Defendant directly

37334 deprived, violated, and infringed upon Plaintiff's civil rights, with
37335 malice, and with careful planning and conspiracy with others.
37336 Defendant encouraged, endorsed, organized, and/orchestrated an
37337 ongoing criminal enterprise, and a widespread cover-up. Any veil
37338 of immunity, which this defendant may have previously enjoyed
37339 by virtue of their office or position, is "pierced and ripped asunder"
37340 due to their infringement and deprivation of the Constitutional
37341 Rights of the Plaintiff, and thus this Defendant (and all other
37342 Defendants) stands fully naked and vulnerable before the court,
37343 with no immunity of any form. Further, this defendant has engaged
37344 in conduct and as a continuing unit of an enterprise, through a
37345 pattern, of racketeering enterprises (including, but not limited to:
37346 mail fraud, wire fraud, scheme to defraud, robbery, kidnapping,
37347 obstruction of justice, interference in commerce, also involving
37348 monetary transactions in property derived from specified unlawful
37349 activity), and have caused injury to the business and/or property of
37350 the Plaintiff Atkinson. This Defendant has exceeded, and
37351 overstepped their authority and violated the Constitutional rights of
37352 the Plaintiff, infringing and deprived him of his civil rights.
37353 Defendant resides at 20 Manning Rd, Middleton, MA 01949

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1495. Defendant JOHN DOE 054 is sued in his/her official capacity and individually as the Prison Physician for Essex County Sheriff's Department, responsible for executing and administering the laws and policies at issue in this lawsuit. Defendant directly deprived, violated, and infringed upon Plaintiff's civil rights, with malice, and with careful planning and conspiracy with others. Any veil of immunity, which this defendant may have previously enjoyed by virtue of their office or position, is "pierced and ripped asunder" due to their infringement and deprivation of the Constitutional Rights of the Plaintiff, and thus this Defendant (and all other Defendants) stands fully naked and vulnerable before the court, with no immunity of any form. Further, this defendant has engaged in conduct and as a continuing unit of an enterprise, through a pattern, of racketeering enterprises (including, but not limited to: mail fraud, wire fraud, scheme to defraud, robbery, kidnapping, obstruction of justice, interference in commerce, also involving monetary transactions in property derived from specified unlawful activity), and have caused injury to the business and/or property of the Plaintiff Atkinson. This Defendant has exceeded, and

37374 overstepped their authority and violated the Constitutional rights of
37375 the Plaintiff, infringing and deprived him of his civil rights.
37376 Defendant resides at 20 Manning Rd, Middleton, MA 01949
37377
37378 1496. Defendant JOHN DOE 055 – 076 is sued in his/her official
37379 capacity and individually as a Guard for Essex County Sheriff's
37380 Department, responsible for executing and administering the laws
37381 and policies at issue in this lawsuit. Defendant directly deprived,
37382 violated, and infringed upon Plaintiff's civil rights, with malice,
37383 and with careful planning and conspiracy with others. Any veil of
37384 immunity, which this defendant may have previously enjoyed by
37385 virtue of their office or position, is "pierced and ripped asunder"
37386 due to their infringement and deprivation of the Constitutional
37387 Rights of the Plaintiff, and thus this Defendant (and all other
37388 Defendants) stands fully naked and vulnerable before the court,
37389 with no immunity of any form. Further, this defendant has engaged
37390 in conduct and as a continuing unit of an enterprise, through a
37391 pattern, of racketeering enterprises (including, but not limited to:
37392 mail fraud, wire fraud, scheme to defraud, robbery, kidnapping,
37393 obstruction of justice, interference in commerce, also involving

37394 monetary transactions in property derived from specified unlawful
37395 activity), and have caused injury to the business and/or property of
37396 the Plaintiff Atkinson. This Defendant has exceeded, and
37397 overstepped their authority and violated the Constitutional rights of
37398 the Plaintiff, infringing and deprived him of his civil rights.

37399 Defendant resides at 20 Manning Rd, Middleton, MA 01949

37400

37401 1497. Defendant FRANK G. COUSINS, JR. is sued in his/her official
37402 capacity and individually as the Sheriff for Essex County Sheriff's
37403 Department, responsible for executing and administering the laws
37404 and policies at issue in this lawsuit. Defendant directly deprived,
37405 violated, and infringed upon Plaintiff's civil rights, with malice,
37406 and with careful planning and conspiracy with others. Defendant
37407 encouraged, endorsed, organized, and/orchestrated an ongoing
37408 criminal enterprise, and a widespread cover-up. Any veil of
37409 immunity, which this defendant may have previously enjoyed by
37410 virtue of their office or position, is "pierced and ripped asunder"
37411 due to their infringement and deprivation of the Constitutional
37412 Rights of the Plaintiff, and thus this Defendant (and all other
37413 Defendants) stands fully naked and vulnerable before the court,

37414 with no immunity of any form. Defendant has prior history of civil
37415 right abuses, and has previously been sued in Federal District court
37416 over such civil right violations, which forms a long-term course of
37417 conduct, committed with despicable arrogance, and which shocks
37418 the conscience. Further, this defendant has engaged in conduct and
37419 as a continuing unit of an enterprise, through a pattern, of
37420 racketeering enterprises (including, but not limited to: mail fraud,
37421 wire fraud, scheme to defraud, robbery, kidnapping, obstruction of
37422 justice, interference in commerce, also involving monetary
37423 transactions in property derived from specified unlawful activity),
37424 and have caused injury to the business and/or property of the
37425 Plaintiff Atkinson. This Defendant has exceeded, and overstepped
37426 their authority and violated the Constitutional rights of the Plaintiff,
37427 infringing and deprived him of his civil rights. Defendant resides at
37428 20 Manning Rd, Middleton, MA 01949

37429
37430 1498. Defendant MICHAEL MARKS is sued in his/her official
37431 capacity and individually as the Superintendent - Essex County
37432 Correctional Facility for Essex County Sheriff's Department,
37433 responsible for executing and administering the laws and policies

37434 at issue in this lawsuit. Defendant directly deprived, violated, and
37435 infringed upon Plaintiff's civil rights, with malice, and with careful
37436 planning and conspiracy with others. Defendant encouraged,
37437 endorsed, organized, and/orchestrated an ongoing criminal
37438 enterprise, and a widespread cover-up. Any veil of immunity,
37439 which this defendant may have previously enjoyed by virtue of
37440 their office or position, is "pierced and ripped asunder" due to their
37441 infringement and deprivation of the Constitutional Rights of the
37442 Plaintiff, and thus this Defendant (and all other Defendants) stands
37443 fully naked and vulnerable before the court, with no immunity of
37444 any form. Further, this defendant has engaged in conduct and as a
37445 continuing unit of an enterprise, through a pattern, of racketeering
37446 enterprises (including, but not limited to: mail fraud, wire fraud,
37447 scheme to defraud, robbery, kidnapping, obstruction of justice,
37448 interference in commerce, also involving monetary transactions in
37449 property derived from specified unlawful activity), and have
37450 caused injury to the business and/or property of the Plaintiff
37451 Atkinson. This Defendant has exceeded, and overstepped their
37452 authority and violated the Constitutional rights of the Plaintiff,

37453 infringing and deprived him of his civil rights. Defendant resides at
37454 20 Manning Rd, Middleton, MA 01949

37455
37456 1499. Defendant MICHAEL FROST is sued in his/her official
37457 capacity and individually as the Assistant Superintendent - Essex
37458 County Correctional Facility for Essex County Sheriff's
37459 Department, responsible for executing and administering the laws
37460 and policies at issue in this lawsuit. Defendant directly deprived,
37461 violated, and infringed upon Plaintiff's civil rights, with malice,
37462 and with careful planning and conspiracy with others. Defendant
37463 has prior history of civil right abuses, and has previously been sued
37464 in Federal District court over such civil right violations, which
37465 forms a long-term course of conduct, committed with despicable
37466 arrogance, and which shocks the conscience. Any veil of immunity,
37467 which this defendant may have previously enjoyed by virtue of
37468 their office or position, is "pierced and ripped asunder" due to their
37469 infringement and deprivation of the Constitutional Rights of the
37470 Plaintiff, and thus this Defendant (and all other Defendants) stands
37471 fully naked and vulnerable before the court, with no immunity of
37472 any form. Further, this defendant has engaged in conduct and as a

37473 continuing unit of an enterprise, through a pattern, of racketeering
37474 enterprises (including, but not limited to: mail fraud, wire fraud,
37475 scheme to defraud, robbery, kidnapping, obstruction of justice,
37476 interference in commerce, also involving monetary transactions in
37477 property derived from specified unlawful activity), and have
37478 caused injury to the business and/or property of the Plaintiff
37479 Atkinson. This Defendant has exceeded, and overstepped their
37480 authority and violated the Constitutional rights of the Plaintiff,
37481 infringing and deprived him of his civil rights. Defendant resides at
37482 20 Manning Rd, Middleton, MA 01949

37483
37484 1500. Defendant JOHN DOE 077 – 079 is sued in his/her official
37485 capacity and individually as a Bailiff or Jailer for Commonwealth
37486 of Massachusetts - Gloucester District Court, responsible for
37487 executing and administering the laws and policies at issue in this
37488 lawsuit. Defendant directly deprived, violated, and infringed upon
37489 Plaintiff's civil rights, with malice, and with careful planning and
37490 conspiracy with others. Any veil of immunity, which this
37491 defendant may have previously enjoyed by virtue of their office or
37492 position, is “pierced and ripped asunder” due to their infringement

37493 and deprivation of the Constitutional Rights of the Plaintiff, and
37494 thus this Defendant (and all other Defendants) stands fully naked
37495 and vulnerable before the court, with no immunity of any form.
37496 Further, this defendant has engaged in conduct and as a continuing
37497 unit of an enterprise, through a pattern, of racketeering enterprises
37498 (including, but not limited to: mail fraud, wire fraud, scheme to
37499 defraud, robbery, kidnapping, obstruction of justice, interference in
37500 commerce, also involving monetary transactions in property
37501 derived from specified unlawful activity), and have caused injury
37502 to the business and/or property of the Plaintiff Atkinson. This
37503 Defendant has exceeded, and overstepped their authority and
37504 violated the Constitutional rights of the Plaintiff, infringing and
37505 deprived him of his civil rights. Defendant resides at 20 Manning
37506 Rd, Middleton, MA 01949

37507
37508 1501. Defendant MICHAEL RACICOT is sued in his/her official
37509 capacity and individually as the Town Administrator for Town of
37510 Rockport, responsible for executing and administering the laws
37511 and policies at issue in this lawsuit. Defendant directly deprived,
37512 violated, and infringed upon Plaintiff's civil rights, with malice,

37513 and with careful planning and conspiracy with others. Defendant
37514 encouraged, endorsed, organized, and/orchestrated an ongoing
37515 criminal enterprise, and a widespread cover-up. Any veil of
37516 immunity, which this defendant may have previously enjoyed by
37517 virtue of their office or position, is “pierced and ripped asunder”
37518 due to their infringement and deprivation of the Constitutional
37519 Rights of the Plaintiff, and thus this Defendant (and all other
37520 Defendants) stands fully naked and vulnerable before the court,
37521 with no immunity of any form. Further, this defendant has engaged
37522 in conduct and as a continuing unit of an enterprise, through a
37523 pattern, of racketeering enterprises (including, but not limited to:
37524 mail fraud, wire fraud, scheme to defraud, robbery, kidnapping,
37525 obstruction of justice, interference in commerce, also involving
37526 monetary transactions in property derived from specified unlawful
37527 activity), and have caused injury to the business and/or property of
37528 the Plaintiff Atkinson. This Defendant has exceeded, and
37529 overstepped their authority and violated the Constitutional rights of
37530 the Plaintiff, infringing and deprived him of his civil rights.

37531 Defendant resides at 34 Broadway, Rockport, MA 01966

37532

37533 1502. Defendant LINDA SANDERS is sued in his/her official
37534 capacity and individually as the Town Administrator for Town of
37535 Rockport, responsible for executing and administering the laws
37536 and policies at issue in this lawsuit. Defendant directly deprived,
37537 violated, and infringed upon Plaintiff's civil rights, with malice,
37538 and with careful planning and conspiracy with others. Defendant
37539 encouraged, endorsed, organized, and/orchestrated an ongoing
37540 criminal enterprise, and a widespread cover-up. Any veil of
37541 immunity, which this defendant may have previously enjoyed by
37542 virtue of their office or position, is "pierced and ripped asunder"
37543 due to their infringement and deprivation of the Constitutional
37544 Rights of the Plaintiff, and thus this Defendant (and all other
37545 Defendants) stands fully naked and vulnerable before the court,
37546 with no immunity of any form. Further, this defendant has engaged
37547 in conduct and as a continuing unit of an enterprise, through a
37548 pattern, of racketeering enterprises (including, but not limited to:
37549 mail fraud, wire fraud, scheme to defraud, robbery, kidnapping,
37550 obstruction of justice, interference in commerce, also involving
37551 monetary transactions in property derived from specified unlawful
37552 activity), and have caused injury to the business and/or property of

37553 the Plaintiff Atkinson. This Defendant has exceeded, and
37554 overstepped their authority and violated the Constitutional rights of
37555 the Plaintiff, infringing and deprived him of his civil rights.
37556 Defendant resides at 34 Broadway, Rockport, MA 01966
37557
37558 1503. Defendant SANDY JACQUES is sued in his/her official
37559 capacity and individually as the Selectman for Town of Rockport,
37560 responsible for executing and administering the laws and policies
37561 at issue in this lawsuit. Defendant directly deprived, violated, and
37562 infringed upon Plaintiff's civil rights, with malice, and with careful
37563 planning and conspiracy with others. Any veil of immunity, which
37564 this defendant may have previously enjoyed by virtue of their
37565 office or position, is "pierced and ripped asunder" due to their
37566 infringement and deprivation of the Constitutional Rights of the
37567 Plaintiff, and thus this Defendant (and all other Defendants) stands
37568 fully naked and vulnerable before the court, with no immunity of
37569 any form. Further, this defendant has engaged in conduct and as a
37570 continuing unit of an enterprise, through a pattern, of racketeering
37571 enterprises (including, but not limited to: mail fraud, wire fraud,
37572 scheme to defraud, robbery, kidnapping, obstruction of justice,

37573 interference in commerce, also involving monetary transactions in
37574 property derived from specified unlawful activity), and have
37575 caused injury to the business and/or property of the Plaintiff
37576 Atkinson. This Defendant has exceeded, and overstepped their
37577 authority and violated the Constitutional rights of the Plaintiff,
37578 infringing and deprived him of his civil rights. Defendant resides at
37579 34 Broadway, Rockport, MA 01966

37580
37581 1504. Defendant SARAH WILKINSON is sued in his/her official
37582 capacity and individually as a Selectman for Town of Rockport,
37583 responsible for executing and administering the laws and policies
37584 at issue in this lawsuit. Defendant directly deprived, violated, and
37585 infringed upon Plaintiff's civil rights, with malice, and with careful
37586 planning and conspiracy with others. Any veil of immunity, which
37587 this defendant may have previously enjoyed by virtue of their
37588 office or position, is "pierced and ripped asunder" due to their
37589 infringement and deprivation of the Constitutional Rights of the
37590 Plaintiff, and thus this Defendant (and all other Defendants) stands
37591 fully naked and vulnerable before the court, with no immunity of
37592 any form. Further, this defendant has engaged in conduct and as a

37593 continuing unit of an enterprise, through a pattern, of racketeering
37594 enterprises (including, but not limited to: mail fraud, wire fraud,
37595 scheme to defraud, robbery, kidnapping, obstruction of justice,
37596 interference in commerce, also involving monetary transactions in
37597 property derived from specified unlawful activity), and have
37598 caused injury to the business and/or property of the Plaintiff
37599 Atkinson. This Defendant has exceeded, and overstepped their
37600 authority and violated the Constitutional rights of the Plaintiff,
37601 infringing and deprived him of his civil rights. Defendant resides at
37602 34 Broadway, Rockport, MA 01966

37603
37604 1505. Defendant ANDREW HEINZE is sued in his/her official
37605 capacity and individually as a Selectman for Town of Rockport,
37606 responsible for executing and administering the laws and policies
37607 at issue in this lawsuit. Defendant directly deprived, violated, and
37608 infringed upon Plaintiff's civil rights, with malice, and with careful
37609 planning and conspiracy with others. Any veil of immunity, which
37610 this defendant may have previously enjoyed by virtue of their
37611 office or position, is "pierced and ripped asunder" due to their
37612 infringement and deprivation of the Constitutional Rights of the

37613 Plaintiff, and thus this Defendant (and all other Defendants) stands
37614 fully naked and vulnerable before the court, with no immunity of
37615 any form. Further, this defendant has engaged in conduct and as a
37616 continuing unit of an enterprise, through a pattern, of racketeering
37617 enterprises (including, but not limited to: mail fraud, wire fraud,
37618 scheme to defraud, robbery, kidnapping, obstruction of justice,
37619 interference in commerce, also involving monetary transactions in
37620 property derived from specified unlawful activity), and have
37621 caused injury to the business and/or property of the Plaintiff
37622 Atkinson. This Defendant has exceeded, and overstepped their
37623 authority and violated the Constitutional rights of the Plaintiff,
37624 infringing and deprived him of his civil rights. Defendant resides at
37625 34 Broadway, Rockport, MA 01966
37626
37627 1506. Defendant ELLEN CANAVAN is sued in his/her official
37628 capacity and individually as a Selectman for Town of Rockport,
37629 responsible for executing and administering the laws and policies
37630 at issue in this lawsuit. Defendant directly deprived, violated, and
37631 infringed upon Plaintiff's civil rights, with malice, and with careful
37632 planning and conspiracy with others. Any veil of immunity, which

37633 this defendant may have previously enjoyed by virtue of their
37634 office or position, is “pierced and ripped asunder” due to their
37635 infringement and deprivation of the Constitutional Rights of the
37636 Plaintiff, and thus this Defendant (and all other Defendants) stands
37637 fully naked and vulnerable before the court, with no immunity of
37638 any form. Further, this defendant has engaged in conduct and as a
37639 continuing unit of an enterprise, through a pattern, of racketeering
37640 enterprises (including, but not limited to: mail fraud, wire fraud,
37641 scheme to defraud, robbery, kidnapping, obstruction of justice,
37642 interference in commerce, also involving monetary transactions in
37643 property derived from specified unlawful activity), and have
37644 caused injury to the business and/or property of the Plaintiff
37645 Atkinson. This Defendant has exceeded, and overstepped their
37646 authority and violated the Constitutional rights of the Plaintiff,
37647 infringing and deprived him of his civil rights. Defendant resides at
37648 34 Broadway, Rockport, MA 01966

37649
37650 1507. Defendant CHARLES CLARK is sued in his/her official
37651 capacity and individually as a Selectman for Town of Rockport,
37652 responsible for executing and administering the laws and policies

37653 at issue in this lawsuit. Defendant directly deprived, violated, and
37654 infringed upon Plaintiff's civil rights, with malice, and with careful
37655 planning and conspiracy with others. Any veil of immunity, which
37656 this defendant may have previously enjoyed by virtue of their
37657 office or position, is "pierced and ripped asunder" due to their
37658 infringement and deprivation of the Constitutional Rights of the
37659 Plaintiff, and thus this Defendant (and all other Defendants) stands
37660 fully naked and vulnerable before the court, with no immunity of
37661 any form. Further, this defendant has engaged in conduct and as a
37662 continuing unit of an enterprise, through a pattern, of racketeering
37663 enterprises (including, but not limited to: mail fraud, wire fraud,
37664 scheme to defraud, robbery, kidnapping, obstruction of justice,
37665 interference in commerce, also involving monetary transactions in
37666 property derived from specified unlawful activity), and have
37667 caused injury to the business and/or property of the Plaintiff
37668 Atkinson. This Defendant has exceeded, and overstepped their
37669 authority and violated the Constitutional rights of the Plaintiff,
37670 infringing and deprived him of his civil rights. Defendant resides at
37671 34 Broadway, Rockport, MA 01966

37672

37673 1508. Defendant VINCENT P. MEOLI is sued in his/her official
37674 capacity and individually as an Emergency Room Physician for
37675 Addison Gilbert Hospital, responsible for executing and
37676 administering the laws and policies at issue in this lawsuit.
37677 Defendant directly deprived, violated, and infringed upon
37678 Plaintiff's civil rights, with malice, and with careful planning and
37679 conspiracy with others. Any veil of immunity, which this
37680 defendant may have previously enjoyed by virtue of their office or
37681 position, is "pierced and ripped asunder" due to their infringement
37682 and deprivation of the Constitutional Rights of the Plaintiff, and
37683 thus this Defendant (and all other Defendants) stands fully naked
37684 and vulnerable before the court, with no immunity of any form.
37685 Further, this defendant has engaged in conduct and as a continuing
37686 unit of an enterprise, through a pattern, of racketeering enterprises
37687 (including, but not limited to: mail fraud, wire fraud, scheme to
37688 defraud, robbery, kidnapping, obstruction of justice, interference in
37689 commerce, also involving monetary transactions in property
37690 derived from specified unlawful activity), and have caused injury
37691 to the business and/or property of the Plaintiff Atkinson. This
37692 Defendant has exceeded, and overstepped their authority and

37693 violated the Constitutional rights of the Plaintiff, infringing and
37694 deprived him of his civil rights. Defendant resides at 298
37695 Washington St., Gloucester MA 01930
37696
37697 1509. Defendant MICHAEL ARSENIAN is sued in his/her official
37698 capacity and individually as a Physician for Addison Gilbert
37699 Hospital, responsible for executing and administering the laws and
37700 policies at issue in this lawsuit. Defendant directly deprived,
37701 violated, and infringed upon Plaintiff's civil rights, with malice,
37702 and with careful planning and conspiracy with others. Any veil of
37703 immunity, which this defendant may have previously enjoyed by
37704 virtue of their office or position, is "pierced and ripped asunder"
37705 due to their infringement and deprivation of the Constitutional
37706 Rights of the Plaintiff, and thus this Defendant (and all other
37707 Defendants) stands fully naked and vulnerable before the court,
37708 with no immunity of any form. Further, this defendant has engaged
37709 in conduct and as a continuing unit of an enterprise, through a
37710 pattern, of racketeering enterprises (including, but not limited to:
37711 mail fraud, wire fraud, scheme to defraud, robbery, kidnapping,
37712 obstruction of justice, interference in commerce, also involving

37713 monetary transactions in property derived from specified unlawful
37714 activity), and have caused injury to the business and/or property of
37715 the Plaintiff Atkinson. This Defendant has exceeded, and
37716 overstepped their authority and violated the Constitutional rights of
37717 the Plaintiff, infringing and deprived him of his civil rights.
37718 Defendant resides at 298 Washington St., Gloucester MA 01930
37719
37720 1510. Defendant PETER W. CURATOLO is sued in his/her official
37721 capacity and individually as a Physician for Addison Gilbert
37722 Hospital, responsible for executing and administering the laws and
37723 policies at issue in this lawsuit. Defendant directly deprived,
37724 violated, and infringed upon Plaintiff's civil rights, with malice,
37725 and with careful planning and conspiracy with others. Any veil of
37726 immunity, which this defendant may have previously enjoyed by
37727 virtue of their office or position, is "pierced and ripped asunder"
37728 due to their infringement and deprivation of the Constitutional
37729 Rights of the Plaintiff, and thus this Defendant (and all other
37730 Defendants) stands fully naked and vulnerable before the court,
37731 with no immunity of any form. Further, this defendant has engaged
37732 in conduct and as a continuing unit of an enterprise, through a

37733 pattern, of racketeering enterprises (including, but not limited to:
37734 mail fraud, wire fraud, scheme to defraud, robbery, kidnapping,
37735 obstruction of justice, interference in commerce, also involving
37736 monetary transactions in property derived from specified unlawful
37737 activity), and have caused injury to the business and/or property of
37738 the Plaintiff Atkinson. This Defendant has exceeded, and
37739 overstepped their authority and violated the Constitutional rights of
37740 the Plaintiff, infringing and deprived him of his civil rights.
37741 Defendant resides at 298 Washington St., Gloucester, MA 01930

37742
37743 1511. Defendant JOHN DOE 080 – 083 is sued in his/her official
37744 capacity and individually as a Nurse or Nurses Aid for Addison
37745 Gilbert Hospital, responsible for executing and administering the
37746 laws and policies at issue in this lawsuit. Defendant directly
37747 deprived, violated, and infringed upon Plaintiff’s civil rights, with
37748 malice, and with careful planning and conspiracy with others. Any
37749 veil of immunity, which this defendant may have previously
37750 enjoyed by virtue of their office or position, is “pierced and ripped
37751 asunder” due to their infringement and deprivation of the
37752 Constitutional Rights of the Plaintiff, and thus this Defendant (and

37753 all other Defendants) stands fully naked and vulnerable before the
37754 court, with no immunity of any form. Further, this defendant has
37755 engaged in conduct and as a continuing unit of an enterprise,
37756 through a pattern, of racketeering enterprises (including, but not
37757 limited to: mail fraud, wire fraud, scheme to defraud, robbery,
37758 kidnapping, obstruction of justice, interference in commerce, also
37759 involving monetary transactions in property derived from specified
37760 unlawful activity), and have caused injury to the business and/or
37761 property of the Plaintiff Atkinson. This Defendant has exceeded,
37762 and overstepped their authority and violated the Constitutional
37763 rights of the Plaintiff, infringing and deprived him of his civil
37764 rights. Defendant resides at 298 Washington St., Gloucester MA
37765 01930

37766
37767 1512. Defendant THOMAS H. JONES (AKA: TOM JONES) is sued
37768 in his/her official capacity and individually as an Owner for
37769 Research Electronics, responsible for executing and administering
37770 the laws and policies at issue in this lawsuit. Defendant directly
37771 deprived, violated, and infringed upon Plaintiff's civil rights, with
37772 malice, and with careful planning and conspiracy with others. This

37773 Defendant has exceeded, and overstepped their authority and
37774 violated the Constitutional rights of the Plaintiff, infringing and
37775 deprived him of his civil rights. Defendant encouraged, endorsed,
37776 organized, and/orchestrated an ongoing criminal enterprise, and a
37777 widespread cover-up. Further Defendant acted as a cut-out, front
37778 and agent of the Federal Bureau of Investigation, the Central
37779 Intelligence Agency, the U.S. Department of State, U.S. Navy, U.S.
37780 Army, Department of Homeland Security, and other Federal
37781 Agencies. Defendant did unlawful import, build, sell, possess, and
37782 utilize, and ship in intrastate commerce numerous illegal-bugging
37783 devices. This Defendant has exceeded, and overstepped their
37784 authority and violated the Constitutional rights of the Plaintiff,
37785 infringing and deprived him of his civil rights. Defendant
37786 manufactures medical equipment for the purposes of radiological
37787 or radiating devices to examine humans which are not approved for
37788 human use, and which are specifically prohibited by federal
37789 guidelines for human use. This Defendant has exceeded, and
37790 overstepped their authority and violated the Constitutional rights of
37791 the Plaintiff, infringing and deprived him of his civil rights.
37792 Defendant recklessly endangers the life and limbs of U.S. Military

37793 forces and members of the intelligence community by selling
37794 defective equipment, and make false claims about products. This
37795 Defendant has exceeded, and overstepped their authority and
37796 violated the Constitutional rights of the Plaintiff, infringing and
37797 deprived him of his civil rights. Defendant unlawfully exports
37798 controlled munitions and controlled devices. Any veil of immunity,
37799 which this defendant may have previously enjoyed by virtue of
37800 their office or position, is “pierced and ripped asunder” due to their
37801 infringement and deprivation of the Constitutional Rights of the
37802 Plaintiff, and thus this Defendant (and all other Defendants) stands
37803 fully naked and vulnerable before the court, with no immunity of
37804 any form. Further, this defendant has engaged in conduct and as a
37805 continuing unit of an enterprise, through a pattern, of racketeering
37806 enterprises (including, but not limited to: mail fraud, wire fraud,
37807 scheme to defraud, robbery, kidnapping, obstruction of justice,
37808 interference in commerce, also involving monetary transactions in
37809 property derived from specified unlawful activity), and have
37810 caused injury to the business and/or property of the Plaintiff
37811 Atkinson. This Defendant has exceeded, and overstepped their
37812 authority and violated the Constitutional rights of the Plaintiff,

37813 infringing and deprived him of his civil rights. Defendant resides at
37814 455 Security Place, Algood TN 38506

37815
37816 1513. Defendant BRUCE BARSUMIAN is sued in his/her official
37817 capacity and individually as an Owner for Research Electronics,
37818 responsible for executing and administering the laws and policies
37819 at issue in this lawsuit. Defendant directly deprived, violated, and
37820 infringed upon Plaintiff's civil rights, with malice, and with careful
37821 planning and conspiracy with others. This Defendant has exceeded,
37822 and overstepped their authority and violated the Constitutional
37823 rights of the Plaintiff, infringing and deprived him of his civil
37824 rights. Defendant encouraged, endorsed, organized,
37825 and/orchestrated an ongoing criminal enterprise, and a widespread
37826 cover-up. Further Defendant acted as a cut-out, front and agent of
37827 the Federal Bureau of Investigation, the Central Intelligence
37828 Agency, the U.S. Department of State, U.S. Navy, U.S. Army,
37829 Department of Homeland Security, and other Federal Agencies.
37830 Defendant did unlawful import, build, sell, possess, and utilize, and
37831 ship in intrastate commerce numerous illegal-bugging devices.
37832 This Defendant has exceeded, and overstepped their authority and

37833 violated the Constitutional rights of the Plaintiff, infringing and
37834 deprived him of his civil rights. Defendant manufactures medical
37835 equipment for the purposes of radiological or radiating devices to
37836 examine humans which are not approved for human use, and
37837 which are specifically prohibited by federal guidelines for human
37838 use. This Defendant has exceeded, and overstepped their authority
37839 and violated the Constitutional rights of the Plaintiff, infringing
37840 and deprived him of his civil rights. Defendant recklessly
37841 endangers the life and limbs of U.S. Military forces and members
37842 of the intelligence community by selling defective equipment, and
37843 make false claims about products. This Defendant has exceeded,
37844 and overstepped their authority and violated the Constitutional
37845 rights of the Plaintiff, infringing and deprived him of his civil
37846 rights. Defendant unlawfully exports controlled munitions and
37847 controlled devices. Any veil of immunity, which this defendant
37848 may have previously enjoyed by virtue of their office or position,
37849 is “pierced and ripped asunder” due to their infringement and
37850 deprivation of the Constitutional Rights of the Plaintiff, and thus
37851 this Defendant (and all other Defendants) stands fully naked and
37852 vulnerable before the court, with no immunity of any form. Further,

37853 this defendant has engaged in conduct and as a continuing unit of
37854 an enterprise, through a pattern, of racketeering enterprises
37855 (including, but not limited to: mail fraud, wire fraud, scheme to
37856 defraud, robbery, kidnapping, obstruction of justice, interference in
37857 commerce, also involving monetary transactions in property
37858 derived from specified unlawful activity), and have caused injury
37859 to the business and/or property of the Plaintiff Atkinson. This
37860 Defendant has exceeded, and overstepped their authority and
37861 violated the Constitutional rights of the Plaintiff, infringing and
37862 deprived him of his civil rights. Defendant resides at 455 Security
37863 Place, Algood TN 38506

37864
37865 1514. Defendant MICHELLE GAW is sued in his/her official
37866 capacity and individually as a Sales Person for Research
37867 Electronics, responsible for executing and administering the laws
37868 and policies at issue in this lawsuit. Defendant directly deprived,
37869 violated, and infringed upon Plaintiff's civil rights, with malice,
37870 and with careful planning and conspiracy with others. Further
37871 Defendant acted as an cut-out, front and agent of the Federal
37872 Bureau of Investigation, the Central Intelligence Agency, the U.S.

37873 Department of State, U.S. Navy, U.S. Army, Department of
37874 Homeland Security, and other Federal Agencies. Further, this
37875 defendant has engaged in conduct and as a continuing unit of an
37876 enterprise, through a pattern, of racketeering enterprises (including,
37877 but not limited to: mail fraud, wire fraud, scheme to defraud,
37878 robbery, kidnapping, obstruction of justice, interference in
37879 commerce, also involving monetary transactions in property
37880 derived from specified unlawful activity), and have caused injury
37881 to the business and/or property of the Plaintiff Atkinson. This
37882 Defendant has exceeded, and overstepped their authority and
37883 violated the Constitutional rights of the Plaintiff, infringing and
37884 deprived him of his civil rights. Defendant resides at 455 Security
37885 Place, Algood TN 38506

37886
37887 1515. Defendant TRISH WEBB is sued in his/her official capacity
37888 and individually as an Accounting Manager for Research
37889 Electronics, responsible for executing and administering the laws
37890 and policies at issue in this lawsuit. Defendant directly deprived,
37891 violated, and infringed upon Plaintiff's civil rights, with malice,
37892 and with careful planning and conspiracy with others. Any veil of

37893 immunity, which this defendant may have previously enjoyed by
37894 virtue of their office or position, is “pierced and ripped asunder”
37895 due to their infringement and deprivation of the Constitutional
37896 Rights of the Plaintiff, and thus this Defendant (and all other
37897 Defendants) stands fully naked and vulnerable before the court,
37898 with no immunity of any form. Further, this defendant has engaged
37899 in conduct and as a continuing unit of an enterprise, through a
37900 pattern, of racketeering enterprises (including, but not limited to:
37901 mail fraud, wire fraud, scheme to defraud, robbery, kidnapping,
37902 obstruction of justice, interference in commerce, also involving
37903 monetary transactions in property derived from specified unlawful
37904 activity), and have caused injury to the business and/or property of
37905 the Plaintiff Atkinson. This Defendant has exceeded, and
37906 overstepped their authority and violated the Constitutional rights of
37907 the Plaintiff, infringing and deprived him of his civil rights.

37908 Defendant resides at 455 Security Place, Algood TN 38506

37909
37910 1516. Defendant PAMELA MCINTYRE is sued in his/her official
37911 capacity and individually as an Employee for Research Electronics,
37912 responsible for executing and administering the laws and policies

37913 at issue in this lawsuit. Defendant directly deprived, violated, and
37914 infringed upon Plaintiff's civil rights, with malice, and with careful
37915 planning and conspiracy with others. Further, this defendant has
37916 engaged in conduct and as a continuing unit of an enterprise,
37917 through a pattern, of racketeering enterprises (including, but not
37918 limited to: mail fraud, wire fraud, scheme to defraud, robbery,
37919 kidnapping, obstruction of justice, interference in commerce, also
37920 involving monetary transactions in property derived from specified
37921 unlawful activity), and have caused injury to the business and/or
37922 property of the Plaintiff Atkinson. This Defendant has exceeded,
37923 and overstepped their authority and violated the Constitutional
37924 rights of the Plaintiff, infringing and deprived him of his civil
37925 rights. Defendant resides at 455 Security Place, Algood TN 38506

37926

37927

ART DIAZ

37928

1517. Defendant ARTURO DIAZ (aka: ART DIAZ) is sued in his/her

37929

official capacity and individually as a sales person, and exporter,

37930

employed by Research Electronics. Defendant directly deprived,

37931

violated, and infringed upon Plaintiff's civil rights, with malice,

37932

and with careful planning and conspiracy with others. Further, this

37933 defendant has engaged in conduct and as a continuing unit of an
37934 enterprise, through a pattern, of racketeering enterprises (including,
37935 but not limited to: mail fraud, wire fraud, scheme to defraud,
37936 robbery, kidnapping, obstruction of justice, interference in
37937 commerce, also involving monetary transactions in property
37938 derived from specified unlawful activity), and have caused injury
37939 to the business and/or property of the Plaintiff Atkinson. This
37940 Defendant has exceeded, and overstepped their authority and
37941 violated the Constitutional rights of the Plaintiff, infringing and
37942 deprived him of his civil rights. Defendant resides at 455 Security
37943 Place, Algood TN 38506

37944
37945 **NICOLE RODGERS**

37946 1518. Defendant NICOLE RODGERS is sued in his/her official
37947 capacity and individually as a sales person, and exporter, employed
37948 by Research Electronics. Defendant directly deprived, violated,
37949 and infringed upon Plaintiff's civil rights, with malice, and with
37950 careful planning and conspiracy with others. Further, this
37951 defendant has engaged in conduct and as a continuing unit of an
37952 enterprise, through a pattern, of racketeering enterprises (including,

37953 but not limited to: mail fraud, wire fraud, scheme to defraud,
37954 robbery, kidnapping, obstruction of justice, interference in
37955 commerce, also involving monetary transactions in property
37956 derived from specified unlawful activity), and have caused injury
37957 to the business and/or property of the Plaintiff Atkinson. This
37958 Defendant has exceeded, and overstepped their authority and
37959 violated the Constitutional rights of the Plaintiff, infringing and
37960 deprived him of his civil rights. Defendant resides at 455 Security
37961 Place, Algood TN 38506

37962
37963 **DEAN BUTLER**

37964 1519. Defendant DEAN BUTLER (aka: CLYDEAN BUTLER) is
37965 sued in his/her official capacity and individually as a notary public,
37966 officer manager, sales person, and exporter, employed by Research
37967 Electronics. Defendant directly deprived, violated, and infringed
37968 upon Plaintiff's civil rights, with malice, and with careful planning
37969 and conspiracy with others. Further, this defendant has engaged in
37970 conduct and as a continuing unit of an enterprise, through a pattern,
37971 of racketeering enterprises (including, but not limited to: mail
37972 fraud, wire fraud, scheme to defraud, robbery, kidnapping,

37973 obstruction of justice, interference in commerce, also involving
37974 monetary transactions in property derived from specified unlawful
37975 activity), and have caused injury to the business and/or property of
37976 the Plaintiff Atkinson. This Defendant has exceeded, and
37977 overstepped their authority and violated the Constitutional rights of
37978 the Plaintiff, infringing and deprived him of his civil rights.
37979 Defendant resides at 455 Security Place, Algood TN 38506

37980

37981

LINDA SISCO

37982

1520. Defendant LINDA SISCO, is sued in his/her official capacity

37983

and individually as a sales person, exporter, and purchasing agent,

37984

employed by Research Electronics. Defendant directly deprived,

37985

violated, and infringed upon Plaintiff's civil rights, with malice,

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and with careful planning and conspiracy with others. Further, this

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defendant has engaged in conduct and as a continuing unit of an

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enterprise, through a pattern, of racketeering enterprises (including,

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but not limited to: mail fraud, wire fraud, scheme to defraud,

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robbery, kidnapping, obstruction of justice, interference in

37991

commerce, also involving monetary transactions in property

37992

derived from specified unlawful activity), and have caused injury

37993 to the business and/or property of the Plaintiff Atkinson. This
37994 Defendant has exceeded, and overstepped their authority and
37995 violated the Constitutional rights of the Plaintiff, infringing and
37996 deprived him of his civil rights. Defendant resides at 455 Security
37997 Place, Algood TN 38506

37998
37999 **MARK S. UKER**

38000 1521. Defendant MARK S. UKER, is sued in his/her official capacity
38001 and individually as an employee, instructor and exporter, employed
38002 by Research Electronics. Defendant resides or does business at:
38003 455 Security Place, Algood TN 38506.

38004
38005 **CRISMAN MCSPADDEN**

38006 1522. Defendant CRISMAN MCSPADDEN, is sued in his/her
38007 official capacity and individually as an employee, instructor and
38008 exporter, employed by Research Electronics. Defendant directly
38009 deprived, violated, and infringed upon Plaintiff's civil rights, with
38010 malice, and with careful planning and conspiracy with others.
38011 Further, this defendant has engaged in conduct and as a continuing
38012 unit of an enterprise, through a pattern, of racketeering enterprises
38013 (including, but not limited to: mail fraud, wire fraud, scheme to

38014 defraud, robbery, kidnapping, obstruction of justice, interference in
38015 commerce, also involving monetary transactions in property
38016 derived from specified unlawful activity), and have caused injury
38017 to the business and/or property of the Plaintiff Atkinson. This
38018 Defendant has exceeded, and overstepped their authority and
38019 violated the Constitutional rights of the Plaintiff, infringing and
38020 deprived him of his civil rights. Defendant resides at 455 Security
38021 Place, Algood TN 38506

38022
38023 **STEPHANIE HOEPPNER**

38024 1523. Defendant STEPHANIE HOEPPNER, is sued in his/her official
38025 capacity and individually as an employee, instructor and exporter,
38026 employed by Research Electronics. Defendant directly deprived,
38027 violated, and infringed upon Plaintiff's civil rights, with malice,
38028 and with careful planning and conspiracy with others. Further, this
38029 defendant has engaged in conduct and as a continuing unit of an
38030 enterprise, through a pattern, of racketeering enterprises (including,
38031 but not limited to: mail fraud, wire fraud, scheme to defraud,
38032 robbery, kidnapping, obstruction of justice, interference in
38033 commerce, also involving monetary transactions in property

38034 derived from specified unlawful activity), and have caused injury
38035 to the business and/or property of the Plaintiff Atkinson. This
38036 Defendant has exceeded, and overstepped their authority and
38037 violated the Constitutional rights of the Plaintiff, infringing and
38038 deprived him of his civil rights. Defendant resides at 455 Security
38039 Place, Algood TN 38506

38040
38041 **ROGER WERRIES**

38042 1524. Defendant ROGER WERRIES, is sued in his/her official
38043 capacity and individually as an employee, instructor and exporter,
38044 employed by Research Electronics. Defendant directly deprived,
38045 violated, and infringed upon Plaintiff's civil rights, with malice,
38046 and with careful planning and conspiracy with others. Further, this
38047 defendant has engaged in conduct and as a continuing unit of an
38048 enterprise, through a pattern, of racketeering enterprises (including,
38049 but not limited to: mail fraud, wire fraud, scheme to defraud,
38050 robbery, kidnapping, obstruction of justice, interference in
38051 commerce, also involving monetary transactions in property
38052 derived from specified unlawful activity), and have caused injury
38053 to the business and/or property of the Plaintiff Atkinson. This

38054 Defendant has exceeded, and overstepped their authority and
38055 violated the Constitutional rights of the Plaintiff, infringing and
38056 deprived him of his civil rights. Defendant resides at 455 Security
38057 Place, Algood TN 38506

38058

38059

MATT WINNINGHAM

38060

1525. Defendant MATT WINNINGHAM, is sued in his/her official
38061 capacity and individually as an employee, instructor and exporter,
38062 employed by Research Electronics. Defendant directly deprived,
38063 violated, and infringed upon Plaintiff's civil rights, with malice,
38064 and with careful planning and conspiracy with others. Further, this
38065 defendant has engaged in conduct and as a continuing unit of an
38066 enterprise, through a pattern, of racketeering enterprises (including,
38067 but not limited to: mail fraud, wire fraud, scheme to defraud,
38068 robbery, kidnapping, obstruction of justice, interference in
38069 commerce, also involving monetary transactions in property
38070 derived from specified unlawful activity), and have caused injury
38071 to the business and/or property of the Plaintiff Atkinson. This
38072 Defendant has exceeded, and overstepped their authority and
38073 violated the Constitutional rights of the Plaintiff, infringing and

38074 deprived him of his civil rights. Defendant resides at 455 Security
38075 Place, Algood TN 38506

38076
38077

MIKE MILLER

38078 1526. Defendant MIKE MILLER, is sued in his/her official capacity
38079 and individually as an engineer, senior technician, computer
38080 programmer, and exporter, employed by Research Electronics.
38081 Defendant directly deprived, violated, and infringed upon
38082 Plaintiff's civil rights, with malice, and with careful planning and
38083 conspiracy with others. Further, this defendant has engaged in
38084 conduct and as a continuing unit of an enterprise, through a pattern,
38085 of racketeering enterprises (including, but not limited to: mail
38086 fraud, wire fraud, scheme to defraud, robbery, kidnapping,
38087 obstruction of justice, interference in commerce, also involving
38088 monetary transactions in property derived from specified unlawful
38089 activity), and have caused injury to the business and/or property of
38090 the Plaintiff Atkinson. This Defendant has exceeded, and
38091 overstepped their authority and violated the Constitutional rights of
38092 the Plaintiff, infringing and deprived him of his civil rights.
38093 Defendant resides at 455 Security Place, Algood TN 38506

38094

SEAN M. KELLY

1527. Defendant SEAN M. KELLY, is sued in his/her official capacity and individually as an employee, engineer, engineering supervisor, instructor and exporter, employed by (or previously employed by) Research Electronics. Defendant directly deprived, violated, and infringed upon Plaintiff's civil rights, with malice, and with careful planning and conspiracy with others. Further, this defendant has engaged in conduct and as a continuing unit of an enterprise, through a pattern, of racketeering enterprises (including, but not limited to: mail fraud, wire fraud, scheme to defraud, robbery, kidnapping, obstruction of justice, interference in commerce, also involving monetary transactions in property derived from specified unlawful activity), and have caused injury to the business and/or property of the Plaintiff Atkinson. This Defendant has exceeded, and overstepped their authority and violated the Constitutional rights of the Plaintiff, infringing and deprived him of his civil rights. Defendant resides at 455 Security Place, Algood TN 38506

SARAH BETH JONES

38115 1528. Defendant SARAH BETH JONES is sued in his/her official
38116 capacity and individually as an employee of both Research
38117 Electronics, A and L Enterprises, Hunter Cove, LP, as well as a
38118 sales person, office assistant, and involved in certain levels of
38119 training and demonstrations. Defendant directly deprived, violated,
38120 and infringed upon Plaintiff's civil rights, with malice, and with
38121 careful planning and conspiracy with others. Further, this
38122 defendant has engaged in conduct and as a continuing unit of an
38123 enterprise, through a pattern, of racketeering enterprises (including,
38124 but not limited to: mail fraud, wire fraud, scheme to defraud,
38125 robbery, kidnapping, obstruction of justice, interference in
38126 commerce, also involving monetary transactions in property
38127 derived from specified unlawful activity), and have caused injury
38128 to the business and/or property of the Plaintiff Atkinson. This
38129 Defendant has exceeded, and overstepped their authority and
38130 violated the Constitutional rights of the Plaintiff, infringing and
38131 deprived him of his civil rights. Defendant resides at 455 Security
38132 Place, Algood TN 38506

38133

38134

KIMBERLY JONES

38135 1529. Defendant KIMBERLY JONES, is sued in his/her official
38136 capacity and individually as a contractor, and marketing consultant
38137 engaged in the foreign sales of Research Electronics goods.
38138 Defendant directly deprived, violated, and infringed upon
38139 Plaintiff's civil rights, with malice, and with careful planning and
38140 conspiracy with others. Further, this defendant has engaged in
38141 conduct and as a continuing unit of an enterprise, through a pattern,
38142 of racketeering enterprises (including, but not limited to: mail
38143 fraud, wire fraud, scheme to defraud, robbery, kidnapping,
38144 obstruction of justice, interference in commerce, also involving
38145 monetary transactions in property derived from specified unlawful
38146 activity), and have caused injury to the business and/or property of
38147 the Plaintiff Atkinson. This Defendant has exceeded, and
38148 overstepped their authority and violated the Constitutional rights of
38149 the Plaintiff, infringing and deprived him of his civil rights.
38150 Defendant resides at 455 Security Place, Algood TN 38506

38151
38152 **BRAD HENSLEY**

38153 1530. Defendant BRAD HENSLEY is sued in his/her official
38154 capacity and individually as an employee, and the Shipping

38155 Manager and exporter, employed by Research Electronics.
38156 Defendant directly deprived, violated, and infringed upon
38157 Plaintiff's civil rights, with malice, and with careful planning and
38158 conspiracy with others. Further, this defendant has engaged in
38159 conduct and as a continuing unit of an enterprise, through a pattern,
38160 of racketeering enterprises (including, but not limited to: mail
38161 fraud, wire fraud, scheme to defraud, robbery, kidnapping,
38162 obstruction of justice, interference in commerce, also involving
38163 monetary transactions in property derived from specified unlawful
38164 activity), and have caused injury to the business and/or property of
38165 the Plaintiff Atkinson. This Defendant has exceeded, and
38166 overstepped their authority and violated the Constitutional rights of
38167 the Plaintiff, infringing and deprived him of his civil rights.
38168 Defendant resides at 455 Security Place, Algood TN 38506

38169
38170 1531. Defendant LEE JONES is sued in his/her official capacity and
38171 individually as the Sales Manager for Research Electronics,
38172 responsible for executing and administering the laws and policies
38173 at issue in this lawsuit. Defendant directly deprived, violated, and
38174 infringed upon Plaintiff's civil rights, with malice, and with careful

38175 planning and conspiracy with others. This Defendant has exceeded,
38176 and overstepped their authority and violated the Constitutional
38177 rights of the Plaintiff, infringing and deprived him of his civil
38178 rights. Defendant encouraged, endorsed, organized,
38179 and/orchestrated an ongoing criminal enterprise, and a widespread
38180 cover-up. Further Defendant acted as a cut-out, front and agent of
38181 the Federal Bureau of Investigation, the Central Intelligence
38182 Agency, the U.S. Department of State, U.S. Navy, U.S. Army,
38183 Department of Homeland Security, and other Federal Agencies.
38184 Any veil of immunity, which this defendant may have previously
38185 enjoyed by virtue of their office or position, is “pierced and ripped
38186 asunder” due to their infringement and deprivation of the
38187 Constitutional Rights of the Plaintiff, and thus this Defendant (and
38188 all other Defendants) stands fully naked and vulnerable before the
38189 court, with no immunity of any form. Further, this defendant has
38190 engaged in conduct and as a continuing unit of an enterprise,
38191 through a pattern, of racketeering enterprises (including, but not
38192 limited to: mail fraud, wire fraud, scheme to defraud, robbery,
38193 kidnapping, obstruction of justice, interference in commerce, also
38194 involving monetary transactions in property derived from specified

38195 unlawful activity), and have caused injury to the business and/or
38196 property of the Plaintiff Atkinson. This Defendant has exceeded,
38197 and overstepped their authority and violated the Constitutional
38198 rights of the Plaintiff, infringing and deprived him of his civil
38199 rights. Defendant resides at 455 Security Place, Algood TN 38506

38200

38201 1532. Defendant ARLENE J. BARSUMIAN is sued in his/her official
38202 capacity and individually as an Owner for Research Electronics
38203 and A and L Enterprises, responsible for executing and
38204 administering the laws and policies at issue in this lawsuit.

38205 Defendant directly deprived, violated, and infringed upon
38206 Plaintiff's civil rights, with malice, and with careful planning and
38207 conspiracy with others. Any veil of immunity, which this
38208 defendant may have previously enjoyed by virtue of their office or
38209 position, is "pierced and ripped asunder" due to their infringement
38210 and deprivation of the Constitutional Rights of the Plaintiff, and
38211 thus this Defendant (and all other Defendants) stands fully naked
38212 and vulnerable before the court, with no immunity of any form.

38213 Further, this defendant has engaged in conduct and as a continuing
38214 unit of an enterprise, through a pattern, of racketeering enterprises

38215 (including, but not limited to: mail fraud, wire fraud, scheme to
38216 defraud, robbery, kidnapping, obstruction of justice, interference in
38217 commerce, also involving monetary transactions in property
38218 derived from specified unlawful activity), and have caused injury
38219 to the business and/or property of the Plaintiff Atkinson. This
38220 Defendant has exceeded, and overstepped their authority and
38221 violated the Constitutional rights of the Plaintiff, infringing and
38222 deprived him of his civil rights. Defendant resides at 455 Security
38223 Place, Algood TN 38506

38224
38225 1533. Defendant DARLENE JONES (aka: LISA JONES) is sued in
38226 his/her official capacity and individually as an Owner for Research
38227 Electronics and A and L Enterprises, responsible for executing and
38228 administering the laws and policies at issue in this lawsuit.
38229 Defendant directly deprived, violated, and infringed upon
38230 Plaintiff's civil rights, with malice, and with careful planning and
38231 conspiracy with others. Any veil of immunity, which this
38232 defendant may have previously enjoyed by virtue of their office or
38233 position, is "pierced and ripped asunder" due to their infringement
38234 and deprivation of the Constitutional Rights of the Plaintiff, and

38235 thus this Defendant (and all other Defendants) stands fully naked
38236 and vulnerable before the court, with no immunity of any form.
38237 Further, this defendant has engaged in conduct and as a continuing
38238 unit of an enterprise, through a pattern, of racketeering enterprises
38239 (including, but not limited to: mail fraud, wire fraud, scheme to
38240 defraud, robbery, kidnapping, obstruction of justice, interference in
38241 commerce, also involving monetary transactions in property
38242 derived from specified unlawful activity), and have caused injury
38243 to the business and/or property of the Plaintiff Atkinson. This
38244 Defendant has exceeded, and overstepped their authority and
38245 violated the Constitutional rights of the Plaintiff, infringing and
38246 deprived him of his civil rights. Defendant resides at 455 Security
38247 Place, Algood TN 38506
38248
38249 1534. Defendant JOHN DOE 084 – 088 is sued in his/her official
38250 capacity and individually as an Employee for Research Electronics,
38251 responsible for executing and administering the laws and policies
38252 at issue in this lawsuit. Defendant directly deprived, violated, and
38253 infringed upon Plaintiff's civil rights, with malice, and with careful
38254 planning and conspiracy with others. Defendant encouraged,

38255 endorsed, organized, and/orchestrated an ongoing criminal
38256 enterprise, and a widespread cover-up. Further Defendant acted as
38257 a cut-out, front and agent of the Federal Bureau of Investigation,
38258 the Central Intelligence Agency, the U.S. Department of State, U.S.
38259 Navy, U.S. Army, Department of Homeland Security, and other
38260 Federal Agencies. Defendant did unlawful import, build, sell,
38261 possess, and utilize, and ship in intrastate commerce numerous
38262 illegal-bugging devices. Defendant manufactures medical
38263 equipment for the purposes of radiological or radiating devices to
38264 examine humans which are not approved for human use, and
38265 which are specifically prohibited by federal guidelines for human
38266 use. Defendant recklessly endangers the life and limbs of U.S.
38267 Military forces and members of the intelligence community by
38268 selling defective equipment, and make false claims about products.
38269 Defendant unlawfully exports controlled munitions and controlled
38270 devices. Any veil of immunity, which this defendant may have
38271 previously enjoyed by virtue of their office or position, is “pierced
38272 and ripped asunder” due to their infringement and deprivation of
38273 the Constitutional Rights of the Plaintiff, and thus this Defendant
38274 (and all other Defendants) stands fully naked and vulnerable before

38275 the court, with no immunity of any form. Further, this defendant
38276 has engaged in conduct and as a continuing unit of an enterprise,
38277 through a pattern, of racketeering enterprises (including, but not
38278 limited to: mail fraud, wire fraud, scheme to defraud, robbery,
38279 kidnapping, obstruction of justice, interference in commerce, also
38280 involving monetary transactions in property derived from specified
38281 unlawful activity), and have caused injury to the business and/or
38282 property of the Plaintiff Atkinson. This Defendant has exceeded,
38283 and overstepped their authority and violated the Constitutional
38284 rights of the Plaintiff, infringing and deprived him of his civil
38285 rights. Defendant resides at 455 Security Place, Algood TN 38506

38286
38287 1535. Defendant JOHN DOE 089 – 093 is sued in his/her official
38288 capacity and individually as an Employee for Research Electronics,
38289 responsible for executing and administering the laws and policies
38290 at issue in this lawsuit. Defendant directly deprived, violated, and
38291 infringed upon Plaintiff's civil rights, with malice, and with careful
38292 planning and conspiracy with others. Any veil of immunity, which
38293 this defendant may have previously enjoyed by virtue of their
38294 office or position, is “pierced and ripped asunder” due to their

38295 infringement and deprivation of the Constitutional Rights of the
38296 Plaintiff, and thus this Defendant (and all other Defendants) stands
38297 fully naked and vulnerable before the court, with no immunity of
38298 any form. Further, this defendant has engaged in conduct and as a
38299 continuing unit of an enterprise, through a pattern, of racketeering
38300 enterprises (including, but not limited to: mail fraud, wire fraud,
38301 scheme to defraud, robbery, kidnapping, obstruction of justice,
38302 interference in commerce, also involving monetary transactions in
38303 property derived from specified unlawful activity), and have
38304 caused injury to the business and/or property of the Plaintiff
38305 Atkinson. This Defendant has exceeded, and overstepped their
38306 authority and violated the Constitutional rights of the Plaintiff,
38307 infringing and deprived him of his civil rights. Defendant resides at
38308 455 Security Place, Algood TN 38506

38309
38310 1536. Defendant CHARLENE BROWN is sued in his/her official
38311 capacity and individually as a Worker for Cape Ann Chamber of
38312 Commerce, responsible for executing and administering the laws
38313 and policies at issue in this lawsuit. Defendant directly deprived,
38314 violated, and infringed upon Plaintiff's civil rights, with malice,

38315 and with careful planning and conspiracy with others. Further, this
38316 defendant has engaged in conduct and as a continuing unit of an
38317 enterprise, through a pattern, of racketeering enterprises (including,
38318 but not limited to: mail fraud, wire fraud, scheme to defraud,
38319 robbery, kidnapping, obstruction of justice, interference in
38320 commerce, also involving monetary transactions in property
38321 derived from specified unlawful activity), and have caused injury
38322 to the business and/or property of the Plaintiff Atkinson. This
38323 Defendant has exceeded, and overstepped their authority and
38324 violated the Constitutional rights of the Plaintiff, infringing and
38325 deprived him of his civil rights. Defendant resides at 33
38326 Commercial Street, Gloucester, MA 01930

38327
38328 1537. Defendant John Doe’s 094 – 265 is sued in their official
38329 capacity, responsible for executing and administering the laws and
38330 policies at issue in this lawsuit. Defendants directly deprived
38331 Plaintiff of his civil rights, with malice, and with careful planning
38332 and conspiracy with others. Defendant directly deprived, violated,
38333 and infringed upon Plaintiff’s civil rights, with malice, and with
38334 careful planning and conspiracy with others. Any veil of immunity,

38335 which this defendant may have previously enjoyed by virtue of
38336 their office or position, is “pierced and ripped asunder” due to their
38337 infringement and deprivation of the Constitutional Rights of the
38338 Plaintiff, and thus this Defendant (and all other Defendants) stands
38339 fully naked and vulnerable before the court, with no immunity of
38340 any form. Further, this defendant has engaged in conduct and as a
38341 continuing unit of an enterprise, through a pattern, of racketeering
38342 enterprises (including, but not limited to: mail fraud, wire fraud,
38343 scheme to defraud, robbery, kidnapping, obstruction of justice,
38344 interference in commerce, also involving monetary transactions in
38345 property derived from specified unlawful activity), and have
38346 caused injury to the business and/or property of the Plaintiff
38347 Atkinson. This Defendant has exceeded, and overstepped their
38348 authority and violated the Constitutional rights of the Plaintiff,
38349 infringing and deprived him of his civil rights. Defendant resides at
38350 an address that is currently unknown at this time.

38351

38352

FACTS

38353

38354 1538. Each of these facts should be considered a cause of action in
38355 addition to the “Causes of Action” found elsewhere in this
38356 Complaint, and all allegations found elsewhere in the Complaint
38357 are herein re-alleged and incorporated, and included by reference.
38358 The aforesaid and following acts by Defendant(s) infringe
38359 Plaintiff’s civil rights and damage Plaintiff in violation of 42 U.S.C.
38360 § 1983.

38361
38362 1539. Plaintiff Atkinson is a well-known writer, author, publisher, and
38363 public speaker in regards to TSCM, TEMPEST, Technical security
38364 matters, technical surveillance or eavesdropping countermeasures
38365 or protections, and in intelligence analysis. Until the events
38366 outlined in this Complaint unfolded in November and December
38367 2009, Plaintiff Atkinson was a regular trade show speaker, and
38368 spoke as an expert and lecturer at various prestigious Universities,
38369 Colleges, and Schools. For example in 2009, Plaintiff spoke at a
38370 tradeshow, then lectured at MIT for over 8 hours, then lectured at
38371 Harvard twice, then at BBN, and at several other venues as well.
38372 During or after some of these speaking engagements, agents of the
38373 U.S. Government approached the Plaintiff and asked that he not

38374 engage in similar public speeches unless the entirety of the speech
38375 was presented to their agency first for approval and clearance, the
38376 Plaintiff refused their unlawful request. This was in violation of the
38377 Plaintiff's First Amendments rights, and a deprivation of civil
38378 rights.

38379
38380 1540. Agents of the Federal Bureau of Investigation have repeatedly
38381 attended presentations provided by the Plaintiff at various colleges,
38382 and in fact have attempted to interfere with the presentations
38383 several times, and/or have solicited others to be disruptive at the
38384 Plaintiffs speeches or lectures in violation of the Plaintiff's First
38385 Amendment rights, and thus a deprived the Plaintiff of civil rights.

38386
38387 1541. In May 1983, Plaintiff began publishing unclassified
38388 professional papers in regards to TSCM and related topics by way
38389 of a Computerized Bulletin Board System, which he designed and
38390 programmed, and also by way of conventional print media.

38391
38392 1542. In August 1987, Plaintiff converted many of these computer
38393 files into a format which was suitable for placement on various

38394 academic computer servers which Plaintiff had access to as either a
38395 student, teacher, lecturer, or other legitimate user.

38396

38397 1543. In 1992, the Plaintiff registered the domain name of
38398 TSCM.COM and moved the previously mentioned files to a single
38399 commercial server, and began adding computer programs which
38400 the Plaintiff wrote, databases, photographs, images, and graphics to
38401 the previously text only files. This domain name was used as the
38402 basis of what would become the Plaintiff's website at:

38403 <http://www.tscm.com/>

38404

38405 1544. From 1992 until 1995, the Plaintiff slowly built up the files,
38406 added graphics into the website, present on his website to include
38407 thousands of files, and it became, and remains the most
38408 comprehensive website on the Internet on the subject matter.

38409

38410 1545. When the "Internet was borne" the Plaintiff already had a
38411 mature, and established presence by way of his website, so when
38412 established TSCM people who had never dealt with the Plaintiff
38413 before "got online" for their first time and began to explore the

38414 Internet, they discovered the massive amount of published
38415 materials by the Plaintiff. This did create a problem, as several
38416 people “wrote books” whereby they merely plagiarized hundreds
38417 of pages off the Plaintiff’s website, and fraudulently published it as
38418 their own writings.

38419
38420 1546. In November 1995, an agent of the Federal Bureau of
38421 Investigation asked to meet with the Plaintiff in regards to his
38422 website, and at the meeting, pressured the Plaintiff to delete a
38423 number of files from the site, as the files were embarrassing to the
38424 FBI, but not actually classified. There were similar requests from
38425 the FBI in 1999, 2001, 2003, 2004, 2005, 2008, and in 2009. This
38426 was in violation of the Plaintiff’s First Amendments rights, and a
38427 deprivation of civil rights.

38428
38429 1547. In a number of cases, the files in question merely were deleted
38430 or taken down after the FBI issued a request letter as a “National
38431 Security Letter” to the Plaintiff’s Internet Service Provider, but the
38432 Plaintiff was not told of these deletions, and only discovered the
38433 deletion by checking log files for errors, and noted that the

38434 removed files were causing “404 error” caused by a file being
38435 requested but not found. When these files there then re-added, they
38436 would remain for a period, and then suddenly be deleted with no
38437 warning. This was in violation of the Plaintiff’s First Amendments
38438 rights, and a deprivation of civil rights.

38439
38440 1548. After Plaintiff Atkinson testified before Congress, in April 2007,
38441 the FBI confronted the Plaintiff over these repeatedly re-published
38442 documents, and inferred that if the publications continued that it
38443 could result in criminal charges, and that the Plaintiff would be
38444 place in a solitary cell at a maximum federal prison. This was in
38445 violation of the Plaintiff’s First Amendments rights, and a
38446 deprivation of civil rights.

38447
38448 1549. In the Spring of 2009, the Plaintiff became aware of fraudulent
38449 activities on the part of the Health and Human Services, Centers
38450 for Disease Control, where the Plaintiff noticed that the statistics
38451 being published by the CDC were fictitious and fraudulent. The
38452 Plaintiff wrote several scathing articles on the matter of the H1N1
38453 pandemic in the Spring and Summer of 2009, with the end result

38454 being that the CDC attempted to cover-up these prior fictional and
38455 fraudulent reports which the CDC and HHS had made. This
38456 attempted cover-up by the CDC merely attracted additional
38457 attention to the matter by the Plaintiff, who then wrote a further
38458 series of scathing articles about the cover-up, and published same
38459 which decimated the public relations efforts of the CDC. The CDC
38460 then started refusing the media access to the raw statistics and
38461 engaged in a pattern of spin control, which the Plaintiff had been
38462 expecting, and the attempts by the CDC to promote the cover-up,
38463 lead to further deception by the government.

38464
38465 1550. The Plaintiff became aware of pockets of disease of H1N1,
38466 which the CDC was deliberately leaving out of their reports, and
38467 the Plaintiff was able to find confidential internal CDC documents
38468 in which the CDC knew about these pockets, but also where the
38469 CDC lied to the public about same. The Internet sites where the
38470 Plaintiff published these reports were taken off line with no
38471 explanation, or the files were merely deleted in a pattern
38472 previously noted. This was in violation of the Plaintiff's First
38473 Amendments rights, and a deprivation of his civil rights.

38474

38475

1551. In November 2009, scientists within the CDC from both

38476

Atlanta, and Ft Deitrick privately contacted the Plaintiff and

38477

encouraged him to continue exploring and publishing on the topic,

38478

and confirmed that the senior leadership of the CDC was indeed

38479

engaging in a cover-up, and that the Plaintiff's writings were

38480

effective at exposing the cover-up. The scientist with whom the

38481

Plaintiff spoke warned that the DHS/HHS/CDC senior leadership

38482

whom the Plaintiff had identified as being behind the cover-up

38483

could be expected to retaliate against the Plaintiff. This was in

38484

violation of the Plaintiff's First Amendments rights, and a

38485

deprivation of his civil rights.

38486

38487

1552. In late October 2009, and in Early November 2009, Plaintiff

38488

discussed the issue of the CDC Cover-up with members of the U.S.

38489

House of Representatives Oversight Committee, who then began

38490

looking into the cover-up by the CDC.

38491

38492

1553. Essentially, the Plaintiff had become a political liability to

38493

multiple CDC actors, and both actors in government service,

38494 multiple actors, and private actors, and they began to conspire to
38495 destroy the Plaintiff, and to infringe on his civil rights. This “attack”
38496 of sort scame from as many as seven different directions, to
38497 essentially create “Perfect Storm” of intersecting agendas.

38498

38499 1554. Plaintiff Atkinson was repeatedly and falsely arrested in
38500 December 2009 as a result of a matter for which there was no
38501 probable cause; however, the initiating Rockport Police officers
38502 and FBI Agents manipulated fabricated “facts” and lied in order to
38503 obtain fictional arrest warrants for these falsely filed charges, and
38504 deprived Plaintiff of his civil rights. This was a deprivation of the
38505 Plaintiff civil rights.

38506

38507 1555. While the Plaintiff was under arrest by police, the Rockport
38508 police department made copies of the Plaintiff home, business, and
38509 vehicle keys with the intent to burglarize the Plaintiffs home. This
38510 was a deprivation of the Plaintiff civil rights.

38511

38512 1556. When the police arrested the Plaintiff, they also seized and
38513 refused to return the Plaintiff Massachusetts License to Carry

38514 Firearms, and violated, and deprived the Plaintiff's of his civil
38515 rights.

38516
38517 1557. In addition, the issuing magistrate of the search and arrest
38518 warrants knew or should have known, or/and should have
38519 questioned of the falsity of the "facts" related, and the point of law
38520 in order to obtain the warrants used to injure Plaintiff. Further, the
38521 basis of the search warrant in December 2009 was a matter for
38522 which there was strong constitutional protections, rights, privileges,
38523 and immunities, and the issuing magistrate overstepped his/her
38524 authority by a very wide margin, and knowingly violated the
38525 Plaintiff's civil rights under the color of authority, and violated the
38526 Constitutional Rights of the Plaintiff, and abused the Defendants
38527 position of authority.

38528
38529 1558. In addition, Plaintiff was charged with various violations of
38530 Massachusetts' gun laws; however, all of these charges were again
38531 false arrests since no criminal conduct existed under the U.S.
38532 Supreme Court decisions in *McDonald v. Chicago*, 561 U.S. ____,
38533 130 S.Ct. 3020 (2010), and also in *District of Columbia v. Heller*,

38534 554 U.S. 570 (2008), The continued and false arrests were
38535 malicious and designed to obtain illegal access to the Plaintiff
38536 home and business, and for illegal purposes and results not within
38537 the ambit of legitimate criminal investigation or prosecution, and
38538 violated the Constitutional Rights of the Plaintiff, and abused the
38539 Defendants position of authority.

38540
38541 1559. The Rockport Police Department, Rockport Ambulance
38542 Department, Rockport Fire Department, Lyons Ambulance, OEMS,
38543 Beverly Hospital, and several John Does working in their official
38544 capacity and individually deprived Plaintiff Atkinson of his civil
38545 rights while operating under the color of authority.

38546
38547 1560. These defendants engaged in activities to harm and attempted to
38548 injure, and did rob, steal from, and seek to discredit Plaintiff
38549 Atkinson as a government witness, when it was discovered in
38550 August 2009 that Plaintiff would be a States witness against half of
38551 the Police Officers, Firemen, and EMT's in Rockport, and likely a
38552 witness against several hundred additional corrupt public safety
38553 employees in regards to fraudulent EMT training on the North

38554 Shore of Boston, including but not limited to Rockport, Gloucester,
38555 Ipswich, Essex, Boxford, Topsfield, Wenham, Beverly, and others.
38556 These activities violated the civil rights of the Plaintiff.

38557

38558 1561. Plaintiff Atkinson has held an unrestricted “Massachusetts
38559 License to Carry Firearms” with a “High Capacity Firearms”
38560 endorsement since 1990 until December 1, 2009, and which was
38561 unlawfully suspended, and unlawfully seized by the police on
38562 December 1, 2009, in violation of his civil rights. Although, under
38563 the Bill of Rights, and rulings by the Supreme Court mandate that
38564 the Commonwealth is not allowed to require such a license, and
38565 that no such license is required for any citizen (with the only
38566 exceptions being that a convicted felon, nor the adjudged insane
38567 may possess arms).

38568

38569 1562. As Plaintiff Atkinson has neither been adjudged insane, nor
38570 adjudged a convicted felon, the Commonwealth of Massachusetts
38571 has zero authority to restrict or to license such arms given that
38572 Plaintiff Atkinson is in fact a U.S. Citizen.

38573

38574 1563. While the Commonwealth of Massachusetts may require a
38575 firearms license of some sort for a non-U.S. citizen, the
38576 Constitutions of the United States and the Bill of Rights forbid the
38577 Commonwealth of Massachusetts or any subdivisions (such as the
38578 Town of Rockport) from requiring a firearms license, permit, or
38579 “identification card” from any US. Citizen, or any sort.

38580
38581 1564. The Rockport police officers, Research Electronics and others
38582 confected a conspiracy whereby they would get overseas
38583 shipments of the Plaintiff’s goods from Research Electronics
38584 delayed by causing export documents (later discovered not
38585 required by law, given an the illegal ECCN codes being used, but
38586 under ITAR a license still being required) to be repeatedly rejected
38587 or approval delayed by Research Electronics, and would then arrest
38588 and charge the Plaintiff for not delivering the goods to an overseas
38589 client, falsely charging Plaintiff with a crime by virtue of these
38590 delays in shipment caused by the police and others. These
38591 activities violated the civil rights of the Plaintiff, and was an action
38592 that shocks the conscience.

38593

38594 1565. Based on these manipulations by the police alone (and no actual
38595 convictions), that when arrested the Plaintiff involved his 5th
38596 Amendment rights and refused to make statements, the Chief of
38597 Police in Rockport (Defendants McCarthy and Tibert) punitively
38598 and unlawfully revoked the Plaintiff's License to Carry Firearms,
38599 and then illegally demanded that all firearms be turned in, even
38600 though such a demand was a violations of the Plaintiff civil rights,
38601 an infringement, and a deprivation, and Defendant Tibert
38602 threatened violence.

38603
38604 1566. The defendant Tibert acting under the color of authority and as
38605 a Rockport Police Officer then threatened to use violence to
38606 forcibly break into the Plaintiff's home and to seize the firearms,
38607 and to charge Plaintiff with other crimes if he did not comply,
38608 knowing thereafter that Plaintiff had experienced a heart attack and
38609 was hospitalized being unable to comply with the unlawful
38610 demand for his arms to be turned in to the police (which were
38611 made under a threat of significant violence, under the color of
38612 authority, and was a deprivation and violations of the Plaintiff

38613 rights), and a series of acts the shocks the conscience. The value of
38614 the arms in question exceeds \$25,000.

38615
38616 1567. Upon Plaintiff's return to his home from the hospital cardiac
38617 unit several days later at 8:30 PM on Saturday night, he was
38618 awakened at 8:30 AM Sunday by a multitude of armed officers of
38619 the Rockport Police Department and federal agencies, who
38620 unlawfully smashed through the door using considerable violence
38621 (causing close to \$900 in damage to the building), and excessive
38622 force, while the Plaintiff was still asleep, brutalized and beat the
38623 Plaintiff, and caused a secondary cardiac emergency, from which
38624 the plaintiff was unable to recover. These activities violated the
38625 civil rights of the Plaintiff, and was an action that utterly shocks
38626 the conscience.

38627
38628 1568. In fact, this situation turned into a life-threatening medical
38629 emergency, which eventually required surgical intervention within
38630 days. These activities violated the civil rights of the Plaintiff.

38631

38632 1569. The defendants then proceeded to steal for their own personal
38633 use, gold coins, gold bullion, silver bullion bars, cash, radio
38634 equipment, computers, keys, police batons, body bunkers, books,
38635 manuals, laboratory notebooks, product prototypes, and other items
38636 not covered under any search warrant and never reflected on the
38637 police inventory, although photographs provided by Defendants of
38638 several stolen possessions of the Plaintiff appeared in newspapers
38639 (yet do not appear in the police inventory). These activities
38640 violated the civil rights of the Plaintiff, and was an action that
38641 shocked the conscience.

38642
38643 1570. During this wholesale looting of the Plaintiff's home, two
38644 defendants (federal agents not reflected as being present in police
38645 documents) joined in, removed computers, and other things, which
38646 have not yet been accounted for in any way. The value of that
38647 which was looted or stolen and not accounted for exceeded
38648 \$500,000. These activities violated the civil rights of the Plaintiff,
38649 and was an action that shocked the conscience.

38650

38651 1571. Additional Rockport Police Officers, including the Chief of the
38652 Rockport Police Department, also joined the sacking of the
38653 Plaintiff's home and business, and removed several hundred
38654 thousand dollars of one ounce American Gold Eagles (\$50 face
38655 value gold coins) and gold bullion, at least \$5,000 in cash, and
38656 over 1600 ounces of silver bullion (in the form of 100 ounce bars),
38657 plus tools, goods, equipment, and supplies, and well as destroyed
38658 at least \$300,000 of highly sophisticated laboratory test equipment.
38659 These activities violated the civil rights of the Plaintiff, and was an
38660 action that shocked the conscience.

38661
38662 1572. Rockport Police also unlawfully seized (3 ea) three very
38663 expensive sets of soft body armor that had been custom made for
38664 and fitted to the Plaintiff (valued at \$1200 or more each), armored
38665 helmets and harnesses which were specifically fitted and made for
38666 the Plaintiff (value at \$400 or more each), a large full length "Body
38667 Bunker" tactical shield with a view window (with a value of at
38668 least \$10,000), and a smaller "Buckler" tactical shield (with a
38669 value of at least \$5,000), and an EOD – Explosive Ordnance
38670 Disposal Bomb Technician Suit (valued at \$25,000), EOD helmet

38671 system (valued at \$10,000), and EOD tool kit (valued at \$5,500). A
38672 load bearing vest and harness (valued at \$650), and various
38673 magazine pouches, weapons bags, support bags, range bags,
38674 (valued in total in excess of \$2400) and other protective clothing
38675 such as gloves, face shields, gasmasks, valued in excess of \$5,000),
38676 and related supplies used for teaching tactical courses, or for self-
38677 defense (with a value of at least \$10,000). It is believed that the
38678 police stole these items for their own personal use, or stole them
38679 for use by their department, as members or the Rockport Police
38680 Department had previously stated an interest in the Plaintiff
38681 “donating” these same pieces of equipment to the department or to
38682 individual officer in the past (repeatedly during Mar, April, May,
38683 June, and July of 2008). These activities violated the civil rights of
38684 the Plaintiff, and was an action that shocked the conscience.

38685
38686 1573. Further, an inert, harmless, and inactive expended rocket
38687 launcher tube and fireworks were planted in Plaintiff's home by
38688 these defendants. Plaintiff was then charged with multiple felony
38689 charges in regards to lawfully possessed arms. These activities

38690 violated the civil rights of the Plaintiff, and was an action that
38691 shocked the conscience.

38692
38693 1574. It bears mention, that Massachusetts General Law Chapter 266,
38694 Section 102A does not in fact prohibit the mere possession of a
38695 loaded or unloaded rocket launcher (or empty tube), only that their
38696 use is prohibited if it is actually “used without lawful authority” in
38697 furtherance of other acts. The law does not in fact ban possession,
38698 merely unlawful usage. In this regards the rocket launcher tube,
38699 which the police allege, was in the Plaintiff possession, and could
38700 have in fact been legally possessed, had it actually been the
38701 Plaintiff’s property, which it was not. These activities violated the
38702 civil rights of the Plaintiff.

38703
38704 1575. The Plaintiff further alleges that the so called “Rocket Launcher”
38705 which was in fact an inert tube incapable of firing or launching
38706 anything and that it was planted by the police merely to turn the
38707 entire case into a media spectacle and circus, and to attempt to
38708 inflate bail amounts to deprive the Plaintiff of his freedom in a
38709 calculated attempt to deprive the Plaintiff of his civil rights. Thusly,

38710 the Commonwealth first sought cash bail in the amount of \$60,000,
38711 and then within a day sought \$500,000, and then \$600,000 in cash
38712 bail as the media circus and political exploitation of their making
38713 evolved.

38714
38715 1576. The Rockport Police further utilized and controlled the media
38716 as *de facto* agent of the police in order to defame the Plaintiff and
38717 to destroy his reputation and his business by virtue of the planted,
38718 inert, expended, harmless, and empty rocket launcher tube around
38719 which the police and others orchestrated the media circus.

38720
38721 1577. Various firearm magazines were also planted by the police in
38722 the Plaintiff's home, magazines which had previously been turn
38723 into the police (due unlawful deception and extortion by the police).

38724
38725 1578. Plaintiff was then beaten, arrested, and charged with multiple
38726 felony charges in regards to lawfully possessed arms.

38727
38728 1579. It is important to note, that under the Supreme Court rulings, in
38729 *Heller* and also in *McDonald*, that possession of such arms within

38730 the home are outside the control of the government, outside control
38731 of the Commonwealth, and outside the control of the laws of the
38732 Commonwealth, and possession of such arms is a recognized
38733 Immunity and Privilege of U.S. Citizenship.

38734

38735 1580. As the Plaintiff is in fact a U.S. Citizen, is not a convicted felon,
38736 and has not been adjudged insane, he is thereby permitted to
38737 possess arms of his choosing in the sanctity of his own home.

38738

38739 1581. The Rockport Police lied and conspired with other to confect an
38740 initial case, and then they and others lied to confect the basis for a
38741 defective and fraudulently obtained search warrant (obtained
38742 AFTER the search). Further, they knowingly made false statements
38743 in court documents, and false sworn statements and violated the
38744 Plaintiff's civil rights.

38745

38746 1582. The Commonwealth of Massachusetts, the Town of Rockport,
38747 the Rockport Police Department, and others violated the Plaintiffs
38748 Privileges and Immunities of Citizenship, deprived the Plaintiff of
38749 his civil rights, and did so with great calculation, conspiracy with

38750 other, fraud by wire, fraud by mail, scheme to defraud, obstruction
38751 of justice, and have engaged in a pattern of illegal conducts, over a
38752 long period of time, as part of an ongoing criminal organization
38753 and enterprise, for which they derived funds, which they then used
38754 to purchase property, and was an action that shocked the
38755 conscience.

38756
38757 1583. The Rockport Police and others even went so far as to
38758 burglarize and search the Plaintiff home a full day before they got
38759 the actual, albeit unlawfully, and fraudulently obtained warrant by
38760 illegally entering plaintiff's home and copying several thousand
38761 files of proprietary and/or politically damaging information to
38762 various Defendants along with deleting several thousand files of
38763 incriminating evidence against Defendants which plaintiff had
38764 obtained through various dealings in the past with State, the FBI
38765 and other federal agencies (this illegal search took place while the
38766 Plaintiff was still in the Hospital, and hours before any, albeit
38767 illegal search warrant was actually issued). This illegal search,
38768 which took place prior to the search warrant actually being issued

38769 was a violation of, and deprivation of the Plaintiff's civil rights,
38770 and was an action that shocked the conscience.

38771

38772 1584. Further, at dates before this "official" warrantless search the
38773 Rockport police and other entered the Plaintiffs home and office
38774 with no warrant and engaged in unlawful searches.

38775

38776 1585. The Rockport Police Department and others also unlawfully
38777 seized five computers, maliciously smashed the motherboards of
38778 two of these, and smashed the cases, and with others they removed,
38779 and/or lost the internal or external hard drives. The seized
38780 computers have an aggregate hardware value in excess of \$15,000
38781 and an aggregate software value of \$10,000 upon these computers,
38782 plus the value of the data, files, and databases, which exceeds well
38783 in excess of \$48 Million dollars), and was an action that shocked
38784 the conscience and which violated the civil rights of the Plaintiff.

38785

38786 1586. The Rockport Police also ransacked the home and business of
38787 the Plaintiff, and rendered it is a state of disorder that it took
38788 several weeks to straighten it back up.

38789

38790

1587. The Rockport Police also destroyed or stole Plaintiff's property.

38791

This type of action is called a "desecration" by prison guards, and

38792

it is done for the sole purpose of inflicting emotional harm,

38793

intimidation, harassment, and to demonstrate dominance, and was

38794

done by several Rockport Police office who used to be prison

38795

guards, who also have a long history of civil right abuse, and a

38796

long pattern of behavior of such civil right abuses. The

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"desecration" was in violation of the civil right of the Plaintiff, and

38798

was an action that shocked the conscience.

38799

38800

1588. On, or before December 7, 2009 the Rockport Police and others

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also installed an illegal GPS tracking device into two of the

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Plaintiff vehicles (hidden inside the dash, just over the radio), and

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hardwired these tracking devices into the vehicles electrical system

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in violation of the law. These tracking devices remained in the

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Plaintiff's vehicles for two months, and were removed by the

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police and others on or about February 9, 2010. To date, no

38807

warrant has been produced which authorized the installation of

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these tracking devices, and was a violation of the Plaintiff's civil

38809 rights. During the installation of these tracking devices the police
38810 damaged the security systems on both vehicles, and created a
38811 parasitic drain by which the both vehicles eventually became
38812 disabled and the electrical systems damaged the vehicles.

38813
38814 1589. The Police and others also stole over 1200 DVDs full of source
38815 code, the computer on which a highly valuable and proprietary
38816 RAPHAEL database which the Plaintiff designed was maintained,
38817 back-up tapes, back-up DVD's, and CD's and pieces of computer
38818 media related to the database. This was a violation of the civil right
38819 of the Plaintiff, and was an action that shocked the conscience.

38820
38821 1590. The RAPHAEL Database is a highly proprietary trade secret
38822 and has a minimal approximate value of \$40 Million, and
38823 represents several decades of work. The RAPHAEL Database had
38824 also been actively sought after by the FBI, CIA, State Department,
38825 Department of Energy, U.S. Navy, U.S. Army, Research
38826 Electronics, various defense, and intelligence contractors, and
38827 others. The database and associated source code is of such
38828 considerable value that both the FBI and the CIA had requested

38829 that the Plaintiff leave it to them in his will, and the CIA and
38830 contractors and front companies for the CIA and U.S. State
38831 Department have repeatedly offered to purchase the database, or
38832 alternately to lease the database structure from the Plaintiff on a
38833 month-to-month, or year-to-year basis (which the Plaintiff had
38834 refused to do).

38835
38836 1591. The Rockport Police and others also seized customer records,
38837 and records that were not on the search warrant, just scooping up
38838 armloads of these records and dumping them into the back of an
38839 unsecure Rockport Police Department pick-up truck, that was in no
38840 way supervised or accounted for. This was a violation of the civil
38841 right of the Plaintiff, and was an action that shocked the conscience.

38842
38843 1592. Of particular note are seven (7) white file boxes, each
38844 containing approximately 3,000-5,000 sheets of paper and
38845 involving three projects that spanned four (4) boxes for which the
38846 Plaintiff had been contracted for by the U.S. Government on a
38847 matter of national security involving technical counterintelligence.
38848 The three (3) additional boxes contained notes, transcripts, receipts,

38849 records, discs and data files in regards to a matter of counter-
38850 terrorism for which the Plaintiff was a government contractor from
38851 1998 until 2004.

38852
38853 1593. On two occasions in August 2009, and one occasion in
38854 September 2009, agents of the U.S. Government visited the
38855 Plaintiff at his office and ask to review materials contained in these
38856 files, and were particularly interested in the location where these
38857 paper and computer files were normally maintained and stored.

38858
38859 1594. On or about October 6, 2009 during a meeting at his office in
38860 which these files and computer servers were discussed, the
38861 Plaintiff detected, located, and identified an illicit eavesdropping
38862 device that was being operated and in the immediate control of the
38863 agents, and the Plaintiff called an immediate halt to the meeting.
38864 This illicit eavesdropping was violation or, and a deprivation of
38865 Plaintiff's civil rights.

38866
38867 1595. During a follow-on meeting (to discuss a contract for a project
38868 from earlier in the year), in Mid November 2009 another

38869 eavesdropping device was detected, and located as being operated
38870 by the meeting attendees from the U.S. Government and identified
38871 by the Plaintiff and the meeting again terminated by the Plaintiff.
38872 This illicit eavesdropping was violation or, and a deprivation of
38873 Plaintiff's civil rights.

38874
38875 1596. Further, during the Mid November 2009 meeting the Plaintiff
38876 was again asked about the server on which the RAPHAEL
38877 database was maintained, and where other files of interest to the
38878 said agency in question were kept. These agents of the government
38879 ask to see the physical server in person (the server which was
38880 presumably removed by the FBI, and which still remain
38881 unaccounted for).

38882
38883 1597. After the two searches executed by the Rockport Police
38884 Department and others (one with no search warrant, the second
38885 with an unlawfully obtained search warrant) on different dates in
38886 December 2009, these seven (7) white boxes, nineteen (19) black
38887 binders, and plastic tubes of hundreds of additional DVD discs
38888 were noted by the Plaintiff to be missing, along with the previously

38889 described computer that was being used as the server for the
38890 database files. These seven (7) white boxes, nineteen (19) black
38891 binders of DVD's, and the tubes of hundreds of discs have not yet
38892 been accounted for and are presumed to be in the possession of the
38893 U.S. Government, and that the contents of the computer and discs
38894 have been provided to a government contractor for integration into
38895 a product in order to deprive the Plaintiff of his intellectual
38896 property and trade secrets. One of the workstations that was
38897 separate from the server, was taken (and reflected in the seizure
38898 inventory) during the execution of the search warrant was
38899 eventually returned, but was missing a hard drive from one bay
38900 (which contained only C++ source code files), and the second hard
38901 drive (containing a huge database) was partially erased and the
38902 drive unbootable, along with the motherboard being damaged.

38903
38904 1598. These discs and files were last seen by the Plaintiff on
38905 November 15, 2009, when he performed a routine bi-weekly file
38906 back up and deposited discs into his archive, and reloaded fresh,
38907 blank discs into the backup drives.

38908

38909 1599. The business records, and related records on these computers
38910 are highly proprietary trade secrets and are valued well in excess of
38911 eight (8) million dollars, excluding the databases and source code
38912 which is valued at considerably more.

38913
38914 1600. The Rockport Police and others then notified at least three
38915 different defendant colleges (over a period of 14 months) that the
38916 Plaintiff was actively attending as a student on either a full time or
38917 part time basis, and did conspire with others to get the Plaintiff's
38918 enrollment suspended at three of the schools (based merely on
38919 being charged, not upon an actual finding of guilt), and to deny the
38920 Plaintiff any process to appeal this suspension in a timely manner
38921 in order to violate the Plaintiff's civil rights under the color of
38922 authority. This was a violation of the civil right of the Plaintiff, and
38923 was an action that shocked the conscience.

38924
38925 1601. These three schools then punitively suspended the Plaintiff
38926 without any due process, seized and refused him access to his
38927 property and possessions that was on school property, refused to
38928 allow Plaintiff to return to school, refused him access to complete

38929 the semester, refused to allow him to complete exams and
38930 laboratory work as required by professors, or to come on school
38931 property or to complete the semester (staggered to interfere with
38932 two years of college). This restraint on the Plaintiff freedom forms
38933 an unlawful arrest, an unlawful detention (defendant was
38934 unlawfully arrested and detained by the Salem State College
38935 Police), a deprivation of due process, the imposing of cruel and
38936 unusual punishment, and a deprivation of the civil rights of the
38937 Plaintiff, by agents acting under cover of law.

38938
38939 1602. Defendant Salem State College awarded to Plaintiff all grades
38940 of an F for the entire semester, in order to punish the Plaintiff, even
38941 though all work handed in for the courses being taken by the
38942 Plaintiff was at the A or A+ level. The value of the suspension
38943 from Salem State College is valued at least thirty million dollars of
38944 future earnings, in addition to the approximately \$4,000 which the
38945 student (Plaintiff Atkinson) had previously paid for fees, book,
38946 supplies, and time (valued at \$30,000) the student took away from
38947 work to attend courses. Defendant utilized means of wire
38948 communications fraudulently, used the U.S. Mail, engaged in

38949 conspiracy, engaged in a scheme to defraud, and committed other
38950 predicate acts of a ongoing criminal enterprise in violation of U.S.
38951 RICO Statutes, and deprived the Plaintiff of his civil rights under
38952 the color of authority, and engaged in actions that shocks the
38953 conscience.

38954
38955 1603. Defendant North Shore Community College awarded low
38956 grades for the entire semester, in order to punish the Plaintiff, even
38957 though all work handed in for the courses being taken by the
38958 Plaintiff outstanding. In the case of one class, the professor was
38959 allowed to post a fair grade, but all other professors were forced to
38960 post poor grades. The value of the suspension from North Shore
38961 Community College is valued at least ten million dollars of future
38962 earnings, in addition to the approximately \$8,000 which a student
38963 has previously paid for fees, book, supplies, and time (valued at
38964 \$422,500) the student took away from work to attend courses.

38965 Defendant utilized means of wire communication, used the mail,
38966 engaged in conspiracy, engaged in a scheme to defraud, and
38967 committed other predicate acts of a ongoing criminal enterprise in
38968 violation of U.S. RICO Statutes, and deprived the Plaintiff of his

38969 civil rights under the color of authority, and engaged in actions that
38970 shocks the conscience.

38971

38972 1604. Defendant Montserrat further refused to issue grades for one
38973 class (the professor stated in writing that the Plaintiff had earned
38974 an A), and for another class issued a D as a grade when in fact the
38975 Plaintiff had earned a B- (according to the professor for the second
38976 class). The value of the suspension from Montserrat College of Art
38977 is valued at least five million dollars of future earnings, in addition
38978 to the approximately \$12,000 which a student has previously paid
38979 for fees, book, supplies, and time (valued at \$325,000) the student
38980 took away from work to attend courses. Defendant utilized means
38981 of fraudulent wire communication, used the U.S. Mail for fraud,
38982 engaged in conspiracy, engaged in a scheme to defraud, and
38983 committed other predicate acts of a ongoing criminal enterprise in
38984 violation of U.S. RICO Statutes, and deprived the Plaintiff of his
38985 civil rights under the color of authority, and engaged in actions that
38986 shocks the conscience.

38987

38988 1605. The Rockport police and the various schools deprived Plaintiff
38989 of his civil rights for political and monetary gain.

38990
38991 1606. The Police and other Defendants conspired with OEMS (the
38992 State agency which licenses to EMTs), well before November 17,
38993 2009, who then illegally suspended the Plaintiff's EMT license
38994 (which the Plaintiff held as a volunteer EMT in his community),
38995 and refused to provide due process, and refused to afford Plaintiff
38996 his civil rights. The Rockport Police, the Rockport Ambulance
38997 Department, the Town of Rockport, and OEMS deprived Plaintiff
38998 of his civil rights for political and monetary gain. The value of the
38999 suspension from the EMT license is valued at least nine million
39000 dollars of future earnings, in addition to the approximately \$30,000
39001 which a student has previously paid for fees, book, supplies, and
39002 time (valued at \$157,500) the student (Plaintiff Atkinson) took
39003 away from work to attend EFR, EMT, and related medical courses).

39004
39005 1607. The police have continued to interfere in the business of the
39006 Plaintiff, have continued to interfere with interstate shipment of
39007 goods or providing of services, and have continued to harass

39008 Plaintiff by filing, or threatening to file additional malicious
39009 charges. The value of this interference of the Plaintiff business is in
39010 excess of \$6,000,000 dating from October 2009 to the June 2011,
39011 and continued forward to additional damages over time.

39012
39013 1608. Even after the passage of 23+ months, the Plaintiff still has not
39014 been allowed to have a Probable Cause Hearing. In fact, just before
39015 one Probable Cause hearing on May 20, 2011, where the Plaintiff
39016 issued Subpoenas to numerous witnesses at great expense (to the
39017 Rockport Police, who refused to obey said legally issued
39018 Subpoena), the Assistant District Attorney (Kate Hartigan) then, at
39019 the last minute rescheduled the hearing by one week, thus
39020 rendering the Subpoenas and the witness appearance of no value,
39021 and re-scheduled probable cause hearing was then cancelled. Had
39022 these witnesses been compelled to testify, indeed all charges again
39023 the Plaintiff would have been dropped in full, and significant
39024 police and prosecutorial misconduct reveals.

39025
39026 1609. In May of 2011, when Assistant District Attorney (Kate
39027 Hartigan) was informed that a civil rights lawsuit was pending, the

39028 District Attorney (Jonathan Blodgett) ordered that Assistant
39029 District Attorney John Brennan empanel a Grand Jury in order to
39030 indict and maliciously Plaintiff Atkinson on weapons charges,
39031 notwithstanding the U.S. Supreme Court ruling in *Heller* (2008)
39032 and *McDonald* (2010) that possession of such weapons was a civil
39033 right, immunity and a privilege of U.S. Citizenship, which could
39034 not be licensed nor controlled by any state against a U.S. Citizen,
39035 not even in the Commonwealth of Massachusetts.

39036
39037 1610. The extensive, and repeated and unjustified delays by the
39038 Commonwealth in this matter infringes on the Plaintiff right to a
39039 speedy trial, and denies the Plaintiff the ability to present evidence
39040 and witnesses at a hearing, and is a deprivation of civil rights both
39041 by virtue of the speedy trial issues, and also the issue of malicious
39042 prosecution.

39043
39044 **CAUSES OF ACTION**

39045
39046 **COUNT ONE**
39047 **THE SECOND AMENDMENT INVALIDATES VARIOUS**
39048 **MASSACHUSETTS GENERAL LAWS, SCHEMES, STATUTES,**
39049 **AND REGULATIONS TO THE EXTENT THEY PREVENT**

39050 **QUALIFIED PRIVATE CITIZENS FROM KEEPING AND/OR**
39051 **CARRYING AND/OR BEARING ARMS FOR SELF-DEFENSE**
39052

39053 1611. The allegations contained in paragraphs 1 though the current
39054 paragraph, are re-alleged and incorporated into this count as
39055 though fully set forth herein.

39056
39057 1612. The Second Amendment “guarantee[s] the individual right to
39058 possess and carry weapons in case of confrontation.” District of
39059 *Columbia v. Heller*, 554 U.S. 570, 592 (2008).

39060
39061 1613. The aforementioned and following Massachusetts General
39062 Laws, Statutes, and Regulation are invalid as applied to prohibit a
39063 private citizen who is otherwise eligible to possessing arms,
39064 firearms or from carrying a loaded and operable firearm, or other
39065 arms for the purpose of self-defense.

39066
39067 1614. The invalidities of the aforesaid and following statute and
39068 regulations, and Defendants’ application of same, infringe
39069 Plaintiff’s Second and Fourteenth Amendments right and damage
39070 Plaintiff’s in violation of 42 U.S.C. § 1983. These statutes further

39071 violate the Plaintiff's Due Process, and/or the Privileges and
39072 Immunities guaranteed under the Fourteenth Amendment to the
39073 Plaintiff as a U.S. Citizen.

39074

39075 1615. Plaintiff Atkinson, calls into question the constitutionality of
39076 the following Massachusetts General Laws, Statutes, Regulations,
39077 Policies, Codes, and Procedures, and asserts that both each is
39078 individually, and as a whole body of statutes are in fact unlawful,
39079 that all are individually, and together a violation of Federal law and
39080 the Constitution of the United States, a violation of the
39081 Amendments to the Constitution to include the Bill of Rights and
39082 the Subsequent Amendments, 42 U.S.C. § 1983, including but not
39083 limited to the Constitution of the United States, Article IV, Section
39084 2, and other civil rights laws, and that they represent a serious and
39085 very grave and direct infringement upon the civil rights of the
39086 Plaintiff Atkinson, and also an infringement upon the civil rights
39087 upon all citizens of the Commonwealth of Massachusetts, and an
39088 infringement of the civil rights all Citizens of the United States of
39089 America who may travel to, from, or through the Commonwealth
39090 of Massachusetts.

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1616. Plaintiff Atkinson, asserts that based on the decisions published by Supreme Court of the United States in *McDonald v. Chicago*, 561 U.S. ___, 130 S.Ct. 3020 (2010), and also in *District of Columbia v. Heller*, 554 U.S. 570 (2008), that most, if not all of the Massachusetts Firearms statutes, regulations, and policies are fundamentally flawed, a violation of Federal Law, a violation of the most basic of American civil rights, an affront to justice and due process, a corruption of government, and a grave danger to the security of a free State, of country, and Constitution of the United States by a domestic enemy and tyrant. That most of the Commonwealth of Massachusetts “Gun Control Laws” and related statutes are so fundamentally flawed, vague, perverted, discriminatory, arbitrary, biased, self serving, and unlawfully imposed or enforced that it utterly shocks the conscience.

1617. Plaintiff Atkinson, further asserts the Commonwealth of Massachusetts Laws, Statutes, and Regulations listed below are in violation of an infringement upon and deprivation of the guarantees, privileges, and immunities of Massachusetts

39111 Constitution Part The First, Article XVII; the U.S. Constitution as
39112 a whole; Constitution of the United States, Article IV, Section 2;
39113 the U.S. Constitution, Amendment II □ (also known as the Second
39114 Amendment); and the U.S. Constitution, Amendment IX (also
39115 known as the Ninth Amendment); and the U.S. Constitution,
39116 Amendment XIV (also known as the Fourteenth Amendment); the
39117 Ku Klux Klan Act (or the Civil Rights Act of 1871); The
39118 Freedmen's Bureau Act, March 3, 1865; 42 U.S.C. § 1983 (also
39119 called "section 1983"); including but not limited to the
39120 Constitution of the United States, Article IV, Section 2; English
39121 Act of Settlement in 1701; English Bill of Rights of 1689; Charter
39122 of Virginia of 1606; Petition of Right, a parliamentary declaration
39123 in 1628 of the liberties of the people, assented to by King Charles
39124 I; Edward I's Statute of Winchester of 1285; *Confirmatio*
39125 *Cartarum* (Confirmation of Charters) of 1253 (and Subsequent
39126 corroborating statutes, from King Edward I to King Henry IV);
39127 Concessions made by King Charles I to his parliament;
39128 Confirmation by King Henry III to Parliament in 1216, 1217, and
39129 1225; the English Magna Carta of 1215 (and articles thereto); The
39130 Assize of Arms of 1181; Charter of Liberties of 1100, also called

39131 the Coronation Charter, of Henry I of England; and other relevant
39132 laws.

39133
39134 1618. In 1646, the General Court of Massachusetts referred to the
39135 Fundamental Laws of England in regards to the Magna Carta of
39136 1215, while defending their representative and legislative
39137 autonomy in their address to the Long Parliament.

39138
39139 1619. Plaintiff asserts that the 2nd Amendment of the U.S.
39140 Constitution, merely memorialized and codified a pre-existing
39141 right of all citizen to be able to keep and beam arms of their
39142 choosing.

39143
39144 1620. In the famous *Slaughter-House Cases*, 83 U.S. 36, 114–115
39145 (1873), Justice Bradley dissented (his opinion became law) with a
39146 rationale based on his assumption that the "rights of Englishmen"
39147 were a foundation of American law:

39148 “In this free country, the people of which inherited certain
39149 traditionary rights and privileges from their ancestors, citizenship
39150 means something. It has certain privileges and immunities attached
39151 to it which the government, whether restricted by express or
39152 implied limitations, cannot take away or impair ... and these

39153 privileges and immunities attach as well to citizenship of the
39154 United States as to citizenship of the States.”

39155
39156 “The people of this country brought with them to its shores the
39157 rights of Englishmen, the rights which had been wrested from
39158 English sovereigns at various periods of the nation's history. One
39159 of these fundamental rights was expressed in these words, found in
39160 Magna Charta:”

39161
39162 “No freeman shall be taken or imprisoned, or be disseized of
39163 his freehold or liberties or free customs, or be outlawed or
39164 exiled, or any otherwise destroyed; nor will we pass upon him
39165 or condemn him but by lawful judgment of his peers or by the
39166 law of the land.”

39167
39168 “English constitutional writers expound this article as rendering
39169 life, liberty, and property inviolable except by due process of law.
39170 This is the very right which the plaintiffs in error claim in this case.
39171 Another of these rights was that of habeas corpus, or the right of
39172 having any invasion of personal liberty judicially examined into, at
39173 once, by a competent judicial magistrate. Blackstone classifies
39174 these fundamental rights under three heads, as the absolute rights
39175 of individuals, to-wit: the right of personal security, the right of
39176 personal liberty, and the right of private property.”

39177
39178 “The privileges and immunities of Englishmen were established
39179 and secured by long usage and by various acts of Parliament....
39180 England has no written constitution, it is true, but it has an
39181 unwritten one, resting in the acknowledged, and frequently
39182 declared, privileges of Parliament and the people, to violate which
39183 in any material respect would produce a revolution in an hour. A
39184 violation of one of the fundamental principles of that constitution
39185 in the Colonies, namely, the principle that recognizes the property
39186 of the people as their own, and which, therefore, regards all taxes
39187 for the support of government as gifts of the people through their
39188 representatives, and regards taxation without representation as
39189 subversive of free government, was the origin of our own
39190 revolution.”
39191

39192 “This, it is true, was the violation of a political right, but personal
39193 rights were deemed equally sacred, and were claimed by the very
39194 first Congress of the Colonies, assembled in 1774, as the
39195 undoubted inheritance of the people of this country.”
39196

39197 1621. Supreme Court Justice Thomas, in *McDonald* affirms this
39198 assertion of the Plaintiff at 18, where he lists that the fundamental
39199 right of all U.S. Citizens is the freedom to worship, to a free press,
39200 and to arms for their own defense:

39201 “In keeping with this practice, the First Continental Congress
39202 declared in 1774 that the King had wrongfully denied the
39203 colonists “the rights, liberties, and immunities of free and
39204 natural-born subjects . . . within the realm of England.” 1
39205 Journals of the Continental Congress 1774–1789, p. 68 (1904).
39206 In an address delivered to the inhabitants of Quebec that same
39207 year, the Congress described those rights as including the “great”
39208 “right[s]” of “trial by jury,” “Habeas Corpus,” and “**freedom of**
39209 **the press**.” Address of the Continental Congress to the
39210 Inhabitants of Quebec (1774), reprinted in 1 Schwartz 221–223.
39211 “
39212

39213 “After declaring their independence, the newly formed States
39214 replaced their colonial charters with constitutions and state bills
39215 of rights, almost all of which guaranteed the same fundamental
39216 rights that the former colonists previously had claimed by virtue
39217 of their English heritage. “
39218

39219 “See, e.g., Pa. Declaration of Rights (1776), reprinted in 5
39220 Thorpe 3081–3084 (declaring that “all men are born equally
39221 free and independent, and have certain natural, inherent and
39222 inalienable rights,” including the “right to **worship** Almighty
39223 God according to the dictates of their own consciences” and the
39224 “**right to bear arms for the defence of themselves** and the
39225 state”).”
39226

39227

39228

1622. Justice Thomas in *McDonald* further writes at 28:

39229

“In debating the Fourteenth Amendment, the 39th Congress referred to the right to keep and bear arms as a fundamental right deserving of protection. Senator Samuel Pomeroy described three “indispensable” “safeguards of liberty under our form of Government.” 39th Cong. Globe 1182. One of these, he said, was the right to keep and bear arms:

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“Every man . . . should have the right to bear arms for the defense of himself and family and his homestead. And if the cabin door of the freedman is broken open and the intruder enters for purposes as vile as were known to slavery, then should a well-loaded musket be in the hand of the occupant to send the polluted wretch to another world, where his wretchedness will forever remain complete.” *Ibid*

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1623. In *McDonald*, Justice Alito states at 40;

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“...we stressed that the right was also valued because the possession of firearms was thought to be essential for self-defense. As we put it, self-defense was “the *central component* of the right itself.”

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1624. Plaintiff Atkinson, asserts that under the Fourteenth

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Amendment, that no State (including the Commonwealth of

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Massachusetts) may make **any law** to the “abridge the privileges

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and immunities of citizens,” and the rulings by the U.S. Supreme

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Court in *Heller* (2008) and in *McDonald* (2010) make it clear that

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the 2nd Amendment fully applies to the States, and that in turn no

39257 State may make, pass, or enforce any law which infringes upon the
39258 2nd Amendment with regards to the keeping and, or of bearing
39259 arms.

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39261 1625. Further, because of these rulings by the U.S. Supreme court; the
39262 laws of the Commonwealth of Massachusetts in regards to both the
39263 keeping of arms, and the bearing of arms is thus unconstitutional,
39264 null and void, an infringement and deprivation of civil rights of not
39265 only the Plaintiff, but also upon all of the citizens of the
39266 Commonwealth of Massachusetts.

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39268 1626. There is a paucity of opinions available in the 1st Circuit Court
39269 or even in the other Circuit courts specific to this matter, and thus
39270 we must turn our attentions solely to the cases recently decided by
39271 the U.S. Supreme Court.

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39273 1627. While the records of the Appeals courts are resplendent with
39274 cases involving felons unlawfully in possession of arm, the
39275 aforementioned paucity of relevant opinions on the Circuit court

39276 level require the higher and sole authority on this matter, that being
39277 the U.S. Supreme Court.

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39279 1628. The statutes listed in Count One, and in all additional Counts
39280 are in violation of the 2nd and 14th Amendment, and also *District of*
39281 *Columbia v. Heller*, 554 U.S. 570, 592 (2008), and *McDonald v.*
39282 *Chicago*, 561 U.S. ___, 130 S. Ct. 3020, 3026 (2010),
39283 *Commonwealth v. Blanding*, 20 Mass. (3 Pick.) 304, 313-14
39284 (1825), *Thomas v. Chi. Park Dist.*, 534 U.S. 316, 320 (2002),
39285 *Snyder v. Massachusetts*, 291 U. S. 97, 105 (1934), *Valdivieso*
39286 *Ortiz v. Burgos*, 807 F. 2d 6, 8 (1st Cir. 1986); see also *Kuck v.*
39287 *Danaher*, 600 F. 3d 159, 165 (2d Cir. 2010)

39288
39289 **COUNT TWO**
39290 **THE SECOND AMENDMENT INVALIDATES M.G.L. c. 140, §**
39291 **121 TO THE EXTENT IT PREVENTS QUALIFIED PRIVATE**
39292 **CITIZENS FROM KEEPING AND/OR CARRYING AND/OR**
39293 **BEARING ARMS FOR SELF-DEFENSE**
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39295 1629. **M.G.L. c. 140, § 121** is unconstitutional in that it is
39296 deliberately vague, overly broad and ambiguous, violates the 2nd
39297 and 14th Amendments to the Constitution of the United States, in
39298 regards to firearms, pistols, revolvers, rifles, shotguns, machine

39299 guns, other arms and weapons, ammunition, chemical weapons,
39300 feeding devices, firearms licenses and the rights of Massachusetts
39301 citizens to keep and bear arms, and thus is an infringement of civil
39302 rights. The allegations contained in paragraphs 1 through the
39303 current paragraph, are re-alleged and incorporated into this count
39304 as though fully set forth herein. The aforementioned and following
39305 Massachusetts General Laws, Statutes, and Regulation are invalid
39306 as applied to prohibit a private citizen who is otherwise eligible to
39307 possessing arms, firearms or from carrying a loaded and operable
39308 firearm, or other arms for the purpose of self-defense. The
39309 invalidities of the aforesaid and following statute and regulations,
39310 and Defendants' application of same, infringe Plaintiff's Second
39311 and Fourteenth Amendments right and damage Plaintiff's in
39312 violation of 42 U.S.C. § 1983. This statute infringes the 2nd
39313 Amendment right to keep and bear arms, and the 14th Amendment
39314 privileges and immunities of U.S. citizenship, the "Equal
39315 Protections Clause" of the 14th Amendment, including but not
39316 limited to the Constitution of the United States, Article IV, Section
39317 2, and is thus unlawful prior restraint, as well as a deprivation of
39318 the civil rights of the Plaintiff Atkinson. This violates the cruel and

39319 unusual punishments clause of the Eighth Amendment, made
39320 applicable to the states though the Fourteenth Amendment to the
39321 United States Constitution. This statute as a whole, and also in
39322 sections or parts is unconstitutional, an infringement, and a
39323 deprivation of civil rights of Plaintiff Atkinson.

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COUNT THREE

39326

**THE SECOND AMENDMENT INVALIDATES M.G.L. c. 140, §
39327 121 TO THE EXTENT IT PREVENTS QUALIFIED PRIVATE
39328 CITIZENS FROM KEEPING AND/OR CARRYING AND/OR
39329 BEARING ARMS FOR SELF-DEFENSE**

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1630. **M.G.L. c. 140, § 121** definition of “Assault Weapons” is

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unconstitutional in that it relies upon a now repealed federal statute

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(18 USC 921, Repealed. Pub. L. 103-322, title XI, Sec. 110105(2),

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Sept. 13, 1994, 108 Stat. 2000.) is deliberately vague, overly

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broad and ambiguous, violates the 2nd and 14th Amendments to the

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Constitution of the United States, in regards to so called “Assault

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Weapons,” firearms, pistols, revolvers, rifles, shotguns, machine

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guns, other arms and weapons, ammunition, chemical weapons,

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feeding devices, firearms licenses and the rights of Massachusetts

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citizens to keep and bear arms, and thus is an infringement of civil

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rights. The allegations contained in paragraphs 1 through the

39342 current paragraph, are re-alleged and incorporated into this count
39343 as though fully set forth herein. The aforementioned and following
39344 Massachusetts General Laws, Statutes, and Regulation are invalid
39345 as applied to prohibit a private citizen who is otherwise eligible to
39346 possessing arms, firearms or from carrying a loaded and operable
39347 firearm, or other arms for the purpose of self-defense. The
39348 invalidities of the aforesaid and following statute and regulations,
39349 and Defendants’ application of same, infringe Plaintiff’s Second
39350 and Fourteenth Amendments right and damage Plaintiff’s in
39351 violation of 42 U.S.C. § 1983. This statute infringes the 2nd
39352 Amendment right to keep and bear arms, and the 14th Amendment
39353 privileges and immunities of U.S. citizenship, the “Equal
39354 Protections Clause” of the 14th Amendment, including but not
39355 limited to the Constitution of the United States, Article IV, Section
39356 2, and is thus unlawful prior restraint, as well as a deprivation of
39357 the civil rights of the Plaintiff Atkinson. This violates the cruel and
39358 unusual punishments clause of the Eighth Amendment, made
39359 applicable to the states though the Fourteenth Amendment to the
39360 United States Constitution. This statute as a whole, and also in
39361 sections or parts is unconstitutional, an infringement, and a

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deprivation of civil rights of Plaintiff Atkinson.

COUNT FOUR
THE SECOND AMENDMENT INVALIDATES M.G.L. c. 140, § 121 TO THE EXTENT IT PREVENTS QUALIFIED PRIVATE CITIZENS FROM KEEPING AND/OR CARRYING AND/OR BEARING ARMS FOR SELF-DEFENSE

1631. **M.G.L. c. 140, § 121** definition of “Large Capacity Feeding Device” is unconstitutional in that it relies upon a now repealed federal statute (18 USC 921, Repealed. Pub. L. 103-322, title XI, Sec. 110105(2), Sept. 13, 1994, 108 Stat. 2000.) is deliberately vague, overly broad and ambiguous, violates the 2nd and 14th Amendments to the Constitution of the United States, in regards to so called “Assault Weapons,” firearms, pistols, revolvers, rifles, shotguns, machine guns, other arms and weapons, ammunition, chemical weapons, feeding devices, firearms licenses and the rights of Massachusetts citizens to keep and bear arms, and thus is an infringement of civil rights. The allegations contained in paragraphs 1 though the current paragraph, are re-alleged and incorporated into this count as though fully set forth herein. The aforementioned and following Massachusetts General Laws, Statutes, and Regulation are invalid as applied to prohibit a private

39385 citizen who is otherwise eligible to possessing arms, firearms or
39386 from carrying a loaded and operable firearm, or other arms for the
39387 purpose of self-defense. The invalidities of the aforesaid and
39388 following statute and regulations, and Defendants’ application of
39389 same, infringe Plaintiff’s Second and Fourteenth Amendments
39390 right and damage Plaintiff’s in violation of 42 U.S.C. § 1983. This
39391 statute infringes the 2nd Amendment right to keep and bear arms,
39392 and the 14th Amendment privileges and immunities of U.S.
39393 citizenship, the “Equal Protections Clause” of the 14th Amendment,
39394 including but not limited to the Constitution of the United States,
39395 Article IV, Section 2, and is thus unlawful prior restraint, as well
39396 as a deprivation of the civil rights of the Plaintiff Atkinson. This
39397 violates the cruel and unusual punishments clause of the Eighth
39398 Amendment, made applicable to the states though the Fourteenth
39399 Amendment to the United States Constitution. This statute as a
39400 whole, and also in sections or parts is unconstitutional, an
39401 infringement, and a deprivation of civil rights of Plaintiff Atkinson.

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COUNT FIVE
THE SECOND AMENDMENT INVALIDATES M.G.L. c. 140, §
121 TO THE EXTENT IT PREVENTS QUALIFIED PRIVATE

39406 **CITIZENS FROM KEEPING AND/OR CARRYING AND/OR**
39407 **BEARING ARMS FOR SELF-DEFENSE**
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39409 1632. **M.G.L. c. 140, § 121** is unconstitutional in regards to
39410 “licensing authority” is deliberately vague, overly broad and
39411 ambiguous, violates the 2nd and 14th Amendments to the
39412 Constitution of the United States, firearms, pistols, revolvers, rifles,
39413 shotguns, machine guns, other arms and weapons, ammunition,
39414 chemical weapons, feeding devices, firearms licenses and the
39415 rights of Massachusetts citizens to keep and bear arms, and thus is
39416 an infringement of civil rights. The allegations contained in
39417 paragraphs 1 through the current paragraph, are re-alleged and
39418 incorporated into this count as though fully set forth herein. The
39419 aforementioned and following Massachusetts General Laws,
39420 Statutes, and Regulation are invalid as applied to prohibit a private
39421 citizen who is otherwise eligible to possessing arms, firearms or
39422 from carrying a loaded and operable firearm, or other arms for the
39423 purpose of self-defense. The invalidities of the aforesaid and
39424 following statute and regulations, and Defendants’ application of
39425 same, infringe Plaintiff’s Second and Fourteenth Amendments
39426 right and damage Plaintiff’s in violation of 42 U.S.C. § 1983.

39427 Federal law as interpreted by the Supreme Court of the United
39428 States in *McDonald v. Chicago*, 561 U.S. ____, 130 S.Ct. 3020
39429 (2010), and also in *District of Columbia v. Heller*, 554 U.S. 570
39430 (2008) emphatically deny and refute any and all such state schemes
39431 or mechanism, fraud, or infringements. The Supreme Court of the
39432 United States has further ruled in these cases that the only citizens
39433 who may be disqualified from keeping, possessing, or bearing are
39434 those who are convicted felons, or those citizens who have not be
39435 adjudicate as mentally defective, and confined to a mental hospital.
39436 Thus, the only “licensing authority” is outside of state or local
39437 control, and any claim to the contrary is an utter farce, and an
39438 affront to our basic and essential civil rights. This statute infringes
39439 the 2nd Amendment right to keep and bear arms, and the 14th
39440 Amendment privileges and immunities of U.S. citizenship, the
39441 “Equal Protections Clause” of the 14th Amendment, including but
39442 not limited to the Constitution of the United States, Article IV,
39443 Section 2, and is thus unlawful prior restraint, as well as a
39444 deprivation of the civil rights of the Plaintiff Atkinson. This
39445 violates the cruel and unusual punishments clause of the Eighth
39446 Amendment, made applicable to the states though the Fourteenth

39447 Amendment to the United States Constitution. This statute as a
39448 whole, and also in sections or parts is unconstitutional, an
39449 infringement, and a deprivation of civil rights of Plaintiff Atkinson.

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COUNT SIX

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**THE SECOND AMENDMENT INVALIDATES M.G.L. c. 140, §
39453 121 TO THE EXTENT IT PREVENTS QUALIFIED PRIVATE
39454 CITIZENS FROM KEEPING AND/OR CARRYING AND/OR
39455 BEARING ARMS FOR SELF-DEFENSE
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1633. **M.G.L. c. 140, § 121** definition of “Weapon” is

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unconstitutional in that it fails to list common and generally

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recognized weapons such as edged weapons, impact weapons, or

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other timely arms or means to defend oneself including improvised

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weapons, the shod foot, pointed sticks, bayonets, blackjacks,

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batons, come-alones, staffs, handfuls of keys, knitting needles, box

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cutters, scissors, shoes, ice axes, ice picks, meat cleavers, sabers,

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swords, fencing foils, baseball bats, cricket bats, dumbbells, hand

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weights, golf clubs, hockey sticks, pool cues, ski poles, utility

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knives, disposable razors, razor cartridges, axes, hatchets, crowbars,

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hammers, drills, drill bits, crochet hooks, power drills or saws,

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screwdrivers, wrenches, pliers, pressure washers, billy clubs, black

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jacks, brass knuckles, kubatons, gasoline, butane, propane,

39470 matches, torches, cigarette lighters, cups of hot coffee, turpentine,
39471 chlorine, gas cartridges, bleach, battery acid, paint, hair spray, gell
39472 shoe inserts, snow globes, candles, keys, and other common tools
39473 or customary or historical weapons and arms of self defense (as
39474 defined by Federal regulations). The definition as listed is
39475 deliberately vague, overly broad and ambiguous, violates the 2nd
39476 and 14th Amendments to the Constitution of the United States in
39477 regards to firearms, pistols, revolvers, rifles, shotguns, machine
39478 guns, other arms and weapons, ammunition, chemical weapons,
39479 feeding devices, firearms licenses and the rights of Massachusetts
39480 citizens to keep and bear arms, and thus is an infringement of civil
39481 rights. The allegations contained in paragraphs 1 though the
39482 current paragraph, are re-alleged and incorporated into this count
39483 as though fully set forth herein. The aforementioned and following
39484 Massachusetts General Laws, Statutes, and Regulation are invalid
39485 as applied to prohibit a private citizen who is otherwise eligible to
39486 possessing arms, firearms or from carrying a loaded and operable
39487 firearm, or other arms for the purpose of self-defense. The
39488 invalidities of the aforesaid and following statute and regulations,
39489 and Defendants' application of same, infringe Plaintiff's Second

39490 and Fourteenth Amendments right and damage Plaintiff's in
39491 violation of 42 U.S.C. § 1983. This statute infringes the 2nd
39492 Amendment right to keep and bear arms, and the 14th Amendment
39493 privileges and immunities of U.S. citizenship, the "Equal
39494 Protections Clause" of the 14th Amendment, including but not
39495 limited to the Constitution of the United States, Article IV, Section
39496 2, and is thus unlawful prior restraint, as well as a deprivation of
39497 the civil rights of the Plaintiff Atkinson. This violates the cruel and
39498 unusual punishments clause of the Eighth Amendment, made
39499 applicable to the states though the Fourteenth Amendment to the
39500 United States Constitution. This statute as a whole, and also in
39501 sections or parts is unconstitutional, an infringement, and a
39502 deprivation of civil rights of Plaintiff Atkinson.

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COUNT SEVEN

39505

**THE SECOND AMENDMENT INVALIDATES M.G.L. c. 140, § 121
TO THE EXTENT IT PREVENTS QUALIFIED PRIVATE CITIZENS
FROM KEEPING AND/OR CARRYING AND/OR BEARING ARMS
FOR SELF-DEFENSE**

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1634. **M.G.L. c. 140, § 121** definition of "Large Capacity Weapon"

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is unconstitutional in that it relies upon a now repealed federal

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statute (18 USC 921, Repealed. Pub. L. 103-322, title XI, Sec.

39513 110105(2), Sept. 13, 1994, 108 Stat. 2000.] is deliberately vague,
39514 overly broad and ambiguous, violates the 2nd and 14th Amendments
39515 to the Constitution of the United States, in regards to so called
39516 “Assault Weapons,” firearms, pistols, revolvers, rifles, shotguns,
39517 machine guns, other arms and weapons, ammunition, chemical
39518 weapons, feeding devices, firearms licenses and the rights of
39519 Massachusetts citizens to keep and bear arms, and thus is an
39520 infringement of civil rights. The allegations contained in
39521 paragraphs 1 though the current paragraph, are re-alleged and
39522 incorporated into this count as though fully set forth herein. The
39523 aforementioned and following Massachusetts General Laws,
39524 Statutes, and Regulation are invalid as applied to prohibit a private
39525 citizen who is otherwise eligible to possessing arms, firearms or
39526 from carrying a loaded and operable firearm, or other arms for the
39527 purpose of self-defense. The invalidities of the aforesaid and
39528 following statute and regulations, and Defendants’ application of
39529 same, infringe Plaintiff’s Second and Fourteenth Amendments
39530 right and damage Plaintiff’s in violation of 42 U.S.C. § 1983. This
39531 statute infringes the 2nd Amendment right to keep and bear arms,
39532 and the 14th Amendment privileges and immunities of U.S.

39533 citizenship, the “Equal Protections Clause” of the 14th Amendment,
39534 including but not limited to the Constitution of the United States,
39535 Article IV, Section 2, and is thus unlawful prior restraint, as well
39536 as a deprivation of the civil rights of the Plaintiff Atkinson. This
39537 violates the cruel and unusual punishments clause of the Eighth
39538 Amendment, made applicable to the states though the Fourteenth
39539 Amendment to the United States Constitution. This statute as a
39540 whole, and also in sections or parts is unconstitutional, an
39541 infringement, and a deprivation of civil rights of Plaintiff Atkinson.

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39543 1635. **M.G.L. c. 140, § 121** is unconstitutional as it sets an arbitrary
39544 manufacture date of 1899 for firearms, rifles, and shotguns, which
39545 are equally, if not vastly more dangerous and/or more unstable and
39546 dangerous to the user than modern firearms, and is deliberately
39547 vague, overly broad and ambiguous, violates the 2nd and 14th
39548 Amendments to the Constitution of the United States, in regards to
39549 so called “Assault Weapons,” firearms, pistols, revolvers, rifles,
39550 shotguns, machine guns, other arms and weapons, ammunition,
39551 chemical weapons, feeding devices, firearms licenses and the
39552 rights of Massachusetts citizens to keep and bear arms, and thus is

39553 an infringement of civil rights. This statute infringes the 2nd
39554 Amendment right to keep and bear arms, and the 14th Amendment
39555 privileges and immunities of U.S. citizenship, the “Equal
39556 Protections Clause” of the 14th Amendment, including but not
39557 limited to the Constitution of the United States, Article IV, Section
39558 2, and is thus unlawful prior restraint, as well as a deprivation of
39559 the civil rights of the Plaintiff Atkinson. This violates the cruel and
39560 unusual punishments clause of the Eighth Amendment, made
39561 applicable to the states though the Fourteenth Amendment to the
39562 United States Constitution. This statute as a whole, and also in
39563 sections or parts is unconstitutional, an infringement, and a
39564 deprivation of civil rights of Plaintiff Atkinson.

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COUNT EIGHT
THE SECOND AMENDMENT INVALIDATES M.G.L. c. 140, § 123 TO THE EXTENT IT PREVENTS QUALIFIED PRIVATE CITIZENS FROM KEEPING AND/OR CARRYING AND/OR BEARING ARMS FOR SELF-DEFENSE

39572 1636. **M.G.L. c. 140, § 123** is unconstitutional as Federal law as
39573 interpreted by the Supreme Court of the United States in
39574 *McDonald v. Chicago*, 561 U.S. ___, 130 S.Ct. 3020 (2010), and
39575 also in *District of Columbia v. Heller*, 554 U.S. 570 (2008) forbids

39576 any form of “Firearms Identification Card” under whatever scheme,
39577 scam, ruse, or fraud under which the Commonwealth may try to
39578 conceal the keeping and possession of any pistol, revolver, rifle,
39579 shotgun, machine gun, assault weapon, edged weapon, impact
39580 weapons, broken beer bottle, or pointed stick or any arms of ones
39581 own choosing inside a citizens own home or upon the property of a
39582 citizen. The allegations contained in paragraphs 1 though the
39583 current paragraph, are re-alleged and incorporated into this count
39584 as though fully set forth herein. The aforementioned and following
39585 Massachusetts General Laws, Statutes, and Regulation are invalid
39586 as applied to prohibit a private citizen who is otherwise eligible to
39587 possessing arms, firearms or from carrying a loaded and operable
39588 firearm, or other arms for the purpose of self-defense. The
39589 invalidities of the aforesaid and following statute and regulations,
39590 and Defendants’ application of same, infringe Plaintiff’s Second
39591 and Fourteenth Amendments right and damage Plaintiff’s in
39592 violation of 42 U.S.C. § 1983. The requirement to be in possession
39593 of any kind of state issued identification card, or license to possess
39594 “Arms” is deliberately vague, overly broad and ambiguous,
39595 violates the 2nd and 14th Amendments to the Constitution of the

39596 United States. It in turn feeds and enables many other civil rights
39597 crimes and infringements and deprivations of the Commonwealth
39598 on the citizens of the State including infringing upon the rights of
39599 the Plaintiff. Any requirement by the Commonwealth to possess an
39600 “Firearms Identification Card” or any scheme or substitute is thus
39601 null and void, and should be stricken from all state statutes. This
39602 violates the cruel and unusual punishments clause of the Eighth
39603 Amendment, made applicable to the states though the Fourteenth
39604 Amendment to the United States Constitution. This statute
39605 infringes the 2nd Amendment right to keep and bear arms, and the
39606 14th Amendment privileges and immunities of U.S. citizenship, the
39607 “Equal Protections Clause” of the 14th Amendment, including but
39608 not limited to the Constitution of the United States, Article IV,
39609 Section 2, and is thus unlawful prior restraint, as well as a
39610 deprivation of the civil rights of the Plaintiff Atkinson. This statute
39611 as a whole, and also in sections or parts is unconstitutional, an
39612 infringement, and a deprivation of civil rights of Plaintiff Atkinson.

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COUNT NINE
THE SECOND AMENDMENT INVALIDATES M.G.L. c. 140, §
123 TO THE EXTENT IT PREVENTS QUALIFIED PRIVATE
CITIZENS FROM KEEPING AND/OR CARRYING AND/OR

BEARING ARMS FOR SELF-DEFENSE

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1637. **M.G.L. c. 140, § 123** is unconstitutional in that it requires that dealers in firearms, pistols, revolvers, rifles, shotguns, machine guns, other arms and weapons, ammunition, chemical weapons, feeding devices act as agents of the police, and agents of the state government to unlawfully seize “Firearms Identifications Cards,” “Licenses to Carry,” “Permits to Purchase” violates the 2nd and 14th Amendments as well as the 4th and 5th Amendments to the Constitution of the United States it does not afford sufficient due process in regards to such seizures. The allegations contained in paragraphs 1 though the current paragraph, are re-alleged and incorporated into this count as though fully set forth herein. The aforementioned and following Massachusetts General Laws, Statutes, and Regulation are invalid as applied to prohibit a private citizen who is otherwise eligible to possessing arms, firearms or from carrying a loaded and operable firearm, or other arms for the purpose of self-defense. The invalidities of the aforesaid and following statute and regulations, and Defendants’ application of same, infringe Plaintiff’s Second and Fourteenth Amendments right and damage Plaintiff’s in violation of 42 U.S.C. § 1983. This

39639 statute infringes the 2nd Amendment right to keep and bear arms,
39640 and the 14th Amendment privileges and immunities of U.S.
39641 citizenship, the “Equal Protections Clause” of the 14th Amendment,
39642 including but not limited to the Constitution of the United States,
39643 Article IV, Section 2, and is thus unlawful prior restraint, as well
39644 as a deprivation of the civil rights of the Plaintiff Atkinson. This
39645 violates the cruel and unusual punishments clause of the Eighth
39646 Amendment, made applicable to the states though the Fourteenth
39647 Amendment to the United States Constitution. This statute as a
39648 whole, and also in sections or parts is unconstitutional, an
39649 infringement, and a deprivation of civil rights of Plaintiff Atkinson.

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COUNT TEN

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**THE SECOND AMENDMENT INVALIDATES M.G.L. c. 140, §
123 TO THE EXTENT IT PREVENTS QUALIFIED PRIVATE
CITIZENS FROM KEEPING AND/OR CARRYING AND/OR
BEARING ARMS FOR SELF-DEFENSE**

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1638. **M.G.L. c. 140, § 123** is unconstitutional in that it specifies,

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under Clause 14, “assault weapons or large capacity feeding device

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that was not otherwise lawfully possessed on September 13, 1994”

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and relies upon the now repealed (18 USC 921, Repealed. Pub. L.

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103-322, title XI, Sec. 110105(2), Sept. 13, 1994, 108 Stat. 2000.)]

39662 Federal statute. Thus, this restriction or definition violates the 2nd
39663 and 14th Amendments to the Constitution of the United States, and
39664 is a civil rights infringement. The allegations contained in
39665 paragraphs 1 through the current paragraph, are re-alleged and
39666 incorporated into this count as though fully set forth herein. The
39667 aforementioned and following Massachusetts General Laws,
39668 Statutes, and Regulation are invalid as applied to prohibit a private
39669 citizen who is otherwise eligible to possessing arms, firearms or
39670 from carrying a loaded and operable firearm, or other arms for the
39671 purpose of self-defense. The invalidities of the aforesaid and
39672 following statute and regulations, and Defendants' application of
39673 same, infringe Plaintiff's Second and Fourteenth Amendments
39674 right and damage Plaintiff's in violation of 42 U.S.C. § 1983. This
39675 statute infringes the 2nd Amendment right to keep and bear arms,
39676 and the 14th Amendment privileges and immunities of U.S.
39677 citizenship, the "Equal Protections Clause" of the 14th Amendment,
39678 including but not limited to the Constitution of the United States,
39679 Article IV, Section 2, and is thus unlawful prior restraint, as well
39680 as a deprivation of the civil rights of the Plaintiff Atkinson. This
39681 violates the cruel and unusual punishments clause of the Eighth

39682 Amendment, made applicable to the states though the Fourteenth
39683 Amendment to the United States Constitution. This statute as a
39684 whole, and also in sections or parts is unconstitutional, an
39685 infringement, and a deprivation of civil rights of Plaintiff Atkinson.

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COUNT ELEVEN

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**THE SECOND AMENDMENT INVALIDATES M.G.L. c. 140, §
39689 123 TO THE EXTENT IT PREVENTS QUALIFIED PRIVATE
39690 CITIZENS FROM KEEPING AND/OR CARRYING AND/OR
39691 BEARING ARMS FOR SELF-DEFENSE
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1639. **M.G.L. c. 140, § 123** is unconstitutional and specifies, under

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Clause 14, various scheme, fantasies, or devices to render a firearm

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under the control of a citizen unable and inaccessible, and which

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forbidden the Supreme Court of the United States in *McDonald v.*

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Chicago, 561 U.S. ___, 130 S.Ct. 3020 (2010), and also in *District*

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of Columbia v. Heller, 554 U.S. 570 (2008). Thus, this restriction

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or definition violates the 2nd and 14th Amendments to the

39700

Constitution of the United States, and is a civil rights infringement.

39701

The allegations contained in paragraphs 1 though the current

39702

paragraph, are re-alleged and incorporated into this count as

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though fully set forth herein. The aforementioned and following

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Massachusetts General Laws, Statutes, and Regulation are invalid

39705 as applied to prohibit a private citizen who is otherwise eligible to
39706 possessing arms, firearms or from carrying a loaded and operable
39707 firearm, or other arms for the purpose of self-defense. The
39708 invalidities of the aforesaid and following statute and regulations,
39709 and Defendants’ application of same, infringe Plaintiff’s Second
39710 and Fourteenth Amendments right and damage Plaintiff’s in
39711 violation of 42 U.S.C. § 1983. This statute infringes the 2nd
39712 Amendment right to keep and bear arms, and the 14th Amendment
39713 privileges and immunities of U.S. citizenship, the “Equal
39714 Protections Clause” of the 14th Amendment, including but not
39715 limited to the Constitution of the United States, Article IV, Section
39716 2, and is thus unlawful prior restraint, as well as a deprivation of
39717 the civil rights of the Plaintiff Atkinson. This violates the cruel and
39718 unusual punishments clause of the Eighth Amendment, made
39719 applicable to the states though the Fourteenth Amendment to the
39720 United States Constitution. This statute as a whole, and also in
39721 sections or parts is unconstitutional, an infringement, and a
39722 deprivation of civil rights of Plaintiff Atkinson

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COUNT TWELVE
THE SECOND AMENDMENT INVALIDATES M.G.L. c. 140, §

39726 **123 TO THE EXTENT IT PREVENTS QUALIFIED PRIVATE**
39727 **CITIZENS FROM KEEPING AND/OR CARRYING AND/OR**
39728 **BEARING ARMS FOR SELF-DEFENSE**
39729

39730 1640. M.G.L. c. 140, § 123 is unconstitutional and specifies, under
39731 Clauses 18-21, various technical parameters that must be met for
39732 the retail sale of certain firearms, and while the Plaintiff Atkinson
39733 acknowledges that suitable firearms capable of assuring the
39734 administering and inflicting mortal injury against the person
39735 toward whom such firearms are directed by the lawful user of said
39736 firearms or other weapons, the Commonwealth steps over the
39737 limits outlined by the U.S. Supreme Court in both *McDonald* and
39738 in *Heller* by requiring such weapons be possessed or lawfully
39739 owned by October 12, 1998. Thus, this restriction or definition
39740 violates the 2nd and 14th Amendments to the Constitution of the
39741 United States, and is a civil rights infringement. The allegations
39742 contained in paragraphs 1 through the current paragraph, are re-
39743 alleged and incorporated into this count as though fully set forth
39744 herein. The aforementioned and following Massachusetts General
39745 Laws, Statutes, and Regulation are invalid as applied to prohibit a
39746 private citizen who is otherwise eligible to possessing arms,
39747 firearms or from carrying a loaded and operable firearm, or other

39748 arms for the purpose of self-defense. The invalidities of the
39749 aforesaid and following statute and regulations, and Defendants’
39750 application of same, infringe Plaintiff’s Second and Fourteenth
39751 Amendments right and damage Plaintiff’s in violation of 42 U.S.C.
39752 § 1983. This statute infringes the 2nd Amendment right to keep and
39753 bear arms, and the 14th Amendment privileges and immunities of
39754 U.S. citizenship, the “Equal Protections Clause” of the 14th
39755 Amendment, including but not limited to the Constitution of the
39756 United States, Article IV, Section 2, and is thus unlawful prior
39757 restraint, as well as a deprivation of the civil rights of the Plaintiff
39758 Atkinson. This statute as a whole, and also in sections or parts is
39759 unconstitutional, an infringement, and a deprivation of civil rights
39760 of Plaintiff Atkinson.

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39762 **COUNT THIRTEEN**
39763 **THE SECOND AMENDMENT INVALIDATES M.G.L. c. 140, §**
39764 **127 TO THE EXTENT IT PREVENTS QUALIFIED PRIVATE**
39765 **CITIZENS FROM KEEPING AND/OR CARRYING AND/OR**
39766 **BEARING ARMS FOR SELF-DEFENSE**
39767

39768 1641. **M.G.L. c. 140, § 127** is unconstitutional in that as defined by
39769 the Supreme Court of the United States in *McDonald v. Chicago*,
39770 561 U.S. ___, 130 S.Ct. 3020 (2010), and also in *District of*

39771 *Columbia v. Heller*, 554 U.S. 570 (2008), Massachusetts
39772 Constitution Part The First, Article XVII; the U.S. Constitution as
39773 a whole; the U.S. Constitution, Amendment II □ (also known as the
39774 Second Amendment); and the U.S. Constitution, Amendment XIV
39775 (also known as the Fourteenth Amendment); the Ku Klux Klan Act
39776 (or the Civil Rights Act of 1871); 42 U.S.C. § 1983 (also called
39777 "section 1983"), and other relevant laws do not grant any “officials
39778 authorized to issue a license” and power to effect such a transfer
39779 and any scheme, statute, artifice, or regulation to the contract
39780 violates the 2nd and 14th Amendments to the Constitution of the
39781 United States, including but not limited to the Constitution of the
39782 United States, Article IV, Section 2, and is a civil rights
39783 infringement. The allegations contained in paragraphs 1 though the
39784 current paragraph, are re-alleged and incorporated into this count
39785 as though fully set forth herein. The aforementioned and following
39786 Massachusetts General Laws, Statutes, and Regulation are invalid
39787 as applied to prohibit a private citizen who is otherwise eligible to
39788 possessing arms, firearms or from carrying a loaded and operable
39789 firearm, or other arms for the purpose of self-defense. The
39790 invalidities of the aforesaid and following statute and regulations,

39791 and Defendants’ application of same, infringe Plaintiff’s Second
39792 and Fourteenth Amendments right and damage Plaintiff’s in
39793 violation of 42 U.S.C. § 1983. This violates the cruel and unusual
39794 punishments clause of the Eighth Amendment, made applicable to
39795 the states though the Fourteenth Amendment to the United States
39796 Constitution. This statute as a whole, and also in sections or parts
39797 is unconstitutional, an infringement, and a deprivation of civil
39798 rights of Plaintiff Atkinson.

39799

39800 **COUNT FOURTEEN**
39801 **THE SECOND AMENDMENT INVALIDATES M.G.L. c. 140, §**
39802 **128A TO THE EXTENT IT PREVENTS QUALIFIED PRIVATE**
39803 **CITIZENS FROM KEEPING AND/OR CARRYING AND/OR**
39804 **BEARING ARMS FOR SELF-DEFENSE**
39805

39806 1642. **M.G.L. c. 140, § 128A** is unconstitutional is it requires the
39807 “Firearms Identification Card” for application of section 128, but
39808 requires both buyer and seller to have possession of a “Firearms
39809 Identification Card” or a “Permit to Purchase” both of which have
39810 been outlawed by the U.S. Supreme Court under *Heller* and
39811 *McDonald* as an attempt by the Commonwealth to subvert the 2nd
39812 and 14th amendment, and to impose a revocable licensing or
39813 permitting scheme in violation of civil rights. This statute infringes

39814 the 2nd Amendment right to keep and bear arms, and the 14th
39815 Amendment privileges and immunities of U.S. citizenship, the
39816 “Equal Protections Clause” of the 14th Amendment, including but
39817 not limited to the Constitution of the United States, Article IV,
39818 Section 2, and is thus unlawful prior restraint, as well as a
39819 deprivation of the civil rights of the Plaintiff Atkinson. The
39820 allegations contained in paragraphs 1 through the current paragraph,
39821 are re-alleged and incorporated into this count as though fully set
39822 forth herein. The aforementioned and following Massachusetts
39823 General Laws, Statutes, and Regulation are invalid as applied to
39824 prohibit a private citizen who is otherwise eligible to possessing
39825 arms, firearms or from carrying a loaded and operable firearm, or
39826 other arms for the purpose of self-defense. The invalidities of the
39827 aforesaid and following statute and regulations, and Defendants’
39828 application of same, infringe Plaintiff’s Second and Fourteenth
39829 Amendments right and damage Plaintiff’s in violation of 42 U.S.C.
39830 § 1983. This violates the cruel and unusual punishments clause of
39831 the Eighth Amendment, made applicable to the states through the
39832 Fourteenth Amendment to the United States Constitution. This
39833 statute as a whole, and also in sections or parts is unconstitutional,

39834 an infringement, and a deprivation of civil rights of Plaintiff

39835 Atkinson.

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39837

COUNT FIFTEEN

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THE SECOND AMENDMENT INVALIDATES M.G.L. c. 140, §

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ALL SECTIONS TO THE EXTENT IT PREVENTS QUALIFIED

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PRIVATE CITIZENS FROM KEEPING AND/OR CARRYING

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AND/OR BEARING ARMS FOR SELF-DEFENSE

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1643. **M.G.L. c. 140, § All Sections**, is unconstitutional as the

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Commonwealth can no more require a permit to purchase or

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possess firearms as they can attempt to compel the purchaser of

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pen and ink to apply for a “Literary Identification Card,” or a

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“Permit to Purchase Ink Pens” or even any permitting scheme in

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order to license the ownership of a printing press, computer printer,

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mimeograph, or copy machine. The allegations contained in

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paragraphs 1 through the current paragraph, are re-alleged and

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incorporated into this count as though fully set forth herein. The

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aforementioned and following Massachusetts General Laws,

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Statutes, and Regulation are invalid as applied to prohibit a private

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citizen who is otherwise eligible to possessing arms, firearms or

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from carrying a loaded and operable firearm, or other arms for the

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purpose of self-defense. The invalidities of the aforesaid and

39857 following statute and regulations, and Defendants’ application of
39858 same, infringe Plaintiff’s Second and Fourteenth Amendments
39859 right and damage Plaintiff’s in violation of 42 U.S.C. § 1983. The
39860 U.S. Supreme Court has stated strongly that firearms rights are no
39861 different than the freedom of the press or religion, and the
39862 government may not control or restrict either. Such a repeated
39863 requirement in the General laws of the Commonwealth for a
39864 fanciful and lofty sounding “Firearms Identification Card” is little
39865 more than prior restraint of 2nd, 4th and 14th Amendment rights, and
39866 thus a blatant infringement of civil rights. This statute infringes the
39867 2nd Amendment right to keep and bear arms, and the 14th
39868 Amendment privileges and immunities of U.S. citizenship, the
39869 “Equal Protections Clause” of the 14th Amendment, including but
39870 not limited to the Constitution of the United States, Article IV,
39871 Section 2, and is thus unlawful prior restraint, as well as a
39872 deprivation of the civil rights of the Plaintiff Atkinson. This
39873 violates the cruel and unusual punishments clause of the Eighth
39874 Amendment, made applicable to the states though the Fourteenth
39875 Amendment to the United States Constitution. This statute as a
39876 whole, and also in sections or parts is unconstitutional, an

39877 infringement, and a deprivation of civil rights of Plaintiff Atkinson

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COUNT SIXTEEN

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**THE SECOND AMENDMENT INVALIDATES M.G.L. c. 140, §
39881 129B TO THE EXTENT IT PREVENTS QUALIFIED PRIVATE
39882 CITIZENS FROM KEEPING AND/OR CARRYING AND/OR
39883 BEARING ARMS FOR SELF-DEFENSE
39884**

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1644. **M.G.L. c. 140, § 129B in its entirety** is unconstitutional, and

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is unlawful, and a violation of the 2nd and 14th amendments as

39887

defined by the Supreme Court of the United States in *McDonald v.*

39888

Chicago, 561 U.S. ___, 130 S.Ct. 3020 (2010), and also in *District*

39889

of Columbia v. Heller, 554 U.S. 570 (2008), Massachusetts

39890

Constitution Part The First, Article XVII; the U.S. Constitution as

39891

a whole; the U.S. Constitution, Amendment II □ (also known as the

39892

Second Amendment); and the U.S. Constitution, Amendment XIV

39893

(also known as the Fourteenth Amendment); the Ku Klux Klan Act

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(or the Civil Rights Act of 1871); 42 U.S.C. § 1983 (also called

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"section 1983"), and other relevant laws, as a violation and

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infringement of civil rights. The allegations contained in

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paragraphs 1 through the current paragraph, are re-alleged and

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incorporated into this count as though fully set forth herein. The

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aforementioned and following Massachusetts General Laws,

39900 Statutes, and Regulation are invalid as applied to prohibit a private
39901 citizen who is otherwise eligible to possessing arms, firearms or
39902 from carrying a loaded and operable firearm, or other arms for the
39903 purpose of self-defense. The invalidities of the aforesaid and
39904 following statute and regulations, and Defendants’ application of
39905 same, infringe Plaintiff’s Second and Fourteenth Amendments
39906 right and damage Plaintiff’s in violation of 42 U.S.C. § 1983. This
39907 statute infringes the 2nd Amendment right to keep and bear arms,
39908 and the 14th Amendment privileges and immunities of U.S.
39909 citizenship, the “Equal Protections Clause” of the 14th Amendment,
39910 including but not limited to the Constitution of the United States,
39911 Article IV, Section 2, and is thus unlawful prior restraint, as well
39912 as a deprivation of the civil rights of the Plaintiff Atkinson. This
39913 violates the cruel and unusual punishments clause of the Eighth
39914 Amendment, made applicable to the states though the Fourteenth
39915 Amendment to the United States Constitution. This statute as a
39916 whole, and also in sections or parts is unconstitutional, an
39917 infringement, and a deprivation of civil rights of Plaintiff Atkinson.

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COUNT SEVENTEEN
THE SECOND AMENDMENT INVALIDATES M.G.L. c. 140, §

39921 **129B, SECTION(9) TO THE EXTENT IT PREVENTS QUALIFIED**
39922 **PRIVATE CITIZENS FROM KEEPING AND/OR CARRYING**
39923 **AND/OR BEARING ARMS FOR SELF-DEFENSE**
39924

39925 1645. M.G.L. c. 140, § 129B, Section (9) is unconstitutional in that
39926 it outlines a process by which the “Executive Director of the
39927 Criminal History Systems Board” shall notify holders of “Firearms
39928 Identifications Cards” of the expiration of such document. The
39929 allegations contained in paragraphs 1 through the current paragraph,
39930 are re-alleged and incorporated into this count as though fully set
39931 forth herein. The aforementioned and following Massachusetts
39932 General Laws, Statutes, and Regulation are invalid as applied to
39933 prohibit a private citizen who is otherwise eligible to possessing
39934 arms, firearms or from carrying a loaded and operable firearm, or
39935 other arms for the purpose of self-defense. The invalidities of the
39936 aforesaid and following statute and regulations, and Defendants’
39937 application of same, infringe Plaintiff’s Second and Fourteenth
39938 Amendments right and damage Plaintiff’s in violation of 42 U.S.C.
39939 § 1983. Notwithstanding that such a document is not required by
39940 Federal law to purchase and, or to possess firearms, yet the scheme
39941 to make such notifications has not yet actually been instituted by
39942 the Commonwealth despite extended fraudulent claims by the

39943 “Executive Director of the Criminal History Systems Board” to
39944 contrary, and this fraud by the Commonwealth is widely known
39945 and recognized. M.G.L. c. 140, § 129B, Section (9) requires that
39946 such notification be made by first class mail, yet the
39947 Commonwealth well knows that using the U.S. Mail to foist such a
39948 fraud and infringement upon holders of allegedly expiring
39949 “Firearms Identifications Cards” would involve mail fraud on a
39950 grand scale, and be a violation of the RICO statutes. This
39951 “expiration” of a “Firearms Identifications Cards,” and the utter
39952 farce which the Commonwealth uses in order not to notify holders
39953 of such documents which there is no basis in law is beyond the
39954 boundaries of a Kafka or Orwellian state, and is a violation and
39955 infringement of civil rights of Plaintiff. This statute infringes the
39956 2nd Amendment right to keep and bear arms, and the 14th
39957 Amendment privileges and immunities of U.S. citizenship, the
39958 “Equal Protections Clause” of the 14th Amendment, including but
39959 not limited to the Constitution of the United States, Article IV,
39960 Section 2, and is thus unlawful prior restraint, as well as a
39961 deprivation of the civil rights of the Plaintiff Atkinson. This
39962 violates the cruel and unusual punishments clause of the Eighth

39963 Amendment, made applicable to the states though the Fourteenth
39964 Amendment to the United States Constitution. This statute as a
39965 whole, and also in sections or parts is unconstitutional, an
39966 infringement, and a deprivation of civil rights of Plaintiff Atkinson.

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39968 **COUNT EIGHTEEN**
39969 **THE SECOND AMENDMENT INVALIDATES M.G.L. c. 140, §**
39970 **129B, SECTION(12) TO THE EXTENT IT PREVENTS**
39971 **QUALIFIED PRIVATE CITIZENS FROM KEEPING AND/OR**
39972 **CARRYING AND/OR BEARING ARMS FOR SELF-DEFENSE**
39973

39974 1646. **M.G.L. c. 140, § 129B, Section (12)** is unconstitutional in
39975 that it outlines a process by which lawfully owned and possessed
39976 firearms may be unlawfully confiscated, and disposed of by police
39977 due to an expired “Firearms Identification Card,” and is a violation
39978 and infringement of civil rights as the U.S. Supreme Court in
39979 *McDonald* and *Heller* has affirmed that no such document, permit,
39980 or license is required for a citizen to keep this type of weapon, or
39981 pretty much any other weapon in their home, or on their property.
39982 The allegations contained in paragraphs 1 though the current
39983 paragraph, are re-alleged and incorporated into this count as
39984 though fully set forth herein. The aforementioned and following
39985 Massachusetts General Laws, Statutes, and Regulation are invalid

39986 as applied to prohibit a private citizen who is otherwise eligible to
39987 possessing arms, firearms or from carrying a loaded and operable
39988 firearm, or other arms for the purpose of self-defense. The
39989 invalidities of the aforesaid and following statute and regulations,
39990 and Defendants’ application of same, infringe Plaintiff’s Second
39991 and Fourteenth Amendments right and damage Plaintiff’s in
39992 violation of 42 U.S.C. § 1983. Thus, this is a blatant infringement
39993 and deprivation of civil rights of Plaintiff. This statute infringes the
39994 2nd Amendment right to keep and bear arms, and the 14th
39995 Amendment privileges and immunities of U.S. citizenship, the
39996 “Equal Protections Clause” of the 14th Amendment, including but
39997 not limited to the Constitution of the United States, Article IV,
39998 Section 2, and is thus unlawful prior restraint, as well as a
39999 deprivation of the civil rights of the Plaintiff Atkinson. This
40000 violates the cruel and unusual punishments clause of the Eighth
40001 Amendment, made applicable to the states though the Fourteenth
40002 Amendment to the United States Constitution. This statute as a
40003 whole, and also in sections or parts is unconstitutional, an
40004 infringement, and a deprivation of civil rights of Plaintiff Atkinson.
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40006 **COUNT NINETEEN**
40007 **THE SECOND AMENDMENT INVALIDATES M.G.L. c. 140, §**
40008 **129C TO THE EXTENT IT PREVENTS QUALIFIED PRIVATE**
40009 **CITIZENS FROM KEEPING AND/OR CARRYING AND/OR**
40010 **BEARING ARMS FOR SELF-DEFENSE**
40011

40012 1647. **M.G.L. c. 140, § 129C** is unconstitutional in that it provides
40013 a definition of “exempted persons and uses” which under clause
40014 (o) defines “any jurisdictions” in regards to military and police
40015 officers, and peace officers. The allegations contained in
40016 paragraphs 1 though the current paragraph, are re-alleged and
40017 incorporated into this count as though fully set forth herein. The
40018 aforementioned and following Massachusetts General Laws,
40019 Statutes, and Regulation are invalid as applied to prohibit a private
40020 citizen who is otherwise eligible to possessing arms, firearms or
40021 from carrying a loaded and operable firearm, or other arms for the
40022 purpose of self-defense. The invalidities of the aforesaid and
40023 following statute and regulations, and Defendants’ application of
40024 same, infringe Plaintiff’s Second and Fourteenth Amendments
40025 right and damage Plaintiff’s in violation of 42 U.S.C. § 1983. This
40026 permits a “good old boy network” by which any police officer
40027 from well outside the boundaries of the Commonwealth may keep
40028 and bear arms inside the state, with no oversight of either local or

40029 State entities. This is a violation of the 14th amendment as an issue
40030 of “equal protection” as well as an “immunities and privileges
40031 issue” including but not limited to the 14th, and 2nd amendments.
40032 This statute infringes the 2nd Amendment right to keep and bear
40033 arms, and the 14th Amendment privileges and immunities of U.S.
40034 citizenship, the “Equal Protections Clause” of the 14th Amendment,
40035 including but not limited to the Constitution of the United States,
40036 Article IV, Section 2, and is thus unlawful prior restraint, as well
40037 as a deprivation of the civil rights of the Plaintiff Atkinson. This
40038 violates the cruel and unusual punishments clause of the Eighth
40039 Amendment, made applicable to the states though the Fourteenth
40040 Amendment to the United States Constitution. This statute as a
40041 whole, and also in sections or parts is unconstitutional, an
40042 infringement, and a deprivation of civil rights of Plaintiff Atkinson.

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40044 1648. **M.G.L. c. 140, § 129C, Section (f), and other sections of**
40045 **M.G.L. c. 140, § 129C**, is unconstitutional as it provides
40046 possession and “keeping and bearing of arms” by non-residents,
40047 children not even old enough to drive, aliens, and others, yet denies
40048 this same access to regular citizens of the Commonwealth. The

40049 allegations contained in paragraphs 1 though the current paragraph,
40050 are re-alleged and incorporated into this count as though fully set
40051 forth herein. The aforementioned and following Massachusetts
40052 General Laws, Statutes, and Regulation are invalid as applied to
40053 prohibit a private citizen who is otherwise eligible to possessing
40054 arms, firearms or from carrying a loaded and operable firearm, or
40055 other arms for the purpose of self-defense. The invalidities of the
40056 aforesaid and following statute and regulations, and Defendants’
40057 application of same, infringe Plaintiff’s Second and Fourteenth
40058 Amendments right and damage Plaintiff’s in violation of 42 U.S.C.
40059 § 1983. This is a violation of the 14th amendment as an issue of
40060 “equal protection” as well as an “immunities and privileges issue”
40061 including but not limited to the 14th, and 2nd amendments. This
40062 statute infringes the 2nd Amendment right to keep and bear arms,
40063 and the 14th Amendment privileges and immunities of U.S.
40064 citizenship, the “Equal Protections Clause” of the 14th Amendment,
40065 including but not limited to the Constitution of the United States,
40066 Article IV, Section 2, and is thus unlawful prior restraint, as well
40067 as a deprivation of the civil rights of the Plaintiff Atkinson. This
40068 violates the cruel and unusual punishments clause of the Eighth

40069 Amendment, made applicable to the states though the Fourteenth
40070 Amendment to the United States Constitution. This statute as a
40071 whole, and also in sections or parts is unconstitutional, an
40072 infringement, and a deprivation of civil rights of Plaintiff Atkinson.

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40074

COUNT TWENTY

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**THE SECOND AMENDMENT INVALIDATES M.G.L. c. 140, §
40076 129D TO THE EXTENT IT PREVENTS QUALIFIED PRIVATE
40077 CITIZENS FROM KEEPING AND/OR CARRYING AND/OR
40078 BEARING ARMS FOR SELF-DEFENSE. FURTHER M.G.L. c. 140,
40079 § 129D DEPRIVES PLAINTIFF OF DUE PROCESS**

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1649. **M.G.L. c. 140, § 129D**, is unconstitutional in that it requires

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the surrender of firearms and ammunition upon denial or

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revocation of any of several different varieties of Commonwealth

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firearms licenses, permits, schemes, and frauds. The allegations

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contained in paragraphs 1 through the current paragraph, are re-

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alleged and incorporated into this count as though fully set forth

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herein. The aforementioned and following Massachusetts General

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Laws, Statutes, and Regulation are invalid as applied to prohibit a

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private citizen who is otherwise eligible to possessing arms,

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firearms or from carrying a loaded and operable firearm, or other

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arms for the purpose of self-defense. The invalidities of the

40092 aforesaid and following statute and regulations, and Defendants’
40093 application of same, infringe Plaintiff’s Second and Fourteenth
40094 Amendments right and damage Plaintiff’s in violation of 42 U.S.C.
40095 § 1983. This is an infringement of civil rights including but not
40096 limited to the 14th, 4th, and 2nd amendments. This statute infringes
40097 the 2nd Amendment right to keep and bear arms, and the 14th
40098 Amendment privileges and immunities of U.S. citizenship, the
40099 “Equal Protections Clause” of the 14th Amendment, including but
40100 not limited to the Constitution of the United States, Article IV,
40101 Section 2, and is thus unlawful prior restraint, as well as a
40102 deprivation of the civil rights of the Plaintiff Atkinson. This
40103 violates the cruel and unusual punishments clause of the Eighth
40104 Amendment, made applicable to the states though the Fourteenth
40105 Amendment to the United States Constitution. This statute as a
40106 whole, and also in sections or parts is unconstitutional, an
40107 infringement, and a deprivation of civil rights of Plaintiff Atkinson.

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40109 1650. **M.G.L. c. 140, § 129D**, is unconstitutional in that it requires
40110 the surrender of firearms and ammunition “without delay,” but this
40111 time period is not dictated anywhere in Chapter 140, and in fact the

40112 only place in entirety of Massachusetts General Law where the
40113 time period of “without delay” is even remotely approached is in
40114 Chapter 12, Section 28 where it is given as "within sixty days" is
40115 illegal, and an infringement of the civil rights of the Plaintiff. The
40116 allegations contained in paragraphs 1 though the current paragraph,
40117 are re-alleged and incorporated into this count as though fully set
40118 forth herein. The aforementioned and following Massachusetts
40119 General Laws, Statutes, and Regulation are invalid as applied to
40120 prohibit a private citizen who is otherwise eligible to possessing
40121 arms, firearms or from carrying a loaded and operable firearm, or
40122 other arms for the purpose of self-defense. The invalidities of the
40123 aforesaid and following statute and regulations, and Defendants’
40124 application of same, infringe Plaintiff’s Second and Fourteenth
40125 Amendments right and damage Plaintiff’s in violation of 42 U.S.C.
40126 § 1983. Thus, any attempt by the Commonwealth or any law
40127 enforcement agency to compel the immediate surrender of firearms
40128 on the spot, or within 6 hours, 12, hours, 24, hours, 48 hours, 72
40129 hours, or in any amount of time of less than “within sixty days”.
40130 Further Massachusetts General law allows for a 90 day appeal
40131 period of any revocation or suspension, and even allows for a

40132 “license to carry” or “firearms identification card” to remains
40133 active for 90 days beyond the expiration date, thus “without delay”
40134 is arbitrarily defined by statute as some period of time well beyond
40135 60 days, but less than 91 days”. The lack of the M.G.L. c. 140, §
40136 129D to specify a number of hours, days, or weeks is a violation of
40137 the 4th, 9th, 14th, and 2nd Amendments and an infringement and
40138 deprivations of the civil rights of anybody whom the police or the
40139 state may lawfully or unlawfully revoke or suspend the right to
40140 keep or the bear arms. This statute infringes the 2nd Amendment
40141 right to keep and bear arms, and the 14th Amendment privileges
40142 and immunities of U.S. citizenship, the “Equal Protections Clause”
40143 of the 14th Amendment, including but not limited to the
40144 Constitution of the United States, Article IV, Section 2, and is thus
40145 unlawful prior restraint, as well as a deprivation of the civil rights
40146 of the Plaintiff Atkinson. This violates the cruel and unusual
40147 punishments clause of the Eighth Amendment, made applicable to
40148 the states through the Fourteenth Amendment to the United States
40149 Constitution. This statute as a whole, and also in sections or parts
40150 is unconstitutional, an infringement, and a deprivation of civil
40151 rights of Plaintiff Atkinson.

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COUNT TWENTY ONE

**M.G.L. c. 140, § 130B(b) IN THAT IT IS A VIOLATION OF 18
USC 922 AND 18 USC 921, AND IT ENDANGERS THE SAFETY
OF THE PLAINTIFF AND THE PUBLIC**

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1651. **M.G.L. c. 140, § 130B(b)** is unconstitutional and is a

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violation of 18 USC 922 and 18 USC 921, wherein felons are

40160

banned for life under Federal law from regaining access to firearms

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by way of “The Board” including but not limited to the Secretary

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of Public Safety, Colonel of the State Police, the Attorney General,

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and others.

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1652. The allegations contained in paragraphs 1 though the current

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paragraph, are re-alleged and incorporated into this count as

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though fully set forth herein.

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1653. The aforementioned and following Massachusetts General

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Laws, Statutes, and Regulation are invalid as applied to prohibit a

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private citizen who is otherwise eligible to possessing arms,

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firearms or from carrying a loaded and operable firearm, or other

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arms for the purpose of self-defense.

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1654. The invalidities of the aforesaid and following statute and

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regulations, and Defendants' application of same, infringe

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Plaintiff's Second and Fourteenth Amendments right and damage

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Plaintiff's in violation of 42 U.S.C. § 1983.

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1655. The seven members of this "board" are violating federal law

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and committing misprision of a felony, and criminal conspiracy by

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permitting dangerous felons as well as "reformed" felons to obtain

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Commonwealth sanctioned, albeit Federally forbidden access to

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arms. This is an infringement of civil rights of law abiding (non-

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felons) including but not limited to the 14th, 9th, and 2nd

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Amendments.

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1656. This statute infringes the 2nd Amendment right to keep and

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bear arms, and the 14th Amendment privileges and immunities of

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U.S. citizenship, the "Equal Protections Clause" of the 14th

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Amendment, including but not limited to the Constitution of the

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United States, Article IV, Section 2, and is thus unlawful prior

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restraint, as well as a deprivation of the civil rights of the Plaintiff

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Atkinson.

1657. This violates the cruel and unusual punishments clause of the Eighth Amendment, made applicable to the states though the Fourteenth Amendment to the United States Constitution. This statute as a whole, and also in sections or parts is unconstitutional, an infringement, and a deprivation of civil rights of Plaintiff Atkinson.

COUNT TWENTY TWO
THE SECOND AMENDMENT INVALIDATES M.G.L. c. 140, § 131 TO THE EXTENT IT PREVENTS QUALIFIED PRIVATE CITIZENS FROM KEEPING AND/OR CARRYING AND/OR BEARING ARMS FOR SELF-DEFENSE. FURTHER M.G.L. c. 140, § 131 DEPRIVES PLAINTIFF OF DUE PROCESS

1658. M.G.L. c. 140, § 131 is unconstitutional in that it does not afford sufficient due process with respect to the revocation or suspension of firearms licenses and the rights of Massachusetts citizens to keep and bear arms, and thus is an infringement and deprivation of civil rights of Plaintiff.

1659. The allegations contained in paragraphs 1 though the current

40217 paragraph, are re-alleged and incorporated into this count as
40218 though fully set forth herein.

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40220 1660. The aforementioned and following Massachusetts General
40221 Laws, Statutes, and Regulation are invalid as applied to prohibit a
40222 private citizen who is otherwise eligible to possessing arms,
40223 firearms or from carrying a loaded and operable firearm, or other
40224 arms for the purpose of self-defense.

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40226 1661. The invalidities of the aforesaid and following statute and
40227 regulations, and Defendants' application of same, infringe
40228 Plaintiff's Second and Fourteenth Amendments right and damage
40229 Plaintiff's in violation of 42 U.S.C. § 1983.

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40231 1662. Further this section violates the keeping and bearing arms and
40232 is in conflict with the decisions of the Supreme Court of the United
40233 States in *McDonald v. Chicago*, 561 U.S. ___, 130 S.Ct. 3020
40234 (2010), and also in *District of Columbia v. Heller*, 554 U.S. 570
40235 (2008), Massachusetts Constitution Part The First, Article XVII;
40236 the U.S. Constitution as a whole; the U.S. Constitution,

40237 Amendment II □ (also known as the Second Amendment); and the
40238 U.S. Constitution, Amendment XIV (also known as the Fourteenth
40239 Amendment); the Ku Klux Klan Act (or the Civil Rights Act of
40240 1871); 42 U.S.C. § 1983 (also called "section 1983"), and other
40241 relevant laws, as a violation and infringement of civil rights.

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40243 1663. This statute infringes the 2nd Amendment right to keep and
40244 bear arms, and the 14th Amendment privileges and immunities of
40245 U.S. citizenship, the “Equal Protections Clause” of the 14th
40246 Amendment, including but not limited to the Constitution of the
40247 United States, Article IV, Section 2, and is thus unlawful prior
40248 restraint, as well as a deprivation of the civil rights of the Plaintiff
40249 Atkinson.

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40251 1664. This violates the cruel and unusual punishments clause of the
40252 Eighth Amendment, made applicable to the states though the
40253 Fourteenth Amendment to the United States Constitution.

40254
40255 1665. This statute as a whole, and also in sections or parts is
40256 unconstitutional, an infringement, and a deprivation of civil rights

40257 of Plaintiff Atkinson.

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COUNT TWENTY THREE

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**THE SECOND AMENDMENT INVALIDATES M.G.L. c. 140, §
131A TO THE EXTENT IT PREVENTS QUALIFIED PRIVATE
CITIZENS FROM KEEPING AND/OR CARRYING AND/OR
BEARING ARMS FOR SELF-DEFENSE. FURTHER M.G.L. c. 140,
§ 131A DEPRIVES PLAINTIFF OF DUE PROCESS**

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1666. **M.G.L. c. 140, § 131A** is unconstitutional in that it does not

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afford sufficient due process with respect to the revocation or

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suspension of firearms licenses and the rights of Massachusetts

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citizens to keep and bear arms, and thus is an infringement and

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deprivation of civil rights of Plaintiff.

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1667. The allegations contained in paragraphs 1 through the current

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paragraph, are re-alleged and incorporated into this count as

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though fully set forth herein.

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1668. The aforementioned and following Massachusetts General

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Laws, Statutes, and Regulation are invalid as applied to prohibit a

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private citizen who is otherwise eligible to possessing arms,

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firearms or from carrying a loaded and operable firearm, or other

40280 arms for the purpose of self-defense.

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40282 1669. The invalidities of the aforesaid and following statute and
40283 regulations, and Defendants' application of same, infringe
40284 Plaintiff's Second and Fourteenth Amendments right and damage
40285 Plaintiff's in violation of 42 U.S.C. § 1983.

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40287 1670. This statute infringes the 2nd Amendment right to keep and
40288 bear arms, and the 14th Amendment privileges and immunities of
40289 U.S. citizenship, the "Equal Protections Clause" of the 14th
40290 Amendment, including but not limited to the Constitution of the
40291 United States, Article IV, Section 2, and is thus unlawful prior
40292 restraint, as well as a deprivation of the civil rights of the Plaintiff
40293 Atkinson.

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40295 1671. This violates the cruel and unusual punishments clause of the
40296 Eighth Amendment, made applicable to the states though the
40297 Fourteenth Amendment to the United States Constitution. T

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40299 1672. his statute as a whole, and also in sections or parts is

40300 unconstitutional, an infringement, and a deprivation of civil rights
40301 of Plaintiff Atkinson.

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40303 **COUNT TWENTY FOUR**
40304 **THE SECOND AMENDMENT INVALIDATES M.G.L. c. 140, §**
40305 **131C(a-e) TO THE EXTENT IT PREVENTS QUALIFIED**
40306 **PRIVATE CITIZENS FROM KEEPING AND/OR CARRYING**
40307 **AND/OR BEARING ARMS FOR SELF-DEFENSE. FURTHER**
40308 **M.G.L. c. 140, § 131C(a-e) DEPRIVES PLAINTIFF OF DUE**
40309 **PROCESS**
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40311 1673. **M.G.L. c. 140, § 131C(a-e)** is unconstitutional and
40312 unlawfully restricts certain weapons by model number and/or style,
40313 which are particularly useful for vehicle defense from being loaded
40314 while being carried by people in vehicles. Section 131C in its
40315 entirety is thus an infringement and deprivation of civil rights of
40316 Plaintiff.

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40318 1674. The allegations contained in paragraphs 1 through the current
40319 paragraph, are re-alleged and incorporated into this count as
40320 though fully set forth herein.

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40322 1675. The aforementioned and following Massachusetts General
40323 Laws, Statutes, and Regulation are invalid as applied to prohibit a

40324 private citizen who is otherwise eligible to possessing arms,
40325 firearms or from carrying a loaded and operable firearm, or other
40326 arms for the purpose of self-defense.

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40328 1676. The invalidities of the aforesaid and following statute and
40329 regulations, and Defendants’ application of same, infringe
40330 Plaintiff’s Second and Fourteenth Amendments right and damage
40331 Plaintiff’s in violation of 42 U.S.C. § 1983.

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40333 1677. This statute infringes the 2nd Amendment right to keep and
40334 bear arms, and the 14th Amendment privileges and immunities of
40335 U.S. citizenship, the “Equal Protections Clause” of the 14th
40336 Amendment, including but not limited to the Constitution of the
40337 United States, Article IV, Section 2, and is thus unlawful prior
40338 restraint, as well as a deprivation of the civil rights of the Plaintiff
40339 Atkinson.

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40341 1678. This violates the cruel and unusual punishments clause of the
40342 Eighth Amendment, made applicable to the states though the
40343 Fourteenth Amendment to the United States Constitution.

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1679. This statute as a whole, and also in sections or parts is unconstitutional, an infringement, and a deprivation of civil rights of Plaintiff Atkinson.

COUNT TWENTY FIVE
THE SECOND AMENDMENT INVALIDATES M.G.L. c. 140, § 131E TO THE EXTENT IT PREVENTS QUALIFIED PRIVATE CITIZENS FROM KEEPING AND/OR CARRYING AND/OR BEARING ARMS FOR SELF-DEFENSE. FURTHER M.G.L. c. 140, § 131E DEPRIVES PLAINTIFF OF DUE PROCESS

1680. **M.G.L. c. 140, § 131E** is unconstitutional and violates the keeping and bearing arms and is in conflict with the decisions of the Supreme Court of the *United States in McDonald v. Chicago*, 561 U.S. ____, 130 S.Ct. 3020 (2010), and also in *District of Columbia v. Heller*, 554 U.S. 570 (2008), Massachusetts Constitution Part The First, Article XVII; the U.S. Constitution as a whole; the U.S. Constitution, Amendment II □ (also known as the Second Amendment); and the U.S. Constitution, Amendment XIV (also known as the Fourteenth Amendment); the Ku Klux Klan Act (or the Civil Rights Act of 1871); 42 U.S.C. § 1983 (also called "section 1983"), and other relevant laws, as a violation and

40367 infringement of civil rights.

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40369 1681. The allegations contained in paragraphs 1 though the current
40370 paragraph, are re-alleged and incorporated into this count as
40371 though fully set forth herein.

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40373 1682. The aforementioned and following Massachusetts General
40374 Laws, Statutes, and Regulation are invalid as applied to prohibit a
40375 private citizen who is otherwise eligible to possessing arms,
40376 firearms or from carrying a loaded and operable firearm, or other
40377 arms for the purpose of self-defense.

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40379 1683. The invalidities of the aforesaid and following statute and
40380 regulations, and Defendants' application of same, infringe
40381 Plaintiff's Second and Fourteenth Amendments right and damage
40382 Plaintiff's in violation of 42 U.S.C. § 1983.

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40384 1684. This statute infringes the 2nd Amendment right to keep and
40385 bear arms, and the 14th Amendment privileges and immunities of
40386 U.S. citizenship, the "Equal Protections Clause" of the 14th

40387 Amendment, including but not limited to the Constitution of the
40388 United States, Article IV, Section 2, and is thus unlawful prior
40389 restraint, as well as a deprivation of the civil rights of the Plaintiff
40390 Atkinson.

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40392 1685. This violates the cruel and unusual punishments clause of the
40393 Eighth Amendment, made applicable to the states though the
40394 Fourteenth Amendment to the United States Constitution.

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40396 1686. This statute as a whole, and also in sections or parts is
40397 unconstitutional, an infringement, and a deprivation of civil rights
40398 of Plaintiff Atkinson

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40400 **COUNT TWENTY SIX**
40401 **THE SECOND AMENDMENT INVALIDATES M.G.L. c. 140, §**
40402 **131K TO THE EXTENT IT PREVENTS QUALIFIED PRIVATE**
40403 **CITIZENS FROM KEEPING AND/OR CARRYING AND/OR**
40404 **BEARING ARMS FOR SELF-DEFENSE. FURTHER M.G.L. c. 140,**
40405 **§ 131K DEPRIVES PLAINTIFF OF DUE PROCESS**
40406

40407 1687. **M.G.L. c. 140, § 131K** is unconstitutional and violates the
40408 keeping and bearing arms and is in conflict with the decisions of
40409 the Supreme Court of the United States in *McDonald v. Chicago*,

40410 561 U.S. ___, 130 S.Ct. 3020 (2010), and also in *District of*
40411 *Columbia v. Heller*, 554 U.S. 570 (2008), Massachusetts
40412 Constitution Part The First, Article XVII; the U.S. Constitution as
40413 a whole; the U.S. Constitution, Amendment II □ (also known as the
40414 Second Amendment); and the U.S. Constitution, Amendment XIV
40415 (also known as the Fourteenth Amendment); the Ku Klux Klan Act
40416 (or the Civil Rights Act of 1871); 42 U.S.C. § 1983 (also called
40417 "section 1983"), and other relevant laws, as a violation and
40418 infringement of civil rights. The allegations contained in
40419 paragraphs 1 though the current paragraph, are re-alleged and
40420 incorporated into this count as though fully set forth herein. The
40421 aforementioned and following Massachusetts General Laws,
40422 Statutes, and Regulation are invalid as applied to prohibit a private
40423 citizen who is otherwise eligible to possessing arms, firearms or
40424 from carrying a loaded and operable firearm, or other arms for the
40425 purpose of self-defense. The invalidities of the aforesaid and
40426 following statute and regulations, and Defendants' application of
40427 same, infringe Plaintiff's Second and Fourteenth Amendments
40428 right and damage Plaintiff's in violation of 42 U.S.C. § 1983. This
40429 statute infringes the 2nd Amendment right to keep and bear arms,

40430 and the 14th Amendment privileges and immunities of U.S.
40431 citizenship, the “Equal Protections Clause” of the 14th Amendment,
40432 including but not limited to the Constitution of the United States,
40433 Article IV, Section 2, and is thus unlawful prior restraint, as well
40434 as a deprivation of the civil rights of the Plaintiff Atkinson. This
40435 violates the cruel and unusual punishments clause of the Eighth
40436 Amendment, made applicable to the states though the Fourteenth
40437 Amendment to the United States Constitution. This statute as a
40438 whole, and also in sections or parts is unconstitutional, an
40439 infringement, and a deprivation of civil rights of Plaintiff Atkinson.

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40441 **COUNT TWENTY SEVEN**
40442 **THE SECOND AMENDMENT INVALIDATES M.G.L. c. 140, §**
40443 **131 3/4 TO THE EXTENT IT PREVENTS QUALIFIED PRIVATE**
40444 **CITIZENS FROM KEEPING AND/OR CARRYING AND/OR**
40445 **BEARING ARMS FOR SELF-DEFENSE. FURTHER M.G.L. c. 140,**
40446 **§ 131 3/4 DEPRIVES PLAINTIFF OF DUE PROCESS**
40447

40448 1688. **M.G.L. c. 140, § 131 ¾** is unconstitutional and the
40449 Commonwealth has not to date published or distributed a roster “in
40450 newspapers **of general circulation throughout** the
40451 Commonwealth” a listing of large capacity rifles, shotguns,
40452 firearms, and feeding devices, beyond perhaps burying a tiny,

40453 essentially invisible listing hidden in the pages of a section barely
40454 read by readers, of less than mainstream papers and in fact
40455 published in such limited size scope, and publications that in
40456 essence it went unpublished as defined by and required in section
40457 131 ¾ . The allegations contained in paragraphs 1 through the
40458 current paragraph, are re-alleged and incorporated into this count
40459 as though fully set forth herein. The aforementioned and following
40460 Massachusetts General Laws, Statutes, and Regulation are invalid
40461 as applied to prohibit a private citizen who is otherwise eligible to
40462 possessing arms, firearms or from carrying a loaded and operable
40463 firearm, or other arms for the purpose of self-defense. The
40464 invalidities of the aforesaid and following statute and regulations,
40465 and Defendants' application of same, infringe Plaintiff's Second
40466 and Fourteenth Amendments right and damage Plaintiff's in
40467 violation of 42 U.S.C. § 1983. Even with such a publication, even
40468 if such a roster of devices was published as provided in this section,
40469 it would remain a violation of Constitutional law to restrict such
40470 ownership or keeping such arms in any way. This is a scheme to
40471 defraud the public, and to infringe upon the 2nd, 9th, and 14th
40472 amendments, and other civil rights. This statute infringes the 2nd

40473 Amendment right to keep and bear arms, and the 14th Amendment
40474 privileges and immunities of U.S. citizenship, the “Equal
40475 Protections Clause” of the 14th Amendment, including but not
40476 limited to the Constitution of the United States, Article IV, Section
40477 2, and is thus unlawful prior restraint, as well as a deprivation of
40478 the civil rights of the Plaintiff Atkinson.

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40480 **COUNT TWENTY EIGHT**
40481 **THE SECOND AMENDMENT INVALIDATES M.G.L. c. 140, §**
40482 **131L TO THE EXTENT IT PREVENTS QUALIFIED PRIVATE**
40483 **CITIZENS FROM KEEPING AND/OR CARRYING AND/OR**
40484 **BEARING ARMS FOR SELF-DEFENSE. FURTHER M.G.L. c. 140,**
40485 **§ 131L DEPRIVES PLAINTIFF OF DUE PROCESS**
40486

40487 1689. **M.G.L. c. 140, § 131L** is unconstitutional and violates
40488 Federal laws and Constitutional Amendments regarding the
40489 keeping and bearing arms and is in open conflict with the decisions
40490 of the Supreme Court of the *United States in McDonald v.*
40491 *Chicago*, 561 U.S. ___, 130 S.Ct. 3020 (2010), and also in *District*
40492 *of Columbia v. Heller*, 554 U.S. 570 (2008), Massachusetts
40493 Constitution Part The First, Article XVII; the U.S. Constitution as
40494 a whole; the U.S. Constitution, Amendment II □ (also known as the
40495 Second Amendment); and the U.S. Constitution, Amendment XIV

40496 (also known as the Fourteenth Amendment); the Ku Klux Klan Act
40497 (or the Civil Rights Act of 1871); 42 U.S.C. § 1983 (also called
40498 "section 1983"), and other relevant laws, as a violation, deprivation
40499 and infringement of civil rights. The allegations contained in
40500 paragraphs 1 through the current paragraph, are re-alleged and
40501 incorporated into this count as though fully set forth herein. The
40502 aforementioned and following Massachusetts General Laws,
40503 Statutes, and Regulation are invalid as applied to prohibit a private
40504 citizen who is otherwise eligible to possessing arms, firearms or
40505 from carrying a loaded and operable firearm, or other arms for the
40506 purpose of self-defense. The invalidities of the aforesaid and
40507 following statute and regulations, and Defendants' application of
40508 same, infringe Plaintiff's Second and Fourteenth Amendments
40509 right and damage Plaintiff's in violation of 42 U.S.C. § 1983. This
40510 statute infringes the 2nd Amendment right to keep and bear arms,
40511 and the 14th Amendment privileges and immunities of U.S.
40512 citizenship, the "Equal Protections Clause" of the 14th Amendment,
40513 including but not limited to the Constitution of the United States,
40514 Article IV, Section 2, and is thus unlawful prior restraint, as well
40515 as a deprivation of the civil rights of the Plaintiff Atkinson. This

40516 violates the cruel and unusual punishments clause of the Eighth
40517 Amendment, made applicable to the states though the Fourteenth
40518 Amendment to the United States Constitution. This statute as a
40519 whole, and also in sections or parts is unconstitutional, an
40520 infringement, and a deprivation of civil rights of Plaintiff Atkinson.

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40522 **COUNT TWENTY NINE**
40523 **THE SECOND AMENDMENT INVALIDATES M.G.L. c. 140, §**
40524 **131M TO THE EXTENT IT PREVENTS QUALIFIED PRIVATE**
40525 **CITIZENS FROM KEEPING AND/OR CARRYING AND/OR**
40526 **BEARING ARMS FOR SELF-DEFENSE. FURTHER M.G.L. c. 140,**
40527 **§ 131M DEPRIVES PLAINTIFF OF DUE PROCESS**
40528

40529 1690. **M.G.L. c. 140, § 131M** is unconstitutional and violates the
40530 keeping and bearing arms and is in conflict with the decisions of
40531 the Supreme Court of the *United States in McDonald v. Chicago*,
40532 561 U.S. ___, 130 S.Ct. 3020 (2010), and also in *District of*
40533 *Columbia v. Heller*, 554 U.S. 570 (2008), Massachusetts
40534 Constitution Part The First, Article XVII; the U.S. Constitution as
40535 a whole; the U.S. Constitution, Amendment II □ (also known as the
40536 Second Amendment); and the U.S. Constitution, Amendment XIV
40537 (also known as the Fourteenth Amendment); the Ku Klux Klan Act
40538 (or the Civil Rights Act of 1871); 42 U.S.C. § 1983 (also called

40539 "section 1983"), and other relevant laws, as a violation, deprivation
40540 and infringement of civil rights. The allegations contained in
40541 paragraphs 1 through the current paragraph, are re-alleged and
40542 incorporated into this count as though fully set forth herein. The
40543 aforementioned and following Massachusetts General Laws,
40544 Statutes, and Regulation are invalid as applied to prohibit a private
40545 citizen who is otherwise eligible to possessing arms, firearms or
40546 from carrying a loaded and operable firearm, or other arms for the
40547 purpose of self-defense. The invalidities of the aforesaid and
40548 following statute and regulations, and Defendants' application of
40549 same, infringe Plaintiff's Second and Fourteenth Amendments
40550 right and damage Plaintiff's in violation of 42 U.S.C. § 1983. This
40551 statute infringes the 2nd Amendment right to keep and bear arms,
40552 and the 14th Amendment privileges and immunities of U.S.
40553 citizenship, the "Equal Protections Clause" of the 14th Amendment,
40554 including but not limited to the Constitution of the United States,
40555 Article IV, Section 2, and is thus unlawful prior restraint, as well
40556 as a deprivation of the civil rights of the Plaintiff Atkinson. This
40557 violates the cruel and unusual punishments clause of the Eighth
40558 Amendment, made applicable to the states through the Fourteenth

40559 Amendment to the United States Constitution. This violates the
40560 cruel and unusual punishments clause of the Eighth Amendment,
40561 made applicable to the states though the Fourteenth Amendment to
40562 the United States Constitution. This statute as a whole, and also in
40563 sections or parts is unconstitutional, an infringement, and a
40564 deprivation of civil rights of Plaintiff Atkinson.

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COUNT THIRTY

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**THE SECOND AMENDMENT INVALIDATES M.G.L. c. 140, §
40568 131M TO THE EXTENT IT PREVENTS QUALIFIED PRIVATE
40569 CITIZENS FROM KEEPING AND/OR CARRYING AND/OR
40570 BEARING ARMS FOR SELF-DEFENSE. FURTHER M.G.L. c. 140,
40571 § 131M DEPRIVES PLAINTIFF OF DUE PROCESS AND EQUAL
40572 PROTECTIONS
40573**

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1691. **M.G.L. c. 140, § 131M** is unconstitutional and further creates

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an Orwellian “more privileged, but equal” level of citizen in the

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form of retired law enforcement officers, which violates the equal

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protections of the 14th amendment. Hence, all citizens are equal in

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the eyes of the law, and no persons respective of their prior

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occupation(s) are “more equal” by virtual of a gold watch or gold

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badge. The allegations contained in paragraphs 1 though the

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current paragraph, are re-alleged and incorporated into this count

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as though fully set forth herein. The aforementioned and following

40583 Massachusetts General Laws, Statutes, and Regulation are invalid
40584 as applied to prohibit a private citizen who is otherwise eligible to
40585 possessing arms, firearms or from carrying a loaded and operable
40586 firearm, or other arms for the purpose of self-defense. The
40587 invalidities of the aforesaid and following statute and regulations,
40588 and Defendants' application of same, infringe Plaintiff's Second
40589 and Fourteenth Amendments right and damage Plaintiff's in
40590 violation of 42 U.S.C. § 1983. This section (and other related
40591 statutes) is in conflict with the decisions of the Supreme Court of
40592 the United States in *McDonald v. Chicago*, 561 U.S. ___, 130 S.Ct.
40593 3020 (2010), and also in *District of Columbia v. Heller*, 554 U.S.
40594 570 (2008), Massachusetts Constitution Part The First, Article
40595 XVII; the U.S. Constitution as a whole; the U.S. Constitution,
40596 Amendment II □ (also known as the Second Amendment); and the
40597 U.S. Constitution, Amendment XIV (also known as the Fourteenth
40598 Amendment); the Ku Klux Klan Act (or the Civil Rights Act of
40599 1871); 42 U.S.C. § 1983 (also called "section 1983"), and other
40600 relevant laws, as a violation, deprivation and infringement of civil
40601 rights. This statute infringes the 2nd Amendment right to keep and
40602 bear arms, and the 14th Amendment privileges and immunities of

40603 U.S. citizenship, the “Equal Protections Clause” of the 14th
40604 Amendment, and is thus unlawful prior restraint, as well as a
40605 deprivation of the civil rights of the Plaintiff Atkinson. This statute
40606 as a whole, and also in sections or parts is unconstitutional, an
40607 infringement, and a deprivation of civil rights of Plaintiff Atkinson.

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40609 **COUNT THIRTY ONE**
40610 **THE SECOND AMENDMENT INVALIDATES M.G.L. c. 140, §**
40611 **131N TO THE EXTENT IT PREVENTS QUALIFIED PRIVATE**
40612 **CITIZENS FROM KEEPING AND/OR CARRYING AND/OR**
40613 **BEARING ARMS FOR SELF-DEFENSE. FURTHER M.G.L. c. 140,**
40614 **§ 131N DEPRIVES PLAINTIFF OF DUE PROCESS**
40615

40616 1692. **M.G.L. c. 140, § 131N** is unconstitutional and violates the
40617 keeping and bearing covert arms and is in conflict with the
40618 decisions of the Supreme Court of the United States in *McDonald*
40619 *v. Chicago*, 561 U.S. ___, 130 S.Ct. 3020 (2010), and also in
40620 *District of Columbia v. Heller*, 554 U.S. 570 (2008),
40621 Massachusetts Constitution Part The First, Article XVII; the U.S.
40622 Constitution as a whole; the U.S. Constitution, Amendment II
40623 □(also known as the Second Amendment); and the U.S.
40624 Constitution, Amendment XIV (also known as the Fourteenth
40625 Amendment); the Ku Klux Klan Act (or the Civil Rights Act of

40626 1871); 42 U.S.C. § 1983 (also called "section 1983"), and other
40627 relevant laws, as a violation, deprivation and infringement of civil
40628 rights. The allegations contained in paragraphs 1 though the
40629 current paragraph, are re-alleged and incorporated into this count
40630 as though fully set forth herein. The aforementioned and following
40631 Massachusetts General Laws, Statutes, and Regulation are invalid
40632 as applied to prohibit a private citizen who is otherwise eligible to
40633 possessing arms, firearms or from carrying a loaded and operable
40634 firearm, or other arms for the purpose of self-defense. The
40635 invalidities of the aforesaid and following statute and regulations,
40636 and Defendants' application of same, infringe Plaintiff's Second
40637 and Fourteenth Amendments right and damage Plaintiff's in
40638 violation of 42 U.S.C. § 1983. This violates the cruel and unusual
40639 punishments clause of the Eighth Amendment, made applicable to
40640 the states though the Fourteenth Amendment to the United States
40641 Constitution. This statute infringes the 2nd Amendment right to
40642 keep and bear arms, and the 14th Amendment privileges and
40643 immunities of U.S. citizenship, the "Equal Protections Clause" of
40644 the 14th Amendment, including but not limited to the Constitution
40645 of the United States, Article IV, Section 2, and is thus unlawful

40646 prior restraint, as well as a deprivation of the civil rights of the
40647 Plaintiff Atkinson. This statute as a whole, and also in sections or
40648 parts is unconstitutional, an infringement, and a deprivation of civil
40649 rights of Plaintiff Atkinson.

40650

40651 **COUNT THIRTY TWO**
40652 **THE SECOND AMENDMENT INVALIDATES M.G.L. c. 140, §**
40653 **131P TO THE EXTENT IT PREVENTS QUALIFIED PRIVATE**
40654 **CITIZENS FROM KEEPING AND/OR CARRYING AND/OR**
40655 **BEARING ARMS FOR SELF-DEFENSE.**
40656

40657 1693. **M.G.L. c. 140, § 131P** is unconstitutional and is a licensing
40658 scheme with little or no bona fide reason to exist other than to
40659 harvest a record of citizens who may attend such training so that
40660 their right to keep or bear arms may be infringed upon at some
40661 future date. The allegations contained in paragraphs 1 though the
40662 current paragraph, are re-alleged and incorporated into this count
40663 as though fully set forth herein. The aforementioned and following
40664 Massachusetts General Laws, Statutes, and Regulation are invalid
40665 as applied to prohibit a private citizen who is otherwise eligible to
40666 possessing arms, firearms or from carrying a loaded and operable
40667 firearm, or other arms for the purpose of self-defense. The
40668 invalidities of the aforesaid and following statute and regulations,

40669 and Defendants' application of same, infringe Plaintiff's Second
40670 and Fourteenth Amendments right and damage Plaintiff's in
40671 violation of 42 U.S.C. § 1983. The statute fails to state any
40672 standard of training, duration of training, records keeping
40673 requirements, or any legitimate method of instruction, or any other
40674 outline or syllabus but which such a course or orientation would be
40675 taught. This statute, is an utter farce, overly vague, and violates the
40676 keeping and bearing covert arms and is in conflict with the
40677 decisions of the Supreme Court of the United States in *McDonald*
40678 *v. Chicago*, 561 U.S. ___, 130 S.Ct. 3020 (2010), and also in
40679 *District of Columbia v. Heller*, 554 U.S. 570 (2008),
40680 Massachusetts Constitution Part The First, Article XVII; the U.S.
40681 Constitution as a whole; the U.S. Constitution, Amendment II
40682 □(also known as the Second Amendment); and the U.S.
40683 Constitution, Amendment XIV (also known as the Fourteenth
40684 Amendment); the Ku Klux Klan Act (or the Civil Rights Act of
40685 1871); 42 U.S.C. § 1983 (also called "section 1983"), and other
40686 relevant laws, as a violation, deprivation and infringement of civil
40687 rights. This statute infringes the 2nd Amendment right to keep and
40688 bear arms, and the 14th Amendment privileges and immunities of

40689 U.S. citizenship, the “Equal Protections Clause” of the 14th
40690 Amendment, including but not limited to the Constitution of the
40691 United States, Article IV, Section 2, and is thus unlawful prior
40692 restraint, as well as a deprivation of the civil rights of the Plaintiff
40693 Atkinson. This violates the cruel and unusual punishments clause
40694 of the Eighth Amendment, made applicable to the states though the
40695 Fourteenth Amendment to the United States Constitution. This
40696 statute as a whole, and also in sections or parts is unconstitutional,
40697 an infringement, and a deprivation of civil rights of Plaintiff
40698 Atkinson.

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40700 **COUNT THIRTY THREE**
40701 **THE SECOND AMENDMENT INVALIDATES M.G.L. c. 269, § 10**
40702 **TO THE EXTENT IT PREVENTS QUALIFIED PRIVATE**
40703 **CITIZENS FROM KEEPING AND/OR CARRYING AND/OR**
40704 **BEARING ARMS FOR SELF-DEFENSE.**
40705

40706 1694. **M.G.L. c. 269, § 10** is unconstitutional and is overly vague,
40707 and violates the keeping and bearing various types of arms and is
40708 in conflict with the decisions of the Supreme Court of the United
40709 States in *McDonald v. Chicago*, 561 U.S. ___, 130 S.Ct. 3020
40710 (2010), and also in *District of Columbia v. Heller*, 554 U.S. 570
40711 (2008), Massachusetts Constitution Part The First, Article XVII;

40712 the U.S. Constitution as a whole; the U.S. Constitution,
40713 Amendment II □ (also known as the Second Amendment); and the
40714 U.S. Constitution, Amendment XIV (also known as the Fourteenth
40715 Amendment); the Ku Klux Klan Act (or the Civil Rights Act of
40716 1871); 42 U.S.C. § 1983 (also called "section 1983"), and other
40717 relevant laws, as a violation, deprivation and infringement of civil
40718 rights. The allegations contained in paragraphs 1 through the
40719 current paragraph, are re-alleged and incorporated into this count
40720 as though fully set forth herein. The aforementioned and following
40721 Massachusetts General Laws, Statutes, and Regulation are invalid
40722 as applied to prohibit a private citizen who is otherwise eligible to
40723 possessing arms, firearms or from carrying a loaded and operable
40724 firearm, or other arms for the purpose of self-defense. The
40725 invalidities of the aforesaid and following statute and regulations,
40726 and Defendants' application of same, infringe Plaintiff's Second
40727 and Fourteenth Amendments right and damage Plaintiff's in
40728 violation of 42 U.S.C. § 1983. This statute infringes the 2nd
40729 Amendment right to keep and bear arms, and the 14th Amendment
40730 privileges and immunities of U.S. citizenship, the "Equal
40731 Protections Clause" of the 14th Amendment, including but not

40732 limited to the Constitution of the United States, Article IV, Section
40733 2, and is thus unlawful prior restraint, as well as a deprivation of
40734 the civil rights of the Plaintiff Atkinson. This violates the cruel and
40735 unusual punishments clause of the Eighth Amendment, made
40736 applicable to the states though the Fourteenth Amendment to the
40737 United States Constitution. This statute as a whole, and also in
40738 sections or parts is unconstitutional, an infringement, and a
40739 deprivation of civil rights of Plaintiff Atkinson.

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40741 1695. **M.G.L. c. 269, § 10(m)** allows all citizens to possess and
40742 carry arms as authorized by the U.S. Constitution, Amendment II
40743 □(also known as the Second Amendment) is in fact a “statute” as
40744 defined in paragraph (m), the U.S. Constitution, Amendment XIV
40745 (also known as the Fourteenth Amendment) expands the 2nd
40746 Amendment and applies to all citizens of the Commonwealth, and
40747 to all Citizens of the United States as an unqualified right onto
40748 which the government can not and shall not infringe. Thusly,
40749 where **M.G.L. c. 269, § 10(m)** refers to “all people not exempted
40750 by statute,” this in reality includes all law abiding citizens of the
40751 Commonwealth, not merely the chosen few who a “licensing

40752 authority” arbitrarily decides may or may not possess firearms, or
40753 even a certain class or type of firearm or ammunition. This section
40754 is unconstitutional and violates the 14th, 9th, and 2nd Amendments,
40755 and other relevant laws, as a violation, deprivation, and
40756 infringement of civil rights. This statute infringes the 2nd
40757 Amendment right to keep and bear arms, and the 14th Amendment
40758 privileges and immunities of U.S. citizenship, the “Equal
40759 Protections Clause” of the 14th Amendment, including but not
40760 limited to the Constitution of the United States, Article IV, Section
40761 2, and is thus unlawful prior restraint, as well. This statute as a
40762 whole, and also in sections or parts is unconstitutional, an
40763 infringement, and a deprivation of civil rights of Plaintiff Atkinson
40764 as a deprivation of the civil rights of the Plaintiff Atkinson.

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COUNT THIRTY FOUR
THE SECOND AMENDMENT INVALIDATES M.G.L. c. 269, § 10
TO THE EXTENT IT PREVENTS QUALIFIED PRIVATE
CITIZENS FROM KEEPING AND/OR CARRYING AND/OR
BEARING ARMS FOR SELF-DEFENSE.

40772 1696. **M.G.L. c. 269, § 10** is unconstitutional in that it bans a useful
40773 type of arm called a “silencer,” or “sound suppressor” and while
40774 the Statute is flawed with its technical description of such an arm

40775 or accessory to an arm, they are nonetheless useful for lawful
40776 defense of the home, or business, so much so that SWAT teams
40777 and tactical entry teams routinely utilize this devices and related
40778 arms in order to protect their hearing in order to provide a tactical
40779 advantage. The allegations contained in paragraphs 1 though the
40780 current paragraph, are re-alleged and incorporated into this count
40781 as though fully set forth herein. The aforementioned and following
40782 Massachusetts General Laws, Statutes, and Regulation are invalid
40783 as applied to prohibit a private citizen who is otherwise eligible to
40784 possessing arms, firearms or from carrying a loaded and operable
40785 firearm, or other arms for the purpose of self-defense. The
40786 invalidities of the aforesaid and following statute and regulations,
40787 and Defendants' application of same, infringe Plaintiff's Second
40788 and Fourteenth Amendments right and damage Plaintiff's in
40789 violation of 42 U.S.C. § 1983. These arms or attachments to arms
40790 exist and are used as hearing protection devices both by the police,
40791 by the military, and by law-abiding citizens.

40792
40793 1697. The Commonwealth has no legitimate reason to ban such a
40794 useful arm or attachment, when it is recognized so universally as

40795 being so useful in home or business defense situations, and in fact
40796 it is a practical accessory to an arm which protects the hearing of
40797 the user from long term injury, and thus is a strongly desirable
40798 safety device for firearms of various types, sizes, and calibers.

40799

40800 1698. Sound suppressors protect lawful users of firearm against
40801 temporary and permanent hearing loss; preserving situational
40802 awareness and crucial communication; reducing and altering the
40803 sound signature, concealing a shooter's position; reducing or
40804 virtually eliminating blinding muzzle flash, concealing a shooter's
40805 position and preserving dark-adapted vision; reduce or virtually
40806 eliminating dust raised by muzzle blast, which also conceals a
40807 shooter's position and keeps the view unobstructed; and reduce
40808 recoil, allowing bullet impact observation and faster follow-up
40809 shots if such are needed.

40810

40811 1699. The statute is overly vague, and violates the keeping and
40812 bearing various types of arms and is in conflict with the decisions
40813 of the Supreme Court of the United States in *McDonald v.*
40814 *Chicago*, 561 U.S. ___, 130 S.Ct. 3020 (2010), and also in *District*

40815 *of Columbia v. Heller*, 554 U.S. 570 (2008), Massachusetts
40816 Constitution Part The First, Article XVII; the U.S. Constitution as
40817 a whole; the U.S. Constitution, Amendment II □ (also known as the
40818 Second Amendment); and the U.S. Constitution, Amendment XIV
40819 (also known as the Fourteenth Amendment); the Ku Klux Klan Act
40820 (or the Civil Rights Act of 1871); 42 U.S.C. § 1983 (also called
40821 "section 1983"), and other relevant laws, as a violation, deprivation
40822 and infringement of civil rights.

40823
40824 1700. This statute infringes the 2nd Amendment right to keep and
40825 bear arms, and the 14th Amendment privileges and immunities of
40826 U.S. citizenship, the "Equal Protections Clause" of the 14th
40827 Amendment, including but not limited to the Constitution of the
40828 United States, Article IV, Section 2, and is thus unlawful prior
40829 restraint, as well as a deprivation of the civil rights of the Plaintiff
40830 Atkinson.

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40832 1701. This violates the cruel and unusual punishments clause of the
40833 Eighth Amendment, made applicable to the states though the
40834 Fourteenth Amendment to the United States Constitution.

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1702. This statute as a whole, and also in sections or parts is unconstitutional, an infringement, and a deprivation of civil rights of Plaintiff Atkinson.

COUNT THIRTY FIVE
M.G.L. c. 111C AND 105 CMR 170.750 DEPRIVES PLAINTIFF OF DUE PROCESS, EQUAL PROTECTIONS, FIFTH AMENDMENT RIGHTS, SIXTH AMENDMENT RIGHTS, SEVENTH AMENDMENT RIGHTS.

1703. M.G.L. c 111C is unconstitutional in that it provides mechanism by which (under 105 CMR 170.750) the Commonwealth may revoke the professional licenses and medical credentials of Emergency Medical Technicians on an arbitrary, vague, and capricious manner under a mere accusation of an act, absent any probable cause, absent any tangible proof the act actually took place, absent any form of probable cause hearing, absent any form of dangerousness hearing, absent any scientific proof, absent any examination of the evidence, absent the cross examination of witness or accusers, no ability to cross examine witnesses, nor to refute the charges, or to examine documents, or evidence which the state may hold before such a suspension is

40858 imposed. The allegations contained in paragraphs 1 though the
40859 current paragraph, are re-alleged and incorporated into this count
40860 as though fully set forth herein. The aforementioned and following
40861 Massachusetts General Laws, Statutes, and Regulation are invalid.
40862 The invalidities of the aforesaid and following statute and
40863 regulations, and Defendants' application of same, infringe
40864 Plaintiff's civil rights and damage Plaintiff in violation of 42 U.S.C.
40865 § 1983. In reality, the State revokes or suspends the licenses of
40866 certain EMT's when it is politically beneficial for them to do so,
40867 absent any actual evidence of wrong doing, and places the burden
40868 of proving innocence upon the person on whom the State is
40869 depriving of civil rights. This statute and/or regulation is an affront
40870 to 5th Amendment, 6th Amendment, 8th Amendment, 9th
40871 Amendment, and 14th Amendment, including but not limited to the
40872 Constitution of the United States, Article IV, Section 2, and is a
40873 violation of civil rights, and deprivation of the civil rights of the
40874 Plaintiff Atkinson. Further, as the State is depriving patients of the
40875 services of a qualified volunteer Emergency Medical Technician in
40876 his community, the deprivation extends to the patients of Plaintiff
40877 Atkinson (acting as an EMT) as he is not allowed to render

40878 emergency care, and in fact the State is needless prolonging the
40879 pain and suffering, and promoting the death to citizens in need of
40880 emergency medical services, thus in turn depriving them of their
40881 civil rights. This violates the cruel and unusual punishments clause
40882 of the Eighth Amendment, made applicable to the states though the
40883 Fourteenth Amendment to the United States Constitution. This
40884 statute as a whole, and also in sections or parts is unconstitutional,
40885 an infringement, and a deprivation of civil rights of Plaintiff
40886 Atkinson.

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40888 **COUNT THIRTY SIX**
40889 **M.G.L. c. 30Ac § 2 AND 105 CMR 170.750 DEPRIVES PLAINTIFF**
40890 **OF DUE PROCESS, EQUAL PROTECTIONS, FIFTH**
40891 **AMENDMENT RIGHTS, SIXTH AMENDMENT RIGHTS,**
40892 **SEVENTH AMENDMENT RIGHTS.**
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40894 1704. **M.G.L. c 30Ac § 2** is unconstitutional in that it provides
40895 mechanisms by which (under **105 CMR 170.750**) the
40896 Commonwealth may revoke the professional licenses and medical
40897 credentials of Emergency Medical Technicians on an arbitrary,
40898 vague, and capricious manner under a mere accusation of an act,
40899 absent any probable cause, absent any tangible proof the act
40900 actually took place, absent any form of probable cause hearing,

40901 absent any form of dangerousness hearing, absent any scientific
40902 proof, absent any examination of the evidence, absent the cross
40903 examination of witness, no ability to cross examine witnesses, nor
40904 to refute the charges, or to examine documents, or evidence which
40905 the state may hold before such a suspension is imposed. The
40906 allegations contained in paragraphs 1 though the current paragraph,
40907 are re-alleged and incorporated into this count as though fully set
40908 forth herein. The aforementioned and following Massachusetts
40909 General Laws, Statutes, and Regulation are invalid. The
40910 invalidities of the aforesaid and following statute and regulations,
40911 and Defendants' application of same, infringe Plaintiff's civil
40912 rights and damage Plaintiff in violation of 42 U.S.C. § 1983. In
40913 reality, the State revokes or suspends the licenses of certain EMT's
40914 when it is politically beneficial for then to do so, absent any actual
40915 evidence of wrong doing, and places the burden of proving
40916 innocence upon the person on whom the State is depriving of civil
40917 rights. This statute and/or regulation is an affront to 5th
40918 Amendment, 6th Amendment, 8th Amendment, 9th Amendment, and
40919 14th Amendment, including but not limited to the Constitution of
40920 the United States, Article IV, Section 2, and is a violation of civil

40921 rights, and deprivation of the civil rights of the Plaintiff Atkinson.
40922 Further, as the State is depriving patients of the services of a
40923 qualified volunteer Emergency Medical Technician in his
40924 community, the deprivation extends to the patients of Plaintiff
40925 Atkinson (acting as an EMT) as he is not allowed to render
40926 emergency care, and in fact the State is needless prolonging the
40927 pain and suffering, and promoting the death to citizens in need of
40928 emergency medical services, thus in turn depriving them of their
40929 civil rights. This statute as a whole, and also in sections or parts is
40930 unconstitutional, an infringement, and a deprivation of civil rights
40931 of Plaintiff Atkinson.

40932

40933 **COUNT THIRTY SEVEN**
40934 **105 CMR 170 AND 170.750 DEPRIVES PLAINTIFF OF DUE**
40935 **PROCESS, EQUAL PROTECTIONS, FIFTH AMENDMENT**
40936 **RIGHTS, SIXTH AMENDMENT RIGHTS, SEVENTH**
40937 **AMENDMENT RIGHTS.**

40938

40939 1705. **105 CMR 170 (all sections)** is unconstitutional as it provides
40940 mechanisms by which (under **105 CMR 170.750**) the
40941 Commonwealth may revoke the professional licenses and medical
40942 credentials of Emergency Medical Technicians on an arbitrary,
40943 vague, and capricious manner under a mere accusation of an act,

40944 absent any probable cause, absent any tangible proof the act
40945 actually took place, absent any form of probable cause hearing,
40946 absent any form of dangerousness hearing, absent any scientific
40947 proof, absent any examination of the evidence, absent the cross
40948 examination of witness, no ability to cross examine witnesses, nor
40949 to refute the charges, or to examine documents, or evidence which
40950 the state may hold before such a suspension is imposed. The
40951 allegations contained in paragraphs 1 through the current paragraph,
40952 are re-alleged and incorporated into this count as though fully set
40953 forth herein. The aforementioned and following Massachusetts
40954 General Laws, Statutes, and Regulation are invalid. The
40955 invalidities of the aforesaid and following statute and regulations,
40956 and Defendants' application of same, infringe Plaintiff's civil
40957 rights and damage Plaintiff in violation of 42 U.S.C. § 1983. In
40958 reality, the State revokes or suspends the licenses of certain EMT's
40959 when it is politically beneficial for them to do so, absent any actual
40960 evidence of wrong doing, and places the burden of proving
40961 innocence upon the person on whom the State is depriving of civil
40962 rights. This statute and/or regulation is an affront to 5th
40963 Amendment, 6th Amendment, 8th Amendment, 9th Amendment, and

40964 14th Amendment, including but not limited to the Constitution of
40965 the United States, Article IV, Section 2, and is a violation of civil
40966 rights, and deprivation of the civil rights of the Plaintiff Atkinson.
40967 Further, as the State is depriving patients of the services of a
40968 qualified volunteer Emergency Medical Technician in his
40969 community, the deprivation extends to the patients of Plaintiff
40970 Atkinson (acting as an EMT) as he is not allowed to render
40971 emergency care, and in fact the State is needless prolonging the
40972 pain and suffering, and promoting the death to citizens in need of
40973 emergency medical services, thus in turn depriving them of their
40974 civil rights. This statute as a whole, and also in sections or parts is
40975 unconstitutional, an infringement, and a deprivation of civil rights
40976 of Plaintiff Atkinson.

40977

40978 **COUNT THIRTY EIGHT**
40979 **105 CMR 171 AND 170.750 DEPRIVES PLAINTIFF OF DUE**
40980 **PROCESS, EQUAL PROTECTIONS, FIFTH AMENDMENT**
40981 **RIGHTS, SIXTH AMENDMENT RIGHTS, SEVENTH**
40982 **AMENDMENT RIGHTS.**
40983

40984 1706. **105 CMR 171 (all sections)** is unconstitutional and provides
40985 mechanisms by which (under **105 CMR 170.750**) the
40986 Commonwealth may revoke the professional licenses and medical

40987 credentials of Emergency Medical Technicians on an arbitrary,
40988 vague, and capricious manner under a mere accusation of an act,
40989 absent any probable cause, absent any tangible proof the act
40990 actually took place, absent any form of probable cause hearing,
40991 absent any form of dangerousness hearing, absent any scientific
40992 proof, absent any examination of the evidence, absent the cross
40993 examination of witness, no ability to cross examine witnesses, nor
40994 to refute the charges, or to examine documents, or evidence which
40995 the state may hold before such a suspension is imposed. The
40996 allegations contained in paragraphs 1 though the current paragraph,
40997 are re-alleged and incorporated into this count as though fully set
40998 forth herein. The aforementioned and following Massachusetts
40999 General Laws, Statutes, and Regulation are invalid. The
41000 invalidities of the aforesaid and following statute and regulations,
41001 and Defendants' application of same, infringe Plaintiff's civil
41002 rights and damage Plaintiff in violation of 42 U.S.C. § 1983. In
41003 reality, the State revokes or suspends the licenses of certain EMT's
41004 when it is politically beneficial for then to do so, absent any actual
41005 evidence of wrong doing, and places the burden of proving
41006 innocence upon the person on whom the State is depriving of civil

41007 rights. This statute and/or regulation is an affront to 5th
41008 Amendment, 6th Amendment, 8th Amendment, 9th Amendment, and
41009 14th Amendment, including but not limited to the Constitution of
41010 the United States, Article IV, Section 2, and is a violation of civil
41011 rights, and deprivation of the civil rights of the Plaintiff Atkinson.
41012 Further, as the State is depriving patients of the services of a
41013 qualified volunteer Emergency Medical Technician in his
41014 community, the deprivation extends to the patients of Plaintiff
41015 Atkinson (acting as an EMT) as he is not allowed to render
41016 emergency care, and in fact the State is needless prolonging the
41017 pain and suffering, and promoting the death to citizens in need of
41018 emergency medical services, thus in turn depriving them of their
41019 civil rights. This statute as a whole, and also in sections or parts is
41020 unconstitutional, an infringement, and a deprivation of civil rights
41021 of Plaintiff Atkinson.

41022

41023 **COUNT THIRTY NINE**
41024 **TOWN OF ROCKPORT POLICIES, 105 CMR 170 AND 170.750**
41025 **DEPRIVES PLAINTIFF OF DUE PROCESS, EQUAL**
41026 **PROTECTIONS, FIFTH AMENDMENT RIGHTS, SIXTH**
41027 **AMENDMENT RIGHTS, SEVENTH AMENDMENT RIGHTS.**
41028

41029 1707. **Town of Rockport – Rockport Ambulance Department,**

41030 **Policy Manual** is unconstitutional and provides mechanisms by
41031 which **(under 105 CMR 170.750)** the Town Ambulance
41032 Department may suspend or terminate without pay and Emergency
41033 Medical Technicians or Emergency First Responder on an arbitrary,
41034 vague, and capricious manner under a mere accusation of an act,
41035 absent any probable cause, absent any tangible proof the act
41036 actually took place, absent any form of probable cause hearing,
41037 absent any form of dangerousness hearing, absent any scientific
41038 proof, absent any examination of the evidence, absent the cross
41039 examination of witness, no ability to cross examine witnesses, nor
41040 to refute the charges, or to examine documents, or evidence which
41041 the state may hold before such a suspension is imposed. The
41042 allegations contained in paragraphs 1 though the current paragraph,
41043 are re-alleged and incorporated into this count as though fully set
41044 forth herein. The aforementioned and following Massachusetts
41045 General Laws, Statutes, and Regulation are invalid. The
41046 invalidities of the aforesaid and following statute and regulations,
41047 and Defendants' application of same, infringe Plaintiff's civil
41048 rights and damage Plaintiff in violation of 42 U.S.C. § 1983. In
41049 reality, the State revokes or suspends the licenses of certain EMT's

41050 when it is politically beneficial for them to do so, absent any actual
41051 evidence of wrong doing, and places the burden of proving
41052 innocence upon the person on whom the State is depriving of civil
41053 rights. This statute and/or regulation is an affront to 4th, 5th
41054 Amendment, 6th Amendment, 8th Amendment, 9th Amendment, and
41055 14th Amendment, including but not limited to the Constitution of
41056 the United States, Article IV, Section 2, and is a violation of civil
41057 rights, and deprivation of the civil rights of the Plaintiff Atkinson.
41058 This statute as a whole, and also in sections or parts is
41059 unconstitutional, an infringement, and a deprivation of civil rights
41060 of Plaintiff Atkinson.

41061
41062 1708. **Town of Rockport – Employment Policy Manual** is
41063 unconstitutional and provides mechanisms by which Town of
41064 Rockport may suspend or terminate without pay an employee on
41065 an arbitrary, vague, and capricious manner under a mere
41066 accusation of an act, absent any probable cause, absent any
41067 tangible proof the act actually took place, absent any form of
41068 probable cause hearing, absent any form of dangerousness hearing,
41069 absent any scientific proof, absent any examination of the evidence,

41070 absent the cross examination of witness, no ability to cross
41071 examine witnesses, nor to refute the charges, or to examine
41072 documents, or evidence which the state may hold before such a
41073 suspension is imposed. In reality, the suspends or terminates of
41074 certain employees when it is politically beneficial for then to do so,
41075 absent any actual evidence of wrong doing, and places the burden
41076 of proving innocence upon the person on whom the State is
41077 depriving of civil rights. This statute and/or regulation is an affront
41078 to 5th Amendment, 6th Amendment, 8th Amendment, 9th
41079 Amendment, and 14th Amendment, including but not limited to the
41080 Constitution of the United States, Article IV, Section 2, and is a
41081 violation of civil rights, and deprivation of the civil rights of the
41082 Plaintiff Atkinson. This statute as a whole, and also in sections or
41083 parts is unconstitutional, an infringement, and a deprivation of civil
41084 rights of Plaintiff Atkinson.

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COUNT FORTY

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**M.G.L. c. 30A (ALL SECTIONS) DEPRIVES PLAINTIFF OF DUE
PROCESS, EQUAL PROTECTIONS, FIFTH AMENDMENT
RIGHTS, SIXTH AMENDMENT RIGHTS, SEVENTH
AMENDMENT RIGHTS.**

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1709. **M.G.L. c. 30A (all sections)** is unconstitutional and is an

41115 Amendment, 8th Amendment, 9th Amendment, and 14th
41116 Amendment, including but not limited to the Constitution of the
41117 United States, Article IV, Section 2, and is a violation of civil
41118 rights, and deprivation of the civil rights of the Plaintiff Atkinson.
41119 The allegations contained in paragraphs 1 through the current
41120 paragraph, are re-alleged and incorporated into this count as
41121 though fully set forth herein. The aforementioned and following
41122 Massachusetts General Laws, Statutes, and Regulation are invalid.
41123 The invalidities of the aforesaid and following statute and
41124 regulations, and Defendants' application of same, infringe
41125 Plaintiff's civil rights and damage Plaintiff in violation of 42 U.S.C.
41126 § 1983. This statute as a whole, and also in sections or parts is
41127 unconstitutional, an infringement, and a deprivation of civil rights
41128 of Plaintiff Atkinson.

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COUNT FORTY TWO
**THE SECOND AMENDMENT INVALIDATES 501 CMR 7.00 TO
THE EXTENT IT PREVENTS QUALIFIED PRIVATE CITIZENS
FROM KEEPING AND/OR CARRYING AND/OR BEARING
ARMS FOR SELF-DEFENSE.**

41136 1711. **501 CMR 7.00 "Approved Weapons Roster"** published by
41137 the Executive Office of Public Safety is unconstitutional and is a

41138 tool for violation, deprivation, and infringement of civil rights. The
41139 allegations contained in paragraphs 1 though the current paragraph,
41140 are re-alleged and incorporated into this count as though fully set
41141 forth herein. The aforementioned and following Massachusetts
41142 General Laws, Statutes, and Regulation are invalid. The
41143 invalidities of the aforesaid and following statute and regulations,
41144 and Defendants' application of same, infringe Plaintiff's civil
41145 rights and damage Plaintiff in violation of 42 U.S.C. § 1983. The
41146 statute is overly vague, and violates the keeping and bearing of
41147 various types of arms and is in conflict with the decisions of the
41148 Supreme Court of the United States in *McDonald v. Chicago*, 561
41149 U.S. ___, 130 S.Ct. 3020 (2010), and also in *District of Columbia*
41150 *v. Heller*, 554 U.S. 570 (2008), Massachusetts Constitution Part
41151 The First, Article XVII; the U.S. Constitution as a whole; the U.S.
41152 Constitution, Amendment II □ (also known as the Second
41153 Amendment); and the U.S. Constitution, Amendment XIV (also
41154 known as the Fourteenth Amendment); the Ku Klux Klan Act (or
41155 the Civil Rights Act of 1871); 42 U.S.C. § 1983 (also called
41156 "section 1983"), and other relevant laws, as a violation, deprivation
41157 and infringement of civil rights. This statute infringes the 2nd

41158 Amendment right to keep and bear arms, and the 14th Amendment
41159 privileges and immunities of U.S. citizenship, the “Equal
41160 Protections Clause” of the 14th Amendment, including but not
41161 limited to the Constitution of the United States, Article IV, Section
41162 2, and is thus unlawful prior restraint, as well as a deprivation of
41163 the civil rights of the Plaintiff Atkinson. This statute as a whole,
41164 and also in sections or parts is unconstitutional, an infringement,
41165 and a deprivation of civil rights of Plaintiff Atkinson.

41166

41167 **COUNT FORTY THREE**
41168 **STUDENT CONDUCT CODE DEPRIVES PLAINTIFF OF DUE**
41169 **PROCESS, EQUAL PROTECTIONS, FIFTH AMENDMENT**
41170 **RIGHTS, SIXTH AMENDMENT RIGHTS, SEVENTH**
41171 **AMENDMENT RIGHTS, IMPOSES DOUBLE JEOPARDY, AND**
41172 **DOUBLE PUNISHMENTS. FURTHER STUDENT CONDUCT**
41173 **CODE PREVENTS QUALIFIED PRIVATE CITIZENS FROM**
41174 **KEEPING AND/OR CARRYING AND/OR BEARING ARMS FOR**
41175 **SELF-DEFENSE.**
41176

41177 1712. **North Shore Community College Student Conduct Code,**
41178 **2008** is unconstitutional, (NORTH SHORE COMMUNITY
41179 COLLEGE is a state run College, and an extension of the state in
41180 all respects); published and circulated by the “Judicial Affairs
41181 Office, Division of Student Life” is an affront to 5th Amendment,
41182 6th Amendment, 7th, 8th Amendment, 9th Amendment, and 14th

41183 Amendment, including but not limited to the Constitution of the
41184 United States, Article IV, Section 2, and is a violation of civil
41185 rights, and deprivation of the civil rights of the Plaintiff Atkinson.
41186 The allegations contained in paragraphs 1 though the current
41187 paragraph, are re-alleged and incorporated into this count as
41188 though fully set forth herein. The aforementioned and following
41189 Massachusetts General Laws, Statutes, and Regulation are invalid.
41190 The invalidities of the aforesaid and following statute and
41191 regulations, and Defendants' application of same, infringe
41192 Plaintiff's civil rights and damage Plaintiff in violation of 42 U.S.C.
41193 § 1983. The Handbook Outlines methods by which the School may
41194 conduct sham trials, and impose unlawful punishments upon
41195 students, without allowing the student to be fairly represented at
41196 hearings, and at other times not even told about the (secret)
41197 hearings, not allowed to confront witnesses or examine evidence.
41198 The student is not permitted the ability to cross examine witnesses,
41199 there is lack of due process, and vague, and arbitrary guidelines by
41200 which the President of the College may suspend, ban, and expel
41201 any student for many reason, at any time, based even on a whim, or
41202 political convenience, unproven accusation, and even to punish and

41203 to muzzle and restrain student who may choose to lawfully
41204 exercise a civil right. This statute as a whole, and also in sections
41205 or parts is unconstitutional, an infringement, and a deprivation of
41206 civil rights of Plaintiff Atkinson. The defendant North Shore
41207 Community College further takes it upon itself (as a State agency)
41208 to zealously punish any student who is merely ACCUSED of a
41209 deed off campus, with no regards that such a deed in fact took
41210 place, or consider if the student is guilty, by default the college
41211 assumes the student is guilty, imposed punishment illegally, and
41212 then threatens to further punish the student should they refuse to
41213 accept the original unlawful punishment. This defendant (acting as
41214 a state agency, under the color of law) further violates double
41215 jeopardy in that the college punishes the student for any perceived
41216 violation of the law, and then allows the student to again be re-
41217 punished by way of the court system. Any punitive action of any
41218 sort imposed by this college, is in fact an official punishment by
41219 state agency acting under color of law. Hence, anybody who is
41220 punished by this college cannot therefore be then punished a
41221 second time by the state. Hence, anybody who is punished by this
41222 college cannot therefore be then punished a second time by the

41223 state. Conversely, this Defendant may not impose additional or
41224 supplemental punishment once the State has already punished the
41225 student in some way. This is a deprivation of rights provided by
41226 the 5th Amendment, 6th Amendment, 8th Amendment, 9th
41227 Amendment, and 14th Amendment including but not limited to the
41228 Constitution of the United States, Article IV, Section 2, and an
41229 infringement of the civil rights of Plaintiff Atkinson. This statute
41230 as a whole, and also in sections or parts is unconstitutional, an
41231 infringement, and a deprivation of civil rights of Plaintiff Atkinson.
41232 The Defendant also infringed on the lawfully possessed of arms in
41233 the private home of the student (well away from campus), and to
41234 deprive the student of their civil rights, and to infringe upon the
41235 students 2nd Amendment right to keep and to bear arms (outside of
41236 the College, and well off Campus). This statute as a whole, and in
41237 sections or parts is unconstitutional, an infringement, and a
41238 deprivation of civil rights of Plaintiff Atkinson.

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COUNT FORTY FOUR
**STUDENT CONDUCT CODE DEPRIVES PLAINTIFF OF DUE
PROCESS, EQUAL PROTECTIONS, FIFTH AMENDMENT
RIGHTS, SIXTH AMENDMENT RIGHTS, SEVENTH
AMENDMENT RIGHTS, IMPOSES DOUBLE JEOPARDY, AND
DOUBLE PUNISHMENTS. FURTHER STUDENT CONDUCT**

41246 **CODE PREVENTS QUALIFIED PRIVATE CITIZENS FROM**
41247 **KEEPING AND/OR CARRYING AND/OR BEARING ARMS FOR**
41248 **SELF-DEFENSE.**
41249

41250 1713. **Salem State College (also called Salem State College)**

41251 **Student Handbook, 2008-2010** is unconstitutional, (SALEM

41252 STATE COLLEGE is a state run College, and an extension of the

41253 state in all respects) the Student Handbook is an affront to 2nd, 4th,

41254 5th Amendment, 6th Amendment, 7th, 8th Amendment, 9th

41255 Amendment, and 14th Amendment, including but not limited to the

41256 Constitution of the United States, Article IV, Section 2, and is a

41257 violation of civil rights, and deprivation of the civil rights of the

41258 Plaintiff Atkinson. The allegations contained in paragraphs 1

41259 though the current paragraph, are re-alleged and incorporated into

41260 this count as though fully set forth herein. The aforementioned and

41261 following Massachusetts General Laws, Statutes, and Regulation

41262 are invalid. The invalidities of the aforesaid and following statute

41263 and regulations, and Defendants' application of same, infringe

41264 Plaintiff's civil rights and damage Plaintiff in violation of 42 U.S.C.

41265 § 1983. The Handbook Outlines methods by which the School may

41266 conduct sham trials, and impose unlawful punishments upon

41267 students, without allowing the student to be fairly represented at

41268 hearings, and at other times not even told about the (secret) hearing,
41269 not allowed to confront witnesses or examine evidence. The
41270 student is not permitted the ability to cross examine witnesses,
41271 there is lack of due process, and vague, and arbitrary guidelines by
41272 which the President of the College may suspend, ban, and expel
41273 any student for any reason, at any time, based even on a whim, or
41274 political convenience, unproven accusation, and even for student
41275 who may choose to lawfully exercise a civil right. This statute as a
41276 whole, and in sections or parts is unconstitutional, an infringement,
41277 and a deprivation of civil rights of Plaintiff Atkinson. The
41278 Defendant Salem State College further takes it upon itself (as a
41279 State agency) to zealously punish any student who is merely
41280 ACCUSED if a deed off campus, with no regards that such a deed
41281 in fact took place, or consider if the student is guilty, by default the
41282 college assumes the student is guilty, imposed punishment illegally,
41283 and then threatens to further punish the student should they refuse
41284 to accept the original unlawful punishment. This defendant (acting
41285 as a state agency, under the color of law) further violates double
41286 jeopardy in that the college punishes the student for any perceived
41287 violation of the law, and then allows the student to again be re-

41288 punished by way of the court system. Any punitive action of any
41289 sort imposed by this college, is in fact an official punishment by
41290 state agency acting under color of law. Hence, anybody who is
41291 punished by this college cannot therefore be then punished a
41292 second time by the state. Conversely, this Defendant may not
41293 impose additional or supplemental punishment once the State has
41294 already punished the student in some way. This is a deprivation of
41295 rights provided by the 5th Amendment, 6th Amendment, 8th
41296 Amendment, 9th Amendment, and 14th Amendment including but
41297 not limited to the Constitution of the United States, Article IV,
41298 Section 2, and an infringement of the civil rights of Plaintiff
41299 Atkinson. This statute as a whole, and also in sections or parts is
41300 unconstitutional, an infringement, and a deprivation of civil rights
41301 of Plaintiff Atkinson. The Defendant also infringed on the lawfully
41302 possessed of arms in the private home of the student (well away
41303 from campus), and to deprive the student of their civil rights, and
41304 to infringe upon the 2nd Amendment right to keep and to bear arms
41305 (outside of the College, and well off Campus). This statute as a
41306 whole, and in sections or parts is unconstitutional, an infringement,
41307 and a deprivation of civil rights of Plaintiff Atkinson.

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COUNT FORTY FIVE
**STUDENT CONDUCT CODE DEPRIVES PLAINTIFF OF DUE
PROCESS, EQUAL PROTECTIONS, FIFTH AMENDMENT
RIGHTS, SIXTH AMENDMENT RIGHTS, SEVENTH
AMENDMENT RIGHTS, IMPOSES DOUBLE JEOPARDY, AND
DOUBLE PUNISHMENTS. FURTHER STUDENT CONDUCT
CODE PREVENTS QUALIFIED PRIVATE CITIZENS FROM
KEEPING AND/OR CARRYING AND/OR BEARING ARMS FOR
SELF-DEFENSE.**

41319 1714. Additionally, the Student Conduct Codes, published by the
41320 Commonwealth of Massachusetts for the University of
41321 Massachusetts at Amherst, Boston, Dartmouth, Lowell and
41322 Worcester; Bridgewater State University, Fitchburg State
41323 University, Framingham State University, the Massachusetts
41324 College of Art and Design, the Massachusetts Maritime Academy,
41325 the Massachusetts College of Liberal Arts, Westfield State
41326 University and Worcester State University; Berkshire Community
41327 College, Bristol Community College, Bunker Hill Community
41328 College, Cape Cod Community College, Greenfield Community
41329 College, Holyoke Community College, Massachusetts Bay
41330 Community College, Massasoit Community College, Middlesex
41331 Community College, Mount Wachusett Community College,
41332 Northern Essex Community College, North Shore Community

41333 College, Quinsigamond Community College, Roxbury Community
41334 College and Springfield Technical Community College (all of
41335 which are state run College, and an extension of the state in all
41336 respects); published and circulated by the school is
41337 unconstitutional, and is an affront to 2nd, 4th, 5th Amendment, 6th
41338 Amendment, 8th Amendment, 9th Amendment, and 14th
41339 Amendment, including but not limited to the Constitution of the
41340 United States, Article IV, Section 2, and is a violation of civil
41341 rights, and deprivation of the civil rights of the Plaintiff Atkinson.
41342 The allegations contained in paragraphs 1 though the current
41343 paragraph, are re-alleged and incorporated into this count as
41344 though fully set forth herein. The aforementioned and following
41345 Massachusetts General Laws, Statutes, and Regulation are invalid.
41346 The invalidities of the aforesaid and following statute and
41347 regulations, and Defendants' application of same, infringe
41348 Plaintiff's civil rights and damage Plaintiff in violation of 42 U.S.C.
41349 § 1983.

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COUNT FORTY SIX
**STUDENT CONDUCT CODE DEPRIVES PLAINTIFF OF DUE
PROCESS, EQUAL PROTECTIONS, FIFTH AMENDMENT
RIGHTS, SIXTH AMENDMENT RIGHTS, SEVENTH**

41355 **AMENDMENT RIGHTS, IMPOSES DOUBLE JEOPARDY, AND**
41356 **DOUBLE PUNISHMENTS. FURTHER STUDENT CONDUCT**
41357 **CODE PREVENTS QUALIFIED PRIVATE CITIZENS FROM**
41358 **KEEPING AND/OR CARRYING AND/OR BEARING ARMS FOR**
41359 **SELF-DEFENSE.**
41360

41361 1715. The Student Conduct Handbooks of the many aforementioned
41362 State run schools outlines unconstitutional methods and
41363 unconstitutional schemes by which the School may conduct sham
41364 trials, and impose unlawful and unconstitutional punishments upon
41365 students under the color of authority, without allowing the student
41366 to be fairly represented at all by an attorney, and other times not
41367 even told about the hearing, not allowed to confront witnesses or
41368 examine evidence, the Student is not permitted the ability to cross
41369 examine witnesses, no attorney is allowed to represent the student,
41370 there is lack of due process, and vague, and arbitrary guidelines by
41371 which the President of the College may suspend, ban, and expel
41372 any student for many reason, at any time, based even on a whim, or
41373 political convenience, unproven accusation, and even to punish and
41374 to muzzle and restrain student who may choose to lawfully
41375 exercise a civil right. The allegations contained in paragraphs 1
41376 though the current paragraph, are re-alleged and incorporated into
41377 this count as though fully set forth herein. The aforementioned and

41378 following Massachusetts General Laws, Statutes, and Regulation
41379 are invalid. The invalidities of the aforesaid and following statute
41380 and regulations, and Defendants' application of same, infringe
41381 Plaintiff's civil rights and damage Plaintiff in violation of 42 U.S.C.
41382 § 1983. This statute, Conduct Handbooks, Policies, Guidelines,
41383 and other official guidelines as a whole, and in sections or parts is
41384 unconstitutional, an infringement, and a deprivation of civil rights
41385 of Plaintiff Atkinson. These aforementioned state run colleges
41386 further takes it upon itself (as a State agency) to zealously and/or
41387 unfairly punish any student and to impose double punishments by
41388 way of the college and then by way of the courts of a student who
41389 is merely ACCUSED of a deed off campus, with no regards that
41390 such a deed in fact took place, or consider if the student is guilty,
41391 by default the college assumes the student is guilty, imposes
41392 punishment illegally, and then threatens to further punish the
41393 student should they refuse to accept the original unlawful
41394 punishment. These schools (acting as a state agency, under the
41395 color of law at all times) further violates double jeopardy in that
41396 the college punishes the student for any perceived violation of the
41397 law, and then allows the student to again be re-punished by way of

41398 the court system. Any punitive action of any sort imposed by this
41399 college, is in fact an official punishment by state agency acting
41400 under color of law. Hence, anybody who is punished by this
41401 college cannot therefore be then lawfully punished a second time
41402 by the state. This is a deprivation of rights provided by the 1st, 2nd,
41403 4th, 5th Amendment, 6th Amendment, 8th Amendment, 9th
41404 Amendment, and 14th Amendment including but not limited to the
41405 Constitution of the United States, Article IV, Section 2, and an
41406 infringement of the civil rights of Plaintiff Atkinson. This statute
41407 as a whole, and also in sections or parts is unconstitutional, an
41408 infringement, and a deprivation of civil rights of Plaintiff Atkinson.
41409 This is used by the Commonwealth and by the College to more
41410 specifically to infringe on the lawfully possession of arms in the
41411 private home of the student (well away from campus), and to
41412 deprive the student of their civil rights, and to infringe upon the
41413 students 2nd Amendment right to keep and to bear arms (outside of
41414 the College, and well off Campus). This statute and handbooks as a
41415 whole, and also in sections or parts is unconstitutional, an
41416 infringement, and a deprivation of civil rights of Plaintiff Atkinson.
41417

41418 **COUNT FORTY EIGHT**
41419 **EQUAL PROTECTION: VIOLATION OF THE SECOND AND**
41420 **FOURTEENTH AMENDMENTS TO THE CONSTITUTION AND 42**
41421 **U.S. 1983**
41422

41423 1716. The allegations contained in paragraphs 1 though the current
41424 paragraph, are re-alleged and incorporated into this count as
41425 though fully set forth herein. The aforesaid and following acts by
41426 Defendant(s) infringe Plaintiff's civil rights and damage Plaintiff
41427 in violation of 42 U.S.C. § 1983.
41428

41429 1717. The Defendants' lack compelling interests, important interest,
41430 or governmental interests from denying law-abiding citizens like
41431 Plaintiff Atkinson the equal protection of laws. Nor are the Statutes
41432 narrowly tailored or rationally related to governmental interests.
41433

41434 1718. The Statutes enforced by the Defendants are unconstitutional
41435 as written or as applied by the Defendants are unconstitutional, and
41436 they prevent Plaintiff Atkinson from exercising his fundamental
41437 right to keep and bear arms for the purposes of self-defense, and
41438 other lawful purposes.
41439

41440 1719. The Defendants currently maintain and actively enforce a set
41441 of laws, customs, practices, and policies under color of state law
41442 that deprive individuals, including Plaintiff Atkinson, of their right
41443 to keep and bear arms, in violation of their Second and Fourteenth
41444 Amendments.

41445

41446 **COUNT FORTY NINE**
41447 **WHILE ACTING UNDER COLOR OF LAW, DEFENDANT TOWN**
41448 **OF ROCKPORT AND INDIVIDUAL DEFENDANTS DID DEPRIVE**
41449 **AND/OR INFRINGE ON THE PLAINTIFF’S CIVIL RIGHTS IN**
41450 **VIOLATION OF 42 U.S.C. § 1983**
41451

41452 1720. The allegations contained in paragraphs 1 though the current
41453 paragraph, are re-alleged and incorporated into this count as
41454 though fully set forth herein. The aforesaid and following acts by
41455 Defendant(s) infringe Plaintiff’s civil rights and damage Plaintiff
41456 in violation of 42 U.S.C. § 1983.

41457

41458 1721. On or about December 6, 2009, the Rockport police, unlawfully
41459 acting under color of state law, some dressed in uniform, and
41460 others dressed in street clothing (not uniforms), carrying and
41461 brandishing firearms, using police cars clearly marked as police
41462 officers of the Rockport Police Department, executed an

41463 unlawfully issued and unlawfully obtained search warrant, that was
41464 obtained by fraud and deception on the part of Defendants Marino,
41465 Andrus, Tibert, and Mahoney.

41466
41467 1722. The search warrant in question was actually issued on or about
41468 December 7, 2009, the affidavit for which contains numerous
41469 falsehoods, deceptions, and false statements. In fact, if the true
41470 facts were inserted into the application for the search warrant and
41471 the false facts given the magistrate were excised, no probable
41472 cause for the "warrant" existed.

41473
41474 1723. The Rockport Police Department and others are incompetently
41475 and knowingly, and arrogantly violated the law in furtherance of
41476 an ongoing criminal enterprise.

41477
41478 1724. This search warrant was executed by Defendants Marino,
41479 Andrus, Tibert, Mahoney, Schmink, Hurst, George, McCarthy,
41480 plus four unknown Rockport Police Officers (listed herein as John
41481 Does), plus Defendant McDowell of the FBI, and one unknown
41482 person who is believed to be a Federal Agent (listed herein as John

41483 Doe). The report of the search deliberately omits the participation
41484 of Defendant John McCarthy, Rockport Chief of Police,
41485 Defendants Christian McDowell, various John Does, and other
41486 participants.

41487
41488 1725. Defendants working in concert with others stole considerable
41489 property and possessions of the Plaintiff consisting of several
41490 hundred thousand dollars of American Gold Eagles and gold
41491 bullion (over 240 ounces of gold, valued at \$1500 per ounce), at
41492 least \$5,000 in cash, and over 1600 ounces of silver bullion, plus
41493 tools, goods, equipment, and supplies – none of which was ever
41494 listed on the inventory return, and seized things not authorized for
41495 seizure on the search warrant. These items and acts are outlined in
41496 other paragraphs, and re-alleged and incorporated into this count as
41497 though fully set forth herein. This search and seizure deprived
41498 Plaintiff of his civil rights.

41499
41500 1726. Further, Defendants did not seize certain items specifically
41501 listed on the search warrant. The warrant instead was used as a
41502 mechanism for the “general exploratory rummaging” and

41503 damaging of the Plaintiff’s belongings, and was in fact used as a
41504 “General Warrant” and did not conform to a scrupulous standard
41505 by which “nothing is to be left to the discretion of the officer
41506 executing the warrant.” Thus even though firearms records were
41507 specified in the search warrant, and these records were in fact
41508 found by the police, yet they were not taken, or entered into
41509 evidence as these records would have proved the Plaintiff did
41510 nothing wrong. Further, the search warrant specified that
41511 computers were to be taken (yet there was no specificity in the
41512 order); yet the police only took five computers, and did not take
41513 the more than fifty other computers on the premises as required by
41514 *Stanford v. Texas*, 379 U.S. 476, 485 (1965). This search and
41515 seizure deprived Plaintiff of his civil rights.

41516
41517 1727. Police also seized the Plaintiff’s firearm licenses to carry from
41518 other states, even though this seizure of other licenses was not
41519 permitted by the search warrant. None of these items were listed on
41520 the inventory of the search. This seizure deprived Plaintiff of his
41521 civil rights.

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1728. These Defendant have committed various criminal offenses in permanently depriving plaintiff of his property and obstructed justice by falsely reporting their activities and items taken as well as exceeded, and overstepped their authority and violated the Constitutional rights of the Plaintiff, infringing and deprived him of his civil rights in violation of Plaintiff's constitutional and statutory rights, including but not limited to the 4th, 5th, and 14th amendments and 42 USC 1983, et seq.

1729. Plaintiff repeatedly demanded that the police leave his premises, when the police refused to show him the search warrant. The police continued to refused to leave, and continued to refused to produce a warrant.

1730. After the police had left the premises of the Plaintiff later in the day, the police did not leave a copy of the warrant on the Plaintiff property, nor was any inventory of the seized property provided to the Plaintiff, not left on the premises.

41542 1731. Plaintiff repeatedly sought to leave the premises after the police
41543 broke in, and attempted to depart by walking out the door, only to
41544 be physically restrained by the police, and prohibited from leaving
41545 his premises, even though the police had not yet announced that he
41546 was under arrest. The Plaintiff was repeatedly struck several times
41547 by the police as a result, all in violation of the Plaintiff civil rights.

41548
41549 1732. The Rockport Police Department stole thousands of dollars in
41550 prescription medications, which had been provided to the Plaintiff
41551 by the federal government to treat injuries and disabilities,
41552 sustained by virtue of the Plaintiff military service to this nation.
41553 Police also stole thousands of dollars in orthopedic shoes and leg
41554 braces which has also been provided by the federal government to
41555 treat such injuries.

41556
41557 1733. Police and others sabotaged various equipment and tool cases
41558 of the Plaintiff so that the cases could not be opened and used for
41559 his profession, and in many instances the cases had to be cut open
41560 by the Plaintiff to gain access to the contents. In some cases this

41561 took the form of the Police changing of combination, or jamming
41562 debris into the case locks.

41563

41564 1734. Defendant directly deprived, violated, and infringed upon
41565 Plaintiff's civil rights, with malice, and with careful planning and
41566 conspiracy with others. The conduct of these Defendants shocks
41567 the conscience.

41568

41569 1735. These Defendants have exceeded, and overstepped their
41570 authority and violated the Constitutional rights of the Plaintiff,
41571 infringing and deprived him of his civil rights.

41572

41573 1736. These Defendants have while acting under color of law and
41574 while armed with a dangerous weapon at all times with the intent
41575 to commit a felony; has engaged in a pattern of robbery; armed
41576 robbery; embezzlement; fraud; larceny; false statements;
41577 intimidation of a witness; false arrest; kidnapping; confinement;
41578 home invasion; armed home invasion; assault; armed assault;
41579 assaulted with bodily injury in furtherance of committing a felony;
41580 willfully inflicting injury; unlawfully used or threatened to use

41581 against another the power of or authority vested in him; use of
41582 excessive force; breaking and entered into a dwelling house;
41583 assault and battery; broke into a truck in order to commit a felony;
41584 induced another to part with property under false pretenses; had in
41585 his possession tools and implements to break open a building,
41586 room, or vault in order to steal and to commit other crimes; placed
41587 a person in fear of their lives in order to force the person to
41588 surrender the means of opening a locked room and locked safes;
41589 damaged property; intimidated witness or potential witness; caused
41590 serious alarm to a reasonable person; inflicted substantial
41591 emotional distress; entered a dwelling places of another knowing
41592 that one or more persons present within was likely armed with
41593 dangerous weapons; fraudulently converted property that was in
41594 the custody of the Town to his own personal use; concealed
41595 felonies committed by others who were part of the conspiracy;
41596 stole and, or received and gave to others stolen trade secrets; made
41597 false and fictitious claims, injured and defaced a dwelling house;
41598 remained on private property after being forbidden to remain
41599 thereon by the person in legal control of the premises; without
41600 authorization, committed subornation of perjury; made multiple

41601 false reports to state boards or commissioners; while acting as an
41602 employee of the Town of Rockport and Federal Agents, filed false
41603 written reports and statements; took money and rewards to
41604 compound or conceal felonies; aided in the commission of a
41605 felony; knowingly accessed computers, and computer systems and
41606 failed to terminate such access knowing that such access was not
41607 authorized; interfered with civil rights; committed conspiracy to
41608 violate civil rights; violated Constitutional Rights; and committed
41609 other State and Federal crimes.

41610
41611 1737. Further, this defendant has engaged in conduct and as a
41612 continuing unit of an enterprise, through a pattern, of racketeering
41613 enterprises (including, but not limited to: mail fraud, wire fraud,
41614 scheme to defraud, robbery, kidnapping, obstruction of justice,
41615 interference in commerce, also involving monetary transactions in
41616 property derived from specified unlawful activity), and have
41617 caused injury to the business and/or property of the Plaintiff
41618 Atkinson.

41619
41620

COUNT FIFTY

41621 **WHILE ACTING UNDER COLOR OF LAW, DEFENDANT**
41622 **COMMONWEALTH OF MASSACHUSETTS AND INDIVIDUAL**
41623 **DEFENDANTS DID DEPRIVE AND/OR INFRINGE ON THE**
41624 **PLAINTIFF'S CIVIL RIGHTS IN VIOLATION OF 42 U.S.C. §**
41625 **1983**
41626

41627 1738. The allegations contained in paragraphs 1 though the current
41628 paragraph, are re-alleged and incorporated into this count as
41629 though fully set forth herein. The aforesaid and following acts by
41630 Defendant(s) infringe Plaintiff's civil rights and damage Plaintiff
41631 in violation of 42 U.S.C. § 1983.
41632

41633 1739. These Defendants have exceeded, and overstepped their
41634 authority and violated the Constitutional rights of the Plaintiff,
41635 infringing and deprived him of his civil rights. Defendant directly
41636 deprived, violated, and infringed upon Plaintiff's civil rights, with
41637 malice, and with careful planning and conspiracy with others.
41638

41639 1740. Plaintiff is informed and believes that it is through the
41640 leadership, ratification, and support of Defendant Commonwealth
41641 that its subordinate law enforcement agencies, and Defendants
41642 identified hereinafter, had permission to implement the custom,
41643 practice and usage which violated and continue to violate

41644 Plaintiff's constitutionally, statutory and regulatory rights,
41645 activities, privileges, and immunities in accordance with the United
41646 States Constitution, 1st, 2nd, 4th, 5th, 6th, 8th, 9th, and 14th
41647 Amendments, and the U.S. Constitution, Article Four, Section 2,
41648 and Massachusetts Constitution, Part the First, Article XVII;
41649 Defendant Commonwealth is being sued in its official Capacity.

41650
41651 1741. Further, these defendants has engaged in conduct and as a
41652 continuing unit of an enterprise, through a pattern, of racketeering
41653 enterprises (including, but not limited to: mail fraud, wire fraud,
41654 scheme to defraud, robbery, kidnapping, obstruction of justice,
41655 interference in commerce, also involving monetary transactions in
41656 property derived from specified unlawful activity), and have
41657 caused injury to the business and/or property of the Plaintiff
41658 Atkinson.

41659
41660 **COUNT FIFTY ONE**
41661 **WHILE ACTING UNDER COLOR OF LAW, DEFENDANT**
41662 **COMMONWEALTH OF MASSACHUSETTS AND INDIVIDUAL**
41663 **DEFENDANTS DID DEPRIVE AND/OR INFRINGE ON THE**
41664 **PLAINTIFF'S CIVIL RIGHTS IN VIOLATION OF 42 U.S.C. §**
41665 **1983**
41666

41667 1742. The allegations contained in paragraphs 1 though the current
41668 paragraph, are re-alleged and incorporated into this count as
41669 though fully set forth herein. The aforesaid and following acts by
41670 Defendant(s) infringe Plaintiff's civil rights and damage Plaintiff
41671 in violation of 42 U.S.C. § 1983.

41672
41673 1743. While acting as a State agency, Defendants Commonwealth of
41674 Massachusetts, Salem State College, North Shore Community
41675 College, Montserrat College of Art, and Defendants Lloyd A.
41676 Holmes, Wayne Burton, Donna Richemond, Doug Puska, Kenneth
41677 Tashjy, Marshall J. Handly, Stephen D. Immerman, Brian Bicknell,
41678 Lee Dellicker, Lecia Turcotte, Donald Bowen, Martha Buskirk,
41679 Christopher Collins, Nancy Crate, Craig H. Deery, Steven Dodge,
41680 Henrietta Gates, Miranda Gooding, Linda Harvey, Betsy Hopkins,
41681 John Peterman, Jurrien Timmer, Charles Whitten, Alan Wilson,
41682 Katherine Winter, Jo Broderick, Rick Longo, Laura Tonelli,
41683 Theresa Skelly, Jeffrey Newell, Laura Tonelli, Scott James,
41684 Patricia Maguire Meservey, James Stoll, Shawn A. Newton,
41685 William Anglin, Shawn A. Newton, Shane Rodriguez, Kemah
41686 Travers, Kristina Mason, Lee Brossoit, John Good, Beverly

41687 National Bank, DanversBank, and various Johns Does did
41688 unlawfully suspended Plaintiff Atkinson as a student, and did
41689 punish and continue to Punish Plaintiff, for acts which the Plaintiff
41690 was never found guilty, nor for which there was ever any probable
41691 cause.

41692
41693 1744. These Defendants have exceeded, and overstepped their
41694 authority and violated the Constitutional rights of the Plaintiff,
41695 infringing and deprived him of his civil rights. Defendants directly
41696 deprived, violated, and infringed upon Plaintiff's civil rights, with
41697 malice, and with careful planning and conspiracy with others.

41698
41699 1745. Plaintiff is informed and believes that it is through the
41700 leadership, ratification, and support of Defendants that its
41701 subordinate law enforcement agencies, and Defendants identified
41702 hereinafter, had permission to implement the custom, practice and
41703 usage which violated and continue to violate Plaintiff's
41704 constitutionally, statutory and regulatory rights, activities,
41705 privileges, and immunities in accordance with the United States
41706 Constitution, 1st, 2nd, 4th, 5th, 6th, 8th, 9th, and 14th

41707 Amendments, and the U.S. Constitution, Article Four, Section 2,
41708 and Massachusetts Constitution, Part the First, Article XVII;
41709 Defendants are being sued in its official Capacity.

41710
41711 1746. Further, this defendant has engaged in conduct and as a
41712 continuing unit of an enterprise, through a pattern, of racketeering
41713 enterprises (including, but not limited to: mail fraud, wire fraud,
41714 scheme to defraud, robbery, kidnapping, obstruction of justice,
41715 interference in commerce, also involving monetary transactions in
41716 property derived from specified unlawful activity), and have
41717 caused injury to the business and/or property of the Plaintiff
41718 Atkinson.

41719

41720 **COUNT FIFTY TWO**
41721 **WHILE ACTING UNDER COLOR OF LAW, DEFENDANT**
41722 **COMMONWEALTH OF MASSACHUSETTS, ATTORNEY**
41723 **GENERAL, LYONS AMBULANCE, OEMS, BEVERLY**
41724 **HOSPITAL AND INDIVIDUAL DEFENDANTS, AND OTHERS**
41725 **DID DEPRIVE AND/OR INFRINGE ON THE PLAINTIFF'S**
41726 **CIVIL RIGHTS IN VIOLATION OF 42 U.S.C. § 1983**
41727

41728 1747. The allegations contained in paragraphs 1 though the current
41729 paragraph, are re-alleged and incorporated into this count as
41730 though fully set forth herein. The aforesaid and following acts by

41731 Defendant(s) infringe Plaintiff's civil rights and damage Plaintiff
41732 in violation of 42 U.S.C. § 1983.

41733

41734 1748. While acting as a State agency and under color of authority,
41735 Defendants Commonwealth of Massachusetts, Town of Rockport,
41736 Lyons Ambulance, Beverley Hospital, Henry Michalski, Penny
41737 Michalski, Kevin M. Lyons, Frank Carabello, Darrell Moore,
41738 Robert Piepiora, David Raymond, John L. Good, Michael Cooney,
41739 Paul Coffey, Rosemary Lesch, Scott Story, Rita Budrow, Jane Carr,
41740 Diane E. Crudden, Abdullah Rehayem, Renee D. Lake, M.
41741 Thomas Quail, Brendan Murphy, Michael Racicot, Linda Sanders,
41742 Sandy Jacques, Sarah Wilkinson, Andrew Heinze, Ellen Canavan,
41743 Charles Clark, Mark Millet, Steven Krendel, Martha Coakley, John
41744 B. Brennan, Mark Pulli, Michael Cooney, Mary Elizabeth
41745 Heffernan, Mark Delaney, James F. Slater, Beverly National Bank,
41746 DanversBank, others named herein, and various John Does,
41747 operated fraudulent EMT training courses, and/or engaged in a
41748 widespread cover-up of fraudulent EMT training, made false
41749 claims in order to obtain federal funds, and engaged in reckless
41750 patient endangerment.

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1749. Further complaints by Plaintiff to Municipal and State agencies

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resulted in a cover-up, resulted in significant retaliation against the

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Plaintiff by Defendants and a deprivation of his civil rights.

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1750. The Town of Rockport, Rockport Police Department, Rockport

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Ambulance Department, Rockport Fire Department, the

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Commonwealth of Massachusetts Office of the Attorney General,

41759

Commonwealth of Massachusetts – OEMS Department, Essex

41760

Country District Attorney, Christian McDowell, Henry Michalski,

41761

Penny Michalski, John Does, and others listed herein did conspire

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to interfere with Plaintiff's international shipments in order to

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cause delays, by which Plaintiff was then charged in the

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aforementioned events due to delayed shipments.

41765

41766

1751. The Commonwealth unlawful suspended Plaintiff Atkinson as

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an EMT by suspending his EMT license, as did the Town of

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Rockport Ambulance Department, and did punish Plaintiff, for acts

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which the Plaintiff was never found guilty, nor for which there was

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ever any probable cause.

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1752. Defendants Town of Rockport, Rosemary Lesch, and Scott Story, and Jane Carr, allowed a lesbian EMT named Diane E. Crudden to sexually harass the Plaintiff (who is a hetro-sexual male), and allowed and permitted a hostile work environment to develop between Defendant Crudden and other hetro-sexual males with the ambulance department. When Plaintiff complained of the repeated hostilities and sexual harassment to Defendant Lesch (acting as the department head, and in the Plaintiff’s immediate chain of command and supervisor), he was told the Defendant Crudden was “treating you like that, merely because you have a penis” and the “she treats all males poorly and with hostility”. Further, Defendants Lesch and Story did not to stop future sexual harassment (in the form of crude sexual jokes, and verbal attacks of a sexual nature), nor to remedy the hostile work environment that it fostered. It is the Plaintiffs understanding that Defendant Crudden had been a long-term behavioral problem within the department, spanning several years, and that Defendant Crudden and Carr working in concert had succeeded in chasing off other volunteer EMT’s and Volunteer First Responders. Defendant

41791 Lesch further stated that “Dianne [Crudden], Jane [Carr], and Rita
41792 [Budrow] have chased off more EMTs and First Responders
41793 through bullying them, then she can count.” She then went on to
41794 explain that there were four EMT’s (three previously named) who
41795 were trying to take over the ambulance department, and they
41796 viewed everybody outside of their small group of four people as a
41797 threat to their taking over the Ambulance Department in the future.

41798
41799 1753. Defendants Town of Rockport, Rosemary Lesch, Jane Carr,
41800 Dianne Crudden, and Scott Story as department leaders promoted
41801 the falsification of patient medical records, instructing Plaintiff to
41802 fabricate patient Vital Signs, and to “pencil whip” patient medical
41803 records. The Plaintiff refused to falsify patient records, or to falsify
41804 patient vital signs (or to falsify training records), and received
41805 considerable pressure from Defendant Carr, who claimed “that’s
41806 the way he do it at Beverly Hospital” and alternately she would
41807 state “We do it that way at Lyons Ambulance.” Defendants Carr
41808 and Crudden were aggressive in their insistence that the patient
41809 records be falsified, and Plaintiffs repeatedly observe both
41810 Defendants placing medical information and treatments into the

41811 patient records which did not in fact take place, or of preparing
41812 reports as someone else, and forging their names on it, including
41813 forging patients signatures on medical documents.

41814

41815 1754. These Defendants have exceeded, and overstepped their
41816 authority and violated the Constitutional rights of the Plaintiff,
41817 infringing and deprived him of his civil rights. Defendant directly
41818 deprived, violated, and infringed upon Plaintiff's civil rights, with
41819 malice, and with careful planning and conspiracy with others.

41820

41821 1755. Plaintiff is informed and believes that it is through the
41822 leadership, ratification, and support of Defendants that its
41823 subordinate law enforcement agencies, and Defendants identified
41824 hereinafter, had permission to implement the custom, practice and
41825 usage which violated and continue to violate Plaintiff's
41826 constitutionally, statutory and regulatory rights, activities,
41827 privileges, and immunities in accordance with the United States
41828 Constitution, 1st, 2nd, 4th, 5th, 6th, 8th, 9th, and 14th
41829 Amendments, and the U.S. Constitution, Article Four, Section 2,

41830 and Massachusetts Constitution, Part the First, Article XVII;

41831 Defendants are being sued in its official Capacity.

41832

41833 1756. Further, this defendant has engaged in conduct and as a

41834 continuing unit of an enterprise, through a pattern, of racketeering

41835 enterprises (including, but not limited to: mail fraud, wire fraud,

41836 scheme to defraud, robbery, kidnapping, obstruction of justice,

41837 interference in commerce, also involving monetary transactions in

41838 property derived from specified unlawful activity), and have

41839 caused injury to the business and/or property of the Plaintiff

41840 Atkinson.

41841

41842

COUNT FIFTY THREE

41843

WHILE ACTING UNDER COLOR OF LAW, ESSEX COUNTY

41844

SHERIFF'S DEPARTMENT, ROCKPORT POLICE

41845

DEPARTMENT AND OTHERS DID DEPRIVE AND/OR

41846

INFRINGE ON THE PLAINTIFF'S CIVIL RIGHTS IN

41847

VIOLATION OF 42 U.S.C. § 1983

41848

41849 1757. The allegations contained in paragraphs 1 though the current

41850 paragraph, are re-alleged and incorporated into this count as

41851 though fully set forth herein. The aforesaid and following acts by

41852 Defendant(s) infringe Plaintiff's civil rights and damage Plaintiff
41853 in violation of 42 U.S.C. § 1983.

41854
41855 1758. On December 6, 2009 and December 7, 2009 while acting as a
41856 State agency, Defendants Essex County, Sheriffs Department,
41857 Commonwealth of Massachusetts, Melanie Goodlaxson, Frank G.
41858 Cousins, Jr., Michael Marks, Michael Frost, Michael Marino,
41859 Town of Rockport, Rockport Police Department, Addison Gilbert
41860 Hospital, Vincent P. Meoli, Michael Arsenian, Peter W. Curatolo,
41861 others named herein, and various John Does did deprive Plaintiff
41862 of required medical treatments, prescribed and required
41863 medications, deprived Plaintiff of required orthopedic shoes, and
41864 required orthopedic leg and knee braces, engaged in abusive,
41865 sadistic and brutal treatment and handling of Plaintiff, refused food
41866 to Plaintiff, and/or provided food that was rancid or inedible, or
41867 was tainted with urine or feces, or for which the Plaintiff had an
41868 allergy.

41869
41870 1759. On December 6, 2009, while being processed by Defendant
41871 Goodlaxson at the Middleton House of Correction, run by the

41872 Essex Country Sheriffs Department, the Plaintiff was administered
41873 an intradermal injection of tuberculin purified protein derivative
41874 (PPD) into the inner surface of his right forearm by the staff,
41875 against the will of the Plaintiff, and in violation of the Plaintiffs
41876 civil rights, who did in fact refuse such an injection. Plaintiff was
41877 further told by the staff that if he resisted the injection in anyway,
41878 that violence would be used against him by staff to facilitate the
41879 injection. This forced administration of medication is a violation of
41880 the courts ruling in *Washington. v. Harper*, 494 U.S. 210 (1990).

41881
41882 1760. Defendants have acted with deliberate indifference to the
41883 Plaintiffs serious medical needs by implementing, sanctioning,
41884 approving, ratifying, or failing to remedy policies, practices, acts,
41885 and omissions that deny, delay, or intentionally interfere with
41886 medical treatment. This violates the cruel and unusual punishments
41887 clause of the Eighth Amendment, made applicable to the states
41888 though the Fourteenth Amendment to the United States
41889 Constitution.

41890

41891 1761. Defendants acted with deliberate indifference to the medical
41892 needs of the Defendant, and in fact acted with calculated sadism
41893 and malice, and did deprive Plaintiff of his civil rights under color
41894 of authority.

41895
41896 1762. This deprivation by the Defendants of the Plaintiffs medical
41897 needs violates the U.S. Supreme Court rulings in *Estelle v. Gamble*,
41898 429 U.S. 97 (1976):

41899 “We therefore conclude that deliberate indifference to serious
41900 medical needs of prisoners constitutes the "unnecessary and
41901 wanton infliction of pain," Gregg v. Georgia, supra, at 173
41902 (joint opinion), proscribed by the Eighth Amendment. This is
41903 true whether the indifference is manifested by prison doctors in
41904 their response to the prisoner's needs or by prison guards in
41905 intentionally denying or delaying access to medical care or
41906 intentionally interfering with the treatment once prescribed.
41907 Regardless of how evidenced, deliberate indifference to a
41908 prisoner's serious illness or injury states a cause of action under
41909 § 1983.”

41910
41911 1763. Also in *Helling v. McKinney*, 509 U.S. 25 (1993) the court
41912 rules in a similar fashion that such a deprivation:

41913 “Contemporary standards of decency require no less. *Estelle v.*
41914 *Gamble*, 429 U.S. at 103-104. In *Estelle*, we concluded that,
41915 although accidental or inadvertent failure to provide adequate
41916 medical care to a prisoner would not violate the Eighth
41917 Amendment, "deliberate indifference to serious medical needs
41918 of prisoners" violates the Amendment because it constitutes the
41919 unnecessary and wanton infliction of pain contrary to
41920 contemporary standards of decency. *Id.*, at 104. *Wilson v.*

41921 *Seiter*, 501 U.S. 294 (1991), later held that a claim that the
41922 conditions of a prisoner's confinement violate the Eighth
41923 Amendment requires an inquiry into the prison officials' state of
41924 mind. "Whether one characterizes the treatment received by
41925 [the prisoner] as inhuman conditions of confinement, failure to
41926 attend to his medical needs, or a combination of both, it is
41927 appropriate to apply the 'deliberate indifference' standard
41928 articulated in *Estelle*." *Id.*, at 303."
41929

41930 1764. As the Supreme Court said [509 U.S. 25, 32] in *DeShaney v.*
41931 *Winnebago County Dept. of Social Services*, 489 U.S. 189, 199 -
41932 200 (1989):

41933 "[W]hen the State takes a person into its custody and holds him
41934 there against his will, the Constitution imposes upon it a
41935 corresponding duty to assume some responsibility for his safety
41936 and general wellbeing. . . . The rationale for this principle is
41937 simple enough: when the State by the affirmative exercise of its
41938 power so restrains an individual's liberty that it renders him
41939 unable to care for himself, and at the same time fails to provide
41940 for his basic human needs - e.g., food, clothing, shelter, medical
41941 care, and reasonable safety - it transgresses the substantive
41942 limits on state action set by the Eighth Amendment"
41943

41944 1765. Similarly, in a medical ethics context, the failure to provide
41945 adequate medical care is said to constitute "an unnecessary and
41946 wanton infliction of pain" and to be "repugnant to the conscience
41947 of mankind." Plaintiff alleges that acts or omissions sufficiently
41948 were harmful to evidence deliberate indifference to serious medical
41949 needs. Such indifference offends the evolving standards of decency

41950 in violation of the Eighth Amendment prohibitions on cruel and
41951 unusual punishment.

41952
41953 1766. Defendants forced Plaintiffs to ride long distances in unheated
41954 police and Sherriff vehicles, in sub-freezing temperatures, barely
41955 clad in a hospital gown, and forced Plaintiff to ambulate over ice
41956 coated walkways and paths with feet either uncovered, or clad in
41957 the thinnest of socks, shivering in the brutal wind and sub-freezing
41958 temperatures, and without the assistance of orthopedic shoes, leg
41959 or knee braces, or little more as the bare hospital gown and jeans at
41960 times with no jacket, coat, or other covering.

41961
41962 1767. Defendants further refused to utilize any form of seat belt or
41963 safety restraint while transporting the Plaintiff from the hospital to
41964 the Rockport Police Department Police Station, nor when he
41965 transported to the Middleton House of Correction by the Rockport
41966 Police Department, nor when the Plaintiff was transported in the
41967 aforementioned freezing cold van to, and from court by the Essex
41968 Country Sherriff's Department.

41969

41970 1768. This refusal to use a seat belt and/or restraint harness is a
41971 violation of both state law (M.G.L 90, Section 13A), as well as a
41972 violation of the Plaintiff Eight Amendment rights as “reasonable
41973 safety” for the Plaintiff as required by the U.S. Supreme Court in a
41974 number of related cases. The Plaintiff asserts that by these actions
41975 he was “exposing him to an unreasonable risk of harm.”

41976
41977 1769. In *Helling* the court observes, “That the Eighth Amendment
41978 protects against future harm to inmates is not a novel proposition.
41979 The Amendment, as we have said, requires that inmates be
41980 furnished with the basic human needs, one of which is "reasonable
41981 safety." *DeShaney*, supra, at 200 It is "cruel and unusual
41982 punishment to hold convicted criminals in unsafe conditions."
41983 *Youngberg v. Romeo*, 457 U.S. 307, 315 -316 (1982). It would be
41984 odd to deny an injunction to inmates who plainly proved an unsafe,
41985 life-threatening condition in their prison on the ground that nothing
41986 yet had happened to them. The Courts of Appeals have plainly
41987 recognized that a remedy for unsafe conditions need not await a
41988 tragic event. Two of them were cited with approval in *Rhodes v.*
41989 *Chapman*, 452 U.S. 337, 352 , n. 17 (1981). *Gates v. Collier*, 501

41990 F.2d 1291 [509 U.S. 25, 34] (CA5 1974), held that inmates were
41991 entitled to relief under the Eighth Amendment when they proved
41992 threats to personal safety from exposed electrical wiring, deficient
41993 firefighting measures, and the mingling of inmates with serious
41994 contagious diseases with other prison inmates. *Ramos v. Lamm*,
41995 639 F.2d 559, 572 (CA10 1980), stated that a prisoner need not
41996 wait until he is actually assaulted before obtaining relief. As
41997 respondent points out, the Court of Appeals cases to the effect that
41998 the Eighth Amendment protects against sufficiently imminent
41999 dangers as well as current unnecessary and wanton infliction of
42000 pain and suffering are legion.”

42001
42002 1770. These Defendants have exceeded, and overstepped their
42003 authority and violated the Constitutional rights of the Plaintiff,
42004 infringing and deprived him of his civil rights. Defendants directly
42005 deprived, violated, and infringed upon Plaintiff’s civil rights, with
42006 malice, and with careful planning and conspiracy with others.

42007
42008 1771. Plaintiff is informed and believes that it is through the
42009 leadership, ratification, and support of Defendants that its

42010 subordinate law enforcement agencies, and Defendants identified
42011 hereinafter, had permission to implement the custom, practice and
42012 usage which violated and continue to violate Plaintiff's
42013 constitutionally, statutory and regulatory rights, activities,
42014 privileges, and immunities in accordance with the United States
42015 Constitution, 1st, 2nd, 4th, 5th, 6th, 8th, 9th, and 14th
42016 Amendments, and the U.S. Constitution, Article Four, Section 2,
42017 and Massachusetts Constitution, Part the First, Article XVII;
42018 Defendants are being sued in its official Capacity.

42019
42020 1772. Further, this defendant has engaged in conduct and as a
42021 continuing unit of an enterprise, through a pattern, of racketeering
42022 enterprises (including, but not limited to: mail fraud, wire fraud,
42023 scheme to defraud, robbery, kidnapping, obstruction of justice,
42024 interference in commerce, also involving monetary transactions in
42025 property derived from specified unlawful activity), and have
42026 caused injury to the business and/or property of the Plaintiff
42027 Atkinson.

42028
42029

COUNT FIFTY FOUR

42030 **WHILE ACTING UNDER COLOR OF LAW,**
42031 **COMMONWEALTH OF MASSACHUSETTS AND OTHERS DID**
42032 **DEPRIVE AND/OR INFRINGE ON THE PLAINTIFF'S CIVIL**
42033 **RIGHTS IN VIOLATION OF 42 U.S.C. § 1983**
42034

42035 1773. The allegations contained in paragraphs 1 though the current
42036 paragraph, are re-alleged and incorporated into this count as
42037 though fully set forth herein. The aforesaid and following acts by
42038 Defendant(s) infringe Plaintiff's civil rights and damage Plaintiff
42039 in violation of 42 U.S.C. § 1983.
42040

42041 1774. While acting as a State agency, Defendants Commonwealth of
42042 Massachusetts, Rockport Police Department, John Auerbach,
42043 Martha Coakley, Katherine Hartigan, John B. Brennan, Kevin P.
42044 Burke, James Hurst, Daniel Mahoney, Michael Marino, John T.
42045 McCarthy, Gregory George, Sean Andrus, James Hurst, Mark
42046 Schmink, Robert Tibert, Michael Anderson, Timothy Frithsen,
42047 Christian McDowell, Michael Racicot, Linda Sanders, Sandy
42048 Jacques, Sarah Wilkinson, Andrew Heinze, Ellen Canavan,
42049 Charles Clark, Charlene Brown, and the Cape Ann Chamber of
42050 Commerce, others named herein, and various John Does did
42051 deprive Plaintiff his rights under the 1st, 2nd, 4th, 5th, 7th, 8th, and

42052 14th Amendments, and deprived Plaintiff of his civil rights under
42053 color of authority.

42054
42055 1775. Further, the Commonwealth and political subdivisions thereof,
42056 public and private colleges have passed, and imposes, and enforces
42057 unconstitutional laws, statutes, regulations, and policies which
42058 deprives Plaintiff of his civil rights.

42059
42060 1776. Defendants have acted with deliberate indifference to the
42061 Plaintiffs serious medical needs by implementing, sanctioning,
42062 approving, ratifying, or failing to remedy policies, practices, acts,
42063 and omissions that deny, delay, or intentionally interfere with
42064 medical treatment. This violates the cruel and unusual punishments
42065 clause of the Eighth Amendment, made applicable to the states
42066 though the Fourteenth Amendment to the United States
42067 Constitution

42068
42069 1777. These Defendants have exceeded, and overstepped their
42070 authority and violated the Constitutional rights of the Plaintiff,
42071 infringing and deprived him of his civil rights. Defendant directly

42072 deprived, violated, and infringed upon Plaintiff's civil rights, with
42073 malice, and with careful planning and conspiracy with others.

42074

42075 1778. Defendants concocted an illegal, and Constitutionally prohibited
42076 system of laws, scheme, statutes, regulations, and policies, which
42077 infringe of the civil rights of the Plaintiff.

42078

42079 1779. Defendants know that their creation, and enforcement of these
42080 laws are a violation, infringement, and deprivation of the
42081 Defendants civil rights.

42082

42083 1780. Plaintiff is informed and believes that it is through the
42084 leadership, ratification, and support of Defendants that its
42085 subordinate law enforcement agencies, and Defendants identified
42086 hereinafter, had permission to implement the custom, practice and
42087 usage which violated and continue to violate Plaintiff's
42088 constitutionally, statutory and regulatory rights, activities,
42089 privileges, and immunities in accordance with the United States
42090 Constitution, 1st, 2nd, 4th, 5th, 6th, 8th, 9th, and 14th
42091 Amendments, and the U.S. Constitution, Article Four, Section 2,

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and Massachusetts Constitution, Part the First, Article XVII;
Defendants are being sued in its official Capacity.

1781. Further, this defendant has engaged in conduct and as a continuing unit of an enterprise, through a pattern, of racketeering enterprises (including, but not limited to: mail fraud, wire fraud, scheme to defraud, robbery, kidnapping, obstruction of justice, interference in commerce, also involving monetary transactions in property derived from specified unlawful activity), and have caused injury to the business and/or property of the Plaintiff Atkinson.

COUNT FIFTY FIVE
**RESEARCH ELECTRONICS, A AND L ENTERPRISES,
THOMAS H. JONES, BRUCE BARSUMIAN, MICHELLE GAW,
TRISH WEBB, PAMELA MCINTYRE, LEE JONES, ARLENE J.
BARSUMIAN, DARLENE JONES, CHRISTIAN MCDOWELL,
DEPARTMENT OF ENERGY, DEPARTMENT OF STATE,
CENTRAL INTELLIGENCE AGENCY, OTHERS NAMED
HEREIN AND OTHERS DID DEPRIVE AND/OR INFRINGE ON
THE PLAINTIFF’S CIVIL RIGHTS IN VIOLATION OF 42 U.S.C.
§ 1983 AND DID COMMIT UNLAWFUL ACTS, TRAFFICKED IN
ILLEGAL EAVESDROPPING AND MEDICAL DEVICES,
COMMITTED ILLEGAL EAVESDROPPING, VIOLATED
EXPORT CONTROLS. AND OTHER ACTS DESCRIBED
HEREIN**

42119 1782. The allegations contained in paragraphs 1 though the current
42120 paragraph, are re-alleged and incorporated into this count as
42121 though fully set forth herein. The aforesaid and following acts by
42122 Defendant(s) infringe Plaintiff's civil rights and damage Plaintiff
42123 in violation of 42 U.S.C. § 1983.

42124
42125 1783. While acting as a State agency, Defendants Research
42126 Electronics, A and L Enterprises, Thomas H. Jones, Bruce
42127 Barsumian, Michelle Gaw, Trish Webb, Pamela McIntyre, Lee
42128 Jones, Arlene J. Barsumian, Darlene Jones, Christian McDowell,
42129 Department of Energy, Department of State, Central Intelligence
42130 Agency, others named herein, and various John Does did deprive
42131 Plaintiff his rights under color of authority both in Rockport, MA
42132 and in Algood, TN by means of operating a organized criminal
42133 enterprise, by means of not being properly and federally licensed
42134 as a manufacture of ITAR 121 munitions, and claiming to the
42135 Plaintiff that they were, and then confecting a scheme, and
42136 conspiring with others to harm the Plaintiff when her started to
42137 unmask the scheme in August 2007 until November 2010.

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42139 1784. Defendants Research Electronics, A and L Enterprises, Thomas
42140 H. Jones, Bruce Barsumian, Michelle Gaw, Trish Webb, Pamela
42141 McIntyre, Lee Jones, Arlene J. Barsumian, Darlene Jones, others
42142 named herein, and various John Does makes, builds, imports, sells,
42143 resells, possesses, offer for sale, operates, ships in inter-state
42144 commerce, and controls illegal eavesdropping device, in violation
42145 of 18 USC 2510-2522 and in furtherance of their commercial
42146 business pursuits in violation of Federal law. This unlawful
42147 trafficking is forbidden eavesdropping device is both a Federal
42148 violation, the Defendant(s) Research Electronics International (and
42149 agents and employees thereof) used these same devices against
42150 Plaintiff Atkinson on multiple occasions in Algood, TN and
42151 Cookeville, TN on numerous dated between 1998 and 2007 by
42152 means on both smuggling and building illegal eavesdropping
42153 devices, and directing these same devices against the Plaintiff
42154 which he was in the Defendant(s) Research Electronics
42155 International (and agents and employees thereof) facilities.

42156
42157 1785. Defendants Research Electronics, A and L Enterprises, Thomas
42158 H. Jones, Bruce Barsumian, Michelle Gaw, Trish Webb, Pamela

42159 McIntyre, Lee Jones, Arlene J. Barsumian, Darlene Jones, others
42160 named herein, and various John Does makes, builds, imports, sells,
42161 resells, possesses, offer for sale, operates, ships in inter-state
42162 commerce, and controls devices capable of transmitting a radio
42163 signal, or which contains a local oscillator which are not properly
42164 licensed, certified, and/or labeled in accordance with 47 CFR in
42165 violation of Federal law. These devices were used to violated the
42166 civil right of Plaintiff Atkinson by mean of them being deploy
42167 against him while he was at their facilities in Algood, TN and
42168 Cookeville, TN

42169
42170 1786. Defendants Research Electronics, A and L Enterprises, Thomas
42171 H. Jones, Bruce Barsumian, Michelle Gaw, Trish Webb, Pamela
42172 McIntyre, Lee Jones, Arlene J. Barsumian, Darlene Jones, others
42173 named herein, and various John Does makes, builds, imports, sells,
42174 resells, possesses, offer for sale, operates, ships in interstate and
42175 international commerce, and smuggles Military Arms unlawfully
42176 that is restricted by International Traffic in Arms Regulations
42177 (ITAR) by the U.S. State Department items as controlled
42178 munitions or commodities in violation of Federal law. BY means

42179 of fraudulent manufacturing and exporting million of dollars per
42180 year of ITAR 121.1 XI(b) good absent licensure by the U.S.
42181 Department of State.

42182
42183 1787. Defendant Defendant(s) Research Electronics International (and
42184 agents and employees thereof) unlawfully exports controlled
42185 munitions and controlled devices from Algood, TN by means of
42186 fraudulent export documents in violation of International Traffic
42187 in Arms Regulations (ITAR) (22 CFR, Sections 120 - 130) in that
42188 they are legally defined as defense articles on the United States
42189 Munitions List (USML). Defendants have violated, are violating,
42190 have conspired, or conspiring to violate the Arms Export Control
42191 Act (AECA). Licenses are issued by the U.S. Department of State
42192 Directorate of Defense Trade Controls (DDTC).

42193 Sec. 121.1 General. The United States Munitions List.
42194 “(a) The following articles, services and related technical data
42195 ware designated as defense articles and defense services
42196 pursuant to sections 38 and 47(7) of the Arms Export Control
42197 Act (22 U.S.C. 2778 and 2794(7)).”

42198
42199 Category XI--Military [and Space] Electronics
42200 “(b) Electronic systems or equipment specifically
42201 designed, modified, or configured for intelligence,
42202 security, or military purposes for use in search,
42203 reconnaissance, collection, monitoring, direction-finding,
42204 display, analysis and production of information from the

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electromagnetic spectrum and electronic systems or equipment designed or modified to counteract electronic surveillance or monitoring.”

1788. Research Electronics has unlawfully subverted U.S. Law by means of repeatedly claiming that the “electronics counter-measures equipment” which they make is merely “general purpose test equipment” when it is in fact “electronic counter-measures equipment” as defined by Section 121.1, Category XI(b) as “equipment designed or modified to counteract electronic surveillance or monitoring.”

1789. Further, Research Electronics does not advertise this equipment for any function other than for the purposes of “counteracting electronic surveillance or monitoring,” and the equipment is purpose built for that sole function along, and no other.

1790. Neither does Research Electronics train students at their school on how to use this equipment for any function other than to find, locate, and to counteract eavesdropping devices.

42226 1791. All products which the Defendant(s) Research Electronics
42227 International (and agents and employees thereof) offers for sale,
42228 has a primary use described by the Defendant(s) Research
42229 Electronics International (and agents and employees thereof) as
42230 being that of finding, locating, and counteract eavesdropping
42231 devices. It is my means of this elaborate fraud that Defendant(s)
42232 Research Electronics International (and agents and employees
42233 thereof) commits export violations, torts against the Plaintiff,
42234 violation of the civil rights of the Plaintiff, and the breaking of
42235 Federal Law.

42236
42237 1792. The Defendant(s) Research Electronics International (and
42238 agents and employees thereof) have not only violated International
42239 Traffic in Arms Regulations, but they have also committed
42240 including, but not limited to: Wire Fraud, Mail Fraud, Scheme to
42241 Defraud, Obstruction of Criminal Investigations, Obstruction of
42242 Law Enforcement, Interference with Commerce, and Transactions
42243 in Property Derived from Specific Unlawful Activity in
42244 furtherance of this illegal exportation, and misrepresented to the
42245 federal government of the nature of their goods from dates of

42246 approximately 1994 to the present date, which operating in a
42247 variety of names, forms, and locations to include Algood, TN,
42248 Cookeville, TN, Gloucester, MA, Rockport, MA, Fort
42249 Washington, MD, Washington DC, and other locations
42250 domestically and abroad..

42251
42252 1793. This scheme to defraud, and to falsely classify in order to
42253 export counter-surveillance equipment as mere “general purpose
42254 test equipment” on the part of the Defendant(s) Research
42255 Electronics International (and agents and employees thereof) has
42256 caused harm to the business and property of the Plaintiff and others,
42257 represents the conduct of a continuing unit, by an enterprise,
42258 through a pattern, of prohibited activities, which resulted in income
42259 for the Defendants, and damage to the Plaintiff business and
42260 property.

42261
42262 1794. Had Defendant(s) Research Electronics International (and
42263 agents and employees thereof) not engaged in this fraud, other
42264 parties (including the Plaintiff Atkinson) would have been able to
42265 apply for such licenses, and then to export an estimated

42266 \$28,774,000 in goods, which the Defendant(s) Research
42267 Electronics International (and agents and employees thereof)
42268 illegally exported to foreign customers between June 2007 and
42269 June 2011.

42270
42271 1795. As this illegal export, and violations of the RICO statutes were
42272 committed by the Defendants, trebles damages for the illegal
42273 exports alone is expected to exceed \$86,322,000.

42274
42275 1796. Defendants Research Electronics, A and L Enterprises, Thomas
42276 H. Jones, Bruce Barsumian, Michelle Gaw, Trish Webb, Pamela
42277 McIntyre, Lee Jones, Arlene J. Barsumian, Darlene Jones, others
42278 named herein, and various John Does makes, builds, imports, sells,
42279 resells, possesses, offer for sale, operates, ships in interstate and
42280 international commerce goods and devices sold for detecting
42281 hidden cellular phones or other electronics on or in the human
42282 body by means of non-ionizing radiation, and which are not
42283 approved medical or radiological devices, and which are expressly
42284 prohibited by Federal Guidelines due to the likelihood of very
42285 grave health risks in violation of Federal law.

42286

42287

1797. Defendants Research Electronics, A and L Enterprises, Thomas

42288

H. Jones, Bruce Barsumian, Michelle Gaw, Trish Webb, Pamela

42289

McIntyre, Lee Jones, Arlene J. Barsumian, Darlene Jones, others

42290

named herein, and various John Does makes, builds, imports, sells,

42291

resells, possesses, offer for sale, operates, ships in interstate and

42292

international commerce goods and devices manufactures medical

42293

equipment for the purposes of radiological or radiating devices to

42294

examine humans which are not approved for human use, and

42295

which are specifically prohibited by federal guidelines for human

42296

use, and which are expressly prohibited by Federal Guidelines due

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to the likelihood of very grave health risks, in violation of Federal

42298

law.

42299

42300

1798. Defendants Research Electronics, A and L Enterprises, Thomas

42301

H. Jones, Bruce Barsumian, Michelle Gaw, Trish Webb, Pamela

42302

McIntyre, Lee Jones, Arlene J. Barsumian, Darlene Jones, others

42303

named herein, and various John Does makes, builds, imports, sells,

42304

resells, possesses, offer for sale, operates, ships in interstate and

42305

international commerce, goods and device claimed to be able to

42306 detect bombs or explosive devices by means of non-ionizing
42307 radiation, which present a high risk of accidental detonation.
42308 Defendants recklessly endangers the life and limbs of U.S. Military
42309 forces and members of the intelligence community by selling
42310 defective equipment, and make false claims about products to
42311 obtain federal funds.

42312
42313 1799. Defendants Research Electronics, A and L Enterprises, Thomas
42314 H. Jones, Bruce Barsumian, Michelle Gaw, Trish Webb, Pamela
42315 McIntyre, Lee Jones, Arlene J. Barsumian, Darlene Jones, others
42316 named herein, and various John Does encouraged, endorsed,
42317 organized, and/orchestrated an ongoing criminal enterprise.

42318
42319 1800. Any veil of immunity, which this defendant may have
42320 previously enjoyed by virtue of their office or position, or
42321 government connections is “pierced and ripped asunder” due to
42322 their infringement and deprivation of the Constitutional Rights of
42323 the Plaintiff, and thus this Defendant (and all other Defendants)
42324 stands fully naked and vulnerable before the court, with no
42325 immunity of any form.

42326

42327

1801. Defendants Research Electronics, A and L Enterprises, Thomas

42328

H. Jones, Bruce Barsumian, Michelle Gaw, Trish Webb, Pamela

42329

McIntyre, Lee Jones, Arlene J. Barsumian, Darlene Jones, others

42330

named herein, and various John Does, in combination, contracted

42331

to, engaged in, conspired to engage in, created trusts and

42332

agreements, engaged in monopolistic efforts, rigged contracts,

42333

inflated market price, price fixing, and restraint of trade among the

42334

several States, or with foreign nations, in violation of the law and

42335

contrary to public policy. Defendants demanded that the Plaintiff

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not deal in the goods, wares, merchandise, machinery, supplies, or

42337

other commodities of their competitor or competitors, with the

42338

effect of such lease, sale, or contract for sale or such condition,

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agreement, or understanding may be to substantially lessen

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competition or tend to create a monopoly in any line of commerce.

42341

42342

1802. Defendant(s) Research Electronics International (and agents

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and employees thereof) engaged in a long term course of fraud

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and conversion as follows to include stealing customers, refusing

42345

to pay contracted commissions, unduly delaying international and

42346 domestic shipments, and other acts which harmed the Plaintiff and
42347 the Plaintiff's business.

42348
42349 1803. Plaintiff began dealing the Defendant Research Electronics and
42350 Defendant Barsumian in approximate late Fall of 1981 as a retail
42351 customer of the company purchasing products for use in the
42352 performance of TSCM services and bug sweeps. At that time,
42353 Defendant Barsumian operated the company in the form of
42354 "Research Electronics, Inc" and alternately under the name of
42355 "Security Research International" with an address in and near the
42356 Tampa, Florida area. At the time, the Defendant stated that he was
42357 in the profession of performing TSCM (bug sweeping) services as
42358 well as the profession of making bugging devices and TSCM
42359 equipment.

42360
42361 1804. In 1983, (by his own admission) Defendant Barsumian suffered
42362 a catastrophic financial collapse of his business in Florida, and
42363 moved to Tennessee to be supported by his wife's parents. At that
42364 time the Defendant produced only the most primitive of TSCM

42365 products, and the quality was grossly inferior to those produced by
42366 the competitors of the Defendant.

42367
42368 1805. In the April 1988, the Plaintiff discovered that the Defendant
42369 was now operating in Tennessee after moving from Florida and
42370 contacted the Defendant in order to arrange for a visit in the Fall of
42371 1988 while the Plaintiff would be working at a project in Oak
42372 Ridge, Tennessee. Defendant at this time disclosed to the Plaintiff
42373 that his business had collapsed, and that his father-in-law had to
42374 rent a U-Haul truck to move him and his wife from Florida to
42375 Tennessee and that he and his father-in-law had restarted the
42376 “Research Electronics” company, but was no longer operating the
42377 under the “Security Research” company name. At that time the
42378 Defendant disclosed to the Plaintiff that the Defendant was wholly
42379 unable to perform a TSCM inspection or bug sweep and stated to
42380 the Plaintiff that he “would be restricting his activities to the
42381 making of bug sweep devices, not of rendering TSCM service, as he
42382 discovered too late that he was no good at it, and that it was at the
42383 center of his bankruptcy problems”.

42384

42385 1806. In the late Fall of 1988, the Plaintiff visited the Defendants
42386 factory in or near Cookeville, TN in order to purchase a new model
42387 of device which the Defendant had described to him and was
42388 marketing to replaced the inferior quality equipment previously
42389 purchased by the Plaintiff from the Defendant in 1983. While the
42390 product still performed inferior to that built by competitors, it was
42391 an improvement on the product purchased roughly five years
42392 previously. During this visit, the Defendant quizzed the Plaintiff in
42393 regards to the “other equipment” the Plaintiff was using to perform
42394 TSCM services for clients, and the Plaintiff agreed to demonstrate
42395 several items, which the Plaintiff had designed and built for his
42396 own use to provide TSCM services. Among the items
42397 demonstrated was a silver Halliburton briefcase into which the
42398 Plaintiff had built a computer controlled receiver, with a swing out
42399 panel that positioned the antennas and receivers well away from
42400 the computer so that it did not pickup electrical noise the from
42401 computer, and the small printer/plotter which was also built into
42402 the case. The Plaintiff also demonstrated a sophisticated antenna
42403 system, whereby the antennas, filters, and preamplifiers were built
42404 into the “swing out wings” that would normally hold screwdriver

42405 blades. The Plaintiff discovered to some horror in 1990, that the
42406 Defendant actually took the Plaintiff design and use, claimed it as
42407 his own, and fraudulently filed a patent for it mere weeks after the
42408 demonstration by the Plaintiff.

42409
42410 1807. In approximately 1992, Defendant again began dealing with
42411 Plaintiff, and through Plaintiff's web site allowed an Internet
42412 presence (www.tscm.com) in which Plaintiff provided detailed
42413 descriptions, photographs, etc. of Defendants products as well as
42414 other competing manufacturers of such equipment to the TSCM,
42415 Intelligence, and private sector communities.

42416
42417 1808. At that time, the Defendant lacked any kind of a website, lacked
42418 any sort of on-line representation of its products, lacked even
42419 primitive E-mail of their own, and lacked the technical ability to
42420 provide same.

42421
42422 1809. As the relationship developed between the parties, in
42423 approximately December 3, 1994, Plaintiff began buying and
42424 reselling Defendants counter-surveillance products under a non

42425 written agreement in which Plaintiff received a 31.5% to 38.9%
42426 discount on all of Defendants products he purchased and was free
42427 to sell at whatever price Plaintiff desired. Plaintiff did however;
42428 refuse to have anything at all to do with the illegal bugging devices,
42429 which the Defendant was offering for sale. At time Defendant(s)
42430 Research Electronics International (and agents and employees
42431 thereof) in Cookeville, TN Defendants Barsumian and Butler did
42432 state to Plaintiff Atkinson in Rockport, MA that REI was indeed a
42433 legal manufacture to TSCM goods (when they indeed were not),
42434 and stated to Plaintiff Atkinson the “all permits and licenses were
42435 in state” Defendants Thomas Jones would repeat this fraudulent
42436 claim in 1998, Butler in 1998, 1999, 2000, 2001, and then Jones
42437 again in 2001, 2003, 2005, 2006, and 2007. Defendant Lee Jones
42438 would make the identical claim from 2004 until 2010, and would
42439 Defendants Trish Webb, and Defendant Michelle Gaw. In was by
42440 these means that a complex and sophisticated scheme to
42441 unlawfully manufacture, and to export ITAR 121 arms, and by
42442 which means a complex criminal enterprise operated a racketeering
42443 enterprise.

42444

42445 1810. Pursuant to this non written agreement, Plaintiff's sold
42446 Defendant(s) Research Electronics International (and agents and
42447 employees thereof) products to the United States Government, the
42448 U.S. Government Intelligence community, including the Central
42449 Intelligence Agency, the Federal Bureau of Investigation, the U.S.
42450 Department of State, Secret Service, Department of Energy, U.S.
42451 Army, U.S. Navy, U.S. Air Force, U.S. Marine Corps, Defense
42452 Contractors, Research and Development Companies, Think Tanks,
42453 Lockheed Martin, Harvard, Raytheon Corporation, MITRE
42454 Corporation, Lawrence Livermore Labs, Lincoln Labs, Sandia
42455 Labs, the Royal Canadian Mounted Police, and others.

42456
42457 1811. During this same period, Defendant REI developed a product
42458 known as the "OSCOR" which is an Omni Spectral Correlator,
42459 Model 5000 or OSC-5000. Plaintiff took an OSCOR (which he
42460 owned), designed and modified the circuits and chassis, and
42461 thereafter showed it to Defendant REI suggesting the modification
42462 be made to their production units to make it more saleable to U.S.
42463 Government entities. Defendant REI implemented Plaintiff's
42464 designs and modifications.

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1812. In 1995, the Defendant Thomas Jones contacted the Plaintiff by phone and asked Plaintiff if he had any suggestion on how to resolve a technical issue in raising the frequency coverage of the OSC-5000 product, which the Plaintiff had successfully performed on other similar systems for defense contractors. The Plaintiff described to the Defendant a very simple, and inexpensive design which he had used in the past on other equipment whereby the local oscillator of the OSC-5000 could be used to drive a simple microwave down convertor that was attached to an 18 GHz AEL blade style log periodic antenna that was commercially available. Further, the Plaintiff cautioned the Defendant that the product would not be taken seriously by the TSCM community unless it could cover up to 40 GHz or above, which would require the use of three antennas, each with a slightly different downconvertor, and some kind of switching circuit. The Plaintiff advised caution with the product, and stated that merely building a downconvertor was of limited value in the electronic countermeasures application as a system to automatically rotated the unit would also need to be provided due to the highly directional nature of the signals at those

42485 frequencies, and that a simple two-axis servo assembly could be
42486 used.

42487

42488 1813. In approximately 1999, Defendant(s) Research Electronics
42489 International (and agents and employees thereof) made additional
42490 modifications to the OSCOR and increased the price. Plaintiff, an
42491 authority in TSCM, continued to purchase and resell Defendant
42492 REI products and gave individual discounts to other practitioners
42493 in the TSCM field within the United States as he would only sell to
42494 U.S> Citizens and would not export while maintaining normal
42495 pricing structure for non-TSCM professionals. Because of
42496 Plaintiff's professional courtesy, Defendant REI became upset and
42497 expressed its upset with Plaintiff; however, the relationship
42498 continued.

42499

42500 1814. In early July 1998, an FBI Agent in Boston, MA (to whom the
42501 Plaintiff had previously rendered TSCM services) approached
42502 Defendant and asked advice as to how to approach Research
42503 Electronics in a way that would allow the FBI and CIA to harvest
42504 customer information more effectively as the agents he spoke to

42505 acknowledged that Research Electronics had been provided this
42506 information to them for years, but that it was often incomplete, and
42507 they had caught Defendant Research Electronics not being
42508 forthcoming on the export information to the intelligence agencies
42509 of equipment which they had previously provided. Plaintiff
42510 explained to the FBI Agent that the only effect method to do this
42511 was to have at least one agent in place (overtly or covertly), by
42512 way of the training department so that not only would that person
42513 have access to equipment sales records, but could also assess and
42514 direct the training of foreign nationals by way of this agent-in-
42515 position. This agent-in-position was chosen by the U.S. Army as
42516 one of their own retired TSCM instructors and overtly put in place
42517 a few months later to act as a conduit and liaison.

42518
42519 1815. Additionally, in the years that followed, several additional
42520 agents were put in place inside the Defendants firm from the U.S.
42521 Army and retired TSCM specialists, with the Defendant REI
42522 permission as a type of undercover operation, with these later
42523 operatives being controlled by the Central Intelligence Agency
42524 instead of the U.S. Army. This infestation by the U.S. Government

42525 into the training department for the purposes of intelligence
42526 gathering converted the training department into a government
42527 operated enterprise, although the illegal manufacturing and export
42528 side of the operate remains outside of U.S. Government controls.
42529 Nonetheless, these imbedded agents where not longer working for
42530 the U.S. Army as active duty military, but where nonetheless
42531 actual as federal agents in a rogue operation, which then evolved
42532 Research Electronics International into a civilian front company
42533 being operated by the U.S. Intelligence agencies and acting under
42534 color of law to unlawfully manufacture and export arms without
42535 the required licenses (and to commit civil right violations against
42536 Plaintiff Atkinson).

42537
42538 1816. Essentially, the U.S. Intelligence community has sought for
42539 decades to control the TSCM marketplace, and the manufacture of
42540 related goods and in turn to provide training so that there would be
42541 only a single control point, or monopoly on all TSCM and related
42542 equipment that was being exported to foreign countries for use by
42543 their intelligence agencies, government agencies, military, and
42544 corporations.

42545

42546

1817. In December of 1999, Defendant(s) Research Electronics

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International (and agents and employees thereof) requested the

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assistance of the Plaintiff and attempted to use the Plaintiff to

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contact the manufacture of a CODEC (digital coding and

42550

decoding) system which the Defendant has seen the Plaintiff use to

42551

examine digital phone systems during TSCM inspections. The

42552

Defendant sought to develop an eavesdropping device based on the

42553

CODEC system, which the Plaintiff refused to assist in, or to have

42554

anything to do with in any way. The Plaintiff did demonstrate to

42555

the Defendant how to instead utilize near-end and far-end cross

42556

talk analysis to locate eavesdropping devices, but refused to assist

42557

the Defendant in eavesdropping methods or equipment

42558

development which they were seeking.

42559

42560

1818. Defendant restructured the company in 2000 and in the

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following year, Defendant confected a Manufacturer's

42562

Representative Contract in which Defendant now claimed that all

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government sales were "in house" clients of Defendant. Plaintiff

42564

discussed the improper and unethical wholesale blanket of "in

42565 house” contained in the agreement with Defendant Tom Jones, a
42566 managing member of Defendant REI, informed Plaintiff that if he
42567 didn’t agree Defendant would sever all ties with Plaintiff and he
42568 would be prohibited from any further purchases. In short,
42569 Defendant informed Plaintiff he could “take it or leave it” with
42570 respect to that provision and every other provision of the contract.
42571 It is important to note that these MREP Contracts were induced by
42572 fraud, by which REI claimed to be a legally licensed U.S.
42573 Department of State arms manufacture, when they were not so
42574 licensed, further as no exports of foreign goods were being licenses,
42575 but Defendant(s) Research Electronics International (and agents
42576 and employees thereof) claimed that all goods were licensed the
42577 contracts are null and void as they are a contract for felonious
42578 transactions.

42579
42580 1819. In addition, during visits made almost yearly after that point,
42581 Defendant(s) Research Electronics International (and agents and
42582 employees thereof) maintained a huge inventory of illegal bugging
42583 devices (i.e. illegal devices designed primarily for the unlawful and
42584 surreptitious interception of wire and/or oral communications),

42585 which is a felony to possess, and which the Plaintiff personally
42586 examined, and in some cases covertly and/or overtly photographed.
42587 Defendant repeatedly solicited Plaintiff to purchase and deal in
42588 these illicit eavesdropping devices from them, but Plaintiff
42589 strongly refused. Further, Defendant repeatedly illegally bugged
42590 and eavesdropped upon Plaintiff during his visits in contravention
42591 of applicable State laws of the State of Tennessee and Federal law.
42592 By means of these illegal eavesdropping devices the civil rights of
42593 the Plaintiff were infringed upon.

42594
42595 1820. During the Plaintiff visits to the Defendants business location in
42596 1999, 2004, 2005, and in 2007, Plaintiff photographed these illegal
42597 bugging devices, which drastically upset the Defendant(s)
42598 Research Electronics International (and agents and employees
42599 thereof) as they (Tom Jones, and Bruce Barsumian) stated that
42600 were concerned the they could get into trouble if the photographs
42601 were ever published, put on the Internet, or provided to the
42602 authorities.

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1821. Beginning in 2001, Defendant entered into a manufacturer’s representative agreement, which continued until October of 2010. A review of the terms and conditions imposed by Plaintiff pursuant to its inclusion of adhesion clauses in said contract required to be executed by Defendant on a “take it or leave it” basis is illustrative. For example, Defendant required Plaintiff to agree that “In the event of any dispute or controversy regarding whether a commission is due, Plaintiff “will have full authority and final discretion regarding same. REI’s decision regarding the payment or non payment will not be appealable (sic) or actionable even if it is arbitrary, unreasonable, and or motivated by REI’s self interest.” In addition, Defendants provided the following: “REI may freely solicit any customer directly, even in competition with the MREP and no liability will be incurred to the MREP.”

1822. After 2006, annual renewals were signed but Defendant retained all copies refusing to send copies to representatives who executed same, even after multiple requested to be provided copies.

42623 1823. Defendant required that Plaintiff provide it with a Pending
42624 Order Form on all sales of Plaintiff pursuant to the Manufacturer's
42625 Representative Contract. In approximately 2004, Plaintiff
42626 discovered that on orders he had made with third parties,
42627 Defendant was under reporting commissions due to Plaintiff.
42628 Further, Defendant restricted Plaintiff's ability to provide Pending
42629 Order Forms limiting him to only ten (10) per month since Plaintiff
42630 was submitting more than any other dealer in the United States (i.e.
42631 approximately 250 per month) as a result of him selling more
42632 product than any other venue outside of the Defendants business.

42633
42634 1824. In 2004 and 2005, Plaintiff went to Defendants business to
42635 attend a two-week series of classes, and then a one-week course
42636 relative to Defendants equipment. Prior to Plaintiff's arrival, he
42637 was told that Defendant would assist him in dealing with clients to
42638 close more sales and would also train Plaintiff in doing basic
42639 repairs on the OSCOR such as replacing batteries and alignments
42640 and would do this over a three day period over the weekend of the
42641 two week course (the "service" course was to take place on Friday
42642 Afternoon, and then all day on Saturday and Sunday). Contrary to

42643 Defendants representations, when Plaintiff arrived he was shown
42644 how to repair broken hinges; however, Defendant not only did not
42645 provide any instruction on any other repair or alignment techniques
42646 as promised, Defendant did everything to hide from Plaintiff
42647 anything related to repairs of the OSCOR.

42648
42649 1825. In 2007, Defendant had developed another product, the TALAN
42650 (which was based on the aforementioned CODEC of the Plaintiff).
42651 Plaintiff, prior to his arrival at Defendants business, was told to
42652 bring photographic equipment because Defendant wanted Plaintiff
42653 to take extensive photographs of the TALAN in order to promote
42654 the product on the Plaintiff's web site. Prior to this date, Defendant
42655 had published only computer mockups since Defendant was
42656 experiencing considerable problems getting a final, production
42657 model. Upon arrival, Defendant not only refused to allow
42658 photographs by Plaintiff, Defendant further prohibited Plaintiff
42659 from using photographs from Defendant brochures, even though
42660 Plaintiff was still a manufacturer's representative. Over the two
42661 week course, Plaintiff witnessed the TALAN products used in the
42662 classroom and laboratories exhibiting catastrophic failures due to

42663 serious design flaws, and the course instructors state to the Plaintiff
42664 that the all of the units that the company was selling were having
42665 the same problems, and that all of the units which the Plaintiff had
42666 sold to the FBI as eavesdropping systems had been returned as
42667 defective.

42668
42669 1826. In April 2007, after Plaintiff testified as a nationally recognized
42670 technical subject matter expert in TSCM and TEMPEST for the
42671 “Deepwater” Congressional Investigation and engaged as a subject
42672 matter expert for the Congressional Oversight Committee a
42673 situation unfolded which eventually resulted in the Defendant
42674 threatening to “destroy “ the Plaintiff by a series of actions the
42675 Defendant initiated in August 2007 and coordinated on behalf of
42676 the certain elements of the U.S. Government who were found to be
42677 involved by the Plaintiff in the “Deepwater” matter, while the
42678 Plaintiff was engaged by and acting on behalf of the Congressional
42679 Oversight Committee.

42680
42681 1827. The Plaintiff asserts that this is the same pattern of retaliatory
42682 behavior by the FBI an other government agencies, which was

42683 used against Martin L. Kaiser in 1975 (and others since) after he
42684 also testified before Congress in a similar fashion about
42685 government corruption and rampant contractor fraud. This
42686 retaliation represents a long term pattern of conduct by an agency,
42687 agent, or contractor of the government in order to “pay back” or
42688 attempt to discrete the person who testified before Congress and
42689 who performing their civic duty by providing such testimony.
42690 Plaintiff further asserts, that this was a long term course of conduct
42691 of a continuing enterprise, though a pattern, of racketeering
42692 (including but not limited to: mail fraud, wire fraud, scheme to
42693 defraud, obstruction of justice, interference in commerce, witness
42694 tampering, whistle-blower retaliation, and monetary transactions in
42695 property derived from specified unlawful activities), and have
42696 caused injury to the business and/or property of Plaintiff by the
42697 Defendant(s) Research Electronics International (and agents and
42698 employees thereof), the Rockport Police Department (and agents
42699 and employee thereof), and a rogue FBI agent..

42700

42701 1828. The project to “destroy” the Plaintiff Atkinson by Defendant(s)
42702 Research Electronics International (and agents and employees

42703 thereof) in Algood, Tennessee thus appears to have been instituted
42704 in August of 2007, and possibly as early as July 2007 (after the
42705 Plaintiff received a barrage of threats from three defense contractor
42706 who had just lost a contract valued in the tens of billions of dollars
42707 as a result of the Plaintiffs testimony before Congress in April
42708 2007).

42709
42710 1829. The Plaintiff did not fully become aware of this pattern of
42711 criminal behavior of the Defendant(s) Research Electronics
42712 International (and agents and employees thereof) until it
42713 manifested itself on December 1, 2009 in Rockport, MA, and
42714 discovered the injury to the Plaintiff at that time. Plaintiff asserts
42715 that this pattern of specific, organized criminal acts (in order to
42716 destroy the Plaintiff) took place in Algood, TN, Rockport, MA,
42717 and Boston, MA from 2007 until the present date, but also that the
42718 conduct took place over a long period of time spanning a
42719 continuum of acts from October 2001 to the present time, and acts
42720 which form a pattern even prior to September 2001, and in fact
42721 dating back over a period of nearly thirty years.

42722

42723 1830. After the Plaintiff testified before Congress in April 2007, the
42724 Defendant began to suddenly complicate Plaintiff's sales by
42725 kicking back or rejecting end user certificates on overseas sales of
42726 products, revealing at one point, that Defendant Research
42727 Electronics had "not received approval from Washington, D.C. on
42728 the end user certificate." Nonetheless, Defendant(s) Research
42729 Electronics International (and agents and employees thereof) stated
42730 that all exported goods were being granted export licenses, when
42731 indeed they were not. The Defendant repeatedly stated that these
42732 "End User Letters" or "End User Certificates" were required to
42733 export the equipment, and to obtain the licenses from the
42734 government for export (under 22 CFR 121.1XI(b) the export of
42735 these goods are strictly controlled and licensed). This tactic
42736 continued to be employed by Defendant such that simple
42737 transactions often were complicated by Defendant to cause delays
42738 in the transactions resulting in Defendant capturing the client and
42739 sale and denying Plaintiff rightful commissions, or profits.

42740
42741 1831. In January 2011, the Plaintiff discovered that in fact, the
42742 Defendant(s) Research Electronics International (and agents and

42743 employees thereof) did not have a license to either manufacture or
42744 export the goods (not to train, nor to print, nor to training abroad to
42745 training or to even demonstrate) as required by law, and that they
42746 had repeatedly misreported the goods to the U.S. Government as to
42747 the nature and capabilities, and had fraudulently obtain
42748 classification as “General Purpose Test Equipment,” when indeed
42749 it was not.

42750
42751 1832. As far back as 1996, the Defendant(s) Research Electronics
42752 International (and agents and employees thereof) repeatedly
42753 represented that “they had the export license,” and that the Plaintiff
42754 did not discover this fraud until extensively researching the matter
42755 in January 2011.

42756
42757 1833. When Plaintiff questioned the Defendant(s) Research
42758 Electronics International (and agents and employees thereof)
42759 concerning these suspected illegal shipments and ITAR and
42760 munitions control list violations, RICO, and related violation, the
42761 Defendant(s) Research Electronics International (and agents and
42762 employees thereof) filed a vexatious and frivolous lawsuit in

42763 Putnam country court (in Tennessee) in January 2011 in an attempt
42764 to muzzle the Defendant, and to seek country level judgment, on
42765 what was indeed a federal matter, and to cover-up their wrong
42766 doings. In furtherance of this improper lawsuit ex parte
42767 communication and meeting took place which Plaintiff Atkinson
42768 was not told about, or which he was told about merely 3-4 days in
42769 advance of, and was refused permission to appear by telephone for
42770 hearing (given the Court in TN is a two to three day travel from
42771 Rockport, MA). Plaintiff Atkinson would remove this action in
42772 Putnam County Court to Federal District Court in Boston, MA, and
42773 Defendant(s) Research Electronics International acquiesced to this
42774 removal by not raising any objections or opposing it in any way.

42775
42776 1834. Several transactions regarding sales made by Plaintiff are
42777 illustrative. In approximately mid 2005, Plaintiff was contacted by
42778 a national company interested in his advice relative to their needs
42779 and TSCM equipment available from a number of manufacturers,
42780 including Defendant. After spending a substantial period of time
42781 with the client, Plaintiff submitted the Pending Order Form to
42782 Defendant for this particular sale. After submission of same,

42783 Plaintiff made an inquiry to Defendant(s) Research Electronics
42784 International (and agents and employees thereof) on the status of
42785 the order and was informed no transaction took place. This was
42786 approximately a \$100,000 sale of equipment in which Plaintiff
42787 should have been paid \$25,000.00 commission. After being
42788 informed no transaction took place, Plaintiff was on the premises
42789 of Defendant REI subsequently for a training course and was
42790 greeted by one of the national company's employees who told
42791 Plaintiff they had tried to purchase equipment from him; however,
42792 his boss had been contacted directly by Defendant REI who told
42793 the company they had to buy it directly from Defendant REI, not
42794 Plaintiff. Thereafter the sale went through directly with Defendant
42795 REI who retained the entirety of the transaction and fraudulently
42796 informed Plaintiff that no sale had actually occurred. This pattern
42797 of fraudulent conduct was repeated numerous times.

42798
42799 1835. A national pharmaceutical company consulted with Plaintiff in
42800 a similar manner. After the company agreed to purchase
42801 Defendants equipment from Plaintiff, Plaintiff submitted the
42802 pending order notification to Defendant REI.

42803

42804

1836. The purchase order was made with the pharmaceutical

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company's employee charged with providing not only budget

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requirements but also recommendations to the company. As soon

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as Defendant received the pending order notification from Plaintiff,

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Defendant immediately went to a higher up in the pharmaceutical

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company took the order, concluded the transaction and reported to

42810

Plaintiff that no sale had taken place.

42811

42812

1837. Later at a trade show, Plaintiff encountered the pharmaceutical

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company's employee, with whom Plaintiff had dealt, who

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informed Plaintiff that Defendant had called the company's

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executive and told him they had to purchase direct with Defendant,

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not Plaintiff.

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42818

1838. Plaintiff was contacted by a foreign government who sought his

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advice and counsel who desired to purchase equipment (the

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Plaintiff was acting under the control of and on behalf of the U.S.

42821

Government at the time). The foreign government flew not only

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their representative but also a number of their TSCM personnel

42823 who came to Plaintiff place of business. The result of Plaintiff
42824 meetings with this government resulted in the sale of 16 complete
42825 sets of Defendants equipment. Defendant, after receiving the order,
42826 restricted Plaintiff's commissions to only two of the sixteen sets
42827 thereby depriving Plaintiff of some approximate \$318,000 in
42828 commissions earned.

42829
42830 1839. In approximately September of 2007, and then in March 2008,
42831 Plaintiff was directly contacted by a foreign government for the
42832 purchase of approximately \$1.5 Million dollars of Defendants
42833 equipment to be delivered directly to their Embassy in Washington,
42834 D.C. In addition, the Embassy desired Plaintiff to provide two
42835 weeks of training to their personnel. The Embassy; however,
42836 desired that a small fraction of the actual order be sent as a test
42837 transaction to ensure the confidentiality of the transaction. Again,
42838 upon receipt of the test transaction, Defendants went directly to
42839 persons inside this foreign government to take over the entire
42840 transaction (and to cut the Plaintiff out of the transaction). As a
42841 result of Defendants actions, the entire transaction was terminated
42842 with an assurance made to Plaintiff that this foreign government's

42843 purchase would never be used in any of their Embassies
42844 throughout the world as the direct result of the methods used by
42845 Defendant as their operational security had been breached by
42846 Defendant (the purchasing of this kind of equipment requires great
42847 secrecy, or the equipment will be rendered of little or no value).
42848 Plaintiff was deprived of approximately \$500,000 in direct
42849 commissions as well as the additional monies which were to be
42850 paid for Plaintiff training of these intelligence officers.

42851
42852 1840. Because of the nature of the business of the Plaintiff, the
42853 agencies of the United States government who may or may not
42854 have been involved with Plaintiff, and the nature of the
42855 transactions, Defendant has been intentionally non specific relative
42856 to the specific details of these transactions disclosed herein.
42857 Nonetheless, the Plaintiff has provided TSCM services to virtually
42858 every intelligence agency of the United States government as a
42859 recognized GSA contractor from September 1987 up until
42860 December 1, 2009, and have been repeatedly engaged as a
42861 contractor in such matter both by the Central Intelligence Agency,

42862 the Federal Bureau of Investigator, U.S. Customs, and other
42863 governmental agencies.

42864

42865 1841. Upon information and belief there are hundreds of transactions
42866 which were similarly handled by Defendant(s) Research
42867 Electronics International (and agents and employees thereof) who
42868 maintained no transactions occurred, when in fact they did
42869 resulting in commissions being due and owing to Plaintiff well in
42870 excess of \$3,150,000.00. The conduct described herein by
42871 Defendants REI is submitted to have breached the contract existing
42872 between the parties. Defendant is entitled to an accounting for at
42873 least the past ten years prior to the filing of this suit, and damages
42874 for the entirety of the thirty years, as the injury was not fully
42875 discovered until December 2010 and January 2011.

42876

42877 1842. Defendant has demanded an accounting of the aforementioned
42878 commissions due from Plaintiff, but Plaintiff has failed and/or
42879 refused and continues to fail and/or refuses to render such an
42880 accounting and pay the monies due as reflected in the demand
42881 letter transmitted to Defendant.

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1843. In 2004, Plaintiff advised Defendant of Ariyani Nawardi with the Intelligence service for Indonesia. Mr. Nawardi and his entourage flew to the U.S. to Boston, MA and met with Plaintiff for several days. The result of Plaintiff's efforts was a contract calling for an international sale with overseas delivery with Mr. Nawardi to purchase \$916,880.00 of Defendants countermeasure equipment. After Plaintiff Atkinson registered his client with Defendants in accordance with written contract with Defendant, and disclosed the entirety of the sale, the end result was that Defendant(s) Research Electronics International (and agents and employees thereof) illegally and with no license to do so drop shipped to Indonesia two sets of gear remitting to Defendant the price less Plaintiff's profits on those two sets. Thereafter, Defendant fraudulently and tortuously interfered with Plaintiff's relationship with Mr. Nawardi and converted the remainder of the order by entering an agreement with Mr. Nawardi converting the remaining 14 sets which realized \$819,000.00 to Defendants of which Plaintiff received -0- commissions. To effectuate Defendants fraud, tortuous interference with the contractual rights

42902 existing between Plaintiff and Nawardi and the government of
42903 Indonesia, Defendant transformed Mr. Nawardi magically into a
42904 “house client” shorting Plaintiff of \$316,000.00 commissions due.
42905 Specifically, Mr. Nawardi did not want to deal with Defendants
42906 directly and so that sale was clearly Plaintiff’s for which money is
42907 and has been due and owing.

42908
42909 1844. In early November of 2009, Plaintiff booked a large sale to a
42910 client and obtained a \$66,000.00 sale of Defendants
42911 countermeasure equipment. His commissions due were
42912 approximately \$17,000.00; however, being in the hospital from
42913 multiple heart attacks as a result of the Defendant actions
42914 combined with his already being a disabled Veteran, when Plaintiff
42915 did place the order, Defendant(s) Research Electronics
42916 International (and agents and employees thereof) refused to remit
42917 to him the commissions he earned and converted the customer
42918 completely.

42919
42920 1845. Repeatedly throughout from April 2003 through October of
42921 2010 the Plaintiff requested a written accounting of the sales and

42922 commissions between the Plaintiff and the Defendant, but the
42923 Defendant refused requests for same, and the Defendant suddenly
42924 “terminated” the agreement, when Plaintiff more strongly
42925 requested an accounting to which he is and has been entitled,
42926 Defendants threatened to terminate any further association and bar
42927 Plaintiff from continuing to service his clients as a further means
42928 of attempting to enforce the adhesion clause relative to monies due.

42929
42930 1846. The commissions due to the Plaintiff from the Defendant at this
42931 point would have been well in excess of three million dollars, and
42932 by Plaintiff refusing to do further business with the Plaintiff they
42933 essentially retained the commissions that were due the Plaintiff.

42934
42935 1847. Additionally, the future lost profits and commissions, which the
42936 Plaintiff could reasonably earn are in the area of in excess of
42937 fifteen million dollars in addition to moneys already owned.

42938
42939 1848. Plaintiff asserts that between 2003 and 2007 Defendant(s)
42940 Research Electronics International (and agents and employees
42941 thereof), confected a scheme to defraud the Plaintiff out of sales

42942 and commissions, and to remove him as a market influencer, for
42943 their own benefit, and that in August of 2007 they launched their
42944 scheme.

42945
42946 1849. During the calendar year of 2010, Plaintiff sold approximately
42947 \$220,000.00 of Defendants equipment and earned at least
42948 \$54,000.00 in commissions, none of which have been paid or
42949 properly credited to his in-house account, which Defendant had
42950 established for its convenience since Plaintiff was the largest seller
42951 of Defendants equipment.

42952
42953 1850. In March 2010, the accounting department at Defendant stated
42954 that Plaintiff had a credit balance of \$43,115, which was
42955 earmarked to purchase new demonstration gear and to attend
42956 classes from the Defendant, although the Plaintiff was somewhat
42957 wary of the “new products” the Defendant was trying to promote
42958 and began asking technical question about the equipment; however,
42959 the Defendant could not answer the questions to the Plaintiffs
42960 satisfaction.

42961

42962 1851. In order to avoid payment of past monies due to Plaintiff and
42963 alternatively to avoid any accounting which had been repeatedly
42964 requested by Plaintiff, Defendant engaged in an abuse of process.

42965
42966 1852. Specifically, in February 2009, the Plaintiff contracted for the
42967 sale of over \$30,000.00 of Defendants equipment to a client
42968 located in Switzerland and an ultimate destination in Uzbekistan.

42969
42970 1853. Upon receipt of payment by the Swiss client, Plaintiff properly
42971 registered the sale in accordance with the required disclosure to
42972 Defendant and immediately remitted full payment in the sum of
42973 over \$20,000.00 to Defendant who received same.

42974
42975 1854. Defendant has previously judicially confessed that these funds
42976 were for the entirety of the order bound for Switzerland and thence
42977 to Uzbekistan, and that the transaction had been paid in full at the
42978 time and was financially cleared for immediate shipment.

42979
42980 1855. In order to avoid any accounting or payment of monies due to
42981 Plaintiff, Defendant required that the shipment of the Defendants

42982 equipment must be preceded by what is referred to as an “end user”
42983 certificate (used to obtain U.S. Department of State Licensure),
42984 rather than ship the purchased items to the address provided, and
42985 then repeatedly rejected the supplied documents without actually
42986 submitting them to the U.S. Government.

42987
42988 1856. Plaintiff was repeatedly told that the shipment was “on the
42989 loading dock” and requiring only the end-user certificate to effect
42990 release.

42991
42992 1857. In truth in fact, due to Fraud by Research Electronics and
42993 employees of Research Electronics under the U.S. Commerce
42994 classification of the equipment purchased at the time, no end user
42995 certificate was actually required. Further, neither Switzerland nor
42996 Uzbekistan required any end user certificate.

42997
42998 1858. It has since been discovered that while no “end user” certificate
42999 is legally required, the goods are still required by law to be shipped
43000 under a State Department issued approval and under a U.S. State
43001 Department license, which the Defendant had unlawfully subverted

43002 by falsely claiming the equipment was merely “general purpose
43003 test equipment” when in fact it was rather “electronic counter
43004 measures gear” which is tightly controlled and regulated by the
43005 U.S. Government under 22 CFR 121.

43006
43007 1859. It is by this deception, that the Defendant(s) Research
43008 Electronics International (and agents and employees thereof) was
43009 engaging in tens of millions of dollars in illegal exports and arm
43010 smuggling, as an long term organized criminal enterprise.

43011
43012 1860. To make matter worse, under ITAR 121.1 XI(b) and
43013 international arms control treaties the goods are not actually
43014 controlled by the U.S. Commerce Department, but rather the U.S.
43015 State Department and then in turn controlled secondarily by the
43016 Central Intelligence Agency, and the Defense Intelligence Agency
43017 though the Department of Defense.

43018
43019 1861. An “End User Certificate” is a letter or other document that is
43020 issued by the intended person or agency (in this case in intelligence

43021 agency) certifying that they are the intended final user of the
43022 product, service, information, or other goods.

43023
43024 1862. This certification is required to obtain proper licenses to
43025 facilitate legal and lawful exportation as these goods are
43026 considered dual use arms, and under international treaty they must
43027 be licensed by the diplomatic authorities in a given country.

43028
43029 1863. In the case of the United States this license is issued by the
43030 PM/DDTC office within the U.S. State Department, and it can be
43031 issued by no other element of the U.S. Government. The end user
43032 certificate initiates the issuance of the “End User License” and this
43033 license number has to be placed on all exportation documents.

43034
43035 1864. As the goods themselves are not only controlled, but also the
43036 software, manuals, books, training, consulting, and technical
43037 details then licenses but also be obtained for these as well, when
43038 they are sought prior to the actual final transaction.

43039

43040 1865. Additionally, each entity which brokers the transaction overseas,
43041 or which handles the goods must also be cleared by the PM/DDTC
43042 so it is customary to drop ship these types of goods right from the
43043 factory, directly to the ultimate end user with no intermediately
43044 touching the commodity.

43045
43046 1866. On a legitimate transaction, these end user letters or certificates
43047 are vital to comply with international treaty.

43048
43049 1867. The Defendant Research Electronics registered fraudulent
43050 ECCN (Export Control Numbers) with the U.S. Commerce
43051 Department to deceive the U.S. Government as to the true nature
43052 of the goods, and thus to maintain control under the umbrella of
43053 the U.S. Commerce instead other U.S. State Department. These
43054 fraudulent ECCN codes were then used to subvert U.S. Export
43055 controls and international treaty, and remove oversight, licensure,
43056 and control of the goods from the U.S. State Department, when in
43057 fact the U.S. State Department was required both by law and
43058 international treaty to control these goods, not the U.S. Commerce
43059 Department.

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43061

1868. The mechanism by which the U.S. State Department controls

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these goods is by way of an End User License, which is obtained

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by making a formal application by the manufacture and exporter

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(in this case Research Electronics) to the U.S. State Department

43065

and including an End User Certificate or Letter along with relevant

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documents.

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43068

1869. Thusly, a purchaser of such equipment would be required to

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provide an End User Certificate at some point in the transaction to

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effect the obtaining of the required U.S. State Department License.

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Additional documents in regards to the transaction would also be

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supplied to the U.S. State Department to obtain this license, which

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would vary based on whom the end user would be and their prior

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relationship with the U.S. diplomatic, military, and intelligence

43075

services.

43076

43077

1870. Very often a purchaser of this equipment would initiate an

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initial End user Certificate to the U.S. State Department merely to

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inquire if it would be possible to obtain mere information about a

43080 product or to obtain technical manual to review as by Federal
43081 Statute detailed technical information or users manuals also require
43082 the same licenses, although they are not as strictly enforced.

43083
43084 1871. As customers tend not to purchase good on which they have not
43085 been trained the end user also must obtain a license in order to
43086 attend training, which normally precedes actual acquisition of the
43087 equipment.

43088
43089 1872. Therefore, one End user Certificate will be issued and carried to
43090 the U.S. Embassy in the country where the actual end user is
43091 located to start the process of licensure.

43092
43093 1873. Once approved, the end user can then obtain detailed technical
43094 materials on the equipment they seek, and obtain technical manuals
43095 to review, all under different licenses.

43096
43097 1874. Once the end user determines several systems which they will
43098 be interested in they will then initiate a license to attend training,
43099 and the organization which will be providing training will seek a

43100 license to be allowed to provide the same training (to better
43101 understand and evaluate the proposed equipment).

43102

43103 1875. Once the end user is comfortable that the equipment will fulfill
43104 their requirements an initial purchase of the equipment will be
43105 made, and yet another End user Certificate and U.S. State
43106 Department license issued, for the final equipment purchase. It is
43107 therefore not uncommon for there to be four or five or more End
43108 User Certificates issued over a six to nine month or even several
43109 year period to effect the purchase of a single piece of equipment.
43110 The last End User Certificate of course being the most vital of
43111 these.

43112

43113 1876. Further, as this equipment **REQUIRES** a formal license from
43114 the U.S. State Department the presentation of the End-User Letter
43115 initiated the second stage of end-user licensing, which would
43116 normally take at least a few weeks, but more often months for the
43117 State Department to approve both the broker (in Switzerland), and
43118 the actual end user (in Uzbekistan).

43119

43120 1877. A “SED” is a Shipper's Export Declaration (SED) filing is
43121 required by the U.S. Census Bureau for U.S. exports that contain a
43122 single commodity's value exceeding a certain dollar amount
43123 (currently \$2500). All SED information is provided to the U.S.
43124 Census Bureau and is used for export compliance and
43125 governmental reporting.

43126
43127 1878. The “Shipper's Export Declaration (SED)” contains a section in
43128 which the PM/DDTC license number that was issued by the U.S.
43129 State Department must be placed, and on the current “FORM
43130 7525-V(7-18-2003)” used by the U.S. Census Bureau this section
43131 is labeled “27. LICENSE NO./LICENSE EXCEPTION
43132 SYMBOL/AUTHORIZATION” In the event of a fraudulent
43133 exportation of these goods the block or section will list “NLR” or
43134 “No License Required” when it should in fact contain the actual
43135 license number required by law.

43136
43137 1879. An “ITAR License Number” refers to the actual license number
43138 issued by the Directorate of Defense Trade Controls (DDTC) of
43139 the U.S. State Department, in accordance with 22 U.S.C. 2778-

43140 2780 of the Arms Export Control Act (AECA) and the
43141 International Traffic in Arms Regulations (ITAR) (22 CFR Parts
43142 120-130). More specifically, these type of goods are tightly
43143 controlled by “Division IV - Electronic Systems (USML
43144 Commodity Category XI)” within the office of PM/DDTC of the
43145 U.S. State Department. TSCM equipment, goods, services, training,
43146 manuals, and technical data may not leave this country unless a
43147 license is first obtain from this division, each time. This permission
43148 in initiated by the aforementioned “End User Certificate” on
43149 application to the U.S. State Department.

43150
43151 1880. An “ECCN” or “Export Control Classification Number” is an
43152 alpha-numeric code, e.g., 3A001 that describes the item and
43153 indicates licensing requirements. All ECCNs are listed in the
43154 Commerce Control List (CCL) (Supplement No. 1 to Part 774 of
43155 the EAR). The CCL is divided into ten broad categories, and each
43156 category is further subdivided into five product groups. These
43157 ECCN’s are self-assigned by the manufacture of the goods, and not
43158 by the government. Thus, a company who wishes to illegally

43159 export arms will assign to their products an ECCN that is
43160 fraudulent in an attempt to evade and subvert export controls.

43161

43162 1881. The Department of Commerce’s Bureau of Industry and
43163 Security (BIS) is responsible for implementing and enforcing the
43164 Export Administration Regulations (EAR), which regulate the
43165 export and reexport of most commercial items. The U.S.
43166 Government often refer to the items that BIS regulates as “dual-use”
43167 – items that have both commercial and military or proliferation
43168 applications – but purely commercial items without an obvious
43169 military use are also subject to the EAR.

43170

43171 1882. The EAR do not control all goods, services, and technologies.
43172 Other U.S. government agencies regulate more specialized exports.
43173 For example, the U.S. Department of State has sole authority over
43174 defense articles and defense services. A list of other agencies
43175 involved in export controls can be found at Resource Links or in
43176 Supplement No. 3 to Part 730 of the EAR.

43177

43178 1883. Thus, an ECCN is published by the Department of Commerce's
43179 Bureau of Industry and Security (BIS) with a description of what
43180 that ECCN means. Then the producers or manufactures of the
43181 goods match their products up with these descriptions (when it is
43182 legal for them to do so).

43183
43184 1884. However, Export Administration Regulations (EAR) do not
43185 apply to commodities, goods, products, or services defined by
43186 international treaty as “dual use” items, and thus Department of
43187 Commerce has no authority over them, only the U.S. State
43188 Department.

43189
43190 1885. Then under ITAR 121.1 XI(b), the use an ECCN code to then
43191 facilitate the exportation of a device, good, commodity, service,
43192 manual, or training that is used to “...electronic systems or
43193 equipment designed or modified to counteract electronic
43194 surveillance or monitoring” is unlawful as the goods sold by
43195 Research Electronics are sold for this purposes of “counteracting
43196 electronic surveillance or monitoring” as defined in their own
43197 textbooks, technical manuals, marketing materials, trade show

43198 presentations, and other documents. The use of an ECCN to export
43199 TSCM goods such as those manufactured and exported (illegally)
43200 by Research Electronics is a fraudulent tactic to facilitate unlawful
43201 exportation and smuggling of arms.

43202
43203 1886. Further, under ITAR Section 120.21, technical data, technical
43204 manuals, users guides, white papers, and other documents and
43205 descriptions are further restricted and controlled, and merely to
43206 send a users manual to a prospective overseas purchaser requires
43207 formal U.S. State Department Approval and the form of an End
43208 User License. The shipping of a manual to an overseas location,
43209 absent this permission by the U.S. State Department would thus be
43210 an illegal export, and defacto arm smuggling.

43211
43212 1887. Training services on this equipment, and on this subject matter
43213 is also controlled under ITAR Section 120.8, and also controlled
43214 exclusively by the U.S. State Department, and a the student and the
43215 course must both obtain a license for the student to attend training
43216 in the United States, or for the U.S. based instructor to travel
43217 overseas to teach. Any teaching of the subject of TSCM or related

43218 disciplines to non-U.S. citizens is a very serious criminal act,
43219 unless permission is obtained for each student, each instructor, and
43220 each class. Research Electronics and the employees and agents of
43221 Research Electronics has been providing this unlawful training to
43222 non-U.S. Citizens.

43223
43224 1888. Further, under “The Wassenaar Arrangement On Export
43225 Controls For Conventional Arms and Dual-Use Goods and
43226 Technologies” or merely “Wassenaar Arrangement” the United
43227 States is obligated though the PM/DDTC office within the U.S.
43228 State Department to administer a “dual use” licensing program.
43229 This office is thus responsible for the regulation, licensing,
43230 enforcement, and control of any such devices, equipment, good,
43231 information, or training related to these subject matters.

43232
43233 1889. The Participating States of the Wassenaar Arrangement are:
43234 Argentina, Australia, Austria, Belgium, Bulgaria, Canada, Croatia,
43235 Czech Republic, Denmark, Estonia, Finland, France, Germany,
43236 Greece, Hungary, Ireland, Italy, Japan, Latvia, Lithuania,
43237 Luxembourg, Malta, Netherlands, New Zealand, Norway, Poland,

43238 Portugal, Republic of Korea, Romania, Russian Federation,
43239 Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland,
43240 Turkey, Ukraine, United Kingdom and United States.
43241 Representatives of Participating States meet regularly in Vienna
43242 where the Wassenaar Arrangement's Secretariat is located.

43243
43244 1890. The Wassenaar Arrangement has been established in order to
43245 contribute to regional and international security and stability, by
43246 promoting transparency and greater responsibility in transfers of
43247 conventional arms and dual-use goods and technologies, thus
43248 preventing destabilising accumulations. Participating States seek,
43249 through their national policies, to ensure that transfers of these
43250 items do not contribute to the development or enhancement of
43251 military capabilities which undermine these goals, and are not
43252 diverted to support such capabilities.

43253
43254 1891. The decision to transfer or deny transfer of any item is the sole
43255 responsibility of each Participating State. All measures with
43256 respect to the Arrangement are taken in accordance with national

43257 legislation and policies and are implemented on the basis of
43258 national discretion and laws.

43259 1892.

43260 1893. In the case of the Wassenaar Arrangement, the U.S. Statute
43261 which enforces it is “Title 22--Foreign Relations, Chapter I -
43262 Department Of State, Part 121 - The United States Munitions List.”
43263 [CITE: 22 CFR 121.1] All other U.S. laws on the exportation of
43264 these dual-use items then derives from 22 CFR 121.1.

43265

43266 1894. As part of the Wassenaar Arrangement, there is also a “List Of
43267 Dual-Use Goods and Technologies and Munitions List” from
43268 which the United States Munitions List is thus derived.

43269

43270 1895. Under the Wassenaar Arrangement, “Munitions List” ML11
43271 Electronic equipment, not specified elsewhere on the Munitions
43272 List, as follows, and specially designed components therefor:

43273 a. Electronic equipment specially designed for military use;
43274 Note ML11.a. includes:
43275 a. Electronic countermeasure and electronic counter-
43276 countermeasure equipment (i.e., equipment designed to
43277 introduce extraneous or erroneous signals into radar or radio
43278 communication receivers or otherwise hinder the reception,
43279 operation or effectiveness of adversary electronic receivers

- 43280 including their countermeasure equipment), including jamming
43281 and counter-jamming equipment;
43282 b. Frequency agile tubes;
43283 c. **Electronic systems or equipment, designed either for**
43284 **surveillance and monitoring of the electro-magnetic**
43285 **spectrum for military intelligence or security purposes or**
43286 **for counteracting such surveillance and monitoring;**
43287 d. Underwater countermeasures, including acoustic and
43288 magnetic jamming and decoy, equipment designed to introduce
43289 extraneous or erroneous signals into sonar receivers;
43290 e. Data processing security equipment, data security equipment
43291 and transmission and signalling line security equipment, using
43292 ciphering processes;
43293 f. Identification, authentication and keyloader equipment and
43294 key management, manufacturing and distribution equipment;
43295 g. Guidance and navigation equipment;
43296 h. Digital troposcatter-radio communications transmission
43297 equipment;
43298 i. Digital demodulators specially designed for signals
43299 intelligence;
43300 j. "Automated Command and Control Systems".

43301
43302 N.B. For "software" associated with military "Software"
43303 Defined Radio (SDR), see ML21.

43304
43305 b. Global Navigation Satellite Systems (GNSS) jamming
43306 equipment.

43307

43308 1896. As a result, any improper exportation or importation of
43309 “Electronic systems or equipment, designed either for surveillance
43310 and monitoring of the electro-magnetic spectrum for military
43311 intelligence or security purposes or for counteracting such
43312 surveillance and monitoring;” is both a violation of U.S. Law, and

43313 a violation of International Treaty which makes a United States of
43314 America liable to sanctions for such violations.

43315
43316 1897. Essentially, an improper export of this type of equipment is a
43317 grave diplomatic violation. Thus, there is an intricate protocol to
43318 facilitate such sales, services, goods, information, and training so
43319 as not to offend this international treaty.

43320
43321 1898. In 1990, in the wake of the 1989 Tiananmen Square crackdown
43322 in China, Congress passed legislation to reinforce interim
43323 economic and diplomatic sanctions that President George H.W.
43324 Bush had implemented earlier to express U.S. disapproval of the
43325 Chinese government's actions.

43326
43327 1899. The "Tiananmen Square Sanctions", as they are popularly
43328 called, included: a continuance of the suspension of export
43329 licensing for defense articles and defense services on the U.S.
43330 Munitions List, a suspension of export licenses for crime control
43331 and detection instruments and equipment; and related prohibitions.

43332

43333 1900. It is possible to export these items to China, but the PM/DDTC
43334 office at the U.S. State Department is not allowed to issue such a
43335 license on their own, such a license by only issue forth from the
43336 President of the United States, and form no less authority. The
43337 President thus issues the license, to the State Department, who then
43338 issues the End-user License to the exporter who will be sending
43339 these types of goods to China.

43340
43341 1901. It is a very serious criminal act to export TSCM or electronic
43342 counter-measures equipment such as that made by Research
43343 Electronics, unless the President of the United States issues
43344 permission for the export though the PM/DDTC.

43345
43346 1902. To date, Research Electronics International has ever applied for
43347 such a Presidentially issued license though PM/DDTC, and yet
43348 they have repeatedly exported arms illegally to China. Yet, at the
43349 same time Research Electronics has repeatedly claimed that they
43350 possessed such a license, when in fact they did not.

43351

43352 1903. Congress passed sanctions against the People Republic of
43353 China in response to Tiananmen, including the Foreign Relations
43354 Authorization Act for Fiscal Years 1990 and 1991, which, among
43355 other things, required a presidential "national interest"
43356 determination, or waiver, for the export of a TSCM or Electronics
43357 Counter Measures equipment. There have been only 13 such
43358 Presidential "national interest" determinations pursuant to the
43359 Tiananmen sanctions legislation, and none of these Presidential
43360 determinations involved or service made or provided by Research
43361 Electronics.

43362
43363 1904. The U.S. Government controls the export and import of
43364 "defense articles" and "defense services" pursuant to the Arms
43365 Export Control Act. Section 38 of the Arms Export Control Act
43366 authorizes the President to control the export and import of defense
43367 articles and defense services.

43368
43369 1905. The statutory authority of the President to promulgate
43370 regulations with respect to exports of defense articles and defense

43371 services was delegated to the Secretary of State by Executive
43372 Order 11958, as amended.

43373
43374 1906. The Arms Export Control Act is implemented by the
43375 International Traffic in Arms Regulations (ITAR), which are
43376 administered by the State Department's Office of Defense Trade
43377 Controls within the Bureau of Political-Military Affairs. These
43378 regulations are found at 22 CFR parts 120-130.

43379
43380 1907. The Arms Export Control Act provides that the President shall
43381 designate the articles and services that are deemed to be "defense
43382 articles" and "defense services." These items, as determined by the
43383 State Department with the concurrence of the Department of
43384 Defense, are included on the U.S. Munitions List.

43385
43386 1908. No items may be removed from the U.S. Munitions List
43387 without the approval of the Secretary of Defense, and there must
43388 be 30 days advance notice to Congress.

43389

43390 1909. The Department of Commerce or another department or agency
43391 may request a pre-license check to establish the identity and
43392 reliability of the recipient of the items requiring an export license.

43393
43394 1910. The 1979 Act provides that the Secretary of Commerce and
43395 designees (U.S. State Department) may conduct overseas pre-
43396 license checks and post-shipment verifications of items licensed
43397 for export. A pre-license check is conducted during the normal
43398 licensing process. A post-shipment verification is an on-site visit to
43399 the location to which the controlled item has been shipped under
43400 an export license, in order to ascertain that the item is being used
43401 by the appropriate end user and for the appropriate purpose

43402
43403 1911. The Commerce Department's and U.S. State Department
43404 procedures for conducting pre-license checks and post-shipment
43405 verifications are similar.

43406
43407 1912. A pre-license check or post-shipment verification is initiated by
43408 sending a cable with relevant information about the case to the
43409 appropriate U.S. Embassy overseas. Specific officials at the

43410 Embassy usually have been pre-designated to conduct these checks,
43411 although special teams from Washington, D.C. also periodically
43412 conduct end-use checks.

43413
43414 1913. The Embassy official initially collects background information
43415 on the end user (listed in the end user certificate). Next, the
43416 Embassy official visits the end user and interviews senior
43417 employees there. Upon completing the visit, the Embassy official
43418 is required to cable the Commerce Department or the U.S. State
43419 Department PM/DDTC with the information collected and an
43420 evaluation as to whether the proposed end user is considered a
43421 reliable recipient of U.S. technology.

43422
43423 1914. Based on the cabled information, the cognizant agency
43424 evaluates whether the result of the check is favorable or
43425 unfavorable, and the license is issued or declined.

43426
43427 1915. For years (from at least 1994 to the present date) Research
43428 Electronics kept claiming that they had a license to export these
43429 goods.

43430

43431

1916. Plaintiff shared concern with FBI/DHS about REI possibly

43432

smuggling arms and that was concerned because they (REI) kept

43433

claiming that they had such a license, but that Plaintiff had

43434

obtained several REI completed SED forms by accident on

43435

exported arms which contained no ITAR license number, but did

43436

include an ECCN (hence, it was unlikely legitimate exports).

43437

43438

1917. The problem is that the FBI and DHS ignored the complaint

43439

about the arms shipments, and seemed not to grasp what was going

43440

on and said it was a Commerce Department matter, and not their

43441

concern.

43442

43443

1918. By Defendant Research Electronics requiring an End User

43444

Certificate on foreign transactions they provided a complex

43445

illusion that they were applying for U.S. State Department licenses,

43446

when indeed they were not doing so. This is a very grave violation

43447

of both U.S. Law and a violation of International Treaties on Arms

43448

Control.

43449

43450 1919. Defendant Research Electronics and their agents and employees
43451 repeatedly stated they had the proper licenses in place to effect
43452 export of these goods, which indeed that did not. They further
43453 promised they all exports were being made in accordance with U.S.
43454 Export laws, when in fact no shipment of goods, materials, or
43455 providing of training was being provided legally.

43456
43457 1920. Indeed, the entirety of the business operations of Defendant
43458 Research Electronics is a complex and organized criminal
43459 enterprise involved in illegal arms manufacturing, international
43460 arm smuggling and money laundering.

43461
43462 1921. Defendant(s) Research Electronics International (and agents
43463 and employees thereof), upon information and belief, directed the
43464 customer in Switzerland to contact the Rockport Police
43465 Department in Rockport, Massachusetts, and the Cape Ann
43466 Chamber of Commerce in Gloucester, Massachusetts in October or
43467 November of 2009 and to file a fraudulent criminal complaint
43468 alleging that Plaintiff was attempting to “steal” the customer’s
43469 money (when in fact the Defendant(s) Research Electronics

43470 International (and agents and employees thereof) was in
43471 possession of the funds, and was delaying shipping the goods, and
43472 in full control of the transaction).

43473

43474 1922. In addition, Defendant(s) Research Electronics International
43475 (and agents and employees thereof) further rejected the first and
43476 second “end user” certificate which Defendant required in order to
43477 delay the shipment which Defendant REI knew the customer
43478 wanted as quickly as possible since it formed a portion of a time
43479 sensitive contract via the cut-out in Switzerland for a sale that the
43480 Swiss customer had with the Government of Uzbekistan.

43481

43482 1923. Due to the delays in the Defendant shipping the goods to the
43483 client, the Plaintiff received a number of threatening phone calls, in
43484 an attempt to speed up shipment, and the caller (from Switzerland)
43485 even threatening bodily violence (and made terroristic threats
43486 against the Plaintiff) if the goods were not in his hands by
43487 November 6, 2009, so that the goods could in turn be provided to
43488 the end user. Further, the Plaintiff was told that he would be
43489 “severely punished” because of the delays in the shipment, which

43490 were in fact caused by the Defendant(s) Research Electronics
43491 International (and agents and employees thereof) and the Rockport
43492 Police Department.

43493
43494 1924. In fact, the transaction was out of the Plaintiff hands at that
43495 point as the Defendant had the entirety of the Plaintiffs funds, and
43496 was awaiting the End User to provide a legitimate End User
43497 Certificate (which was issued by the Government of Uzbekistan
43498 until November 23, 2009).

43499
43500 1925. It has since been discovered that while Defendant Research
43501 Electronics was provided with this End User Certificate they did
43502 not in fact forward to the U.S. State Department in order to obtain
43503 an Export License for the transaction, and indeed the Defendant
43504 did falsify export documentation that was provided to the U.S.
43505 Customs Department in order to actually smuggle the arms out the
43506 United States a few days later.

43507
43508 1926. Further the Defendant Research under declared the value and
43509 the nature of the goods, and even knowing that the End User

43510 Certificate indicate that the end user was in Uzbekistan,
43511 fraudulently listed another country as the end user as a trans-
43512 shipment location in violation of Federal Law.
43513
43514 1927. For a number of years the Government of Kazakhstan had been
43515 covertly supplying weapons grade radiological materials to the
43516 Government of the Islamic Republic of Iran to facilitate the
43517 development of the Iranian nuclear weapons program. Numerous
43518 shipments were being made out of the strategic stockpiles of the
43519 Government of Kazakhstan over both land routes and by way of
43520 the Caspian Sea. These illicit transaction of nuclear materials
43521 where often brokered by politicians and businessmen in
43522 Uzbekistan and Switzerland. Much of these radiological materials
43523 were originating from the old Soviet stockpiles of decommissioned
43524 nuclear weapons and mining and refining operations that were still
43525 located in Kazakhstan. With minimal effort on the part of the
43526 Iranian nuclear engineers these materials could then be crafted into
43527 at least a hundred or more Iranian high yield nuclear warheads,
43528 spread over (at the time) several dozen intercontinental ballistic
43529 missiles. In order to cripple the Iranian nuclear weapons program it

43530 was thus vital to relocate these nuclear materials well away from
43531 the Caspian Sea and well away from the Kazakhstan/Uzbekistan
43532 border and to a more secure and remote storage location in the far
43533 north of Kazakhstan.

43534
43535 1928. In 2007 and 2008, the Islamic Republic of Iran was also
43536 internationally procuring the materials by way of front companies
43537 in the United Arab Emirates from source companies in China,
43538 North Korea and the United States sufficient to produce deuterium
43539 oxide foam and tritium for use for roughly 130 two and three stage
43540 thermo-nuclear-pressure devices or high yield nuclear warheads
43541 for deployment on their inventory of long range Shahab-5 and
43542 Shahab-6 Intercontinental Ballistic Missiles (ICBM). These raw
43543 materials for this project were inside Iran prior to February 2009,
43544 at a nuclear weapons fabrications facility just to the north of
43545 Tehran.

43546
43547 1929. Then in 2009, and 2010 the Islamic Republic of Iran completed
43548 the procurement of raw materials to fabricate in excess of 150
43549 completed warheads and re-entry vehicles, and made this purchase

43550 again through front companies in the United Arab Emirates from
43551 source in China and the United States of America.

43552
43553 1930. In August and September 2011, the Islamic Republic of Iran
43554 started the procurement of additional raw materials to fabricate
43555 additional nuclear warheads and re-entry vehicles.

43556
43557 1931. The Government of Uzbekistan had agreed to provide counter-
43558 surveillance services to the Government of Kazakhstan in
43559 preparation for the movement of sixty casks of nuclear weapons-
43560 grade plutonium and highly enriched uranium (sufficient to make
43561 770+ nuclear bombs) by rail starting in Mid November 2009 (such
43562 transactions, sales, and services for such counter-surveillance
43563 goods and services are within the normal course and scope of the
43564 Plaintiff's business and area of expertise).

43565
43566 1932. Such equipment sales or counterintelligence services to the
43567 intelligence agencies of one country, so that they may render
43568 services to a allied or semi-allied country is the mainstay of the
43569 intelligence community and which forms a type of "diplomatic

43570 *quid pro quo*” where the nation with greater technical capabilities
43571 provides services to the inferior nation.

43572
43573 1933. In this case, the Government of Kazakhstan lacked the ability to
43574 detect tracking devices and eavesdropping devices on the transport
43575 rail cars, and requested the assistance of the intelligence agencies
43576 within the Government of Uzbekistan, who then procured the
43577 equipment through the cut-out company in Switzerland, who in
43578 turn placed the order with the Plaintiff, and thus the Plaintiff
43579 placed the order with the Defendant Research Electronics who
43580 performed the manufacturing and export (and U.S. State
43581 Department licensing thereof, or rather Defendants REI evaded
43582 such required licensure).

43583
43584 1934. As the test runs of these rail cars and casks were to begin in
43585 Mid November 2009 with live runs starting in February 2010 and
43586 completing in February 2011, and it was vitally important that the
43587 counter-surveillance equipment supplied by Defendant REI to
43588 arrive a week in advance of Mid November 2009 (the equipment

43589 had to be in the hands of the Government of Uzbekistan, not later
43590 then November 6, 2009).

43591

43592 1935. The Government of Uzbekistan and the Government of
43593 Kazakhstan opted to utilize a “Chinese Wall” in order to procure
43594 the equipment for this project, and in February 2009, the
43595 Government of Uzbekistan CEMA contracted with the
43596 intermediary in Switzerland for the equipment purchase.

43597

43598 1936. The Government of Kazakhstan had been obstructing the
43599 movement of these casks for years, it took supreme diplomatic and
43600 political pressure on the part of the United States Government to
43601 move the casks, and the U.S. State Department, Central
43602 Intelligence Agency, and Department of Energy were strongly
43603 involved in manipulating this project to get it moving forward.

43604

43605 1937. In short, the Government of Kazakhstan did not want to move
43606 the casks and was doing everything possible to obstruct the project.

43607

43608 1938. The casks being close to Uzbekistan gave the country political
43609 and diplomatic power as they were accessible to Uzbekistan should
43610 they choose to make any move on the weapons grade materials or
43611 to make purchases and smuggle same.

43612
43613 1939. Moving the nuclear materials away from the Caspian Sea
43614 moved them well outside the reach of Uzbekistan and Iran. The
43615 government of Uzbekistan did not want to move the casks and was
43616 doing everything possible to obstruct the project as it weakened
43617 them politically, and diplomatically.

43618
43619 1940. In turn the U.S. Government (by way of the FBI and U.S.
43620 Customs) improperly requested that the Defendant, delay and
43621 interfere with the shipping the Plaintiff's goods destined for
43622 Uzbekistan, so that the shipment arrivals would take place well
43623 after the window of opportunity (after Mid November 2009). To
43624 this end, the Defendant REI repeatedly and needlessly rejected the
43625 un-needed end user certificates, and created drama about the
43626 transaction to enable this delay.

43627

43628 1941. It was presumably in the best interest of the U.S. Government
43629 diplomatic efforts for there to be no counter-surveillance gear
43630 available to the Government of Kazakhstan for use on this project,
43631 which is why, even after the Plaintiff provided Defendant will all
43632 of the funds to cover the shipment, and all of the documents
43633 requested, they claimed that the documents were not sufficient, and
43634 Plaintiff now asserts that Defendants were fully acting as agents of
43635 the U.S. Government (the FBI and U.S. Customs, and not the U.S.
43636 Department of State) in delaying the goods.

43637
43638 1942. In turn, the U.S. Government applied pressure on Defendants
43639 Research Electronics (and co-defendant agents, and employees of
43640 Research Electronics) to cause these delays in order to deprive the
43641 Government of Kazakhstan of their sweep gear so that they could
43642 not detect the bugs and tracking devices that the U.S. Government
43643 would have placed on the rail cars.

43644
43645 1943. Ultimately, Defendants Research Electronics (and co-defendant
43646 agents, and employees of Research Electronics) were acting as an
43647 agent of the U.S. Government (the FBI), the U.S. State Department

43648 (outside of PM/DDTC, the normal approval authority) and the
43649 Central Intelligence Agency and Plaintiff merely got caught in the
43650 middle of a legitimate business transaction whereby the U.S.
43651 Government wanted to improperly delay the shipment, but knew
43652 that Plaintiff too honest to play games with his clients, and hence
43653 went to the less ethical supplier of the goods, the Defendant
43654 Research Electronics (and co-defendant agents, and employees of
43655 Research Electronics) to effect the delay.

43656
43657 1944. But these illegal manipulations, and delays, and interference
43658 with Plaintiff international shipments, along with wire fraud, and
43659 scheme to defraud, qualify this as a Racketeering Offense
43660 involving both private and government entities.

43661
43662 1945. Thereafter, upon information and belief, Defendant Research
43663 Electronics (and co-defendant agents, and employees of Research
43664 Electronics) was in communication with the Rockport Police
43665 Department, specifically Robert J. Tibert, who handed the matter
43666 to Patrolmen Daniel Mahoney, and other law enforcement agencies,
43667 manipulating their investigations to obtain the specific result of

43668 effectuating Plaintiff's arrest to not only damage Plaintiff's good
43669 name and reputation known worldwide as not only an expert and
43670 market influencer in TSCM, but also to obtain the result of not
43671 having to account for or pay for large sums of monies due and
43672 owing to Plaintiff Atkinson.

43673
43674 1946. Indeed Defendant Research Electronics has actually judicially
43675 confessed that such a conspiracy was confected, and that they
43676 worked closely with the Rockport Police Department to create un-
43677 needed delays for the sole purpose of setting up the Plaintiff so that
43678 he may be arrested on false charges, and have his civil rights
43679 violated, even though the Plaintiff had done nothing wrong.

43680
43681 1947. Indeed Research Electronics had been paid in full by the
43682 Plaintiff for the goods and that Research Electronics working with
43683 the Rockport Police Department created delays in the shipment.

43684
43685 1948. In turn, once the Plaintiff Atkinson had been arrested, the
43686 Defendant Research Electronics went ahead and immediately
43687 released the shipment they had been delaying without cause (under

43688 the guise of non-existent licensing that they were not applying for,
43689 but which was indeed required), and all of the goods in the hands
43690 of the end-user a few days later (while the Plaintiff was in the
43691 hospital due to the actions of the Defendants).

43692
43693 1949. On information and belief, Plaintiff asserts that this conspiracy
43694 between the Rockport Police Department and Defendant(s)
43695 Research Electronics International was initiated and coordinated
43696 through (Defendants) FBI Agent Christian McDowell and ICE
43697 Agent Jamison Wiroll operating out the Boston, MA.

43698
43699 1950. The U.S. Government had previously approached the Plaintiff
43700 to effect similar delays on foreign transactions, which the Plaintiff
43701 had always refused to take part in as a matter of ethics. The proper
43702 legal mechanism for a proper delay was to request the PM/DDTC
43703 office at the U.S. State Department to delay the license approvals,
43704 but the FBI was not doing this and was seeking extra-legal delays,
43705 which were improper and not coordinated with PM/DDTC.

43706

43707 1951. After these goods where released in early December 2009 by
43708 Defendant Research Electronics, starting on or about Mid-
43709 December 2009, and running through March and April 2010,
43710 virtually all of the Defendants Research Electronics in-transit
43711 shipments were seized or delayed by U.S. Customs due to
43712 “irregularities in the export documents”, presumable due to
43713 fraudulent export documents having been repeatedly filed by the
43714 Defendant in violation of 22 CFR 121.1 XI(b), and based on
43715 previous complaints to the U.S. State Department and U.S.
43716 Customs about suspect illegal arms smuggling and arm
43717 manufacturing.

43718
43719 1952. In conjunction with an abuse of process (i.e. using and
43720 manipulating the criminal process to obtain a result for which the
43721 process was not intended – avoid payment of monies and
43722 accounting of monies due), Defendant further refused to ship to a
43723 customer from China, a Defendants product which was to be
43724 shipped to Arizona inside the Territory of the United States.

43725

43726 1953. In accordance with terms and conditions of contract, which
43727 Defendant has judicially confessed, the sale of the Defendants REI
43728 product to the Chinese customer to be delivered to Arizona,
43729 Defendant refused to ship the product to Arizona, even though
43730 there sufficient credit balance on the Plaintiff account to fully fund
43731 the transaction.

43732
43733 1954. Further it has been discovered that in the history of Defendant
43734 Research Electronics International from 1984 to the present day)
43735 they have not once obtained even a single license to make any
43736 export to China, even though Defendant(s) Research Electronics
43737 International (and agents and employees thereof) has repeatedly
43738 stated that they had such a license and that they could ship to
43739 China. Indeed, Foreign Relations Authorization Act, Fiscal Years
43740 1990 and 1991 (Public Law 101-246) prohibits any such exports to
43741 China unless the President of the United States personally issues
43742 the license to the PM/DDTC, and while Defendant REI claims to
43743 have had such a license, they not in reality not have such a license,
43744 but was in fact doing a brink (and highly illegal) business
43745 manufacturing and exporting arms to China.

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1955. Defendant REI again communicated with the Rockport Police Department and provided misleading, false and inaccurate information to Patrolman Daniel Mahoney in its singular scheme to avoid any accounting, payment of monies due Plaintiff from Defendant REI, and utterly destroyed the competitive viability of Plaintiff in the marketplace as a strong market influence for which Defendant REI was keenly aware.

1956. Plaintiff submits that he is entitled to declaratory judgment that the clauses in MREP Agreements described herein are adhesionary and *contra bones mores* such that they are legally unenforceable.

1957. Plaintiff submits that he is entitled to an appropriate order from this Court commanding disclosure for inspection and copying by Plaintiff of all pending order forms submitted by Plaintiff to Defendant REI as well as all sales records, communications relative to sales, shipping, and export records of Defendant for the past ten (10) years.

43766 1958. Plaintiff submits that Defendant REI has committed tortuous
43767 interference with the contractual rights of Plaintiff contracts, to
43768 Plaintiff detriment causing damages.

43769
43770 1959. Plaintiff submits that Defendant REI has converted Plaintiff's
43771 funds due and owing both through refusing to remit the funds
43772 maintained in Plaintiff's "house" account, commissions due, and
43773 via conversion of Defendants customers and clients.

43774
43775 1960. Plaintiff submits that Defendant REI has committed fraud by
43776 intentionally falsifying the status of sales made by Plaintiff and
43777 falsely claiming sales made by Plaintiff as Defendants and/or other
43778 third parties.

43779
43780 1961. Plaintiff submits that Defendant REI has abused the legal
43781 process by falsely reporting information to the Rockport Police
43782 Department with the intended purpose of destroying Plaintiff's
43783 good name, business reputation, business, market influence, and
43784 accomplish the conversion of Plaintiff's money and goods; a

43785 purpose for which the legal process was not intended to achieve
43786 with full knowledge of Defendants actions.

43787

43788 1962. Plaintiff asserts the Research Electronics, and individual
43789 employees and agents of Research Electronics acting both in their
43790 individual capacity, and of their official capacity as agents of the
43791 Rockport Police Department and the FBI violated the civil rights of
43792 the Plaintiff while acting under color of authority from a period of
43793 time back to at least August 2007 and forward to the present day.

43794

43795 1963. Plaintiff submits that Defendant has breached the laws of the
43796 State of Tennessee or/or of the United States by illegally
43797 possessing bugging devices as well as using those illegal bugging
43798 devices to intercept wire and/or oral communications of Plaintiff
43799 without Plaintiff's consent contrary to law, doing so within and
43800 throughout at least the past ten years while Plaintiff was on the
43801 premises of Defendants establishments in Tennessee.

43802

43803 1964. Further, this Defendant has engaged in conduct and as a
43804 continuing unit of an enterprise, through a pattern, of racketeering

43805 enterprises (including, but not limited to: mail fraud, wire fraud,
43806 scheme to defraud, robbery, kidnapping, extortion, obstruction of
43807 justice, interference in commerce, also involving monetary
43808 transactions in property derived from specified unlawful activity),
43809 and have caused injury to the business and/or property of the
43810 Plaintiff Atkinson. These Defendants have violated the
43811 Constitutional rights of the Plaintiff, infringing and deprived him
43812 of his civil rights.

43813
43814 **ON ALL COUNTS**

43815
43816 1965. Plaintiff's injuries are irreparable because Plaintiff is entitled to
43817 enjoy his constitutional rights in fact.

43818
43819 1966. Plaintiff and others would continue to suffer irreparable injury
43820 if the Court does not issue an injunction.

43821
43822 1967. The Plaintiff has established a strong likelihood that he is
43823 suffering violation of his Second Amendment civil rights every

43824 day that his rights are infringed, and he is not allowed to keep or
43825 bear arms, and is being unlawfully deprived of his property.

43826
43827 1968. As a *pro se* Plaintiff, Plaintiff requests Leave of this Court in
43828 order to submit an additional amended Complaint or to file legal
43829 briefs or additional pleadings should this Complaint herein lack
43830 details which the Court may desire to review in consideration of
43831 this matter, or to clarify or to further describe the Acts, Causes of
43832 Action, Defendants, Prayer of Relief, or other topics found herein.

43833
43834 1969. “In civil rights cases where the plaintiff appears *pro se*, the
43835 court must construe the pleadings liberally and must afford
43836 plaintiff the benefit of any doubt”. *Bretz v. Kelman*, 773 F.2d 1026,
43837 1027 n. 1 (9th Cir.1985) (en banc).

43838
43839 1970. “A *pro se* litigant must be given leave to amend his or her
43840 complaint unless it is 'absolutely clear that the deficiencies of the
43841 complaint could not be cured by amendment.’ “ *Noll*, 809 F.2d at
43842 1448 (quoting *Broughton v. Cutter Laboratories*, 622 F.2d 458,

43843 460 (9th Cir.1980) (per curiam)); accord *Eldridge v. Block*, 832
43844 F.2d 1132, 1135-36 (9th Cir.1987).

43845
43846 1971. “Moreover, before dismissing a *pro se* civil rights complaint for
43847 failure to state a claim, the district court must give the plaintiff a
43848 statement of the complaint's deficiencies.” *Eldridge*, 832 F.2d at
43849 1136; *Noll*, 809 F.2d at 1448-49. “Without the benefit of a
43850 statement of deficiencies, the *pro se* litigant will likely repeat
43851 previous errors.” *Noll*, 809 F.2d at 1448.

43852

43853 **PRAYER FOR RELIEF**

43854

43855 WHEREFORE, Plaintiff pray for the following relief:

43856

- 43857 1. Immediate declaratory judgment and injunctive relief that the each
43858 and individually, of the aforementioned individual Massachusetts
43859 Statutes and General Laws described herein be repealed and stricken
43860 as they are facially invalid and/or void under the Second and
43861 Fourteenth Amendments, and under *Heller* and/or *McDonald* and a
43862 multitude of related case law and federal statutes, and other relief this

43863 court deems appropriate.

43864

43865 2. Immediate declaratory judgment and injunctive relief, which
43866 immediately compels the Commonwealth of Massachusetts to obey,
43867 and abide by the 2nd and 14th Amendment both in spirit and intent of
43868 *Heller* and/or *McDonald*, to comply with the 2nd Amendment itself,
43869 and other relief this court deems appropriate.

43870

43871 3. Preliminary injunction which should include of all aforementioned
43872 M.G.L to the extent that those statutes unlawfully operate to prohibit
43873 otherwise eligible persons from carrying or possessing arms,
43874 including firearms, pistols, revolvers, shotguns, carbines, battle rifles,
43875 assault weapons, and other arms of the citizens choosing (suited for
43876 defensive purposes), in the sanctity of their own homes, property, and
43877 business.

43878

43879 4. Immediate declaratory judgment and injunctive relief, which
43880 immediately compels the Commonwealth of Massachusetts to obey,
43881 and abide and the recognized ancient rights of self defense outlined
43882 the U.S. Constitution and Bill of Rights, and in the laws which well

43883 predated the Constitution and the Bill of Rights, and other relief this
43884 court deems appropriate.

43885

43886 5. Immediate declaratory judgment and injunctive relief, which
43887 immediately compels the Commonwealth of Massachusetts to “Make
43888 No Law” which infringes upon the individual rights, privileges, and
43889 immunities of citizenship described and declared, or otherwise stated
43890 with the U.S. Constitution and/or Bill of Rights, and in the laws which
43891 well predated the Constitution and the Bill of Rights (to include, but
43892 not be limited to the 2nd Amendment), and other relief this court
43893 deems appropriate.

43894

43895 6. Immediate declaratory judgment and injunctive relief, which
43896 immediately compels the Commonwealth of Massachusetts to
43897 “Enforce No Law” which infringes upon the individual rights,
43898 privileges, and immunities of citizenship described and declared, or
43899 otherwise stated with the U.S. Constitution and/or Bill of Rights (to
43900 include, but not be limited to the 2nd Amendment), and in the laws
43901 which well predated the Constitution and the Bill of Rights, and other
43902 relief this court deems appropriate.

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7. Immediate declaratory judgment and injunctive relief, which immediately compels the Commonwealth of Massachusetts stop ALL criminal proceedings in ALL cases where the defendant in each case was merely peacefully possessing arms (and were not using them to directly commit criminal acts or which were felon-in-possession issues) within their homes or business in accordance with the *Heller* and *McDonald* decisions, without a “Firearms Identification Card” or “License to Carry,” as no such document is required under Federal law, and rather such a scheme is prohibited under *Heller* and *McDonald*, and other relief this court deems appropriate.
8. Intervene in several criminal cases that were confected by the Rockport Police Department and others solely in order to violate the Plaintiff’s civil rights, and not only cause the charges to be dismissed, but also to investigate, and/or sanction the conduct of the responsible judicial officers and District Attorney who permitted the case to continue for over 26 months, while continuous refusing to provide Plaintiff with a Probable Cause Hearing, and even continued said cases when there was strong evidence of no wrong doing by Plaintiff

43923 Atkinson, and immunities and privileges of citizenship and other relief
43924 this court deems appropriate.

43925
43926 9. Issue an Injunction against the Commonwealth of Massachusetts, and
43927 all subdivisions that no citizen of the United States may be charged
43928 with mere possession of arms in their own home or on their own
43929 property so long at they are in peaceable possession of such arms, and
43930 not a convicted felon, and not having been adjust insane, or such
43931 injunctions that this court may deem suitable to the defend the civil
43932 rights of citizens in regards to arms.

43933
43934 10. Issue an Injunction against the Commonwealth of Massachusetts, and
43935 all subdivisions that no citizen of the United States may be charged
43936 with mere possession or carrying of arms (either overtly or covertly
43937 carried) so long at they are in peaceable possession of such arms, and
43938 not a convicted felon, and not having been adjust insane, or
43939 improperly being carried in sensitive places (as explicitly determined
43940 by the U.S. Supreme Court in *Heller* and *McDonald*) or other such
43941 injunctions that this court may deem suitable to the defend the civil
43942 rights of citizens in regards to arms.

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11.Immediate declaratory judgment and injunctive relief to the

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Commonwealth of Massachusetts to expunge and/or seal the arrest

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records and criminal records for all citizens (including the Plaintiff)

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who were arrested for mere possession of arms that were authorized

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by Federal Law, by otherwise qualified citizens, and other relief this

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court deems appropriate.

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12.Immediate declaratory judgment that the Commonwealth of

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Massachusetts maintains statutes in regards to mere firearms

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ownership which violates the protections, or immunities, or privileges

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of U.S. Citizenship in regards to the keeping or ownership of arms and

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possession of arms in the home, on private property, or in the citizens

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place of business as protected by the 14th Amendment, which applies

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the 2nd Amendment to the many states, as per *Heller* and *McDonald*,

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and other relief this court deems appropriate.

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43960

13.Immediate declaratory judgment that the Commonwealth of

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Massachusetts maintains statutes in regards to bearing or carrying of

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firearms which violates the protections, or immunities, or privileges of

43963 U.S. Citizenship in regards to the use of arms as protected by the 14th
43964 Amendment, which applies the 2nd Amendment to the many states, as
43965 per *Heller* and *McDonald*, and other relief this court deems
43966 appropriate.

43967
43968 14.Immediate declaratory judgment and injunctive relief the all Federal
43969 Law Enforcement and Administrative Agencies to expunge and/or
43970 seal the arrest and criminal records for all citizens arrested for mere
43971 possession, yet peaceable possession of arms that were authorized by
43972 Federal Law, to include the Bill of Rights, by otherwise qualified
43973 citizens, and other relief this court deems appropriate.

43974
43975 15.Immediate declaratory judgment and injunctive relief towards the
43976 Commonwealth to release any prisoner who is being held due to
43977 solely on firearms possession charges, when those same firearms were
43978 lawfully obtained, peacefully possesses or carried, or lawfully
43979 possessed within the home as described in *McDonald* in other than
43980 felon-in-possession situations, or situations of the adjudged insane. In
43981 essence, the Plaintiff seeks that this Court intervene and free the
43982 innocent citizens who may have fallen victim to “left wing, gun

43983 hysteria, witch-hunt crackpots” and on whom the Commonwealth has
43984 violated, infringed, and deprived their civil rights, and other relief this
43985 court deems appropriate.

43986
43987 16.Immediate declaratory judgment and injunctive relief, which
43988 immediately compels the Commonwealth of Massachusetts, their
43989 officers, agents, servants, employees, political sub-divisions, and all
43990 persons in active concert or participation with them who receive
43991 actual notice of the injunction to recognize, obey, and abide by the
43992 Bill of Rights, and opinions of the U.S. Supreme Court in *Heller*
43993 (2008) and in *McDonald* (2010), and other relief this court deems
43994 appropriate.

43995
43996 17.Immediate declaratory judgment and injunctive relief, which
43997 immediately compels the Commonwealth of Massachusetts, to publish
43998 in the top 25 daily newspapers circulated (with the highest circulation
43999 base) within the Commonwealth a two page which reverses current
44000 unlawful M.G.L Statutes in regards to arms; to also place on all
44001 television stations a public service and ad of at least 30 seconds of
44002 audio, and upon all radio stations within the Commonwealth that runs

44003 four times during prime time over a two week period; an update to the
44004 State Police website, the Attorney General Website, and to the
44005 websites of all political subdivisions; and to sent to all citizens by
44006 First Class U.S. Mail who have either a drivers license, state issued ID,
44007 voter registration, or professional license a formal notice that arms
44008 may now be freely kept inside the home, or upon the property, or in
44009 the place of business if they so choose with no license of any sort as
44010 provided by the Second Amendment, and that Citizens are to
44011 disregards any law of the Commonwealth to the contrary (so long as
44012 the citizen is not a convicted felon, or adjudged mental defective).
44013 That such notification be made and paid for by the Commonwealth
44014 within 30 days, and absent compliance of the Commonwealth to this
44015 court to order the U.S. Marshalls to complete such notification, and to
44016 obtain compensation from the Commonwealth though the seizure of
44017 the Tobin Bridge and the Massachusetts Turnpike until the costs have
44018 been recovered.

44019
44020 18. Award damages to the Plaintiff for all property stolen, seized, taken
44021 up, damaged, destroyed, misplaced, lost, mis-represented, or likewise
44022 taken from the Plaintiff by whatever means by the Defendants

44023 (including by assault, robbery, deceit, threats, beatings, or trickery), as
44024 described in this Complaint, or which becomes revealed during this
44025 suit.

44026

44027 19. Award damages to the Plaintiff in the amount of ONE MILLION
44028 dollars per day, or other appropriate amount determine by the court,
44029 for each day which the Defendant Town of Rockport Police
44030 Department has deprived Plaintiff Atkinson of his civil rights in
44031 regards to this matter, starting on December 2, 2009 to the date upon
44032 which those rights were no longer infringed upon in any way, and
44033 after which all possessions, assets, equipment, arms, or other related
44034 property was returned in full.

44035

44036 20. Award damages to the Plaintiff in the amount of ONE MILLION
44037 dollars per day, or other appropriate amount determine by the court,
44038 for each day which the Defendant Commonwealth of Massachusetts
44039 has deprived Plaintiff Atkinson of his civil rights in regards to this
44040 matter, starting on December 2, 2009 to the date upon which those
44041 rights were no longer infringed upon, and after which all possessions,
44042 assets, equipment, arms, or other related property was returned in full.

44043

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21. Award damages to Plaintiff due to loss, theft, or diminished value of his assets, experienced physical and mental pain, suffering and distress, loss of income, embarrassment and humiliation, in an amount of 60 million dollars or in amount to be determined by the jury, at trial.

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22. Award treble damages against all Defendants in favor of the Plaintiff given the violation of the federal racketeering laws by the Defendants.

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23. Immediate declaratory judgment and injunctive relief to the Town of Rockport Police Department, to compel Town or Police employees to stop harassing Plaintiff, to stop dumping trash on Plaintiff's property, to stop Rockport Police Officers from littering, "doing donuts in the parking area" or doing "burn outs" in the early morning behind or next to the Plaintiff home, and on the Plaintiff's property, and other relief this court deems appropriate.

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24. Immediate declaratory judgment and injunctive relief which fully repeals and strikes down the Massachusetts "Firearms Identification Card," and relevant M.G.L. and statutes and policies or rules of the

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44063 Commonwealth, or any political subdivision thereof, so that no
44064 document or license of any sort is required to possess arms in the
44065 home by any U.S. Citizen (so long as the Citizen has not been
44066 adjudged insane, or a convict felon), and other relief this court deems
44067 appropriate.

44068
44069 25. Issue a declaratory judgment, stating that the conduct of the
44070 Commonwealth of Massachusetts in regards to the Second
44071 Amendment “Shocks the Conscious” with the institutionalized
44072 infringement and deprivation of civil rights.

44073
44074 26. Award damages for defamation

44075
44076 27. Immediate declaratory judgment, injunctive relief, and remove to
44077 federal court all state criminal cases in accordance with 28 U.S.C. §
44078 1443 and by U.S.C. § 1446 which the Plaintiff is un-constitutionally
44079 charged with criminal violation of various Massachusetts Firearm
44080 related General Laws in Commonwealth courts in regards to the
44081 lawful possession of firearms as permitted by the 2nd Amendment of
44082 the U.S. Constitution, and applied to the Commonwealth by way for

44083 the 14th Amendment, in that federal rights will inevitably be denied by
44084 the very act of bringing the defendant to trial in the state court on
44085 mere possession charges, and that it will be impossible for the
44086 Plaintiff to receive a fair trial in a state court.

44087
44088 28. Immediate declaratory judgment and injunctive relief, that any arm,
44089 pistol, revolver, shotgun, carbine, rifle, bayonets, knives, or other
44090 common infantry arms, which have been, issued to U.S. Service
44091 members at any time, or which are currently being sold by the
44092 department of civilian marksmanship or CPM/CMP or currently by
44093 recently U.S. Military Forces shall be deemed a “*defacto* safe” arm,
44094 and the Commonwealth, nor any other state, or any subdivision of any
44095 other state not be allowed to control or regulate possession, within
44096 very narrow exceptions. These arms will be considered *de facto* safe,
44097 and suitable for possession by the public, and other relief this court
44098 deems appropriate.

44099
44100 29. Immediate declaratory judgment and injunctive relief that “Law
44101 Enforcement Only” or “Military Use” only weapons, magazines, and
44102 feeding devices shall permitted in the hands of the public in any form.

44103 If the police or the military can possess them, then so can the public,
44104 without any government interference, and other relief this court deems
44105 appropriate.

44106

44107 30.Immediate declaratory judgment and injunctive relief that all arms, or
44108 variations or arms or any kind issued to the State Police or to any Law
44109 Enforcement Agency in the Commonwealth of Massachusetts be *de*
44110 *facto* deemed “safe,” and that they make be possessed by members of
44111 the otherwise qualified public, and other relief this court deems
44112 appropriate.

44113

44114 31.Immediate declaratory judgment and injunctive relief that no firearm
44115 may be banned, outlawed, restrained, or controlled in any way due to
44116 merely cosmetic appearances, paint job, hand guards, plastic
44117 attachments, bayonet lugs, flash hidere or suppressors, noise
44118 suppressors, brackets, flashlights, laser sights scopes, or other useful
44119 device(s) which may be in use by, or have previously been used by the
44120 U.S. Government and U.S. Military Forces, or by political
44121 subdivisions in a useful manner, and other relief this court deems
44122 appropriate.

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32. Immediate declaratory judgment and injunctive relief that it is the

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responsibility of the state to demonstrate that a specific model firearm

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is inherently unsafe or unstable, in a unbiased, and un-rigged

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evaluation, that is based on reported accidents which may restrict

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retail sales, but not possession of the arms, and other relief this court

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deems appropriate.

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33. Immediate declaratory judgment and injunctive relief that the

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firearms “evaluation process” used by the Commonwealth of

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Massachusetts for firearms approved for retail sale shall not be biases,

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and shall be no more stringent that that used by the U.S. Military to

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evaluate arms, and that once a make and model has been approved by

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the U.S. Military, that the Commonwealth can not then deem it unsafe

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as a means of prior restraint of citizens obtaining same, and other

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relief this court deems appropriate.

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34. Immediate declaratory judgment and injunctive relief that when no

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Federally recognized disqualifying issues exist that the

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Commonwealth laws will read “shall issue” in regards to all Firearms

44143 Licenses of any sort (or that no license will in fact be required), and
44144 other relief this court deems appropriate.

44145
44146 35. Under the very close guidance and supervision of this Court, compel
44147 the Commonwealth of Massachusetts to re-write the Student Conduct
44148 Guides, Handbooks, and Policies at all State schools so that the all
44149 school policies and guidelines are fully compliant with all elements of
44150 the Bill of Rights, without reservation. Also compel the Student
44151 Judiciary Committees to address merely minor academic misdeeds,
44152 and compels the college to pursue alleged violation of greater crimes
44153 through the court system alone (as required by law), and other relief
44154 this court deems appropriate.

44155
44156 36. Review all Student Judicial records of all State run colleges to
44157 identify any additional cases whereby a student was not provided
44158 required due process and equal protections, of where they had their 4th,
44159 5th, 6th, 8th, and 14th Amendment rights violated by the school acting
44160 under color of law, and where they suffered double jeopardy of some
44161 sort by the school acting as a state agency to impose unlawful and
44162 unconstitutional punishments, and other relief this court deems

44163 appropriate.

44164

44165 37.Plaintiff seeks that this Court, on an emergency basis and without
44166 delay strike out, redact, or rescind a number of Massachusetts General
44167 Laws and regulation that are in fact Unconstitutional, and which are a
44168 very grave deprivation, and infringement of civil rights, and other
44169 relief this court deems appropriate.

44170

44171 38.Immediate declaratory judgment and injunctive relief to compel North
44172 Shore Community College, Salem State College, and Montserrat
44173 College of Art to admit Plaintiff as a full time student, to return all
44174 stolen or seized property of the Plaintiff, and to make special
44175 accommodations for his physical disabilities, and to triple the
44176 maximum time allowed to complete any degree work beyond that
44177 normally permitted, and other relief this court deems appropriate.

44178

44179 39.Award damages to the Plaintiff in the amount of TEN THOUSAND
44180 dollars per day, or other appropriate amount determine by the court,
44181 for each day which the Defendant Salem State College has deprived
44182 Plaintiff Atkinson of his civil rights in regards to this matter, starting

44183 upon the date of suspension from the school to the date upon which he
44184 is readmitted as a student.

44185
44186 40. Award damages to the Plaintiff in the amount of TEN THOUSAND
44187 dollars per day, or other appropriate amount determine by the court,
44188 for each day which the Defendant North Shore Community College
44189 has deprived Plaintiff Atkinson of his civil rights in regards to this
44190 matter, starting upon the date of suspension from the school to the
44191 date upon which he is readmitted as a student.

44192
44193 41. Award damages to the Plaintiff in the amount of TEN THOUSAND
44194 dollars per day, or other appropriate amount determine by the court,
44195 for each day which the Defendant Montserrat College of Art has
44196 deprived Plaintiff Atkinson of his civil rights in regards to this matter,
44197 starting upon the date of suspension from the school to the date upon
44198 which he is readmitted as a student.

44199
44200 42. Award damages to the Plaintiff in the amount of TEN THOUSAND
44201 dollars per day, or other appropriate amount determine by the court,
44202 for each day which the Defendant Commonwealth of Massachusetts -

44203 OEMS has deprived Plaintiff Atkinson of his civil rights in regards to
44204 this matter, starting upon the date of suspension of his EMT license to
44205 the date upon which his license is reinstated.

44206

44207 43. Award damages to the Plaintiff in the amount of TEN THOUSAND
44208 dollars per day, or other appropriate amount determine by the court,
44209 for each day which the Defendant Town of Rockport has deprived
44210 Plaintiff Atkinson of his civil rights in regards to this matter, starting
44211 upon the date of suspension as a Town Emergency Medical
44212 Technician (EMT) from the date of December 1, 2009 to the date
44213 upon which his he is reinstated to the position with seniority.

44214

44215 44. Plaintiff further seeks that this Court immediately and without delay
44216 command the Attorney General of the Commonwealth to obey the
44217 decision of the Supreme Court in *Heller* and in *McDonald*, and if
44218 necessary, Plaintiff requests that this Court utilize the U.S. Marshall
44219 Service to compel the Attorney General, the District Attorneys, the
44220 State Police, and Department of Public Safety, and the various Police
44221 Departments within the Commonwealth, and subdivision to abide by
44222 the decisions of the U.S. Constitutions, Bill of Rights, U.S. Supreme

44223 Court, and of both the letter and intent the Bill of Rights as interpreted
44224 by the U.S. Supreme Court, and other relief this court deems
44225 appropriate.

44226

44227 45. Award Plaintiff very strong punitive damages against the
44228 Commonwealth for willfully violating, infringing, and depriving
44229 Plaintiff of his civil rights, and at a level that send a clear message to
44230 both the Commonwealth and to other states which are acting
44231 unlawfully, and to punishes the Commonwealth by depriving the state
44232 of 40 years of all state revenues and federal funding (assuming a
44233 budget of 24 billion dollars per year) based upon the wealth of this
44234 defendant, in an amount to be determined at the time of trial, and
44235 other relief this court deems appropriate.

44236

44237 46. Immediate declaratory judgment and injunctive relief that no State
44238 Agency may take action to restrict, suspend, or other negatively affect
44239 any right, immunities, privileges, licenses, or other activity of the
44240 public without at least a *Loudermill* type of hearing well in advance
44241 of the negative action being taken, and other relief this court deems
44242 appropriate.

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47.Immediate declaratory judgment and injunctive relief that Research

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Electronics, LLC or any derivative company, nor any employees

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herein names, or later revealed shall not make, build, import, sell,

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operate, or in any way control any manner of eavesdropping device,

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of any sort in violation of 18 USC 2510-2522, and other relief this

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court deems appropriate.

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48.Immediate declaratory judgment and injunctive relief that Research

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Electronics shall not make, build, resell, offer for sale, import, sell,

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operate, or in any way circulate, ship, or distribute any manner any

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sort of device capable of transmitting a signal of any sort, or which

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contains a local oscillator until that product is first formally assigned a

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FCCID number and retails or commercial sale is approved by the FCC,

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for each model, revision, and modification as required by Federal law,

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and other relief this court deems appropriate.

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49.Immediate declaratory judgment and injunctive relief that Research

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Electronics shall not make, build, resell, offer for sale, import, export,

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sell, operate, or in any way circulate, ship, or distribute any manner

44263 any sort of device capable of detecting eavesdropping devices or
44264 signals of any sort, unless that equipment is carefully licensed and
44265 controlled as per International Traffic in Arms Regulations (ITAR) by
44266 the U.S. State Department items and controlled munitions or
44267 commodities as required by Federal law, and other relief this court
44268 deems appropriate.

44269
44270 50.Immediate declaratory judgment and injunctive relief that Research
44271 Electronics shall not make, import, export, sell, operate, or in any way
44272 circulate, ship, or distribute any manner any sort of device used to
44273 detect or locate any form of eavesdropping device, unless such device
44274 or manufacturing effort is first registered in accordance with the
44275 International Traffic in Arms Regulations (ITAR) 121.1 XI(b) by the
44276 U.S. State Department items and controlled munitions or commodities
44277 as required by Federal law, and other relief this court deems
44278 appropriate.

44279
44280 51.Immediate declaratory judgment and injunctive relief that Research
44281 Electronics shall not advertise or provide any form of TSCM training,
44282 unless a license to provide such services is first obtained from the U.S.

44283 State Department as required by Federal law, and other relief this
44284 court deems appropriate.

44285
44286 52.Immediate declaratory judgment and injunctive relief that Research
44287 Electronics shall not make, build, resell, offer for sale, import, export,
44288 sell, operate, or in any way circulate, ship, or distribute any manner
44289 any sort of device sold as detecting hidden cellular phones or other
44290 electronics on or in the human body by means of non-ionizing
44291 radiation due to very grave health risks and other relief this court
44292 deems appropriate.

44293
44294 53.Immediate declaratory judgment and injunctive relief that Research
44295 Electronics shall not make, build, resell, offer for sale, import, export,
44296 sell, operate, or in any way circulate, ship, or distribute any manner
44297 any sort of device sold as detecting bombs or explosive devices by
44298 means of non-ionizing radiation due to very grave health risks and
44299 other relief this court deems appropriate.

44300
44301 54.Impose very strong punitive damages against the Research Electronics
44302 for willfully violating, infringing, and depriving Plaintiff of his civil

44303 rights, also treble damages for committing fraud against the Plaintiff
44304 and violating the RICO statutes, based upon the wealth of this
44305 defendant, or an amount to be determined at the time of trial, and
44306 other relief this court deems appropriate.

44307

44308 55. Impose very strong punitive damages against the Essex County
44309 Sheriffs Department and employees and agents of Essex County
44310 Sheriffs Department for willfully violating, infringing, and depriving
44311 Plaintiff of his civil rights, based upon the wealth of this defendant, or
44312 an amount to be determined at the time of trial, and other relief this
44313 court deems appropriate.

44314

44315 56. Impose very strong punitive damages against the Town of Rockport,
44316 Rockport Police Department, and Rockport Ambulance Department
44317 for willfully violating, infringing, and depriving Plaintiff of his civil
44318 rights, at monetary levels that punishes, equal to all real estate,
44319 buildings, moveable equipment, water treatment plants, roads, boats,
44320 docks, harbors, water reservoirs, water wells, quarries, undeveloped
44321 lands, and all other assets and resources of the Town of Rockport,
44322 based upon the wealth of this defendant in an amount to be

44323 determined at the time of trial, and other relief this court deems
44324 appropriate.

44325
44326 57.Immediate declaratory judgment and injunctive relief against the
44327 Town of Rockport, and Massachusetts State Police, the Federal
44328 Bureau of Investigation, and the District Attorney of Essex Country,
44329 to fully return all property that has been seized from the Plaintiff
44330 Atkinson at his home or place of business, or obtained in any other
44331 way within 48 hours of the injunction being issued, and to supply a
44332 full and complete chain of custody for each item, and other relief this
44333 court deems appropriate.

44334
44335 58.Issue an injunction permanently restraining all Defendants and their
44336 officers, agents, servants, employees, and all persons in concert or
44337 participation with them who receive notice of this injunction, from
44338 enforcing any Massachusetts Firearms Law which does not strictly
44339 comply with the *Heller* and *McDonald* U.S. Supreme Court decisions,
44340 or which is not in full compliance with the Constitution and the Bill of
44341 Rights, and to impose strong punitive damages of an amount to be
44342 determined at the time of trial, and other relief this court deems

44343 appropriate.

44344

44345 59. Impose very strong punitive damages against the North Shore

44346 Community College, Salem State College, and Montserrat College of

44347 Art, in the amount based upon the wealth of these defendants for

44348 willfully violating, infringing, and depriving Plaintiff of his civil

44349 rights, or an amount to be determined at the time of trial, and other

44350 relief this court deems appropriate.

44351

44352 60. Immediate declaratory judgment and injunctive relief to compel North

44353 Shore Community College, Salem State College, and Montserrat

44354 College of Art to readmit Plaintiff as a student, and to expunge or seal

44355 all college records in regards to Plaintiff every having been suspended,

44356 and other relief this court deems appropriate.

44357

44358 61. Immediate declaratory judgment and injunctive relief to compel North

44359 Shore Community College, Salem State College, and Montserrat

44360 College of Art to issue semester grades that would have been earned

44361 at the time of suspension based on grades earned prior to suspension.

44362 In the case of North Shore Community College this will be a B-, A, A,

44363 B, A; with Salem State College this will be two grades of an A, and
44364 Montserrat College of Art will be an A and a B-, and other relief this
44365 court deems appropriate.

44366

44367 62. Immediate declaratory judgment and injunctive relief an injunction to
44368 compel the Commonwealth of Massachusetts – Office of Emergency
44369 Medical Services to immediately reissue the Plaintiff’s EMT license
44370 #881056, and to post the CEU certificates and credits to the Plaintiff
44371 training records that the Defendant Commonwealth (OEMS) has
44372 previously refused or declined to do, and other relief this court deems
44373 appropriate.

44374

44375 63. Immediate declaratory judgment and injunctive relief to compel the
44376 Town of Rockport Ambulance Department to re-hire and un-suspend
44377 Plaintiff Atkinson, and to restore him back into position as a volunteer
44378 EMT, with full benefits, time in grade, seniority, and other relief this
44379 court deems appropriate.

44380

44381 64. Immediate declaratory judgment and injunctive relief to compel the
44382 Commonwealth of Massachusetts OEMS to audit all training records

44383 of all active EMT's, and all training records all future EMT's to detect
44384 any prior falsification of training records, or falsification of patient
44385 records, or time sheets, or run reports and other relief this court deems
44386 appropriate. Further, to order that this report be openly published on
44387 the website of OEMS, and upon the website of Attorney General of
44388 the Commonwealth of Massachusetts.

44389
44390 65.Immediate declaratory judgment and injunctive relief compel the
44391 Federal Bureau or Investigation, U.S. Department of State, Central
44392 Intelligence Agency, Department of Energy, U.S. Army, U.S. Navy,
44393 and other federal military and intelligence agencies to return all copies
44394 of RAPHAEL, and all source code, and to pay a suitable fees for use,
44395 and theft of trade secrets, punitive damages, and other relief this court
44396 deems appropriate.

44397
44398 66.Immediate declaratory judgment and injunctive relief, and impose
44399 strong punitive damages against all other defendants based upon their
44400 individual wealth each for willfully violating, infringing, and
44401 depriving Plaintiff of his civil rights, or an amount to be determined at
44402 the time of trial, and other relief this court deems appropriate.

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67.Immediate declaratory judgment and injunctive relief, so that at no time will the Town of Rockport Police, Fire, Ambulance, or other town services withhold, or delay response to either the Plaintiff, the Plaintiff business, the Plaintiff family, or to the Plaintiff neighbors, as the Town or Town Employees have done to other citizens in order to “freeze them out of the town,” and which the Plaintiff has been threatened with at various times because of this matter.

68.Award General Damages, Special Damages, Compensatory Damages, Punitive Damages, other relief, which the court deems to be just and equitable, and other relief this court deems appropriate.

69.Other relief, which the court may find, appropriate.

70.Award Plaintiff treble actual damages both liquidated and unliquidated in an amount to be determined at the time of trial.

71.Award attorney’s fees and/or costs pursuant to 42 U.S.C. § 1988.

44423 72. Award attorney's fees and/or costs needed to defend the improper and
44424 unlawful criminal cases against the Plaintiff, and an amount to exceed
44425 \$750,000, and the amount eventually expended or obligated for
44426 payment.

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44428 73. In the event that the Plaintiff is not represented by counsel during this
44429 case, the Plaintiff requests compensation equal to the time which was
44430 spent in prosecuting this case as damages, and other relief or
44431 compensation this court deems appropriate

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44433 74. Award costs or expenses of the suit.

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44435 75. Any other further relief as the Court deems just and appropriate.

44436
44437 **Plaintiff demands a trial by Jury**

44438
44439 Respectfully submitted,

44440 Dated: March 7, 2012

44441 _____
44442 James M. Atkinson, *pro se*
44443 31R Broadway
44444 Rockport, MA 01966

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