

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

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**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.

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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.

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

18  
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.

25  
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.

34  
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.

43  
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.

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.  
962

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.

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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.

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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

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

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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.  
2110  
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.

2163  
2164  
2165 **Lyons Ambulance EMT Training Fraud**  
2166 **September 29, 2008**  
2167

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  
2209 performed on other dates and forms a unbroken continuation of the

2210 operation of a organized criminal enterprise functioning prior to  
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.

2218  
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  
2242 official records provided to the Commonwealth of Massachusetts  
2243 OEMS for the class fraudulently reflect that the class ran until  
2244 10:30 PM.

2245  
2246 96. On or about September 29, 2008, Defendants Henry Michalski,  
2247 Darrell Moore, Robert Piepiora, David Raymond, John Good,  
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,  
2267 spanning this specific date, and continuing onward to the present  
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.

2274  
2275 97. On or about September 29, 2008, Defendants Henry Michalski,  
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.

2299  
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.

2325  
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  
2480 10:30 PM.

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  
2498 performed on other dates and forms a unbroken continuation of the  
2499 operation of a organized criminal enterprise functioning prior to  
2500 this date, spanning this specific date, and continuing onward to the  
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.

2507  
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  
2512 Medical Technician Instructors, and/or EMT Training School  
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  
2525 other dates and forms a unbroken continuation of the operation of a  
2526 organized criminal enterprise functioning prior to this date,  
2527 spanning this specific date, and continuing onward to the present  
2528 date, and affecting both historical, present, and future events. This  
2529 action involved the starting of the class on October 2, 2008 at 6:30  
2530 PM, the students were dismissed at 9:36 PM, when in fact the

2531 official records provided to the Commonwealth of Massachusetts  
2532 OEMS for the class fraudulently reflect that the class ran until  
2533 10:30 PM.

2534

2535 107. On or about **October 2, 2008**, Defendants Henry Michalski,  
2536 Darrell Moore, Robert Piepiora, David Raymond, John Good,  
2537 Frank Carabello, and Kevin M. Lyons individually, and in their  
2538 official capacity, while acting under color of law as a Emergency  
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  
2554 on other dates and forms a unbroken continuation of the operation  
2555 of a organized criminal enterprise functioning prior to this date,  
2556 spanning this specific date, and continuing onward to the present  
2557 date, and affecting both historical, present, and future events. This  
2558 action involved the starting of the class on **October 2, 2008** at 6:30  
2559 PM, the students were dismissed **at 9:36 PM**, when in fact the  
2560 official records provided to the Commonwealth of Massachusetts  
2561 OEMS for the class fraudulently reflect that the class ran until  
2562 10:30 PM.

2563  
2564 108. On or about **October 2, 2008**, Defendants Henry Michalski,  
2565 Darrell Moore, Robert Piepiora, David Raymond, John Good,  
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  
2585 fact the official records provided to the Commonwealth of  
2586 Massachusetts OEMS for the class fraudulently reflect that the  
2587 class ran until 10:30 PM.

2588  
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  
2606 criminal enterprise functioning prior to this date, spanning this  
2607 specific date, and continuing onward to the present date, and  
2608 affecting both historical, present, and future events. This action  
2609 involved the starting of the class on **October 2, 2008** at 6:30 PM,  
2610 the students were dismissed **at 9:36 PM**, when in fact the official

2611 records provided to the Commonwealth of Massachusetts OEMS  
2612 for the class fraudulently reflect that the class ran until 10:30 PM.  
2613  
2614 110. On or about **October 2, 2008**, Defendants Henry Michalski,  
2615 Darrell Moore, Robert Piepiora, David Raymond, John Good,  
2616 Frank Carabello, and Kevin M. Lyons individually, and in their  
2617 official capacity, while acting under color of law as a Emergency  
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  
2630 other dates and forms a unbroken continuation of the operation of a



2631 organized criminal enterprise functioning prior to this date,  
2632 spanning this specific date, and continuing onward to the present  
2633 date, and affecting both historical, present, and future events. This  
2634 action involved the starting of the class on **October 2, 2008** at 6:30  
2635 PM, the students were dismissed **at 9:36 PM**, when in fact the  
2636 official records provided to the Commonwealth of Massachusetts  
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  
2657 continuing onward to the present date, and affecting both historical,  
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  
2660 **at 9:36 PM**, when in fact the official records provided to the  
2661 Commonwealth of Massachusetts OEMS for the class fraudulently  
2662 reflect that the class ran until 10:30 PM.

2663  
2664 112. On or about **October 2, 2008**, Defendants Henry Michalski,  
2665 Darrell Moore, Robert Piepiora, David Raymond, John Good,  
2666 Frank Carabello, and Kevin M. Lyons individually, and in their  
2667 official capacity, while acting under color of law as a Emergency  
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.

3082  
3083 128. On or about **October 13, 2008**, Defendants Henry Michalski,  
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  
3107 OEMS for the class fraudulently reflect that the class ran until  
3108 10:30 PM.

3109  
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

3134 6:30 PM, the students were dismissed at 8:47 PM, when in fact the  
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.

3163  
3164 131. On or about **October 13, 2008,** Defendants Henry Michalski,  
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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3972 Darrell Moore, Robert Piepiora, David Raymond, John Good,  
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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  
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3994 action involved the starting of the class on **October 27, 2008** at

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4001 Darrell Moore, Robert Piepiora, David Raymond, John Good,  
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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  
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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.

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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  
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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,  
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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  
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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.

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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  
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4126 Darrell Moore, Robert Piepiora, David Raymond, John Good,  
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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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4151 Darrell Moore, Robert Piepiora, David Raymond, John Good,  
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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  
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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  
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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  
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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  
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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.

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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  
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4260 Darrell Moore, Robert Piepiora, David Raymond, John Good,  
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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  
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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  
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4308 **2008** at 6:30 PM, the students were dismissed **at 7:52 PM**, when in  
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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  
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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  
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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  
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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.

4545  
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  
4647 official records provided to the Commonwealth of Massachusetts  
4648 OEMS for the class fraudulently reflect that the class ran until  
4649 10:30 PM.

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 then 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  
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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 than 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.

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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.

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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**,  
5779 when in fact the official records provided to the Commonwealth of  
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.

5808  
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.

5834  
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  
5882 10:30 PM.

5883

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  
5908 10:30 PM.

5909

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  
5935 10:30 PM.

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5938  
5939 **Lyons Ambulance EMT Training Fraud**  
5940 **December 1, 2008**

5941  
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.

5966  
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.

5992  
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  
6018 10:30 PM.

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.

6048  
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  
6070 in fact the official records provided to the Commonwealth of  
6071 Massachusetts OEMS for the class fraudulently reflect that the  
6072 class ran until 10:30 PM.

6073  
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.

6098  
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  
6118 date, and affecting both historical, present, and future events. This  
6119 action involved the starting of the class on December 1, 2008 at  
6120 6:30 PM, the students were dismissed at 9:05 PM, when in fact the  
6121 official records provided to the Commonwealth of Massachusetts  
6122 OEMS for the class fraudulently reflect that the class ran until  
6123 10:30 PM.

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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.

6830  
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.

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.

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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.

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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.

7120  
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

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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  
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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  
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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  
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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

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7311 performed on other dates and forms a unbroken continuation of the  
7312 operation of a organized criminal enterprise functioning prior to  
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7319 class ran until 10:30 PM.

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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  
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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  
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7363 other dates and forms a unbroken continuation of the operation of a  
7364 organized criminal enterprise functioning prior to this date,  
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7367 action involved the starting of the class on December 15, 2008 at  
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7373 291. On or about **December 15, 2008**, Defendants Henry Michalski,  
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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.

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7398 Darrell Moore, Robert Piepiora, David Raymond, John Good,  
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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.

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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  
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7445 OEMS for the class fraudulently reflect that the class ran until  
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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

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7471 official records provided to the Commonwealth of Massachusetts  
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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  
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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  
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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  
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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  
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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  
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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  
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7599 legitimately obtain an EMT license. This specific unlawful action  
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7621 lawful authority and did engage in **Racketeering** against James M.  
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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  
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7651 have the same story” This specific unlawful action on this date  
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7662  
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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  
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7678 continuation of the operation of a organized criminal enterprise  
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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  
7924 PM.

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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8057

**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.

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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.

8315

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.

8370  
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.

8396

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.  
8452

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  
8497 affecting both historical, present, and future events. This action  
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.

8503  
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.

8529  
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  
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8580 Darrell Moore, Robert Piepiora, David Raymond, John Good,  
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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  
8627 6:30 PM, the students were dismissed **at 8:55 PM**, when in fact the  
8628 official records provided to the Commonwealth of Massachusetts  
8629 OEMS for the class fraudulently reflect that the class ran until  
8630 10:30 PM.

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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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8651 of a organized criminal enterprise functioning prior to this date,  
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

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8670 lawful authority and did engage in a Conspiracy against James M.  
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8673 of Massachusetts Office of EMS (licensing agency) in regards to  
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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  
8730 course written examination. This specific unlawful action on this  
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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  
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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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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  
8857 other dates and forms a unbroken continuation of the operation of a  
8858 organized criminal enterprise functioning prior to this date,  
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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  
8883 forms a unbroken continuation of the operation of a organized  
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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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9100 PM, the students were dismissed **at 8:15 PM**, when in fact the  
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9102 OEMS for the class fraudulently reflect that the class ran until  
9103 10:30 PM.

9104  
9105 357. On or about **January 6, 2009**, Defendants Henry Michalski,  
9106 Darrell Moore, Robert Piepiora, David Raymond, John Good,  
9107 Frank Carabello, and Kevin M. Lyons individually, and in their  
9108 official capacity, while acting under color of law as a Emergency  
9109 Medical Technician Instructors, and/or EMT Training School  
9110 and/or EMT Examiner, for the Commonwealth of Massachusetts in  
9111 Boston, MA and Lyons Ambulance, in Danvers, Massachusetts;  
9112 did with other defendants violate, deprive, or infringe upon the  
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  
9117 and services which were not provided. This specific unlawful  
9118 action on this date intertwines with other related actions and  
9119 activities performed on other dates and forms a unbroken  
9120 continuation of the operation of a organized criminal enterprise  
9121 functioning prior to this date, spanning this specific date, and  
9122 continuing onward to the present date, and affecting both historical,  
9123 present, and future events. This action involved the starting of the  
9124 class on **January 6, 2009** at 6:30 PM, the students were dismissed  
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 then 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**

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438. 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

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 446. On or about August 16 2009, Defendant ROBERT TIBERT in  
11621 his official capacity and individually as a Police Officer for Town  
11622 of Rockport; ROSEMARY LESCH in her official capacity and  
11623 individually as a Department Head for Town of Rockport,  
11624 Emergency Medical Technician (EMT), and Harbormaster;  
11625 SCOTT STORY in his official capacity and individually as a  
11626 Department Head, Emergency Medical Technician (EMT), and  
11627 Harbormaster for Town of Rockport; did with other defendants  
11628 violate, deprive, or infringe upon the civil rights of Plaintiff James  
11629 M. Atkinson for the purposes of personal, political, and  
11630



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 14<sup>th</sup> and 2<sup>nd</sup> Amendment to the Constitution.

**Rockport Police Department  
Burglary and Warrantless Search**

12186  
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.

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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



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section shall be deemed unlawful for purposes of paragraph P.

501. Thus unless Mahoney was acting in an undercover capacity, or acting as a witness for the Commonwealth AND the interception or eavesdropping is done for the purposes of ensuring the safety of the undercover officer, the interception is thus unlawful, and Defendant Mahoney has committed a very serious felony.

502. Thus, by Mahoney stating in his narrative that there was a recorded line in use, anything that he might say, do, or hear is excluded from evidence as “fruit of the tree”.

503. As his claims that Plaintiff spoke to him, and uttered things to him, is thus excluded, the criminal complaint that issued from the statement is excluded, and anything at all which took place beyond this interception, which built on top of the interception or which referenced this illegal wiretapping is thus excluded.

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 “End User Certificate for presentation to the Export  
13225 Control Authorities of the United States of America. In  
13226 accordance with then regulations of the State  
13227 Department of the United States granting of an  
13228 individual export license is dependent on the  
13229 presentation of and end-user certificate...”  
13230  
13231

13232 p. Further, in fourth paragraph of the same document the  
13233 signatory states:

13234 “We (I) certify that the above-mentioned goods or any  
13235 replica thereof will not be used in any nuclear explosive  
13236

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.

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vi. It is notable that Defendants Rita Burdow and Jane Carr were getting their blank CPR cards from Defendant Henry Michalski at Lyons Ambulance, the Defendant Michalski who pleaded guilty to being the head of an extensive EMT training fraud scandal.

ii. Even more curious, is that Defendant Mahoney contacted Defendant Lesch (who also know that Plaintiff Atkinson was a Town EMT, and who had been to Plaintiff Atkinson's home a number of times) on December 1, 2009 and did conspired to concealed form the court and the feign ignorance, but also to use Defendant Lesch to pinpoint where Plaintiff Atkinson would be home from school for the day so that Defendant Mahoney might unlawfully arrest Plaintiff Atkinson (at an address which Defendant Mahoney claim he knew nothing about, despite having been their many times).



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 if 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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13694

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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13712  
13713

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 form 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



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effect illegal arm shipments, which the Defendant knew, or showed have known.

562. 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 Obstruction of Justice against James M. Atkinson in contravention of law. By way of the Defendants knowing that no criminal act had taken place, nor was likely to take place did agree to deprive Plaintiff of his civil rights, 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

15181 entering a truck which they had no lawful authority to enter, and  
15182 searching for items which they had to lawful authority to search for.

15183

15184 **Rockport Police Department**  
15185 **Fraudulent Mahoney Criminal Complaint**

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15187

567. On November 30, 2009, Defendant Daniel Mahoney

15188

individually, and in his official capacity, while acting under color

15189

of law as a Police Officer, for the Rockport Police Department, in

15190

Rockport, Massachusetts; did with other defendants violate,

15191

deprive, or infringe upon the civil rights of Plaintiff James M.

15192

Atkinson for the purposes of personal, political, and professional

15193

gains, without just cause, or lawful authority and did engage in

15194

Perjury against James M. Atkinson in contravention of law. By

15195

way of filing sworn statements to the Gloucester District Court

15196

which this Defendant knew, or had good reason to believe were

15197

utter false. The untrue, sworn statements were not merely a matter

15198

of the officer misunderstanding an issue, but of calculated malice,

15199

and conspiracy by numerous state actors, and close coordination

15200

with other in regards to the falsehoods.

15201

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 Dependant 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 5<sup>th</sup>  
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 5<sup>th</sup>  
16322 Amendment Rights.

16323  
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 2<sup>nd</sup> and 14<sup>th</sup> 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;”

16398  
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 5<sup>th</sup> 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 2<sup>nd</sup> amendment being Applied to the  
16614 States by way of the 14<sup>th</sup> 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.

16649  
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 patients wrists were abraded and  
cut and contained was looked like marked from the ratchet  
mechanism of handcuffs and the thin red bands formed by  
the hoops of handcuffs, and her bedroom was in disarray is  
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:”**

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- a. A important issue presents itself in the last eight word of the previous sentence.
  
- b. The words “in lieu of” are used in regards to the suspension, so according to this sentence, there was a surrender notification issued, and that it was issued instead of a suspension (the police officer is using words that are above his station).
  
- c. Thus, by this sworn affidavit, Plaintiff was issued a (unlawful) surrender notification, but that this was done “in lieu of” an actual suspension.
  
- d. Hence, there was no suspension, by virtue of the surrender notification.

- 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 2<sup>nd</sup> 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                                   “The right of the people to be secure in their persons,  
17883                                   houses, papers, and effects, against unreasonable  
17884                                   searches and seizures shall not be violated, and no  
17885                                   Warrants shall issue but upon probable cause, supported  
17886                                   by oath or affirmation, and particularly describing the  
17887                                   place to be searched, and the persons or things to be  
17888                                   seized.”  
17889

17890  
17891                   nnn.   By virtue of the Fourteenth Amendment, the Fourth  
17892                   Amendment prohibits unreasonable searches and seizures by  
17893                   the states. See *Mapp v. Ohio*, 367 U.S. 643, 81 S.Ct. 1684, 6  
17894                   L.Ed.2d 1081 (1961); *Wolf v. Colorado*, 338 U.S. 25, 69  
17895                   S.Ct. 1359, 93 L.Ed. 1782 (1949).  
17896

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 2<sup>nd</sup> Amendment**  
18454 **and 14<sup>th</sup> 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.

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**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 though 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.

19600  
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.  
19736

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.

- 19767 f. The search warrant does not specify, with specificity, the  
19768 things to be searched for.
- 19769
- 19770 g. While there may have been an un-attached document  
19771 involved in the application for the search warrant, this same  
19772 document was not included in the actual search warrant  
19773 itself. Hence, as this document is missing the search warrant  
19774 lacks the specificity.
- 19775
- 19776 h. The text of the application refers to an affidavit, which is not  
19777 actually attached, the application is thus void, and no legal  
19778 search warrant was obtained.
- 19779
- 19780 i. As the Defendant Marino used carbon paper to create the  
19781 search warrant from the application, but did not actually  
19782 attached the affidavit to the search warrant, it is thus not  
19783 include in the search warrant itself.
- 19784
- 19785 j. An application for a search warrant, is not an actual search  
19786 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.

l. Hence, if it is not on the search warrant, then the search warrant lacks specificity.

m. As there was no affidavit attached to the search warrant, there thus was no specificity.

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.

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



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.

19810  
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.

19831  
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.

19841  
19842 w. Technically, the affidavit for the search warrant is actually  
19843 only a blank form that states: “see attached affidavit”).

19844  
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,

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especially since it was issued a full day after the search actually took place.

jj. There is a lack of required specificity on the Application

kk. The affidavit is essentially blank.

ll. There was no probable cause to believe that any thing was illegally possesses. In Fact Federal law, and the Bill of Rights (according to the Supreme Court, in *Heller* (2008) and then later in *McDonald* (2010)) ruled that what the police were seeking were lawfully possessed arms.

mm. Further, Plaintiff had a copy of both his Firearm License to Carry and Firearms Identification Card actually with the arms, and the Rockport Police knew about this FID card as her had copies in every container which arms or ammunition were stored, and the police took all of these FID card copies, but did not find the original.

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 2<sup>nd</sup> Amendment though the 14<sup>th</sup>  
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).

19947

19948 qq. There was no probable cause of evidence of a crime

19949

19950 rr. There was no probable cause of evidence of criminal activity.

19951

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 2<sup>nd</sup> Amendment, and

19956 applied to the Commonwealth of Massachusetts by

19957 application of the 14<sup>th</sup> 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.

19994  
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).

20001  
20002 ccc. The warrant did not state that they could take any  
20003 prescription medications, and yet they did.

20004

20005

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

20008

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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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

20023

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.

20041  
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.

20112  
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.

20116  
20117 zzz. The address on this building is clearly marked as “31R”  
20118 and the neighbors is marked “31”

20119  
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 driveway 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.

20142 gggg. Therefore, Plaintiffs house is not “At end of 150 foot  
20143 drive” but rather in the middle of the drive, more toward the  
20144 street, the only building at the “end” of the drive if Plaintiffs  
20145 neighbors gray shed.

20146  
20147 hhhh. The Rockport Police (and Defendant Marino) fail to  
20148 describe the house by dimensions, and there is no drawings,  
20149 photographs, or maps of the building to be searched attached  
20150 to the application. This reflect that they did not prepare a  
20151 proper application, and they lacks and legitimate  
20152 information, and thus the warrant is deeply flawed and a  
20153 infringement upon my civil rights.

20154  
20155 iii. The police searched the wrong building.

20156  
20157 jjjj. Indeed, the Town of Rockport, Tax Assessors Record  
20158 described the property with reasonable accuracy, but with  
20159 the wrong photograph:

20160  
20161 Style: Family Conversion  
20162 Model: Residential  
20163 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).

20283  
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                   jjjj. There was no probable cause that that Platiff was in  
20310                   unlawful possession of any arms or ammunition.  
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20312  
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.

20323  
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.

20362  
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.

20377

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.

20429  
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.

20443

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.

20462  
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.

20480  
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).

20491  
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.

20501

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;

20563

individually, and in his official capacities, while acting under color

20564

of law as Police Officers, for the Rockport Police Department, in

20565

Rockport, Massachusetts; did with other defendants violate,

20566

deprive, or infringe upon the civil rights of Plaintiff James M.

20567

Atkinson for the purposes of personal, political, and professional

20568

gains, without just cause, or lawful authority and did engage in

20569

Conspiracy to Interfere with Civil Rights of James M. Atkinson in

20570

contravention of law. By means of radio and telephonic

20571

communications and acting as dispatch and control for the illegal

20572

conduct of other police officer of the Town of Rockport, and by

20573

controlling the conduct of these officers engaged in an illegal

20574

search and seizure, robbery, beatings of a disabled person, and

20575

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.

20641

20642 **Rockport Police Department**  
20643 **Armed Robbery, Stolen, or Broken Property**

20644  
20645 758. On December 6, 2009, Defendants Daniel Mahoney; Michael  
20646 Marino; Robert Tibert; Mark Schmink; Sean Andrus, John T.  
20647 McCarthy; Michael Anderson; Gregory George; and James Hurst  
20648 individually, and in their official capacities, while acting under  
20649 color of law as Police Officers, for the Rockport Police  
20650 Department, in Rockport, Massachusetts; did with other defendants  
20651 violate, deprive, or infringe upon the civil rights of Plaintiff James  
20652 M. Atkinson for the purposes of personal, political, and  
20653 professional gains, without just cause, or lawful authority and did  
20654 Steal and Take Away Property from a Disabled Person, Numerous  
20655 Items Valued in Excess of \$250 owned by James M. Atkinson in  
20656 contravention of law, to include over 1200 DVD's of archived and  
20657 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 then 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 4<sup>th</sup> 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.

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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

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the lightest text in the region having a density of 243.

22174

This means that the carbon paper that was used, was

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already badly worn and faded as a density range of 62

22176

points on text typed closed to each other renders some

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text barely readily and other not faded to the same

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density as the paper in which it is placed.

22179

22180

ttt. Hence, no reasonable person would have signed this

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document, as it would have been unreadable to the person

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who place their signature on it; based on the densities of the

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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

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white.

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uuu. The police presented the magistrate with a document,

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which could not possibly have been actually read by the

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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 "Conduct by persons acting under color of state law  
22234 which is wrongful under 42 U.S.C. § 1983 or 42  
22235 U.S.C. § 1985 *cannot be immunized by state law.* A  
22236 instruction of the federal statute which permitted a  
22237 state immunity defense to have controlling effect  
22238 would transmute a basic guarantee into an illusory  
22239 promise; and the supremacy clause of the Constitution  
22240 insures that proper construction may be enforced.  
22241 See *McLaughlin v. Tilendis*, 398 F.2d 287, 290(7th  
22242

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.

22311  
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).

22658 Subsequent interpretations of the Civil Rights Acts by  
22659 this Court acknowledge Congress' intent to reach  
22660 unconstitutional actions by all state actors, including  
22661 judges. In *Ex parte Virginia*, 100 U. S. 339 (1880), § 4 of  
22662 the Civil Rights Act of 1875, 18 Stat. 336, was employed  
22663 to authorize a criminal indictment against a judge for  
22664 excluding persons from jury service on account of their  
22665 race. The Court reasoned that the Fourteenth Amendment  
22666 prohibits a State from denying any person within its  
22667 jurisdiction the equal protection of the laws. Since a State  
22668 acts only by its legislative, executive, or judicial  
22669 authorities, the constitutional provision must be  
22670 addressed to those authorities, including the State's  
22671 judges. Section 4 was an exercise of Congress' authority  
22672 to enforce the provisions of the Fourteenth Amendment  
22673 and, like the Amendment, reached unconstitutional state  
22674 judicial action.”

22675  
22676  
22677 tttt. In other words, a police officer typed the application,  
22678 with a sheet of carbon paper behind the application, and  
22679 under that carbon paper, the blank search warrant. The  
22680 completed application for the search warrant was then  
22681 supplied to the magistrate, along with the deeply flawed  
22682 search warrant that was actually a photocopy the original  
22683 document. In this way, that the magistrate signed was a poor  
22684 quality, illegible photocopy of a search warrant the police  
22685 presented, it was not actually issued by the court,

22686



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.

22702  
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

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whatsoever, who was even remotely involved forfeits  
whatever immunity they may hold.

bbbb. Neither the Magistrate, nor the Judge has the  
jurisdiction to issue a search warrant to the police in order to  
permit them to search out and seize lawfully possessed  
firearms, in the hands of a law abiding citizen, in the  
confines of his own home. Further, if the reliance is solely  
upon Massachusetts General Laws as a claim of jurisdiction,  
and those state law are in fact invalid by virtue of the  
Second Amendment being applied to the Commonwealth by  
virtue of the Fourteenth Amendment, then the Justice or  
Magistrate has gravely erred, and has not acted good faith,  
and indeed have themselves engaged in serious criminal  
conduct as per Federal Statute.

cccc. It is possible as well, that the Justice did not in fact have  
knowledge of this case, as his signature is not on the  
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 eeeee. 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.

22800  
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

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in hue as there was no such description on the search  
warrant.

hhhhh. The police officer using a typewriter to type the  
Application for the Search Warrant, instead of laser printing  
it (it is easy to laser print over a pre-printed form, I do it all  
the time), and instead to carbon-paper the document shows  
an utter lack of understanding as the significance of the  
Search Warrant being flawless, and shows a reckless  
disregard, and reckless and willful neglect.

iiii. It is not unlawful to possess firearms in ones own home  
with zero license anywhere in the United States by a U.S.  
Citizen (as per the Supreme Court in *Heller*, 2008 and then  
in *McDonald* in 2010), nor is it unlawful to possess arms  
when you also possess a lawfully issued state issued FID  
card, nor is it unlawful to possess arms after a license to  
carry has been suspended, yet still during the 90 day appeal  
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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22831  
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.

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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.



22865

22866

oooo. 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".

22870

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

22874

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

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Constitution or federal statutes." *Gibson v. United States*,

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781 F.2d 1334, 1338 (9th Cir.1986), cert. denied, --- U.S. ---

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-, 107 S.Ct. 928, 93 L.Ed.2d 979 (1987).

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22881

qqqqq. Section 1983 also imposes liability upon

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municipalities for constitutional deprivations resulting from

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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 rrrr. 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 ssss. 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.

23046  
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**

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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.

23465

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.

23493  
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 arraigining 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.

23549

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
  
  - 23581
  - 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

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(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 2<sup>nd</sup> Amendment, applied by the 14<sup>th</sup>, 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:

23873  
23874 (1) being present in or on his residence or place of business;  
23875 or

23876  
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

23880  
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  
23884



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  
23897  
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  
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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 2<sup>nd</sup>

23960 Amendment, applied by the 14<sup>th</sup>, 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 2<sup>nd</sup> 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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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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860. On or about December 10, 2009, Defendant 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 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 False Written Reports by Public Officers against James M. Atkinson in contravention of law. By means of a search and seizure of lawfully possessed arms, by confining, beating, and placing the Plaintiff Atkinson in fear.

861. On or about December 10, 2009, Defendants Daniel Mahoney; Mark Schmink; Michael Marino 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

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.

24906  
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.

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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 Atkinson 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.

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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**

26135

26136

931. On or about December 8, 2010, STEPHEN D. IMMERMANN

26137

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

26140

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. IMMERMAN  
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 DELLICKER 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.

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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;  
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26419 of Art in Beverly, Massachusetts; MARTHA BUSKIRK  
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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  
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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

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26434 Trustee for Montserrat College of Art in Beverly, Massachusetts;  
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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,  
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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  
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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,  
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26457 Dean of College Relations for Montserrat College of Art in  
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26466 Registrar for Montserrat College of Art in Beverly, Massachusetts;  
26467 JEFFREY NEWELL individually, and in their official capacity,  
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26470 GOOD individually, and in their official capacity, while acting  
26471 under color of law as a Executive Vice President for Beverly

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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  
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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  
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26537 of Art in Beverly, Massachusetts; CHARLES WHITTEN  
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26540 Massachusetts; ALAN WILSON individually, and in their official  
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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.

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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  
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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. IMMERMANN  
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;  
26779 DONALD BOWEN individually, and in their official capacity,  
26780 while acting under color of law as a Trustee for Montserrat College  
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  
26786 for Montserrat College of Art in Beverly, Massachusetts; NANCY  
26787 CRATE individually, and in their official capacity, while acting  
26788 under color of law as a Trustee for Montserrat College of Art in  
26789 Beverly, Massachusetts; CRAIG H. DEERY individually, and in  
26790 their official capacity, while acting under color of law as a Trustee  
26791 for Montserrat College of Art in Beverly, Massachusetts; STEVEN

26792 DODGE individually, and in their official capacity, while acting  
26793 under color of law as a Trustee for Montserrat College of Art in  
26794 Beverly, Massachusetts; HENRIETTA GATES individually, and  
26795 in their official capacity, while acting under color of law as a  
26796 Trustee for Montserrat College of Art in Beverly, Massachusetts;  
26797 MIRANDA GOODING individually, and in their official capacity,  
26798 while acting under color of law as a Trustee for Montserrat College  
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,  
26803 while acting under color of law as a Trustee for Montserrat College  
26804 of Art in Beverly, Massachusetts; JOHN PETERMAN individually,  
26805 and in their official capacity, while acting under color of law as a  
26806 Trustee for Montserrat College of Art in Beverly, Massachusetts;  
26807 JURRIEN TIMMER individually, and in their official capacity,  
26808 while acting under color of law as a Trustee for Montserrat College  
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.

26832 GOOD individually, and in their official capacity, while acting  
26833 under color of law as a Executive Vice President for Beverly  
26834 National Bank and Executive for Danvers Bancorp, Inc. in  
26835 Danvers, MAs and Beverly, MA, as an EMT Instructor for Lyons  
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.

26857  
26858                   939. On or about December 10, 2010, STEPHEN D. IMMERMANN  
26859                   individually, and in their official capacity, while acting under color  
26860                   of law as President for Montserrat College of Art in Beverly,  
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. IMMERMANN  
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;  
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27686 individually, and in their official capacity, while acting under color  
27687 of law as a Trustee for Montserrat College of Art in Beverly,  
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27693 Beverly, Massachusetts; CRAIG H. DEERY individually, and in  
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27700 Trustee for Montserrat College of Art in Beverly, Massachusetts;  
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27704 and in their official capacity, while acting under color of law as a  
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27713 of Art in Beverly, Massachusetts; CHARLES WHITTEN  
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27723 Dean of College Relations for Montserrat College of Art in  
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27727 Art in Beverly, Massachusetts; LAURA TONELLI individually,  
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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;  
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27735 Montserrat College of Art in Beverly, Massachusetts; JOHN L.  
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27739 Danvers, MAs and Beverly, MA, as an EMT Instructor for Lyons  
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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  
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27782 Massachusetts; CHRISTOPHER COLLINS individually, and in  
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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  
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27791 under color of law as a Trustee for Montserrat College of Art in

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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;  
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27814 while acting under color of law as a Trustee for Montserrat College  
27815 of Art in Beverly, Massachusetts; JO BRODERICK individually,  
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27817 Dean of College Relations for Montserrat College of Art in  
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27821 Art in Beverly, Massachusetts; LAURA TONELLI individually,  
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27823 Dean of Faculty and Academic Affairs for Montserrat College of  
27824 Art in Beverly, Massachusetts; THERESA SKELLY individually,  
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27826 Registrar for Montserrat College of Art in Beverly, Massachusetts;  
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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

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27833 Danvers, MAs and Beverly, MA, as an EMT Instructor for Lyons  
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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  
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27868 Art in Beverly, Massachusetts; LECIA TURCOTTE individually,  
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27870 Trustee for Montserrat College of Art in Beverly, Massachusetts;  
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27886 Beverly, Massachusetts; HENRIETTA GATES individually, and  
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27888 Trustee for Montserrat College of Art in Beverly, Massachusetts;  
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27890 while acting under color of law as a Trustee for Montserrat College  
27891 of Art in Beverly, Massachusetts; LINDA HARVEY individually,

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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;  
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27909 of Art in Beverly, Massachusetts; JO BRODERICK individually,  
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27917 Dean of Faculty and Academic Affairs for Montserrat College of  
27918 Art in Beverly, Massachusetts; THERESA SKELLY individually,  
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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,  
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27956 official capacity, while acting under color of law as an Dean for  
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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.

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 14<sup>th</sup>  
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 *defacto* 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

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*defacto* place of confinement, and under the control of the  
Rockport Police Department.

975. On December 6, 2009, Defendants 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 her official capacity (acting on behalf of the Rockport  
Police Department) and acting individually as a Emergency Room  
Nurse for Addison Gilbert Hospital, in Gloucester, MA; and  
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.

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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

29258                   contravention of law. By suspending Plaintiff Atkinson as a  
29259                   Volunteer Emergency Medical Technician for the Town of  
29260                   Rockport, Rockport, Massachusetts, and providing no means of  
29261                   appeal of the suspension. Plaintiff Atkinson was never officially  
29262                   notified of this suspension formally, and instead found out about it  
29263                   form the local newspaper.

29264  
29265                   992. At some yet to be determined date, between December 1, 2009  
29266                   and December 22, 2009, Defendant Rosemary Lesch, and Scott  
29267                   Story individually, and in their official capacity, while acting under  
29268                   color of law as a EMT Supervisor and Department Head, for the  
29269                   Rockport Ambulance Department, in Rockport, Massachusetts; did  
29270                   with other defendants violate, deprive, or infringe upon the civil  
29271                   rights of Plaintiff James M. Atkinson for the purposes of personal,  
29272                   political, and professional gains, without just cause, or lawful  
29273                   authority and did engage in Violation of Due Process in  
29274                   contravention of law. By terminating Plaintiff Atkinson as a  
29275                   Volunteer Emergency Medical Technician for the Town of  
29276                   Rockport, Rockport, Massachusetts, and providing no means of  
29277                   appeal of the suspension. Plaintiff Atkinson was never officially

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.

29366  
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 2<sup>nd</sup>, 4<sup>th</sup>, 5<sup>th</sup>, and 14<sup>th</sup> 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 2<sup>nd</sup> Amendment

31679 right to keep, and to bear or carry arms applies to the States by  
31680 virtue of application of the 14<sup>th</sup> 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 4<sup>th</sup>, 5<sup>th</sup>, 6<sup>th</sup>, 7<sup>th</sup>, 8<sup>th</sup>, 9<sup>th</sup>, or 14<sup>th</sup>  
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 2<sup>nd</sup> and 14<sup>th</sup> 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 (14<sup>th</sup>  
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 14<sup>th</sup> 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 2<sup>nd</sup> and 14<sup>th</sup> 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 2<sup>nd</sup> Amendment and applied it in full force to all of the states by virtue of the 14<sup>th</sup> 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 2<sup>nd</sup> and 14<sup>th</sup>  
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 1<sup>st</sup> 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.

32201 1103. “Nothing can destroy a government more quickly than its  
32202 failure to observe its own laws, or worse, its disregard of the  
32203 charter of its own existence.” U.S. Supreme Court in *State v.*  
32204 *Athan*, 2007

32205  
32206 1104. On March 2, 1792, Massachusetts became the 12<sup>th</sup> state to  
32207 ratify the Bill of Rights, which included provisions for the public  
32208 to be allowed to keep, and to bear or carry arms; to practice the  
32209 religion or faith of their choosing, if any; and should they be so  
32210 industrious to be allowed to obtain a printing press, and to operate  
32211 either for their own edification, or to the edification of others.

32212  
32213 1105. Thusly, in 1792 the Commonwealth of Massachusetts passed  
32214 into law, and excepted that a “Holy Trinity” of sorts was formed  
32215 whereby the Commonwealth of Massachusetts could no longer  
32216 infringe upon the citizens right to matters of faith, arms, or of the  
32217 press.

32218  
32219 1106. On March 2, 1792 the Commonwealth of Massachusetts  
32220 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.  
32242

32243 1109. The Second Amendment guarantees individuals a  
32244 fundamental right to carry operable arms in all non-sensitive public  
32245 places for the purpose of self-defense.

32246  
32247 1110. The Fourteenth Amendment was ratified and passed into law  
32248 on July 9, 1868. Thus the 14<sup>th</sup> Amendment was accepted by the  
32249 Commonwealth of Massachusetts as law.

32250  
32251 1111. On July 9, 1868 the Commonwealth made another promise to  
32252 the Plaintiff Atkinson, that the “[Commonwealth of Massachusetts]  
32253 shall not make or enforce any law” which shall abridge the  
32254 privileges or immunities of citizens”.

32255  
32256 1112. The Commonwealth of Massachusetts broke this promise to  
32257 Plaintiff Atkinson, when the Commonwealth did in fact begin  
32258 “making law” with was expressly forbidden under the under  
32259 Section 1 of the Fourteenth Amendment (July 9, 1868), and it  
32260 directly infringed upon the Plaintiff Atkinson 2<sup>nd</sup> Amendment  
32261 Rights to Keep and Bear arms (that became law on March 2, 1792).

32262

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 2<sup>nd</sup> 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 2<sup>nd</sup> and 14<sup>th</sup> 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 2<sup>nd</sup> Amendment applied by way of the 14<sup>th</sup>  
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 nothing 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 2<sup>nd</sup> 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 14<sup>th</sup> Amendment, and they did in fact sign the 14<sup>th</sup>  
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 and to other citizens about law which would not be made, and laws which would not be enforced, the Commonwealth of Massachusetts violated not only their promises and the law, but did it to suppress and repress both women and Negros, and eventually, white Christian males (such as Plaintiff Atkinson).

1128. The Fourteenth Amendment incorporates the requirements of the Second Amendment against the States and their units of local government, and political sub-divisions. *McDonald v. Chicago*, 561 U.S. \_\_\_, 130 S. Ct. 3020, 3042 (Jun. 28, 2010).

1129. Thus, the Commonwealth of Massachusetts is prohibited from making or enforcing any law, which abridge the privileges or immunities of citizens to keep, carry, and to bear arms of their choosing (with extremely narrow limitations). Thus, any such laws are automatically null and void, moot, and an infringement of the privileges or immunities of citizens of the United States.

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).

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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.

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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 2<sup>nd</sup> 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.”

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.”

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."

32840

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."

32851

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).

32860

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."

32864

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.”  
32874

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.”

32950

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.”  
33006

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 10<sup>th</sup> 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 2<sup>nd</sup> and 14<sup>th</sup> 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.

33052

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.

33076  
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.

33085  
33086 1187. “[T]he concept of due process is equivalent to ‘fundamental  
33087 fairness.’” *Newman v. Massachusetts*, 884 F. 2d 19, 23 (1<sup>st</sup> 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 (1<sup>st</sup> 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 (1<sup>st</sup> 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.”

33105  
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.

33121  
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.

33139  
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 (1<sup>st</sup> 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, 96<sup>th</sup>  
33161 Congress, 2<sup>nd</sup> 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”

33223

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.

33227

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, 2<sup>nd</sup>  
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  
33346  
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

33422 Constitution or laws of the United States, or because of his  
33423 having so exercised the same; or  
33424 If two or more persons go in disguise on the highway, or on  
33425 the premises of another, with intent to prevent or hinder his  
33426 free exercise or enjoyment of any right or privilege so  
33427 secured—  
33428 They shall be fined under this title or imprisoned not more  
33429 than ten years, or both; and if death results from the acts  
33430 committed in violation of this section or if such acts include  
33431 kidnapping or an attempt to kidnap, aggravated sexual abuse  
33432 or an attempt to commit aggravated sexual abuse, or an  
33433 attempt to kill, they shall be fined under this title or  
33434 imprisoned for any term of years or for life, or both, or may  
33435 be sentenced to death.  
33436  
33437

33438 TITLE 18 > PART I > CHAPTER 13 > § 242

33439 § 242. Deprivation of rights under color of law  
33440 Whoever, under color of any law, statute, ordinance,  
33441 regulation, or custom, willfully subjects any person in any  
33442 State, Territory, Commonwealth, Possession, or District to  
33443 the deprivation of any rights, privileges, or immunities  
33444 secured or protected by the Constitution or laws of the  
33445 United States, or to different punishments, pains, or  
33446 penalties, on account of such person being an alien, or by  
33447 reason of his color, or race, than are prescribed for the  
33448 punishment of citizens, shall be fined under this title or  
33449 imprisoned not more than one year, or both; and if bodily  
33450 injury results from the acts committed in violation of this  
33451 section or if such acts include the use, attempted use, or  
33452 threatened use of a dangerous weapon, explosives, or fire,  
33453 shall be fined under this title or imprisoned not more than  
33454 ten years, or both; and if death results from the acts  
33455 committed in violation of this section or if such acts include  
33456 kidnapping or an attempt to kidnap, aggravated sexual abuse,  
33457 or an attempt to commit aggravated sexual abuse, or an  
33458 attempt to kill, shall be fined under this title, or imprisoned  
33459 for any term of years or for life, or both, or may be  
33460 sentenced to death.  
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33463

**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.

33526

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.

33543

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.

33557

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.

33584

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.

33600

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.

33611  
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).

33617  
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.

33626  
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.

33631  
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.

33636  
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 through 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**

33661  
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.

33674  
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.

33704

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.

33711

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.

33716

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

33730

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.

33738

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.

33742  
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.

33756

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.

33760  
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

33793  
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.

33819  
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.

33824  
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

33851

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.

33882  
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.

33898

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.

33905

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.

34162

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.

34289  
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

35776  
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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1518.

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

35836  
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

35930  
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

35964

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

1 Ferncroft Road, Danvers, MA 01923

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

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,

37986

and with careful planning and conspiracy with others. Further, this

37987

defendant has engaged in conduct and as a continuing unit of an

37988

enterprise, through a pattern, of racketeering enterprises (including,

37989

but not limited to: mail fraud, wire fraud, scheme to defraud,

37990

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 5<sup>th</sup>  
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.

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1587. The Rockport Police also destroyed or stole Plaintiff's property. This type of action is called a "desecration" by prison guards, and it is done for the sole purpose of inflicting emotional harm, intimidation, harassment, and to demonstrate dominance, and was done by several Rockport Police office who used to be prison guards, who also have a long history of civil right abuse, and a long pattern of behavior of such civil right abuses. The "desecration" was in violation of the civil right of the Plaintiff, and was an action that shocked the conscience.

1588. On, or before December 7, 2009 the Rockport Police and others also installed an illegal GPS tracking device into two of the Plaintiff vehicles (hidden inside the dash, just over the radio), and hardwired these tracking devices into the vehicles electrical system in violation of the law. These tracking devices remained in the Plaintiff's vehicles for two months, and were removed by the police and others on or about February 9, 2010. To date, no warrant has been produced which authorized the installation of 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 against  
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.

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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 2<sup>nd</sup> 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*

39245

1623. In *McDonald*, Justice Alito states at 40;

39246

“...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

39253

Massachusetts) may make **any law** to the “abridge the privileges

39254

and immunities of citizens,” and the rulings by the U.S. Supreme

39255

Court in *Heller* (2008) and in *McDonald* (2010) make it clear that

39256

the 2<sup>nd</sup> 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 2<sup>nd</sup> Amendment with regards to the keeping and, or of bearing  
39259 arms.

39260

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.

39267

39268 1626. There is a paucity of opinions available in the 1<sup>st</sup> 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.

39272

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.

39278  
39279 1628. The statutes listed in Count One, and in all additional Counts  
39280 are in violation of the 2<sup>nd</sup> and 14<sup>th</sup> 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 (1<sup>st</sup> 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**  
39294

39295 1629. **M.G.L. c. 140, § 121** is unconstitutional in that it is  
39296 deliberately vague, overly broad and ambiguous, violates the 2<sup>nd</sup>  
39297 and 14<sup>th</sup> 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 2<sup>nd</sup>  
39313 Amendment right to keep and bear arms, and the 14<sup>th</sup> Amendment  
39314 privileges and immunities of U.S. citizenship, the "Equal  
39315 Protections Clause" of the 14<sup>th</sup> 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.

39324

39325 **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**

39330

39331 1630. **M.G.L. c. 140, § 121** definition of “Assault Weapons” is  
39332 unconstitutional in that it relies upon a now repealed federal statute  
39333 (18 USC 921, Repealed. Pub. L. 103-322, title XI, Sec. 110105(2),  
39334 Sept. 13, 1994, 108 Stat. 2000.) is deliberately vague, overly  
39335 broad and ambiguous, violates the 2<sup>nd</sup> and 14<sup>th</sup> Amendments to the  
39336 Constitution of the United States, in regards to so called “Assault  
39337 Weapons,” firearms, pistols, revolvers, rifles, shotguns, machine  
39338 guns, other arms and weapons, ammunition, chemical weapons,  
39339 feeding devices, firearms licenses and the rights of Massachusetts  
39340 citizens to keep and bear arms, and thus is an infringement of civil  
39341 rights. The allegations contained in paragraphs 1 though 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 2<sup>nd</sup>  
39352 Amendment right to keep and bear arms, and the 14<sup>th</sup> Amendment  
39353 privileges and immunities of U.S. citizenship, the "Equal  
39354 Protections Clause" of the 14<sup>th</sup> 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

39362 deprivation of civil rights of Plaintiff Atkinson.

39363

39364

**COUNT FOUR**

39365

**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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1631. **M.G.L. c. 140, § 121** definition of “Large Capacity Feeding

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Device” is unconstitutional in that it relies upon a now repealed

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federal statute (18 USC 921, Repealed. Pub. L. 103-322, title XI,

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Sec. 110105(2), Sept. 13, 1994, 108 Stat. 2000.]) is deliberately

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vague, overly broad and ambiguous, violates the 2<sup>nd</sup> and 14<sup>th</sup>

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Amendments to the Constitution of the United States, in regards to

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so called “Assault Weapons,” firearms, pistols, revolvers, rifles,

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shotguns, machine guns, other arms and weapons, ammunition,

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chemical weapons, feeding devices, firearms licenses and the

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rights of Massachusetts citizens to keep and bear arms, and thus is

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an infringement of civil rights. The allegations contained in

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paragraphs 1 though 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

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 2<sup>nd</sup> Amendment right to keep and bear arms,  
39392 and the 14<sup>th</sup> Amendment privileges and immunities of U.S.  
39393 citizenship, the “Equal Protections Clause” of the 14<sup>th</sup> 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**

**CITIZENS FROM KEEPING AND/OR CARRYING AND/OR  
BEARING ARMS FOR SELF-DEFENSE**

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1632. **M.G.L. c. 140, § 121** is unconstitutional in regards to “licensing authority” is deliberately vague, overly broad and ambiguous, violates the 2<sup>nd</sup> and 14<sup>th</sup> Amendments to the Constitution of the United States, 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 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.

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 2<sup>nd</sup> Amendment right to keep and bear arms, and the 14<sup>th</sup>  
39440 Amendment privileges and immunities of U.S. citizenship, the  
39441 “Equal Protections Clause” of the 14<sup>th</sup> 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 2<sup>nd</sup>  
39476 and 14<sup>th</sup> 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 2<sup>nd</sup>  
39492 Amendment right to keep and bear arms, and the 14<sup>th</sup> Amendment  
39493 privileges and immunities of U.S. citizenship, the "Equal  
39494 Protections Clause" of the 14<sup>th</sup> 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**

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**THE SECOND AMENDMENT INVALIDATES M.G.L. c. 140, § 121  
39506 TO THE EXTENT IT PREVENTS QUALIFIED PRIVATE CITIZENS  
39507 FROM KEEPING AND/OR CARRYING AND/OR BEARING ARMS  
39508 FOR SELF-DEFENSE  
39509**

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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

39512

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 2<sup>nd</sup> and 14<sup>th</sup> 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 2<sup>nd</sup> Amendment right to keep and bear arms,  
39532 and the 14<sup>th</sup> Amendment privileges and immunities of U.S.

39533 citizenship, the “Equal Protections Clause” of the 14<sup>th</sup> 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 2<sup>nd</sup> and 14<sup>th</sup>  
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 2<sup>nd</sup>  
39554 Amendment right to keep and bear arms, and the 14<sup>th</sup> Amendment  
39555 privileges and immunities of U.S. citizenship, the “Equal  
39556 Protections Clause” of the 14<sup>th</sup> 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 2<sup>nd</sup> and 14<sup>th</sup> 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 2<sup>nd</sup> Amendment right to keep and bear arms, and the  
39606 14<sup>th</sup> Amendment privileges and immunities of U.S. citizenship, the  
39607 “Equal Protections Clause” of the 14<sup>th</sup> 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 2<sup>nd</sup> and 14<sup>th</sup> Amendments as well as the 4<sup>th</sup> and 5<sup>th</sup> 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 2<sup>nd</sup> Amendment right to keep and bear arms,  
39640 and the 14<sup>th</sup> Amendment privileges and immunities of U.S.  
39641 citizenship, the “Equal Protections Clause” of the 14<sup>th</sup> 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 2<sup>nd</sup>  
39663 and 14<sup>th</sup> 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 2<sup>nd</sup> Amendment right to keep and bear arms,  
39676 and the 14<sup>th</sup> Amendment privileges and immunities of U.S.  
39677 citizenship, the "Equal Protections Clause" of the 14<sup>th</sup> 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 2<sup>nd</sup> and 14<sup>th</sup> Amendments to the

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Constitution of the United States, and is a civil rights infringement.

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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. 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 2<sup>nd</sup>  
39712 Amendment right to keep and bear arms, and the 14<sup>th</sup> Amendment  
39713 privileges and immunities of U.S. citizenship, the “Equal  
39714 Protections Clause” of the 14<sup>th</sup> 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**  
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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 2<sup>nd</sup> and 14<sup>th</sup> 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 2<sup>nd</sup> Amendment right to keep and  
39753 bear arms, and the 14<sup>th</sup> Amendment privileges and immunities of  
39754 U.S. citizenship, the “Equal Protections Clause” of the 14<sup>th</sup>  
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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**COUNT THIRTEEN**  
**THE SECOND AMENDMENT INVALIDATES M.G.L. c. 140, §**  
**127 TO THE EXTENT IT PREVENTS QUALIFIED PRIVATE**  
**CITIZENS FROM KEEPING AND/OR CARRYING AND/OR**  
**BEARING ARMS FOR SELF-DEFENSE**

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1641. **M.G.L. c. 140, § 127** is unconstitutional in that as defined by

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the Supreme Court of the United States in *McDonald v. Chicago*,

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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 2<sup>nd</sup> and 14<sup>th</sup> 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 2<sup>nd</sup>  
39812 and 14<sup>th</sup> amendment, and to impose a revocable licensing or  
39813 permitting scheme in violation of civil rights. This statute infringes

39814 the 2<sup>nd</sup> Amendment right to keep and bear arms, and the 14<sup>th</sup>  
39815 Amendment privileges and immunities of U.S. citizenship, the  
39816 “Equal Protections Clause” of the 14<sup>th</sup> 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**

39838

**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 2<sup>nd</sup>, 4<sup>th</sup> and 14<sup>th</sup> Amendment rights, and  
39866 thus a blatant infringement of civil rights. This statute infringes the  
39867 2<sup>nd</sup> Amendment right to keep and bear arms, and the 14<sup>th</sup>  
39868 Amendment privileges and immunities of U.S. citizenship, the  
39869 “Equal Protections Clause” of the 14<sup>th</sup> 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 2<sup>nd</sup> and 14<sup>th</sup> amendments as

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defined by 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), Massachusetts

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Constitution Part The First, Article XVII; the U.S. Constitution as

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a whole; the U.S. Constitution, Amendment II □ (also known as the

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Second Amendment); and the U.S. Constitution, Amendment XIV

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(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 2<sup>nd</sup> Amendment right to keep and bear arms,  
39908 and the 14<sup>th</sup> Amendment privileges and immunities of U.S.  
39909 citizenship, the “Equal Protections Clause” of the 14<sup>th</sup> 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 2<sup>nd</sup> Amendment right to keep and bear arms, and the 14<sup>th</sup>  
39957 Amendment privileges and immunities of U.S. citizenship, the  
39958 “Equal Protections Clause” of the 14<sup>th</sup> 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 2<sup>nd</sup> Amendment right to keep and bear arms, and the 14<sup>th</sup>  
39995 Amendment privileges and immunities of U.S. citizenship, the  
39996 “Equal Protections Clause” of the 14<sup>th</sup> 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.  
40005

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**  
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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 14<sup>th</sup> amendment as an issue  
40030 of “equal protection” as well as an “immunities and privileges  
40031 issue” including but not limited to the 14<sup>th</sup>, and 2<sup>nd</sup> amendments.  
40032 This statute infringes the 2<sup>nd</sup> Amendment right to keep and bear  
40033 arms, and the 14<sup>th</sup> Amendment privileges and immunities of U.S.  
40034 citizenship, the “Equal Protections Clause” of the 14<sup>th</sup> 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.

40043  
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 14<sup>th</sup> amendment as an issue of  
40060 “equal protection” as well as an “immunities and privileges issue”  
40061 including but not limited to the 14<sup>th</sup>, and 2<sup>nd</sup> amendments. This  
40062 statute infringes the 2<sup>nd</sup> Amendment right to keep and bear arms,  
40063 and the 14<sup>th</sup> Amendment privileges and immunities of U.S.  
40064 citizenship, the “Equal Protections Clause” of the 14<sup>th</sup> 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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**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 14<sup>th</sup>, 4<sup>th</sup>, and 2<sup>nd</sup> amendments. This statute infringes  
40097 the 2<sup>nd</sup> Amendment right to keep and bear arms, and the 14<sup>th</sup>  
40098 Amendment privileges and immunities of U.S. citizenship, the  
40099 “Equal Protections Clause” of the 14<sup>th</sup> 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 4<sup>th</sup>, 9<sup>th</sup>, 14<sup>th</sup>, and 2<sup>nd</sup> 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 2<sup>nd</sup> Amendment  
40141 right to keep and bear arms, and the 14<sup>th</sup> Amendment privileges  
40142 and immunities of U.S. citizenship, the “Equal Protections Clause”  
40143 of the 14<sup>th</sup> 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

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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 14<sup>th</sup>, 9<sup>th</sup>, and 2<sup>nd</sup>

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Amendments.

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1656. This statute infringes the 2<sup>nd</sup> Amendment right to keep and

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bear arms, and the 14<sup>th</sup> Amendment privileges and immunities of

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U.S. citizenship, the "Equal Protections Clause" of the 14<sup>th</sup>

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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.

40225

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.

40242  
40243 1663. This statute infringes the 2<sup>nd</sup> Amendment right to keep and  
40244 bear arms, and the 14<sup>th</sup> Amendment privileges and immunities of  
40245 U.S. citizenship, the “Equal Protections Clause” of the 14<sup>th</sup>  
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.

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40255 1665. This statute as a whole, and also in sections or parts is  
40256 unconstitutional, an infringement, and a deprivation of civil rights

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of Plaintiff Atkinson.

**COUNT TWENTY THREE**  
**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**

1666. **M.G.L. c. 140, § 131A** 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.

1667. The allegations contained in paragraphs 1 through the current paragraph, are re-alleged and incorporated into this count as though fully set forth herein.

1668. 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

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 2<sup>nd</sup> Amendment right to keep and  
40288 bear arms, and the 14<sup>th</sup> Amendment privileges and immunities of  
40289 U.S. citizenship, the "Equal Protections Clause" of the 14<sup>th</sup>  
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.

40317  
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.

40321  
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.

40327  
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.

40332  
40333 1677. This statute infringes the 2<sup>nd</sup> Amendment right to keep and  
40334 bear arms, and the 14<sup>th</sup> Amendment privileges and immunities of  
40335 U.S. citizenship, the “Equal Protections Clause” of the 14<sup>th</sup>  
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.

40340  
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 2<sup>nd</sup> Amendment right to keep and  
40385 bear arms, and the 14<sup>th</sup> Amendment privileges and immunities of  
40386 U.S. citizenship, the "Equal Protections Clause" of the 14<sup>th</sup>

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.

40391  
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.

40395  
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**  
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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 2<sup>nd</sup> Amendment right to keep and bear arms,

40430 and the 14<sup>th</sup> Amendment privileges and immunities of U.S.  
40431 citizenship, the “Equal Protections Clause” of the 14<sup>th</sup> 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 2<sup>nd</sup>, 9<sup>th</sup>, and 14<sup>th</sup>  
40472 amendments, and other civil rights. This statute infringes the 2<sup>nd</sup>

40473 Amendment right to keep and bear arms, and the 14<sup>th</sup> Amendment  
40474 privileges and immunities of U.S. citizenship, the “Equal  
40475 Protections Clause” of the 14<sup>th</sup> 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 2<sup>nd</sup> Amendment right to keep and bear arms,  
40511 and the 14<sup>th</sup> Amendment privileges and immunities of U.S.  
40512 citizenship, the "Equal Protections Clause" of the 14<sup>th</sup> 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 through 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 2<sup>nd</sup> Amendment right to keep and bear arms,  
40552 and the 14<sup>th</sup> Amendment privileges and immunities of U.S.  
40553 citizenship, the "Equal Protections Clause" of the 14<sup>th</sup> 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 14<sup>th</sup> 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 2<sup>nd</sup> Amendment right to keep and  
40602 bear arms, and the 14<sup>th</sup> Amendment privileges and immunities of

40603 U.S. citizenship, the “Equal Protections Clause” of the 14<sup>th</sup>  
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**

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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 2<sup>nd</sup> Amendment right to  
40642 keep and bear arms, and the 14<sup>th</sup> Amendment privileges and  
40643 immunities of U.S. citizenship, the "Equal Protections Clause" of  
40644 the 14<sup>th</sup> 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.

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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 2<sup>nd</sup> Amendment right to keep and  
40688 bear arms, and the 14<sup>th</sup> Amendment privileges and immunities of

40689 U.S. citizenship, the “Equal Protections Clause” of the 14<sup>th</sup>  
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.

40699

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 2<sup>nd</sup>  
40729 Amendment right to keep and bear arms, and the 14<sup>th</sup> Amendment  
40730 privileges and immunities of U.S. citizenship, the "Equal  
40731 Protections Clause" of the 14<sup>th</sup> 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.

40740

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 2<sup>nd</sup>  
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 14<sup>th</sup>, 9<sup>th</sup>, and 2<sup>nd</sup> Amendments,  
40755 and other relevant laws, as a violation, deprivation, and  
40756 infringement of civil rights. This statute infringes the 2<sup>nd</sup>  
40757 Amendment right to keep and bear arms, and the 14<sup>th</sup> Amendment  
40758 privileges and immunities of U.S. citizenship, the “Equal  
40759 Protections Clause” of the 14<sup>th</sup> 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.

40765

40766 **COUNT THIRTY FOUR**  
40767 **THE SECOND AMENDMENT INVALIDATES M.G.L. c. 269, § 10**  
40768 **TO THE EXTENT IT PREVENTS QUALIFIED PRIVATE**  
40769 **CITIZENS FROM KEEPING AND/OR CARRYING AND/OR**  
40770 **BEARING ARMS FOR SELF-DEFENSE.**

40771

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 2<sup>nd</sup> Amendment right to keep and  
40825 bear arms, and the 14<sup>th</sup> Amendment privileges and immunities of  
40826 U.S. citizenship, the “Equal Protections Clause” of the 14<sup>th</sup>  
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.

40831  
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 5<sup>th</sup> Amendment, 6<sup>th</sup> Amendment, 8<sup>th</sup> Amendment, 9<sup>th</sup>  
40871 Amendment, and 14<sup>th</sup> 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.

40887

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.**  
40893

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 5<sup>th</sup>  
40918 Amendment, 6<sup>th</sup> Amendment, 8<sup>th</sup> Amendment, 9<sup>th</sup> Amendment, and  
40919 14<sup>th</sup> 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 5<sup>th</sup>  
40963 Amendment, 6<sup>th</sup> Amendment, 8<sup>th</sup> Amendment, 9<sup>th</sup> Amendment, and

40964 14<sup>th</sup> 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 5<sup>th</sup>  
41008 Amendment, 6<sup>th</sup> Amendment, 8<sup>th</sup> Amendment, 9<sup>th</sup> Amendment, and  
41009 14<sup>th</sup> 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 4<sup>th</sup>, 5<sup>th</sup>  
41054 Amendment, 6<sup>th</sup> Amendment, 8<sup>th</sup> Amendment, 9<sup>th</sup> Amendment, and  
41055 14<sup>th</sup> 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 5<sup>th</sup> Amendment, 6<sup>th</sup> Amendment, 8<sup>th</sup> Amendment, 9<sup>th</sup>  
41079 Amendment, and 14<sup>th</sup> 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.

41085

41086

**COUNT FORTY**

41087

**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

41093 affront to 5<sup>th</sup> Amendment, 6<sup>th</sup> Amendment, 7<sup>th</sup>, 8<sup>th</sup> Amendment, 9<sup>th</sup>  
41094 Amendment, and 14<sup>th</sup> Amendment, including but not limited to the  
41095 Constitution of the United States, Article IV, Section 2, and is a  
41096 violation of civil rights, and deprivation of the civil rights of the  
41097 Plaintiff Atkinson. The allegations contained in paragraphs 1  
41098 though the current paragraph, are re-alleged and incorporated into  
41099 this count as though fully set forth herein. The aforementioned and  
41100 following Massachusetts General Laws, Statutes, and Regulation  
41101 are invalid. The invalidities of the aforesaid and following statute  
41102 and regulations, and Defendants' application of same, infringe  
41103 Plaintiff's civil rights and damage Plaintiff in violation of 42 U.S.C.  
41104 § 1983. This statute as a whole, and also in sections or parts is  
41105 unconstitutional, an infringement, and a deprivation of civil rights  
41106 of Plaintiff Atkinson.

41107

41108 **COUNT FORTY ONE**  
41109 **801 CMR 1.01 DEPRIVES PLAINTIFF OF DUE PROCESS,**  
41110 **EQUAL PROTECTIONS, FIFTH AMENDMENT RIGHTS, SIXTH**  
41111 **AMENDMENT RIGHTS, SEVENTH AMENDMENT RIGHTS.**  
41112

41113 1710. **Standard Rules of Practice and Procedure, 801 CMR 1.01**

41114 is unconstitutional and is an affront to 5<sup>th</sup> Amendment, 7<sup>th</sup>, 6<sup>th</sup>

41115 Amendment, 8<sup>th</sup> Amendment, 9<sup>th</sup> Amendment, and 14<sup>th</sup>  
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 through 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 2<sup>nd</sup>

41158 Amendment right to keep and bear arms, and the 14<sup>th</sup> Amendment  
41159 privileges and immunities of U.S. citizenship, the “Equal  
41160 Protections Clause” of the 14<sup>th</sup> 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.

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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 5<sup>th</sup> Amendment,  
41182 6<sup>th</sup> Amendment, 7<sup>th</sup>, 8<sup>th</sup> Amendment, 9<sup>th</sup> Amendment, and 14<sup>th</sup>

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 5<sup>th</sup> Amendment, 6<sup>th</sup> Amendment, 8<sup>th</sup> Amendment, 9<sup>th</sup>  
41227 Amendment, and 14<sup>th</sup> 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 2<sup>nd</sup> 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 2<sup>nd</sup>, 4<sup>th</sup>,

41254 5<sup>th</sup> Amendment, 6<sup>th</sup> Amendment, 7<sup>th</sup>, 8<sup>th</sup> Amendment, 9<sup>th</sup>

41255 Amendment, and 14<sup>th</sup> 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 5<sup>th</sup> Amendment, 6<sup>th</sup> Amendment, 8<sup>th</sup>  
41296 Amendment, 9<sup>th</sup> Amendment, and 14<sup>th</sup> 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 2<sup>nd</sup> 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.**

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1714. Additionally, the Student Conduct Codes, published by the

41320

Commonwealth of Massachusetts for the University of

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Massachusetts at Amherst, Boston, Dartmouth, Lowell and

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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

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College, Bristol Community College, Bunker Hill Community

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College, Cape Cod Community College, Greenfield Community

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College, Holyoke Community College, Massachusetts Bay

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Community College, Massasoit Community College, Middlesex

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Community College, Mount Wachusett Community College,

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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 2<sup>nd</sup>, 4<sup>th</sup>, 5<sup>th</sup> Amendment, 6<sup>th</sup>  
41338 Amendment, 8<sup>th</sup> Amendment, 9<sup>th</sup> Amendment, and 14<sup>th</sup>  
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 1<sup>st</sup>, 2<sup>nd</sup>,  
41403 4<sup>th</sup>, 5<sup>th</sup> Amendment, 6<sup>th</sup> Amendment, 8<sup>th</sup> Amendment, 9<sup>th</sup>  
41404 Amendment, and 14<sup>th</sup> 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 2<sup>nd</sup> 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 through 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.

41751

41752

1749. Further complaints by Plaintiff to Municipal and State agencies

41753

resulted in a cover-up, resulted in significant retaliation against the

41754

Plaintiff by Defendants and a deprivation of his civil rights.

41755

41756

1750. The Town of Rockport, Rockport Police Department, Rockport

41757

Ambulance Department, Rockport Fire Department, the

41758

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

41762

to interfere with Plaintiff's international shipments in order to

41763

cause delays, by which Plaintiff was then charged in the

41764

aforementioned events due to delayed shipments.

41765

41766

1751. The Commonwealth unlawful suspended Plaintiff Atkinson as

41767

an EMT by suspending his EMT license, as did the Town of

41768

Rockport Ambulance Department, and did punish Plaintiff, for acts

41769

which the Plaintiff was never found guilty, nor for which there was

41770

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 1<sup>st</sup>, 2<sup>nd</sup>, 4<sup>th</sup>, 5<sup>th</sup>, 7<sup>th</sup>, 8<sup>th</sup>, 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.

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1797. Defendants Research Electronics, A and L Enterprises, Thomas

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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,

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resells, possesses, offer for sale, operates, ships in interstate and

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international commerce goods and devices manufactures medical

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equipment for the purposes of radiological or radiating devices to

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examine humans which are not approved for human use, and

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which are specifically prohibited by federal guidelines for human

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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

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law.

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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.

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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

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to, engaged in, conspired to engage in, created trusts and

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agreements, engaged in monopolistic efforts, rigged contracts,

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inflated market price, price fixing, and restraint of trade among the

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several States, or with foreign nations, in violation of the law and

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contrary to public policy. Defendants demanded that the Plaintiff

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not deal in the goods, wares, merchandise, machinery, supplies, or

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other commodities of their competitor or competitors, with the

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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

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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

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decoding) system which the Defendant has seen the Plaintiff use to

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examine digital phone systems during TSCM inspections. The

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Defendant sought to develop an eavesdropping device based on the

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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

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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

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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

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Plaintiff that no sale had taken place.

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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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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.

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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 2<sup>nd</sup> and 14<sup>th</sup> Amendment both in spirit and intent of  
43868 *Heller* and/or *McDonald*, to comply with the 2<sup>nd</sup> 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 2<sup>nd</sup> 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 2<sup>nd</sup> 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.

43943

43944

11.Immediate declaratory judgment and injunctive relief to the

43945

Commonwealth of Massachusetts to expunge and/or seal the arrest

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records and criminal records for all citizens (including the Plaintiff)

43947

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

43949

court deems appropriate.

43950

43951

12.Immediate declaratory judgment that the Commonwealth of

43952

Massachusetts maintains statutes in regards to mere firearms

43953

ownership which violates the protections, or immunities, or privileges

43954

of U.S. Citizenship in regards to the keeping or ownership of arms and

43955

possession of arms in the home, on private property, or in the citizens

43956

place of business as protected by the 14<sup>th</sup> Amendment, which applies

43957

the 2<sup>nd</sup> Amendment to the many states, as per *Heller* and *McDonald*,

43958

and other relief this court deems appropriate.

43959

43960

13.Immediate declaratory judgment that the Commonwealth of

43961

Massachusetts maintains statutes in regards to bearing or carrying of

43962

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

44044

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 2<sup>nd</sup> Amendment of  
44082 the U.S. Constitution, and applied to the Commonwealth by way for

44083 the 14<sup>th</sup> 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 4<sup>th</sup>,  
44159 5<sup>th</sup>, 6<sup>th</sup>, 8<sup>th</sup>, and 14<sup>th</sup> 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.

44243

44244

47.Immediate declaratory judgment and injunctive relief that Research

44245

Electronics, LLC or any derivative company, nor any employees

44246

herein names, or later revealed shall not make, build, import, sell,

44247

operate, or in any way control any manner of eavesdropping device,

44248

of any sort in violation of 18 USC 2510-2522, and other relief this

44249

court deems appropriate.

44250

44251

48.Immediate declaratory judgment and injunctive relief that Research

44252

Electronics shall not make, build, resell, offer for sale, import, sell,

44253

operate, or in any way circulate, ship, or distribute any manner any

44254

sort of device capable of transmitting a signal of any sort, or which

44255

contains a local oscillator until that product is first formally assigned a

44256

FCCID number and retails or commercial sale is approved by the FCC,

44257

for each model, revision, and modification as required by Federal law,

44258

and other relief this court deems appropriate.

44259

44260

49.Immediate declaratory judgment and injunctive relief that Research

44261

Electronics shall not make, build, resell, offer for sale, import, export,

44262

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.

44427  
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

44432  
44433 74. Award costs or expenses of the suit.

44434  
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*  
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44445  
44446

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