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

JAMES M. Atkinson, pro se

Plaintiff,

v.

TOWN OF ROCKPORT;
COMMONWEALTH OF
MASSACHUSETTS; SALEM STATE
COLLEGE; NORTH SHORE
COMMUNITY COLLEGE;
MONTERRAT COLLEGE OF ART;
LYONS AMBULANCE, LLC,
RESEARCH ELECTRONICS, LLC;
BEVERLY HOSPITAL; ADDISON
GILBERT HOSPITAL; ESSEX
COUNTY SHERIFFS DEPARTMENT;
A AND L ENTERPRISES; CAPE ANN
CHAMBER OF COMMERCE; MARY
ELIZABETH HEFFERNAN in her
official capacity and individually as
Secretary of Public Safety and
Executive Office of Public Safety and
Security; MARK DELANEY in his
official capacity and individually as
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
Information Services (DCJIS); JAMES
HURST in his official capacity and
individually as an Police Officer for
Town of Rockport; DANIEL

11-CV-11073-NMG

3rd AMENDED COMPLAINT

DEMAND FOR JURY TRIAL

42 U.S.C. §§ 1983, 1985, 1988,
1981a

U.S. Constitution, Article Four,
Section 2

FIRST AMENDMENT

SECOND AMENDMENT

FOURTH AMENDMENT

FIFTH AMENDMENT

SIXTH AMENDMENT

EIGHTH AMENDMENT

NINTH AMENDMENT

FOURTEENTH AMENDMENT

18 U.S.C. §§ 1961-1968

18 U.S.C. §§ 2510-2522

31 U.S.C. §§ 3729–3733

MAHONEY in his official capacity and individually as an Police Officer for Town of Rockport; MICHAEL MARINO in his official capacity and individually as an Police Officer for Town of Rockport; JOHN T. MCCARTHY in his official capacity and individually as an Chief of Police for Town of Rockport; GREGORY GEORGE in his official capacity and individually as an Police Officer for Town of Rockport; SEAN ANDRUS in his official capacity and individually as an Police Officer for Town of Rockport; JAMES HURST in his official capacity and individually as an Police Officer for Town of Rockport; MARK SCHMINK in his official capacity and individually as an Police Officer for Town of Rockport; ROBERT TIBERT in his official capacity and individually as an Police Officer for Town of Rockport; MICHAEL ANDERSON in his official capacity and individually as an Police Officer for Town of Rockport; TIMOTHY FRITHSEN in his official capacity and individually as an Police Officer for Town of Rockport; CHRISTIAN MCDOWELL in his official capacity and individually as an Special Agent for Federal Bureau of Investigation; ROSEMARY LESCH in her official capacity and individually as an Department Head for Town of Rockport, Emergency Medical Technician (EMT), and Harbormaster; SCOTT STORY in his official capacity and individually as an Department Head, Emergency Medical Technician (EMT), and Harbormaster for Town of	47 U.S.C. §§ 2.1–1305 15 U.S.C. §§ 1-38 18 U.S.C. § 1831 18 U.S.C. § 1951 18 U.S.C. § 371 22 U.S.C. § 2778 36 U.S.C. § 407 28 U.S.C. § 1443 28 U.S.C. §§ 1446 – 1449 22 U.S.C. § 2778 50 U.S.C. § 2410 22 CFR, § 120 - 130 MASSACHUSETTS CONSTITUTION, PART THE FIRST, ARTICLE XVII 12 M.G.L. § 11H 265 M.G.L. § 37 263 M.G.L. § 3 268 M.G.L. § 1 268 M.G.L. § 1A 268 M.G.L. § 2
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Rockport; RITA BUDROW in her official capacity and individually as an EMT for Town of Rockport;	268 M.G.L. § 3
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;	268 M.G.L. § 4
DIANE E. CRUDDEN in her official capacity and individually as an EMT for Town of Rockport;	268 M.G.L. § 6
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;	268 M.G.L. § 6A
PENNY MICHALSKI in her official capacity and individually as an for Attorney Generals Office;	268 M.G.L. § 13B
KEVIN M. LYONS in his official capacity and individually as an Owner for Lyons Ambulance Service LLC;	268 M.G.L. § 13E
FRANK CARABELLO in his official capacity and individually as an Director of Operations for Lyons Ambulance Service LLC;	268 M.G.L. § 36
DARRELL MOORE in his official capacity and individually as an EMT Instructor for Lyons Ambulance Service LLC and a Commonwealth of Massachusetts EMT Examiner;	268A M.G.L. § 9
ROBERT PIEPIORA in his official capacity and individually as an EMT Instructor for Lyons Ambulance Service LLC and a Commonwealth of Massachusetts EMT Examiner,;	272 M.G.L. § 99
DAVID RAYMOND in his official capacity and individually as an EMT Instructor for Lyons Ambulance Service LLC and a	272 M.G.L. § 105

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Commonwealth of Massachusetts EMT Examiner; JOHN L. GOOD in his/her official capacity and individually as an 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/her official capacity and individually as a Medical Control Physician for Beverly Hospital; JOHN AUERBACH in his official capacity

and individually as an Commissioner, Department of Public Health for Commonwealth of Massachusetts; MARTHA COAKLEY in her official capacity and individually as an 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; KEVIN P. BURKE in his official capacity and individually as an 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 as an Dean of Students for North Shore Community College; WAYNE BURTON in his official capacity and individually as the President for North Shore Community College; DONNA RICHEMOND in her official capacity and individually as an Vice President, Student and Enrollment Services for North Shore Community College; DOUG PUSKA in his official capacity and individually as an Chief of Police for North Shore Community College; KENNETH TASHJY in his official capacity and individually as an College Legal Counsel for North Shore Community College; MARSHALL J. HANDLY in his official capacity and individually as an 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 an Trustee for Montserrat College of Art; LECIA TURCOTTE in her official capacity and individually as an Trustee for Montserrat College of Art; DONALD BOWEN in his official capacity and individually as an Trustee for Montserrat College of Art; MARTHA BUSKIRK in her official capacity and individually as an Trustee for Montserrat College of Art; CHRISTOPHER COLLINS in his official capacity and individually as an Trustee for Montserrat College of Art; NANCY CRATE in her official capacity as a Trustee for Montserrat College of Art; CRAIG H. DEERY in his official capacity as a Trustee for Montserrat College of Art; STEVEN DODGE in his official capacity as a Trustee for Montserrat College of Art; HENRIETTA GATES in her official capacity as a Trustee for Montserrat College of Art; MIRANDA GOODING in her official capacity as a Trustee for Montserrat College of Art; LINDA HARVEY in her official capacity as a Trustee for Montserrat College of Art; BETSY HOPKINS in her official capacity as a Trustee for Montserrat College of Art; JOHN PETERMAN in his official capacity as a Trustee for Montserrat College of Art; JURRIEN

TIMMER in his/her official capacity as a Trustee for Montserrat College of Art; CHARLES WHITTEN in his official capacity as a Trustee for Montserrat College of Art; ALAN WILSON in his official capacity as a Trustee for Montserrat College of Art; KATHERINE WINTER in her official capacity as a Trustee for Montserrat College of Art; JO BRODERICK in her official capacity as a Dean of College Relations for Montserrat College of Art; RICK LONGO in his official capacity as a Dean of Admissions & Enrollment Management for Montserrat College of Art; LAURA TONELLI in her official capacity as a Dean of Faculty and Academic Affairs for Montserrat College of Art; THERESA SKELLY in her official capacity as a Registrar for Montserrat College of Art; JEFFREY NEWELL in his official capacity as a Director of Admissions for Montserrat College of Art; SCOTT JAMES in his official capacity as a Associate Vice President for Salem State College; PATRICIA MAGUIRE MESERVEY in her official capacity as a President for Salem State College; JAMES STOLL in his official capacity as a Associate Vice President and Dean of Students for Salem State College; WILLIAM ANGLIN in his official capacity as a Chief, Public Safety for Salem State College; SHAWN A. NEWTON in his official capacity as a Assistant Dean of Students for Salem State College; SHANE RODRIGUEZ in his official capacity as a Deputy Chief, Campus Police for Salem State College;

for Montserrat College of Art;
MARTHA BUSKIRK in her official capacity and individually as an Trustee for Montserrat College of Art;
CHRISTOPHER COLLINS in his official capacity and individually as an Trustee for Montserrat College of Art;
NANCY CRATE in her official capacity as a Trustee for Montserrat College of Art; CRAIG H. DEERY in his official capacity as a Trustee for Montserrat College of Art; STEVEN DODGE in his official capacity as a Trustee for Montserrat College of Art; HENRIETTA GATES in her official capacity as a Trustee for Montserrat College of Art; MIRANDA GOODING in her official capacity as a Trustee for Montserrat College of Art; LINDA HARVEY in her official capacity as a Trustee for Montserrat College of Art; BETSY HOPKINS in her official capacity as a Trustee for Montserrat College of Art; JOHN PETERMAN in his official capacity as a Trustee for Montserrat College of Art; JURRIEN TIMMER in his/her official capacity as a Trustee for Montserrat College of Art; CHARLES WHITTEN in his official capacity as a Trustee for Montserrat College of Art; ALAN WILSON in his official capacity as a Trustee for Montserrat College of Art;
KATHERINE WINTER in her official capacity as a Trustee for Montserrat College of Art; JO BRODERICK in her official capacity as a Dean of College Relations for Montserrat College of Art; RICK LONGO in his official capacity as a Dean of Admissions & Enrollment

Physician for Addison Gilbert Hospital; MICHAEL ARSENIAN in his official capacity as a Physician for Addison Gilbert Hospital; PETER W. CURATOLO in his official capacity as a Physician for Addison Gilbert Hospital; THOMAS H. JONES in his official capacity as a Owner for Research Electronics, LLC; BRUCE BARSUMIAN in his official capacity as a Owner for Research Electronics, LLC; MICHELLE GAW in her official capacity as a Sales Person for Research Electronics, LLC; TRISH WEBB in her official capacity as an Accountant Manager for Research Electronics, LLC; PAMELA MCINTYRE in her official capacity as an Employee for Research Electronics, LLC; LEE JONES in his official capacity as a Sales Manager for Research Electronics, LLC; ARLENE J. BARSUMIAN in her official capacity as a Owner for Research Electronics and A and L Enterprises; DARLENE JONES in her official capacity as a Owner for Research Electronics and A and L Enterprises; CHARLENE BROWN in her official capacity as a Worker for Cape Ann Chamber of Commerce; and John Doe's 001 – 265 in his/her official capacity and individually.

Defendants.

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8 1. Comes now the Plaintiff, **JAMES M. ATKINSON**, who is a U.S.
9 Citizen by birth; a civil libertarian; a disabled U.S. Veteran with
10 Honorable Service; Plaintiff Atkinson hereby alleges as follows:

11 **COMPLAINT**
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14 2. This action for deprivation of civil rights under color of law, and also
15 challenges to various unconstitutional Massachusetts statutes in regard
16 to the keeping and, or of bearing arms to the extent that they prohibit
17 otherwise qualified private citizens from keeping or carrying arms for
18 the purpose of self-defense.

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20 3. This action is also for Civil Racketeer Influenced and Corrupt
21 Organizations Act (“RICO”) violations; violations of federal
22 wiretapping statutes; violations of the False Claims Acts and/or to
23 obtain Federal Funds; violation of Electronic Communications laws;
24 Monopolies and Restraint of Trade violations; Economic Espionage
25 Act, 18 U.S.C. 1831 violations; Export Violations; violation of FDA's
26 prohibition against promoting before FDA has approved the device
27 for commercial distribution; as well as criminal violation of the laws
28 and statutes of the United States of America and of the

29 Commonwealth of Massachusetts by state agents, agencies, and
30 private entities working in concert with the state and acting under
31 color of law.

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33 4. Plaintiff seeks a declaratory judgment, injunctive relief, actual
34 damages, general damages, special damages, compensatory damages,
35 punitive damages, attorney's fees, costs, and other relief this court
36 deems appropriate.

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OVERVIEW

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40 5. The right to arms is understood by all Americans, and recognized by
41 law to be a right, a privilege, and/or immunity of citizenship of the
42 United States.

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44 6. The right to arms is so deeply ingrained into American society and
45 such a widely recognized right that on the written examinations for a
46 person to become a naturalized citizen of the Unites States that two of
47 the questions or of the body of 100 questions actually involved the
48 sanctity of the right of members of the public to keep and bear arms.

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7. The U.S. Supreme Court has ruled that the 2nd Amendment right to keep, and to bear or carry arms applies to the States by virtue of application of the 14th Amendment, and thus neither the Federal Government, nor any state agency, nor agent of the state may interfere with the unqualified right to keep and bear arms.

8. Second Amendment rights are no different then First Amendment rights, nor the 4th, 5th, 6th, 7th, 8th, 9th, or 14th Amendments, nor for that matter any other part of the Constitution or Bill of Rights.

9. The government cannot exercise prior restraint in either matters of the First Amendment, nor in matters of the Second Amendment.

10. The government (neither State, nor Federal) may not prohibit the possession of a high volume printing press any more then they may prohibit a high capacity firearm magazine, a high capacity feeding device for a firearm, a high capacity firearm, nor a high capacity or low capacity assault weapon.

69 11. A high volume printing press in and of itself is no more or less
70 dangerous than a high capacity firearm or a high capacity firearm
71 magazine. In both cases, a citizen is responsible for the use or misuse
72 of either, but the government may not impose prior restraint on either.

73

74 12. A printing press, arms of various sorts, and holy books are all equally
75 protected under the Bill of Rights. Not the States, nor the Federal
76 Government may outlaw or license a religion, may not mandate a
77 certain thickness or page count of the Holy Bible, nor the scripting of
78 prayers by the faithful, define the size of a Prayer Rug, mandate that
79 Mass be spoken in High Latin or English, nor impose the desires of
80 the Government in regards to religion or political choices, nor may
81 they impose undue control or restraint on the keeping and bearing of
82 arms, or of the press.

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84 13. All firearms, arms, ammunition, accessories, or attachments utilized
85 by law enforcement for individual defense of the officer or for
86 entering homes, buildings, or vehicles are suitable examples that these
87 same or similar weapons are well suited for defense of the home of
88 citizens.

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14. The firearm itself, the configuration of the magazines, of feeding devices, the ammunition used, and the manner in which it is deployed by police officers are all evidence that a weapon is well suited for home defense of citizens.

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15. By their very design, firearms are dangerous, they are supposed to be dangerous, and they are supposed to be deadly, any fool knows this.

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People train to become proficient with arms in order to use them in a dangerous and controlled manner, and in some cases a deadly manner.

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Any assertions that a particular modern arm is more or less dangerous than another is sheer and utter lunacy.

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16. The “dangerousness” of any particular firearm lies in the intent of the

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hands that wields it, and if those hands have evil intentions and they

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lack access to one type of arm then they will turn to other weapons

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and arms that are equally or more dangerous than firearms, but more

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available to them.

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17. Even a very small automobile or truck is dramatically more dangerous,

109 as a lethal weapon than a firearm, pistol, revolver, shotgun, rifle,
110 sniper rifle, or other related arms. The energy and mass of a moving
111 motor vehicle exceeds that of a bullet or pellet by many orders of
112 magnitude. Anybody who has professional training on arms and of the
113 tactical use of vehicles, or of combat driving, or protective driving
114 understands this well. Students at numerous government schools are
115 actually taught to utilize motor vehicles as readily available weapons,
116 and as a weapon that it dramatically more deadly than a firearm, or
117 other kinds of weapons or arms.

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119 18. A high capacity magazine or feeding device is protected under the 2nd
120 and 14th Amendment, the government may not dictate any aspect of
121 the arms that a person may choose for defense, not the ammunition
122 feeding device or magazine, nor the type of ammunition used.

123
124 19. The U.S. Military and the municipal police officers routinely carry
125 magazines with 15, 19, 20, 30, and even 40 round ammunition
126 magazines, and there is no legitimate reason to obstruct the law
127 abiding public from possessing or carrying the same things.

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129 20. The U.S. Supreme Court affirms this right, immunity, and privilege in
130 both *District of Columbia v. Heller*, 554 U.S. 570, 592 (2008), and
131 *McDonald v. Chicago*, 561 U.S. ___, 130 S. Ct. 3020, 3026 (2010)
132 decisions. Hence, no State may restrict, control, or license either high
133 capacity magazines, high capacity feeding devices, or any form of
134 high capacity firearm.

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136 21. Any weapon used by a SWAT team for home or business entries of a
137 tactical nature and/or raids is strong evidence that the same weapon is
138 particularly suited for home defense. Otherwise, logically, the SWAT
139 Team would not be using such weapons.

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141 22. Logically then, any and all firearms which a law enforcement officer,
142 or SWAT team member, would normally carry on a day to day basis
143 or deploy anywhere in the country, or which is endorsed for, sold for,
144 endorsed as, or in any way considered as a firearm suited for
145 individual law enforcement officers to carry or use is prima facie
146 evidence that it is suitable for home defense as it is generally accepted
147 as safe for citizens to keep, to carry, or to bear. The same holds true of
148 any firearm, magazine, feeding device, or ammunition in common use

149 by law federal, state, and local law enforcement officers, or the
150 military, or intelligence officers.

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152 23. Under the equal protection clause of the Bill of Rights (14th
153 Amendment), the police are not entitled to any greater or lesser
154 protection than that of the common law abiding citizen. Nor may any
155 law abiding citizen be denied the ability to keep arms identical to, or
156 similar to those carried by the police of the military. In effect, by
157 application of the Equal Protections clause of the 14th Amendment the
158 citizens of the United States are allowed to possess arms, up to and
159 equal to those issued to, carried by, authorized by, or used by
160 members of law enforcement or the various states or Federal agencies,
161 or Military. Thus, if a police officer or soldier is permitted to carry a
162 type of arm, then so are members of the public.

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164 24. In *McDonald v. Chicago*, Justice Thomas states that:

165 “African Americans in the South would likely have remained
166 vulnerable to attack by many of their worst abusers: the state
167 militia and state peace officers. In the years immediately following
168 the Civil War, a law banning the possession of guns by all private
169 citizens would have been nondiscriminatory only in the formal
170 sense. Any such law—like the Chicago and Oak Park ordinances
171 challenged here—presumably would have permitted the possession
172 of guns by those acting under the authority of the State and would

173 thus have left firearms in the hands of the militia and local peace
174 officers. And as the Report of the Joint Committee on
175 Reconstruction revealed, see supra, at 24–25, those groups were
176 widely involved in harassing blacks in the South.”
177

178 25. The U.S. Supreme Court ruling in *Heller* and in *McDonald* allows the
179 occupant of the home to determine which firearms are primarily
180 useful for home defense, and does not allow the government to dictate
181 which weapons be kept, or used in this regard. In fact, the law permits
182 the possession and use of not only firearms, but also that of any arms
183 available to the person.
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185 26. This weapon selection is highly personal, and can range from little
186 more than a pointy stick, to an edged weapon, a bayonet, a sword or
187 cutlass, or if they so choose a firearm of the sort they feel is most
188 suitable.
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190 27. Conversely, should a citizen feel strongly against the keeping, or the
191 bearing of arms they are well within their rights not to possess or to
192 carry same, but they may not impose their religious, philosophical,
193 and social choices regarding arms or self defense upon other citizens.
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195 28. The state however, may not restrict the mere possession or “keeping”
196 of arms, nor can the state restrict the “bearing of arms” by normal law
197 abiding citizens, and at most may only control the manner in which
198 they are carried with a minimum of interference or control. The state
199 is thus prohibited from imposing any kind of licensing or permitting
200 scheme to either possess or to carry arms.

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202 29. The state may not prohibit the keeping, carrying, or bearing arms, but
203 may, within very narrow considerations which involve the mode by
204 which the arms may be carried. The state may not for example
205 mandate that the firearm be carried in an unloaded condition, as this
206 would violate the *Heller* decision. Thus, a citizen is allowed to
207 maintain their arm, fully loaded, and readily available to use, and
208 carried in a way that permits rapid access and deployment. This then
209 restricts the state into mandating that arms may be openly carried, or
210 carried concealed, or carried covertly, but it does not permit them to
211 prohibit carriage of such arms.

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213 30. The State could in theory under *Heller*, mandate for public carrying or
214 bearing of firearms; that a “high ride” pistol holster should be used, or

215 that a “drop rig” style of holster is mandated, or perhaps even require
216 “retention” or top strap styles of holster, so long as none of these
217 holsters unduly restrained the citizens access to, and deployment of
218 the said firearm, but they may in no way restrict or control the actual
219 act of carrying or bearing of said arms.

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221 31. At most the state may impose certain controls to keep arms out of the
222 hands of convicted felons or those who are adjudged insane, but they
223 may not otherwise control, license, or ban arms.

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225 32. The Bill of Rights, and the interpretations and decisions of the U.S.
226 Supreme Court does not permit the state to prohibit the possession of
227 a Holy Bible, the Torah, or the Quran, or any other holy book which
228 the state may not like, but may control the retail sale of such to a very
229 limited extent. Nevertheless, the State cannot control or license mere
230 possession nor use of said holy books.

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232 33. There is no requirement under the law to obtain a license of any sort
233 for a holy book of any religion or denomination, not a Bible, not a
234 Sermon Book, not a Prayer Book, not a Psalm book, or a Crucifix, or

235 prayer rug, not Statues, not candles, not high capacity church pews,
236 not ornate prayer rugs, not pipe organs, not grand pianos, not banners,
237 not musical instruments, nor Arks, not standards, not religious
238 iconography, not bells, not chalices, not fonts, not baptisms, not
239 incense, not crosses, not religious symbols, not stained glass, not
240 wafers, not hosts, not a hiram, not relics, not a Yarmulkah or
241 Yarmulke, nor Chalice Paten, nor Communion Paten, nor Ciborium,
242 nor Host Box, nor Missal, nor Chasuble, nor Albs, nor Altar Cloths,
243 nor Purificator, nor Finger Towels, nor Bread Trays, nor Cup Trays,
244 nor Bema, nor Shulcahn, nor Ner Tamid, nor Corporals, nor Amices,
245 nor Palls, nor Cincture, nor Oil Stock, nor Pyx, nor Menorah, nor
246 Kiddush Cup, nor Vademecum, not head dresses, not a hijab, not
247 vestments, nor Tallit or Tallis, nor choir robes.

248

249 34. Neither is any government permission or license, or ID card (which is
250 a defacto license if it can be revoked) required for keeping Holy
251 Bibles or other religion artifacts in ones home, or to bear them up or
252 carry them in practice of ones chosen religion.

253

254 35. The Bill of Rights, and the interpretations and decisions of the U.S.

255 Supreme Court does not permit the state to prohibit the possession of
256 a modern printing press (or Holy Bible) which the state may not like,
257 but may control the retail sale of such a press should it be overly
258 dangerous to operate, or should the Holy Bible be printed of plastic
259 explosive sheets, or be in an inherently dangerous form. However, the
260 State cannot control or license mere possession of said printing press
261 (nor of the Holy Bible), nor for that matter arms of various types.

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263 36. There is no requirement under the law to obtain a license of any sort
264 for a printing press ownership, not for a quill pen, not a bottle of ink,
265 not a fountain pen, not a sheet of paper, nor an inkjet printer, or even a
266 high capacity laser printer, nor high capacity word processor, nor even
267 a super computer. Not type faces, not type, not metal plates, not
268 inking pads, nor composing sticks, not type cases, nor other tools of
269 the printing trade.

270
271 37. Neither is any government permission or license, or ID card (which is
272 a defacto license if it can be revoked) required to keep arms in ones
273 home, or to bear them up or carry them in defense of others, or even
274 in defense of the State.

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38. The Second Amendment “guarantee[s] the individual right to possess and carry weapons in case of confrontation,” *District of Columbia v. Heller*, 554 U.S. 570, 592 (2008), and is “fully applicable against the States,” *McDonald v. Chicago*, 561 U.S. ___, 130 S. Ct. 3020, 3026 (2010).

39. However, the Commonwealth of Massachusetts steadfastly refuses to update the statutes of Massachusetts to reflect either the *District of Columbia v. Heller* and *McDonald v. Chicago* U.S. Supreme Court decisions.

40. 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 citizens, complete, willful arrogance in regards to the 2nd and 14th Amendments, and even bolder affront to the U.S. Supreme Court, and even the Constitution of the Commonwealth of Massachusetts, whereby the Commonwealth now

295 chooses merely to ignore the ruling by this nations highest court, and
296 to harass, molest, arrest, charge, indict, and incarcerate citizens who
297 are lawfully in possession of arms.

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299 41. The Commonwealth of Massachusetts further demonstrates their evil
300 intentions by foisting a ruse of various licensing scheme that exists for
301 no reason but to deprive law abiding citizens of defensive arms in
302 their home or businesses.

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304 42. As if this arrogance of the Commonwealth could not run more afoul
305 of the U.S. Constitution; the Bill of Rights; Freedmen's Bureau Act of
306 1866 (which acknowledged the existence of the unqualified right of
307 all citizens to keep, carry, or bear arms); the various rulings of the U.S.
308 Supreme Court; and Massachusetts Constitution, Part The First,
309 Article XVII, the Commonwealth continues to unlawfully and with ill
310 and criminal intent forcibly and with deceit enter law abiding
311 businesses, and homes of citizens who are fully qualified by law to
312 possess arms, and to take those arms away by force and by deception
313 in direct violation of Federal law, and they do so with the approval of
314 the Attorney General of the Commonwealth, and with a approval of

315 the District Attorneys, who then empanel Grand Juries, so that the
316 Attorney General and District Attorneys are “making law” and trying
317 to illegally force precedent, and misusing the Grand Jury system for
318 political power and social controls, instead of obeying the law
319 themselves. In some cases, the police or the district attorneys will
320 trick a Judge or Magistrate into issuing a search warrant or an arrest
321 warrant, even when it is prohibited by law.

322

323 43. The Commonwealth encourages law enforcement officers to lie and to
324 perjure himself or herself in order to gain arrest or search warrants,
325 and to confect a gross deception on the court system. These law
326 enforcement officers do this knowing that neither the District
327 Attorneys nor the Attorney General will prosecute them, even when
328 they are caught in this state sponsored deception and perjury.

329

330 44. Plaintiff seeks to establish that the recognition and incorporation of
331 the Second Amendment – the right to possess and carry weapons in
332 case of confrontation – renders the State’s present regulatory choice
333 unconstitutional. Whatever the contours of a constitutional scheme
334 might be, the Second Amendment renders a ban on the keeping and,

335 or carrying or arms, or firearms impermissible.

336
337 45. Plaintiff seeks immediate declaratory judgment and injunctive relief
338 on certain matters.

339
340 **JURISDICTION AND VENUE**

341
342 46. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§
343 1331, 1332, 1337, 1339, 1343, 2201, 2202; 42 U.S.C. § 1983; 18
344 U.S.C. §§ 1961-1968, 31 U.S.C. §§ 3729–3733, 47 U.S.C. §§ 2.1-
345 1305, and 18 U.S.C. §§ 2510-2522.

346
347 47. This Court has personal jurisdiction over each of the Defendants
348 because, inter alia, they acted under the color of laws, policies,
349 customs, and/or practices of the Commonwealth of Massachusetts and
350 political sub-divisions, and/or within the geographic confines of the
351 Commonwealth of Massachusetts.

352
353 48. Venue is proper pursuant to 28 U.S.C. § 1391 because virtually all of
354 the Defendants may be found in this district, and because the events

355 and omissions giving rise to this action are State laws enacted in the
356 State capital of Boston.

357

358

CONSTITUTIONAL PROVISIONS
AND PRIOR CASE LAW

359

360

361 49. The Constitution of the United States was adopted on September 17,
362 1787, by the Convention in Philadelphia, Pennsylvania, and ratified
363 by conventions in each U.S. state in the name of "The People." The
364 Constitution has been amended twenty-seven times; the first ten
365 amendments are known as the "Bill of Rights."

366

367 50. The Constitution of the United States was ratified by the
368 Commonwealth of Massachusetts on February 6, 1788, with a vote of
369 187 for, and 168 against, and thus became law.

370

371 51. The Bill of Rights was introduced by James Madison to the 1st United
372 States Congress in 1789 as a series of legislative articles and came
373 into effect as Constitutional Amendments on December 15, 1791,
374 through the process of ratification by three-fourths of the States.

375

376 52. On March 2, 1792, Massachusetts became the 12th state to ratify the
377 Bill of Rights, which included provisions for the public to be allowed
378 to keep, and to bear or carry arms; to practice the religion of faith of
379 their choosing, if any; and should they be so industrious to be allowed
380 to obtain a printing press, and to operation either for their own
381 edification, or to the edification of others.

382
383 53. Thusly, the Commonwealth of Massachusetts passed into law, and
384 excepted that a “Holy Trinity” of sorts was formed whereby the
385 Commonwealth of Massachusetts could no longer infringe upon the
386 citizens right to matters of faith, arms, or of the press.

387
388 54. In must be noted that the Commonwealth of Massachusetts was
389 historically one of the nations greatest offender of human rights in
390 regards to matters of faith or speech, and great Salem Witch Trials,
391 and religious persecutions in later years is well documented blemish
392 upon the very soul of the State.

393
394 55. The Second Amendment of the Constitution (the Bill of Rights)
395 provides:

396 “A well regulated Militia, being necessary to the security of a free
397 State, the right of the people to keep and bear Arms, shall not be
398 infringed.” - U.S. Constitution Amendment II.
399

400
401 56.The Second Amendment guarantees individuals a fundamental right to
402 carry operable arms in all non-sensitive public places for the purpose
403 of self-defense.
404

405 57.The Fourteenth Amendment was ratified and passed into law on July
406 9, 1868. Thus the 14th Amendment was accepted by the
407 Commonwealth of Massachusetts as law.
408

409 58.Under Section 1 of the Fourteenth Amendment, the Bill of Rights
410 (including the 2nd Amendment), must be obeyed by the
411 Commonwealth of Massachusetts, and others, and forbids the making
412 or enforcing any law which infringed on any immunities or privileges
413 of citizenship:

414 “All persons born or naturalized in the United States, and subject
415 to the jurisdiction thereof, are citizens of the United States and of
416 the State wherein they reside. No State shall make or enforce any
417 law which shall abridge the privileges or immunities of citizens of
418 the United States; nor shall any State deprive any person of life,
419 liberty, or property, without due process of law; nor deny to any
420 person within its jurisdiction the equal protection of the laws.”
421

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

426
427 60. Thus, the Commonwealth of Massachusetts is prohibited from making
428 or enforcing any law, which abridge the privileges or immunities of
429 citizens to keep, carry, and to bear arms of their choosing (with
430 extremely narrow limitations). Thus, any such laws are automatically
431 null and void, and an infringement of the privileges or immunities of
432 citizens of the United States.

433
434 61. In explaining why examining the history of the right to bear arms in
435 England was necessary, the Heller Court stated that
436 "it has always been widely understood that the Second
437 Amendment, like the First and Fourth Amendments, codified a
438 pre-existing right."
439

440 And, in further describing the scope of the Second Amendment, the
441 Court again pointed to the First Amendment for several direct
442 analogies, all indicating similarities rather than differences between
443 the two provisions: *Heller*, 128 S. Ct. at 2791-2792

444 “Just as the First Amendment protects modern forms of
445 communications ... the Second Amendment extends, prima facie,
446 to **all instruments that constitute bearable arms, even those**
447 **that were not in existence at the time of the founding.** The First
448 Amendment contains the freedom-of-speech guarantee that the
449 people ratified, which included exceptions for obscenity, libel, and
450 disclosure of state secrets, but not for the expression of extremely
451 unpopular and wrong-headed views. The Second Amendment is no
452 different. “
453

454 “There seems to us no doubt, on the basis of both text and history,
455 that the Second Amendment conferred an **individual right** to keep
456 and bear arms. Of course the right was not unlimited, just as the
457 First Amendment's right of free speech was not.... Thus, we do not
458 read the Second Amendment to protect the right of citizens to carry
459 arms for any sort of confrontation, just as we do not read the First
460 Amendment to protect the right of citizens to speak for any
461 purpose. “
462

463 62.If those passages were not enough, the Heller Court also quotes

464 approvingly from an 1825 Massachusetts Supreme Judicial Court
465 opinion and an 1868 constitutional law treatise that make the direct
466 analogy between the right to bear arms and the freedom of the printing
467 press: *Commonwealth v. Blanding*, 20 Mass. (3 Pick.) 304, 313-14
468 (1825))

469 “The liberty of the press was to be **unrestrained**, but he who used
470 it was to be responsible in cases of its abuse; **like the right to keep**
471 **firearms**, which does not protect him who uses them for
472 annoyance or destruction.”

473
474 “The [Second Amendment] clause is analogous to the one securing
475 the freedom of speech and of the press. **Freedom, not license**, is

476 secured; the fair use, not the libelous abuse, is protected.”
477

478 63. The States retain the ability to regulate the manner of carrying
479 handguns within constitutional parameters; to prohibit the carrying of
480 handguns in very specific, narrowly defined sensitive places; to
481 prohibit the carrying of arms that are not within the scope of Second
482 Amendment protection; and, to disqualify specific, particularly
483 dangerous individuals (convicted criminals and the adjudged mentally
484 insane) from carrying handguns.

485
486 64. The States may not ban, nor compel a license to possess or carry
487 handguns or other arms for self defense, may not deny individuals the
488 right to carry handguns or other arms in non-sensitive places, may not
489 deprive individuals of the right to carry handguns in an arbitrary and
490 capricious manner, or impose regulations on the right to carry
491 handguns or other arms, or impose any licensing scheme of any sort
492 which are inconsistent with the Second Amendment.

493
494 65. Another reason that the *Heller* decision is appropriate for the Court to
495 consider in free press cases is that Heller's approach is, in fact, very
496 similar to how the Court has already discussed the Free Press Clause,

497 in those relatively few cases in which the history of the Free Press
498 Clause has come up. The Supreme Court has recognized that a
499 prepublication licensing requirement-a prior restraint-is a violation of
500 the First Amendment," reminiscent of the history of abuses of the
501 British Crown under the notorious Printing Acts. As Justice Scalia
502 explained: *Thomas v. Chi. Park Dist.*, 534 U.S. 316, 320 (2002)

503

504 "The First Amendment's guarantee of "the freedom of speech, or
505 of the press" prohibits a wide assortment of government restraints
506 upon expression, but the core abuse against which it was directed
507 was the **scheme of licensing laws** implemented by the monarch
508 and Parliament to contain the "evils" of the printing press in 16th-
509 and 17th-century England. The Printing Act of 1662 had
510 "prescribed what could be printed, who could print, and who could
511 sell."

512

513 66.The States also may not restrict, or license the possession of firearms,
514 pistols, rifles, revolvers, swords, foils, daggers, or other useful arms
515 that the citizen selects as being most suited to their own defense, and
516 which have been historically useful in defending the home or business.

517

518 67.The States are not allowed to dictate which weapons may or may not
519 be kept within the home, only that certain overly unstable or overly
520 dangerous firearms (by reason of a design flaw). For example, a large

521 carriage-mounted, decrepit, badly corroded and cracked cannon would
522 be most unsuited for defense inside the home; however, any modern
523 shotgun, rifle, pistol, revolver, or edged or impact weapons or other
524 weapons which is in good repair and/or commonly used by the police
525 or the military would be well suited to home, business, and property
526 defense.

527

528 68. In *Archuleta v. Wagner*, 523 F.3d 1278, 1282 (10th Cir. 2008)

529 “[G]overnment officials performing discretionary functions
530 generally are granted a qualified immunity and are shielded from
531 liability for civil damages insofar as their conduct does not violate
532 clearly established statutory or constitutional rights of which a
533 reasonable person would have known.” *Id.* at 1282-83 (quoting
534 *Wilson v. Layne*, 526 U.S. 603, 609 (1999)). “Once the qualified
535 immunity defense is asserted, . . . the plaintiff must demonstrate
536 that the defendant’s actions violated a constitutional or statutory
537 right” and that “the constitutional or statutory rights the defendant
538 allegedly violated were clearly established at the time of the
539 conduct at issue.”

540

541 69. In determining whether a constitutional right was clearly established,

542 we look at the specific context of the case. *Bowling v. Rector*, 584

543 F.3d 956, 964 (10th Cir. 2009).

544 “A plaintiff can demonstrate that a constitutional right is clearly
545 established by reference to cases from the Supreme Court, the
546 Tenth Circuit, or the weight of authority from other circuits. There
547 need not be precise factual correspondence between earlier cases
548 and the case at hand, because general statements of the law are not

549 inherently incapable of giving fair and clear warning. The right
550 must only be sufficiently clear that a reasonable official would
551 understand that what he is doing violates that right.”
552

553 70. Further in *Snell v. Tunnell*, 920 F.2d 673, 700 (10th Cir. 1990) the
554 court states.

555 “The requisite causal connection is satisfied if the defendant set in
556 motion a series of events that the defendant knew or reasonably
557 should have known would cause others to deprive the plaintiff of
558 her constitutional rights.”

559
560 “Any official who ‘causes’ a citizen to be deprived of her
561 constitutional rights can also be held liable.” *Snell*, 920 F.2d at
562 700 (quotation omitted).
563

564 71. The 10th Cir. Court has demonstrated causation by showing an
565 affirmative link between the constitutional deprivation and the
566 officer’s or government officials exercise of control or direction.

567
568 72. The Supreme Court has already ruled on this matter, and poses the
569 first question of conduct in *Wilson v. Layne*, 526 U.S. 603, 609
570 (1999); *County of Sacramento v. Lewis*, 523 U.S. 833, 841 n.5
571 (1998); *Siegert v. Gilley*, 500 U.S. 226, 232 (1991). The threshold
572 inquiry is whether the plaintiff’s allegations, if true, establish a
573 constitutional violation. *Hope v. Pelzer*, 122 S. Ct. 2508, 2513 (2002);
574 *Saucier v. Katz*, 533 U.S. 194, 201 (2001); *Siegert*, 500 U.S. at 232.

575 In the first question, The right to keep and bear arms is a defacto
576 “Constitutional Right” under the 2nd and 14th Amendments, and any
577 infringement or deprivation attempt by any government official or
578 government agency “pierces and rips asunder the veil” of either
579 absolute immunity, qualified immunity, prosecutorial, and even
580 judicial, or immunities of any other types or descriptions. Hence, any
581 government officer, employee, or agent that violates, or attempts to
582 violate a citizen’s Constitutional right does so at the cost of forfeiting
583 all forms of immunity of their office or position, and hence they stand
584 naked and vulnerable before the court, with no immunity of any form
585 whatsoever.

586
587 73. The second question by the Supreme Court is whether the right was
588 clearly established before the time of the alleged violation.

589 “That question is necessary because those acting under color of
590 authority should be on notice that their conduct is unlawful
591 before they are subject to suit.”

592
593 *Hope*, 122 S. Ct. at 2516-18; *Anderson v. Creighton*, 483 U.S. 635,
594 638-40 (1987).

595
596 74. On the second Question by the Supreme Court is that if the right being
597 “clearly established” in that the right is understood by the common

598 man, is well ingrained into the training of any member of the military
599 or law enforcement, and in fact is taught in most High School civics
600 and government courses (and is required to be known in order to
601 become a U.S. Citizen through naturalization). In short, the question is
602 that is it a commonly understood, and commonly accepted civil right.
603 The answer in this case is that indeed, most high school graduates or
604 immigrants would recognize the right, as would any member of the
605 military, most college graduates, and as would all police officers in
606 the Town of Rockport, or elsewhere. The question of whether a right
607 is clearly established is an issue of law for the court to decide. *Elder v.*
608 *Holloway*, 510 U.S. 510, 516 (1994), but it can be assumed that the
609 state actors were well aware that the right was indeed “clearly
610 established” or “well understood” by them.

611
612 75. The third question is whether a reasonable agent of the state, acting
613 under color of law, similarly situated, would understand that the
614 challenged or prohibited conduct violated that established right.
615 *Swain v. Spinney*, 117 F.3d 1, 9 (1st Cir. 1997). On the third question,
616 the reasonableness inquiry is also a legal determination, although it

617 may entail preliminary factual determinations if there are disputed
618 material facts (which should be left for a jury). *Swain*, 117 F.3d at 10.

619
620 76. “[T]he concept of due process is equivalent to ‘fundamental fairness.’”
621 *Newman v. Massachusetts*, 884 F. 2d 19, 23 (1st Cir. 1989) (citation
622 omitted). Due process requires that impacted individuals be “entitled
623 to the Constitutional minimum of ‘some kind of hearing’ and ‘some
624 pre termination opportunity to respond.’” *O’Neil v. Baker*, 210 F. 3d
625 41, 47-78 (1st Cir. 2000) (quoting *Cleveland Bd. Of Educ. v.*
626 *Loudermill*, 470 U.S. 532, 542 (1985) (footnote omitted). “The
627 ubiquity of the ‘notice and opportunity to be heard’ principle as a
628 matter of fundamental fairness is deeply engrained in our
629 jurisprudence.” *Oakes v. United States*, 400 F. 3d 92, 98 (1st Cir.
630 2005) citations omitted.

631
632 77. In *Snyder v. Massachusetts*, 291 U. S. 97, 105 (1934), the Court
633 spoke of rights that are “so rooted in the traditions and conscience of
634 our people as to be ranked as fundamental.” As the Supreme Court
635 has found in the *McDonald*, and *Heller* decisions, the right to keep
636 and bear arms, particularly within the sanctity of one’s home, is an

637 ordered liberty of United States citizenship fundamental and beyond
638 the pale of discretionary, subjective regulations by the States.

639

640 78.Plaintiff Atkinson, respectfully submits that any statutory scheme
641 which invades the fundamental liberty right of self defense within the
642 home by enacting any scheme which attempts to regulate the
643 possession and/or storage of any firearm(s) providing a basis to
644 interfere in any way or attempt to revoke or impinge upon such a right
645 without the barest of fundamental fairness and due process such as a
646 *Loudermill* type hearing, is fatally flawed and wholly prohibited under
647 the application of the Second Amendment to all of the States in light
648 of the newly decided authority contained herein. Under the present
649 status of jurisprudence, in light of newly decided authorities, it is
650 respectfully submitted that without a prior showing cloaked with the
651 fairness of a *Loudermill* type hearing that an individual is either a
652 convicted felon or legally and previously adjudged insane, any
653 interfere with a Massachusetts citizen's unqualified right to keep arms
654 within the sanctity of the citizen's home is *per se* unreasonable and
655 prohibited.

656

657 79. Although *McDonald's* five Justice majority reached the conclusion
658 that the right to keep and bear arms is a protected liberty interest
659 under the Second Amendment in different ways, under either the Due
660 Process Clause or Privileges or Immunities Clause, a majority
661 confirmed that “the Second Amendment right is fully applicable to the
662 States.” *McDonald* at 3026. Where a “fourteenth amendment liberty
663 interest is implicated...the state therefore must adhere to rigorous
664 procedural safeguards.” *Valdivieso Ortiz v. Burgos*, 807 F. 2d 6, 8 (1st
665 Cir. 1986); see also *Kuck v. Danaher*, 600 F. 3d 159, 165 (2d Cir.
666 2010) (same).

667

668 80. The Supreme Court’s prior restraint doctrine mandates higher
669 standards:

670 “It is settled by a long line of recent decisions of this Court
671 that an ordinance which... makes the peaceful enjoyment
672 of freedoms which the Constitution guarantees contingent
673 upon the uncontrolled will of an official – as by requiring a
674 permit or license which may be granted or withheld in the
675 discretion of such official – is an unconstitutional
676 censorship or prior restraint upon the enjoyment of those
677 freedoms.”

678

679

PLAINTIFF

680

681 81.Plaintiff Atkinson an internationally respected, recognized and
682 published, expert in the subject matter of technical counter-
683 intelligence, TEMPEST, TSCM, espionage defenses; spy hunting
684 through technical and scientific analysis methods.

685
686 82.Plaintiff Atkinson, is representing himself at this time in this matter
687 pro se and propria persona, but he is not acting as a Private Attorney
688 General in this case (at present), and is acting solely on his own behalf.

689
690 83.Plaintiff Atkinson hereby serves formal notice pursuant to Federal
691 Rules of Civil Procedure, 5.1 “Constitutional Challenge to a Statute -
692 Notice, Certification, and Intervention” and formal notice of “Civil
693 Right Violation, Infringement, and Deprivation” that numerous
694 Massachusetts General Laws, Statutes, and Regulations are
695 unconstitutional.

696
697 84.Notice of this Constitutional challenge has previously been made to
698 the Attorney General of the Commonwealth of Massachusetts in the
699 manner required by Federal Rules of Civil Procedure 5.1.

700

701 85.Plaintiff Atkinson resides at 31R Broadway, Rockport, MA 01966 in
702 Essex County.

703

704 86.Plaintiff Atkinson brings this notice, claim, and complaint forward on
705 his own behalf before this court.

706

707 87.Plaintiff Atkinson is an expert in the use and handing of arms,
708 teaching of open handed combat, non-lethal use of force; less-lethal
709 use of force; improvised weapons; small arms; SWAT; Hostage
710 Rescue (HRT); and Emergency Response (ERT) teams in all forms of
711 firearms; chemical weapons instructor and master instructor; long
712 range sniping instructor; machine gun instructor; explosive entry
713 specialist; covert bio-regulators use instructor; nerve toxics and
714 poisons at both the lethal and non-lethal levels; improvised explosive
715 devices; concealed firearms carry instructor; and vehicle combat
716 driving instructor; and vehicle commandeering instructor.

717

718 88.Plaintiff Atkinson is also a highly skilled factory trained and certified
719 armorer with every major weapons platform used by major law
720 enforcement agencies, federal agencies, the U.S. Military, Diplomatic,

721 Special Operations Forces, and the military, diplomatic, and police
722 agencies of foreign countries. These armorer credentials include, but
723 are not limited to: Mossberg, Remington, Glock, Browning, Smith
724 and Wesson, Heckler and Koch, IMI, Berretta, Sig-Arms, Defense
725 Technologies, Mace Security International, and others.

726

727 89. Plaintiff Atkinson was also a volunteer Emergency First Responder
728 (EFR) and Emergency Medical Technician (EMT) in his community
729 (up to the events described elsewhere in this complaint), a volunteer
730 CPR and First Aid Instructor for the American Red Cross, Life
731 Member of the National Rifle Association, Life Member of the Police
732 Marksmen Association, and Life Member of the Law Enforcement
733 Association, of America, and other groups.

734

735 90. Plaintiff James M. Atkinson, is the Founder, President and Senior
736 Engineer of Granite Island Group located in Gloucester, MA, which is
737 a small veteran owned company operating as a sole proprietorship that
738 since 1987 has specialized in the field of electronics engineering. The
739 firm has special capability involving the protection of classified,

740 confidential, privileged, or private information against technical attack,
741 eavesdropping, or exploitation.

742

743 91. Plaintiff Atkinson is responsible for performing visual and
744 instrumented TSCM (Technical Surveillance Counter Measure)
745 surveys. This includes the analysis of all signals present on the
746 airways; evaluation of telephone lines, computer networks, detection
747 of computer viruses and Trojan horses, security of voice and data
748 switching systems, and any mechanism by which a spy could commit
749 technical eavesdropping or surveillance against or exploitation of a
750 target through technical means. Also included in these responsibilities
751 are the studies of electromagnetic interference (EMI), and the study of
752 electromagnetic compliance (EMC), to include the performance of
753 visual and instrumented TEMPEST inspections, and measures to
754 mitigate other technical weaknesses in communications and computer
755 systems.

756

757 92. Plaintiff Atkinson has attended extensive private and government
758 sponsored TSCM, TEMPEST, cryptographic, technical intelligence,
759 electronics, and security training both in the United States and abroad.

760 He has been involved in many hundreds of TSCM, TEMPEST
761 inspections, over the past 30 years of government and private sector
762 assignments. He has been extensively published on these subject
763 matters, and has authored materials that have affected national policy.

764

765 93. Plaintiff Atkinson clients include major corporations, heads-of-state,
766 diplomats, government agencies, defense contractors, hospitals,
767 courthouses, police stations, banks, universities, publicly traded
768 companies, private companies, stockbrokers, ranchers, farmers,
769 fisherman, accountants, law firms, restaurants, political leaders,
770 ministers, small businesses, and private individuals. Included in his
771 long term clients for TSCM Equipment, TSCM Software, and TSCM
772 and Intelligence Analysis services is the Central Intelligence Agency,
773 U.S. State Department, Federal Bureau of Investigation, Department
774 of Homeland Security, U.S. Army, U.S. Navy, U.S. Marine Corps,
775 U.S. Air Force, Congress, Executive Office of the President of the
776 United States, U.S. Marshalls, U.S. Attorney, NASA, and other
777 federal agencies. The Commonwealth of Massachusetts agencies such
778 as the Massachusetts State Police, the MBTA Police, the Governors

779 Office, various Senators, and others in public office have also used his
780 goods and services over the decades.

781

782 94. Plaintiff Atkinson is a long-term resident of the Commonwealth of
783 Massachusetts, and more specifically Rockport, MA; has testified
784 multiple times before Congress as a subject matter expert in regards to
785 technical counter-intelligence and counter-terrorism, and has been
786 consulted in person on matters of diplomacy or technical espionage
787 directly by sitting Presidents, and leaders of other countries, the
788 intelligence services of a wide range of countries including the United
789 States Government.

790

791 95. Plaintiff Atkinson has provided goods, services, and advice to
792 virtually every U.S. Intelligence Agency, and to all elements of the
793 U.S. Military over a period spanning over three decade, including
794 intelligence, diplomatic, and military contractors, sub-contractors,
795 covert cut-outs and, or front companies for the intelligence and
796 military community.

797

798 96. Plaintiff Atkinson is also a scientist working on a device for non-
799 contact electro-cardiology, and cardiac electrophysiology; a treatment
800 for lactic acid induced hypo-perfusion; a cure for diabetes on an
801 organelle molecular basis; and a treatment for neuropathy or severed
802 spinal cords, and related traumatic medical issues. He is also a skilled
803 fine arts photographer, who has been working on an anatomy textbook
804 for the medical and fine arts artistic community.

805
806 97. Plaintiff Atkinson is a law-abiding citizen, who is over the age of 21,
807 with tremendous respect of the law, a kind, charitable, and gentle man,
808 and has a sworn duty both as a citizen and a veteran to uphold and
809 defend the Constitution of the United States (against all enemies
810 foreign and domestic).

811
812 98. Plaintiff Atkinson has never been convicted of any crime; has never
813 been convicted of any felony; is not a fugitive from justice; is not
814 under Indictment; is not an unlawful user of or addicted to any control
815 substance; is not an alcoholic; has never been treated for any kind of
816 drug or alcohol addiction or disorder; has not been adjudicated as a
817 mental defective, nor has he been committed or confined to any

818 mental institution; nor has he been discharged from the Armed Forces
819 under dishonorable conditions.

820

821 99. Plaintiff Atkinson is not now, nor has he been in the past the subject
822 of any court order in regards to any intimate partner, or any other
823 person. Nor has Plaintiff been convicted of any crime of domestic
824 violence.

825

826 100. Plaintiff Atkinson is not an alien, nor has he at any time
827 renounced his citizenship, nor has he at anytime engaged in acts of
828 war against the United States or America, or of any political division
829 or subdivision.

830

831 101. Plaintiff Atkinson served honorably, and with distinction in the
832 Active Duty Armed Forces of the United States, and was granted an
833 Honorable Discharge from the United States Air Force.

834

835 102. In short, Plaintiff Atkinson has been a lawful, responsible, and
836 safe user of projectile, edged, impact, chemical, and other arms for

837 over 40 years, and has both kept and borne arms for his own defense,
838 and for the defense of the nation and of the state.

839

840 103. Plaintiff Atkinson is in no way disqualified in exercising his
841 Constitutional rights in regards to the keeping and, or of bearing the
842 arms of his choosing.

843

844

DEFENDANTS

845

846 104. The allegations contained in paragraphs 1 through the current
847 paragraph, and including all of the following paragraphs, are re-
848 alleged and incorporated as though fully set forth herein. The
849 following described acts by Defendants infringe Plaintiff's civil rights
850 and damage Plaintiff in violation of 42 U.S.C. § 1983 and should be
851 included as "Causes of Action" in addition to those causes of action
852 found elsewhere in this complaint.

853

854 105. Defendant TOWN OF ROCKPORT, hereinafter "The Town,"
855 is and was at all times mentioned herein a local political subdivision
856 of the Commonwealth of Massachusetts, and a political sub-division

857 of the United States of America, was at all times mentioned herein
858 responsible for the supervisory and budgetary operations of its law
859 enforcement and public safety agencies, including the police
860 department, fire department, harbor masters department, ambulance
861 department, and other departments.

862

863 106. The Town is also a recipient of federal funds, which it
864 distributes to its subordinate law enforcement agencies, fire
865 departments, and ambulance departments.

866

867 107. The Town uses federal funds to pay salaries, wages, or to
868 provide benefits to employees.

869

870 108. Plaintiff is informed and believes that Defendant Town is the
871 policy-maker and fiduciary supervisors of the remaining subordinates,
872 agents, and employees identified hereinafter.

873

874 109. Plaintiff is informed and belief that Defendant Town had
875 knowledge that the wrongs hereinafter mentioned were and continue
876 to be done; were about to be committed, and having power to prevent

877 or aid in preventing the commission of the same, neglected or refused
878 so to do.

879

880 110. Defendant directly deprived, violated, and infringed upon
881 Plaintiff 's civil rights, with malice, and with careful planning and
882 conspiracy with others.

883

884 111. Plaintiff is informed and believes that it is through the
885 leadership, ratification, and support of Defendant The Town that its
886 subordinate law enforcement agencies, fire department, and
887 ambulance department, and Defendants identified hereinafter, had
888 permission to implement the custom, practice and usage which
889 violated and continue to violate Plaintiff's constitutionally, statutory
890 and regulatory rights, activities, privileges, and immunities in
891 accordance with the United States Constitution, 1st, 2nd, 4th, 5th, 6th,
892 8th, 9th, and 14th Amendments, and the U.S. Constitution, Article
893 Four, Section 2, and Massachusetts Constitution, Part the First, Article
894 XVII; Defendant Town is being sued in its official Capacity.

895

896 112. Any veil of immunity, which this defendant may have
897 previously enjoyed by virtue of their office or position, is “pierced and
898 ripped asunder” due to their infringement and deprivation of the
899 Constitutional Rights of the Plaintiff, and thus this Defendant (and all
900 other Defendants) stands fully naked and vulnerable before the court,
901 with no immunity of any form.

902
903 113. Defendant has prior history of civil right abuses, and has
904 previously been sued in Federal District court over such civil right
905 violations, which forms a long-term course of conduct, committed
906 with despicable arrogance, and which shocks the conscience.

907
908 114. Further, this defendant has engaged in conduct and as a
909 continuing unit of an enterprise, through a pattern, of racketeering
910 enterprises (including, but not limited to: mail fraud, wire fraud,
911 scheme to defraud, robbery, kidnapping, obstruction of justice,
912 interference in commerce, also involving monetary transactions in
913 property derived from specified unlawful activity), and have caused
914 injury to the business and/or property of the Plaintiff Atkinson.

915

916 115. This Defendant has exceeded, and overstepped their authority
917 and violated the Constitutional rights of the Plaintiff, infringing and
918 deprived him of his civil rights. Defendant resides at 34 Broadway,
919 Rockport, MA 01966

920
921 116. Defendant COMMONWEALTH OF MASSACHUSETTS,
922 hereinafter “Commonwealth,” is and was at all times mentioned
923 herein a local political subdivision of the United States, was at all
924 times mentioned herein responsible for the supervisory and budgetary
925 operations of its law enforcement, regulatory, governmental, judicial,
926 educational, and infrastructure agencies.

927
928 117. Commonwealth is also a recipient of federal funds, which it
929 distributes to its subordinate law enforcement, public safety, and other
930 agencies.

931
932 118. Plaintiff is informed and believes that Defendant
933 Commonwealth is the policy-maker and fiduciary supervisors of the
934 remaining subordinates, agents, and employees identified hereinafter.
935 Plaintiff is informed and believes that Defendant Commonwealth had

936 knowledge that the wrongs hereinafter mentioned were and continue
937 to be done; were about to be committed, and having power to prevent
938 or aid in preventing the commission of the same, neglected or refused
939 so to do.

940
941 119. Defendant has prior history of civil right abuses, and has
942 previously been sued in Federal District court over such civil right
943 violations, which forms a long-term course of conduct, committed
944 with despicable arrogance, and which shocks the conscience.

945
946 120. Defendant directly deprived, violated, and infringed upon
947 Plaintiff 's civil rights, with malice, and with careful planning and
948 conspiracy with others.

949
950 121. Plaintiff is informed and believes that it is through the
951 leadership, ratification, and support of Defendant Commonwealth that
952 its subordinate law enforcement agencies, and Defendants identified
953 hereinafter, had permission to implement the custom, practice and
954 usage which violated and continue to violate Plaintiff's
955 constitutionally, statutory and regulatory rights, activities, privileges,

956 and immunities in accordance with the United States Constitution, 1st,
957 2nd, 4th, 5th, 6th, 8th, 9th, and 14th Amendments, and the U.S.
958 Constitution, Article Four, Section 2, and Massachusetts Constitution,
959 Part the First, Article XVII; Defendant Commonwealth is being sued
960 in its official Capacity.

961
962 122. Any veil of immunity, which this defendant may have
963 previously enjoyed by virtue of their office or position, is “pierced and
964 ripped asunder” due to their infringement and deprivation of the
965 Constitutional Rights of the Plaintiff, and thus this Defendant (and all
966 other Defendants) stands fully naked and vulnerable before the court,
967 with no immunity of any form.

968
969 123. Further, this defendant has engaged in conduct and as a
970 continuing unit of an enterprise, through a pattern, of racketeering
971 enterprises (including, but not limited to: mail fraud, wire fraud,
972 scheme to defraud, robbery, kidnapping, obstruction of justice,
973 interference in commerce, also involving monetary transactions in
974 property derived from specified unlawful activity), and have caused
975 injury to the business and/or property of the Plaintiff Atkinson.

976

977

124. 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 One Ashburton Place, Boston, MA 02108 -1518

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125. Defendant SALEM STATE COLLEGE, hereinafter “Salem State,” 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. Salem State is also a recipient of federal funds, which it distributes to its departments within the school. Plaintiff is informed and believes that Defendant Salem State is the policy-maker and fiduciary supervisors of the remaining subordinates, agents, and employees identified hereinafter.

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126. As Plaintiff Atkinson is also a disabled veteran, he is permitted to attend this state operated college with no charge for tuition.

993

994

995 127. As such, any unjust punitive action by this school is an
996 unlawful deprivation of Veteran Rights. Plaintiff is informed and
997 believes that Defendant Salem State had knowledge that the wrongs
998 hereinafter mentioned were and continue to be done; were about to be
999 committed, and having power to prevent or aid in preventing the
1000 commission of the same, neglected or refused so to do.

1001
1002 128. Defendant directly deprived, violated, and infringed upon
1003 Plaintiff 's civil rights, with malice, and with careful planning and
1004 conspiracy with others.

1005
1006 129. Defendant has prior history of civil right abuses, and has
1007 previously been sued in Federal District court over such civil right
1008 violations, which forms a long-term course of conduct, committed
1009 with despicable arrogance, and which shocks the conscience.

1010
1011 130. Plaintiff is informed and believes that it is through the
1012 leadership, ratification, and support of Defendant Salem State that its
1013 subordinate law enforcement agencies, and Defendants identified
1014 hereinafter, had permission to implement the custom, practice and

1015 usage which violated and continue to violate Plaintiff's
1016 constitutionally, statutory and regulatory rights, activities, privileges,
1017 and immunities in accordance with the United States Constitution, 1st,
1018 2nd, 4th, 5th, 6th, 8th, 9th, and 14th Amendments, and the U.S.
1019 Constitution, Article Four, Section 2, and Massachusetts Constitution,
1020 Part the First, Article XVII; Defendant Salem State is being sued in its
1021 official Capacity.

1022
1023 131. Any veil of immunity, which this defendant may have
1024 previously enjoyed by virtue of their office or position, is "pierced and
1025 ripped asunder" due to their infringement and deprivation of the
1026 Constitutional Rights of the Plaintiff, and thus this Defendant (and all
1027 other Defendants) stands fully naked and vulnerable before the court,
1028 with no immunity of any form.

1029
1030 132. Further, this defendant has engaged in conduct and as a
1031 continuing unit of an enterprise, through a pattern, of racketeering
1032 enterprises (including, but not limited to: mail fraud, wire fraud,
1033 scheme to defraud, robbery, kidnapping, obstruction of justice,
1034 interference in commerce, also involving monetary transactions in

1035 property derived from specified unlawful activity), and have caused
1036 injury to the business and/or property of the Plaintiff Atkinson.

1037

1038 133. This Defendant has exceeded, and overstepped their authority
1039 and violated the Constitutional rights of the Plaintiff, infringing and
1040 deprived him of his civil rights. Defendant resides at 352 Lafayette
1041 Street, Salem, MA 01970-5353

1042

1043 134. Defendant NORTH SHORE COMMUNITY COLLEGE,
1044 hereinafter “North Shore,” is and was at all times mentioned herein a
1045 State agency, controlled and responsible for the supervisory and
1046 budgetary operations of its law enforcement agencies, school
1047 leadership, school administration.

1048

1049 135. North Shore is also a recipient of federal funds, which it
1050 distributes to its departments within the school.

1051

1052 136. Plaintiff is informed and believes that Defendant North Shore is
1053 the policy-maker and fiduciary supervisors of the remaining
1054 subordinates, agents, and employees identified hereinafter.

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137. As Plaintiff Atkinson is also a disabled veteran, he is permitted to attend this state operated college with no charge for tuition.

138. As such, any unjust punitive action by this school is an unlawful deprivation of Veteran Rights. Plaintiff is informed and believes that Defendant North Shore 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.

139. Defendant directly deprived, violated, and infringed upon Plaintiff 's civil rights, with malice, and with careful planning and conspiracy with others.

140. Plaintiff is informed and believes that it is through the leadership, ratification, and support of Defendant North Shore that its subordinate law enforcement agencies, and Defendants identified hereinafter, had permission to implement the custom, practice and usage which violated and continue to violate Plaintiff's

1075 constitutionally, statutory and regulatory rights, activities, privileges,
1076 and immunities in accordance with the United States Constitution, 1st,
1077 2nd, 4th, 5th, 6th, 8th, 9th, and 14th Amendments, and the U.S.
1078 Constitution, Article Four, Section 2, and Massachusetts Constitution,
1079 Part the First, Article XVII; Defendant North Shore is being sued in
1080 its official Capacity.

1081
1082 141. Any veil of immunity, which this defendant may have
1083 previously enjoyed by virtue of their office or position, is “pierced and
1084 ripped asunder” due to their infringement and deprivation of the
1085 Constitutional Rights of the Plaintiff, and thus this Defendant (and all
1086 other Defendants) stands fully naked and vulnerable before the court,
1087 with no immunity of any form.

1088
1089 142. Further, this defendant has engaged in conduct and as a
1090 continuing unit of an enterprise, through a pattern, of racketeering
1091 enterprises (including, but not limited to: mail fraud, wire fraud,
1092 scheme to defraud, robbery, kidnapping, obstruction of justice,
1093 interference in commerce, also involving monetary transactions in

1094 property derived from specified unlawful activity), and have caused
1095 injury to the business and/or property of the Plaintiff Atkinson.

1096
1097 143. This Defendant has exceeded, and overstepped their authority
1098 and violated the Constitutional rights of the Plaintiff, infringing and
1099 deprived him of his civil rights. Defendant resides at 1 Ferncroft Road,
1100 Danvers, MA 01923

1101
1102 144. Defendant MONTSERRAT COLLEGE OF ART, hereinafter
1103 “Montserrat,” also known as “Montserrat College of Art, Inc.” and
1104 “Montserrat College of Art Endo” and also “Montserrat School of
1105 Visual Arts” is and was at all times mentioned herein a extension of a
1106 state agency, and also acting periodically as a private art college,
1107 performing the bidding, and under the control and/or influence of state
1108 law enforcement agencies.

1109
1110 145. The Montserrat leadership, and school administration is in fact
1111 an extension of the State, while Montserrat claims that it is a private
1112 college.

1113

1114 146. Montserrat is also a recipient of federal funds, which it
1115 distributes to its departments with the school.

1116
1117 147. Plaintiff is informed and believes that Defendant Montserrat is
1118 the policy-maker and fiduciary supervisors of the remaining
1119 subordinates, agents, and employees identified hereinafter.

1120
1121 148. Plaintiff is informed and believes that Defendant Montserrat
1122 had knowledge that the wrongs hereinafter mentioned were and
1123 continue to be done; conspired with others to commit, were about to
1124 be committed, and having power to prevent or aid in preventing the
1125 commission of the same, neglected or refused so to do.

1126
1127 149. Defendant directly deprived, violated, and infringed upon
1128 Plaintiff 's civil rights, with malice, and with careful planning and
1129 conspiracy with others.

1130
1131 150. Plaintiff is informed and believes that it is through the
1132 leadership, ratification, and support of Defendant that its subordinate
1133 departments, and Defendants identified hereinafter, had permission to

1134 implement the custom, practice and usage which violated and
1135 continue to violate Plaintiff's constitutionally, statutory and regulatory
1136 rights, activities, privileges, and immunities in accordance with the
1137 United States Constitution, 1st, 2nd, 4th, 5th, 6th, 8th, 9th, and 14th
1138 Amendments, and the U.S. Constitution, Article Four, Section 2, and
1139 Massachusetts Constitution, Part the First, Article XVII; Defendant
1140 Montserrat is being sued in its official Capacity.

1141

1142 151. Any veil of immunity, which this defendant may have
1143 previously enjoyed by virtue of their office or position, is "pierced and
1144 ripped asunder" due to their infringement and deprivation of the
1145 Constitutional Rights of the Plaintiff, and thus this Defendant (and all
1146 other Defendants) stands fully naked and vulnerable before the court,
1147 with no immunity of any form.

1148

1149 152. Further, this defendant has engaged in conduct and as a
1150 continuing unit of an enterprise, through a pattern, of racketeering
1151 enterprises (including, but not limited to: mail fraud, wire fraud,
1152 scheme to defraud, robbery, kidnapping, obstruction of justice,
1153 interference in commerce, also involving monetary transactions in

1154 property derived from specified unlawful activity), and have caused
1155 injury to the business and/or property of the Plaintiff Atkinson.

1156
1157 153. This Defendant has exceeded, and overstepped their authority
1158 and violated the Constitutional rights of the Plaintiff, infringing and
1159 deprived him of his civil rights. Defendant resides at 23 Essex Street,
1160 Beverly, MA 01915-4508

1161
1162
1163 154. Defendant ESSEX COUNTY SHERIFFS DEPARTMENT,
1164 hereinafter “Sheriff,” is and was at all times mentioned herein a local
1165 law enforcement agency within the political subdivision of Essex
1166 Country within the Commonwealth of Massachusetts, was at all times
1167 mentioned herein responsible for the supervisory and budgetary
1168 operations of its law enforcement agencies.

1169
1170 155. Defendant Sheriff is also a recipient of federal funds, which it
1171 distributes to its subordinate law enforcement, corrections, public and
1172 administrative agencies and departments. Plaintiff is informed and
1173 believes that Defendant Sheriff is the policy-maker and fiduciary

1174 supervisors of the remaining subordinates, agents, and employees
1175 identified hereinafter.

1176

1177 156. Plaintiff is informed and believes that Defendant Sheriff had
1178 knowledge that the wrongs hereinafter mentioned were and continue
1179 to be done; were about to be committed, and having power to prevent
1180 or aid in preventing the commission of the same, neglected or refused
1181 so to do.

1182

1183 157. Defendant directly deprived, violated, and infringed upon
1184 Plaintiff 's civil rights, with malice, and with careful planning and
1185 conspiracy with others.

1186

1187 158. Plaintiff is informed and believes that it is through the
1188 leadership, ratification, and support of Defendant Sheriff that its
1189 subordinate law enforcement agencies, fire department, and
1190 ambulance department, and Defendants identified hereinafter, had
1191 permission to implement the custom, practice and usage which
1192 violated and continue to violate Plaintiff's constitutionally, statutory
1193 and regulatory rights, activities, privileges, and immunities in

1194 accordance with the United States Constitution, 1st, 2nd, 4th, 5th, 6th,
1195 8th, 9th, and 14th Amendments, and the U.S. Constitution, Article
1196 Four, Section 2, and Massachusetts Constitution, Part the First, Article
1197 XVII; Defendant Sheriff is being sued in its official Capacity.

1198

1199 159. Any veil of immunity, which this defendant may have
1200 previously enjoyed by virtue of their office or position, is “pierced and
1201 ripped asunder” due to their infringement and deprivation of the
1202 Constitutional Rights of the Plaintiff, and thus this Defendant (and all
1203 other Defendants) stands fully naked and vulnerable before the court,
1204 with no immunity of any form.

1205

1206 160. Further, this defendant has engaged in conduct and as a
1207 continuing unit of an enterprise, through a pattern, of racketeering
1208 enterprises (including, but not limited to: mail fraud, wire fraud,
1209 scheme to defraud, robbery, kidnapping, obstruction of justice,
1210 interference in commerce, also involving monetary transactions in
1211 property derived from specified unlawful activity), and have caused
1212 injury to the business and/or property of the Plaintiff Atkinson.

1213

1214 161. This Defendant has exceeded, and overstepped their authority
1215 and violated the Constitutional rights of the Plaintiff, infringing and
1216 deprived him of his civil rights. Defendant resides at 20 Manning Rd,
1217 Middleton, MA 01949

1218
1219 162. Defendant RESEARCH ELECTRONICS, LLC hereinafter
1220 “Research Electronics,” and alternately as “REI” is and was at all
1221 times mentioned herein an extension of a state agency, performing the
1222 bidding, and under the control and/or influence of state law
1223 enforcement agencies.

1224
1225 163. Defendant is also a recipient of federal funds, which it
1226 distributes to its various departments.

1227
1228 164. Plaintiff is informed and believes that Defendant is the policy-
1229 maker and fiduciary supervisors of the remaining subordinates, agents,
1230 and employees identified hereinafter.

1231
1232 165. Plaintiff is informed and believes that Defendant had
1233 knowledge that the wrongs hereinafter mentioned were and continue

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to be done; conspired with others to commit, 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.

166. Defendant directly deprived, violated, and infringed upon Plaintiff 's civil rights, with malice, and with careful planning and conspiracy with others.

167. 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.

1254 168. Any veil of immunity, which this defendant may have
1255 previously enjoyed by virtue of their office or position, is “pierced and
1256 ripped asunder” due to their infringement and deprivation of the
1257 Constitutional Rights of the Plaintiff, and thus this Defendant (and all
1258 other Defendants) stands fully naked and vulnerable before the court,
1259 with no immunity of any form.

1260
1261 169. Further, this defendant has engaged in conduct and as a
1262 continuing unit of an enterprise, through a pattern, of racketeering
1263 enterprises (including, but not limited to: mail fraud, wire fraud,
1264 scheme to defraud, robbery, kidnapping, obstruction of justice,
1265 interference in commerce, also involving monetary transactions in
1266 property derived from specified unlawful activity), and have caused
1267 injury to the business and/or property of the Plaintiff Atkinson.

1268
1269 170. This Defendant has exceeded, and overstepped their authority
1270 and violated the Constitutional rights of the Plaintiff, infringing and
1271 deprived him of his civil rights. Defendant resides or does business at:
1272 455 Security Place, Algood TN 38506

1273

1274 171. Defendant A AND L ENTERPRISE, hereinafter “A and L,” is
1275 and was at all times mentioned herein an extension of a state agency,
1276 performing the bidding, and under the control and/or influence of state
1277 law enforcement agencies.

1278
1279 172. Defendant is also a recipient of federal funds, which it
1280 distributes to its various departments. Plaintiff is informed and
1281 believes that Defendant is the policy-maker and fiduciary supervisors
1282 of the remaining subordinates, agents, and employees identified
1283 hereinafter.

1284
1285 173. Plaintiff is informed and believes that Defendant had
1286 knowledge that the wrongs hereinafter mentioned were and continue
1287 to be done; conspired with others to commit, were about to be
1288 committed, and having power to prevent or aid in preventing the
1289 commission of the same, neglected or refused so to do.

1290
1291 174. Defendant directly deprived, violated, and infringed upon
1292 Plaintiff ‘s civil rights, with malice, and with careful planning and
1293 conspiracy with others.

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175. 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.

176. 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.

1314 177. Further, this defendant has engaged in conduct and as a
1315 continuing unit of an enterprise, through a pattern, of racketeering
1316 enterprises (including, but not limited to: mail fraud, wire fraud,
1317 scheme to defraud, robbery, kidnapping, obstruction of justice,
1318 interference in commerce, also involving monetary transactions in
1319 property derived from specified unlawful activity), and have caused
1320 injury to the business and/or property of the Plaintiff Atkinson.

1321
1322 178. This Defendant has exceeded, and overstepped their authority
1323 and violated the Constitutional rights of the Plaintiff, infringing and
1324 deprived him of his civil rights. Defendant resides or does business at:
1325 455 Security Place, Algood TN 38506

1326
1327 179. Defendant ADDISON GILBERT HOSPITAL, also known as
1328 “Northeast Medical Practice, Inc”, hereinafter “AGH,” is and was at
1329 all times mentioned herein an extension of a state agency, performing
1330 the bidding, and under the control and/or influence of state law
1331 enforcement agencies. Essentially, “Northeast Medical Practice, Inc”
1332 owns both Beverly Hospital and Addison Gilbert Hospital.

1333

1334 180. Defendant is also a recipient of federal funds, which it
1335 distributes to its various departments. Plaintiff is informed and
1336 believes that Defendant is the policy-maker and fiduciary supervisors
1337 of the remaining subordinates, agents, and employees identified
1338 hereinafter.

1339
1340 181. Plaintiff is informed and believes that Defendant had
1341 knowledge that the wrongs hereinafter mentioned were and continue
1342 to be done; conspired with others to commit, were about to be
1343 committed, and having power to prevent or aid in preventing the
1344 commission of the same, neglected or refused so to do.

1345
1346 182. Defendant directly deprived, violated, and infringed upon
1347 Plaintiff 's civil rights, with malice, and with careful planning and
1348 conspiracy with others.

1349
1350 183. Plaintiff is informed and believes that it is through the
1351 leadership, ratification, and support of Defendant that its subordinate
1352 departments, actors, employees, agents, and Defendants identified
1353 hereinafter, had permission to implement the custom, practice and

1354 usage which violated and continue to violate Plaintiff's
1355 constitutionally, statutory and regulatory rights, activities, privileges,
1356 and immunities in accordance with the United States Constitution, 1st,
1357 2nd, 4th, 5th, 6th, 8th, 9th, and 14th Amendments, and the U.S.
1358 Constitution, Article Four, Section 2, and Massachusetts Constitution,
1359 Part the First, Article XVII; Defendant is being sued in its official
1360 Capacity.

1361
1362 184. Any veil of immunity, which this defendant may have
1363 previously enjoyed by virtue of their office or position, is "pierced and
1364 ripped asunder" due to their infringement and deprivation of the
1365 Constitutional Rights of the Plaintiff, and thus this Defendant (and all
1366 other Defendants) stands fully naked and vulnerable before the court,
1367 with no immunity of any form.

1368
1369 185. Further, this defendant has engaged in conduct and as a
1370 continuing unit of an enterprise, through a pattern, of racketeering
1371 enterprises (including, but not limited to: mail fraud, wire fraud,
1372 scheme to defraud, robbery, kidnapping, obstruction of justice,
1373 interference in commerce, also involving monetary transactions in

1374 property derived from specified unlawful activity), and have caused
1375 injury to the business and/or property of the Plaintiff Atkinson.

1376
1377 186. This Defendant has exceeded, and overstepped their authority
1378 and violated the Constitutional rights of the Plaintiff, infringing and
1379 deprived him of his civil rights. Defendant resides or does business at:
1380 298 Washington St., Gloucester MA 01930

1381
1382 187. Defendant BEVERLY HOSPITAL, also known as “Northeast
1383 Medical Practice, Inc” and also as “Beverly Hospital, Inc.” hereinafter
1384 “Beverly Hospital,” is and was at all times mentioned herein an
1385 extension of a state agency, performing the bidding, and under the
1386 control and/or influence of state law enforcement agencies.

1387
1388 188. Defendant is also a recipient of federal funds, which it
1389 distributes to its various departments.

1390
1391 189. Plaintiff is informed and believes that Defendant is the policy-
1392 maker and fiduciary supervisors of the remaining subordinates, agents,
1393 and employees identified hereinafter.

1394

1395

190. Plaintiff is informed and believes that Defendant had

1396

knowledge that the wrongs hereinafter mentioned were and continue

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to be done; conspired with others to commit, were about to be

1398

committed, and having power to prevent or aid in preventing the

1399

commission of the same, neglected or refused so to do.

1400

1401

191. Defendant directly deprived, violated, and infringed upon

1402

Plaintiff 's civil rights, with malice, and with careful planning and

1403

conspiracy with others.

1404

1405

192. Plaintiff is informed and believes that it is through the

1406

leadership, ratification, and support of Defendant that its subordinate

1407

departments, actors, employees, agents, and Defendants identified

1408

hereinafter, had permission to implement the custom, practice and

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usage which violated and continue to violate Plaintiff's

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constitutionally, statutory and regulatory rights, activities, privileges,

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and immunities in accordance with the United States Constitution, 1st,

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2nd, 4th, 5th, 6th, 8th, 9th, and 14th Amendments, and the U.S.

1413

Constitution, Article Four, Section 2, and Massachusetts Constitution,

1414 Part the First, Article XVII; Defendant is being sued in its official
1415 Capacity.

1416
1417 193. Any veil of immunity, which this defendant may have
1418 previously enjoyed by virtue of their office or position, is “pierced and
1419 ripped asunder” due to their infringement and deprivation of the
1420 Constitutional Rights of the Plaintiff, and thus this Defendant (and all
1421 other Defendants) stands fully naked and vulnerable before the court,
1422 with no immunity of any form.

1423
1424 194. Further, this defendant has engaged in conduct and as a
1425 continuing unit of an enterprise, through a pattern, of racketeering
1426 enterprises (including, but not limited to: mail fraud, wire fraud,
1427 scheme to defraud, robbery, kidnapping, obstruction of justice,
1428 interference in commerce, also involving monetary transactions in
1429 property derived from specified unlawful activity), and have caused
1430 injury to the business and/or property of the Plaintiff Atkinson.

1431
1432 195. This Defendant has exceeded, and overstepped their authority
1433 and violated the Constitutional rights of the Plaintiff, infringing and

1434 deprived him of his civil rights. Defendant resides or does business at:
1435 85 Herrick St., Beverly MA 01915

1436
1437 196. Defendant CAPE ANN CHAMBER OF COMMERCE,
1438 hereinafter “Cape Ann Chamber of Commerce,” is and was at all
1439 times mentioned herein an extension of a state agency, performing the
1440 bidding, and under the control and/or influence of state law
1441 enforcement agencies.

1442
1443 197. Defendant is also a recipient of federal funds, which it
1444 distributes to its various departments.

1445
1446 198. Plaintiff is informed and believes that Defendant is the policy-
1447 maker and fiduciary supervisors of the remaining subordinates, agents,
1448 and employees identified hereinafter.

1449
1450 199. Plaintiff is informed and believes that Defendant had
1451 knowledge that the wrongs hereinafter mentioned were and continue
1452 to be done; conspired with others to commit, were about to be

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committed, and having power to prevent or aid in preventing the
commission of the same, neglected or refused so to do.

200. Defendant directly deprived, violated, and infringed upon
Plaintiff 's civil rights, with malice, and with careful planning and
conspiracy with others.

201. 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.

1472 202. Further, this defendant has engaged in conduct and as a
1473 continuing unit of an enterprise, through a pattern, of racketeering
1474 enterprises (including, but not limited to: mail fraud, wire fraud,
1475 scheme to defraud, robbery, kidnapping, obstruction of justice,
1476 interference in commerce, also involving monetary transactions in
1477 property derived from specified unlawful activity), and have caused
1478 injury to the business and/or property of the Plaintiff Atkinson.

1479
1480 203. This Defendant has exceeded, and overstepped their authority
1481 and violated the Constitutional rights of the Plaintiff, infringing and
1482 deprived him of his civil rights. Defendant resides or does business at:
1483 33 Commercial Street, Gloucester, MA 01930

1484
1485 204. Defendant LYONS AMBULANCE, LLC, hereinafter “Lyons
1486 Ambulance,” or alternately “Lyons” is and was at all times mentioned
1487 herein an extension of a state agency, performing the bidding, and
1488 under the control and/or influence of state law enforcement agencies.

1489
1490 205. Defendant is also a recipient of federal funds, which it
1491 distributes to its various departments.

1492

1493 206. Plaintiff is informed and believes that Defendant is the policy-
1494 maker and fiduciary supervisors of the remaining subordinates, agents,
1495 and employees identified hereinafter.

1496

1497 207. Plaintiff is informed and believes that Defendant had
1498 knowledge that the wrongs hereinafter mentioned were and continue
1499 to be done; conspired with others to commit, were about to be
1500 committed, and having power to prevent or aid in preventing the
1501 commission of the same, neglected or refused so to do.

1502

1503 208. Defendant directly deprived, violated, and infringed upon
1504 Plaintiff 's civil rights, with malice, and with careful planning and
1505 conspiracy with others.

1506

1507 209. Plaintiff is informed and believes that it is through the
1508 leadership, ratification, and support of Defendant that its subordinate
1509 departments, actors, employees, agents, and Defendants identified
1510 hereinafter, had permission to implement the custom, practice and
1511 usage which violated and continue to violate Plaintiff's

1512 constitutionally, statutory and regulatory rights, activities, privileges,
1513 and immunities in accordance with the United States Constitution, 1st,
1514 2nd, 4th, 5th, 6th, 8th, 9th, and 14th Amendments, and the U.S.
1515 Constitution, Article Four, Section 2, and Massachusetts Constitution,
1516 Part the First, Article XVII; Defendant is being sued in its official
1517 Capacity.

1518
1519 210. Any veil of immunity, which this defendant may have
1520 previously enjoyed by virtue of their office or position, is “pierced and
1521 ripped asunder” due to their infringement and deprivation of the
1522 Constitutional Rights of the Plaintiff, and thus this Defendant (and all
1523 other Defendants) stands fully naked and vulnerable before the court,
1524 with no immunity of any form.

1525
1526 211. Further, this defendant has engaged in conduct and as a
1527 continuing unit of an enterprise, through a pattern, of racketeering
1528 enterprises (including, but not limited to: mail fraud, wire fraud,
1529 scheme to defraud, robbery, kidnapping, obstruction of justice,
1530 interference in commerce, also involving monetary transactions in

1531 property derived from specified unlawful activity), and have caused
1532 injury to the business and/or property of the Plaintiff Atkinson.

1533
1534 212. This Defendant has exceeded, and overstepped their authority
1535 and violated the Constitutional rights of the Plaintiff, infringing and
1536 deprived him of his civil rights. Defendant resides or does business at:
1537 135 Maple St., Danvers MA 01923

1538
1539 213. Defendant BEVERLY NATIONAL BANK, hereinafter
1540 “Beverly National Bank,” and also known as “Beverly National Ban
1541 Corporation”, and now DANVERS BANCORP, INC., also known as:
1542 “DanversBank” hereinafter “Danvers Bank,” is and was at all times
1543 mentioned herein an extension of a state agency, performing the
1544 bidding, and under the control and/or influence of state law
1545 enforcement agencies.

1546
1547 214. Defendant is also a recipient of federal funds, which it
1548 distributes to its various departments.

1549

1550 215. Plaintiff is informed and believes that Defendant is the policy-
1551 maker and fiduciary supervisors of the remaining subordinates, agents,
1552 and employees identified hereinafter.

1553
1554 216. Plaintiff is informed and believes that Defendant had
1555 knowledge that the wrongs hereinafter mentioned were and continue
1556 to be done; conspired with others to commit, were about to be
1557 committed, and having power to prevent or aid in preventing the
1558 commission of the same, neglected or refused so to do.

1559
1560 217. Defendant directly deprived, violated, and infringed upon
1561 Plaintiff 's civil rights, with malice, and with careful planning and
1562 conspiracy with others.

1563
1564 218. Plaintiff is informed and believes that Defendant provided loans,
1565 financing, and financial controls to Beverly Hospital, Lyons
1566 Ambulance, and to Montserrat College, and to other Defendants by
1567 way of their bank officer John L. Good, who is also intimately involve
1568 with the running of Beverly Hospital, Lyons Ambulance, and
1569 Montserrat College of Art.

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219. 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. 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.

1589 220. This Defendant has exceeded, and overstepped their authority
1590 and violated the Constitutional rights of the Plaintiff, infringing and
1591 deprived him of his civil rights. Defendant resides or does business at:
1592 One Conant Street, Danvers, MA 01923

1593
1594 221. Defendant MARY ELIZABETH HEFFERNAN is sued in her
1595 official capacity and individually as Secretary of Public Safety and
1596 Executive Office of Public Safety and Security for the
1597 Commonwealth of Massachusetts, responsible for executing and
1598 administering the laws and policies at issue in this lawsuit. Defendant
1599 directly deprived, violated, and infringed upon Plaintiff ‘s civil rights,
1600 with malice, and with careful planning and conspiracy with others.
1601 Any veil of immunity, which this defendant may have previously
1602 enjoyed by virtue of their office or position, is “pierced and ripped
1603 asunder” due to their infringement and deprivation of the
1604 Constitutional Rights of the Plaintiff, and thus this Defendant (and all
1605 other Defendants) stands fully naked and vulnerable before the court,
1606 with no immunity of any form. Further, this defendant has engaged in
1607 conduct and as a continuing unit of an enterprise, through a pattern, of
1608 racketeering enterprises (including, but not limited to: mail fraud, wire

1609 fraud, scheme to defraud, robbery, kidnapping, obstruction of justice,
1610 interference in commerce, also involving monetary transactions in
1611 property derived from specified unlawful activity), and have caused
1612 injury to the business and/or property of the Plaintiff Atkinson. This
1613 Defendant has exceeded, and overstepped their authority and violated
1614 the Constitutional rights of the Plaintiff, infringing and deprived him
1615 of his civil rights. Defendant resides at One Ashburton Place, Boston,
1616 MA 02108 -1518

1617
1618 222. Defendant MARK DELANEY is sued in his official capacity
1619 and individually as Colonel of the State Police for the Commonwealth
1620 of Massachusetts, responsible for executing and administering the
1621 laws and policies at issue in this lawsuit. Defendant directly and
1622 indirectly deprived, violated, and infringed upon Plaintiff's civil rights,
1623 with malice, and with careful planning and conspiracy with others.
1624 Defendant has prior history of civil right abuses, and has previously
1625 been sued in Federal District court over such civil right violations,
1626 which forms a long-term course of conduct, committed with
1627 despicable arrogance, and which shocks the conscience. Any veil of
1628 immunity, which this defendant may have previously enjoyed by

1629 virtue of their office or position, is “pierced and ripped asunder” due
1630 to their infringement and deprivation of the Constitutional Rights of
1631 the Plaintiff, and thus this Defendant (and all other Defendants) stands
1632 fully naked and vulnerable before the court, with no immunity of any
1633 form. Further, this defendant has engaged in conduct and as a
1634 continuing unit of an enterprise, through a pattern, of racketeering
1635 enterprises (including, but not limited to: mail fraud, wire fraud,
1636 scheme to defraud, robbery, kidnapping, obstruction of justice,
1637 interference in commerce, also involving monetary transactions in
1638 property derived from specified unlawful activity), and have caused
1639 injury to the business and/or property of the Plaintiff Atkinson. This
1640 Defendant has exceeded, and overstepped their authority and violated
1641 the Constitutional rights of the Plaintiff, infringing and deprived him
1642 of his civil rights. Defendant resides at One Ashburton Place, Boston,
1643 MA 02108 -1518

1644

1645 223. Defendant JAMES F. SLATER is sued in his official capacity and
1646 individually as Criminal History Systems Board (CHSB), renamed the
1647 Department of Criminal Justice Information Services (DCJIS); for the
1648 Commonwealth of Massachusetts, responsible for executing and

1649 administering the laws and policies at issue in this lawsuit. Defendant
1650 directly deprived, violated, and infringed upon Plaintiff 's civil rights,
1651 with malice, and with careful planning and conspiracy with others.
1652 Any veil of immunity, which this defendant may have previously
1653 enjoyed by virtue of their office or position, is "pierced and ripped
1654 asunder" due to their infringement and deprivation of the
1655 Constitutional Rights of the Plaintiff, and thus this Defendant (and all
1656 other Defendants) stands fully naked and vulnerable before the court,
1657 with no immunity of any form. Further, this defendant has engaged in
1658 conduct and as a continuing unit of an enterprise, through a pattern, of
1659 racketeering enterprises (including, but not limited to: mail fraud, wire
1660 fraud, scheme to defraud, robbery, kidnapping, obstruction of justice,
1661 interference in commerce, also involving monetary transactions in
1662 property derived from specified unlawful activity), and have caused
1663 injury to the business and/or property of the Plaintiff Atkinson. This
1664 Defendant has exceeded, and overstepped their authority and violated
1665 the Constitutional rights of the Plaintiff, infringing and deprived him
1666 of his civil rights. Defendant resides at One Ashburton Place, Boston,
1667 MA 02108 -1518

1668

1669 224. Defendant JAMES HURST is sued in his/her official capacity and
1670 individually as a Police Officer for Town of Rockport, responsible for
1671 executing and administering the laws and policies at issue in this
1672 lawsuit. Defendant directly deprived, violated, and infringed upon
1673 Plaintiff 's civil rights, with malice, and with careful planning and
1674 conspiracy with others. Defendant has while acting under color of law
1675 and while armed with a dangerous weapon at all times with the intent
1676 to commit a felony; has engaged in a pattern of robbery; armed
1677 robbery; embezzlement; fraud; larceny; false statements; intimidation
1678 of a witness; false arrest; kidnapping; confinement; home invasion;
1679 armed home invasion; assault; armed assault; assaulted with bodily
1680 injury in furtherance of committing a felony; willfully inflicting
1681 injury; unlawfully used or threatened to use against another the power
1682 of or authority vested in him; use of excessive force; breaking and
1683 entered into a dwelling house; assault and battery; broke into a truck
1684 in order to commit a felony; induced another to part with property
1685 under false pretenses; had in his possession tools and implements to
1686 break open a building, room, or vault in order to steal and to commit
1687 other crimes; placed a person in fear of their lives in order to force the
1688 person to surrender the means of opening a locked room and locked

1689 safes; damaged property; intimidated witness or potential witness;
1690 caused serious alarm to a reasonable person; inflicted substantial
1691 emotional distress; entered a dwelling places of another knowing that
1692 one or more persons present within was likely armed with dangerous
1693 weapons; fraudulently converted property that was in the custody of
1694 the Town to his own personal use; concealed felonies committed by
1695 others who were part of the conspiracy; stole and, or received and
1696 gave to others stolen trade secrets; made false and fictitious claims,
1697 injured and defaced a dwelling house; remained on private property
1698 after being forbidden to remain thereon by the person in legal control
1699 of the premises; without authorization, committed subornation of
1700 perjury; made multiple false reports to state boards or commissioners;
1701 while acting as a employee of the Town of Rockport, filed false
1702 written reports and statements; took money and rewards to compound
1703 or conceal felonies; aided in the commission of a felony; knowingly
1704 accessed computers, and computer systems and failed to terminate
1705 such access knowing that such access was not authorized; interfered
1706 with civil rights; committed conspiracy to violate civil rights; violated
1707 Constitutional Rights; and committed other State and Federal crimes.
1708 The Plaintiff Atkinson, who is a disabled veteran, was the victim of

1709 these aforementioned criminal acts, deprivations, and infringements
1710 by Defendant. Any veil of immunity, which this defendant may have
1711 previously enjoyed by virtue of their office or position, is “pierced and
1712 ripped asunder” due to their infringement and deprivation of the
1713 Constitutional Rights of the Plaintiff, and thus this Defendant (and all
1714 other Defendants) stands fully naked and vulnerable before the court,
1715 with no immunity of any form. Further, this defendant has engaged in
1716 conduct and as a continuing unit of an enterprise, through a pattern, of
1717 racketeering enterprises (including, but not limited to: mail fraud, wire
1718 fraud, scheme to defraud, robbery, kidnapping, obstruction of justice,
1719 interference in commerce, also involving monetary transactions in
1720 property derived from specified unlawful activity), and have caused
1721 injury to the business and/or property of the Plaintiff Atkinson. This
1722 Defendant has exceeded, and overstepped their authority and violated
1723 the Constitutional rights of the Plaintiff, infringing and deprived him
1724 of his civil rights. Defendant resides at 168 Main Street, Rockport,
1725 MA 01966

1726
1727 225. Defendant DANIEL MAHONEY is sued in his/her official
1728 capacity and individually as an Police Officer for Town of Rockport,

1729 responsible for executing and administering the laws and policies at
1730 issue in this lawsuit. Defendant directly deprived, violated, and
1731 infringed upon Plaintiff 's civil rights, with malice, and with careful
1732 planning and conspiracy with others. Defendant has while acting
1733 under color of law and while armed with a dangerous weapon at all
1734 times with the intent to commit a felony; has engaged in a pattern of
1735 robbery; armed robbery; embezzlement; fraud; larceny; false
1736 statements; intimidation of a witness; false arrest; kidnapping;
1737 confinement; home invasion; armed home invasion; assault; armed
1738 assault; assaulted with bodily injury in furtherance of committing a
1739 felony; willfully inflicting injury; unlawfully used or threatened to use
1740 against another the power of or authority vested in him; use of
1741 excessive force; breaking and entered into a dwelling house; assault
1742 and battery; broke into a truck in order to commit a felony; induced
1743 another to part with property under false pretenses; had in his
1744 possession tools and implements to break open a building, room, or
1745 vault in order to steal and to commit other crimes; placed a person in
1746 fear of their lives in order to force the person to surrender the means
1747 of opening a locked room and locked safes; damaged property;
1748 intimidated witness or potential witness; caused serious alarm to a

1749 reasonable person; inflicted substantial emotional distress; entered a
1750 dwelling places of another knowing that one or more persons present
1751 within was likely armed with dangerous weapons; fraudulently
1752 converted property that was in the custody of the Town to his own
1753 personal use; concealed felonies committed by others who were part
1754 of the conspiracy; stole and, or received and gave to others stolen
1755 trade secrets; made false and fictitious claims, injured and defaced a
1756 dwelling house; remained on private property after being forbidden to
1757 remain thereon by the person in legal control of the premises; without
1758 authorization, committed subornation of perjury; made multiple false
1759 reports to state boards or commissioners; while acting as a employee
1760 of the Town of Rockport, filed false written reports and statements;
1761 took money and rewards to compound or conceal felonies; aided in
1762 the commission of a felony; knowingly accessed computers, and
1763 computer systems and failed to terminate such access knowing that
1764 such access was not authorized; interfered with civil rights; committed
1765 conspiracy to violate civil rights; violated Constitutional Rights; and
1766 committed other State and Federal crimes. The Plaintiff Atkinson,
1767 who is a disabled veteran, was the victim of these aforementioned
1768 criminal acts, deprivations, and infringements by Defendant.

1769 Defendant has prior history of civil right abuses, and has previously
1770 been sued in Federal District court over such civil right violations,
1771 which forms a long-term course of conduct, committed with
1772 despicable arrogance, and which shocks the conscience. Any veil of
1773 immunity, which this defendant may have previously enjoyed by
1774 virtue of their office or position, is “pierced and ripped asunder” due
1775 to their infringement and deprivation of the Constitutional Rights of
1776 the Plaintiff, and thus this Defendant (and all other Defendants) stands
1777 fully naked and vulnerable before the court, with no immunity of any
1778 form. Further, this defendant has engaged in conduct and as a
1779 continuing unit of an enterprise, through a pattern, of racketeering
1780 enterprises (including, but not limited to: mail fraud, wire fraud,
1781 scheme to defraud, robbery, kidnapping, obstruction of justice,
1782 interference in commerce, also involving monetary transactions in
1783 property derived from specified unlawful activity), and have caused
1784 injury to the business and/or property of the Plaintiff Atkinson. This
1785 Defendant has exceeded, and overstepped their authority and violated
1786 the Constitutional rights of the Plaintiff, infringing and deprived him
1787 of his civil rights. Defendant resides at 168 Main Street, Rockport,
1788 MA 01966

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226. Defendant MICHAEL MARINO 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 a person in

1809 fear of their lives in order to force the person to surrender the means
1810 of opening a locked room and locked safes; damaged property;
1811 intimidated witness or potential witness; caused serious alarm to a
1812 reasonable person; inflicted substantial emotional distress; entered a
1813 dwelling places of another knowing that one or more persons present
1814 within was likely armed with dangerous weapons; fraudulently
1815 converted property that was in the custody of the Town to his own
1816 personal use; concealed felonies committed by others who were part
1817 of the conspiracy; stole and, or received and gave to others stolen
1818 trade secrets; made false and fictitious claims, injured and defaced a
1819 dwelling house; remained on private property after being forbidden to
1820 remain thereon by the person in legal control of the premises; without
1821 authorization, committed subornation of perjury; made multiple false
1822 reports to state boards or commissioners; while acting as a employee
1823 of the Town of Rockport, filed false written reports and statements;
1824 took money and rewards to compound or conceal felonies; aided in
1825 the commission of a felony; knowingly accessed computers, and
1826 computer systems and failed to terminate such access knowing that
1827 such access was not authorized; interfered with civil rights; committed
1828 conspiracy to violate civil rights; violated Constitutional Rights; and

1829 committed other State and Federal crimes. The Plaintiff Atkinson,
1830 who is a disabled veteran, was the victim of these aforementioned
1831 criminal acts, deprivations, and infringements by Defendant. Any veil
1832 of immunity, which this defendant may have previously enjoyed by
1833 virtue of their office or position, is “pierced and ripped asunder” due
1834 to their infringement and deprivation of the Constitutional Rights of
1835 the Plaintiff, and thus this Defendant (and all other Defendants) stands
1836 fully naked and vulnerable before the court, with no immunity of any
1837 form. Further, this defendant has engaged in conduct and as a
1838 continuing unit of an enterprise, through a pattern, of racketeering
1839 enterprises (including, but not limited to: mail fraud, wire fraud,
1840 scheme to defraud, robbery, kidnapping, obstruction of justice,
1841 interference in commerce, also involving monetary transactions in
1842 property derived from specified unlawful activity), and have caused
1843 injury to the business and/or property of the Plaintiff Atkinson. This
1844 Defendant has exceeded, and overstepped their authority and violated
1845 the Constitutional rights of the Plaintiff, infringing and deprived him
1846 of his civil rights. Defendant resides at 168 Main Street, Rockport,
1847 MA 01966

1848

1849 227. Defendant JOHN T. MCCARTHY is sued in his/her official
1850 capacity and individually as the Chief of Police for the Town of
1851 Rockport, responsible for executing and administering the laws and
1852 policies at issue in this lawsuit. Defendant directly deprived, violated,
1853 and infringed upon Plaintiff 's civil rights, with malice, and with
1854 careful planning and conspiracy with others. Defendant has while
1855 acting under color of law and while armed with a dangerous weapon
1856 at all times with the intent to commit a felony; has engaged in a
1857 pattern of robbery; armed robbery; embezzlement; fraud; larceny;
1858 false statements; intimidation of a witness; false arrest; kidnapping;
1859 confinement; home invasion; armed home invasion; assault; armed
1860 assault; assaulted with bodily injury in furtherance of committing a
1861 felony; willfully inflicting injury; unlawfully used or threatened to use
1862 against another the power of or authority vested in him; use of
1863 excessive force; breaking and entered into a dwelling house; assault
1864 and battery; broke into a truck in order to commit a felony; induced
1865 another to part with property under false pretenses; had in his
1866 possession tools and implements to break open a building, room, or
1867 vault in order to steal and to commit other crimes; placed a person in
1868 fear of their lives in order to force the person to surrender the means

1869 of opening a locked room and locked safes; damaged property;
1870 intimidated witness or potential witness; caused serious alarm to a
1871 reasonable person; inflicted substantial emotional distress; entered a
1872 dwelling places of another knowing that one or more persons present
1873 within was likely armed with dangerous weapons; fraudulently
1874 converted property that was in the custody of the Town to his own
1875 personal use; concealed felonies committed by others who were part
1876 of the conspiracy; stole and, or received and gave to others stolen
1877 trade secrets; made false and fictitious claims, injured and defaced a
1878 dwelling house; remained on private property after being forbidden to
1879 remain thereon by the person in legal control of the premises; without
1880 authorization, committed subornation of perjury; made multiple false
1881 reports to state boards or commissioners; while acting as a employee
1882 of the Town of Rockport, filed false written reports and statements;
1883 took money and rewards to compound or conceal felonies; aided in
1884 the commission of a felony; knowingly accessed computers, and
1885 computer systems and failed to terminate such access knowing that
1886 such access was not authorized; interfered with civil rights; committed
1887 conspiracy to violate civil rights; violated Constitutional Rights; and
1888 committed other State and Federal crimes. The Plaintiff Atkinson,

1889 who is a disabled veteran, was the victim of these aforementioned
1890 criminal acts, deprivations, and infringements by Defendant. Any veil
1891 of immunity, which this defendant may have previously enjoyed by
1892 virtue of their office or position, is “pierced and ripped asunder” due
1893 to their infringement and deprivation of the Constitutional Rights of
1894 the Plaintiff, and thus this Defendant (and all other Defendants) stands
1895 fully naked and vulnerable before the court, with no immunity of any
1896 form. Further, this defendant has engaged in conduct and as a
1897 continuing unit of an enterprise, through a pattern, of racketeering
1898 enterprises (including, but not limited to: mail fraud, wire fraud,
1899 scheme to defraud, robbery, kidnapping, obstruction of justice,
1900 interference in commerce, also involving monetary transactions in
1901 property derived from specified unlawful activity), and have caused
1902 injury to the business and/or property of the Plaintiff Atkinson. This
1903 Defendant has exceeded, and overstepped their authority and violated
1904 the Constitutional rights of the Plaintiff, infringing and deprived him
1905 of his civil rights. Defendant resides at 168 Main Street, Rockport,
1906 MA 01966

1908 228. Defendant GREGORY GEORGE is sued in his/her official

1909 capacity and individually as an Police Officer for Town of Rockport,
1910 responsible for executing and administering the laws and policies at
1911 issue in this lawsuit. Defendant directly deprived, violated, and
1912 infringed upon Plaintiff ‘s civil rights, with malice, and with careful
1913 planning and conspiracy with others. Defendant has while acting
1914 under color of law and while armed with a dangerous weapon at all
1915 times with the intent to commit a felony; has engaged in a pattern of
1916 robbery; armed robbery; embezzlement; fraud; larceny; false
1917 statements; intimidation of a witness; false arrest; kidnapping;
1918 confinement; home invasion; armed home invasion; assault; armed
1919 assault; assaulted with bodily injury in furtherance of committing a
1920 felony; willfully inflicting injury; unlawfully used or threatened to use
1921 against another the power of or authority vested in him; use of
1922 excessive force; breaking and entered into a dwelling house; assault
1923 and battery; broke into a truck in order to commit a felony; induced
1924 another to part with property under false pretenses; had in his
1925 possession tools and implements to break open a building, room, or
1926 vault in order to steal and to commit other crimes; placed a person in
1927 fear of their lives in order to force the person to surrender the means
1928 of opening a locked room and locked safes; damaged property;

1929 intimidated witness or potential witness; caused serious alarm to a
1930 reasonable person; inflicted substantial emotional distress; entered a
1931 dwelling places of another knowing that one or more persons present
1932 within was likely armed with dangerous weapons; fraudulently
1933 converted property that was in the custody of the Town to his own
1934 personal use; concealed felonies committed by others who were part
1935 of the conspiracy; stole and, or received and gave to others stolen
1936 trade secrets; made false and fictitious claims, injured and defaced a
1937 dwelling house; remained on private property after being forbidden to
1938 remain thereon by the person in legal control of the premises; without
1939 authorization, committed subornation of perjury; made multiple false
1940 reports to state boards or commissioners; while acting as a employee
1941 of the Town of Rockport, filed false written reports and statements;
1942 took money and rewards to compound or conceal felonies; aided in
1943 the commission of a felony; knowingly accessed computers, and
1944 computer systems and failed to terminate such access knowing that
1945 such access was not authorized; interfered with civil rights; committed
1946 conspiracy to violate civil rights; violated Constitutional Rights; and
1947 committed other State and Federal crimes. The Plaintiff Atkinson,
1948 who is a disabled veteran, was the victim of these aforementioned

1949 criminal acts, deprivations, and infringements by Defendant. Any veil
1950 of immunity, which this defendant may have previously enjoyed by
1951 virtue of their office or position, is “pierced and ripped asunder” due
1952 to their infringement and deprivation of the Constitutional Rights of
1953 the Plaintiff, and thus this Defendant (and all other Defendants) stands
1954 fully naked and vulnerable before the court, with no immunity of any
1955 form. Further, this defendant has engaged in conduct and as a
1956 continuing unit of an enterprise, through a pattern, of racketeering
1957 enterprises (including, but not limited to: mail fraud, wire fraud,
1958 scheme to defraud, robbery, kidnapping, obstruction of justice,
1959 interference in commerce, also involving monetary transactions in
1960 property derived from specified unlawful activity), and have caused
1961 injury to the business and/or property of the Plaintiff Atkinson. This
1962 Defendant has exceeded, and overstepped their authority and violated
1963 the Constitutional rights of the Plaintiff, infringing and deprived him
1964 of his civil rights. Defendant resides at 168 Main Street, Rockport,
1965 MA 01966

1966
1967 229. Defendant SEAN ANDRUS is sued in his/her official capacity and
1968 individually as a Police Officer for Town of Rockport, responsible for

1969 executing and administering the laws and policies at issue in this
1970 lawsuit. Defendant directly deprived, violated, and infringed upon
1971 Plaintiff 's civil rights, with malice, and with careful planning and
1972 conspiracy with others. Defendant has while acting under color of law
1973 and while armed with a dangerous weapon at all times with the intent
1974 to commit a felony; has engaged in a pattern of robbery; armed
1975 robbery; embezzlement; fraud; larceny; false statements; intimidation
1976 of a witness; false arrest; kidnapping; confinement; home invasion;
1977 armed home invasion; assault; armed assault; assaulted with bodily
1978 injury in furtherance of committing a felony; willfully inflicting
1979 injury; unlawfully used or threatened to use against another the power
1980 of or authority vested in him; use of excessive force; breaking and
1981 entered into a dwelling house; assault and battery; broke into a truck
1982 in order to commit a felony; induced another to part with property
1983 under false pretenses; had in his possession tools and implements to
1984 break open a building, room, or vault in order to steal and to commit
1985 other crimes; placed a person in fear of their lives in order to force the
1986 person to surrender the means of opening a locked room and locked
1987 safes; damaged property; intimidated witness or potential witness;
1988 caused serious alarm to a reasonable person; inflicted substantial

1989 emotional distress; entered a dwelling places of another knowing that
1990 one or more persons present within was likely armed with dangerous
1991 weapons; fraudulently converted property that was in the custody of
1992 the Town to his own personal use; concealed felonies committed by
1993 others who were part of the conspiracy; stole and, or received and
1994 gave to others stolen trade secrets; made false and fictitious claims,
1995 injured and defaced a dwelling house; remained on private property
1996 after being forbidden to remain thereon by the person in legal control
1997 of the premises; without authorization, committed subornation of
1998 perjury; made multiple false reports to state boards or commissioners;
1999 while acting as a employee of the Town of Rockport, filed false
2000 written reports and statements; took money and rewards to compound
2001 or conceal felonies; aided in the commission of a felony; knowingly
2002 accessed computers, and computer systems and failed to terminate
2003 such access knowing that such access was not authorized; interfered
2004 with civil rights; committed conspiracy to violate civil rights; violated
2005 Constitutional Rights; and committed other State and Federal crimes.
2006 The Plaintiff Atkinson, who is a disabled veteran, was the victim of
2007 these aforementioned criminal acts, deprivations, and infringements
2008 by Defendant. Any veil of immunity, which this defendant may have

2009 previously enjoyed by virtue of their office or position, is “pierced and
2010 ripped asunder” due to their infringement and deprivation of the
2011 Constitutional Rights of the Plaintiff, and thus this Defendant (and all
2012 other Defendants) stands fully naked and vulnerable before the court,
2013 with no immunity of any form. Further, this defendant has engaged in
2014 conduct and as a continuing unit of an enterprise, through a pattern, of
2015 racketeering enterprises (including, but not limited to: mail fraud, wire
2016 fraud, scheme to defraud, robbery, kidnapping, obstruction of justice,
2017 interference in commerce, also involving monetary transactions in
2018 property derived from specified unlawful activity), and have caused
2019 injury to the business and/or property of the Plaintiff Atkinson. This
2020 Defendant has exceeded, and overstepped their authority and violated
2021 the Constitutional rights of the Plaintiff, infringing and deprived him
2022 of his civil rights. Defendant resides at 168 Main Street, Rockport,
2023 MA 01966

2024
2025 230. Defendant JAMES HURST is sued in his/her official capacity and
2026 individually as a Police Officer for Town of Rockport, responsible for
2027 executing and administering the laws and policies at issue in this
2028 lawsuit. Defendant directly deprived, violated, and infringed upon

2029 Plaintiff 's civil rights, with malice, and with careful planning and
2030 conspiracy with others. Defendant has while acting under color of law
2031 and while armed with a dangerous weapon at all times with the intent
2032 to commit a felony; has engaged in a pattern of robbery; armed
2033 robbery; embezzlement; fraud; larceny; false statements; intimidation
2034 of a witness; false arrest; kidnapping; confinement; home invasion;
2035 armed home invasion; assault; armed assault; assaulted with bodily
2036 injury in furtherance of committing a felony; willfully inflicting
2037 injury; unlawfully used or threatened to use against another the power
2038 of or authority vested in him; use of excessive force; breaking and
2039 entered into a dwelling house; assault and battery; broke into a truck
2040 in order to commit a felony; induced another to part with property
2041 under false pretenses; had in his possession tools and implements to
2042 break open a building, room, or vault in order to steal and to commit
2043 other crimes; placed a person in fear of their lives in order to force the
2044 person to surrender the means of opening a locked room and locked
2045 safes; damaged property; intimidated witness or potential witness;
2046 caused serious alarm to a reasonable person; inflicted substantial
2047 emotional distress; entered a dwelling places of another knowing that
2048 one or more persons present within was likely armed with dangerous

2049 weapons; fraudulently converted property that was in the custody of
2050 the Town to his own personal use; concealed felonies committed by
2051 others who were part of the conspiracy; stole and, or received and
2052 gave to others stolen trade secrets; made false and fictitious claims,
2053 injured and defaced a dwelling house; remained on private property
2054 after being forbidden to remain thereon by the person in legal control
2055 of the premises; without authorization, committed subornation of
2056 perjury; made multiple false reports to state boards or commissioners;
2057 while acting as a employee of the Town of Rockport, filed false
2058 written reports and statements; took money and rewards to compound
2059 or conceal felonies; aided in the commission of a felony; knowingly
2060 accessed computers, and computer systems and failed to terminate
2061 such access knowing that such access was not authorized; interfered
2062 with civil rights; committed conspiracy to violate civil rights; violated
2063 Constitutional Rights; and committed other State and Federal crimes.
2064 The Plaintiff Atkinson, who is a disabled veteran, was the victim of
2065 these aforementioned criminal acts, deprivations, and infringements
2066 by Defendant. Any veil of immunity, which this defendant may have
2067 previously enjoyed by virtue of their office or position, is “pierced and
2068 ripped asunder” due to their infringement and deprivation of the

2069 Constitutional Rights of the Plaintiff, and thus this Defendant (and all
2070 other Defendants) stands fully naked and vulnerable before the court,
2071 with no immunity of any form. Further, this defendant has engaged in
2072 conduct and as a continuing unit of an enterprise, through a pattern, of
2073 racketeering enterprises (including, but not limited to: mail fraud, wire
2074 fraud, scheme to defraud, robbery, kidnapping, obstruction of justice,
2075 interference in commerce, also involving monetary transactions in
2076 property derived from specified unlawful activity), and have caused
2077 injury to the business and/or property of the Plaintiff Atkinson. This
2078 Defendant has exceeded, and overstepped their authority and violated
2079 the Constitutional rights of the Plaintiff, infringing and deprived him
2080 of his civil rights. Defendant resides at 168 Main Street, Rockport,
2081 MA 01966

2082
2083 231. Defendant MARK SCHMINK is sued in his/her official
2084 capacity and individually as a Police Officer for Town of Rockport,
2085 responsible for executing and administering the laws and policies at
2086 issue in this lawsuit. Defendant directly deprived, violated, and
2087 infringed upon Plaintiff 's civil rights, with malice, and with careful
2088 planning and conspiracy with others. Defendant has while acting

2089 under color of law and while armed with a dangerous weapon at all
2090 times with the intent to commit a felony; has engaged in a pattern of
2091 robbery; armed robbery; embezzlement; fraud; larceny; false
2092 statements; intimidation of a witness; false arrest; kidnapping;
2093 confinement; home invasion; armed home invasion; assault; armed
2094 assault; assaulted with bodily injury in furtherance of committing a
2095 felony; willfully inflicting injury; unlawfully used or threatened to use
2096 against another the power of or authority vested in him; use of
2097 excessive force; breaking and entered into a dwelling house; assault
2098 and battery; broke into a truck in order to commit a felony; induced
2099 another to part with property under false pretenses; had in his
2100 possession tools and implements to break open a building, room, or
2101 vault in order to steal and to commit other crimes; placed a person in
2102 fear of their lives in order to force the person to surrender the means
2103 of opening a locked room and locked safes; damaged property;
2104 intimidated witness or potential witness; caused serious alarm to a
2105 reasonable person; inflicted substantial emotional distress; entered a
2106 dwelling places of another knowing that one or more persons present
2107 within was likely armed with dangerous weapons; fraudulently
2108 converted property that was in the custody of the Town to his own

2109 personal use; concealed felonies committed by others who were part
2110 of the conspiracy; stole and, or received and gave to others stolen
2111 trade secrets; made false and fictitious claims, injured and defaced a
2112 dwelling house; remained on private property after being forbidden to
2113 remain thereon by the person in legal control of the premises; without
2114 authorization, committed subornation of perjury; made multiple false
2115 reports to state boards or commissioners; while acting as a employee
2116 of the Town of Rockport, filed false written reports and statements;
2117 took money and rewards to compound or conceal felonies; aided in
2118 the commission of a felony; knowingly accessed computers, and
2119 computer systems and failed to terminate such access knowing that
2120 such access was not authorized; interfered with civil rights; committed
2121 conspiracy to violate civil rights; violated Constitutional Rights; and
2122 committed other State and Federal crimes. The Plaintiff Atkinson,
2123 who is a disabled veteran, was the victim of these aforementioned
2124 criminal acts, deprivations, and infringements by Defendant.
2125 Defendant has prior history of civil right abuses, and has previously
2126 been sued in Federal District court over such civil right violations,
2127 which forms a long-term course of conduct, committed with
2128 despicable arrogance, and which shocks the conscience. Any veil of

2129 immunity, which this defendant may have previously enjoyed by
2130 virtue of their office or position, is “pierced and ripped asunder” due
2131 to their infringement and deprivation of the Constitutional Rights of
2132 the Plaintiff, and thus this Defendant (and all other Defendants) stands
2133 fully naked and vulnerable before the court, with no immunity of any
2134 form. Further, this defendant has engaged in conduct and as a
2135 continuing unit of an enterprise, through a pattern, of racketeering
2136 enterprises (including, but not limited to: mail fraud, wire fraud,
2137 scheme to defraud, robbery, kidnapping, obstruction of justice,
2138 interference in commerce, also involving monetary transactions in
2139 property derived from specified unlawful activity), and have caused
2140 injury to the business and/or property of the Plaintiff Atkinson. This
2141 Defendant has exceeded, and overstepped their authority and violated
2142 the Constitutional rights of the Plaintiff, infringing and deprived him
2143 of his civil rights. Defendant resides at 168 Main Street, Rockport,
2144 MA 01966

2145
2146 232. Defendant ROBERT TIBERT is sued in his/her official capacity
2147 and individually as a Police Officer for Town of Rockport,
2148 responsible for executing and administering the laws and policies at

2149 issue in this lawsuit. Defendant directly deprived, violated, and
2150 infringed upon Plaintiff 's civil rights, with malice, and with careful
2151 planning and conspiracy with others. Defendant has while acting
2152 under color of law and while armed with a dangerous weapon at all
2153 times with the intent to commit a felony; has engaged in a pattern of
2154 robbery; armed robbery; embezzlement; fraud; larceny; false
2155 statements; intimidation of a witness; false arrest; kidnapping;
2156 confinement; home invasion; armed home invasion; assault; armed
2157 assault; assaulted with bodily injury in furtherance of committing a
2158 felony; willfully inflicting injury; unlawfully used or threatened to use
2159 against another the power of or authority vested in him; use of
2160 excessive force; breaking and entered into a dwelling house; assault
2161 and battery; broke into a truck in order to commit a felony; induced
2162 another to part with property under false pretenses; had in his
2163 possession tools and implements to break open a building, room, or
2164 vault in order to steal and to commit other crimes; placed a person in
2165 fear of their lives in order to force the person to surrender the means
2166 of opening a locked room and locked safes; damaged property;
2167 intimidated witness or potential witness; caused serious alarm to a
2168 reasonable person; inflicted substantial emotional distress; entered a

2169 dwelling places of another knowing that one or more persons present
2170 within was likely armed with dangerous weapons; fraudulently
2171 converted property that was in the custody of the Town to his own
2172 personal use; concealed felonies committed by others who were part
2173 of the conspiracy; stole and, or received and gave to others stolen
2174 trade secrets; made false and fictitious claims, injured and defaced a
2175 dwelling house; remained on private property after being forbidden to
2176 remain thereon by the person in legal control of the premises; without
2177 authorization, committed subornation of perjury; made multiple false
2178 reports to state boards or commissioners; while acting as a employee
2179 of the Town of Rockport, filed false written reports and statements;
2180 took money and rewards to compound or conceal felonies; aided in
2181 the commission of a felony; knowingly accessed computers, and
2182 computer systems and failed to terminate such access knowing that
2183 such access was not authorized; interfered with civil rights; committed
2184 conspiracy to violate civil rights; violated Constitutional Rights; and
2185 committed other State and Federal crimes. The Plaintiff Atkinson,
2186 who is a disabled veteran, was the victim of these aforementioned
2187 criminal acts, deprivations, and infringements by Defendant. Any veil
2188 of immunity, which this defendant may have previously enjoyed by

2189 virtue of their office or position, is “pierced and ripped asunder” due
2190 to their infringement and deprivation of the Constitutional Rights of
2191 the Plaintiff, and thus this Defendant (and all other Defendants) stands
2192 fully naked and vulnerable before the court, with no immunity of any
2193 form. Further, this defendant has engaged in conduct and as a
2194 continuing unit of an enterprise, through a pattern, of racketeering
2195 enterprises (including, but not limited to: mail fraud, wire fraud,
2196 scheme to defraud, robbery, kidnapping, obstruction of justice,
2197 interference in commerce, also involving monetary transactions in
2198 property derived from specified unlawful activity), and have caused
2199 injury to the business and/or property of the Plaintiff Atkinson. This
2200 Defendant has exceeded, and overstepped their authority and violated
2201 the Constitutional rights of the Plaintiff, infringing and deprived him
2202 of his civil rights. Defendant resides at 168 Main Street, Rockport,
2203 MA 01966

2204

2205 233. Defendant MICHAEL ANDERSON is sued in his/her official
2206 capacity and individually as a Police Officer for Town of Rockport,
2207 responsible for executing and administering the laws and policies at
2208 issue in this lawsuit. Defendant directly deprived, violated, and

2209 infringed upon Plaintiff 's civil rights, with malice, and with careful
2210 planning and conspiracy with others. Defendant has while acting
2211 under color of law and while armed with a dangerous weapon at all
2212 times with the intent to commit a felony; has engaged in a pattern of
2213 robbery; armed robbery; embezzlement; fraud; larceny; false
2214 statements; intimidation of a witness; false arrest; kidnapping;
2215 confinement; home invasion; armed home invasion; assault; armed
2216 assault; assaulted with bodily injury in furtherance of committing a
2217 felony; willfully inflicting injury; unlawfully used or threatened to use
2218 against another the power of or authority vested in him; use of
2219 excessive force; breaking and entered into a dwelling house; assault
2220 and battery; broke into a truck in order to commit a felony; induced
2221 another to part with property under false pretenses; had in his
2222 possession tools and implements to break open a building, room, or
2223 vault in order to steal and to commit other crimes; placed a person in
2224 fear of their lives in order to force the person to surrender the means
2225 of opening a locked room and locked safes; damaged property;
2226 intimidated witness or potential witness; caused serious alarm to a
2227 reasonable person; inflicted substantial emotional distress; entered a
2228 dwelling places of another knowing that one or more persons present

2229 within was likely armed with dangerous weapons; fraudulently
2230 converted property that was in the custody of the Town to his own
2231 personal use; concealed felonies committed by others who were part
2232 of the conspiracy; stole and, or received and gave to others stolen
2233 trade secrets; made false and fictitious claims, injured and defaced a
2234 dwelling house; remained on private property after being forbidden to
2235 remain thereon by the person in legal control of the premises; without
2236 authorization, committed subornation of perjury; made multiple false
2237 reports to state boards or commissioners; while acting as a employee
2238 of the Town of Rockport, filed false written reports and statements;
2239 took money and rewards to compound or conceal felonies; aided in
2240 the commission of a felony; knowingly accessed computers, and
2241 computer systems and failed to terminate such access knowing that
2242 such access was not authorized; interfered with civil rights; committed
2243 conspiracy to violate civil rights; violated Constitutional Rights; and
2244 committed other State and Federal crimes. The Plaintiff Atkinson,
2245 who is a disabled veteran, was the victim of these aforementioned
2246 criminal acts, deprivations, and infringements by Defendant. Any veil
2247 of immunity, which this defendant may have previously enjoyed by
2248 virtue of their office or position, is “pierced and ripped asunder” due

2249 to their infringement and deprivation of the Constitutional Rights of
2250 the Plaintiff, and thus this Defendant (and all other Defendants) stands
2251 fully naked and vulnerable before the court, with no immunity of any
2252 form. Further, this defendant has engaged in conduct and as a
2253 continuing unit of an enterprise, through a pattern, of racketeering
2254 enterprises (including, but not limited to: mail fraud, wire fraud,
2255 scheme to defraud, robbery, kidnapping, obstruction of justice,
2256 interference in commerce, also involving monetary transactions in
2257 property derived from specified unlawful activity), and have caused
2258 injury to the business and/or property of the Plaintiff Atkinson. This
2259 Defendant has exceeded, and overstepped their authority and violated
2260 the Constitutional rights of the Plaintiff, infringing and deprived him
2261 of his civil rights. Defendant resides at 168 Main Street, Rockport,
2262 MA 01966

2263
2264 234. Defendant TIMOTHY FRITHSEN is sued in his/her official
2265 capacity and individually as a Police Officer for Town of Rockport,
2266 responsible for executing and administering the laws and policies at
2267 issue in this lawsuit. Defendant directly deprived, violated, and
2268 infringed upon Plaintiff 's civil rights, with malice, and with careful

2269 planning and conspiracy with others. Defendant has while acting
2270 under color of law and while armed with a dangerous weapon at all
2271 times with the intent to commit a felony; has engaged in a pattern of
2272 robbery; armed robbery; embezzlement; fraud; larceny; false
2273 statements; intimidation of a witness; false arrest; kidnapping;
2274 confinement; home invasion; armed home invasion; assault; armed
2275 assault; assaulted with bodily injury in furtherance of committing a
2276 felony; willfully inflicting injury; unlawfully used or threatened to use
2277 against another the power of or authority vested in him; use of
2278 excessive force; breaking and entered into a dwelling house; assault
2279 and battery; broke into a truck in order to commit a felony; induced
2280 another to part with property under false pretenses; had in his
2281 possession tools and implements to break open a building, room, or
2282 vault in order to steal and to commit other crimes; placed a person in
2283 fear of their lives in order to force the person to surrender the means
2284 of opening a locked room and locked safes; damaged property;
2285 intimidated witness or potential witness; caused serious alarm to a
2286 reasonable person; inflicted substantial emotional distress; entered a
2287 dwelling places of another knowing that one or more persons present
2288 within was likely armed with dangerous weapons; fraudulently

2289 converted property that was in the custody of the Town to his own
2290 personal use; concealed felonies committed by others who were part
2291 of the conspiracy; stole and, or received and gave to others stolen
2292 trade secrets; made false and fictitious claims, injured and defaced a
2293 dwelling house; remained on private property after being forbidden to
2294 remain thereon by the person in legal control of the premises; without
2295 authorization, committed subornation of perjury; made multiple false
2296 reports to state boards or commissioners; while acting as a employee
2297 of the Town of Rockport, filed false written reports and statements;
2298 took money and rewards to compound or conceal felonies; aided in
2299 the commission of a felony; knowingly accessed computers, and
2300 computer systems and failed to terminate such access knowing that
2301 such access was not authorized; interfered with civil rights; committed
2302 conspiracy to violate civil rights; violated Constitutional Rights; and
2303 committed other State and Federal crimes. The Plaintiff Atkinson,
2304 who is a disabled veteran, was the victim of these aforementioned
2305 criminal acts, deprivations, and infringements by Defendant. Any veil
2306 of immunity, which this defendant may have previously enjoyed by
2307 virtue of their office or position, is “pierced and ripped asunder” due
2308 to their infringement and deprivation of the Constitutional Rights of

2309 the Plaintiff, and thus this Defendant (and all other Defendants) stands
2310 fully naked and vulnerable before the court, with no immunity of any
2311 form. Further, this defendant has engaged in conduct and as a
2312 continuing unit of an enterprise, through a pattern, of racketeering
2313 enterprises (including, but not limited to: mail fraud, wire fraud,
2314 scheme to defraud, robbery, kidnapping, obstruction of justice,
2315 interference in commerce, also involving monetary transactions in
2316 property derived from specified unlawful activity), and have caused
2317 injury to the business and/or property of the Plaintiff Atkinson. This
2318 Defendant has exceeded, and overstepped their authority and violated
2319 the Constitutional rights of the Plaintiff, infringing and deprived him
2320 of his civil rights. Defendant resides at 168 Main Street, Rockport,
2321 MA 01966

2322
2323 235. Defendant JOHN DOE 001 - 009 is sued in his/her official
2324 capacity and individually as a Police Officer for Town of Rockport,
2325 responsible for executing and administering the laws and policies at
2326 issue in this lawsuit. Defendant directly deprived, violated, and
2327 infringed upon Plaintiff 's civil rights, with malice, and with careful
2328 planning and conspiracy with others. Any veil of immunity, which

2329 this defendant may have previously enjoyed by virtue of their office
2330 or position, is “pierced and ripped asunder” due to their infringement
2331 and deprivation of the Constitutional Rights of the Plaintiff, and thus
2332 this Defendant (and all other Defendants) stands fully naked and
2333 vulnerable before the court, with no immunity of any form. Further,
2334 this defendant has engaged in conduct and as a continuing unit of an
2335 enterprise, through a pattern, of racketeering enterprises (including,
2336 but not limited to: mail fraud, wire fraud, scheme to defraud, robbery,
2337 kidnapping, obstruction of justice, interference in commerce, also
2338 involving monetary transactions in property derived from specified
2339 unlawful activity), and have caused injury to the business and/or
2340 property of the Plaintiff Atkinson. This Defendant has exceeded, and
2341 overstepped their authority and violated the Constitutional rights of
2342 the Plaintiff, infringing and deprived him of his civil rights. Defendant
2343 resides at 168 Main Street, Rockport, MA 01966

2344
2345 236. Defendant CHRISTIAN MCDOWELL is sued in his/her official
2346 capacity and individually as a Special Agent for Federal Bureau of
2347 Investigation, responsible for executing and administering the laws
2348 and policies at issue in this lawsuit. Defendant directly deprived,

2349 violated, and infringed upon Plaintiff 's civil rights, with malice, and
2350 with careful planning and conspiracy with others. Defendant has while
2351 acting under color of law and while armed with a dangerous weapon
2352 at all times with the intent to commit a felony; has engaged in a
2353 pattern of robbery; armed robbery; embezzlement; fraud; larceny;
2354 false statements; intimidation of a witness; false arrest; kidnapping;
2355 confinement; home invasion; armed home invasion; assault; armed
2356 assault; assaulted with bodily injury in furtherance of committing a
2357 felony; willfully inflicting injury; unlawfully used or threatened to use
2358 against another the power of or authority vested in him; use of
2359 excessive force; breaking and entered into a dwelling house; assault
2360 and battery; broke into a truck in order to commit a felony; induced
2361 another to part with property under false pretenses; had in his
2362 possession tools and implements to break open a building, room, or
2363 vault in order to steal and to commit other crimes; placed a person in
2364 fear of their lives in order to force the person to surrender the means
2365 of opening a locked room and locked safes; damaged property;
2366 intimidated witness or potential witness; caused serious alarm to a
2367 reasonable person; inflicted substantial emotional distress; entered a
2368 dwelling places of another knowing that one or more persons present

2369 within was likely armed with dangerous weapons; fraudulently
2370 converted property that was in the custody of the Town to his own
2371 personal use; concealed felonies committed by others who were part
2372 of the conspiracy; stole and, or received and gave to others stolen
2373 trade secrets; made false and fictitious claims, injured and defaced a
2374 dwelling house; remained on private property after being forbidden to
2375 remain thereon by the person in legal control of the premises; without
2376 authorization, committed subornation of perjury; made multiple false
2377 reports to state boards or commissioners; while acting as a employee
2378 of the Town of Rockport, filed false written reports and statements;
2379 took money and rewards to compound or conceal felonies; aided in
2380 the commission of a felony; knowingly accessed computers, and
2381 computer systems and failed to terminate such access knowing that
2382 such access was not authorized; interfered with civil rights; committed
2383 conspiracy to violate civil rights; violated Constitutional Rights; and
2384 committed other State and Federal crimes. The Plaintiff Atkinson,
2385 who is a disabled veteran, was the victim of these aforementioned
2386 criminal acts, deprivations, and infringements by Defendant. Any veil
2387 of immunity, which this defendant may have previously enjoyed by
2388 virtue of their office or position, is “pierced and ripped asunder” due

2389 to their infringement and deprivation of the Constitutional Rights of
2390 the Plaintiff, and thus this Defendant (and all other Defendants) stands
2391 fully naked and vulnerable before the court, with no immunity of any
2392 form. Further, this defendant has engaged in conduct and as a
2393 continuing unit of an enterprise, through a pattern, of racketeering
2394 enterprises (including, but not limited to: mail fraud, wire fraud,
2395 scheme to defraud, robbery, kidnapping, obstruction of justice,
2396 interference in commerce, also involving monetary transactions in
2397 property derived from specified unlawful activity), and have caused
2398 injury to the business and/or property of the Plaintiff Atkinson. This
2399 Defendant has exceeded, and overstepped their authority and violated
2400 the Constitutional rights of the Plaintiff, infringing and deprived him
2401 of his civil rights. Defendant resides at One Center Plaza. Boston, MA
2402 02108

2403
2404 237. Defendant JOHN DOE 010 - 015 is sued in his/her official
2405 capacity and individually as a Special Agent for Federal Bureau of
2406 Investigation, responsible for executing and administering the laws
2407 and policies at issue in this lawsuit. Defendant directly deprived,
2408 violated, and infringed upon Plaintiff 's civil rights, with malice, and

2409 with careful planning and conspiracy with others. Any veil of
2410 immunity, which this defendant may have previously enjoyed by
2411 virtue of their office or position, is “pierced and ripped asunder” due
2412 to their infringement and deprivation of the Constitutional Rights of
2413 the Plaintiff, and thus this Defendant (and all other Defendants) stands
2414 fully naked and vulnerable before the court, with no immunity of any
2415 form. Further, this defendant has engaged in conduct and as a
2416 continuing unit of an enterprise, through a pattern, of racketeering
2417 enterprises (including, but not limited to: mail fraud, wire fraud,
2418 scheme to defraud, robbery, kidnapping, obstruction of justice,
2419 interference in commerce, also involving monetary transactions in
2420 property derived from specified unlawful activity), and have caused
2421 injury to the business and/or property of the Plaintiff Atkinson. This
2422 Defendant has exceeded, and overstepped their authority and violated
2423 the Constitutional rights of the Plaintiff, infringing and deprived him
2424 of his civil rights. Defendant resides at One Center Plaza. Boston, MA
2425 02108

2426
2427 238. Defendant ROSEMARY LESCH is sued in his/her official
2428 capacity and individually as a Rockport Ambulance Department Head,

2429 Emergency Medical Technician (EMT), and Harbormaster for Town
2430 of Rockport, and Police Officer, responsible for executing and
2431 administering the laws and policies at issue in this lawsuit. Defendant
2432 directly deprived, violated, and infringed upon Plaintiff 's civil rights,
2433 with malice, and with careful planning and conspiracy with others.
2434 Further, Defendant made false statements, and false claims, intimidated
2435 a witness or probable witness. Defendant promoted a hostile work
2436 environment, and did not stop sexual harassment in the workplace.
2437 Any veil of immunity, which this defendant may have previously
2438 enjoyed by virtue of their office or position, is "pierced and ripped
2439 asunder" due to their infringement and deprivation of the
2440 Constitutional Rights of the Plaintiff, and thus this Defendant (and all
2441 other Defendants) stands fully naked and vulnerable before the court,
2442 with no immunity of any form. Further, this defendant has engaged in
2443 conduct and as a continuing unit of an enterprise, through a pattern, of
2444 racketeering enterprises (including, but not limited to: mail fraud, wire
2445 fraud, scheme to defraud, robbery, kidnapping, obstruction of justice,
2446 interference in commerce, also involving monetary transactions in
2447 property derived from specified unlawful activity), and have caused
2448 injury to the business and/or property of the Plaintiff Atkinson. This

2449 Defendant has exceeded, and overstepped their authority and violated
2450 the Constitutional rights of the Plaintiff, infringing and deprived him
2451 of his civil rights. Defendant resides at 34 Broadway, Rockport, MA
2452 01966

2453
2454 239. Defendant SCOTT STORY is sued in his/her official capacity and
2455 individually as a Rockport Ambulance Department Head, Emergency
2456 Medical Technician (EMT), and Harbormaster for Town of Rockport,
2457 and police officer, responsible for executing and administering the
2458 laws and policies at issue in this lawsuit. Defendant directly deprived,
2459 violated, and infringed upon Plaintiff 's civil rights, with malice, and
2460 with careful planning and conspiracy with others. Defendant
2461 promoted a hostile work environment, and did not stop sexual
2462 harassment in the workplace. Any veil of immunity, which this
2463 defendant may have previously enjoyed by virtue of their office or
2464 position, is "pierced and ripped asunder" due to their infringement and
2465 deprivation of the Constitutional Rights of the Plaintiff, and thus this
2466 Defendant (and all other Defendants) stands fully naked and
2467 vulnerable before the court, with no immunity of any form. Further,
2468 this defendant has engaged in conduct and as a continuing unit of an

2469 enterprise, through a pattern, of racketeering enterprises (including,
2470 but not limited to: mail fraud, wire fraud, scheme to defraud, robbery,
2471 kidnapping, obstruction of justice, interference in commerce, also
2472 involving monetary transactions in property derived from specified
2473 unlawful activity), and have caused injury to the business and/or
2474 property of the Plaintiff Atkinson. This Defendant has exceeded, and
2475 overstepped their authority and violated the Constitutional rights of
2476 the Plaintiff, infringing and deprived him of his civil rights. Defendant
2477 resides at 34 Broadway, Rockport, MA 01966

2478
2479 240. Defendant RITA BUDROW is sued in his/her official capacity and
2480 individually as an Emergency Medical Technician (EMT) for Town of
2481 Rockport, responsible for executing and administering the laws and
2482 policies at issue in this lawsuit. Defendant directly deprived, violated,
2483 and infringed upon Plaintiff ‘s civil rights, with malice, and with
2484 careful planning and conspiracy with others. Further, Defendant made
2485 false statements, and false claims, intimidated a witness or probable
2486 witness. Defendant engaged in creating and promoting a hostile work
2487 environment. Any veil of immunity, which this defendant may have
2488 previously enjoyed by virtue of their office or position, is “pierced and

2489 ripped asunder” due to their infringement and deprivation of the
2490 Constitutional Rights of the Plaintiff, and thus this Defendant (and all
2491 other Defendants) stands fully naked and vulnerable before the court,
2492 with no immunity of any form. Further, this defendant has engaged in
2493 conduct and as a continuing unit of an enterprise, through a pattern, of
2494 racketeering enterprises (including, but not limited to: mail fraud, wire
2495 fraud, scheme to defraud, robbery, kidnapping, obstruction of justice,
2496 interference in commerce, also involving monetary transactions in
2497 property derived from specified unlawful activity), and have caused
2498 injury to the business and/or property of the Plaintiff Atkinson. This
2499 Defendant has exceeded, and overstepped their authority and violated
2500 the Constitutional rights of the Plaintiff, infringing and deprived him
2501 of his civil rights. Defendant resides at 27 Hodgkin's St., Rockport
2502 MA 01966

2503
2504 241. Defendant JANE CARR is sued in his/her official capacity and
2505 individually as an Emergency Medical Technician (EMT), and a
2506 defacto departmental supervisor for the Town of Rockport,
2507 responsible for executing and administering the laws and policies at
2508 issue in this lawsuit. Defendant is also sued in his/her official capacity

2509 and individually as an Emergency Medical Technician (EMT) for
2510 Lyons Ambulance. Defendant is also sued in his/her official capacity
2511 and individually as an Emergency Medical Technician (EMT) and
2512 Nurses Aid for Beverly Hospital. Defendant directly deprived,
2513 violated, and infringed upon Plaintiff 's civil rights, with malice, and
2514 with careful planning and conspiracy with others. Further, Defendant
2515 made false statements, and false claims, intimidated a witness or
2516 probable witness. This Defendant has exceeded, and overstepped their
2517 authority and violated the Constitutional rights of the Plaintiff,
2518 infringing and deprived him of his civil rights. Defendant engaged in
2519 creating and promoting a hostile work environment. Any veil of
2520 immunity, which this defendant may have previously enjoyed by
2521 virtue of their office or position, is "pierced and ripped asunder" due
2522 to their infringement and deprivation of the Constitutional Rights of
2523 the Plaintiff, and thus this Defendant (and all other Defendants) stands
2524 fully naked and vulnerable before the court, with no immunity of any
2525 form. Further, this defendant has engaged in conduct and as a
2526 continuing unit of an enterprise, through a pattern, of racketeering
2527 enterprises (including, but not limited to: mail fraud, wire fraud,
2528 scheme to defraud, robbery, kidnapping, obstruction of justice,

2529 interference in commerce, also involving monetary transactions in
2530 property derived from specified unlawful activity), and have caused
2531 injury to the business and/or property of the Plaintiff Atkinson. This
2532 Defendant has exceeded, and overstepped their authority and violated
2533 the Constitutional rights of the Plaintiff, infringing and deprived him
2534 of his civil rights. Defendant resides at 27 Granite St, Rockport MA
2535 01966

2536

2537 242. Defendant DIANE E. CRUDDEN, also known as “Diane E.
2538 Crudden” is sued in his/her official capacity and individually as an
2539 Emergency Medical Technician (EMT) for Town of Rockport,
2540 responsible for executing and administering the laws and policies at
2541 issue in this lawsuit. Defendant directly deprived, violated, and
2542 infringed upon Plaintiff ‘s civil rights, with malice, and with careful
2543 planning and conspiracy with others. Further, Defendant made false
2544 statements, and false claims, intimidated a witness or probable witness.
2545 Defendant promoted a hostile work environment, and engaged in
2546 significant sexual harassment in the workplace. Any veil of immunity,
2547 which this defendant may have previously enjoyed by virtue of their
2548 office or position, is “pierced and ripped asunder” due to their

2549 infringement and deprivation of the Constitutional Rights of the
2550 Plaintiff, and thus this Defendant (and all other Defendants) stands
2551 fully naked and vulnerable before the court, with no immunity of any
2552 form. Further, this defendant has engaged in conduct and as a
2553 continuing unit of an enterprise, through a pattern, of racketeering
2554 enterprises (including, but not limited to: mail fraud, wire fraud,
2555 scheme to defraud, robbery, kidnapping, obstruction of justice,
2556 interference in commerce, also involving monetary transactions in
2557 property derived from specified unlawful activity), and have caused
2558 injury to the business and/or property of the Plaintiff Atkinson. This
2559 Defendant has exceeded, and overstepped their authority and violated
2560 the Constitutional rights of the Plaintiff, infringing and deprived him
2561 of his civil rights. Defendant is a Registered Nurse, License
2562 #RN277304, and a Emergency Medical Technician, License #827637.
2563 Defendant resides at 3 Hilltop Lane, Rockport MA 01966

2564
2565 243. Defendant JOHN DOE 016 - 31 is sued in his/her official capacity
2566 and individually as an Emergency Medical Technician (EMT) and/or
2567 firefighter for the Town of Rockport, responsible for executing and
2568 administering the laws and policies at issue in this lawsuit. Further,

2569 Defendant made false statements, and false claims, intimidated a
2570 witness or probable witness. Defendant directly deprived, violated,
2571 and infringed upon Plaintiff 's civil rights, with malice, and with
2572 careful planning and conspiracy with others. Any veil of immunity,
2573 which this defendant may have previously enjoyed by virtue of their
2574 office or position, is "pierced and ripped asunder" due to their
2575 infringement and deprivation of the Constitutional Rights of the
2576 Plaintiff, and thus this Defendant (and all other Defendants) stands
2577 fully naked and vulnerable before the court, with no immunity of any
2578 form. Further, this defendant has engaged in conduct and as a
2579 continuing unit of an enterprise, through a pattern, of racketeering
2580 enterprises (including, but not limited to: mail fraud, wire fraud,
2581 scheme to defraud, robbery, kidnapping, obstruction of justice,
2582 interference in commerce, also involving monetary transactions in
2583 property derived from specified unlawful activity), and have caused
2584 injury to the business and/or property of the Plaintiff Atkinson. This
2585 Defendant has exceeded, and overstepped their authority and violated
2586 the Constitutional rights of the Plaintiff, infringing and deprived him
2587 of his civil rights. Defendant resides at 34 Broadway, Rockport, MA
2588 01966.

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244. Defendant HENRY MICHALSKI is sued in his/her official capacity and individually as the Lead EMT Instructor for Lyons Ambulance, LLC, a Commonwealth of Massachusetts EMT Examiner, and EMT Instructor for North Shore Community College, responsible for executing and administering the laws and policies at issue in this lawsuit. 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 MICHALSKI has been convicted of conducting wide spread EMT training fraud, and during an EMT training course which the Plaintiff attended, Defendant Michalski instructed students to fraudulently cheat on their class times and to take credit for class sessions or courses which they never attended, and then conspired with other people involved in the class as either a student or instructor to harass, and to violated the civil rights of the Plaintiff. Defendant encouraged, endorsed, organized, and/orchestrated an ongoing criminal enterprise, and a widespread cover-up. Defendant directly deprived, violated, and infringed upon Plaintiff's civil rights, with malice, and with careful planning and conspiracy with others. Further, Defendant made false statements, and

2609 false claims, intimidated a witness or probable witness. On March 8,
2610 2011 in Salem Superior Court, this Defendant “plead guilty to
2611 submitting false EMT training records for classes he never conducted,
2612 and then lying about it to a grand jury. He pleaded guilty to perjury,
2613 two counts of attempted obstruction of justice and six counts of
2614 violating the state emergency service laws.” Any veil of immunity,
2615 which this defendant may have previously enjoyed by virtue of their
2616 office or position, is “pierced and ripped asunder” due to their
2617 infringement and deprivation of the Constitutional Rights of the
2618 Plaintiff, and thus this Defendant (and all other Defendants) stands
2619 fully naked and vulnerable before the court, with no immunity of any
2620 form. Further, this defendant has engaged in conduct and as a
2621 continuing unit of an enterprise, through a pattern, of racketeering
2622 enterprises (including, but not limited to: mail fraud, wire fraud,
2623 scheme to defraud, robbery, kidnapping, obstruction of justice,
2624 interference in commerce, also involving monetary transactions in
2625 property derived from specified unlawful activity), and have caused
2626 injury to the business and/or property of the Plaintiff Atkinson. This
2627 Defendant has exceeded, and overstepped their authority and violated
2628 the Constitutional rights of the Plaintiff, infringing and deprived him

2629 of his civil rights. Defendant resides at 135 Maple St., Danvers MA
2630 01923

2631

2632 245. Defendant PENNY MICHALSKI is sued in his/her official
2633 capacity and individually as an employee of the Attorney Generals
2634 Office of the Commonwealth of Massachusetts, responsible for
2635 executing and administering the laws and policies at issue in this
2636 lawsuit. Defendant directly deprived, violated, and infringed upon
2637 Plaintiff ‘s civil rights, with malice, and with careful planning and
2638 conspiracy with others. Any veil of immunity, which this defendant
2639 may have previously enjoyed by virtue of their office or position, is
2640 “pierced and ripped asunder” due to their infringement and
2641 deprivation of the Constitutional Rights of the Plaintiff, and thus this
2642 Defendant (and all other Defendants) stands fully naked and
2643 vulnerable before the court, with no immunity of any form. Further,
2644 this defendant has engaged in conduct and as a continuing unit of an
2645 enterprise, through a pattern, of racketeering enterprises (including,
2646 but not limited to: mail fraud, wire fraud, scheme to defraud, robbery,
2647 kidnapping, obstruction of justice, interference in commerce, also
2648 involving monetary transactions in property derived from specified

2649 unlawful activity), and have caused injury to the business and/or
2650 property of the Plaintiff Atkinson. This Defendant has exceeded, and
2651 overstepped their authority and violated the Constitutional rights of
2652 the Plaintiff, infringing and deprived him of his civil rights. Defendant
2653 resides at 135 Maple St., Danvers MA 01923

2654

2655 246. Defendant KEVIN M. LYONS is sued in his/her official capacity
2656 and individually as an Owner for Lyons Ambulance Service LLC,
2657 responsible for executing and administering the laws and policies at
2658 issue in this lawsuit. Defendant KEVIN M. LYONS was well aware
2659 of the fraudulent EMT training courses, which were being held in his
2660 place of business, and building, mere feet from his desk. Defendant
2661 directly deprived, violated, and infringed upon Plaintiff 's civil rights,
2662 with malice, and with careful planning and conspiracy with others.
2663 Defendant encouraged, endorsed, organized, and/orchestrated an
2664 ongoing criminal enterprise, and a widespread cover-up. Further, this
2665 defendant has engaged in conduct and as a continuing unit of an
2666 enterprise, through a pattern, of racketeering enterprises (including,
2667 but not limited to: mail fraud, wire fraud, scheme to defraud, robbery,
2668 kidnapping, obstruction of justice, interference in commerce, also

2669 involving monetary transactions in property derived from specified
2670 unlawful activity), and have caused injury to the business and/or
2671 property of the Plaintiff Atkinson. This Defendant has exceeded, and
2672 overstepped their authority and violated the Constitutional rights of
2673 the Plaintiff, infringing and deprived him of his civil rights. Defendant
2674 resides at 135 Maple St., Danvers MA 01923

2675

2676 247. Defendant FRANK CARABELLO is sued in his/her official
2677 capacity and individually as the Director of Operations for Lyons
2678 Ambulance Service LLC, responsible for executing and administering
2679 the laws and policies at issue in this lawsuit. Defendant FRANK
2680 CARABELLO was well aware of the fraudulent EMT training
2681 courses, which were being held in his place of business, and building,
2682 mere feet from his desk. Defendant directly deprived, violated, and
2683 infringed upon Plaintiff 's civil rights, with malice, and with careful
2684 planning and conspiracy with others. Defendant encouraged, endorsed,
2685 organized, and/orchestrated an ongoing criminal enterprise, and a
2686 widespread cover-up. Further, this defendant has engaged in conduct
2687 and as a continuing unit of an enterprise, through a pattern, of
2688 racketeering enterprises (including, but not limited to: mail fraud, wire

2689 fraud, scheme to defraud, robbery, kidnapping, obstruction of justice,
2690 interference in commerce, also involving monetary transactions in
2691 property derived from specified unlawful activity), and have caused
2692 injury to the business and/or property of the Plaintiff Atkinson. This
2693 Defendant has exceeded, and overstepped their authority and violated
2694 the Constitutional rights of the Plaintiff, infringing and deprived him
2695 of his civil rights. Defendant resides at 135 Maple St., Danvers MA
2696 01923

2697

2698 248. Defendant DARRELL MOORE is sued in his/her official capacity
2699 and individually as an EMT Instructor for Lyons Ambulance Service
2700 LLC, and a Commonwealth of Massachusetts EMT Examiner,
2701 responsible for executing and administering the laws and policies at
2702 issue in this lawsuit, and then conspired with other people involved in
2703 the class as either a student or instructor to harass, and to violated the
2704 civil rights of the Plaintiff. Defendant directly deprived, violated, and
2705 infringed upon Plaintiff 's civil rights, with malice, and with careful
2706 planning and conspiracy with others. Defendant encouraged, endorsed,
2707 organized, and/orchestrated an ongoing criminal enterprise, and a
2708 widespread cover-up. Further, Defendant made false statements, and

2709 false claims, intimidated a witness or probable witness. Further, this
2710 defendant has engaged in conduct and as a continuing unit of an
2711 enterprise, through a pattern, of racketeering enterprises (including,
2712 but not limited to: mail fraud, wire fraud, scheme to defraud, robbery,
2713 kidnapping, obstruction of justice, interference in commerce, also
2714 involving monetary transactions in property derived from specified
2715 unlawful activity), and have caused injury to the business and/or
2716 property of the Plaintiff Atkinson. This Defendant has exceeded, and
2717 overstepped their authority and violated the Constitutional rights of
2718 the Plaintiff, infringing and deprived him of his civil rights. Defendant
2719 resides at 135 Maple St., Danvers MA 01923

2720
2721 249. Defendant ROBERT PIEPIORA is sued in his/her official capacity
2722 and individually as an EMT Instructor for Lyons Ambulance Service
2723 LLC, and a Commonwealth of Massachusetts EMT Examiner,
2724 responsible for executing and administering the laws and policies at
2725 issue in this lawsuit, and then conspired with other people involved in
2726 the class as either a student or instructor to harass, and to violated the
2727 civil rights of the Plaintiff. Defendant directly deprived, violated, and
2728 infringed upon Plaintiff 's civil rights, with malice, and with careful

2729 planning and conspiracy with others. Defendant encouraged, endorsed,
2730 organized, and/orchestrated an ongoing criminal enterprise, and a
2731 widespread cover-up. Further, Defendant made false statements, and
2732 false claims, intimidated a witness or probable witness. Further, this
2733 defendant has engaged in conduct and as a continuing unit of an
2734 enterprise, through a pattern, of racketeering enterprises (including,
2735 but not limited to: mail fraud, wire fraud, scheme to defraud, robbery,
2736 kidnapping, obstruction of justice, interference in commerce, also
2737 involving monetary transactions in property derived from specified
2738 unlawful activity), and have caused injury to the business and/or
2739 property of the Plaintiff Atkinson. This Defendant has exceeded, and
2740 overstepped their authority and violated the Constitutional rights of
2741 the Plaintiff, infringing and deprived him of his civil rights. Defendant
2742 resides at 135 Maple St., Danvers MA 01923

2743
2744 250. Defendant DAVID RAYMOND is sued in his/her official capacity
2745 and individually as an EMT Instructor for Lyons Ambulance Service
2746 LLC, and a Commonwealth of Massachusetts EMT Examiner,
2747 responsible for executing and administering the laws and policies at
2748 issue in this lawsuit, and then conspired with other people involved in

2749 the class as either a student of instructor to harass, and to violated the
2750 civil rights of the Plaintiff. Defendant directly deprived, violated, and
2751 infringed upon Plaintiff 's civil rights, with malice, and with careful
2752 planning and conspiracy with others. Defendant encouraged, endorsed,
2753 organized, and/orchestrated an ongoing criminal enterprise, and a
2754 widespread cover-up. Further, Defendant made false statements, and
2755 false claims, intimidated a witness or probable witness. Further, this
2756 defendant has engaged in conduct and as a continuing unit of an
2757 enterprise, through a pattern, of racketeering enterprises (including,
2758 but not limited to: mail fraud, wire fraud, scheme to defraud, robbery,
2759 kidnapping, obstruction of justice, interference in commerce, also
2760 involving monetary transactions in property derived from specified
2761 unlawful activity), and have caused injury to the business and/or
2762 property of the Plaintiff Atkinson. This Defendant has exceeded, and
2763 overstepped their authority and violated the Constitutional rights of
2764 the Plaintiff, infringing and deprived him of his civil rights. Defendant
2765 resides at 135 Maple St., Danvers MA 01923

2766
2767 251. Defendant JOHN DOE 032 – 044 is sued in his/her official
2768 capacity and individually as an adjunct EMT Instructor and EMT or

2769 driver for Lyons Ambulance Service LLC, responsible for executing
2770 and administering the laws and policies at issue in this lawsuit, and
2771 then conspired with other people involved in the class as either a
2772 student of instructor to harass, and to violated the civil rights of the
2773 Plaintiff. Defendant directly deprived, violated, and infringed upon
2774 Plaintiff 's civil rights, with malice, and with careful planning and
2775 conspiracy with others. Defendant encouraged, endorsed, organized,
2776 and/orchestrated an ongoing criminal enterprise, and a widespread
2777 cover-up. Further, Defendant made false statements, and false claims,
2778 intimated a witness or probable witness. Further, this defendant has
2779 engaged in conduct and as a continuing unit of an enterprise, through
2780 a pattern, of racketeering enterprises (including, but not limited to:
2781 mail fraud, wire fraud, scheme to defraud, robbery, kidnapping,
2782 obstruction of justice, interference in commerce, also involving
2783 monetary transactions in property derived from specified unlawful
2784 activity), and have caused injury to the business and/or property of the
2785 Plaintiff Atkinson. This Defendant has exceeded, and overstepped
2786 their authority and violated the Constitutional rights of the Plaintiff,
2787 infringing and deprived him of his civil rights. Defendant resides at
2788 135 Maple St., Danvers MA 01923

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252. Defendants JOHN DOE 94-116 is sued his/her official capacity as a public safety employee and individually as an EMT Student of Lyons Ambulance. Defendant directly deprived, violated, and infringed upon Plaintiff 's civil rights, with malice, and with careful planning and conspiracy with others. Further, Defendant made false statements regarding the Lyons EMT Course, and obtained or attempted to obtain a State EMT license under false pretenses, and took part in an orchestrated, and complex criminal conspiracy. 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 135 Maple St., Danvers MA 01923

2809 253. Defendant JOHN L. GOOD is sued in his/her official capacity and
2810 individually as an Executive Vice President for Beverly National
2811 Bank, Executive Vice President for Danvers Bancorp, also as an EMT
2812 Instructor for Lyons Ambulance, an Executive at Beverly Hospital,
2813 and a bank officer for Montserrat College of Art and responsible for
2814 executing and administering the laws and policies at issue in this
2815 lawsuit. Defendant did then conspired with other people involved in
2816 the fraudulent Lyons EMT course class an instructor to harass, and to
2817 violated the civil rights of the Plaintiff. Defendant directly deprived,
2818 violated, and infringed upon Plaintiff 's civil rights, with malice, and
2819 with careful planning and conspiracy with others. This Defendant did
2820 also conspire with Montserrat College of Art, to cause the Plaintiff to
2821 be suspended as a student. Defendant encouraged, endorsed,
2822 organized, and/orchestrated an ongoing criminal enterprise, and a
2823 widespread cover-up. Further, this defendant has engaged in conduct
2824 and as a continuing unit of an enterprise, through a pattern, of
2825 racketeering enterprises (including, but not limited to: mail fraud, wire
2826 fraud, scheme to defraud, robbery, kidnapping, obstruction of justice,
2827 interference in commerce, also involving monetary transactions in
2828 property derived from specified unlawful activity), and have caused

2829 injury to the business and/or property of the Plaintiff Atkinson. This
2830 Defendant has exceeded, and overstepped their authority and violated
2831 the Constitutional rights of the Plaintiff, infringing and deprived him
2832 of his civil rights. Defendant resides at One Conant Street, Danvers,
2833 MA 01923

2834

2835 254. Defendant MICHAEL COONEY is sued in his/her official
2836 capacity and individually as an Investigator for Massachusetts State
2837 Police, responsible for executing and administering the laws and
2838 policies at issue in this lawsuit. Defendant directly deprived, violated,
2839 and infringed upon Plaintiff 's civil rights, with malice, and with
2840 careful planning and conspiracy with others. Defendant encouraged,
2841 endorsed, organized, and/orchestrated an ongoing criminal enterprise,
2842 and a widespread cover-up. Any veil of immunity, which this
2843 defendant may have previously enjoyed by virtue of their office or
2844 position, is "pierced and ripped asunder" due to their infringement and
2845 deprivation of the Constitutional Rights of the Plaintiff, and thus this
2846 Defendant (and all other Defendants) stands fully naked and
2847 vulnerable before the court, with no immunity of any form. Further,
2848 this defendant has engaged in conduct and as a continuing unit of an

2849 enterprise, through a pattern, of racketeering enterprises (including,
2850 but not limited to: mail fraud, wire fraud, scheme to defraud, robbery,
2851 kidnapping, obstruction of justice, interference in commerce, also
2852 involving monetary transactions in property derived from specified
2853 unlawful activity), and have caused injury to the business and/or
2854 property of the Plaintiff Atkinson. This Defendant has exceeded, and
2855 overstepped their authority and violated the Constitutional rights of
2856 the Plaintiff, infringing and deprived him of his civil rights. Defendant
2857 resides at One Ashburton Place, Boston, MA 02108 -1518.

2858

2859 255. Defendant PAUL COFFEY is sued in his/her official capacity
2860 and individually as an OEMS Investigator for Commonwealth of
2861 Massachusetts, responsible for executing and administering the laws
2862 and policies at issue in this lawsuit. Further, this Defendant engaged
2863 in a scheme to obstruct justice, and to cover-up extensive EMT
2864 training fraud within the state for political gain, and to deprive
2865 Plaintiff of due process and has violated the civil rights of Plaintiff
2866 when Plaintiff reported this extensive fraud to this office. Defendant
2867 directly deprived, violated, and infringed upon Plaintiff 's civil rights,
2868 with malice, and with careful planning and conspiracy with others.

2869 Defendant encouraged, endorsed, organized, and/orchestrated an
2870 ongoing criminal enterprise, and a widespread cover-up. Defendant
2871 has prior history of civil right abuses, and has previously been sued in
2872 Federal District court over such civil right violations, which forms a
2873 long-term course of conduct, committed with despicable arrogance,
2874 and which shocks the conscience. Any veil of immunity, which this
2875 defendant may have previously enjoyed by virtue of their office or
2876 position, is “pierced and ripped asunder” due to their infringement and
2877 deprivation of the Constitutional Rights of the Plaintiff, and thus this
2878 Defendant (and all other Defendants) stands fully naked and
2879 vulnerable before the court, with no immunity of any form. Further,
2880 this defendant has engaged in conduct and as a continuing unit of an
2881 enterprise, through a pattern, of racketeering enterprises (including,
2882 but not limited to: mail fraud, wire fraud, scheme to defraud, robbery,
2883 kidnapping, obstruction of justice, interference in commerce, also
2884 involving monetary transactions in property derived from specified
2885 unlawful activity), and have caused injury to the business and/or
2886 property of the Plaintiff Atkinson. This Defendant has exceeded, and
2887 overstepped their authority and violated the Constitutional rights of

2888 the Plaintiff, infringing and deprived him of his civil rights. Defendant
2889 resides at 99 Chauncy Street, 11th Floor, Boston, MA 02111

2890

2891 256. Defendant ABDULLAH REHAYEM is sued in his/her official
2892 capacity and individually as the OEMS Director for Commonwealth
2893 of Massachusetts, responsible for executing and administering the
2894 laws and policies at issue in this lawsuit. Further, this Defendant
2895 engaged in a scheme to obstruct justice, and to cover-up extensive
2896 EMT training fraud within the state for political gain, and to deprive
2897 Plaintiff of due process and has violated the civil rights of Plaintiff
2898 when Plaintiff reported this extensive fraud to this office. Defendant
2899 directly deprived, violated, and infringed upon Plaintiff ‘s civil rights,
2900 with malice, and with careful planning and conspiracy with others.
2901 Defendant encouraged, endorsed, organized, and/orchestrated an
2902 ongoing criminal enterprise, and a widespread cover-up. Any veil of
2903 immunity, which this defendant may have previously enjoyed by
2904 virtue of their office or position, is “pierced and ripped asunder” due
2905 to their infringement and deprivation of the Constitutional Rights of
2906 the Plaintiff, and thus this Defendant (and all other Defendants) stands
2907 fully naked and vulnerable before the court, with no immunity of any

2908 form. Defendant has prior history of civil right abuses, and has
2909 previously been sued in Federal District court over such civil right
2910 violations, which forms a long-term course of conduct, committed
2911 with despicable arrogance, and which shocks the conscience. Further,
2912 this defendant has engaged in conduct and as a continuing unit of an
2913 enterprise, through a pattern, of racketeering enterprises (including,
2914 but not limited to: mail fraud, wire fraud, scheme to defraud, robbery,
2915 kidnapping, obstruction of justice, interference in commerce, also
2916 involving monetary transactions in property derived from specified
2917 unlawful activity), and have caused injury to the business and/or
2918 property of the Plaintiff Atkinson. This Defendant has exceeded, and
2919 overstepped their authority and violated the Constitutional rights of
2920 the Plaintiff, infringing and deprived him of his civil rights. Defendant
2921 resides at 99 Chauncy Street, 11th Floor, Boston, MA 02111

2922
2923 257. Defendant RENEE D. LAKE is sued in his/her official capacity
2924 and individually as an OEMS Compliance Coordinator for
2925 Commonwealth of Massachusetts, responsible for executing and
2926 administering the laws and policies at issue in this lawsuit. Further,
2927 this Defendant engaged in a scheme to obstruct justice, and to cover-

2928 up extensive EMT training fraud within the state for political gain,
2929 and to deprive Plaintiff of due process and has violated the civil rights
2930 of Plaintiff when Plaintiff reported this extensive fraud to this office.
2931 Defendant directly deprived, violated, and infringed upon Plaintiff ‘s
2932 civil rights, with malice, and with careful planning and conspiracy
2933 with others. Defendant encouraged, endorsed, organized,
2934 and/orchestrated an ongoing criminal enterprise, and a widespread
2935 cover-up. Any veil of immunity, which this defendant may have
2936 previously enjoyed by virtue of their office or position, is “pierced and
2937 ripped asunder” due to their infringement and deprivation of the
2938 Constitutional Rights of the Plaintiff, and thus this Defendant (and all
2939 other Defendants) stands fully naked and vulnerable before the court,
2940 with no immunity of any form. Further, this defendant has engaged in
2941 conduct and as a continuing unit of an enterprise, through a pattern, of
2942 racketeering enterprises (including, but not limited to: mail fraud, wire
2943 fraud, scheme to defraud, robbery, kidnapping, obstruction of justice,
2944 interference in commerce, also involving monetary transactions in
2945 property derived from specified unlawful activity), and have caused
2946 injury to the business and/or property of the Plaintiff Atkinson. This
2947 Defendant has exceeded, and overstepped their authority and violated

2948 the Constitutional rights of the Plaintiff, infringing and deprived him
2949 of his civil rights. Defendant resides at 99 Chauncy Street, 11th Floor,
2950 Boston, MA 02111

2951

2952 258. Defendant M. THOMAS QUAIL is sued in his/her official
2953 capacity and individually as an OEMS Clinical Coordinator for
2954 Commonwealth of Massachusetts, responsible for executing and
2955 administering the laws and policies at issue in this lawsuit. Further,
2956 this Defendant engaged in a scheme to obstruct justice, and to cover-
2957 up extensive EMT training fraud within the state for political gain,
2958 and to deprive Plaintiff of due process and has violated the civil rights
2959 of Plaintiff when Plaintiff reported this extensive fraud to this office.
2960 Defendant directly deprived, violated, and infringed upon Plaintiff ‘s
2961 civil rights, with malice, and with careful planning and conspiracy
2962 with others. Defendant encouraged, endorsed, organized,
2963 and/orchestrated an ongoing criminal enterprise, and a widespread
2964 cover-up. Any veil of immunity, which this defendant may have
2965 previously enjoyed by virtue of their office or position, is “pierced and
2966 ripped asunder” due to their infringement and deprivation of the
2967 Constitutional Rights of the Plaintiff, and thus this Defendant (and all

2968 other Defendants) stands fully naked and vulnerable before the court,
2969 with no immunity of any form. Further, this defendant has engaged in
2970 conduct and as a continuing unit of an enterprise, through a pattern, of
2971 racketeering enterprises (including, but not limited to: mail fraud, wire
2972 fraud, scheme to defraud, robbery, kidnapping, obstruction of justice,
2973 interference in commerce, also involving monetary transactions in
2974 property derived from specified unlawful activity), and have caused
2975 injury to the business and/or property of the Plaintiff Atkinson. This
2976 Defendant has exceeded, and overstepped their authority and violated
2977 the Constitutional rights of the Plaintiff, infringing and deprived him
2978 of his civil rights. Defendant resides at 99 Chauncy Street, 11th Floor,
2979 Boston, MA 02111

2980
2981 259. Defendant BRENDAN MURPHY is sued in his/her official
2982 capacity and individually as an OEMS Investigator for
2983 Commonwealth of Massachusetts, responsible for executing and
2984 administering the laws and policies at issue in this lawsuit. Further,
2985 this Defendant engaged in a scheme to obstruct justice, and to cover-
2986 up extensive EMT training fraud within the state for political gain,
2987 and to deprive Plaintiff of due process and has violated the civil rights

2988 of Plaintiff when Plaintiff reported this extensive fraud to this office.
2989 Defendant directly deprived, violated, and infringed upon Plaintiff ‘s
2990 civil rights, with malice, and with careful planning and conspiracy
2991 with others. Defendant encouraged, endorsed, organized,
2992 and/orchestrated an ongoing criminal enterprise, and a widespread
2993 cover-up. Defendant has prior history of civil right abuses, and has
2994 previously been sued in Federal District court over such civil right
2995 violations, which forms a long-term course of conduct, committed
2996 with despicable arrogance, and which shocks the conscience. Any veil
2997 of immunity, which this defendant may have previously enjoyed by
2998 virtue of their office or position, is “pierced and ripped asunder” due
2999 to their infringement and deprivation of the Constitutional Rights of
3000 the Plaintiff, and thus this Defendant (and all other Defendants) stands
3001 fully naked and vulnerable before the court, with no immunity of any
3002 form. Further, this defendant has engaged in conduct and as a
3003 continuing unit of an enterprise, through a pattern, of racketeering
3004 enterprises (including, but not limited to: mail fraud, wire fraud,
3005 scheme to defraud, robbery, kidnapping, obstruction of justice,
3006 interference in commerce, also involving monetary transactions in
3007 property derived from specified unlawful activity), and have caused

3008 injury to the business and/or property of the Plaintiff Atkinson. This
3009 Defendant has exceeded, and overstepped their authority and violated
3010 the Constitutional rights of the Plaintiff, infringing and deprived him
3011 of his civil rights. Defendant resides at 99 Chauncy Street, 11th Floor,
3012 Boston, MA 02111

3013
3014 260. Defendant MARK MILLET is sued in his/her official capacity and
3015 individually as an EMS Coordinator for Beverly Hospital, responsible
3016 for executing and administering the laws and policies at issue in this
3017 lawsuit. Defendant directly deprived, violated, and infringed upon
3018 Plaintiff ‘s civil rights, with malice, and with careful planning and
3019 conspiracy with others. Defendant encouraged, endorsed, organized,
3020 and/orchestrated an ongoing criminal enterprise, and a widespread
3021 cover-up. Any veil of immunity, which this defendant may have
3022 previously enjoyed by virtue of their office or position, is “pierced and
3023 ripped asunder” due to their infringement and deprivation of the
3024 Constitutional Rights of the Plaintiff, and thus this Defendant (and all
3025 other Defendants) stands fully naked and vulnerable before the court,
3026 with no immunity of any form. Further, this defendant has engaged in
3027 conduct and as a continuing unit of an enterprise, through a pattern, of

3028 racketeering enterprises (including, but not limited to: mail fraud, wire
3029 fraud, scheme to defraud, robbery, kidnapping, obstruction of justice,
3030 interference in commerce, also involving monetary transactions in
3031 property derived from specified unlawful activity), and have caused
3032 injury to the business and/or property of the Plaintiff Atkinson. This
3033 Defendant has exceeded, and overstepped their authority and violated
3034 the Constitutional rights of the Plaintiff, infringing and deprived him
3035 of his civil rights. Defendant resides at 85 Herrick St., Beverly MA
3036 01915

3037
3038 261. Defendant STEVEN KRENDEL is sued in his/her official
3039 capacity and individually as the Medical Control Physician for
3040 Beverly Hospital, responsible for executing and administering the
3041 laws and policies at issue in this lawsuit. Defendant directly deprived,
3042 violated, and infringed upon Plaintiff 's civil rights, with malice, and
3043 with careful planning and conspiracy with others. Defendant
3044 encouraged, endorsed, organized, and/orchestrated an ongoing
3045 criminal enterprise, and a widespread cover-up. Defendant has the
3046 legal authority and responsibility as "Medical Control" for the area of
3047 the North Shore to include, but not be limited to Danvers, Rockport,

3048 Gloucester, and others. Hence, all EMT's in the area practice
3049 medicine under the direction and oversight of Defendant Krendel, and
3050 he in turn is responsible for their supervision and control. This poor
3051 oversight on the part of Defendant Krendel, resulted in medical
3052 malpractice, malfeasance, and possible adverse treatment of
3053 emergency patients by EMTs. Any veil of immunity, which this
3054 defendant may have previously enjoyed by virtue of their office or
3055 position, is "pierced and ripped asunder" due to their infringement and
3056 deprivation of the Constitutional Rights of the Plaintiff, and thus this
3057 Defendant (and all other Defendants) stands fully naked and
3058 vulnerable before the court, with no immunity of any form. Further,
3059 this defendant has engaged in conduct and as a continuing unit of an
3060 enterprise, through a pattern, of racketeering enterprises (including,
3061 but not limited to: mail fraud, wire fraud, scheme to defraud, robbery,
3062 kidnapping, obstruction of justice, interference in commerce, also
3063 involving monetary transactions in property derived from specified
3064 unlawful activity), and have caused injury to the business and/or
3065 property of the Plaintiff Atkinson. This Defendant has exceeded, and
3066 overstepped their authority and violated the Constitutional rights of
3067 the Plaintiff, infringing and deprived him of his civil rights. Defendant

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resides at 85 Herrick St., Beverly MA 01915

262. Defendant JOHN AUERBACH is sued in his/her official capacity and individually as the Commissioner, Department of Public Health for Commonwealth of Massachusetts, responsible for executing and administering the laws and policies at issue in this lawsuit. Defendant refuses to protect, enforce, or defend the U.S. Constitution, refuses, enforce, to protect or defend the Bill of Rights, and steadfastly refuses to enforce or obey the decisions of the U.S. Supreme Court in regards to the Second and Fourteenth Amendment and other laws described herein. 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. Defendant has prior history of civil right abuses, and has previously been sued in Federal District court over such civil right

3088 violations, which forms a long-term course of conduct, committed
3089 with despicable arrogance, and which shocks the conscience. Further,
3090 this defendant has engaged in conduct and as a continuing unit of an
3091 enterprise, through a pattern, of racketeering enterprises (including,
3092 but not limited to: mail fraud, wire fraud, scheme to defraud, robbery,
3093 kidnapping, obstruction of justice, interference in commerce, also
3094 involving monetary transactions in property derived from specified
3095 unlawful activity), and have caused injury to the business and/or
3096 property of the Plaintiff Atkinson. This Defendant has exceeded, and
3097 overstepped their authority and violated the Constitutional rights of
3098 the Plaintiff, infringing and deprived him of his civil rights. Defendant
3099 resides at One Ashburton Place, Boston, MA 02108 -1518.

3100

3101 263. Defendant MARTHA COAKLEY is sued in his/her official
3102 capacity and individually as the Attorney General for Commonwealth
3103 of Massachusetts, responsible for executing and administering the
3104 laws and policies at issue in this lawsuit. Defendant refuses to protect,
3105 enforce, or defend the U.S. Constitution, refuses to enforce, to protect
3106 or defend the Bill of Rights, and steadfastly refuses to enforce or obey
3107 the decisions of the U.S. Supreme Court in regards to the Second and

3108 Fourteenth Amendment and other laws described herein. Defendant
3109 encouraged, endorsed, organized, and/orchestrated an ongoing
3110 criminal enterprise, and a widespread cover-up. Defendant directly
3111 deprived, violated, and infringed upon Plaintiff ‘s civil rights, with
3112 malice, and with careful planning and conspiracy with others.
3113 Defendant has prior history of civil right abuses, and has previously
3114 been sued in Federal District court over such civil right violations,
3115 which forms a long-term course of conduct, committed with
3116 despicable arrogance, and which shocks the conscience. Any veil of
3117 immunity, which this defendant may have previously enjoyed by
3118 virtue of their office or position, is “pierced and ripped asunder” due
3119 to their infringement and deprivation of the Constitutional Rights of
3120 the Plaintiff, and thus this Defendant (and all other Defendants) stands
3121 fully naked and vulnerable before the court, with no immunity of any
3122 form. Further, this defendant has engaged in conduct and as a
3123 continuing unit of an enterprise, through a pattern, of racketeering
3124 enterprises (including, but not limited to: mail fraud, wire fraud,
3125 scheme to defraud, robbery, kidnapping, obstruction of justice,
3126 interference in commerce, also involving monetary transactions in
3127 property derived from specified unlawful activity), and have caused

3128 injury to the business and/or property of the Plaintiff Atkinson. This
3129 Defendant has exceeded, and overstepped their authority and violated
3130 the Constitutional rights of the Plaintiff, infringing and deprived him
3131 of his civil rights. Defendant resides at One Ashburton Place, Boston,
3132 MA 02108 -1518.

3133
3134 264. Defendant KATHERINE HARTIGAN is sued in his/her official
3135 capacity and individually as an Assistant District Attorney for
3136 Commonwealth of Massachusetts, responsible for executing and
3137 administering the laws and policies at issue in this lawsuit. Defendant
3138 refuses to protect, enforce, or defend the U.S. Constitution, refuses,
3139 enforce, to protect or defend the Bill of Rights, and steadfastly refuses
3140 to enforce or obey the decisions of the U.S. Supreme Court in regards
3141 to the Second and Fourteenth Amendment and other laws described
3142 herein. Defendant directly deprived, violated, and infringed upon
3143 Plaintiff 's civil rights, with malice, and with careful planning and
3144 conspiracy with others. Defendant encouraged, endorsed, organized,
3145 and/orchestrated an ongoing criminal enterprise, and a widespread
3146 cover-up including witness harassment. Any veil of immunity, which
3147 this defendant may have previously enjoyed by virtue of their office

3148 or position, is “pierced and ripped asunder” due to their infringement
3149 and deprivation of the Constitutional Rights of the Plaintiff, and thus
3150 this Defendant (and all other Defendants) stands fully naked and
3151 vulnerable before the court, with no immunity of any form. Further,
3152 this defendant has engaged in conduct and as a continuing unit of an
3153 enterprise, through a pattern, of racketeering enterprises (including,
3154 but not limited to: mail fraud, wire fraud, scheme to defraud, robbery,
3155 kidnapping, obstruction of justice, interference in commerce, also
3156 involving monetary transactions in property derived from specified
3157 unlawful activity), and have caused injury to the business and/or
3158 property of the Plaintiff Atkinson. This Defendant has exceeded, and
3159 overstepped their authority and violated the Constitutional rights of
3160 the Plaintiff, infringing and deprived him of his civil rights. Defendant
3161 resides at 10 Federal St, Salem, MA 01970

3162
3163 265. Defendant JOHN B. BRENNAN is sued in his/her official
3164 capacity and individually as an Assistant District Attorney for
3165 Commonwealth of Massachusetts, responsible for executing and
3166 administering the laws and policies at issue in this lawsuit. Defendant
3167 refuses to protect, enforce, or defend the U.S. Constitution, refuses,

3168 enforce, to protect or defend the Bill of Rights, and steadfastly refuses
3169 to enforce or obey the decisions of the U.S. Supreme Court in regards
3170 to the Second and Fourteenth Amendment and other laws described
3171 herein. Defendant directly deprived, violated, and infringed upon
3172 Plaintiff 's civil rights, with malice, and with careful planning and
3173 conspiracy with others. Defendant has prior history of civil right
3174 abuses, and has previously been sued in Federal District court over
3175 such civil right violations, which forms a long-term course of conduct,
3176 committed with despicable arrogance, and which shocks the
3177 conscience. This Defendant has exceeded, and overstepped their
3178 authority and violated the Constitutional rights of the Plaintiff,
3179 infringing and deprived him of his civil rights. Defendant encouraged,
3180 endorsed, organized, and/orchestrated an ongoing criminal enterprise,
3181 and a widespread cover-up. Any veil of immunity, which this
3182 defendant may have previously enjoyed by virtue of their office or
3183 position, is "pierced and ripped asunder" due to their infringement and
3184 deprivation of the Constitutional Rights of the Plaintiff, and thus this
3185 Defendant (and all other Defendants) stands fully naked and
3186 vulnerable before the court, with no immunity of any form. Further,
3187 this defendant has engaged in conduct and as a continuing unit of an

3188 enterprise, through a pattern, of racketeering enterprises (including,
3189 but not limited to: mail fraud, wire fraud, scheme to defraud, robbery,
3190 kidnapping, obstruction of justice, interference in commerce, also
3191 involving monetary transactions in property derived from specified
3192 unlawful activity), and have caused injury to the business and/or
3193 property of the Plaintiff Atkinson. This Defendant has exceeded, and
3194 overstepped their authority and violated the Constitutional rights of
3195 the Plaintiff, infringing and deprived him of his civil rights. Defendant
3196 resides at 10 Federal St, Salem, MA 01970

3197
3198 266. Defendant KEVIN P. BURKE is sued in his/her official
3199 capacity and individually as the Clerk-Magistrate for Commonwealth
3200 of Massachusetts, responsible for executing and administering the
3201 laws and policies at issue in this lawsuit. Defendant refuses to protect,
3202 enforce, or defend the U.S. Constitution, refuses, enforce, to protect or
3203 defend the Bill of Rights, and steadfastly refuses to enforce or obey
3204 the decisions of the U.S. Supreme Court in regards to the Second and
3205 Fourteenth Amendment and other laws described herein. Defendant
3206 misused his position to approve illegal, unreasonable, illegal arrest
3207 and search warrants that were not based on probable cause, and were

3208 instead approved purely for political and monetary gains, and other
3209 consideration in violation of Plaintiff’s civil rights. Defendant directly
3210 deprived, violated, and infringed upon Plaintiff ‘s civil rights, with
3211 malice, and with careful planning and conspiracy with others.
3212 Defendant has prior history of civil right abuses, and has previously
3213 been sued in Federal District court over such civil right violations,
3214 which forms a long-term course of conduct, committed with
3215 despicable arrogance, and which shocks the conscience. Any veil of
3216 immunity, which this defendant may have previously enjoyed by
3217 virtue of their office or position, is “pierced and ripped asunder” due
3218 to their infringement and deprivation of the Constitutional Rights of
3219 the Plaintiff, and thus this Defendant (and all other Defendants) stands
3220 fully naked and vulnerable before the court, with no immunity of any
3221 form. Further, this defendant has engaged in conduct and as a
3222 continuing unit of an enterprise, through a pattern, of racketeering
3223 enterprises (including, but not limited to: mail fraud, wire fraud,
3224 scheme to defraud, robbery, kidnapping, obstruction of justice,
3225 interference in commerce, also involving monetary transactions in
3226 property derived from specified unlawful activity), and have caused
3227 injury to the business and/or property of the Plaintiff Atkinson. This

3228 Defendant has exceeded, and overstepped their authority and violated
3229 the Constitutional rights of the Plaintiff, infringing and deprived him
3230 of his civil rights. Defendant resides at 197 Main Street, Gloucester,
3231 MA 01930

3232

3233 267. Defendant MARK PULLI is sued in his/her official capacity and
3234 individually as an Investigator for Commonwealth of Massachusetts,
3235 responsible for executing and administering the laws and policies at
3236 issue in this lawsuit. Defendant directly deprived, violated, and
3237 infringed upon Plaintiff ‘s civil rights, with malice, and with careful
3238 planning and conspiracy with others. Defendant encouraged, endorsed,
3239 organized, and/orchestrated an ongoing criminal enterprise, and a
3240 widespread cover-up. Any veil of immunity, which this defendant
3241 may have previously enjoyed by virtue of their office or position, is
3242 “pierced and ripped asunder” due to their infringement and
3243 deprivation of the Constitutional Rights of the Plaintiff, and thus this
3244 Defendant (and all other Defendants) stands fully naked and
3245 vulnerable before the court, with no immunity of any form. Further,
3246 this defendant has engaged in conduct and as a continuing unit of an
3247 enterprise, through a pattern, of racketeering enterprises (including,

3248 but not limited to: mail fraud, wire fraud, scheme to defraud, robbery,
3249 kidnapping, obstruction of justice, interference in commerce, also
3250 involving monetary transactions in property derived from specified
3251 unlawful activity), and have caused injury to the business and/or
3252 property of the Plaintiff Atkinson. This Defendant has exceeded, and
3253 overstepped their authority and violated the Constitutional rights of
3254 the Plaintiff, infringing and deprived him of his civil rights. Defendant
3255 resides at One Ashburton Place, Boston, MA 02108 -1518.

3256

3257 268. Defendant LLOYD A. HOLMES is sued in his/her official
3258 capacity and individually as an Dean of Students for North Shore
3259 Community College, responsible for executing and administering the
3260 laws and policies at issue in this lawsuit. Defendant directly deprived,
3261 violated, and infringed upon Plaintiff 's civil rights, with malice, and
3262 with careful planning and conspiracy with others. Any veil of
3263 immunity, which this defendant may have previously enjoyed by
3264 virtue of their office or position, is "pierced and ripped asunder" due
3265 to their infringement and deprivation of the Constitutional Rights of
3266 the Plaintiff, and thus this Defendant (and all other Defendants) stands
3267 fully naked and vulnerable before the court, with no immunity of any

3268 form. Further, this defendant has engaged in conduct and as a
3269 continuing unit of an enterprise, through a pattern, of racketeering
3270 enterprises (including, but not limited to: mail fraud, wire fraud,
3271 scheme to defraud, robbery, kidnapping, obstruction of justice,
3272 interference in commerce, also involving monetary transactions in
3273 property derived from specified unlawful activity), and have caused
3274 injury to the business and/or property of the Plaintiff Atkinson. This
3275 Defendant has exceeded, and overstepped their authority and violated
3276 the Constitutional rights of the Plaintiff, infringing and deprived him
3277 of his civil rights. Defendant resides at 1 Ferncroft Road, Danvers,
3278 MA 01923

3279
3280 269. Defendant WAYNE BURTON is sued in his/her official capacity
3281 and individually as the President for North Shore Community College,
3282 responsible for executing and administering the laws and policies at
3283 issue in this lawsuit. Defendant directly deprived, violated, and
3284 infringed upon Plaintiff 's civil rights, with malice, and with careful
3285 planning and conspiracy with others. Any veil of immunity, which
3286 this defendant may have previously enjoyed by virtue of their office
3287 or position, is "pierced and ripped asunder" due to their infringement

3288 and deprivation of the Constitutional Rights of the Plaintiff, and thus
3289 this Defendant (and all other Defendants) stands fully naked and
3290 vulnerable before the court, with no immunity of any form. Further,
3291 this defendant has engaged in conduct and as a continuing unit of an
3292 enterprise, through a pattern, of racketeering enterprises (including,
3293 but not limited to: mail fraud, wire fraud, scheme to defraud, robbery,
3294 kidnapping, obstruction of justice, interference in commerce, also
3295 involving monetary transactions in property derived from specified
3296 unlawful activity), and have caused injury to the business and/or
3297 property of the Plaintiff Atkinson. This Defendant has exceeded, and
3298 overstepped their authority and violated the Constitutional rights of
3299 the Plaintiff, infringing and deprived him of his civil rights. Defendant
3300 resides at 1 Ferncroft Road, Danvers, MA 01923

3301

3302 270. Defendant DONNA RICHEMOND is sued in his/her official
3303 capacity and individually as the Vice President, Student and
3304 Enrollment Services for North Shore Community College, responsible
3305 for executing and administering the laws and policies at issue in this
3306 lawsuit. Defendant directly deprived, violated, and infringed upon
3307 Plaintiff 's civil rights, with malice, and with careful planning and

3308 conspiracy with others. Any veil of immunity, which this defendant
3309 may have previously enjoyed by virtue of their office or position, is
3310 “pierced and ripped asunder” due to their infringement and
3311 deprivation of the Constitutional Rights of the Plaintiff, and thus this
3312 Defendant (and all other Defendants) stands fully naked and
3313 vulnerable before the court, with no immunity of any form. Further,
3314 this defendant has engaged in conduct and as a continuing unit of an
3315 enterprise, through a pattern, of racketeering enterprises (including,
3316 but not limited to: mail fraud, wire fraud, scheme to defraud, robbery,
3317 kidnapping, obstruction of justice, interference in commerce, also
3318 involving monetary transactions in property derived from specified
3319 unlawful activity), and have caused injury to the business and/or
3320 property of the Plaintiff Atkinson. This Defendant has exceeded, and
3321 overstepped their authority and violated the Constitutional rights of
3322 the Plaintiff, infringing and deprived him of his civil rights. Defendant
3323 resides at 1 Ferncroft Road, Danvers, MA 01923

3324
3325 271. Defendant DOUG PUSKA is sued in his/her official capacity and
3326 individually as the Chief of Police for North Shore Community
3327 College, responsible for executing and administering the laws and

3328 policies at issue in this lawsuit. Defendant directly deprived, violated,
3329 and infringed upon Plaintiff ‘s civil rights, with malice, and with
3330 careful planning and conspiracy with others. Any veil of immunity,
3331 which this defendant may have previously enjoyed by virtue of their
3332 office or position, is “pierced and ripped asunder” due to their
3333 infringement and deprivation of the Constitutional Rights of the
3334 Plaintiff, and thus this Defendant (and all other Defendants) stands
3335 fully naked and vulnerable before the court, with no immunity of any
3336 form. Further, this defendant has engaged in conduct and as a
3337 continuing unit of an enterprise, through a pattern, of racketeering
3338 enterprises (including, but not limited to: mail fraud, wire fraud,
3339 scheme to defraud, robbery, kidnapping, obstruction of justice,
3340 interference in commerce, also involving monetary transactions in
3341 property derived from specified unlawful activity), and have caused
3342 injury to the business and/or property of the Plaintiff Atkinson. This
3343 Defendant has exceeded, and overstepped their authority and violated
3344 the Constitutional rights of the Plaintiff, infringing and deprived him
3345 of his civil rights. Defendant resides at 1 Ferncroft Road, Danvers,
3346 MA 01923

3347

3348 272. Defendant KENNETH TASHJY is sued in his/her official capacity
3349 and individually as the College Legal Counsel for North Shore
3350 Community College, responsible for executing and administering the
3351 laws and policies at issue in this lawsuit. Defendant directly deprived,
3352 violated, and infringed upon Plaintiff 's civil rights, with malice, and
3353 with careful planning and conspiracy with others. Any veil of
3354 immunity, which this defendant may have previously enjoyed by
3355 virtue of their office or position, is "pierced and ripped asunder" due
3356 to their infringement and deprivation of the Constitutional Rights of
3357 the Plaintiff, and thus this Defendant (and all other Defendants) stands
3358 fully naked and vulnerable before the court, with no immunity of any
3359 form. Further, this defendant has engaged in conduct and as a
3360 continuing unit of an enterprise, through a pattern, of racketeering
3361 enterprises (including, but not limited to: mail fraud, wire fraud,
3362 scheme to defraud, robbery, kidnapping, obstruction of justice,
3363 interference in commerce, also involving monetary transactions in
3364 property derived from specified unlawful activity), and have caused
3365 injury to the business and/or property of the Plaintiff Atkinson. This
3366 Defendant has exceeded, and overstepped their authority and violated
3367 the Constitutional rights of the Plaintiff, infringing and deprived him

3368 of his civil rights. Defendant resides at 1 Ferncroft Road, Danvers,
3369 MA 01923

3370

3371 273. Defendant MARSHALL J. HANDLY is sued in his/her official
3372 capacity and individually as the Legal Department for Montserrat
3373 College of Art, responsible for executing and administering the laws
3374 and policies at issue in this lawsuit. Defendant directly deprived,
3375 violated, and infringed upon Plaintiff 's civil rights, with malice, and
3376 with careful planning and conspiracy with others. Any veil of
3377 immunity, which this defendant may have previously enjoyed by
3378 virtue of their office or position, is "pierced and ripped asunder" due
3379 to their infringement and deprivation of the Constitutional Rights of
3380 the Plaintiff, and thus this Defendant (and all other Defendants) stands
3381 fully naked and vulnerable before the court, with no immunity of any
3382 form. Further, this defendant has engaged in conduct and as a
3383 continuing unit of an enterprise, through a pattern, of racketeering
3384 enterprises (including, but not limited to: mail fraud, wire fraud,
3385 scheme to defraud, robbery, kidnapping, obstruction of justice,
3386 interference in commerce, also involving monetary transactions in
3387 property derived from specified unlawful activity), and have caused

3388 injury to the business and/or property of the Plaintiff Atkinson. This
3389 Defendant has exceeded, and overstepped their authority and violated
3390 the Constitutional rights of the Plaintiff, infringing and deprived him
3391 of his civil rights. Defendant resides at 23 Essex Street, Beverly, MA
3392 01915-4508

3393
3394 274. Defendant STEPHEN D. IMMERMANN is sued in his/her official
3395 capacity and individually as the President for Montserrat College of
3396 Art, responsible for executing and administering the laws and policies
3397 at issue in this lawsuit. Defendant directly deprived, violated, and
3398 infringed upon Plaintiff 's civil rights, with malice, and with careful
3399 planning and conspiracy with others. Defendant encouraged, endorsed,
3400 organized, and/orchestrated an ongoing criminal enterprise, and a
3401 widespread cover-up. Further, this defendant has engaged in conduct
3402 and as a continuing unit of an enterprise, through a pattern, of
3403 racketeering enterprises (including, but not limited to: mail fraud, wire
3404 fraud, scheme to defraud, robbery, kidnapping, obstruction of justice,
3405 interference in commerce, also involving monetary transactions in
3406 property derived from specified unlawful activity), and have caused
3407 injury to the business and/or property of the Plaintiff Atkinson. This

3408 Defendant has exceeded, and overstepped their authority and violated
3409 the Constitutional rights of the Plaintiff, infringing and deprived him
3410 of his civil rights. Defendant resides at 23 Essex Street, Beverly, MA
3411 01915-4508

3412
3413 275. Defendant BRIAN BICKNELL is sued in his/her official capacity
3414 and individually as the Dean for Montserrat College of Art,
3415 responsible for executing and administering the laws and policies at
3416 issue in this lawsuit. Defendant directly deprived, violated, and
3417 infringed upon Plaintiff 's civil rights, with malice, and with careful
3418 planning and conspiracy with others. Further, this defendant has
3419 engaged in conduct and as a continuing unit of an enterprise, through
3420 a pattern, of racketeering enterprises (including, but not limited to:
3421 mail fraud, wire fraud, scheme to defraud, robbery, kidnapping,
3422 obstruction of justice, interference in commerce, also involving
3423 monetary transactions in property derived from specified unlawful
3424 activity), and have caused injury to the business and/or property of the
3425 Plaintiff Atkinson. This Defendant has exceeded, and overstepped
3426 their authority and violated the Constitutional rights of the Plaintiff,
3427 infringing and deprived him of his civil rights. Defendant resides at 23

Essex Street, Beverly, MA 01915-4508

276. Defendant LEE DELLICKER is sued in his/her official capacity and individually as a Trustee and Chair of the Board 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

277. Defendant LECIA TURCOTTE is sued in his/her official capacity

3448 and individually as a Trustee and Vice Chair of the Board for
3449 Montserrat College of Art, responsible for executing and
3450 administering the laws and policies at issue in this lawsuit. Defendant
3451 directly deprived, violated, and infringed upon Plaintiff 's civil rights,
3452 with malice, and with careful planning and conspiracy with others.
3453 Further, this defendant has engaged in conduct and as a continuing
3454 unit of an enterprise, through a pattern, of racketeering enterprises
3455 (including, but not limited to: mail fraud, wire fraud, scheme to
3456 defraud, robbery, kidnapping, obstruction of justice, interference in
3457 commerce, also involving monetary transactions in property derived
3458 from specified unlawful activity), and have caused injury to the
3459 business and/or property of the Plaintiff Atkinson. This Defendant has
3460 exceeded, and overstepped their authority and violated the
3461 Constitutional rights of the Plaintiff, infringing and deprived him of
3462 his civil rights. Defendant resides at 23 Essex Street, Beverly, MA
3463 01915-4508

3464
3465 278. Defendant DONALD BOWEN is sued in his/her official capacity
3466 and individually as a Trustee and Director for Montserrat College of
3467 Art, responsible for executing and administering the laws and policies

3468 at issue in this lawsuit. Defendant directly deprived, violated, and
3469 infringed upon Plaintiff 's civil rights, with malice, and with careful
3470 planning and conspiracy with others. Further, this defendant has
3471 engaged in conduct and as a continuing unit of an enterprise, through
3472 a pattern, of racketeering enterprises (including, but not limited to:
3473 mail fraud, wire fraud, scheme to defraud, robbery, kidnapping,
3474 obstruction of justice, interference in commerce, also involving
3475 monetary transactions in property derived from specified unlawful
3476 activity), and have caused injury to the business and/or property of the
3477 Plaintiff Atkinson. This Defendant has exceeded, and overstepped
3478 their authority and violated the Constitutional rights of the Plaintiff,
3479 infringing and deprived him of his civil rights. Defendant resides at 23
3480 Essex Street, Beverly, MA 01915-4508

3481
3482 279. Defendant MARTHA BUSKIRK is sued in his/her official
3483 capacity and individually as a Trustee for Montserrat College of Art,
3484 responsible for executing and administering the laws and policies at
3485 issue in this lawsuit. Defendant directly deprived, violated, and
3486 infringed upon Plaintiff 's civil rights, with malice, and with careful
3487 planning and conspiracy with others. Further, this defendant has

3488 engaged in conduct and as a continuing unit of an enterprise, through
3489 a pattern, of racketeering enterprises (including, but not limited to:
3490 mail fraud, wire fraud, scheme to defraud, robbery, kidnapping,
3491 obstruction of justice, interference in commerce, also involving
3492 monetary transactions in property derived from specified unlawful
3493 activity), and have caused injury to the business and/or property of the
3494 Plaintiff Atkinson. This Defendant has exceeded, and overstepped
3495 their authority and violated the Constitutional rights of the Plaintiff,
3496 infringing and deprived him of his civil rights. Defendant resides at 23
3497 Essex Street, Beverly, MA

3498
3499 280. Defendant CHRISTOPHER COLLINS is sued in his/her official
3500 capacity and individually as a Trustee and Director for Montserrat
3501 College of Art, responsible for executing and administering the laws
3502 and policies at issue in this lawsuit. Defendant directly deprived,
3503 violated, and infringed upon Plaintiff 's civil rights, with malice, and
3504 with careful planning and conspiracy with others. Further, this
3505 defendant has engaged in conduct and as a continuing unit of an
3506 enterprise, through a pattern, of racketeering enterprises (including,
3507 but not limited to: mail fraud, wire fraud, scheme to defraud, robbery,

3508 kidnapping, obstruction of justice, interference in commerce, also
3509 involving monetary transactions in property derived from specified
3510 unlawful activity), and have caused injury to the business and/or
3511 property of the Plaintiff Atkinson. This Defendant has exceeded, and
3512 overstepped their authority and violated the Constitutional rights of
3513 the Plaintiff, infringing and deprived him of his civil rights. Defendant
3514 resides at 23 Essex Street, Beverly, MA 01915-4508

3515
3516 281. Defendant NANCY CRATE is sued in his/her official capacity
3517 and individually as a Trustee and Director for Montserrat College of
3518 Art, responsible for executing and administering the laws and policies
3519 at issue in this lawsuit. Defendant directly deprived, violated, and
3520 infringed upon Plaintiff 's civil rights, with malice, and with careful
3521 planning and conspiracy with others. Further, this defendant has
3522 engaged in conduct and as a continuing unit of an enterprise, through
3523 a pattern, of racketeering enterprises (including, but not limited to:
3524 mail fraud, wire fraud, scheme to defraud, robbery, kidnapping,
3525 obstruction of justice, interference in commerce, also involving
3526 monetary transactions in property derived from specified unlawful
3527 activity), and have caused injury to the business and/or property of the

3528 Plaintiff Atkinson. This Defendant has exceeded, and overstepped
3529 their authority and violated the Constitutional rights of the Plaintiff,
3530 infringing and deprived him of his civil rights. Defendant resides at 23
3531 Essex Street, Beverly, MA 01915-4508

3532

3533 282. Defendant CRAIG H. DEERY is sued in his/her official
3534 capacity and individually as a Trustee for Montserrat College of Art,
3535 responsible for executing and administering the laws and policies at
3536 issue in this lawsuit. Defendant directly deprived, violated, and
3537 infringed upon Plaintiff 's civil rights, with malice, and with careful
3538 planning and conspiracy with others. Further, this defendant has
3539 engaged in conduct and as a continuing unit of an enterprise, through
3540 a pattern, of racketeering enterprises (including, but not limited to:
3541 mail fraud, wire fraud, scheme to defraud, robbery, kidnapping,
3542 obstruction of justice, interference in commerce, also involving
3543 monetary transactions in property derived from specified unlawful
3544 activity), and have caused injury to the business and/or property of the
3545 Plaintiff Atkinson. This Defendant has exceeded, and overstepped
3546 their authority and violated the Constitutional rights of the Plaintiff,

3547 infringing and deprived him of his civil rights. Defendant resides at 23
3548 Essex Street, Beverly, MA 01915-4508

3549

3550 283. Defendant STEVEN DODGE is sued in his/her official
3551 capacity and individually as a Trustee and Director for Montserrat
3552 College of Art, responsible for executing and administering the laws
3553 and policies at issue in this lawsuit. Defendant directly deprived,
3554 violated, and infringed upon Plaintiff 's civil rights, with malice, and
3555 with careful planning and conspiracy with others. Further, this
3556 defendant has engaged in conduct and as a continuing unit of an
3557 enterprise, through a pattern, of racketeering enterprises (including,
3558 but not limited to: mail fraud, wire fraud, scheme to defraud, robbery,
3559 kidnapping, obstruction of justice, interference in commerce, also
3560 involving monetary transactions in property derived from specified
3561 unlawful activity), and have caused injury to the business and/or
3562 property of the Plaintiff Atkinson. This Defendant has exceeded, and
3563 overstepped their authority and violated the Constitutional rights of
3564 the Plaintiff, infringing and deprived him of his civil rights. Defendant
3565 resides at 23 Essex Street, Beverly, MA 01915-4508

3566

3567 284. Defendant HENRIETTA GATES is sued in his/her official
3568 capacity and individually as a Trustee and Director for Montserrat
3569 College of Art, responsible for executing and administering the laws
3570 and policies at issue in this lawsuit. Defendant directly deprived,
3571 violated, and infringed upon Plaintiff 's civil rights, with malice, and
3572 with careful planning and conspiracy with others. Further, this
3573 defendant has engaged in conduct and as a continuing unit of an
3574 enterprise, through a pattern, of racketeering enterprises (including,
3575 but not limited to: mail fraud, wire fraud, scheme to defraud, robbery,
3576 kidnapping, obstruction of justice, interference in commerce, also
3577 involving monetary transactions in property derived from specified
3578 unlawful activity), and have caused injury to the business and/or
3579 property of the Plaintiff Atkinson. This Defendant has exceeded, and
3580 overstepped their authority and violated the Constitutional rights of
3581 the Plaintiff, infringing and deprived him of his civil rights. Defendant
3582 resides at 23 Essex Street, Beverly, MA 01915-4508

3583
3584 285. Defendant MIRANDA GOODING is sued in his/her official
3585 capacity and individually as a Trustee for Montserrat College of Art,
3586 responsible for executing and administering the laws and policies at

3587 issue in this lawsuit. Defendant directly deprived, violated, and
3588 infringed upon Plaintiff 's civil rights, with malice, and with careful
3589 planning and conspiracy with others. Further, this defendant has
3590 engaged in conduct and as a continuing unit of an enterprise, through
3591 a pattern, of racketeering enterprises (including, but not limited to:
3592 mail fraud, wire fraud, scheme to defraud, robbery, kidnapping,
3593 obstruction of justice, interference in commerce, also involving
3594 monetary transactions in property derived from specified unlawful
3595 activity), and have caused injury to the business and/or property of the
3596 Plaintiff Atkinson. This Defendant has exceeded, and overstepped
3597 their authority and violated the Constitutional rights of the Plaintiff,
3598 infringing and deprived him of his civil rights. Defendant resides at 23
3599 Essex Street, Beverly, MA 01915-4508

3600

3601 286. Defendant LINDA HARVEY is sued in his/her official capacity
3602 and individually as a Trustee and Director for Montserrat College of
3603 Art, responsible for executing and administering the laws and policies
3604 at issue in this lawsuit. Defendant directly deprived, violated, and
3605 infringed upon Plaintiff 's civil rights, with malice, and with careful
3606 planning and conspiracy with others. Further, this defendant has

3607 engaged in conduct and as a continuing unit of an enterprise, through
3608 a pattern, of racketeering enterprises (including, but not limited to:
3609 mail fraud, wire fraud, scheme to defraud, robbery, kidnapping,
3610 obstruction of justice, interference in commerce, also involving
3611 monetary transactions in property derived from specified unlawful
3612 activity), and have caused injury to the business and/or property of the
3613 Plaintiff Atkinson. This Defendant has exceeded, and overstepped
3614 their authority and violated the Constitutional rights of the Plaintiff,
3615 infringing and deprived him of his civil rights. Defendant resides at 23
3616 Essex Street, Beverly, MA 01915-4508

3617
3618 287. Defendant BETSY HOPKINS is sued in his/her official
3619 capacity and individually as a Trustee and Clerk for Montserrat
3620 College of Art, responsible for executing and administering the laws
3621 and policies at issue in this lawsuit. Defendant directly deprived,
3622 violated, and infringed upon Plaintiff 's civil rights, with malice, and
3623 with careful planning and conspiracy with others. Further, this
3624 defendant has engaged in conduct and as a continuing unit of an
3625 enterprise, through a pattern, of racketeering enterprises (including,
3626 but not limited to: mail fraud, wire fraud, scheme to defraud, robbery,

3627 kidnapping, obstruction of justice, interference in commerce, also
3628 involving monetary transactions in property derived from specified
3629 unlawful activity), and have caused injury to the business and/or
3630 property of the Plaintiff Atkinson. This Defendant has exceeded, and
3631 overstepped their authority and violated the Constitutional rights of
3632 the Plaintiff, infringing and deprived him of his civil rights. Defendant
3633 resides at 23 Essex Street, Beverly, MA 01915-4508

3634

3635 288. Defendant JOHN PETERMAN is sued in his/her official
3636 capacity and individually as a Trustee for Montserrat College of Art,
3637 responsible for executing and administering the laws and policies at
3638 issue in this lawsuit. Defendant directly deprived, violated, and
3639 infringed upon Plaintiff 's civil rights, with malice, and with careful
3640 planning and conspiracy with others. Further, this defendant has
3641 engaged in conduct and as a continuing unit of an enterprise, through
3642 a pattern, of racketeering enterprises (including, but not limited to:
3643 mail fraud, wire fraud, scheme to defraud, robbery, kidnapping,
3644 obstruction of justice, interference in commerce, also involving
3645 monetary transactions in property derived from specified unlawful
3646 activity), and have caused injury to the business and/or property of the

3647 Plaintiff Atkinson. This Defendant has exceeded, and overstepped
3648 their authority and violated the Constitutional rights of the Plaintiff,
3649 infringing and deprived him of his civil rights. Defendant resides at 23
3650 Essex Street, Beverly, MA 01915-4508

3651

3652 289. Defendant JURRIEN TIMMER is sued in his/her official
3653 capacity and individually as a Director and Trustee for Montserrat
3654 College of Art, responsible for executing and administering the laws
3655 and policies at issue in this lawsuit. Defendant directly deprived,
3656 violated, and infringed upon Plaintiff 's civil rights, with malice, and
3657 with careful planning and conspiracy with others. Further, this
3658 defendant has engaged in conduct and as a continuing unit of an
3659 enterprise, through a pattern, of racketeering enterprises (including,
3660 but not limited to: mail fraud, wire fraud, scheme to defraud, robbery,
3661 kidnapping, obstruction of justice, interference in commerce, also
3662 involving monetary transactions in property derived from specified
3663 unlawful activity), and have caused injury to the business and/or
3664 property of the Plaintiff Atkinson. This Defendant has exceeded, and
3665 overstepped their authority and violated the Constitutional rights of

3666 the Plaintiff, infringing and deprived him of his civil rights. Defendant
3667 resides at 23 Essex Street, Beverly, MA 01915-4508

3668

3669 290. Defendant CHARLES WHITTEN is sued in his/her official
3670 capacity and individually as a Director and Trustee for Montserrat
3671 College of Art, responsible for executing and administering the laws
3672 and policies at issue in this lawsuit. Defendant directly deprived,
3673 violated, and infringed upon Plaintiff 's civil rights, with malice, and
3674 with careful planning and conspiracy with others. Further, this
3675 defendant has engaged in conduct and as a continuing unit of an
3676 enterprise, through a pattern, of racketeering enterprises (including,
3677 but not limited to: mail fraud, wire fraud, scheme to defraud, robbery,
3678 kidnapping, obstruction of justice, interference in commerce, also
3679 involving monetary transactions in property derived from specified
3680 unlawful activity), and have caused injury to the business and/or
3681 property of the Plaintiff Atkinson. This Defendant has exceeded, and
3682 overstepped their authority and violated the Constitutional rights of
3683 the Plaintiff, infringing and deprived him of his civil rights. Defendant
3684 resides at 23 Essex Street, Beverly, MA 01915-4508

3685

3686 291. Defendant ALAN WILSON is sued in his/her official capacity
3687 and individually as a Trustee for Montserrat College of Art,
3688 responsible for executing and administering the laws and policies at
3689 issue in this lawsuit. Defendant directly deprived, violated, and
3690 infringed upon Plaintiff 's civil rights, with malice, and with careful
3691 planning and conspiracy with others. Further, this defendant has
3692 engaged in conduct and as a continuing unit of an enterprise, through
3693 a pattern, of racketeering enterprises (including, but not limited to:
3694 mail fraud, wire fraud, scheme to defraud, robbery, kidnapping,
3695 obstruction of justice, interference in commerce, also involving
3696 monetary transactions in property derived from specified unlawful
3697 activity), and have caused injury to the business and/or property of the
3698 Plaintiff Atkinson. This Defendant has exceeded, and overstepped
3699 their authority and violated the Constitutional rights of the Plaintiff,
3700 infringing and deprived him of his civil rights. Defendant resides at 23
3701 Essex Street, Beverly, MA 01915-4508

3702
3703 292. Defendant KATHERINE WINTER is sued in his/her official
3704 capacity and individually as a Trustee and Director for Montserrat
3705 College of Art, responsible for executing and administering the laws

3706 and policies at issue in this lawsuit. Defendant directly deprived,
3707 violated, and infringed upon Plaintiff 's civil rights, with malice, and
3708 with careful planning and conspiracy with others. Further, this
3709 defendant has engaged in conduct and as a continuing unit of an
3710 enterprise, through a pattern, of racketeering enterprises (including,
3711 but not limited to: mail fraud, wire fraud, scheme to defraud, robbery,
3712 kidnapping, obstruction of justice, interference in commerce, also
3713 involving monetary transactions in property derived from specified
3714 unlawful activity), and have caused injury to the business and/or
3715 property of the Plaintiff Atkinson. This Defendant has exceeded, and
3716 overstepped their authority and violated the Constitutional rights of
3717 the Plaintiff, infringing and deprived him of his civil rights. Defendant
3718 resides at 23 Essex Street, Beverly, MA 01915-4508

3719
3720 293. Defendant JO BRODERICK is sued in his/her official capacity
3721 and individually as the Dean of College Relations for Montserrat
3722 College of Art, responsible for executing and administering the laws
3723 and policies at issue in this lawsuit. Defendant directly deprived,
3724 violated, and infringed upon Plaintiff 's civil rights, with malice, and
3725 with careful planning and conspiracy with others. Further, this

3726 defendant has engaged in conduct and as a continuing unit of an
3727 enterprise, through a pattern, of racketeering enterprises (including,
3728 but not limited to: mail fraud, wire fraud, scheme to defraud, robbery,
3729 kidnapping, obstruction of justice, interference in commerce, also
3730 involving monetary transactions in property derived from specified
3731 unlawful activity), and have caused injury to the business and/or
3732 property of the Plaintiff Atkinson. This Defendant has exceeded, and
3733 overstepped their authority and violated the Constitutional rights of
3734 the Plaintiff, infringing and deprived him of his civil rights. Defendant
3735 resides at 23 Essex Street, Beverly, MA 01915-4508

3736

3737 294. Defendant RICK LONGO is sued in his/her official capacity
3738 and individually as the Dean of Admissions & Enrollment
3739 Management for Montserrat College of Art, responsible for executing
3740 and administering the laws and policies at issue in this lawsuit.
3741 Defendant directly deprived, violated, and infringed upon Plaintiff 's
3742 civil rights, with malice, and with careful planning and conspiracy
3743 with others. Further, this defendant has engaged in conduct and as a
3744 continuing unit of an enterprise, through a pattern, of racketeering
3745 enterprises (including, but not limited to: mail fraud, wire fraud,

3746 scheme to defraud, robbery, kidnapping, obstruction of justice,
3747 interference in commerce, also involving monetary transactions in
3748 property derived from specified unlawful activity), and have caused
3749 injury to the business and/or property of the Plaintiff Atkinson. This
3750 Defendant has exceeded, and overstepped their authority and violated
3751 the Constitutional rights of the Plaintiff, infringing and deprived him
3752 of his civil rights. Defendant resides at 23 Essex Street, Beverly, MA
3753 01915-4508

3754

3755 295. Defendant LAURA TONELLI is sued in his/her official
3756 capacity and individually as the Dean of Faculty and Academic
3757 Affairs for Montserrat College of Art, responsible for executing and
3758 administering the laws and policies at issue in this lawsuit. Defendant
3759 directly deprived, violated, and infringed upon Plaintiff 's civil rights,
3760 with malice, and with careful planning and conspiracy with others.
3761 Further, this defendant has engaged in conduct and as a continuing
3762 unit of an enterprise, through a pattern, of racketeering enterprises
3763 (including, but not limited to: mail fraud, wire fraud, scheme to
3764 defraud, robbery, kidnapping, obstruction of justice, interference in
3765 commerce, also involving monetary transactions in property derived

3766 from specified unlawful activity), and have caused injury to the
3767 business and/or property of the Plaintiff Atkinson. This Defendant has
3768 exceeded, and overstepped their authority and violated the
3769 Constitutional rights of the Plaintiff, infringing and deprived him of
3770 his civil rights. Defendant resides at 23 Essex Street, Beverly, MA
3771 01915-4508

3772
3773 296. Defendant THERESA SKELLY is sued in his/her official
3774 capacity and individually as the Registrar for Montserrat College of
3775 Art, responsible for executing and administering the laws and policies
3776 at issue in this lawsuit. Defendant directly deprived, violated, and
3777 infringed upon Plaintiff 's civil rights, with malice, and with careful
3778 planning and conspiracy with others. Further, this defendant has
3779 engaged in conduct and as a continuing unit of an enterprise, through
3780 a pattern, of racketeering enterprises (including, but not limited to:
3781 mail fraud, wire fraud, scheme to defraud, robbery, kidnapping,
3782 obstruction of justice, interference in commerce, also involving
3783 monetary transactions in property derived from specified unlawful
3784 activity), and have caused injury to the business and/or property of the
3785 Plaintiff Atkinson. This Defendant has exceeded, and overstepped

3786 their authority and violated the Constitutional rights of the Plaintiff,
3787 infringing and deprived him of his civil rights. Defendant resides at 23
3788 Essex Street, Beverly, MA 01915-4508

3789

3790 297. Defendant JEFFREY NEWELL is sued in his/her official
3791 capacity and individually as the Director of Admissions for
3792 Montserrat College of Art, responsible for executing and
3793 administering the laws and policies at issue in this lawsuit. Defendant
3794 directly deprived, violated, and infringed upon Plaintiff 's civil rights,
3795 with malice, and with careful planning and conspiracy with others.
3796 Further, this defendant has engaged in conduct and as a continuing
3797 unit of an enterprise, through a pattern, of racketeering enterprises
3798 (including, but not limited to: mail fraud, wire fraud, scheme to
3799 defraud, robbery, kidnapping, obstruction of justice, interference in
3800 commerce, also involving monetary transactions in property derived
3801 from specified unlawful activity), and have caused injury to the
3802 business and/or property of the Plaintiff Atkinson. This Defendant has
3803 exceeded, and overstepped their authority and violated the
3804 Constitutional rights of the Plaintiff, infringing and deprived him of

3805 his civil rights. Defendant resides at 23 Essex Street, Beverly, MA
3806 01915-4508

3807

3808 298. Defendant SCOTT JAMES is sued in his/her official capacity
3809 and individually as an Associate Vice President for Salem State
3810 College, responsible for executing and administering the laws and
3811 policies at issue in this lawsuit. Defendant directly deprived, violated,
3812 and infringed upon Plaintiff 's civil rights, with malice, and with
3813 careful planning and conspiracy with others. Further, this defendant
3814 has engaged in conduct and as a continuing unit of an enterprise,
3815 through a pattern, of racketeering enterprises (including, but not
3816 limited to: mail fraud, wire fraud, scheme to defraud, robbery,
3817 kidnapping, obstruction of justice, interference in commerce, also
3818 involving monetary transactions in property derived from specified
3819 unlawful activity), and have caused injury to the business and/or
3820 property of the Plaintiff Atkinson. This Defendant has exceeded, and
3821 overstepped their authority and violated the Constitutional rights of
3822 the Plaintiff, infringing and deprived him of his civil rights. Defendant
3823 resides at 352 Lafayette Street, Salem, MA 01970-5353

3824

3825 299. Defendant PATRICIA MAGUIRE MESERVEY is sued in
3826 his/her official capacity and individually as the President for Salem
3827 State College, responsible for executing and administering the laws
3828 and policies at issue in this lawsuit. Defendant directly deprived,
3829 violated, and infringed upon Plaintiff 's civil rights, with malice, and
3830 with careful planning and conspiracy with others. Defendant
3831 encouraged, endorsed, organized, and/orchestrated an ongoing
3832 criminal enterprise, and a widespread cover-up. Any veil of immunity,
3833 which this defendant may have previously enjoyed by virtue of their
3834 office or position, is "pierced and ripped asunder" due to their
3835 infringement and deprivation of the Constitutional Rights of the
3836 Plaintiff, and thus this Defendant (and all other Defendants) stands
3837 fully naked and vulnerable before the court, with no immunity of any
3838 form. Further, this defendant has engaged in conduct and as a
3839 continuing unit of an enterprise, through a pattern, of racketeering
3840 enterprises (including, but not limited to: mail fraud, wire fraud,
3841 scheme to defraud, robbery, kidnapping, obstruction of justice,
3842 interference in commerce, also involving monetary transactions in
3843 property derived from specified unlawful activity), and have caused
3844 injury to the business and/or property of the Plaintiff Atkinson. This

3845 Defendant has exceeded, and overstepped their authority and violated
3846 the Constitutional rights of the Plaintiff, infringing and deprived him
3847 of his civil rights. Defendant resides at 352 Lafayette Street, Salem,
3848 MA 01970-5353

3849

3850 300. Defendant JAMES STOLL is sued in his/her official capacity
3851 and individually as the Associate Vice President and Dean of Students
3852 for Salem State College, responsible for executing and administering
3853 the laws and policies at issue in this lawsuit. Defendant directly
3854 deprived, violated, and infringed upon Plaintiff ‘s civil rights, with
3855 malice, and with careful planning and conspiracy with others. Any
3856 veil of immunity, which this defendant may have previously enjoyed
3857 by virtue of their office or position, is “pierced and ripped asunder”
3858 due to their infringement and deprivation of the Constitutional Rights
3859 of the Plaintiff, and thus this Defendant (and all other Defendants)
3860 stands fully naked and vulnerable before the court, with no immunity
3861 of any form. Further, this defendant has engaged in conduct and as a
3862 continuing unit of an enterprise, through a pattern, of racketeering
3863 enterprises (including, but not limited to: mail fraud, wire fraud,
3864 scheme to defraud, robbery, kidnapping, obstruction of justice,

3865 interference in commerce, also involving monetary transactions in
3866 property derived from specified unlawful activity), and have caused
3867 injury to the business and/or property of the Plaintiff Atkinson. This
3868 Defendant has exceeded, and overstepped their authority and violated
3869 the Constitutional rights of the Plaintiff, infringing and deprived him
3870 of his civil rights. Defendant resides at 352 Lafayette Street, Salem,
3871 MA 01970-5353

3872

3873 301. Defendant SHAWN A. NEWTON is sued in his/her official
3874 capacity and individually as the Assistant Dean of Students, Student
3875 Life for Salem State College, responsible for executing and
3876 administering the laws and policies at issue in this lawsuit. Defendant
3877 directly deprived, violated, and infringed upon Plaintiff ‘s civil rights,
3878 with malice, and with careful planning and conspiracy with others.
3879 Defendant encouraged, endorsed, organized, and/orchestrated an
3880 ongoing criminal enterprise, and a widespread cover-up. Any veil of
3881 immunity, which this defendant may have previously enjoyed by
3882 virtue of their office or position, is “pierced and ripped asunder” due
3883 to their infringement and deprivation of the Constitutional Rights of
3884 the Plaintiff, and thus this Defendant (and all other Defendants) stands

3885 fully naked and vulnerable before the court, with no immunity of any
3886 form. Further, this defendant has engaged in conduct and as a
3887 continuing unit of an enterprise, through a pattern, of racketeering
3888 enterprises (including, but not limited to: mail fraud, wire fraud,
3889 scheme to defraud, robbery, kidnapping, obstruction of justice,
3890 interference in commerce, also involving monetary transactions in
3891 property derived from specified unlawful activity), and have caused
3892 injury to the business and/or property of the Plaintiff Atkinson. This
3893 Defendant has exceeded, and overstepped their authority and violated
3894 the Constitutional rights of the Plaintiff, infringing and deprived him
3895 of his civil rights. Defendant resides at 352 Lafayette Street, Salem,
3896 MA 01970-5353

3897
3898 302. Defendant WILLIAM ANGLIN is sued in his/her official
3899 capacity and individually as the Chief, Public Safety for Salem State
3900 College, responsible for executing and administering the laws and
3901 policies at issue in this lawsuit. Defendant directly deprived, violated,
3902 and infringed upon Plaintiff 's civil rights, with malice, and with
3903 careful planning and conspiracy with others. Any veil of immunity,
3904 which this defendant may have previously enjoyed by virtue of their

3905 office or position, is “pierced and ripped asunder” due to their
3906 infringement and deprivation of the Constitutional Rights of the
3907 Plaintiff, and thus this Defendant (and all other Defendants) stands
3908 fully naked and vulnerable before the court, with no immunity of any
3909 form. Further, this defendant has engaged in conduct and as a
3910 continuing unit of an enterprise, through a pattern, of racketeering
3911 enterprises (including, but not limited to: mail fraud, wire fraud,
3912 scheme to defraud, robbery, kidnapping, obstruction of justice,
3913 interference in commerce, also involving monetary transactions in
3914 property derived from specified unlawful activity), and have caused
3915 injury to the business and/or property of the Plaintiff Atkinson. This
3916 Defendant has exceeded, and overstepped their authority and violated
3917 the Constitutional rights of the Plaintiff, infringing and deprived him
3918 of his civil rights. Defendant resides at 352 Lafayette Street, Salem,
3919 MA 01970-5353

3920

3921 303. Defendant JOHN DOE 045 – 046 is sued in his/her official
3922 capacity and individually as a Campus Security for Salem State
3923 College, responsible for executing and administering the laws and
3924 policies at issue in this lawsuit. Defendant directly deprived, violated,

3925 and infringed upon Plaintiff ‘s civil rights, with malice, and with
3926 careful planning and conspiracy with others. Any veil of immunity,
3927 which this defendant may have previously enjoyed by virtue of their
3928 office or position, is “pierced and ripped asunder” due to their
3929 infringement and deprivation of the Constitutional Rights of the
3930 Plaintiff, and thus this Defendant (and all other Defendants) stands
3931 fully naked and vulnerable before the court, with no immunity of any
3932 form. Further, this defendant has engaged in conduct and as a
3933 continuing unit of an enterprise, through a pattern, of racketeering
3934 enterprises (including, but not limited to: mail fraud, wire fraud,
3935 scheme to defraud, robbery, kidnapping, obstruction of justice,
3936 interference in commerce, also involving monetary transactions in
3937 property derived from specified unlawful activity), and have caused
3938 injury to the business and/or property of the Plaintiff Atkinson. These
3939 defendants did unlawfully detain, and did unlawfully arrest the
3940 Plaintiff. This Defendant has exceeded, and overstepped their
3941 authority and violated the Constitutional rights of the Plaintiff,
3942 infringing and deprived him of his civil rights. Defendant resides at
3943 352 Lafayette Street, Salem, MA 01970-5353

3944

3945 304. Defendant JOHN DOE 047 – 051 is sued in his/her official
3946 capacity and individually as a Judicial Board Member for Salem State
3947 College, responsible for executing and administering the laws and
3948 policies at issue in this lawsuit. Defendant directly deprived, violated,
3949 and infringed upon Plaintiff ‘s civil rights, with malice, and with
3950 careful planning and conspiracy with others. Any veil of immunity,
3951 which this defendant may have previously enjoyed by virtue of their
3952 office or position, is “pierced and ripped asunder” due to their
3953 infringement and deprivation of the Constitutional Rights of the
3954 Plaintiff, and thus this Defendant (and all other Defendants) stands
3955 fully naked and vulnerable before the court, with no immunity of any
3956 form. Further, this defendant has engaged in conduct and as a
3957 continuing unit of an enterprise, through a pattern, of racketeering
3958 enterprises (including, but not limited to: mail fraud, wire fraud,
3959 scheme to defraud, robbery, kidnapping, obstruction of justice,
3960 interference in commerce, also involving monetary transactions in
3961 property derived from specified unlawful activity), and have caused
3962 injury to the business and/or property of the Plaintiff Atkinson. This
3963 Defendant has exceeded, and overstepped their authority and violated
3964 the Constitutional rights of the Plaintiff, infringing and deprived him

3965 of his civil rights. Defendant resides at 352 Lafayette Street, Salem,
3966 MA 01970-5353

3967

3968 305. Defendant SHANE RODRIGUEZ is sued in his/her official
3969 capacity and individually as the Deputy Chief, Campus Police for
3970 Salem State College, responsible for executing and administering the
3971 laws and policies at issue in this lawsuit. Defendant directly deprived,
3972 violated, and infringed upon Plaintiff 's civil rights, with malice, and
3973 with careful planning and conspiracy with others. Any veil of
3974 immunity, which this defendant may have previously enjoyed by
3975 virtue of their office or position, is "pierced and ripped asunder" due
3976 to their infringement and deprivation of the Constitutional Rights of
3977 the Plaintiff, and thus this Defendant (and all other Defendants) stands
3978 fully naked and vulnerable before the court, with no immunity of any
3979 form. Further, this defendant has engaged in conduct and as a
3980 continuing unit of an enterprise, through a pattern, of racketeering
3981 enterprises (including, but not limited to: mail fraud, wire fraud,
3982 scheme to defraud, robbery, kidnapping, obstruction of justice,
3983 interference in commerce, also involving monetary transactions in
3984 property derived from specified unlawful activity), and have caused

3985 injury to the business and/or property of the Plaintiff Atkinson. This
3986 Defendant has exceeded, and overstepped their authority and violated
3987 the Constitutional rights of the Plaintiff, infringing and deprived him
3988 of his civil rights. Defendant resides at 352 Lafayette Street, Salem,
3989 MA 01970-5353

3990
3991 306. Defendant KEMAH TRAVERS is sued in his/her official
3992 capacity and individually as a Judicial Board Member for Salem State
3993 College, responsible for executing and administering the laws and
3994 policies at issue in this lawsuit. Defendant directly deprived, violated,
3995 and infringed upon Plaintiff 's civil rights, with malice, and with
3996 careful planning and conspiracy with others. Any veil of immunity,
3997 which this defendant may have previously enjoyed by virtue of their
3998 office or position, is "pierced and ripped asunder" due to their
3999 infringement and deprivation of the Constitutional Rights of the
4000 Plaintiff, and thus this Defendant (and all other Defendants) stands
4001 fully naked and vulnerable before the court, with no immunity of any
4002 form. Further, this defendant has engaged in conduct and as a
4003 continuing unit of an enterprise, through a pattern, of racketeering
4004 enterprises (including, but not limited to: mail fraud, wire fraud,

4005 scheme to defraud, robbery, kidnapping, obstruction of justice,
4006 interference in commerce, also involving monetary transactions in
4007 property derived from specified unlawful activity), and have caused
4008 injury to the business and/or property of the Plaintiff Atkinson. This
4009 Defendant has exceeded, and overstepped their authority and violated
4010 the Constitutional rights of the Plaintiff, infringing and deprived him
4011 of his civil rights. Defendant resides at 352 Lafayette Street, Salem,
4012 MA 01970-5353

4013

4014 307. Defendant KRISTINA MASON is sued in his/her official
4015 capacity and individually as a Judicial Board Member for Salem State
4016 College, responsible for executing and administering the laws and
4017 policies at issue in this lawsuit. Defendant directly deprived, violated,
4018 and infringed upon Plaintiff 's civil rights, with malice, and with
4019 careful planning and conspiracy with others. Any veil of immunity,
4020 which this defendant may have previously enjoyed by virtue of their
4021 office or position, is "pierced and ripped asunder" due to their
4022 infringement and deprivation of the Constitutional Rights of the
4023 Plaintiff, and thus this Defendant (and all other Defendants) stands
4024 fully naked and vulnerable before the court, with no immunity of any

4025 form. Further, this defendant has engaged in conduct and as a
4026 continuing unit of an enterprise, through a pattern, of racketeering
4027 enterprises (including, but not limited to: mail fraud, wire fraud,
4028 scheme to defraud, robbery, kidnapping, obstruction of justice,
4029 interference in commerce, also involving monetary transactions in
4030 property derived from specified unlawful activity), and have caused
4031 injury to the business and/or property of the Plaintiff Atkinson. This
4032 Defendant has exceeded, and overstepped their authority and violated
4033 the Constitutional rights of the Plaintiff, infringing and deprived him
4034 of his civil rights. Defendant resides at 352 Lafayette Street, Salem,
4035 MA 01970-5353

4036
4037 308. Defendant LEE BROSSOIT is sued in his/her official capacity
4038 and individually as the Assistant Dean for Graduate Admissions for
4039 Salem State College, responsible for executing and administering the
4040 laws and policies at issue in this lawsuit. Defendant directly deprived,
4041 violated, and infringed upon Plaintiff 's civil rights, with malice, and
4042 with careful planning and conspiracy with others. Any veil of
4043 immunity, which this defendant may have previously enjoyed by
4044 virtue of their office or position, is "pierced and ripped asunder" due

4045 to their infringement and deprivation of the Constitutional Rights of
4046 the Plaintiff, and thus this Defendant (and all other Defendants) stands
4047 fully naked and vulnerable before the court, with no immunity of any
4048 form. Further, this defendant has engaged in conduct and as a
4049 continuing unit of an enterprise, through a pattern, of racketeering
4050 enterprises (including, but not limited to: mail fraud, wire fraud,
4051 scheme to defraud, robbery, kidnapping, obstruction of justice,
4052 interference in commerce, also involving monetary transactions in
4053 property derived from specified unlawful activity), and have caused
4054 injury to the business and/or property of the Plaintiff Atkinson. This
4055 Defendant has exceeded, and overstepped their authority and violated
4056 the Constitutional rights of the Plaintiff, infringing and deprived him
4057 of his civil rights. Defendant resides at 352 Lafayette Street, Salem,
4058 MA 01970-5353

4059
4060 309. Defendant JOHN DOE 052 – 053 is sued in his/her official
4061 capacity and individually as a Nurse for Essex County Sheriff's
4062 Department, responsible for executing and administering the laws and
4063 policies at issue in this lawsuit. Defendant directly deprived, violated,
4064 and infringed upon Plaintiff 's civil rights, with malice, and with

4065 careful planning and conspiracy with others. Defendant encouraged,
4066 endorsed, organized, and/orchestrated an ongoing criminal enterprise,
4067 and a widespread cover-up. Any veil of immunity, which this
4068 defendant may have previously enjoyed by virtue of their office or
4069 position, is “pierced and ripped asunder” due to their infringement and
4070 deprivation of the Constitutional Rights of the Plaintiff, and thus this
4071 Defendant (and all other Defendants) stands fully naked and
4072 vulnerable before the court, with no immunity of any form. Further,
4073 this defendant has engaged in conduct and as a continuing unit of an
4074 enterprise, through a pattern, of racketeering enterprises (including,
4075 but not limited to: mail fraud, wire fraud, scheme to defraud, robbery,
4076 kidnapping, obstruction of justice, interference in commerce, also
4077 involving monetary transactions in property derived from specified
4078 unlawful activity), and have caused injury to the business and/or
4079 property of the Plaintiff Atkinson. This Defendant has exceeded, and
4080 overstepped their authority and violated the Constitutional rights of
4081 the Plaintiff, infringing and deprived him of his civil rights. Defendant
4082 resides at 20 Manning Rd, Middleton, MA 01949

4083

4084 310. Defendant MELANIE GOODLAXSON is sued in his/her
4085 official capacity and individually as a Nurse for Essex County
4086 Sheriff's Department, responsible for executing and administering the
4087 laws and policies at issue in this lawsuit. Defendant directly deprived,
4088 violated, and infringed upon Plaintiff 's civil rights, with malice, and
4089 with careful planning and conspiracy with others. Defendant
4090 encouraged, endorsed, organized, and/orchestrated an ongoing
4091 criminal enterprise, and a widespread cover-up. Any veil of immunity,
4092 which this defendant may have previously enjoyed by virtue of their
4093 office or position, is "pierced and ripped asunder" due to their
4094 infringement and deprivation of the Constitutional Rights of the
4095 Plaintiff, and thus this Defendant (and all other Defendants) stands
4096 fully naked and vulnerable before the court, with no immunity of any
4097 form. Further, this defendant has engaged in conduct and as a
4098 continuing unit of an enterprise, through a pattern, of racketeering
4099 enterprises (including, but not limited to: mail fraud, wire fraud,
4100 scheme to defraud, robbery, kidnapping, obstruction of justice,
4101 interference in commerce, also involving monetary transactions in
4102 property derived from specified unlawful activity), and have caused
4103 injury to the business and/or property of the Plaintiff Atkinson. This

4104 Defendant has exceeded, and overstepped their authority and violated
4105 the Constitutional rights of the Plaintiff, infringing and deprived him
4106 of his civil rights. Defendant resides at 20 Manning Rd, Middleton,
4107 MA 01949

4108
4109 311. Defendant JOHN DOE 054 is sued in his/her official capacity
4110 and individually as the Prison Physician for Essex County Sheriff's
4111 Department, responsible for executing and administering the laws and
4112 policies at issue in this lawsuit. Defendant directly deprived, violated,
4113 and infringed upon Plaintiff 's civil rights, with malice, and with
4114 careful planning and conspiracy with others. Any veil of immunity,
4115 which this defendant may have previously enjoyed by virtue of their
4116 office or position, is "pierced and ripped asunder" due to their
4117 infringement and deprivation of the Constitutional Rights of the
4118 Plaintiff, and thus this Defendant (and all other Defendants) stands
4119 fully naked and vulnerable before the court, with no immunity of any
4120 form. Further, this defendant has engaged in conduct and as a
4121 continuing unit of an enterprise, through a pattern, of racketeering
4122 enterprises (including, but not limited to: mail fraud, wire fraud,
4123 scheme to defraud, robbery, kidnapping, obstruction of justice,

4124 interference in commerce, also involving monetary transactions in
4125 property derived from specified unlawful activity), and have caused
4126 injury to the business and/or property of the Plaintiff Atkinson. This
4127 Defendant has exceeded, and overstepped their authority and violated
4128 the Constitutional rights of the Plaintiff, infringing and deprived him
4129 of his civil rights. Defendant resides at 20 Manning Rd, Middleton,
4130 MA 01949

4131

4132 312. Defendant JOHN DOE 055 – 076 is sued in his/her official
4133 capacity and individually as a Guard for Essex County Sheriff's
4134 Department, responsible for executing and administering the laws and
4135 policies at issue in this lawsuit. Defendant directly deprived, violated,
4136 and infringed upon Plaintiff 's civil rights, with malice, and with
4137 careful planning and conspiracy with others. Any veil of immunity,
4138 which this defendant may have previously enjoyed by virtue of their
4139 office or position, is "pierced and ripped asunder" due to their
4140 infringement and deprivation of the Constitutional Rights of the
4141 Plaintiff, and thus this Defendant (and all other Defendants) stands
4142 fully naked and vulnerable before the court, with no immunity of any
4143 form. Further, this defendant has engaged in conduct and as a

4144 continuing unit of an enterprise, through a pattern, of racketeering
4145 enterprises (including, but not limited to: mail fraud, wire fraud,
4146 scheme to defraud, robbery, kidnapping, obstruction of justice,
4147 interference in commerce, also involving monetary transactions in
4148 property derived from specified unlawful activity), and have caused
4149 injury to the business and/or property of the Plaintiff Atkinson. This
4150 Defendant has exceeded, and overstepped their authority and violated
4151 the Constitutional rights of the Plaintiff, infringing and deprived him
4152 of his civil rights. Defendant resides at 20 Manning Rd, Middleton,
4153 MA 01949

4154
4155 313. Defendant FRANK G. COUSINS, JR. is sued in his/her official
4156 capacity and individually as the Sheriff for Essex County Sheriff's
4157 Department, responsible for executing and administering the laws and
4158 policies at issue in this lawsuit. Defendant directly deprived, violated,
4159 and infringed upon Plaintiff 's civil rights, with malice, and with
4160 careful planning and conspiracy with others. Defendant encouraged,
4161 endorsed, organized, and/orchestrated an ongoing criminal enterprise,
4162 and a widespread cover-up. Any veil of immunity, which this
4163 defendant may have previously enjoyed by virtue of their office or

4164 position, is “pierced and ripped asunder” due to their infringement and
4165 deprivation of the Constitutional Rights of the Plaintiff, and thus this
4166 Defendant (and all other Defendants) stands fully naked and
4167 vulnerable before the court, with no immunity of any form. Defendant
4168 has prior history of civil right abuses, and has previously been sued in
4169 Federal District court over such civil right violations, which forms a
4170 long-term course of conduct, committed with despicable arrogance,
4171 and which shocks the conscience. Further, this defendant has engaged
4172 in conduct and as a continuing unit of an enterprise, through a pattern,
4173 of racketeering enterprises (including, but not limited to: mail fraud,
4174 wire fraud, scheme to defraud, robbery, kidnapping, obstruction of
4175 justice, interference in commerce, also involving monetary
4176 transactions in property derived from specified unlawful activity), and
4177 have caused injury to the business and/or property of the Plaintiff
4178 Atkinson. This Defendant has exceeded, and overstepped their
4179 authority and violated the Constitutional rights of the Plaintiff,
4180 infringing and deprived him of his civil rights. Defendant resides at 20
4181 Manning Rd, Middleton, MA 01949

4182

4183 314. Defendant MICHAEL MARKS is sued in his/her official
4184 capacity and individually as the Superintendent - Essex County
4185 Correctional Facility for Essex County Sheriff's Department,
4186 responsible for executing and administering the laws and policies at
4187 issue in this lawsuit. Defendant directly deprived, violated, and
4188 infringed upon Plaintiff 's civil rights, with malice, and with careful
4189 planning and conspiracy with others. Defendant encouraged, endorsed,
4190 organized, and/orchestrated an ongoing criminal enterprise, and a
4191 widespread cover-up. Any veil of immunity, which this defendant
4192 may have previously enjoyed by virtue of their office or position, is
4193 "pierced and ripped asunder" due to their infringement and
4194 deprivation of the Constitutional Rights of the Plaintiff, and thus this
4195 Defendant (and all other Defendants) stands fully naked and
4196 vulnerable before the court, with no immunity of any form. Further,
4197 this defendant has engaged in conduct and as a continuing unit of an
4198 enterprise, through a pattern, of racketeering enterprises (including,
4199 but not limited to: mail fraud, wire fraud, scheme to defraud, robbery,
4200 kidnapping, obstruction of justice, interference in commerce, also
4201 involving monetary transactions in property derived from specified
4202 unlawful activity), and have caused injury to the business and/or

4203 property of the Plaintiff Atkinson. This Defendant has exceeded, and
4204 overstepped their authority and violated the Constitutional rights of
4205 the Plaintiff, infringing and deprived him of his civil rights. Defendant
4206 resides at 20 Manning Rd, Middleton, MA 01949

4207

4208 315. Defendant MICHAEL FROST is sued in his/her official
4209 capacity and individually as the Assistant Superintendent - Essex
4210 County Correctional Facility for Essex County Sheriff's Department,
4211 responsible for executing and administering the laws and policies at
4212 issue in this lawsuit. Defendant directly deprived, violated, and
4213 infringed upon Plaintiff 's civil rights, with malice, and with careful
4214 planning and conspiracy with others. Defendant has prior history of
4215 civil right abuses, and has previously been sued in Federal District
4216 court over such civil right violations, which forms a long-term course
4217 of conduct, committed with despicable arrogance, and which shocks
4218 the conscience. Any veil of immunity, which this defendant may have
4219 previously enjoyed by virtue of their office or position, is "pierced and
4220 ripped asunder" due to their infringement and deprivation of the
4221 Constitutional Rights of the Plaintiff, and thus this Defendant (and all
4222 other Defendants) stands fully naked and vulnerable before the court,

4223 with no immunity of any form. Further, this defendant has engaged in
4224 conduct and as a continuing unit of an enterprise, through a pattern, of
4225 racketeering enterprises (including, but not limited to: mail fraud, wire
4226 fraud, scheme to defraud, robbery, kidnapping, obstruction of justice,
4227 interference in commerce, also involving monetary transactions in
4228 property derived from specified unlawful activity), and have caused
4229 injury to the business and/or property of the Plaintiff Atkinson. This
4230 Defendant has exceeded, and overstepped their authority and violated
4231 the Constitutional rights of the Plaintiff, infringing and deprived him
4232 of his civil rights. Defendant resides at 20 Manning Rd, Middleton,
4233 MA 01949

4234
4235 316. Defendant JOHN DOE 077 – 079 is sued in his/her official
4236 capacity and individually as a Bailiff or Jailer for Commonwealth of
4237 Massachusetts - Gloucester District Court, responsible for executing
4238 and administering the laws and policies at issue in this lawsuit.
4239 Defendant directly deprived, violated, and infringed upon Plaintiff ‘s
4240 civil rights, with malice, and with careful planning and conspiracy
4241 with others. Any veil of immunity, which this defendant may have
4242 previously enjoyed by virtue of their office or position, is “pierced and

4243 ripped asunder” due to their infringement and deprivation of the
4244 Constitutional Rights of the Plaintiff, and thus this Defendant (and all
4245 other Defendants) stands fully naked and vulnerable before the court,
4246 with no immunity of any form. Further, this defendant has engaged in
4247 conduct and as a continuing unit of an enterprise, through a pattern, of
4248 racketeering enterprises (including, but not limited to: mail fraud, wire
4249 fraud, scheme to defraud, robbery, kidnapping, obstruction of justice,
4250 interference in commerce, also involving monetary transactions in
4251 property derived from specified unlawful activity), and have caused
4252 injury to the business and/or property of the Plaintiff Atkinson. This
4253 Defendant has exceeded, and overstepped their authority and violated
4254 the Constitutional rights of the Plaintiff, infringing and deprived him
4255 of his civil rights. Defendant resides at 20 Manning Rd, Middleton,
4256 MA 01949

4257
4258 317. Defendant MICHAEL RACICOT is sued in his/her official
4259 capacity and individually as the Town Administrator for Town of
4260 Rockport, responsible for executing and administering the laws and
4261 policies at issue in this lawsuit. Defendant directly deprived, violated,
4262 and infringed upon Plaintiff ‘s civil rights, with malice, and with

4263 careful planning and conspiracy with others. Defendant encouraged,
4264 endorsed, organized, and/orchestrated an ongoing criminal enterprise,
4265 and a widespread cover-up. Any veil of immunity, which this
4266 defendant may have previously enjoyed by virtue of their office or
4267 position, is “pierced and ripped asunder” due to their infringement and
4268 deprivation of the Constitutional Rights of the Plaintiff, and thus this
4269 Defendant (and all other Defendants) stands fully naked and
4270 vulnerable before the court, with no immunity of any form. Further,
4271 this defendant has engaged in conduct and as a continuing unit of an
4272 enterprise, through a pattern, of racketeering enterprises (including,
4273 but not limited to: mail fraud, wire fraud, scheme to defraud, robbery,
4274 kidnapping, obstruction of justice, interference in commerce, also
4275 involving monetary transactions in property derived from specified
4276 unlawful activity), and have caused injury to the business and/or
4277 property of the Plaintiff Atkinson. This Defendant has exceeded, and
4278 overstepped their authority and violated the Constitutional rights of
4279 the Plaintiff, infringing and deprived him of his civil rights. Defendant
4280 resides at 34 Broadway, Rockport, MA 01966

4281

4282 318. Defendant LINDA SANDERS is sued in his/her official
4283 capacity and individually as the Town Administrator for Town of
4284 Rockport, responsible for executing and administering the laws and
4285 policies at issue in this lawsuit. Defendant directly deprived, violated,
4286 and infringed upon Plaintiff 's civil rights, with malice, and with
4287 careful planning and conspiracy with others. Defendant encouraged,
4288 endorsed, organized, and/orchestrated an ongoing criminal enterprise,
4289 and a widespread cover-up. Any veil of immunity, which this
4290 defendant may have previously enjoyed by virtue of their office or
4291 position, is "pierced and ripped asunder" due to their infringement and
4292 deprivation of the Constitutional Rights of the Plaintiff, and thus this
4293 Defendant (and all other Defendants) stands fully naked and
4294 vulnerable before the court, with no immunity of any form. Further,
4295 this defendant has engaged in conduct and as a continuing unit of an
4296 enterprise, through a pattern, of racketeering enterprises (including,
4297 but not limited to: mail fraud, wire fraud, scheme to defraud, robbery,
4298 kidnapping, obstruction of justice, interference in commerce, also
4299 involving monetary transactions in property derived from specified
4300 unlawful activity), and have caused injury to the business and/or
4301 property of the Plaintiff Atkinson. This Defendant has exceeded, and

4302 overstepped their authority and violated the Constitutional rights of
4303 the Plaintiff, infringing and deprived him of his civil rights. Defendant
4304 resides at 34 Broadway, Rockport, MA 01966

4305

4306 319. Defendant SANDY JACQUES is sued in his/her official
4307 capacity and individually as the Selectman for Town of Rockport,
4308 responsible for executing and administering the laws and policies at
4309 issue in this lawsuit. Defendant directly deprived, violated, and
4310 infringed upon Plaintiff ‘s civil rights, with malice, and with careful
4311 planning and conspiracy with others. Any veil of immunity, which
4312 this defendant may have previously enjoyed by virtue of their office
4313 or position, is “pierced and ripped asunder” due to their infringement
4314 and deprivation of the Constitutional Rights of the Plaintiff, and thus
4315 this Defendant (and all other Defendants) stands fully naked and
4316 vulnerable before the court, with no immunity of any form. Further,
4317 this defendant has engaged in conduct and as a continuing unit of an
4318 enterprise, through a pattern, of racketeering enterprises (including,
4319 but not limited to: mail fraud, wire fraud, scheme to defraud, robbery,
4320 kidnapping, obstruction of justice, interference in commerce, also
4321 involving monetary transactions in property derived from specified

4322 unlawful activity), and have caused injury to the business and/or
4323 property of the Plaintiff Atkinson. This Defendant has exceeded, and
4324 overstepped their authority and violated the Constitutional rights of
4325 the Plaintiff, infringing and deprived him of his civil rights. Defendant
4326 resides at 34 Broadway, Rockport, MA 01966

4327

4328 320. Defendant SARAH WILKINSON is sued in his/her official
4329 capacity and individually as a Selectman for Town of Rockport,
4330 responsible for executing and administering the laws and policies at
4331 issue in this lawsuit. Defendant directly deprived, violated, and
4332 infringed upon Plaintiff 's civil rights, with malice, and with careful
4333 planning and conspiracy with others. Any veil of immunity, which
4334 this defendant may have previously enjoyed by virtue of their office
4335 or position, is "pierced and ripped asunder" due to their infringement
4336 and deprivation of the Constitutional Rights of the Plaintiff, and thus
4337 this Defendant (and all other Defendants) stands fully naked and
4338 vulnerable before the court, with no immunity of any form. Further,
4339 this defendant has engaged in conduct and as a continuing unit of an
4340 enterprise, through a pattern, of racketeering enterprises (including,
4341 but not limited to: mail fraud, wire fraud, scheme to defraud, robbery,

4342 kidnapping, obstruction of justice, interference in commerce, also
4343 involving monetary transactions in property derived from specified
4344 unlawful activity), and have caused injury to the business and/or
4345 property of the Plaintiff Atkinson. This Defendant has exceeded, and
4346 overstepped their authority and violated the Constitutional rights of
4347 the Plaintiff, infringing and deprived him of his civil rights. Defendant
4348 resides at 34 Broadway, Rockport, MA 01966

4349
4350 321. Defendant ANDREW HEINZE is sued in his/her official
4351 capacity and individually as a Selectman for Town of Rockport,
4352 responsible for executing and administering the laws and policies at
4353 issue in this lawsuit. Defendant directly deprived, violated, and
4354 infringed upon Plaintiff 's civil rights, with malice, and with careful
4355 planning and conspiracy with others. Any veil of immunity, which
4356 this defendant may have previously enjoyed by virtue of their office
4357 or position, is "pierced and ripped asunder" due to their infringement
4358 and deprivation of the Constitutional Rights of the Plaintiff, and thus
4359 this Defendant (and all other Defendants) stands fully naked and
4360 vulnerable before the court, with no immunity of any form. Further,
4361 this defendant has engaged in conduct and as a continuing unit of an

4362 enterprise, through a pattern, of racketeering enterprises (including,
4363 but not limited to: mail fraud, wire fraud, scheme to defraud, robbery,
4364 kidnapping, obstruction of justice, interference in commerce, also
4365 involving monetary transactions in property derived from specified
4366 unlawful activity), and have caused injury to the business and/or
4367 property of the Plaintiff Atkinson. This Defendant has exceeded, and
4368 overstepped their authority and violated the Constitutional rights of
4369 the Plaintiff, infringing and deprived him of his civil rights. Defendant
4370 resides at 34 Broadway, Rockport, MA 01966

4371

4372 322. Defendant ELLEN CANAVAN is sued in his/her official
4373 capacity and individually as a Selectman for Town of Rockport,
4374 responsible for executing and administering the laws and policies at
4375 issue in this lawsuit. Defendant directly deprived, violated, and
4376 infringed upon Plaintiff 's civil rights, with malice, and with careful
4377 planning and conspiracy with others. Any veil of immunity, which
4378 this defendant may have previously enjoyed by virtue of their office
4379 or position, is "pierced and ripped asunder" due to their infringement
4380 and deprivation of the Constitutional Rights of the Plaintiff, and thus
4381 this Defendant (and all other Defendants) stands fully naked and

4382 vulnerable before the court, with no immunity of any form. Further,
4383 this defendant has engaged in conduct and as a continuing unit of an
4384 enterprise, through a pattern, of racketeering enterprises (including,
4385 but not limited to: mail fraud, wire fraud, scheme to defraud, robbery,
4386 kidnapping, obstruction of justice, interference in commerce, also
4387 involving monetary transactions in property derived from specified
4388 unlawful activity), and have caused injury to the business and/or
4389 property of the Plaintiff Atkinson. This Defendant has exceeded, and
4390 overstepped their authority and violated the Constitutional rights of
4391 the Plaintiff, infringing and deprived him of his civil rights. Defendant
4392 resides at 34 Broadway, Rockport, MA 01966

4393
4394 323. Defendant CHARLES CLARK is sued in his/her official
4395 capacity and individually as a Selectman for Town of Rockport,
4396 responsible for executing and administering the laws and policies at
4397 issue in this lawsuit. Defendant directly deprived, violated, and
4398 infringed upon Plaintiff 's civil rights, with malice, and with careful
4399 planning and conspiracy with others. Any veil of immunity, which
4400 this defendant may have previously enjoyed by virtue of their office
4401 or position, is "pierced and ripped asunder" due to their infringement

4402 and deprivation of the Constitutional Rights of the Plaintiff, and thus
4403 this Defendant (and all other Defendants) stands fully naked and
4404 vulnerable before the court, with no immunity of any form. Further,
4405 this defendant has engaged in conduct and as a continuing unit of an
4406 enterprise, through a pattern, of racketeering enterprises (including,
4407 but not limited to: mail fraud, wire fraud, scheme to defraud, robbery,
4408 kidnapping, obstruction of justice, interference in commerce, also
4409 involving monetary transactions in property derived from specified
4410 unlawful activity), and have caused injury to the business and/or
4411 property of the Plaintiff Atkinson. This Defendant has exceeded, and
4412 overstepped their authority and violated the Constitutional rights of
4413 the Plaintiff, infringing and deprived him of his civil rights. Defendant
4414 resides at 34 Broadway, Rockport, MA 01966

4415
4416 324. Defendant VINCENT P. MEOLI is sued in his/her official
4417 capacity and individually as an Emergency Room Physician for
4418 Addison Gilbert Hospital, responsible for executing and administering
4419 the laws and policies at issue in this lawsuit. Defendant directly
4420 deprived, violated, and infringed upon Plaintiff 's civil rights, with
4421 malice, and with careful planning and conspiracy with others. Any

4422 veil of immunity, which this defendant may have previously enjoyed
4423 by virtue of their office or position, is “pierced and ripped asunder”
4424 due to their infringement and deprivation of the Constitutional Rights
4425 of the Plaintiff, and thus this Defendant (and all other Defendants)
4426 stands fully naked and vulnerable before the court, with no immunity
4427 of any form. Further, this defendant has engaged in conduct and as a
4428 continuing unit of an enterprise, through a pattern, of racketeering
4429 enterprises (including, but not limited to: mail fraud, wire fraud,
4430 scheme to defraud, robbery, kidnapping, obstruction of justice,
4431 interference in commerce, also involving monetary transactions in
4432 property derived from specified unlawful activity), and have caused
4433 injury to the business and/or property of the Plaintiff Atkinson. This
4434 Defendant has exceeded, and overstepped their authority and violated
4435 the Constitutional rights of the Plaintiff, infringing and deprived him
4436 of his civil rights. Defendant resides at 298 Washington St.,
4437 Gloucester MA 01930

4438
4439 325. Defendant MICHAEL ARSENIAN is sued in his/her official
4440 capacity and individually as a Physician for Addison Gilbert Hospital,
4441 responsible for executing and administering the laws and policies at

4442 issue in this lawsuit. Defendant directly deprived, violated, and
4443 infringed upon Plaintiff 's civil rights, with malice, and with careful
4444 planning and conspiracy with others. Any veil of immunity, which
4445 this defendant may have previously enjoyed by virtue of their office
4446 or position, is "pierced and ripped asunder" due to their infringement
4447 and deprivation of the Constitutional Rights of the Plaintiff, and thus
4448 this Defendant (and all other Defendants) stands fully naked and
4449 vulnerable before the court, with no immunity of any form. Further,
4450 this defendant has engaged in conduct and as a continuing unit of an
4451 enterprise, through a pattern, of racketeering enterprises (including,
4452 but not limited to: mail fraud, wire fraud, scheme to defraud, robbery,
4453 kidnapping, obstruction of justice, interference in commerce, also
4454 involving monetary transactions in property derived from specified
4455 unlawful activity), and have caused injury to the business and/or
4456 property of the Plaintiff Atkinson. This Defendant has exceeded, and
4457 overstepped their authority and violated the Constitutional rights of
4458 the Plaintiff, infringing and deprived him of his civil rights. Defendant
4459 resides at 298 Washington St., Gloucester MA 01930

4460

4461 326. Defendant PETER W. CURATOLO is sued in his/her official
4462 capacity and individually as a Physician for Addison Gilbert Hospital,
4463 responsible for executing and administering the laws and policies at
4464 issue in this lawsuit. Defendant directly deprived, violated, and
4465 infringed upon Plaintiff 's civil rights, with malice, and with careful
4466 planning and conspiracy with others. Any veil of immunity, which
4467 this defendant may have previously enjoyed by virtue of their office
4468 or position, is "pierced and ripped asunder" due to their infringement
4469 and deprivation of the Constitutional Rights of the Plaintiff, and thus
4470 this Defendant (and all other Defendants) stands fully naked and
4471 vulnerable before the court, with no immunity of any form. Further,
4472 this defendant has engaged in conduct and as a continuing unit of an
4473 enterprise, through a pattern, of racketeering enterprises (including,
4474 but not limited to: mail fraud, wire fraud, scheme to defraud, robbery,
4475 kidnapping, obstruction of justice, interference in commerce, also
4476 involving monetary transactions in property derived from specified
4477 unlawful activity), and have caused injury to the business and/or
4478 property of the Plaintiff Atkinson. This Defendant has exceeded, and
4479 overstepped their authority and violated the Constitutional rights of

4480 the Plaintiff, infringing and deprived him of his civil rights. Defendant
4481 resides at 298 Washington St., Gloucester, MA 01930

4482

4483 327. Defendant JOHN DOE 080 – 083 is sued in his/her official
4484 capacity and individually as a Nurse or Nurses Aid for Addison
4485 Gilbert Hospital, responsible for executing and administering the laws
4486 and policies at issue in this lawsuit. Defendant directly deprived,
4487 violated, and infringed upon Plaintiff ‘s civil rights, with malice, and
4488 with careful planning and conspiracy with others. Any veil of
4489 immunity, which this defendant may have previously enjoyed by
4490 virtue of their office or position, is “pierced and ripped asunder” due
4491 to their infringement and deprivation of the Constitutional Rights of
4492 the Plaintiff, and thus this Defendant (and all other Defendants) stands
4493 fully naked and vulnerable before the court, with no immunity of any
4494 form. Further, this defendant has engaged in conduct and as a
4495 continuing unit of an enterprise, through a pattern, of racketeering
4496 enterprises (including, but not limited to: mail fraud, wire fraud,
4497 scheme to defraud, robbery, kidnapping, obstruction of justice,
4498 interference in commerce, also involving monetary transactions in
4499 property derived from specified unlawful activity), and have caused

4500 injury to the business and/or property of the Plaintiff Atkinson. This
4501 Defendant has exceeded, and overstepped their authority and violated
4502 the Constitutional rights of the Plaintiff, infringing and deprived him
4503 of his civil rights. Defendant resides at 298 Washington St.,
4504 Gloucester MA 01930

4506 328. Defendant THOMAS H. JONES is sued in his/her official
4507 capacity and individually as an Owner for Research Electronics,
4508 responsible for executing and administering the laws and policies at
4509 issue in this lawsuit. Defendant directly deprived, violated, and
4510 infringed upon Plaintiff 's civil rights, with malice, and with careful
4511 planning and conspiracy with others. This Defendant has exceeded,
4512 and overstepped their authority and violated the Constitutional rights
4513 of the Plaintiff, infringing and deprived him of his civil rights.
4514 Defendant encouraged, endorsed, organized, and/orchestrated an
4515 ongoing criminal enterprise, and a widespread cover-up. Further
4516 Defendant acted as a cut-out, front and agent of the Federal Bureau of
4517 Investigation, the Central Intelligence Agency, the U.S. Department of
4518 State, U.S. Navy, U.S. Army, Department of Homeland Security, and
4519 other Federal Agencies. Defendant did unlawful import, build, sell,

4520 possess, and utilize, and ship in intrastate commerce numerous illegal-
4521 bugging devices. This Defendant has exceeded, and overstepped their
4522 authority and violated the Constitutional rights of the Plaintiff,
4523 infringing and deprived him of his civil rights. Defendant
4524 manufactures medical equipment for the purposes of radiological or
4525 radiating devices to examine humans which are not approved for
4526 human use, and which are specifically prohibited by federal guidelines
4527 for human use. This Defendant has exceeded, and overstepped their
4528 authority and violated the Constitutional rights of the Plaintiff,
4529 infringing and deprived him of his civil rights. Defendant recklessly
4530 endangers the life and limbs of U.S. Military forces and members of
4531 the intelligence community by selling defective equipment, and make
4532 false claims about products. This Defendant has exceeded, and
4533 overstepped their authority and violated the Constitutional rights of
4534 the Plaintiff, infringing and deprived him of his civil rights. Defendant
4535 unlawfully exports controlled munitions and controlled devices. Any
4536 veil of immunity, which this defendant may have previously enjoyed
4537 by virtue of their office or position, is “pierced and ripped asunder”
4538 due to their infringement and deprivation of the Constitutional Rights
4539 of the Plaintiff, and thus this Defendant (and all other Defendants)

4540 stands fully naked and vulnerable before the court, with no immunity
4541 of any form. Further, this defendant has engaged in conduct and as a
4542 continuing unit of an enterprise, through a pattern, of racketeering
4543 enterprises (including, but not limited to: mail fraud, wire fraud,
4544 scheme to defraud, robbery, kidnapping, obstruction of justice,
4545 interference in commerce, also involving monetary transactions in
4546 property derived from specified unlawful activity), and have caused
4547 injury to the business and/or property of the Plaintiff Atkinson. This
4548 Defendant has exceeded, and overstepped their authority and violated
4549 the Constitutional rights of the Plaintiff, infringing and deprived him
4550 of his civil rights. Defendant resides at 455 Security Place, Algood
4551 TN 38506

4552
4553 329. Defendant BRUCE BARSUMIAN is sued in his/her official
4554 capacity and individually as an Owner for Research Electronics,
4555 responsible for executing and administering the laws and policies at
4556 issue in this lawsuit. Defendant directly deprived, violated, and
4557 infringed upon Plaintiff 's civil rights, with malice, and with careful
4558 planning and conspiracy with others. This Defendant has exceeded,
4559 and overstepped their authority and violated the Constitutional rights

4560 of the Plaintiff, infringing and deprived him of his civil rights.
4561 Defendant encouraged, endorsed, organized, and/orchestrated an
4562 ongoing criminal enterprise, and a widespread cover-up. Further
4563 Defendant acted as a cut-out, front and agent of the Federal Bureau of
4564 Investigation, the Central Intelligence Agency, the U.S. Department of
4565 State, U.S. Navy, U.S. Army, Department of Homeland Security, and
4566 other Federal Agencies. Defendant did unlawful import, build, sell,
4567 possess, and utilize, and ship in intrastate commerce numerous illegal-
4568 bugging devices. This Defendant has exceeded, and overstepped their
4569 authority and violated the Constitutional rights of the Plaintiff,
4570 infringing and deprived him of his civil rights. Defendant
4571 manufactures medical equipment for the purposes of radiological or
4572 radiating devices to examine humans which are not approved for
4573 human use, and which are specifically prohibited by federal guidelines
4574 for human use. This Defendant has exceeded, and overstepped their
4575 authority and violated the Constitutional rights of the Plaintiff,
4576 infringing and deprived him of his civil rights. Defendant recklessly
4577 endangers the life and limbs of U.S. Military forces and members of
4578 the intelligence community by selling defective equipment, and make
4579 false claims about products. This Defendant has exceeded, and

4580 overstepped their authority and violated the Constitutional rights of
4581 the Plaintiff, infringing and deprived him of his civil rights. Defendant
4582 unlawfully exports controlled munitions and controlled devices. Any
4583 veil of immunity, which this defendant may have previously enjoyed
4584 by virtue of their office or position, is “pierced and ripped asunder”
4585 due to their infringement and deprivation of the Constitutional Rights
4586 of the Plaintiff, and thus this Defendant (and all other Defendants)
4587 stands fully naked and vulnerable before the court, with no immunity
4588 of any form. Further, this defendant has engaged in conduct and as a
4589 continuing unit of an enterprise, through a pattern, of racketeering
4590 enterprises (including, but not limited to: mail fraud, wire fraud,
4591 scheme to defraud, robbery, kidnapping, obstruction of justice,
4592 interference in commerce, also involving monetary transactions in
4593 property derived from specified unlawful activity), and have caused
4594 injury to the business and/or property of the Plaintiff Atkinson. This
4595 Defendant has exceeded, and overstepped their authority and violated
4596 the Constitutional rights of the Plaintiff, infringing and deprived him
4597 of his civil rights. Defendant resides at 455 Security Place, Algood
4598 TN 38506

4599

4600 330. Defendant MICHELLE GAW is sued in his/her official
4601 capacity and individually as a Sales Person for Research Electronics,
4602 responsible for executing and administering the laws and policies at
4603 issue in this lawsuit. Defendant directly deprived, violated, and
4604 infringed upon Plaintiff 's civil rights, with malice, and with careful
4605 planning and conspiracy with others. Further Defendant acted as an
4606 cut-out, front and agent of the Federal Bureau of Investigation, the
4607 Central Intelligence Agency, the U.S. Department of State, U.S. Navy,
4608 U.S. Army, Department of Homeland Security, and other Federal
4609 Agencies. Further, this defendant has engaged in conduct and as a
4610 continuing unit of an enterprise, through a pattern, of racketeering
4611 enterprises (including, but not limited to: mail fraud, wire fraud,
4612 scheme to defraud, robbery, kidnapping, obstruction of justice,
4613 interference in commerce, also involving monetary transactions in
4614 property derived from specified unlawful activity), and have caused
4615 injury to the business and/or property of the Plaintiff Atkinson. This
4616 Defendant has exceeded, and overstepped their authority and violated
4617 the Constitutional rights of the Plaintiff, infringing and deprived him
4618 of his civil rights. Defendant resides at 455 Security Place, Algood
4619 TN 38506

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331. Defendant TRISH WEBB is sued in his/her official capacity and individually as an Accounting Manager for Research Electronics, 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 overstepped their authority and violated the Constitutional rights of

4640 the Plaintiff, infringing and deprived him of his civil rights. Defendant
4641 resides at 455 Security Place, Algood TN 38506

4642

4643 332. Defendant PAMELA MCINTYRE is sued in his/her official
4644 capacity and individually as an Employee for Research Electronics,
4645 responsible for executing and administering the laws and policies at
4646 issue in this lawsuit. Defendant directly deprived, violated, and
4647 infringed upon Plaintiff 's civil rights, with malice, and with careful
4648 planning and conspiracy with others. Further, this defendant has
4649 engaged in conduct and as a continuing unit of an enterprise, through
4650 a pattern, of racketeering enterprises (including, but not limited to:
4651 mail fraud, wire fraud, scheme to defraud, robbery, kidnapping,
4652 obstruction of justice, interference in commerce, also involving
4653 monetary transactions in property derived from specified unlawful
4654 activity), and have caused injury to the business and/or property of the
4655 Plaintiff Atkinson. This Defendant has exceeded, and overstepped
4656 their authority and violated the Constitutional rights of the Plaintiff,
4657 infringing and deprived him of his civil rights. Defendant resides at
4658 455 Security Place, Algood TN 38506

4659

4660 333. Defendant LEE JONES is sued in his/her official capacity and
4661 individually as the Sales Manager for Research Electronics,
4662 responsible for executing and administering the laws and policies at
4663 issue in this lawsuit. Defendant directly deprived, violated, and
4664 infringed upon Plaintiff 's civil rights, with malice, and with careful
4665 planning and conspiracy with others. This Defendant has exceeded,
4666 and overstepped their authority and violated the Constitutional rights
4667 of the Plaintiff, infringing and deprived him of his civil rights.
4668 Defendant encouraged, endorsed, organized, and/orchestrated an
4669 ongoing criminal enterprise, and a widespread cover-up. Further
4670 Defendant acted as an cut-out, front and agent of the Federal Bureau
4671 of Investigation, the Central Intelligence Agency, the U.S. Department
4672 of State, U.S. Navy, U.S. Army, Department of Homeland Security,
4673 and other Federal Agencies. Any veil of immunity, which this
4674 defendant may have previously enjoyed by virtue of their office or
4675 position, is "pierced and ripped asunder" due to their infringement and
4676 deprivation of the Constitutional Rights of the Plaintiff, and thus this
4677 Defendant (and all other Defendants) stands fully naked and
4678 vulnerable before the court, with no immunity of any form. Further,
4679 this defendant has engaged in conduct and as a continuing unit of an

4680 enterprise, through a pattern, of racketeering enterprises (including,
4681 but not limited to: mail fraud, wire fraud, scheme to defraud, robbery,
4682 kidnapping, obstruction of justice, interference in commerce, also
4683 involving monetary transactions in property derived from specified
4684 unlawful activity), and have caused injury to the business and/or
4685 property of the Plaintiff Atkinson. This Defendant has exceeded, and
4686 overstepped their authority and violated the Constitutional rights of
4687 the Plaintiff, infringing and deprived him of his civil rights. Defendant
4688 resides at 455 Security Place, Algood TN 38506

4689
4690 334. Defendant ARLENE J. BARSUMIAN is sued in his/her official
4691 capacity and individually as an Owner for Research Electronics and A
4692 and L Enterprises, responsible for executing and administering the
4693 laws and policies at issue in this lawsuit. Defendant directly deprived,
4694 violated, and infringed upon Plaintiff 's civil rights, with malice, and
4695 with careful planning and conspiracy with others. Any veil of
4696 immunity, which this defendant may have previously enjoyed by
4697 virtue of their office or position, is "pierced and ripped asunder" due
4698 to their infringement and deprivation of the Constitutional Rights of
4699 the Plaintiff, and thus this Defendant (and all other Defendants) stands

4700 fully naked and vulnerable before the court, with no immunity of any
4701 form. Further, this defendant has engaged in conduct and as a
4702 continuing unit of an enterprise, through a pattern, of racketeering
4703 enterprises (including, but not limited to: mail fraud, wire fraud,
4704 scheme to defraud, robbery, kidnapping, obstruction of justice,
4705 interference in commerce, also involving monetary transactions in
4706 property derived from specified unlawful activity), and have caused
4707 injury to the business and/or property of the Plaintiff Atkinson. This
4708 Defendant has exceeded, and overstepped their authority and violated
4709 the Constitutional rights of the Plaintiff, infringing and deprived him
4710 of his civil rights. Defendant resides at 455 Security Place, Algood
4711 TN 38506

4712
4713 335. Defendant DARLENE JONES is sued in his/her official
4714 capacity and individually as an Owner for Research Electronics and A
4715 and L Enterprises, responsible for executing and administering the
4716 laws and policies at issue in this lawsuit. Defendant directly deprived,
4717 violated, and infringed upon Plaintiff 's civil rights, with malice, and
4718 with careful planning and conspiracy with others. Any veil of
4719 immunity, which this defendant may have previously enjoyed by

4720 virtue of their office or position, is “pierced and ripped asunder” due
4721 to their infringement and deprivation of the Constitutional Rights of
4722 the Plaintiff, and thus this Defendant (and all other Defendants) stands
4723 fully naked and vulnerable before the court, with no immunity of any
4724 form. Further, this defendant has engaged in conduct and as a
4725 continuing unit of an enterprise, through a pattern, of racketeering
4726 enterprises (including, but not limited to: mail fraud, wire fraud,
4727 scheme to defraud, robbery, kidnapping, obstruction of justice,
4728 interference in commerce, also involving monetary transactions in
4729 property derived from specified unlawful activity), and have caused
4730 injury to the business and/or property of the Plaintiff Atkinson. This
4731 Defendant has exceeded, and overstepped their authority and violated
4732 the Constitutional rights of the Plaintiff, infringing and deprived him
4733 of his civil rights. Defendant resides at 455 Security Place, Algood
4734 TN 38506

4735
4736 336. Defendant JOHN DOE 084 – 088 is sued in his/her official
4737 capacity and individually as an Employee for Research Electronics,
4738 responsible for executing and administering the laws and policies at
4739 issue in this lawsuit. Defendant directly deprived, violated, and

4740 infringed upon Plaintiff ‘s civil rights, with malice, and with careful
4741 planning and conspiracy with others. Defendant encouraged, endorsed,
4742 organized, and/orchestrated an ongoing criminal enterprise, and a
4743 widespread cover-up. Further Defendant acted as a cut-out, front and
4744 agent of the Federal Bureau of Investigation, the Central Intelligence
4745 Agency, the U.S. Department of State, U.S. Navy, U.S. Army,
4746 Department of Homeland Security, and other Federal Agencies.
4747 Defendant did unlawful import, build, sell, possess, and utilize, and
4748 ship in intrastate commerce numerous illegal-bugging devices.
4749 Defendant manufactures medical equipment for the purposes of
4750 radiological or radiating devices to examine humans which are not
4751 approved for human use, and which are specifically prohibited by
4752 federal guidelines for human use. Defendant recklessly endangers the
4753 life and limbs of U.S. Military forces and members of the intelligence
4754 community by selling defective equipment, and make false claims
4755 about products. Defendant unlawfully exports controlled munitions
4756 and controlled devices. Any veil of immunity, which this defendant
4757 may have previously enjoyed by virtue of their office or position, is
4758 “pierced and ripped asunder” due to their infringement and
4759 deprivation of the Constitutional Rights of the Plaintiff, and thus this

4760 Defendant (and all other Defendants) stands fully naked and
4761 vulnerable before the court, with no immunity of any form. Further,
4762 this defendant has engaged in conduct and as a continuing unit of an
4763 enterprise, through a pattern, of racketeering enterprises (including,
4764 but not limited to: mail fraud, wire fraud, scheme to defraud, robbery,
4765 kidnapping, obstruction of justice, interference in commerce, also
4766 involving monetary transactions in property derived from specified
4767 unlawful activity), and have caused injury to the business and/or
4768 property of the Plaintiff Atkinson. This Defendant has exceeded, and
4769 overstepped their authority and violated the Constitutional rights of
4770 the Plaintiff, infringing and deprived him of his civil rights. Defendant
4771 resides at 455 Security Place, Algood TN 38506

4772
4773 337. Defendant JOHN DOE 089 – 093 is sued in his/her official
4774 capacity and individually as an Employee for Research Electronics,
4775 responsible for executing and administering the laws and policies at
4776 issue in this lawsuit. Defendant directly deprived, violated, and
4777 infringed upon Plaintiff ‘s civil rights, with malice, and with careful
4778 planning and conspiracy with others. Any veil of immunity, which
4779 this defendant may have previously enjoyed by virtue of their office

4780 or position, is “pierced and ripped asunder” due to their infringement
4781 and deprivation of the Constitutional Rights of the Plaintiff, and thus
4782 this Defendant (and all other Defendants) stands fully naked and
4783 vulnerable before the court, with no immunity of any form. Further,
4784 this defendant has engaged in conduct and as a continuing unit of an
4785 enterprise, through a pattern, of racketeering enterprises (including,
4786 but not limited to: mail fraud, wire fraud, scheme to defraud, robbery,
4787 kidnapping, obstruction of justice, interference in commerce, also
4788 involving monetary transactions in property derived from specified
4789 unlawful activity), and have caused injury to the business and/or
4790 property of the Plaintiff Atkinson. This Defendant has exceeded, and
4791 overstepped their authority and violated the Constitutional rights of
4792 the Plaintiff, infringing and deprived him of his civil rights. Defendant
4793 resides at 455 Security Place, Algood TN 38506

4794

4795 338. Defendant CHARLENE BROWN is sued in his/her official
4796 capacity and individually as a Worker for Cape Ann Chamber of
4797 Commerce, responsible for executing and administering the laws and
4798 policies at issue in this lawsuit. Defendant directly deprived, violated,
4799 and infringed upon Plaintiff ‘s civil rights, with malice, and with

4800 careful planning and conspiracy with others. Further, this defendant
4801 has engaged in conduct and as a continuing unit of an enterprise,
4802 through a pattern, of racketeering enterprises (including, but not
4803 limited to: mail fraud, wire fraud, scheme to defraud, robbery,
4804 kidnapping, obstruction of justice, interference in commerce, also
4805 involving monetary transactions in property derived from specified
4806 unlawful activity), and have caused injury to the business and/or
4807 property of the Plaintiff Atkinson. This Defendant has exceeded, and
4808 overstepped their authority and violated the Constitutional rights of
4809 the Plaintiff, infringing and deprived him of his civil rights. Defendant
4810 resides at 33 Commercial Street, Gloucester, MA 01930

4811
4812 339. Defendant John Doe's 094 – 265 is sued in their official capacity,
4813 responsible for executing and administering the laws and policies at
4814 issue in this lawsuit. Defendants directly deprived Plaintiff of his civil
4815 rights, with malice, and with careful planning and conspiracy with
4816 others. Defendant directly deprived, violated, and infringed upon
4817 Plaintiff 's civil rights, with malice, and with careful planning and
4818 conspiracy with others. Any veil of immunity, which this defendant
4819 may have previously enjoyed by virtue of their office or position, is

4820 “pierced and ripped asunder” due to their infringement and
4821 deprivation of the Constitutional Rights of the Plaintiff, and thus this
4822 Defendant (and all other Defendants) stands fully naked and
4823 vulnerable before the court, with no immunity of any form. Further,
4824 this defendant has engaged in conduct and as a continuing unit of an
4825 enterprise, through a pattern, of racketeering enterprises (including,
4826 but not limited to: mail fraud, wire fraud, scheme to defraud, robbery,
4827 kidnapping, obstruction of justice, interference in commerce, also
4828 involving monetary transactions in property derived from specified
4829 unlawful activity), and have caused injury to the business and/or
4830 property of the Plaintiff Atkinson. This Defendant has exceeded, and
4831 overstepped their authority and violated the Constitutional rights of
4832 the Plaintiff, infringing and deprived him of his civil rights. Defendant
4833 resides at an address that is currently unknown at this time.

4834 FACTS

4835
4836
4837 340. Each of these facts should be considered a cause of action in
4838 addition to the “Causes of Action” found elsewhere in this Complaint,
4839 and all allegations found elsewhere in the Compliant are herein re-

4840 alleged and incorporated, and included by reference. The aforesaid
4841 and following acts by Defendant(s) infringe Plaintiff's civil rights and
4842 damage Plaintiff in violation of 42 U.S.C. § 1983.

4843

4844 341. Plaintiff Atkinson is a well-known writer, author, publisher, and
4845 public speaker in regards to TSCM, TEMPEST, Technical security
4846 matters, technical surveillance or eavesdropping countermeasures or
4847 protections, and in intelligence analysis. Until the events outlined in
4848 this Complaint unfolded in November and December 2009, Plaintiff
4849 Atkinson was a regular trade show speaker, and spoke as an expert
4850 and lecturer at various prestigious Universities, Colleges, and Schools.
4851 For example in 2009, Plaintiff spoke at a tradeshow, then lectured at
4852 MIT for over 8 hours, then lectured at Harvard twice, then at BBN,
4853 and at several other venues as well. During or after some of these
4854 speaking engagements, agents of the U.S. Government approached the
4855 Plaintiff and asked that he not engage in similar public speeches
4856 unless the entirety of the speech was presented to their agency first for
4857 approval and clearance, the Plaintiff refused their unlawful request.
4858 This was in violation of the Plaintiff's First Amendments rights, and a
4859 deprivation of civil rights.

4860

4861 342. Agents of the Federal Bureau of Investigation have repeatedly
4862 attended presentations provided by the Plaintiff at various colleges,
4863 and in fact have attempted to interfere with the presentations several
4864 times, and/or have solicited others to be disruptive at the Plaintiff
4865 speeches or lectures in violation of the Plaintiff's First Amendment
4866 rights, and thus a deprived the Plaintiff of civil rights.

4867

4868 343. In May 1983, Plaintiff began publishing unclassified
4869 professional papers in regards to TSCM and related topics by way of a
4870 Computerized Bulletin Board System, which he designed and
4871 programmed, and also by way of conventional print media.

4872

4873 344. In August 1987, Plaintiff converted many of these computer
4874 files into a format which was suitable for placement on various
4875 academic computer servers which Plaintiff had access to as either a
4876 student, teacher, lecturer, or other legitimate user.

4877

4878 345. In 1992, the Plaintiff registered the domain name of
4879 TSCM.COM and moved the previously mentioned files to a single

4880 commercial server, and began adding computer programs which the
4881 Plaintiff wrote, databases, photographs, images, and graphics to the
4882 previously text only files. This domain name was used as the basis of
4883 what would become the Plaintiff's website at: <http://www.tscm.com/>

4884

4885 346. From 1992 until 1995, the Plaintiff slowly built up the files,
4886 added graphics into the website, present on his website to include
4887 thousands of files, and it became, and remains the most
4888 comprehensive website on the Internet on the subject matter.

4889

4890 347. When the "Internet was borne" the Plaintiff already had a
4891 mature, and established presence by way of his website, so when
4892 established TSCM people who had never dealt with the Plaintiff
4893 before "got online" for their first time and began to explore the
4894 Internet, they discovered the massive amount of published materials
4895 by the Plaintiff. The did create a problem, as several people "wrote
4896 book" whereby they merely plagiarized hundreds of pages off the
4897 Plaintiff's website, and fraudulently published it as their own writings.

4898

4899 348. In November 1995, an agent of the Federal Bureau of
4900 Investigation asked to meet with the Plaintiff in regards to his website,
4901 and at the meeting, pressured the Plaintiff to delete a number of files
4902 from the site, as the files were embarrassing to the FBI, but not
4903 actually classified. There were similar requests from the FBI in 1999,
4904 2001, 2003, 2004, 2005, 2008, and in 2009. This was in violation of
4905 the Plaintiff's First Amendments rights, and a deprivation of civil
4906 rights.

4907
4908 349. In a number of cases, the files in question merely were deleted
4909 or taken down after the FBI issued a request letter as a "National
4910 Security Letter" to the Plaintiff's Internet Service Provider, but the
4911 Plaintiff was not told of these deletions, and only discovered the
4912 deletion by checking log files for errors, and noted that the removed
4913 files were causing "404 error" caused by a file being requested but not
4914 found. When these files there then re-added, they would remain for a
4915 period, and then suddenly be deleted with no warning. This was in
4916 violation of the Plaintiff's First Amendments rights, and a deprivation
4917 of civil rights.

4918

4919 350. In the of April 2007, the FBI confronted the Plaintiff over these
4920 repeatedly re-published documents, and inferred that if the
4921 publications continued that it could result in criminal charges, and that
4922 the Plaintiff would be place in a solitary cell at a maximum federal
4923 prison. This was in violation of the Plaintiff's First Amendments
4924 rights, and a deprivation of civil rights.

4925
4926 351. In the Spring of 2009, the Plaintiff became aware of fraudulent
4927 activities on the part of the Health and Human Services, Centers for
4928 Disease Control, where the Plaintiff noticed that the statistics being
4929 published by the CDC were fictitious and fraudulent. The Plaintiff
4930 wrote several scathing articles on the matter of the H1N1 pandemic in
4931 the Spring and Summer of 2009, with the end result being that the
4932 CDC attempted to cover-up these prior fictional and fraudulent reports
4933 which the CDC and HHS had made. This attempted cover-up by the
4934 CDC merely attracted additional attention to the matter by the
4935 Plaintiff, who then wrote a further series of scathing articles about the
4936 cover-up, and published same which decimated the public relations
4937 efforts of the CDC. The CDC then started refusing the media access to
4938 the raw statistics and engaged in a pattern of spin control, which the

4939 Plaintiff had been expecting, and the attempts by the CDC to promote
4940 the cover-up, lead to further deception by the government.

4941

4942 352. The Plaintiff became aware of pocket of disease of H1N1,
4943 which the CDC was deliberately leaving out of their reports, and the
4944 Plaintiff was able to find confidential internal CDC documents in
4945 which the CDC knew about these pockets, but also lied to the public
4946 about same. The Internet sites where the Plaintiff published these
4947 reports were taken off line with no explanation, or the files were
4948 merely deleted in a pattern previously noted. This was in violation of
4949 the Plaintiff's First Amendments rights, and a deprivation of his civil
4950 rights.

4951

4952 353. Scientists within the CDC from both Atlanta, and Ft Deitrick
4953 privately contacted the Plaintiff and encouraged him to continue
4954 exploring and publishing on the topic, and confirmed that the senior
4955 leadership of the CDC was indeed engaging in a cover-up, and that
4956 the Plaintiff's writings were effective at exposing the cover-up. The
4957 scientist with whom the Plaintiff spoke warned that the
4958 DHS/HHS/CDC senior leadership whom the Plaintiff had identified as

4959 being behind the cover-up could be expected to retaliate against the
4960 Plaintiff. This was in violation of the Plaintiff's First Amendments
4961 rights, and a deprivation of his civil rights.

4962

4963 354. In late October, and in Early November 2009, Plaintiff
4964 discussed the issue of the CDC Cover-up with members of the U.S.
4965 House of Representatives Oversight Committee, who then began
4966 looking into the cover-up by the CDC.

4967

4968 355. Essentially, the Plaintiff had become a political liability to
4969 multiple actors, both actors in government service, multiple actors,
4970 and private actors, and they began to conspire to destroy the Plaintiff,
4971 and to infringe on his civil rights. This "attack" of sort came from as
4972 many as seven different directions, to essentially create "Perfect
4973 Storm" of intersecting agendas.

4974

4975 356. Plaintiff Atkinson was repeatedly and falsely arrested in
4976 December 2009 as a result of a matter for which there was no
4977 probable cause; however, the initiating Rockport Police officers and
4978 FBI Agents manipulated fabricated "facts" and lied in order to obtain

4979 arrest warrants for these falsely filed charges, and deprived Plaintiff of
4980 his civil rights. This was a deprivation of the Plaintiff civil rights.

4981

4982 357. While the Plaintiff was under arrest by police, the Rockport
4983 police department made copies of the Plaintiff home, business, and
4984 vehicle keys. This was a deprivation of the Plaintiff civil rights.

4985

4986 358. When the police arrested the Plaintiff, they also seized and
4987 refused to return the Plaintiff Massachusetts License to Carry
4988 Firearms, and violated, and deprived the Plaintiff's of his civil rights.

4989

4990 359. In addition, the issuing magistrate of the search and arrest
4991 warrants knew or should have known, or/and should have questioned
4992 of the falsity of the "facts" related, and the point of law in order to
4993 obtain the warrants used to injure Plaintiff. Further, the basis of the
4994 search warrant in December 2009 was a matter for which there was
4995 strong constitutional protections, rights, privileges, and immunities,
4996 and the issuing magistrate overstepped his/her authority by a very
4997 wide margin, and knowingly violated the Plaintiff's civil rights under

4998 the color of authority, and violated the Constitutional Rights of the
4999 Plaintiff, and abused the Defendants position of authority.

5000

5001 360. In addition, Plaintiff was charged with various violations of
5002 Massachusetts' gun laws; however, all of these charges were again
5003 false arrests since no criminal conduct existed under the U.S. Supreme
5004 Court decisions in *McDonald v. Chicago*, 561 U.S. ____, 130 S.Ct.
5005 3020 (2010), and also in *District of Columbia v. Heller*, 554 U.S. 570
5006 (2008), The continued and false arrests were malicious and designed
5007 to obtain illegal access to the Plaintiff home and business, and for
5008 illegal purposes and results not within the ambit of legitimate criminal
5009 investigation or prosecution , and violated the Constitutional Rights of
5010 the Plaintiff, and abused the Defendants position of authority.

5011

5012 361. The Rockport Police Department, Rockport Ambulance
5013 Department, Rockport Fire Department, Lyons Ambulance, OEMS,
5014 Beverly Hospital, and several John Does working in their official
5015 capacity and individually deprived Plaintiff Atkinson of his civil
5016 rights while operating under the color of authority.

5017

5018 362. These defendants engaged in activities to harm and attempted to
5019 injure, and did rob, steal from, and seek to discredit Plaintiff Atkinson
5020 as a government witness, when it was discovered in August 2009 that
5021 Plaintiff would be a States witness against half of the Police Officers,
5022 Firemen, and EMT's in Rockport, and likely a witness against several
5023 hundred additional corrupt public safety employees in regards to
5024 fraudulent EMT training on the North Shore of Boston, including but
5025 not limited to Rockport, Gloucester, Ipswich, Essex, Boxford,
5026 Topsfield, Wenham, Beverly, and others. These activities violated the
5027 civil rights of the Plaintiff.

5028
5029 363. Plaintiff has held an unrestricted "Massachusetts License to
5030 Carry Firearms" with a "High Capacity Firearms" endorsement since
5031 1990 until December 1, 2009, and which was unlawfully suspended,
5032 and unlawfully seized by the police on December 1, 2009, in violation
5033 of his civil rights.

5034
5035 364. The Rockport police officers and others confected a conspiracy
5036 whereby they would get overseas shipments of the Plaintiff's goods
5037 from Research Electronics delayed by causing export documents (later

5038 discovered not required by law) to be repeatedly rejected or approval
5039 delayed by Research Electronics, and would then arrest and charge the
5040 Plaintiff for not delivering the goods to an overseas client, falsely
5041 charging Plaintiff with a crime by virtue of these delays in shipment
5042 caused by the police and others. These activities violated the civil
5043 rights of the Plaintiff, and was an action that shocks the conscience.

5044

5045 365. Based on these manipulations by the police alone (and no actual
5046 convictions), that when arrested the Plaintiff involved his 5th
5047 Amendment rights and refused to make statements, the Chief of
5048 Police in Rockport punitively and unlawfully revoked the Plaintiff's
5049 License to Carry Firearms, and then illegally demanded that all
5050 firearms be turned in, even though such a demand was a violations of
5051 the Plaintiff civil rights, an infringement, and a deprivation.

5052

5053 366. The defendant Tibert acting under the color of authority and as
5054 a Rockport Police Officer then threatened to use violence to forcibly
5055 break into the Plaintiff's home and to seize the firearms, and to charge
5056 Plaintiff with other crimes if he did not comply, knowing thereafter
5057 that Plaintiff had experienced a heart attack and was hospitalized

5058 being unable to comply with the unlawful demand for his arms to be
5059 turned in to the police (which were made under a threat of significant
5060 violence, under the color of authority, and was a deprivation and
5061 violations of the Plaintiff rights), and a series of acts the shocks the
5062 conscience. The value of the arms in question exceeds \$25,000.

5063
5064 367. Upon Plaintiff's return to his home from the hospital cardiac
5065 unit several days later at 8:30 PM on Saturday night, he was
5066 awakened at 8:30 AM Sunday by a multitude of armed officer of the
5067 Rockport Police Department and federal agencies, who unlawfully
5068 smashed through the door using considerable violence (causing close
5069 to \$900 in damage to the building), and excessive force, while the
5070 Plaintiff was still asleep, brutalized the Plaintiff, and caused a
5071 secondary cardiac emergency, from which the plaintiff was unable to
5072 recover. These activities violated the civil rights of the Plaintiff, and
5073 was an action that shocked the conscience.

5074
5075 368. In fact, this situation turned into a life-threatening medical
5076 emergency, which eventually required surgical intervention within
5077 days. These activities violated the civil rights of the Plaintiff.

5078

5079 369. The defendants then proceeded to steal for their own personal
5080 use, gold coins, gold bullion, silver bullion bars, cash, radio
5081 equipment, computers, keys, batons, body bunkers, books, manuals,
5082 laboratory notebooks, product prototypes, and other items not covered
5083 under any search warrant and never reflected on the police inventory,
5084 although photographs provided by defendants of several stolen
5085 possessions of the Plaintiff appeared in newspapers (yet do not appear
5086 in the police inventory). These activities violated the civil rights of the
5087 Plaintiff, and was an action that shocked the conscience.

5088

5089 370. During this wholesale looting of the Plaintiff's home, two
5090 defendants (federal agents not reflected as being present in police
5091 documents) joined in, removed computers, and other things, which
5092 have not yet been accounted for in any way. The value of that which
5093 was looted or stolen and not accounted for exceeded \$500,000. These
5094 activities violated the civil rights of the Plaintiff, and was an action
5095 that shocked the conscience.

5096

5097 371. Additional Rockport Police Officers, including the Chief of the
5098 Rockport Police Department, also joined the sacking of the Plaintiff's
5099 home and business, and removed several hundred thousand dollars of
5100 one ounce American Gold Eagles (\$50 face value gold coins) and
5101 gold bullion, at least \$5,000 in cash, and over 1600 ounces of silver
5102 bullion (in the form of 100 ounce bars), plus tools, goods, equipment,
5103 and supplies, and well as destroyed at least \$300,000 of highly
5104 sophisticated laboratory test equipment. These activities violated the
5105 civil rights of the Plaintiff, and was an action that shocked the
5106 conscience.

5107
5108 372. Police unlawfully seized a three very expensive sets of soft
5109 body armor that had been custom made for and fitted to the Plaintiff
5110 (value at \$1200 or more each), armored helmets and harnesses which
5111 were specifically fitted and made for the Plaintiff (value at \$400 or
5112 more each), a large full length "Body Bunker" tactical shield with a
5113 view window (with a value of at least \$10,000), and a smaller
5114 "Buckler" tactical shield (with a value of at least \$5,000), and a EOD
5115 – Explosive Ordnance Disposal Bomb Technician Suit (valued at
5116 \$25,000), EOD helmet system (valued at \$10,000), and EOD tool kit

5117 (valued at \$5,500). A load bearing vest and harness (valued at \$650),
5118 and various magazine pouches, weapons bags, support bags, range
5119 bags, (valued in total in excess of \$2400) and other protective clothing
5120 such as gloves, face shields, gasmasks, valued in excess of \$5,000),
5121 and related supplies used for teaching tactical courses, or for self-
5122 defense (with a value of at least \$10,000). It is believed that the police
5123 stole these items for their own personal use, or stole them for use by
5124 their department, as members of the Rockport Police Department had
5125 previously stated an interested in the Plaintiff “donating” these same
5126 pieces of equipment to the department in the past. These activities
5127 violated the civil rights of the Plaintiff, and was an action that shocked
5128 the conscience.

5129
5130 373. Further, an inert and inactive expended rocket launcher tube
5131 and fireworks were planted in Plaintiff's home by these defendants.
5132 Plaintiff was then charged with multiple felony charges in regards to
5133 lawfully possessed arms. These activities violated the civil rights of
5134 the Plaintiff, and was an action that shocked the conscience.

5135

5136 374. It bears mention, that Massachusetts General Law Chapter 266,
5137 Section 102A does not in fact prohibit the mere possession of a loaded
5138 or unloaded rocket launcher (or empty tube), only that their use is
5139 prohibited if it is actually “used without lawful authority” in
5140 furtherance of other acts. The law does not in fact ban possession,
5141 merely unlawful usage. In this regards the rocket launcher tube, which
5142 the police allege, was in the Plaintiff possession, could have in fact
5143 been legally possessed, had it actually been the Plaintiff’s property,
5144 which it was not. These activities violated the civil rights of the
5145 Plaintiff.

5146
5147 375. The Plaintiff further alleges that the so called “Rocket Launcher”
5148 which was in fact an inert tube incapable of firing or launching
5149 anything and that is was planted by the police merely to turn the entire
5150 case into a media spectacle and circus, and to attempt to inflate bail
5151 amounts to deprive the Plaintiff of his freedom in a calculated attempt
5152 to deprive the Plaintiff of his civil rights. Thusly, the Commonwealth
5153 first sought cash bail in the amount of \$60,000, and then within a day
5154 sought \$500,000 in cash bail as the media circus of their making
5155 evolved.

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376. The Rockport Police further utilized and controlled the media as *de facto* agent of the police in order to defame the Plaintiff and to destroy his reputation and his business.

377. Various firearm magazines were also planted by the police in the Plaintiff's home.

378. Plaintiff was then charged with multiple felony charges in regards to lawfully possessed arms.

379. It is important to note, that under the Supreme Court rulings, in *Heller* and also in *McDonald*, that possession of such arms within the home are outside the control of the government, outside control of the Commonwealth, and outside the control of the laws of the Commonwealth, and possession of such arms is a recognized Immunity and Privilege of U.S. Citizenship. As the Plaintiff is in fact a U.S. Citizen, he is thereby permitted to possess arms of **his** choosing in the sanctity of his own home.

5176 380. The Rockport Police lied to confect the initial case, and then
5177 they and others lied to confect the search warrant. Further, they
5178 knowingly made false statements in court documents, and violated the
5179 Plaintiff's civil rights.

5180
5181 381. The Commonwealth of Massachusetts, the Town of Rockport,
5182 the Rockport Police Department, and other violated the Plaintiffs
5183 Privileges and Immunities of Citizenship, deprived the Plaintiff of his
5184 civil rights, and did so with great calculation, conspiracy with other,
5185 fraud by wire, fraud by mail, scheme to defraud, obstruction of justice,
5186 and have engaged in a pattern of illegal conducts, over a long period
5187 of time, as part of an ongoing criminal organization and enterprise, for
5188 which they derived funds, which they then used to purchase property,
5189 and was an action that shocked the conscience.

5190
5191 382. The Rockport Police and others even went so far as to
5192 burglarize and search the Plaintiff home a full day before they got the
5193 actual warrant by illegally entering plaintiff's home and copying
5194 several thousand files of proprietary and/or damaging information to
5195 various Defendants along with deleting several thousand files of

5196 incriminating evidence against Defendants which plaintiff had
5197 obtained through various dealings in the past with State, the FBI and
5198 other federal agencies (this illegal search took place while the Plaintiff
5199 was still in the Hospital, and hours before any, albeit illegal search
5200 warrant was actually issued). This illegal search, which took place
5201 prior to the search warrant actually being issued was a violation of and
5202 deprivation of the Plaintiff's civil rights, and was an action that
5203 shocked the conscience.

5204

5205 383. The Rockport Police Department and others also unlawfully
5206 seized five computers, maliciously smashed the motherboards of two
5207 of these, and smashed the cases, and with others they removed, and/or
5208 lost the internal or external hard drives. The seized computers have an
5209 aggregate hardware value in excess of \$15,000 and an aggregate
5210 software value of \$10,000 upon these computers, plus the value of the
5211 data, files, and databases, which exceeds well in excess of \$48 Million
5212 dollars), and was an action that shocked the conscience and which
5213 violated the civil rights of the Plaintiff.

5214

5215 384. The Rockport Police also trashed the home and business of the
5216 Plaintiff, and rendered it is a state of disorder that it took several
5217 weeks to straighten it back up. The Rockport Police also destroyed or
5218 stole Plaintiff's property. This type of action is called a "desecration"
5219 by prison guards, and it is done for the sole purpose of inflicting
5220 emotional harm, and to demonstrate dominance, and was done by
5221 several Rockport Police office who used to be prison guards, who also
5222 have a long history of civil right abuse, and a long pattern of behavior
5223 of such civil right abuses. The "desecration" was in violation of the
5224 civil right of the Plaintiff, and was an action that shocked the
5225 conscience.

5226
5227 385. On, or before December 7, 2009 the Rockport Police and others
5228 also installed an illegal GPS tracking device into two of the Plaintiff
5229 vehicles (hidden inside the dash, just over the radio), and hardwired
5230 these tracking devices into the vehicles electrical system in violation
5231 of the law. These tracking devices remained in the Plaintiff's vehicles
5232 for two months, and were removed by the police and others on or
5233 about February 9, 2010. To date, no warrant has been produced which
5234 authorized the installation of these tracking devices, and was a

5235 violation of the Plaintiff's civil rights. During the installation of these
5236 tracking devices the police damaged the security systems on both
5237 vehicle, and created a parasitic drain by which the both vehicles
5238 eventually became disables and the electrical systems damaged.

5239

5240 386. The Police and others also stole over 1200 DVDs full of source
5241 code, the computer on which a highly valuable and proprietary
5242 RAPHAEL database which the Plaintiff designed was maintained,
5243 back-up tapes, back-up DVD's, and CD's and pieces of computer
5244 media related to the database. This was a violation of the civil right of
5245 the Plaintiff, and was an action that shocked the conscience.

5246

5247 387. The RAPHAEL Database is a highly proprietary trade secret
5248 and has a minimal approximate value of \$40 Million, and represents
5249 several decades of work. The RAPHAEL Database had also been
5250 actively sought after by the FBI, CIA, State Department, Department
5251 of Energy, U.S. Navy, U.S. Army, Research Electronics, various
5252 defense, and intelligence contractors, and others. The database and
5253 associated source code is of such considerable value that both the FBI
5254 and the CIA had requested that the Plaintiff leave it to them in his will,

5255 and the CIA and contractors and front companies for the CIA and U.S.
5256 State Department have repeatedly offered to purchase the database, or
5257 alternately to lease the database structure from the Plaintiff on a
5258 month-to-month, or year-to-tear basis.

5259
5260 388. The Rockport Police and others also seized customer records,
5261 and records that were not on the search warrant, just scooping up
5262 armloads of these records and dumping them into the back of an
5263 unsecure pickup Rockport Police Department pick-up truck, that was
5264 in no way supervised or accounted for. This was a violation of the
5265 civil right of the Plaintiff, and was an action that shocked the
5266 conscience.

5267
5268 389. Of particular note are seven (7) white file boxes, each
5269 containing approximately 3,000-5,000 sheets of paper and involving
5270 three projects that spanned four (4) boxes for which the Plaintiff had
5271 been contracted for by the U.S. Government on a matter of national
5272 security involving technical counterintelligence. The three (3)
5273 additional boxes contained notes, transcripts, receipts, records, discs

5274 and data files in regards to a matter of counter-terrorism for which the
5275 Plaintiff was a government contractor from 1998 until 2004.

5276

5277 390. On two occasions in August 2009, and one occasion in
5278 September 2009, agents of the U.S. Government visited the Plaintiff
5279 at his office and ask to review materials contained in these files, and
5280 were particularly interested in the location where these paper and
5281 computer files were normally maintained.

5282

5283 391. On or about October 6, 2009 during a meeting in which these
5284 files and computer servers were discussed, the Plaintiff detected,
5285 located, and identified an illicit eavesdropping device that was being
5286 operated and in the immediate control of the agents, and the Plaintiff
5287 called an immediate halt to the meeting. This illicit eavesdropping
5288 was violation or, and a deprivation of Plaintiff's civil rights.

5289

5290 392. During a follow-on meeting (to discuss a contract for a project
5291 from earlier in the year), in Mid November 2009 another
5292 eavesdropping device was detected, and located as being operated by
5293 the meeting attendees from the U.S. Government and identified by the

5294 Plaintiff and the meeting again terminated by the Plaintiff. This illicit
5295 eavesdropping was violation or, and a deprivation of Plaintiff's civil
5296 rights.

5297

5298 393. Further, during the Mid November 2009 meeting the Plaintiff
5299 was again asked about the server on which the RAPHAEL database
5300 was maintained, and where other files of interest to the said agency in
5301 question were kept. These agents of the government ask to see the
5302 physical server in person (the server which was removed by the FBI,
5303 and which still remain unaccounted for).

5304

5305 394. After the two searches executed by the Rockport Police
5306 Department and others (one with no search warrant, the second with
5307 an unlawfully obtained search warrant) on different dates in
5308 December 2009, these seven (7) white boxes, nineteen (19) black
5309 binders, and plastic tubes of hundreds of additional DVD discs were
5310 noted by the Plaintiff to be missing, along with the previously
5311 described computer that was being used as the server for the database
5312 files. These seven (7) white boxes, nineteen (19) black binders of
5313 DVD's, and the tubes of hundreds of discs have not yet been

5314 accounted for and are presumed to be in the possession of the U.S.
5315 Government, and that the contents of the computer and discs have
5316 been provided to a government contractor for integration into a
5317 product in order to deprive the Plaintiff of his intellectual property and
5318 trade secrets. One of the workstations that was separate from the
5319 server, was taken (and reflected in the seizure inventory) during the
5320 execution of the search warrant was eventually returned, but was
5321 missing a hard drive from one bay (which contained only C++ source
5322 code files), and the second hard drive (containing a huge database)
5323 was partially erased and the drive unbootable, along with the
5324 motherboard being damaged.

5325
5326 395. These discs and files were last seen by the Plaintiff on
5327 November 15, 2009, when he performed a routine bi-weekly file back
5328 up and deposited discs into his archive, and reloaded fresh, blank
5329 discs into the drives.

5330
5331 396. The business records, and records on these computers are
5332 highly proprietary trade secrets and valued well in excess of eight (8)
5333 million dollars.

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397. The Rockport Police and others then notified at least three different defendant colleges that the Plaintiff was actively attending as a student on either a full time or part time basis, and did conspire with others to get the Plaintiff's enrollment suspended at three the schools (based merely on being charged, not upon an actual finding of guilt), and to deny the Plaintiff any process to appeal this suspension in a timely manner in order to violate the Plaintiff's civil rights under the color of authority. This was a violation of the civil right of the Plaintiff, and was an action that shocked the conscience.

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398. These three schools then punitively suspended the Plaintiff without any due process, seized and refused him access to his property and possessions that was on school property, refused to allow Plaintiff to return to school, refused him access to complete the semester, refused to allow him to complete exams and laboratory work as required by professors, or to come on school property or to complete the semester. This restraint on the Plaintiff freedom forms an unlawful arrest, an unlawful detention, a deprivation of due process, the

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5353 imposing of cruel and unusual punishment, and a deprivation of the
5354 civil rights of the Plaintiff, by agents acting under cover of law.

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5356 399. Defendant Salem State College awarded to all grades of a F for
5357 the entire semester, in order to punish the Plaintiff, even though all
5358 work handed in for the courses being taken by the Plaintiff was at the
5359 A or A+ level. The value of the suspension from Salem State College
5360 is valued at least thirty million dollars of future earnings, in addition
5361 to the approximately \$4,000 which a student has previously paid for
5362 fees, book, supplies, and time (valued at \$30,000) the student took
5363 away from work to attend courses). Defendant utilized means of wire
5364 communication, used the mail, engaged in conspiracy, engaged in a
5365 scheme to defraud, and committed other predicate acts of a ongoing
5366 criminal enterprise in violation of U.S. RICO Statutes, and deprived
5367 the Plaintiff of his civil rights under the color of authority, and
5368 engaged in actions that shocks the conscience.

5369

5370 400. Defendant North Shore Community College awarded low
5371 grades of a for the entire semester, in order to punish the Plaintiff,
5372 even though all work handed in for the courses being taken by the

5373 Plaintiff outstanding. In the case of one class the professor was
5374 allowed to post a fair grade, but all other professors were forced to
5375 post poor grades. The value of the suspension from North Shore
5376 Community College is valued at least ten million dollars of future
5377 earnings, in addition to the approximately \$8,000 which a student has
5378 previously paid for fees, book, supplies, and time (valued at \$422,500)
5379 the student took away from work to attend courses). Defendant
5380 utilized means of wire communication, used the mail, engaged in
5381 conspiracy, engaged in a scheme to defraud, and committed other
5382 predicate acts of a ongoing criminal enterprise in violation of U.S.
5383 RICO Statutes, and deprived the Plaintiff of his civil rights under the
5384 color of authority, and engaged in actions that shocks the conscience.

5385

5386 401. Defendant Montserrat further refused to issue grades for one
5387 class (the professor stated that the Plaintiff had earned an A), and for
5388 another class issued a D- as a grade when in fact the Plaintiff had
5389 earned a B-. The value of the suspension from Montserrat College of
5390 Art is valued at least five million dollars of future earnings, in
5391 addition to the approximately \$12,000 which a student has previously
5392 paid for fees, book, supplies, and time (valued at \$325,000) the

5393 student took away from work to attend courses). Defendant utilized
5394 means of wire communication, used the mail, engaged in conspiracy,
5395 engaged in a scheme to defraud, and committed other predicate acts of
5396 a ongoing criminal enterprise in violation of U.S. RICO Statutes, and
5397 deprived the Plaintiff of his civil rights under the color of authority,
5398 and engaged in actions that shocks the conscience.

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5400 402. The Rockport police and the various schools deprived Plaintiff
5401 of his civil rights for political and monetary gain.

5402

5403 403. The Police and other Defendants conspired with OEMS (the
5404 State agency which licenses to EMTs), well before November 12,
5405 2009, who then illegally suspended the Plaintiff's EMT license (which
5406 the Plaintiff held as a volunteer EMT in his community), and refused
5407 to provide due process, and refused to afford Plaintiff his civil rights.
5408 The Rockport Police, the Rockport Ambulance Department, the Town
5409 of Rockport, and OEMS deprived Plaintiff of his civil rights for
5410 political and monetary gain. The value of the suspension from EMT
5411 license is valued at least nine million dollars of future earnings, in
5412 addition to the approximately \$30,000 which a student has previously

5413 paid for fees, book, supplies, and time (valued at \$157,500) the
5414 student took away from work to attend EFR, EMT, and related
5415 courses).

5416

5417 404. The police have continued to interfere in the business of the
5418 Plaintiff, have continued interfere with shipments, and have continued
5419 to harass Plaintiff by filing, or threatening to file additional malicious
5420 charges. The value of this interference of the Plaintiff business is in
5421 excess of \$6,000,000 dating from October 2009 to the June 2011, and
5422 continued to additional damages over time.

5423

5424 405. Even after the passage of 18 months, the Plaintiff still has not
5425 been allowed to have a Probable Cause Hearing, or to have a Grand
5426 Jury examine evidence. In fact, just before one Probable Cause
5427 hearing on May 20, 2011, where the Plaintiff issued Subpoenas to
5428 numerous witnesses at great expense (to the police, who refused to
5429 obey said legally issued Subpoena), the government then, at the last
5430 minute rescheduled the hearing by one week, thus rendering the
5431 Subpoenas and the witness appearance of no value. The extensive, and
5432 repeated delays by the Commonwealth in this matter infringes on the

5433 Plaintiff right to a speedy trial, and denies the Plaintiff to present
5434 evidence and witnesses at a hearing, and is a deprivation of civil rights
5435 both by virtue of the speedy trial issues, and also the issue of
5436 malicious prosecution.

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CAUSES OF ACTION

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**COUNT ONE - THE SECOND AMENDMENT INVALIDATES
VARIOUS MASSACHUSETTS GENERAL LAWS, SCHEMES,
STATUTES, AND REGULATIONS TO THE EXTENT THEY
PREVENT QUALIFIED PRIVATE CITIZENS FROM KEEPING
AND/OR CARRYING AND/OR BEARING ARMS FOR SELF-
DEFENSE**

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

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407. The Second Amendment “guarantee[s] the individual right to
possess and carry weapons in case of confrontation.” District of
Columbia v. Heller, 554 U.S. 570, 592 (2008).

5455 408. The aforementioned and following Massachusetts General
5456 Laws, Statutes, and Regulation are invalid as applied to prohibit a
5457 private citizen who is otherwise eligible to possessing arms, firearms
5458 or from carrying a loaded and operable firearm, or other arms for the
5459 purpose of self-defense.

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5461 409. The invalidities of the aforesaid and following statute and
5462 regulations, and Defendants' application of same, infringe Plaintiff's
5463 Second and Fourteenth Amendments right and damage Plaintiff's in
5464 violation of 42 U.S.C. § 1983. These statutes further violate the
5465 Plaintiff's Due Process, and/or the Privileges and Immunities
5466 guaranteed under the Fourteenth Amendment to the Plaintiff as a U.S.
5467 Citizen.

5468
5469 410. Plaintiff Atkinson, calls into question the constitutionality of
5470 the following Massachusetts General Laws, Statutes, Regulations,
5471 Policies, Codes, and Procedures, and asserts that both each is
5472 individually, and as a whole body of statues are in fact unlawful, that
5473 all are individually, and together a violation of Federal law and the
5474 Constitution of the United States, a violation of the Amendments to

5475 the Constitution to include the Bill of Rights and the Subsequent
5476 Amendments, 42 U.S.C. § 1983, including but not limited to the
5477 Constitution of the United States, Article IV, Section 2, and other civil
5478 rights laws, and that they represent a serious and very grave and direct
5479 infringement upon the civil rights of the Plaintiff Atkinson, and also
5480 an infringement upon the civil rights upon all citizens of the
5481 Commonwealth of Massachusetts, and an infringement of the civil
5482 rights all Citizens of the United States of America who may travel to,
5483 from, or through the Commonwealth of Massachusetts.

5484

5485 411. Plaintiff Atkinson, asserts that based on the decisions published
5486 by Supreme Court of the United States in *McDonald v. Chicago*, 561
5487 U.S. ___, 130 S.Ct. 3020 (2010), and also in *District of Columbia v.*
5488 *Heller*, 554 U.S. 570 (2008), that most, if not all of the Massachusetts
5489 Firearms statutes, regulations, and policies are fundamentally flawed,
5490 a violation of Federal Law, a violation of the most basic of American
5491 civil rights, an affront to justice and due process, a corruption of
5492 government, and a grave danger to the security of a free State, of
5493 country, and Constitution of the United States by a domestic enemy
5494 and tyrant. That most of the Commonwealth of Massachusetts “Gun

5495 Control Laws” and related statues are so fundamentally flawed, vague,
5496 perverted, discriminatory, arbitrary, biased, self serving, and
5497 unlawfully imposed or enforced that it utterly shocks the conscience.

5498

5499 412. Plaintiff Atkinson, further asserts the Commonwealth of
5500 Massachusetts Laws, Statutes, and Regulations listed below are in
5501 violation of an infringement upon and deprivation of the guarantees,
5502 privileges, and immunities of Massachusetts Constitution Part The
5503 First, Article XVII; the U.S. Constitution as a whole; Constitution of
5504 the United States, Article IV, Section 2; the U.S. Constitution,
5505 Amendment II (also known as the Second Amendment); and the U.S.
5506 Constitution, Amendment IX (also known as the Ninth Amendment);
5507 and the U.S. Constitution, Amendment XIV (also known as the
5508 Fourteenth Amendment); the Ku Klux Klan Act (or the Civil Rights
5509 Act of 1871); The Freedmen's Bureau Act, March 3, 1865; 42 U.S.C.
5510 § 1983 (also called "section 1983"); including but not limited to the
5511 Constitution of the United States, Article IV, Section 2; English Act
5512 of Settlement in 1701; English Bill of Rights of 1689; Charter of
5513 Virginia of 1606; Petition of Right, a parliamentary declaration in
5514 1628 of the liberties of the people, assented to by King Charles I;

5515 Edward I's Statute of Winchester of 1285; *Confirmatio Cartarum*
5516 (Confirmation of Charters) of 1253 (and Subsequent corroborating
5517 statutes, from King Edward I to King Henry IV); Concessions made
5518 by King Charles I to his parliament; Confirmation by King Henry III
5519 to Parliament in 1216, 1217, and 1225; the English Magna Carta of
5520 1215 (and articles thereto); The Assize of Arms of 1181; Charter of
5521 Liberties of 1100, also called the Coronation Charter, of Henry I of
5522 England; and other relevant laws.

5523

5524 413. In 1646, the General Court of Massachusetts referred to the
5525 Fundamental Laws of England in regards to the Magna Carta of 1215,
5526 while defending their representative and legislative autonomy in their
5527 address to the Long Parliament.

5528

5529 414. Plaintiff asserts that the 2nd Amendment of the U.S.
5530 Constitution, merely memorialized and codified a pre-existing right of
5531 all citizen to be able to keep and beam arms of their choosing.

5532

5533 415. In the famous *Slaughter-House Cases*, 83 U.S. 36, 114–115
5534 (1873), Justice Bradley dissented (his opinion became law) with a

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rationale based on his assumption that the "rights of Englishmen" were a foundation of American law:

“In this free country, the people of which inherited certain traditionary rights and privileges from their ancestors, citizenship means something. It has certain privileges and immunities attached to it which the government, whether restricted by express or implied limitations, cannot take away or impair ... and these privileges and immunities attach as well to citizenship of the United States as to citizenship of the States.”

“The people of this country brought with them to its shores the rights of Englishmen, the rights which had been wrested from English sovereigns at various periods of the nation's history. One of these fundamental rights was expressed in these words, found in Magna Charta:”

“No freeman shall be taken or imprisoned, or be disseized of his freehold or liberties or free customs, or be outlawed or exiled, or any otherwise destroyed; nor will we pass upon him or condemn him but by lawful judgment of his peers or by the law of the land.”

“English constitutional writers expound this article as rendering life, liberty, and property inviolable except by due process of law. This is the very right which the plaintiffs in error claim in this case. Another of these rights was that of habeas corpus, or the right of having any invasion of personal liberty judicially examined into, at once, by a competent judicial magistrate. Blackstone classifies these fundamental rights under three heads, as the absolute rights of individuals, to-wit: the right of personal security, the right of personal liberty, and the right of private property.”

“The privileges and immunities of Englishmen were established and secured by long usage and by various acts of Parliament.... England has no written constitution, it is true, but it has an unwritten one, resting in the acknowledged, and frequently declared, privileges of Parliament and the people, to violate which in any material respect would produce a revolution in an hour. A

5573 violation of one of the fundamental principles of that constitution
5574 in the Colonies, namely, the principle that recognizes the property
5575 of the people as their own, and which, therefore, regards all taxes
5576 for the support of government as gifts of the people through their
5577 representatives, and regards taxation without representation as
5578 subversive of free government, was the origin of our own
5579 revolution.”

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5581 “This, it is true, was the violation of a political right, but personal
5582 rights were deemed equally sacred, and were claimed by the very
5583 first Congress of the Colonies, assembled in 1774, as the
5584 undoubted inheritance of the people of this country.”
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5586 416. Supreme Court Justice Thomas, in *McDonald* affirms this
5587 assertion of the Plaintiff a 18, where he lists that the fundamental right
5588 of all U.S. Citizens is the freedom to worship, to a free press, and to
5589 arms for their own defense:

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5591 “In keeping with this practice, the First Continental Congress
5592 declared in 1774 that the King had wrongfully denied the
5593 colonists “the rights, liberties, and immunities of free and
5594 natural-born subjects . . . within the realm of England.” 1
5595 Journals of the Continental Congress 1774–1789, p. 68 (1904).
5596 In an address delivered to the inhabitants of Quebec that same
5597 year, the Congress described those rights as including the “great”
5598 “right[s]” of “trial by jury,” “Habeas Corpus,” and “**freedom of**
5599 **the press**.” Address of the Continental Congress to the
5600 Inhabitants of Quebec (1774), reprinted in 1 Schwartz 221–223.
5601 “

5602
5603 “After declaring their independence, the newly formed States
5604 replaced their colonial charters with constitutions and state bills
5605 of rights, almost all of which guaranteed the same fundamental
5606 rights that the former colonists previously had claimed by virtue
5607 of their English heritage. “

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“See, e.g., Pa. Declaration of Rights (1776), reprinted in 5 Thorpe 3081–3084 (declaring that “all men are born equally free and independent, and have certain natural, inherent and inalienable rights,” including the “right to **worship** Almighty God according to the dictates of their own consciences” and the “**right to bear arms for the defence of themselves** and the state”).”

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417. Justice Thomas in *McDonald* further writes at 28:

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“In debating the Fourteenth Amendment, the 39th Congress referred to the right to keep and bear arms as a fundamental right deserving of protection. Senator Samuel Pomeroy described three “indispensable” “safeguards of liberty under our form of Government.” 39th Cong. Globe 1182. One of these, he said, was the right to keep and bear arms:

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“Every man . . . should have the right to bear arms for the defense of himself and family and his homestead. And if the cabin door of the freedman is broken open and the intruder enters for purposes as vile as were known to slavery, then should a well-loaded musket be in the hand of the occupant to send the polluted wretch to another world, where his wretchedness will forever remain complete.” Ibid

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

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“...we stressed that the right was also valued because the possession of firearms was thought to be essential for self-defense. As we put it, self-defense was “the *central component* of the right itself.”

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419. Plaintiff Atkinson, asserts that under the Fourteenth

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Amendment, that no State (including the Commonwealth of

5642 Massachusetts) may make **any law** to the “abridge the privileges and
5643 immunities of citizens,” and the rulings by the U.S. Supreme Court in
5644 *Heller* (2008) and in *McDonald* (2010) make it clear that the 2nd
5645 Amendment fully applies to the States, and that in turn no State may
5646 make, pass, or enforce any law which infringes upon the 2nd
5647 Amendment with regards to the keeping and, or of bearing arms.

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5649 420. Further, because of these rulings by the U.S. Supreme court; the
5650 laws of the Commonwealth of Massachusetts in regards to both the
5651 keeping of arms, and the bearing of arms is thus unconstitutional, null
5652 and void, an infringement and deprivation of civil rights of not only
5653 the Plaintiff, but also upon all of the citizens of the Commonwealth of
5654 Massachusetts.

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5656 421. There is a paucity of opinions available in the 1st Circuit Court
5657 or even in the other Circuit courts specific to this matter, and thus we
5658 must turn our attentions solely to the cases recently decided by the
5659 U.S. Supreme Court.

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5661 422. While the records of the Appeals courts are resplendent with
5662 cases involving felons unlawfully in possession of arm, the
5663 aforementioned paucity of relevant opinions on the Circuit court level
5664 require the higher and sole authority on this matter, that being the U.S.
5665 Supreme Court.

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5667 423. The statutes listed in Count One, and in all additional Counts
5668 are in violation of the 2nd and 14th Amendment, and also *District of*
5669 *Columbia v. Heller*, 554 U.S. 570, 592 (2008), and *McDonald v.*
5670 *Chicago*, 561 U.S. ___, 130 S. Ct. 3020, 3026 (2010),
5671 *Commonwealth v. Blanding*, 20 Mass. (3 Pick.) 304, 313-14 (1825),
5672 *Thomas v. Chi. Park Dist.*, 534 U.S. 316, 320 (2002), *Snyder v.*
5673 *Massachusetts*, 291 U. S. 97, 105 (1934), *Valdivieso Ortiz v. Burgos*,
5674 807 F. 2d 6, 8 (1st Cir. 1986); see also *Kuck v. Danaher*, 600 F. 3d
5675 159, 165 (2d Cir. 2010)

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5677 **COUNT TWO - THE SECOND AMENDMENT INVALIDATES**
5678 **M.G.L. c. 140, § 121 TO THE EXTENT IT PREVENTS**
5679 **QUALIFIED PRIVATE CITIZENS FROM KEEPING AND/OR**
5680 **CARRYING AND/OR BEARING ARMS FOR SELF-DEFENSE**
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5682 424. **M.G.L. c. 140, § 121** is unconstitutional in that it is deliberately

5683 vague, overly broad and ambiguous, violates the 2nd and 14th
5684 Amendments to the Constitution of the United States, in regards to
5685 firearms, pistols, revolvers, rifles, shotguns, machine guns, other arms
5686 and weapons, ammunition, chemical weapons, feeding devices,
5687 firearms licenses and the rights of Massachusetts citizens to keep and
5688 bear arms, and thus is an infringement of civil rights. The allegations
5689 contained in paragraphs 1 though the current paragraph, are re-alleged
5690 and incorporated into this count as though fully set forth herein. The
5691 aforementioned and following Massachusetts General Laws, Statutes,
5692 and Regulation are invalid as applied to prohibit a private citizen who
5693 is otherwise eligible to possessing arms, firearms or from carrying a
5694 loaded and operable firearm, or other arms for the purpose of self-
5695 defense. The invalidities of the aforesaid and following statute and
5696 regulations, and Defendants' application of same, infringe Plaintiff's
5697 Second and Fourteenth Amendments right and damage Plaintiff's in
5698 violation of 42 U.S.C. § 1983. This statute infringes the 2nd
5699 Amendment right to keep and bear arms, and the 14th Amendment
5700 privileges and immunities of U.S. citizenship, the "Equal Protections
5701 Clause" of the 14th Amendment, including but not limited to the
5702 Constitution of the United States, Article IV, Section 2, and is thus

5703 unlawful prior restraint, as well as a deprivation of the civil rights of
5704 the Plaintiff Atkinson. This violates the cruel and unusual
5705 punishments clause of the Eighth Amendment, made applicable to the
5706 states though the Fourteenth Amendment to the Unites States
5707 Constitution. This statute as a whole, and also in sections or parts is
5708 unconstitutional, an infringement, and a deprivation of civil rights of
5709 Plaintiff Atkinson.

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5711 **COUNT THREE - THE SECOND AMENDMENT INVALIDATES**
5712 **M.G.L. c. 140, § 121 TO THE EXTENT IT PREVENTS**
5713 **QUALIFIED PRIVATE CITIZENS FROM KEEPING AND/OR**
5714 **CARRYING AND/OR BEARING ARMS FOR SELF-DEFENSE**
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5716 425. **M.G.L. c. 140, § 121** definition of “Assault Weapons” is
5717 unconstitutional in that it relies upon a now repealed federal statute
5718 (18 USC 921, Repealed. Pub. L. 103-322, title XI, Sec. 110105(2),
5719 Sept. 13, 1994, 108 Stat. 2000.) is deliberately vague, overly broad
5720 and ambiguous, violates the 2nd and 14th Amendments to the
5721 Constitution of the United States, in regards to so called “Assault
5722 Weapons,” firearms, pistols, revolvers, rifles, shotguns, machine guns,
5723 other arms and weapons, ammunition, chemical weapons, feeding
5724 devices, firearms licenses and the rights of Massachusetts citizens to

5725 keep and bear arms, and thus is an infringement of civil rights. The
5726 allegations contained in paragraphs 1 though the current paragraph,
5727 are re-alleged and incorporated into this count as though fully set forth
5728 herein. The aforementioned and following Massachusetts General
5729 Laws, Statutes, and Regulation are invalid as applied to prohibit a
5730 private citizen who is otherwise eligible to possessing arms, firearms
5731 or from carrying a loaded and operable firearm, or other arms for the
5732 purpose of self-defense. The invalidities of the aforesaid and
5733 following statute and regulations, and Defendants' application of
5734 same, infringe Plaintiff's Second and Fourteenth Amendments right
5735 and damage Plaintiff's in violation of 42 U.S.C. § 1983. This statute
5736 infringes the 2nd Amendment right to keep and bear arms, and the 14th
5737 Amendment privileges and immunities of U.S. citizenship, the "Equal
5738 Protections Clause" of the 14th Amendment, including but not limited
5739 to the Constitution of the United States, Article IV, Section 2, and is
5740 thus unlawful prior restraint, as well as a deprivation of the civil rights
5741 of the Plaintiff Atkinson. This violates the cruel and unusual
5742 punishments clause of the Eighth Amendment, made applicable to the
5743 states though the Fourteenth Amendment to the Unites States
5744 Constitution. This statute as a whole, and also in sections or parts is

5745 unconstitutional, an infringement, and a deprivation of civil rights of
5746 Plaintiff Atkinson.

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5748 **COUNT FOUR - THE SECOND AMENDMENT INVALIDATES**
5749 **M.G.L. c. 140, § 121 TO THE EXTENT IT PREVENTS**
5750 **QUALIFIED PRIVATE CITIZENS FROM KEEPING AND/OR**
5751 **CARRYING AND/OR BEARING ARMS FOR SELF-DEFENSE**
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5753 426. **M.G.L. c. 140, § 121** definition of “Large Capacity Feeding
5754 Device” is unconstitutional in that it relies upon a now repealed
5755 federal statute (18 USC 921, Repealed. Pub. L. 103-322, title XI, Sec.
5756 110105(2), Sept. 13, 1994, 108 Stat. 2000.) is deliberately vague,
5757 overly broad and ambiguous, violates the 2nd and 14th Amendments to
5758 the Constitution of the United States, in regards to so called “Assault
5759 Weapons,” firearms, pistols, revolvers, rifles, shotguns, machine guns,
5760 other arms and weapons, ammunition, chemical weapons, feeding
5761 devices, firearms licenses and the rights of Massachusetts citizens to
5762 keep and bear arms, and thus is an infringement of civil rights. The
5763 allegations contained in paragraphs 1 through the current paragraph,
5764 are re-alleged and incorporated into this count as though fully set forth
5765 herein. The aforementioned and following Massachusetts General
5766 Laws, Statutes, and Regulation are invalid as applied to prohibit a

5767 private citizen who is otherwise eligible to possessing arms, firearms
5768 or from carrying a loaded and operable firearm, or other arms for the
5769 purpose of self-defense. The invalidities of the aforesaid and
5770 following statute and regulations, and Defendants’ application of
5771 same, infringe Plaintiff’s Second and Fourteenth Amendments right
5772 and damage Plaintiff’s in violation of 42 U.S.C. § 1983. This statute
5773 infringes the 2nd Amendment right to keep and bear arms, and the 14th
5774 Amendment privileges and immunities of U.S. citizenship, the “Equal
5775 Protections Clause” of the 14th Amendment, including but not limited
5776 to the Constitution of the United States, Article IV, Section 2, and is
5777 thus unlawful prior restraint, as well as a deprivation of the civil rights
5778 of the Plaintiff Atkinson. This violates the cruel and unusual
5779 punishments clause of the Eighth Amendment, made applicable to the
5780 states though the Fourteenth Amendment to the Unites States
5781 Constitution. This statute as a whole, and also in sections or parts is
5782 unconstitutional, an infringement, and a deprivation of civil rights of
5783 Plaintiff Atkinson.

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5785 **COUNT FIVE - THE SECOND AMENDMENT INVALIDATES**
5786 **M.G.L. c. 140, § 121 TO THE EXTENT IT PREVENTS**
5787 **QUALIFIED PRIVATE CITIZENS FROM KEEPING AND/OR**
5788 **CARRYING AND/OR BEARING ARMS FOR SELF-DEFENSE**

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427. **M.G.L. c. 140, § 121** is unconstitutional in regards to “licensing authority” is deliberately vague, overly broad and ambiguous, violates the 2nd and 14th 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 through 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. Federal law as interpreted by 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.*

5809 *Heller*, 554 U.S. 570 (2008) emphatically deny and refute any and all
5810 such state schemes or mechanism, fraud, or infringements. The
5811 Supreme Court of the United States has further ruled in these cases
5812 that the only citizens who may be disqualified from keeping,
5813 possessing, or bearing are those who are convicted felons, or those
5814 citizens who have not be adjudicate as mentally defective, and
5815 confined to a mental hospital. Thus, the only “licensing authority” is
5816 outside of state or local control, and any claim to the contrary is an
5817 utter farce, and an affront to our basic and essential civil rights. This
5818 statute infringes the 2nd Amendment right to keep and bear arms, and
5819 the 14th Amendment privileges and immunities of U.S. citizenship, the
5820 “Equal Protections Clause” of the 14th Amendment, including but not
5821 limited to the Constitution of the United States, Article IV, Section 2,
5822 and is thus unlawful prior restraint, as well as a deprivation of the civil
5823 rights of the Plaintiff Atkinson. This violates the cruel and unusual
5824 punishments clause of the Eighth Amendment, made applicable to the
5825 states though the Fourteenth Amendment to the Unites States
5826 Constitution. This statute as a whole, and also in sections or parts is
5827 unconstitutional, an infringement, and a deprivation of civil rights of
5828 Plaintiff Atkinson.

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**COUNT SIX - 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**

428. **M.G.L. c. 140, § 121** definition of “Weapon” is unconstitutional in that it fails to list common and generally recognized weapons such as edged weapons, impact weapons, or other timely arms or means to defend oneself including improvised weapons, the shod foot, pointed sticks, bayonets, blackjacks, batons, come-alones, staffs, handfuls of keys, knitting needles, box cutters, scissors, shoes, ice axes, ice picks, meat cleavers, sabers, swords, fencing foils, baseball bats, cricket bats, dumbbells, hand weights, golf clubs, hockey sticks, pool cues, ski poles, utility knives, disposable razors, razor cartridges, axes, hatchets, crowbars, hammers, drills, drill bits, crochet hooks, power drills or saws, screwdrivers, wrenches, pliers, pressure washers, billy clubs, black jacks, brass knuckles, kubatons, gasoline, butane, propane, matches, torches, cigarette lighters, cuts of hot coffee, turpentine, chlorine, gas cartridges, bleach, battery acid, paint, hair spray, gell shoe inserts, snow globes, candles, keys, and other common tools or customary or historical weapons and arms of self defense (as defined

5851 by Federal regulations). The definition as listed is deliberately vague,
5852 overly broad and ambiguous, violates the 2nd and 14th Amendments to
5853 the Constitution of the United States in regards to firearms, pistols,
5854 revolvers, rifles, shotguns, machine guns, other arms and weapons,
5855 ammunition, chemical weapons, feeding devices, firearms licenses
5856 and the rights of Massachusetts citizens to keep and bear arms, and
5857 thus is an infringement of civil rights. The allegations contained in
5858 paragraphs 1 though the current paragraph, are re-alleged and
5859 incorporated into this count as though fully set forth herein. The
5860 aforementioned and following Massachusetts General Laws, Statutes,
5861 and Regulation are invalid as applied to prohibit a private citizen who
5862 is otherwise eligible to possessing arms, firearms or from carrying a
5863 loaded and operable firearm, or other arms for the purpose of self-
5864 defense. The invalidities of the aforesaid and following statute and
5865 regulations, and Defendants' application of same, infringe Plaintiff's
5866 Second and Fourteenth Amendments right and damage Plaintiff's in
5867 violation of 42 U.S.C. § 1983. This statute infringes the 2nd
5868 Amendment right to keep and bear arms, and the 14th Amendment
5869 privileges and immunities of U.S. citizenship, the "Equal Protections
5870 Clause" of the 14th Amendment, including but not limited to the

5871 Constitution of the United States, Article IV, Section 2, and is thus
5872 unlawful prior restraint, as well as a deprivation of the civil rights of
5873 the Plaintiff Atkinson. This violates the cruel and unusual
5874 punishments clause of the Eighth Amendment, made applicable to the
5875 states though the Fourteenth Amendment to the Unites States
5876 Constitution. This statute as a whole, and also in sections or parts is
5877 unconstitutional, an infringement, and a deprivation of civil rights of
5878 Plaintiff Atkinson.

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5880 **COUNT SEVEN - THE SECOND AMENDMENT INVALIDATES**
5881 **M.G.L. c. 140, § 121 TO THE EXTENT IT PREVENTS QUALIFIED**
5882 **PRIVATE CITIZENS FROM KEEPING AND/OR CARRYING**
5883 **AND/OR BEARING ARMS FOR SELF-DEFENSE**
5884

5885 429. **M.G.L. c. 140, § 121** definition of “Large Capacity Weapon” is
5886 unconstitutional in that it relies upon a now repealed federal statute
5887 (18 USC 921, Repealed. Pub. L. 103-322, title XI, Sec. 110105(2),
5888 Sept. 13, 1994, 108 Stat. 2000.]) is deliberately vague, overly broad
5889 and ambiguous, violates the 2nd and 14th Amendments to the
5890 Constitution of the United States, in regards to so called “Assault
5891 Weapons,” firearms, pistols, revolvers, rifles, shotguns, machine guns,
5892 other arms and weapons, ammunition, chemical weapons, feeding

5893 devices, firearms licenses and the rights of Massachusetts citizens to
5894 keep and bear arms, and thus is an infringement of civil rights. The
5895 allegations contained in paragraphs 1 through the current paragraph,
5896 are re-alleged and incorporated into this count as though fully set forth
5897 herein. The aforementioned and following Massachusetts General
5898 Laws, Statutes, and Regulation are invalid as applied to prohibit a
5899 private citizen who is otherwise eligible to possessing arms, firearms
5900 or from carrying a loaded and operable firearm, or other arms for the
5901 purpose of self-defense. The invalidities of the aforesaid and
5902 following statute and regulations, and Defendants' application of
5903 same, infringe Plaintiff's Second and Fourteenth Amendments right
5904 and damage Plaintiff's in violation of 42 U.S.C. § 1983. This statute
5905 infringes the 2nd Amendment right to keep and bear arms, and the 14th
5906 Amendment privileges and immunities of U.S. citizenship, the "Equal
5907 Protections Clause" of the 14th Amendment, including but not limited
5908 to the Constitution of the United States, Article IV, Section 2, and is
5909 thus unlawful prior restraint, as well as a deprivation of the civil rights
5910 of the Plaintiff Atkinson. This violates the cruel and unusual
5911 punishments clause of the Eighth Amendment, made applicable to the
5912 states through the Fourteenth Amendment to the United States

5913 Constitution. This statute as a whole, and also in sections or parts is
5914 unconstitutional, an infringement, and a deprivation of civil rights of
5915 Plaintiff Atkinson.

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5917 430. **M.G.L. c. 140, § 121** is unconstitutional as it sets an arbitrary
5918 manufacture date of 1899 for firearms, rifles, and shotguns, which are
5919 equally, if not vastly more dangerous and/or more unstable and
5920 dangerous to the user than modern firearms, and is deliberately vague,
5921 overly broad and ambiguous, violates the 2nd and 14th Amendments to
5922 the Constitution of the United States, in regards to so called “Assault
5923 Weapons,” firearms, pistols, revolvers, rifles, shotguns, machine guns,
5924 other arms and weapons, ammunition, chemical weapons, feeding
5925 devices, firearms licenses and the rights of Massachusetts citizens to
5926 keep and bear arms, and thus is an infringement of civil rights. This
5927 statute infringes the 2nd Amendment right to keep and bear arms, and
5928 the 14th Amendment privileges and immunities of U.S. citizenship, the
5929 “Equal Protections Clause” of the 14th Amendment, including but not
5930 limited to the Constitution of the United States, Article IV, Section 2,
5931 and is thus unlawful prior restraint, as well as a deprivation of the civil
5932 rights of the Plaintiff Atkinson. This violates the cruel and unusual

5933 punishments clause of the Eighth Amendment, made applicable to the
5934 states though the Fourteenth Amendment to the Unites States
5935 Constitution. This statute as a whole, and also in sections or parts is
5936 unconstitutional, an infringement, and a deprivation of civil rights of
5937 Plaintiff Atkinson.

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5939 **COUNT EIGHT - THE SECOND AMENDMENT INVALIDATES**
5940 **M.G.L. c. 140, § 123 TO THE EXTENT IT PREVENTS**
5941 **QUALIFIED PRIVATE CITIZENS FROM KEEPING AND/OR**
5942 **CARRYING AND/OR BEARING ARMS FOR SELF-DEFENSE**
5943

5944 431. **M.G.L. c. 140, § 123** is unconstitutional as Federal law as
5945 interpreted by the Supreme Court of the United States in *McDonald v.*
5946 *Chicago*, 561 U.S. ___, 130 S.Ct. 3020 (2010), and also in *District of*
5947 *Columbia v. Heller*, 554 U.S. 570 (2008) forbids any form of
5948 “Firearms Identification Card” under whatever scheme, scam, ruse, or
5949 fraud under which the Commonwealth may try to conceal the keeping
5950 and possession of any pistol, revolver, rifle, shotgun, machine gun,
5951 assault weapon, edged weapon, impact weapons, broken beer bottle,
5952 or pointed stick or any arms of ones own choosing inside a citizens
5953 own home or upon the property of a citizen. The allegations contained
5954 in paragraphs 1 though the current paragraph, are re-alleged and

5955 incorporated into this count as though fully set forth herein. The
5956 aforementioned and following Massachusetts General Laws, Statutes,
5957 and Regulation are invalid as applied to prohibit a private citizen who
5958 is otherwise eligible to possessing arms, firearms or from carrying a
5959 loaded and operable firearm, or other arms for the purpose of self-
5960 defense. The invalidities of the aforesaid and following statute and
5961 regulations, and Defendants’ application of same, infringe Plaintiff’s
5962 Second and Fourteenth Amendments right and damage Plaintiff’s in
5963 violation of 42 U.S.C. § 1983. The requirement to be in possession of
5964 any kind of state issued identification card, or license to possess
5965 “Arms” is deliberately vague, overly broad and ambiguous, violates
5966 the 2nd and 14th Amendments to the Constitution of the United States.
5967 It in turn feeds and enables many other civil rights crimes and
5968 infringements and deprivations of the Commonwealth on the citizens
5969 of the State including infringing upon the rights of the Plaintiff. Any
5970 requirement by the Commonwealth to possess an “Firearms
5971 Identification Card” or any scheme or substitute is thus null and void,
5972 and should be stricken from all state statutes. This violates the cruel
5973 and unusual punishments clause of the Eighth Amendment, made
5974 applicable to the states though the Fourteenth Amendment to the

5975 Unites States Constitution. This statute infringes the 2nd Amendment
5976 right to keep and bear arms, and the 14th Amendment privileges and
5977 immunities of U.S. citizenship, the “Equal Protections Clause” of the
5978 14th Amendment, including but not limited to the Constitution of the
5979 United States, Article IV, Section 2, and is thus unlawful prior
5980 restraint, as well as a deprivation of the civil rights of the Plaintiff
5981 Atkinson. This statute as a whole, and also in sections or parts is
5982 unconstitutional, an infringement, and a deprivation of civil rights of
5983 Plaintiff Atkinson.

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5985 **COUNT NINE - THE SECOND AMENDMENT INVALIDATES**
5986 **M.G.L. c. 140, § 123 TO THE EXTENT IT PREVENTS**
5987 **QUALIFIED PRIVATE CITIZENS FROM KEEPING AND/OR**
5988 **CARRYING AND/OR BEARING ARMS FOR SELF-DEFENSE**
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5990 432. **M.G.L. c. 140, § 123** is unconstitutional in that it requires that
5991 dealers in firearms, pistols, revolvers, rifles, shotguns, machine guns,
5992 other arms and weapons, ammunition, chemical weapons, feeding
5993 devices act as agents of the police, and agents of the state government
5994 to unlawfully seize “Firearms Identifications Cards,” “Licenses to
5995 Carry,” “Permits to Purchase” violates the 2nd and 14th Amendments
5996 as well as the 4th and 5th Amendments to the Constitution of the

5997 United States it does not afford sufficient due process in regards to
5998 such seizures. The allegations contained in paragraphs 1 though the
5999 current paragraph, are re-alleged and incorporated into this count as
6000 though fully set forth herein. The aforementioned and following
6001 Massachusetts General Laws, Statutes, and Regulation are invalid as
6002 applied to prohibit a private citizen who is otherwise eligible to
6003 possessing arms, firearms or from carrying a loaded and operable
6004 firearm, or other arms for the purpose of self-defense. The invalidities
6005 of the aforesaid and following statute and regulations, and Defendants'
6006 application of same, infringe Plaintiff's Second and Fourteenth
6007 Amendments right and damage Plaintiff's in violation of 42 U.S.C. §
6008 1983. This statute infringes the 2nd Amendment right to keep and bear
6009 arms, and the 14th Amendment privileges and immunities of U.S.
6010 citizenship, the "Equal Protections Clause" of the 14th Amendment,
6011 including but not limited to the Constitution of the United States,
6012 Article IV, Section 2, and is thus unlawful prior restraint, as well as a
6013 deprivation of the civil rights of the Plaintiff Atkinson. This violates
6014 the cruel and unusual punishments clause of the Eighth Amendment,
6015 made applicable to the states though the Fourteenth Amendment to the
6016 Unites States Constitution. This statute as a whole, and also in

6017 sections or parts is unconstitutional, an infringement, and a
6018 deprivation of civil rights of Plaintiff Atkinson.

6019

6020 **COUNT TEN - THE SECOND AMENDMENT INVALIDATES**
6021 **M.G.L. c. 140, § 123 TO THE EXTENT IT PREVENTS**
6022 **QUALIFIED PRIVATE CITIZENS FROM KEEPING AND/OR**
6023 **CARRYING AND/OR BEARING ARMS FOR SELF-DEFENSE**
6024

6025 433. **M.G.L. c. 140, § 123** is unconstitutional in that it specifies, under
6026 Clause 14, “assault weapons or large capacity feeding device that was
6027 not otherwise lawfully possessed on September 13, 1994” and relies
6028 upon the now repealed (18 USC 921, Repealed. Pub. L. 103-322, title
6029 XI, Sec. 110105(2), Sept. 13, 1994, 108 Stat. 2000.) Federal statute.
6030 Thus, this restriction or definition violates the 2nd and 14th
6031 Amendments to the Constitution of the United States, and is a civil
6032 rights infringement. The allegations contained in paragraphs 1 through
6033 the current paragraph, are re-alleged and incorporated into this count
6034 as though fully set forth herein. The aforementioned and following
6035 Massachusetts General Laws, Statutes, and Regulation are invalid as
6036 applied to prohibit a private citizen who is otherwise eligible to
6037 possessing arms, firearms or from carrying a loaded and operable
6038 firearm, or other arms for the purpose of self-defense. The invalidities

6039 of the aforesaid and following statute and regulations, and Defendants'
6040 application of same, infringe Plaintiff's Second and Fourteenth
6041 Amendments right and damage Plaintiff's in violation of 42 U.S.C. §
6042 1983. This statute infringes the 2nd Amendment right to keep and bear
6043 arms, and the 14th Amendment privileges and immunities of U.S.
6044 citizenship, the "Equal Protections Clause" of the 14th Amendment,
6045 including but not limited to the Constitution of the United States,
6046 Article IV, Section 2, and is thus unlawful prior restraint, as well as a
6047 deprivation of the civil rights of the Plaintiff Atkinson. This violates
6048 the cruel and unusual punishments clause of the Eighth Amendment,
6049 made applicable to the states though the Fourteenth Amendment to the
6050 Unites States Constitution. This statute as a whole, and also in
6051 sections or parts is unconstitutional, an infringement, and a
6052 deprivation of civil rights of Plaintiff Atkinson.

6053

6054 **COUNT ELEVEN - THE SECOND AMENDMENT INVALIDATES**
6055 **M.G.L. c. 140, § 123 TO THE EXTENT IT PREVENTS**
6056 **QUALIFIED PRIVATE CITIZENS FROM KEEPING AND/OR**
6057 **CARRYING AND/OR BEARING ARMS FOR SELF-DEFENSE**
6058

6059 434. **M.G.L. c. 140, § 123** is unconstitutional and specifies, under
6060 Clause 14, various scheme, fantasies, or devices to render a firearm

6061 under the control of a citizen unable and inaccessible, and which
6062 forbidden the Supreme Court of the United States in *McDonald v.*
6063 *Chicago*, 561 U.S. ___, 130 S.Ct. 3020 (2010), and also in *District of*
6064 *Columbia v. Heller*, 554 U.S. 570 (2008). Thus, this restriction or
6065 definition violates the 2nd and 14th Amendments to the Constitution of
6066 the United States, and is a civil rights infringement. The allegations
6067 contained in paragraphs 1 though the current paragraph, are re-alleged
6068 and incorporated into this count as though fully set forth herein. The
6069 aforementioned and following Massachusetts General Laws, Statutes,
6070 and Regulation are invalid as applied to prohibit a private citizen who
6071 is otherwise eligible to possessing arms, firearms or from carrying a
6072 loaded and operable firearm, or other arms for the purpose of self-
6073 defense. The invalidities of the aforesaid and following statute and
6074 regulations, and Defendants' application of same, infringe Plaintiff's
6075 Second and Fourteenth Amendments right and damage Plaintiff's in
6076 violation of 42 U.S.C. § 1983. This statute infringes the 2nd
6077 Amendment right to keep and bear arms, and the 14th Amendment
6078 privileges and immunities of U.S. citizenship, the "Equal Protections
6079 Clause" of the 14th Amendment, including but not limited to the
6080 Constitution of the United States, Article IV, Section 2, and is thus

6081 unlawful prior restraint, as well as a deprivation of the civil rights of
6082 the Plaintiff Atkinson. This violates the cruel and unusual
6083 punishments clause of the Eighth Amendment, made applicable to the
6084 states though the Fourteenth Amendment to the United States
6085 Constitution. This statute as a whole, and also in sections or parts is
6086 unconstitutional, an infringement, and a deprivation of civil rights of
6087 Plaintiff Atkinson

6088

6089 **COUNT TWELVE - THE SECOND AMENDMENT**
6090 **INVALIDATES M.G.L. c. 140, § 123 TO THE EXTENT IT**
6091 **PREVENTS QUALIFIED PRIVATE CITIZENS FROM KEEPING**
6092 **AND/OR CARRYING AND/OR BEARING ARMS FOR SELF-**
6093 **DEFENSE**
6094

6095 **M.G.L. c. 140, § 123** is unconstitutional and specifies, under Clauses 18-
6096 21, various technical parameters that must be met for the retail sale of
6097 certain firearms, and while the Plaintiff Atkinson acknowledges that
6098 suitable firearms capable of assuring the administering and inflicting
6099 mortal injury against the person toward whom such firearms are directed
6100 by the lawful user of said firearms or other weapons, the Commonwealth
6101 steps over the limits outlined by the U.S. Supreme Court in both
6102 *McDonald* and in *Heller* by requiring such weapons be possessed or
6103 lawfully owned by October 12, 1998. Thus, this restriction or definition

6104 violates the 2nd and 14th Amendments to the Constitution of the United
6105 States, and is a civil rights infringement. The allegations contained in
6106 paragraphs 1 though the current paragraph, are re-alleged and
6107 incorporated into this count as though fully set forth herein. The
6108 aforementioned and following Massachusetts General Laws, Statutes,
6109 and Regulation are invalid as applied to prohibit a private citizen who is
6110 otherwise eligible to possessing arms, firearms or from carrying a loaded
6111 and operable firearm, or other arms for the purpose of self-defense. The
6112 invalidities of the aforesaid and following statute and regulations, and
6113 Defendants’ application of same, infringe Plaintiff’s Second and
6114 Fourteenth Amendments right and damage Plaintiff’s in violation of 42
6115 U.S.C. § 1983. This statute infringes the 2nd Amendment right to keep
6116 and bear arms, and the 14th Amendment privileges and immunities of U.S.
6117 citizenship, the “Equal Protections Clause” of the 14th Amendment,
6118 including but not limited to the Constitution of the United States, Article
6119 IV, Section 2, and is thus unlawful prior restraint, as well as a deprivation
6120 of the civil rights of the Plaintiff Atkinson. This statute as a whole, and
6121 also in sections or parts is unconstitutional, an infringement, and a
6122 deprivation of civil rights of Plaintiff Atkinson.

6123

6124 **COUNT THIRTEEN - THE SECOND AMENDMENT**
6125 **INVALIDATES M.G.L. c. 140, § 127 TO THE EXTENT IT**
6126 **PREVENTS QUALIFIED PRIVATE CITIZENS FROM KEEPING**
6127 **AND/OR CARRYING AND/OR BEARING ARMS FOR SELF-**
6128 **DEFENSE**
6129

6130 435. **M.G.L. c. 140, § 127** is unconstitutional in that as defined by the
6131 Supreme Court of the United States in *McDonald v. Chicago*, 561
6132 U.S. ___, 130 S.Ct. 3020 (2010), and also in *District of Columbia v.*
6133 *Heller*, 554 U.S. 570 (2008), Massachusetts Constitution Part The
6134 First, Article XVII; the U.S. Constitution as a whole; the U.S.
6135 Constitution, Amendment II (also known as the Second Amendment);
6136 and the U.S. Constitution, Amendment XIV (also known as the
6137 Fourteenth Amendment); the Ku Klux Klan Act (or the Civil Rights
6138 Act of 1871); 42 U.S.C. § 1983 (also called "section 1983"), and other
6139 relevant laws do not grant any “officials authorized to issue a license”
6140 and power to effect such a transfer and any scheme, statute, artifice, or
6141 regulation to the contract violates the 2nd and 14th Amendments to the
6142 Constitution of the United States, including but not limited to the
6143 Constitution of the United States, Article IV, Section 2, and is a civil
6144 rights infringement. The allegations contained in paragraphs 1 though
6145 the current paragraph, are re-alleged and incorporated into this count
6146 as though fully set forth herein. The aforementioned and following

6147 Massachusetts General Laws, Statutes, and Regulation are invalid as
6148 applied to prohibit a private citizen who is otherwise eligible to
6149 possessing arms, firearms or from carrying a loaded and operable
6150 firearm, or other arms for the purpose of self-defense. The invalidities
6151 of the aforesaid and following statute and regulations, and Defendants'
6152 application of same, infringe Plaintiff's Second and Fourteenth
6153 Amendments right and damage Plaintiff's in violation of 42 U.S.C. §
6154 1983. This violates the cruel and unusual punishments clause of the
6155 Eighth Amendment, made applicable to the states though the
6156 Fourteenth Amendment to the Unites States Constitution. This statute
6157 as a whole, and also in sections or parts is unconstitutional, an
6158 infringement, and a deprivation of civil rights of Plaintiff Atkinson.

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COUNT FOURTEEN - THE SECOND AMENDMENT
INVALIDATES M.G.L. c. 140, § 128A TO THE EXTENT IT
PREVENTS QUALIFIED PRIVATE CITIZENS FROM KEEPING
AND/OR CARRYING AND/OR BEARING ARMS FOR SELF-
DEFENSE

6166 436. **M.G.L. c. 140, § 128A** is unconstitutional is it requires the
6167 "Firearms Identification Card" for application of section 128, but
6168 requires both buyer and seller to have possession of a "Firearms
6169 Identification Card" or a "Permit to Purchase" both of which have

6170 been outlawed by the U.S. Supreme Court under *Heller* and
6171 *McDonald* as an attempt by the Commonwealth to subvert the 2nd and
6172 14th amendment, and to impose a revocable licensing or permitting
6173 scheme in violation of civil rights. This statute infringes the 2nd
6174 Amendment right to keep and bear arms, and the 14th Amendment
6175 privileges and immunities of U.S. citizenship, the “Equal Protections
6176 Clause” of the 14th Amendment, including but not limited to the
6177 Constitution of the United States, Article IV, Section 2, and is thus
6178 unlawful prior restraint, as well as a deprivation of the civil rights of
6179 the Plaintiff Atkinson. The allegations contained in paragraphs 1
6180 through the current paragraph, are re-alleged and incorporated into this
6181 count as though fully set forth herein. The aforementioned and
6182 following Massachusetts General Laws, Statutes, and Regulation are
6183 invalid as applied to prohibit a private citizen who is otherwise
6184 eligible to possessing arms, firearms or from carrying a loaded and
6185 operable firearm, or other arms for the purpose of self-defense. The
6186 invalidities of the aforesaid and following statute and regulations, and
6187 Defendants’ application of same, infringe Plaintiff’s Second and
6188 Fourteenth Amendments right and damage Plaintiff’s in violation of
6189 42 U.S.C. § 1983. This violates the cruel and unusual punishments

6190 clause of the Eighth Amendment, made applicable to the states though
6191 the Fourteenth Amendment to the United States Constitution. This
6192 statute as a whole, and also in sections or parts is unconstitutional, an
6193 infringement, and a deprivation of civil rights of Plaintiff Atkinson.

6194

6195 **COUNT FIFTEEN - THE SECOND AMENDMENT**
6196 **INVALIDATES M.G.L. c. 140, § ALL SECTIONS TO THE**
6197 **EXTENT IT PREVENTS QUALIFIED PRIVATE CITIZENS**
6198 **FROM KEEPING AND/OR CARRYING AND/OR BEARING**
6199 **ARMS FOR SELF-DEFENSE**
6200

6201 437. **M.G.L. c. 140, § All Sections**, is unconstitutional as the
6202 Commonwealth can no more require a permit to purchase or possess
6203 firearms as they can attempt to compel the purchaser of pen and ink to
6204 apply for a “Literary Identification Card,” or a “Permit to Purchase
6205 Ink Pens” or even any permitting scheme in order to license the
6206 ownership of a printing press, computer printer, mimeograph, or copy
6207 machine. The allegations contained in paragraphs 1 through the current
6208 paragraph, are re-alleged and incorporated into this count as though
6209 fully set forth herein. The aforementioned and following
6210 Massachusetts General Laws, Statutes, and Regulation are invalid as
6211 applied to prohibit a private citizen who is otherwise eligible to
6212 possessing arms, firearms or from carrying a loaded and operable

6213 firearm, or other arms for the purpose of self-defense. The invalidities
6214 of the aforesaid and following statute and regulations, and Defendants'
6215 application of same, infringe Plaintiff's Second and Fourteenth
6216 Amendments right and damage Plaintiff's in violation of 42 U.S.C. §
6217 1983. The U.S. Supreme Court has stated strongly that firearms rights
6218 are no different than the freedom of the press or religion, and the
6219 government may not control or restrict either. Such a repeated
6220 requirement in the General laws of the Commonwealth for a fanciful
6221 and lofty sounding "Firearms Identification Card" is little more than
6222 prior restraint of 2nd, 4th, and 14th Amendment rights, and thus a
6223 blatant infringement of civil rights. This statute infringes the 2nd
6224 Amendment right to keep and bear arms, and the 14th Amendment
6225 privileges and immunities of U.S. citizenship, the "Equal Protections
6226 Clause" of the 14th Amendment, including but not limited to the
6227 Constitution of the United States, Article IV, Section 2, and is thus
6228 unlawful prior restraint, as well as a deprivation of the civil rights of
6229 the Plaintiff Atkinson. This violates the cruel and unusual
6230 punishments clause of the Eighth Amendment, made applicable to the
6231 states though the Fourteenth Amendment to the Unites States
6232 Constitution. This statute as a whole, and also in sections or parts is

6233 unconstitutional, an infringement, and a deprivation of civil rights of
6234 Plaintiff Atkinson

6235

6236 **COUNT SIXTEEN - THE SECOND AMENDMENT**
6237 **INVALIDATES M.G.L. c. 140, § 129B TO THE EXTENT IT**
6238 **PREVENTS QUALIFIED PRIVATE CITIZENS FROM KEEPING**
6239 **AND/OR CARRYING AND/OR BEARING ARMS FOR SELF-**
6240 **DEFENSE**
6241

6242 438. **M.G.L. c. 140, § 129B in its entirety** is unconstitutional, and is
6243 unlawful, and a violation of the 2nd and 14th amendments as defined by
6244 the Supreme Court of the United States in *McDonald v. Chicago*, 561
6245 U.S. ____, 130 S.Ct. 3020 (2010), and also in *District of Columbia v.*
6246 *Heller*, 554 U.S. 570 (2008), Massachusetts Constitution Part The
6247 First, Article XVII; the U.S. Constitution as a whole; the U.S.
6248 Constitution, Amendment II (also known as the Second Amendment);
6249 and the U.S. Constitution, Amendment XIV (also known as the
6250 Fourteenth Amendment); the Ku Klux Klan Act (or the Civil Rights
6251 Act of 1871); 42 U.S.C. § 1983 (also called "section 1983"), and other
6252 relevant laws, as a violation and infringement of civil rights. The
6253 allegations contained in paragraphs 1 through the current paragraph,
6254 are re-alleged and incorporated into this count as though fully set forth
6255 herein. The aforementioned and following Massachusetts General

6256 Laws, Statutes, and Regulation are invalid as applied to prohibit a
6257 private citizen who is otherwise eligible to possessing arms, firearms
6258 or from carrying a loaded and operable firearm, or other arms for the
6259 purpose of self-defense. The invalidities of the aforesaid and
6260 following statute and regulations, and Defendants' application of
6261 same, infringe Plaintiff's Second and Fourteenth Amendments right
6262 and damage Plaintiff's in violation of 42 U.S.C. § 1983. This statute
6263 infringes the 2nd Amendment right to keep and bear arms, and the 14th
6264 Amendment privileges and immunities of U.S. citizenship, the "Equal
6265 Protections Clause" of the 14th Amendment, including but not limited
6266 to the Constitution of the United States, Article IV, Section 2, and is
6267 thus unlawful prior restraint, as well as a deprivation of the civil rights
6268 of the Plaintiff Atkinson. This violates the cruel and unusual
6269 punishments clause of the Eighth Amendment, made applicable to the
6270 states though the Fourteenth Amendment to the Unites States
6271 Constitution. This statute as a whole, and also in sections or parts is
6272 unconstitutional, an infringement, and a deprivation of civil rights of
6273 Plaintiff Atkinson.

6274

6275 **COUNT SEVENTEEN - THE SECOND AMENDMENT**
6276 **INVALIDATES M.G.L. c. 140, § 129B, SECTION(9) TO THE**

6277 **EXTENT IT PREVENTS QUALIFIED PRIVATE CITIZENS**
6278 **FROM KEEPING AND/OR CARRYING AND/OR BEARING**
6279 **ARMS FOR SELF-DEFENSE**
6280

6281 439. **M.G.L. c. 140, § 129B, Section (9)** is unconstitutional in that it
6282 outlines a process by which the “Executive Director of the Criminal
6283 History Systems Board” shall notify holders of “Firearms
6284 Identifications Cards” of the expiration of such document. The
6285 allegations contained in paragraphs 1 through the current paragraph,
6286 are re-alleged and incorporated into this count as though fully set forth
6287 herein. The aforementioned and following Massachusetts General
6288 Laws, Statutes, and Regulation are invalid as applied to prohibit a
6289 private citizen who is otherwise eligible to possessing arms, firearms
6290 or from carrying a loaded and operable firearm, or other arms for the
6291 purpose of self-defense. The invalidities of the aforesaid and
6292 following statute and regulations, and Defendants’ application of
6293 same, infringe Plaintiff’s Second and Fourteenth Amendments right
6294 and damage Plaintiff’s in violation of 42 U.S.C. § 1983.

6295 Notwithstanding that such a document is not required by Federal law
6296 to purchase and, or to possess firearms, yet the scheme to make such
6297 notifications has not yet actually been instituted by the

6298 Commonwealth despite extended fraudulent claims by the “Executive

6299 Director of the Criminal History Systems Board” to contrary, and this
6300 fraud by the Commonwealth is widely known and recognized. M.G.L.
6301 c. 140, § 129B, Section (9) requires that such notification be made by
6302 first class mail, yet the Commonwealth well knows that using the U.S.
6303 Mail to foist such a fraud and infringement upon holders of allegedly
6304 expiring “Firearms Identifications Cards” would involve mail fraud on
6305 a grand scale, and be a violation of the RICO statutes. This
6306 “expiration” of a “Firearms Identifications Cards,” and the utter farce
6307 which the Commonwealth uses in order not to notify holders of such
6308 documents which there is no basis in law is beyond the boundaries of
6309 a Kafka or Orwellian state, and is a violation and infringement of civil
6310 rights of Plaintiff. This statute infringes the 2nd Amendment right to
6311 keep and bear arms, and the 14th Amendment privileges and
6312 immunities of U.S. citizenship, the “Equal Protections Clause” of the
6313 14th Amendment, including but not limited to the Constitution of the
6314 United States, Article IV, Section 2, and is thus unlawful prior
6315 restraint, as well as a deprivation of the civil rights of the Plaintiff
6316 Atkinson. This violates the cruel and unusual punishments clause of
6317 the Eighth Amendment, made applicable to the states though the
6318 Fourteenth Amendment to the Unites States Constitution. This statute

6319 as a whole, and also in sections or parts is unconstitutional, an
6320 infringement, and a deprivation of civil rights of Plaintiff Atkinson.

6321

6322 **COUNT EIGHTEEN - THE SECOND AMENDMENT**
6323 **INVALIDATES M.G.L. c. 140, § 129B, SECTION(12) TO THE**
6324 **EXTENT IT PREVENTS QUALIFIED PRIVATE CITIZENS**
6325 **FROM KEEPING AND/OR CARRYING AND/OR BEARING**
6326 **ARMS FOR SELF-DEFENSE**
6327

6328 440. **M.G.L. c. 140, § 129B, Section (12)** is unconstitutional in that it
6329 outlines a process by which lawfully owned and possessed firearms
6330 may be unlawfully confiscated, and disposed of by police due to an
6331 expired “Firearms Identification Card,” and is a violation and
6332 infringement of civil rights as the U.S. Supreme Court in *McDonald*
6333 and *Heller* has affirmed that no such document, permit, or license is
6334 required for a citizen to keep this type of weapon, or pretty much any
6335 other weapon in their home, or on their property. The allegations
6336 contained in paragraphs 1 through the current paragraph, are re-alleged
6337 and incorporated into this count as though fully set forth herein. The
6338 aforementioned and following Massachusetts General Laws, Statutes,
6339 and Regulation are invalid as applied to prohibit a private citizen who
6340 is otherwise eligible to possessing arms, firearms or from carrying a
6341 loaded and operable firearm, or other arms for the purpose of self-

6342 defense. The invalidities of the aforesaid and following statute and
6343 regulations, and Defendants' application of same, infringe Plaintiff's
6344 Second and Fourteenth Amendments right and damage Plaintiff's in
6345 violation of 42 U.S.C. § 1983. Thus, this is a blatant infringement and
6346 deprivation of civil rights of Plaintiff. This statute infringes the 2nd
6347 Amendment right to keep and bear arms, and the 14th Amendment
6348 privileges and immunities of U.S. citizenship, the "Equal Protections
6349 Clause" of the 14th Amendment, including but not limited to the
6350 Constitution of the United States, Article IV, Section 2, and is thus
6351 unlawful prior restraint, as well as a deprivation of the civil rights of
6352 the Plaintiff Atkinson. This violates the cruel and unusual
6353 punishments clause of the Eighth Amendment, made applicable to the
6354 states though the Fourteenth Amendment to the Unites States
6355 Constitution. This statute as a whole, and also in sections or parts is
6356 unconstitutional, an infringement, and a deprivation of civil rights of
6357 Plaintiff Atkinson.

6358

6359 **COUNT NINETEEN - THE SECOND AMENDMENT**
6360 **INVALIDATES M.G.L. c. 140, § 129C TO THE EXTENT IT**
6361 **PREVENTS QUALIFIED PRIVATE CITIZENS FROM KEEPING**
6362 **AND/OR CARRYING AND/OR BEARING ARMS FOR SELF-**
6363 **DEFENSE**
6364

6365 441. M.G.L. c. 140, § 129C is unconstitutional in that it provides a
6366 definition of “exempted persons and uses” which under clause (o)
6367 defines “any jurisdictions” in regards to military and police officers,
6368 and peace officers. The allegations contained in paragraphs 1 though
6369 the current paragraph, are re-alleged and incorporated into this count
6370 as though fully set forth herein. The aforementioned and following
6371 Massachusetts General Laws, Statutes, and Regulation are invalid as
6372 applied to prohibit a private citizen who is otherwise eligible to
6373 possessing arms, firearms or from carrying a loaded and operable
6374 firearm, or other arms for the purpose of self-defense. The invalidities
6375 of the aforesaid and following statute and regulations, and Defendants’
6376 application of same, infringe Plaintiff’s Second and Fourteenth
6377 Amendments right and damage Plaintiff’s in violation of 42 U.S.C. §
6378 1983. This permits a “good old boy network” by which any police
6379 officer from well outside the boundaries of the Commonwealth may
6380 keep and bear arms inside the state, with no oversight of either local
6381 or State entities. This is a violation of the 14th amendment as an issue
6382 of “equal protection” as well as an “immunities and privileges issue”
6383 including but not limited to the 14th, and 2nd amendments. This statute
6384 infringes the 2nd Amendment right to keep and bear arms, and the 14th

6385 Amendment privileges and immunities of U.S. citizenship, the “Equal
6386 Protections Clause” of the 14th Amendment, including but not limited
6387 to the Constitution of the United States, Article IV, Section 2, and is
6388 thus unlawful prior restraint, as well as a deprivation of the civil rights
6389 of the Plaintiff Atkinson. This violates the cruel and unusual
6390 punishments clause of the Eighth Amendment, made applicable to the
6391 states though the Fourteenth Amendment to the Unites States
6392 Constitution. This statute as a whole, and also in sections or parts is
6393 unconstitutional, an infringement, and a deprivation of civil rights of
6394 Plaintiff Atkinson.

6395
6396 442. **M.G.L. c. 140, § 129C, Section (f), and other sections of M.G.L.**
6397 **c. 140, § 129C**, is unconstitutional as it provides possession and
6398 “keeping and bearing of arms” by non-residents, children not even old
6399 enough to drive, aliens, and others, yet denies this same access to
6400 regular citizens of the Commonwealth. The allegations contained in
6401 paragraphs 1 though the current paragraph, are re-alleged and
6402 incorporated into this count as though fully set forth herein. The
6403 aforementioned and following Massachusetts General Laws, Statutes,
6404 and Regulation are invalid as applied to prohibit a private citizen who

6405 is otherwise eligible to possessing arms, firearms or from carrying a
6406 loaded and operable firearm, or other arms for the purpose of self-
6407 defense. The invalidities of the aforesaid and following statute and
6408 regulations, and Defendants’ application of same, infringe Plaintiff’s
6409 Second and Fourteenth Amendments right and damage Plaintiff’s in
6410 violation of 42 U.S.C. § 1983. This is a violation of the 14th
6411 amendment as an issue of “equal protection” as well as an
6412 “immunities and privileges issue” including but not limited to the 14th,
6413 and 2nd amendments. This statute infringes the 2nd Amendment right
6414 to keep and bear arms, and the 14th Amendment privileges and
6415 immunities of U.S. citizenship, the “Equal Protections Clause” of the
6416 14th Amendment, including but not limited to the Constitution of the
6417 United States, Article IV, Section 2, and is thus unlawful prior
6418 restraint, as well as a deprivation of the civil rights of the Plaintiff
6419 Atkinson. This violates the cruel and unusual punishments clause of
6420 the Eighth Amendment, made applicable to the states though the
6421 Fourteenth Amendment to the Unites States Constitution. This statute
6422 as a whole, and also in sections or parts is unconstitutional, an
6423 infringement, and a deprivation of civil rights of Plaintiff Atkinson.

6424

6425 **COUNT TWENTY - THE SECOND AMENDMENT**
6426 **INVALIDATES M.G.L. c. 140, § 129D TO THE EXTENT IT**
6427 **PREVENTS QUALIFIED PRIVATE CITIZENS FROM KEEPING**
6428 **AND/OR CARRYING AND/OR BEARING ARMS FOR SELF-**
6429 **DEFENSE. FURTHER M.G.L. c. 140, § 129D DEPRIVES**
6430 **PLAINTIFF OF DUE PROCESS**
6431

6432 443. **M.G.L. c. 140, § 129D**, is unconstitutional in that it requires the
6433 surrender of firearms and ammunition upon denial or revocation of
6434 any of several different varieties of Commonwealth firearms licenses,
6435 permits, schemes, and frauds. The allegations contained in paragraphs
6436 1 though the current paragraph, are re-alleged and incorporated into
6437 this count as though fully set forth herein. The aforementioned and
6438 following Massachusetts General Laws, Statutes, and Regulation are
6439 invalid as applied to prohibit a private citizen who is otherwise
6440 eligible to possessing arms, firearms or from carrying a loaded and
6441 operable firearm, or other arms for the purpose of self-defense. The
6442 invalidities of the aforesaid and following statute and regulations, and
6443 Defendants' application of same, infringe Plaintiff's Second and
6444 Fourteenth Amendments right and damage Plaintiff's in violation of
6445 42 U.S.C. § 1983. This is an infringement of civil rights including but
6446 not limited to the 14th, 4th, and 2nd amendments. This statute infringes
6447 the 2nd Amendment right to keep and bear arms, and the 14th

6448 Amendment privileges and immunities of U.S. citizenship, the “Equal
6449 Protections Clause” of the 14th Amendment, including but not limited
6450 to the Constitution of the United States, Article IV, Section 2, and is
6451 thus unlawful prior restraint, as well as a deprivation of the civil rights
6452 of the Plaintiff Atkinson. This violates the cruel and unusual
6453 punishments clause of the Eighth Amendment, made applicable to the
6454 states though the Fourteenth Amendment to the Unites States
6455 Constitution. This statute as a whole, and also in sections or parts is
6456 unconstitutional, an infringement, and a deprivation of civil rights of
6457 Plaintiff Atkinson.

6458
6459 444. **M.G.L. c. 140, § 129D**, is unconstitutional in that it requires the
6460 surrender of firearms and ammunition “without delay,” but this time
6461 period is not dictated anywhere in Chapter 140, and in fact the only
6462 place in entirety of Massachusetts General Law where the time period
6463 of “without delay” is even remotely approached is in Chapter 12,
6464 Section 28 where it is given as "within sixty days" is illegal, and an
6465 infringement of the civil rights of the Plaintiff. The allegations
6466 contained in paragraphs 1 though the current paragraph, are re-alleged
6467 and incorporated into this count as though fully set forth herein. The

6468 aforementioned and following Massachusetts General Laws, Statutes,
6469 and Regulation are invalid as applied to prohibit a private citizen who
6470 is otherwise eligible to possessing arms, firearms or from carrying a
6471 loaded and operable firearm, or other arms for the purpose of self-
6472 defense. The invalidities of the aforesaid and following statute and
6473 regulations, and Defendants’ application of same, infringe Plaintiff’s
6474 Second and Fourteenth Amendments right and damage Plaintiff’s in
6475 violation of 42 U.S.C. § 1983. Thus, any attempt by the
6476 Commonwealth or any law enforcement agency to compel the
6477 immediate surrender of firearms on the spot, or within 6 hours, 12,
6478 hours, 24, hours, 48 hours, 72 hours, or in any amount of time of less
6479 than “within sixty days”. Further Massachusetts General law allows
6480 for a 90 day appeal period of any revocation or suspension, and even
6481 allows for a “license to carry” or “firearms identification card” to
6482 remains active for 90 days beyond the expiration date, thus “without
6483 delay” is arbitrarily defined by statute as some period of time well
6484 beyond 60 days, but less then 91 days”. The lack of the M.G.L. c. 140,
6485 § 129D to specify a number of hours, days, or weeks is a violation of
6486 the 4th, 9th, 14th, and 2nd Amendments and an infringement and
6487 deprivations of the civil rights of anybody whom the police or the

6488 state may lawfully or unlawfully revoke or suspend the right to keep
6489 or the bear arms. This statute infringes the 2nd Amendment right to
6490 keep and bear arms, and the 14th Amendment privileges and
6491 immunities of U.S. citizenship, the “Equal Protections Clause” of the
6492 14th Amendment, including but not limited to the Constitution of the
6493 United States, Article IV, Section 2, and is thus unlawful prior
6494 restraint, as well as a deprivation of the civil rights of the Plaintiff
6495 Atkinson. This violates the cruel and unusual punishments clause of
6496 the Eighth Amendment, made applicable to the states though the
6497 Fourteenth Amendment to the Unites States Constitution. This statute
6498 as a whole, and also in sections or parts is unconstitutional, an
6499 infringement, and a deprivation of civil 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

6506 445. **M.G.L. c. 140, § 130B(b)** is unconstitutional and is a violation of
6507 18 USC 922 and 18 USC 921, wherein felons are banned for life
6508 under Federal law from regaining access to firearms by way of “The
6509 Board” including but not limited to the Secretary of Public Safety,

6510 Colonel of the State Police, the Attorney General, and others. The
6511 allegations contained in paragraphs 1 through the current paragraph,
6512 are re-alleged and incorporated into this count as though fully set forth
6513 herein. The aforementioned and following Massachusetts General
6514 Laws, Statutes, and Regulation are invalid as applied to prohibit a
6515 private citizen who is otherwise eligible to possessing arms, firearms
6516 or from carrying a loaded and operable firearm, or other arms for the
6517 purpose of self-defense. The invalidities of the aforesaid and
6518 following statute and regulations, and Defendants' application of
6519 same, infringe Plaintiff's Second and Fourteenth Amendments right
6520 and damage Plaintiff's in violation of 42 U.S.C. § 1983. The seven
6521 members of this "board" are violating federal law and committing
6522 misprision of a felony, and criminal conspiracy by permitting
6523 dangerous felons as well as "reformed" to obtain Commonwealth
6524 sanctioned, albeit Federally forbidden access to arms. This is an
6525 infringement of civil rights of law abiding (non-felons) including but
6526 not limited to the 14th, 9th, and 2nd amendments. This statute infringes
6527 the 2nd Amendment right to keep and bear arms, and the 14th
6528 Amendment privileges and immunities of U.S. citizenship, the "Equal
6529 Protections Clause" of the 14th Amendment, including but not limited

6530 to the Constitution of the United States, Article IV, Section 2, and is
6531 thus unlawful prior restraint, as well as a deprivation of the civil rights
6532 of the Plaintiff Atkinson. This violates the cruel and unusual
6533 punishments clause of the Eighth Amendment, made applicable to the
6534 states though the Fourteenth Amendment to the Unites States
6535 Constitution. This statute as a whole, and also in sections or parts is
6536 unconstitutional, an infringement, and a deprivation of civil rights of
6537 Plaintiff Atkinson.

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6539 **COUNT TWENTY TWO - THE SECOND AMENDMENT**
6540 **INVALIDATES M.G.L. c. 140, § 131 TO THE EXTENT IT**
6541 **PREVENTS QUALIFIED PRIVATE CITIZENS FROM KEEPING**
6542 **AND/OR CARRYING AND/OR BEARING ARMS FOR SELF-**
6543 **DEFENSE. FURTHER M.G.L. c. 140, § 131 DEPRIVES**
6544 **PLAINTIFF OF DUE PROCESS**
6545

6546 446. **M.G.L. c. 140, § 131** is unconstitutional in that it does not afford
6547 sufficient due process with respect to the revocation or suspension of
6548 firearms licenses and the rights of Massachusetts citizens to keep and
6549 bear arms, and thus is an infringement and deprivation of civil rights
6550 of Plaintiff. The allegations contained in paragraphs 1 though the
6551 current paragraph, are re-alleged and incorporated into this count as
6552 though fully set forth herein. The aforementioned and following

6553 Massachusetts General Laws, Statutes, and Regulation are invalid as
6554 applied to prohibit a private citizen who is otherwise eligible to
6555 possessing arms, firearms or from carrying a loaded and operable
6556 firearm, or other arms for the purpose of self-defense. The invalidities
6557 of the aforesaid and following statute and regulations, and Defendants'
6558 application of same, infringe Plaintiff's Second and Fourteenth
6559 Amendments right and damage Plaintiff's in violation of 42 U.S.C. §
6560 1983. Further this section violates the keeping and bearing arms and is
6561 in conflict with the decisions of the Supreme Court of the United
6562 States in *McDonald v. Chicago*, 561 U.S. ___, 130 S.Ct. 3020 (2010),
6563 and also in *District of Columbia v. Heller*, 554 U.S. 570 (2008),
6564 Massachusetts Constitution Part The First, Article XVII; the U.S.
6565 Constitution as a whole; the U.S. Constitution, Amendment II (also
6566 known as the Second Amendment); and the U.S. Constitution,
6567 Amendment XIV (also known as the Fourteenth Amendment); the Ku
6568 Klux Klan Act (or the Civil Rights Act of 1871); 42 U.S.C. § 1983
6569 (also called "section 1983"), and other relevant laws, as a violation
6570 and infringement of civil rights. This statute infringes the 2nd
6571 Amendment right to keep and bear arms, and the 14th Amendment
6572 privileges and immunities of U.S. citizenship, the "Equal Protections

6573 Clause” of the 14th Amendment, including but not limited to the
6574 Constitution of the United States, Article IV, Section 2, and is thus
6575 unlawful prior restraint, as well as a deprivation of the civil rights of
6576 the Plaintiff Atkinson. This violates the cruel and unusual
6577 punishments clause of the Eighth Amendment, made applicable to the
6578 states though the Fourteenth Amendment to the Unites States
6579 Constitution. This statute as a whole, and also in sections or parts is
6580 unconstitutional, an infringement, and a deprivation of civil rights of
6581 Plaintiff Atkinson.

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6583 **COUNT TWENTY THREE - THE SECOND AMENDMENT**
6584 **INVALIDATES M.G.L. c. 140, § 131A TO THE EXTENT IT**
6585 **PREVENTS QUALIFIED PRIVATE CITIZENS FROM KEEPING**
6586 **AND/OR CARRYING AND/OR BEARING ARMS FOR SELF-**
6587 **DEFENSE. FURTHER M.G.L. c. 140, § 131A DEPRIVES**
6588 **PLAINTIFF OF DUE PROCESS**
6589

6590 447. **M.G.L. c. 140, § 131A** is unconstitutional in that it does not afford
6591 sufficient due process with respect to the revocation or suspension of
6592 firearms licenses and the rights of Massachusetts citizens to keep and
6593 bear arms, and thus is an infringement and deprivation of civil rights
6594 of Plaintiff. The allegations contained in paragraphs 1 though the
6595 current paragraph, are re-alleged and incorporated into this count as

6596 though fully set forth herein. The aforementioned and following
6597 Massachusetts General Laws, Statutes, and Regulation are invalid as
6598 applied to prohibit a private citizen who is otherwise eligible to
6599 possessing arms, firearms or from carrying a loaded and operable
6600 firearm, or other arms for the purpose of self-defense. The invalidities
6601 of the aforesaid and following statute and regulations, and Defendants'
6602 application of same, infringe Plaintiff's Second and Fourteenth
6603 Amendments right and damage Plaintiff's in violation of 42 U.S.C. §
6604 1983. This statute infringes the 2nd Amendment right to keep and bear
6605 arms, and the 14th Amendment privileges and immunities of U.S.
6606 citizenship, the "Equal Protections Clause" of the 14th Amendment,
6607 including but not limited to the Constitution of the United States,
6608 Article IV, Section 2, and is thus unlawful prior restraint, as well as a
6609 deprivation of the civil rights of the Plaintiff Atkinson. This violates
6610 the cruel and unusual punishments clause of the Eighth Amendment,
6611 made applicable to the states though the Fourteenth Amendment to the
6612 Unites States Constitution. This statute as a whole, and also in
6613 sections or parts is unconstitutional, an infringement, and a
6614 deprivation of civil rights of Plaintiff Atkinson.

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6616 **COUNT TWENTY FOUR - THE SECOND AMENDMENT**
6617 **INVALIDATES M.G.L. c. 140, § 131C(a-e) TO THE EXTENT IT**
6618 **PREVENTS QUALIFIED PRIVATE CITIZENS FROM KEEPING**
6619 **AND/OR CARRYING AND/OR BEARING ARMS FOR SELF-**
6620 **DEFENSE. FURTHER M.G.L. c. 140, § 131C(a-e) DEPRIVES**
6621 **PLAINTIFF OF DUE PROCESS**
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6623 448. **M.G.L. c. 140, § 131C(a-e)** is unconstitutional and unlawfully
6624 restricts certain weapons by model number and/or style, which are
6625 particularly useful for vehicle defense from being loaded while being
6626 carried by people in vehicles. Section 131C in its entirety is thus an
6627 infringement and deprivation of civil rights of Plaintiff. The
6628 allegations contained in paragraphs 1 through the current paragraph,
6629 are re-alleged and incorporated into this count as though fully set forth
6630 herein. The aforementioned and following Massachusetts General
6631 Laws, Statutes, and Regulation are invalid as applied to prohibit a
6632 private citizen who is otherwise eligible to possessing arms, firearms
6633 or from carrying a loaded and operable firearm, or other arms for the
6634 purpose of self-defense. The invalidities of the aforesaid and
6635 following statute and regulations, and Defendants' application of
6636 same, infringe Plaintiff's Second and Fourteenth Amendments right
6637 and damage Plaintiff's in violation of 42 U.S.C. § 1983. This statute
6638 infringes the 2nd Amendment right to keep and bear arms, and the 14th

6639 Amendment privileges and immunities of U.S. citizenship, the “Equal
6640 Protections Clause” of the 14th Amendment, including but not limited
6641 to the Constitution of the United States, Article IV, Section 2, and is
6642 thus unlawful prior restraint, as well as a deprivation of the civil rights
6643 of the Plaintiff Atkinson. This violates the cruel and unusual
6644 punishments clause of the Eighth Amendment, made applicable to the
6645 states though the Fourteenth Amendment to the United States
6646 Constitution. This statute as a whole, and also in sections or parts is
6647 unconstitutional, an infringement, and a deprivation of civil rights of
6648 Plaintiff Atkinson.

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6650 **COUNT TWENTY FIVE - THE SECOND AMENDMENT**
6651 **INVALIDATES M.G.L. c. 140, § 131E TO THE EXTENT IT**
6652 **PREVENTS QUALIFIED PRIVATE CITIZENS FROM KEEPING**
6653 **AND/OR CARRYING AND/OR BEARING ARMS FOR SELF-**
6654 **DEFENSE. FURTHER M.G.L. c. 140, § 131E DEPRIVES**
6655 **PLAINTIFF OF DUE PROCESS**
6656

6657 449. **M.G.L. c. 140, § 131E** is unconstitutional and violates the keeping
6658 and bearing arms and is in conflict with the decisions of the Supreme
6659 Court of the *United States in McDonald v. Chicago*, 561 U.S. ____,
6660 130 S.Ct. 3020 (2010), and also in *District of Columbia v. Heller*, 554
6661 U.S. 570 (2008), Massachusetts Constitution Part The First, Article

6662 XVII; the U.S. Constitution as a whole; the U.S. Constitution,
6663 Amendment II (also known as the Second Amendment); and the U.S.
6664 Constitution, Amendment XIV (also known as the Fourteenth
6665 Amendment); the Ku Klux Klan Act (or the Civil Rights Act of 1871);
6666 42 U.S.C. § 1983 (also called "section 1983"), and other relevant laws,
6667 as a violation and infringement of civil rights. The allegations
6668 contained in paragraphs 1 through the current paragraph, are re-alleged
6669 and incorporated into this count as though fully set forth herein. The
6670 aforementioned and following Massachusetts General Laws, Statutes,
6671 and Regulation are invalid as applied to prohibit a private citizen who
6672 is otherwise eligible to possessing arms, firearms or from carrying a
6673 loaded and operable firearm, or other arms for the purpose of self-
6674 defense. The invalidities of the aforesaid and following statute and
6675 regulations, and Defendants' application of same, infringe Plaintiff's
6676 Second and Fourteenth Amendments right and damage Plaintiff's in
6677 violation of 42 U.S.C. § 1983. This statute infringes the 2nd
6678 Amendment right to keep and bear arms, and the 14th Amendment
6679 privileges and immunities of U.S. citizenship, the "Equal Protections
6680 Clause" of the 14th Amendment, including but not limited to the
6681 Constitution of the United States, Article IV, Section 2, and is thus

6682 unlawful prior restraint, as well as a deprivation of the civil rights of
6683 the Plaintiff Atkinson. This violates the cruel and unusual
6684 punishments clause of the Eighth Amendment, made applicable to the
6685 states though the Fourteenth Amendment to the Unites States
6686 Constitution. This statute as a whole, and also in sections or parts is
6687 unconstitutional, an infringement, and a deprivation of civil rights of
6688 Plaintiff Atkinson

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6690 **COUNT TWENTY SIX - THE SECOND AMENDMENT**
6691 **INVALIDATES M.G.L. c. 140, § 131K TO THE EXTENT IT**
6692 **PREVENTS QUALIFIED PRIVATE CITIZENS FROM KEEPING**
6693 **AND/OR CARRYING AND/OR BEARING ARMS FOR SELF-**
6694 **DEFENSE. FURTHER M.G.L. c. 140, § 131K DEPRIVES**
6695 **PLAINTIFF OF DUE PROCESS**
6696

6697 450. **M.G.L. c. 140, § 131K** is unconstitutional and violates the
6698 keeping and bearing arms and is in conflict with the decisions of the
6699 Supreme Court of the United States in *McDonald v. Chicago*, 561
6700 U.S. ___, 130 S.Ct. 3020 (2010), and also in *District of Columbia v.*
6701 *Heller*, 554 U.S. 570 (2008), Massachusetts Constitution Part The
6702 First, Article XVII; the U.S. Constitution as a whole; the U.S.
6703 Constitution, Amendment II (also known as the Second Amendment);
6704 and the U.S. Constitution, Amendment XIV (also known as the

6705 Fourteenth Amendment); the Ku Klux Klan Act (or the Civil Rights
6706 Act of 1871); 42 U.S.C. § 1983 (also called "section 1983"), and other
6707 relevant laws, as a violation and infringement of civil rights. The
6708 allegations contained in paragraphs 1 through the current paragraph,
6709 are re-alleged and incorporated into this count as though fully set forth
6710 herein. The aforementioned and following Massachusetts General
6711 Laws, Statutes, and Regulation are invalid as applied to prohibit a
6712 private citizen who is otherwise eligible to possessing arms, firearms
6713 or from carrying a loaded and operable firearm, or other arms for the
6714 purpose of self-defense. The invalidities of the aforesaid and
6715 following statute and regulations, and Defendants' application of
6716 same, infringe Plaintiff's Second and Fourteenth Amendments right
6717 and damage Plaintiff's in violation of 42 U.S.C. § 1983. This statute
6718 infringes the 2nd Amendment right to keep and bear arms, and the 14th
6719 Amendment privileges and immunities of U.S. citizenship, the "Equal
6720 Protections Clause" of the 14th Amendment, including but not limited
6721 to the Constitution of the United States, Article IV, Section 2, and is
6722 thus unlawful prior restraint, as well as a deprivation of the civil rights
6723 of the Plaintiff Atkinson. This violates the cruel and unusual
6724 punishments clause of the Eighth Amendment, made applicable to the

6725 states though the Fourteenth Amendment to the United States
6726 Constitution. This statute as a whole, and also in sections or parts is
6727 unconstitutional, an infringement, and a deprivation of civil rights of
6728 Plaintiff Atkinson.

6729

6730 **COUNT TWENTY SEVEN - THE SECOND AMENDMENT**
6731 **INVALIDATES M.G.L. c. 140, § 131 3/4 TO THE EXTENT IT**
6732 **PREVENTS QUALIFIED PRIVATE CITIZENS FROM KEEPING**
6733 **AND/OR CARRYING AND/OR BEARING ARMS FOR SELF-**
6734 **DEFENSE. FURTHER M.G.L. c. 140, § 131 3/4 DEPRIVES**
6735 **PLAINTIFF OF DUE PROCESS**
6736

6737 451. **M.G.L. c. 140, § 131 3/4** is unconstitutional and the
6738 Commonwealth has not to date published or distributed a roster “in
6739 newspapers **of general circulation throughout** the Commonwealth”
6740 a listing of large capacity rifles, shotguns, firearms, and feeding
6741 devices, beyond perhaps burying a tiny, essentially invisible listing
6742 hidden in the pages of a section barely read by readers, of less than
6743 mainstream papers and in fact published in such limited size scope,
6744 and publications that in essence it went unpublished as defined by and
6745 required in section 131 3/4 . The allegations contained in paragraphs 1
6746 though the current paragraph, are re-alleged and incorporated into this
6747 count as though fully set forth herein. The aforementioned and

6748 following Massachusetts General Laws, Statutes, and Regulation are
6749 invalid as applied to prohibit a private citizen who is otherwise
6750 eligible to possessing arms, firearms or from carrying a loaded and
6751 operable firearm, or other arms for the purpose of self-defense. The
6752 invalidities of the aforesaid and following statute and regulations, and
6753 Defendants’ application of same, infringe Plaintiff’s Second and
6754 Fourteenth Amendments right and damage Plaintiff’s in violation of
6755 42 U.S.C. § 1983. Even with such a publication, even if such a roster
6756 of devices was published as provided in this section, it would remain a
6757 violation of Constitutional law to restrict such ownership or keeping
6758 such arms in any way. This is a scheme to defraud the public, and to
6759 infringe upon the 2nd, 9th, and 14th amendments, and other civil rights.
6760 This statute infringes the 2nd Amendment right to keep and bear arms,
6761 and the 14th Amendment privileges and immunities of U.S. citizenship,
6762 the “Equal Protections Clause” of the 14th Amendment, including but
6763 not limited to the Constitution of the United States, Article IV,
6764 Section 2, and is thus unlawful prior restraint, as well as a deprivation
6765 of the civil rights of the Plaintiff Atkinson.

6766

6767 **COUNT TWENTY EIGHT - THE SECOND AMENDMENT**
6768 **INVALIDATES M.G.L. c. 140, § 131L TO THE EXTENT IT**

6769 **PREVENTS QUALIFIED PRIVATE CITIZENS FROM KEEPING**
6770 **AND/OR CARRYING AND/OR BEARING ARMS FOR SELF-**
6771 **DEFENSE. FURTHER M.G.L. c. 140, § 131L DEPRIVES**
6772 **PLAINTIFF OF DUE PROCESS**
6773

6774 452. **M.G.L. c. 140, § 131L** is unconstitutional and violates Federal
6775 laws and Constitutional Amendments regarding the keeping and
6776 bearing arms and is in open conflict with the decisions of the Supreme
6777 Court of the *United States in McDonald v. Chicago*, 561 U.S. ____,
6778 130 S.Ct. 3020 (2010), and also in *District of Columbia v. Heller*, 554
6779 U.S. 570 (2008), Massachusetts Constitution Part The First, Article
6780 XVII; the U.S. Constitution as a whole; the U.S. Constitution,
6781 Amendment II (also known as the Second Amendment); and the U.S.
6782 Constitution, Amendment XIV (also known as the Fourteenth
6783 Amendment); the Ku Klux Klan Act (or the Civil Rights Act of 1871);
6784 42 U.S.C. § 1983 (also called "section 1983"), and other relevant laws,
6785 as a violation, deprivation and infringement of civil rights. The
6786 allegations contained in paragraphs 1 though the current paragraph,
6787 are re-alleged and incorporated into this count as though fully set forth
6788 herein. The aforementioned and following Massachusetts General
6789 Laws, Statutes, and Regulation are invalid as applied to prohibit a
6790 private citizen who is otherwise eligible to possessing arms, firearms

6791 or from carrying a loaded and operable firearm, or other arms for the
6792 purpose of self-defense. The invalidities of the aforesaid and
6793 following statute and regulations, and Defendants’ application of
6794 same, infringe Plaintiff’s Second and Fourteenth Amendments right
6795 and damage Plaintiff’s in violation of 42 U.S.C. § 1983. This statute
6796 infringes the 2nd Amendment right to keep and bear arms, and the 14th
6797 Amendment privileges and immunities of U.S. citizenship, the “Equal
6798 Protections Clause” of the 14th Amendment, including but not limited
6799 to the Constitution of the United States, Article IV, Section 2, and is
6800 thus unlawful prior restraint, as well as a deprivation of the civil rights
6801 of the Plaintiff Atkinson. This violates the cruel and unusual
6802 punishments clause of the Eighth Amendment, made applicable to the
6803 states though the Fourteenth Amendment to the Unites States
6804 Constitution. This statute as a whole, and also in sections or parts is
6805 unconstitutional, an infringement, and a deprivation of civil rights of
6806 Plaintiff Atkinson.

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6808 **COUNT TWENTY NINE - THE SECOND AMENDMENT**
6809 **INVALIDATES M.G.L. c. 140, § 131M TO THE EXTENT IT**
6810 **PREVENTS QUALIFIED PRIVATE CITIZENS FROM KEEPING**
6811 **AND/OR CARRYING AND/OR BEARING ARMS FOR SELF-**
6812 **DEFENSE. FURTHER M.G.L. c. 140, § 131M DEPRIVES**
6813 **PLAINTIFF OF DUE PROCESS**

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453. **M.G.L. c. 140, § 131M** 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, deprivation and 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'

6834 application of same, infringe Plaintiff’s Second and Fourteenth
6835 Amendments right and damage Plaintiff’s in violation of 42 U.S.C. §
6836 1983. This statute infringes the 2nd Amendment right to keep and bear
6837 arms, and the 14th Amendment privileges and immunities of U.S.
6838 citizenship, the “Equal Protections Clause” of the 14th Amendment,
6839 including but not limited to the Constitution of the United States,
6840 Article IV, Section 2, and is thus unlawful prior restraint, as well as a
6841 deprivation of the civil rights of the Plaintiff Atkinson. This violates
6842 the cruel and unusual punishments clause of the Eighth Amendment,
6843 made applicable to the states though the Fourteenth Amendment to the
6844 Unites States Constitution. This violates the cruel and unusual
6845 punishments clause of the Eighth Amendment, made applicable to the
6846 states though the Fourteenth Amendment to the Unites States
6847 Constitution. This statute as a whole, and also in sections or parts is
6848 unconstitutional, an infringement, and a deprivation of civil rights of
6849 Plaintiff Atkinson.

6850

6851 **COUNT THIRTY - THE SECOND AMENDMENT INVALIDATES**
6852 **M.G.L. c. 140, § 131M TO THE EXTENT IT PREVENTS**
6853 **QUALIFIED PRIVATE CITIZENS FROM KEEPING AND/OR**
6854 **CARRYING AND/OR BEARING ARMS FOR SELF-DEFENSE.**
6855 **FURTHER M.G.L. c. 140, § 131M DEPRIVES PLAINTIFF OF**
6856 **DUE PROCESS AND EQUAL PROTECTIONS**

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454. **M.G.L. c. 140, § 131M** is unconstitutional and further creates an Orwellian “more privileged, but equal” level of citizen in the form of retired law enforcement officers, which violates the equal protections of the 14th amendment. Hence, all citizens are equal in the eyes of the law, and no persons respective of their prior occupation(s) are “more equal” by virtual of a gold watch or gold badge. 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 section (and other related statutes) 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),

6877 Massachusetts Constitution Part The First, Article XVII; the U.S.
6878 Constitution as a whole; the U.S. Constitution, Amendment II (also
6879 known as the Second Amendment); and the U.S. Constitution,
6880 Amendment XIV (also known as the Fourteenth Amendment); the Ku
6881 Klux Klan Act (or the Civil Rights Act of 1871); 42 U.S.C. § 1983
6882 (also called "section 1983"), and other relevant laws, as a violation,
6883 deprivation and infringement of civil rights. This statute infringes the
6884 2nd Amendment right to keep and bear arms, and the 14th Amendment
6885 privileges and immunities of U.S. citizenship, the “Equal Protections
6886 Clause” of the 14th Amendment, and is thus unlawful prior restraint,
6887 as well as a deprivation of the civil rights of the Plaintiff Atkinson.
6888 This statute as a whole, and also in sections or parts is
6889 unconstitutional, an infringement, and a deprivation of civil rights of
6890 Plaintiff Atkinson.

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6892 **COUNT THIRTY ONE - THE SECOND AMENDMENT**
6893 **INVALIDATES M.G.L. c. 140, § 131N TO THE EXTENT IT**
6894 **PREVENTS QUALIFIED PRIVATE CITIZENS FROM KEEPING**
6895 **AND/OR CARRYING AND/OR BEARING ARMS FOR SELF-**
6896 **DEFENSE. FURTHER M.G.L. c. 140, § 131N DEPRIVES**
6897 **PLAINTIFF OF DUE PROCESS**
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6899 455. **M.G.L. c. 140, § 131N** is unconstitutional and violates the keeping

6900 and bearing covert arms and is in conflict with the decisions of the
6901 Supreme Court of the United States in *McDonald v. Chicago*, 561
6902 U.S. ___, 130 S.Ct. 3020 (2010), and also in *District of Columbia v.*
6903 *Heller*, 554 U.S. 570 (2008), Massachusetts Constitution Part The
6904 First, Article XVII; the U.S. Constitution as a whole; the U.S.
6905 Constitution, Amendment II (also known as the Second Amendment);
6906 and the U.S. Constitution, Amendment XIV (also known as the
6907 Fourteenth Amendment); the Ku Klux Klan Act (or the Civil Rights
6908 Act of 1871); 42 U.S.C. § 1983 (also called "section 1983"), and other
6909 relevant laws, as a violation, deprivation and infringement of civil
6910 rights. The allegations contained in paragraphs 1 though the current
6911 paragraph, are re-alleged and incorporated into this count as though
6912 fully set forth herein. The aforementioned and following
6913 Massachusetts General Laws, Statutes, and Regulation are invalid as
6914 applied to prohibit a private citizen who is otherwise eligible to
6915 possessing arms, firearms or from carrying a loaded and operable
6916 firearm, or other arms for the purpose of self-defense. The invalidities
6917 of the aforesaid and following statute and regulations, and Defendants'
6918 application of same, infringe Plaintiff's Second and Fourteenth
6919 Amendments right and damage Plaintiff's in violation of 42 U.S.C. §

6920 1983. This violates the cruel and unusual punishments clause of the
6921 Eighth Amendment, made applicable to the states though the
6922 Fourteenth Amendment to the Unites States Constitution. This statute
6923 infringes the 2nd Amendment right to keep and bear arms, and the 14th
6924 Amendment privileges and immunities of U.S. citizenship, the “Equal
6925 Protections Clause” of the 14th Amendment, including but not limited
6926 to the Constitution of the United States, Article IV, Section 2, and is
6927 thus unlawful prior restraint, as well as a deprivation of the civil rights
6928 of the Plaintiff Atkinson. This statute as a whole, and also in sections
6929 or parts is unconstitutional, an infringement, and a deprivation of civil
6930 rights of Plaintiff Atkinson.

6931

6932 **COUNT THIRTY TWO - THE SECOND AMENDMENT**
6933 **INVALIDATES M.G.L. c. 140, § 131P TO THE EXTENT IT**
6934 **PREVENTS QUALIFIED PRIVATE CITIZENS FROM KEEPING**
6935 **AND/OR CARRYING AND/OR BEARING ARMS FOR SELF-**
6936 **DEFENSE.**
6937

6938 456. **M.G.L. c. 140, § 131P** is unconstitutional and is a licensing
6939 scheme with little or no bona fide reason to exist other then to harvest
6940 a record of citizens who may attend such training so that their right to
6941 keep or bear arms may be infringed upon at some future date. The
6942 allegations contained in paragraphs 1 though the current paragraph,

6943 are re-alleged and incorporated into this count as though fully set forth
6944 herein. The aforementioned and following Massachusetts General
6945 Laws, Statutes, and Regulation are invalid as applied to prohibit a
6946 private citizen who is otherwise eligible to possessing arms, firearms
6947 or from carrying a loaded and operable firearm, or other arms for the
6948 purpose of self-defense. The invalidities of the aforesaid and
6949 following statute and regulations, and Defendants' application of
6950 same, infringe Plaintiff's Second and Fourteenth Amendments right
6951 and damage Plaintiff's in violation of 42 U.S.C. § 1983. The statute
6952 fails to state any standard of training, duration of training, records
6953 keeping requirements, or any legitimate method of instruction, or any
6954 other outline or syllabus but which such a course or orientation would
6955 be taught. This statute, is an utter farce, overly vague, and violates the
6956 keeping and bearing covert arms and is in conflict with the decisions
6957 of the Supreme Court of the United States in *McDonald v. Chicago*,
6958 561 U.S. ___, 130 S.Ct. 3020 (2010), and also in *District of Columbia*
6959 *v. Heller*, 554 U.S. 570 (2008), Massachusetts Constitution Part The
6960 First, Article XVII; the U.S. Constitution as a whole; the U.S.
6961 Constitution, Amendment II (also known as the Second Amendment);
6962 and the U.S. Constitution, Amendment XIV (also known as the

6963 Fourteenth Amendment); the Ku Klux Klan Act (or the Civil Rights
6964 Act of 1871); 42 U.S.C. § 1983 (also called "section 1983"), and other
6965 relevant laws, as a violation, deprivation and infringement of civil
6966 rights. This statute infringes the 2nd Amendment right to keep and bear
6967 arms, and the 14th Amendment privileges and immunities of U.S.
6968 citizenship, the "Equal Protections Clause" of the 14th Amendment,
6969 including but not limited to the Constitution of the United States,
6970 Article IV, Section 2, and is thus unlawful prior restraint, as well as a
6971 deprivation of the civil rights of the Plaintiff Atkinson. This violates
6972 the cruel and unusual punishments clause of the Eighth Amendment,
6973 made applicable to the states though the Fourteenth Amendment to the
6974 Unites States Constitution. This statute as a whole, and also in
6975 sections or parts is unconstitutional, an infringement, and a
6976 deprivation of civil rights of Plaintiff Atkinson.

6977

6978 **COUNT THIRTY THREE - THE SECOND AMENDMENT**
6979 **INVALIDATES M.G.L. c. 269, § 10 TO THE EXTENT IT**
6980 **PREVENTS QUALIFIED PRIVATE CITIZENS FROM KEEPING**
6981 **AND/OR CARRYING AND/OR BEARING ARMS FOR SELF-**
6982 **DEFENSE.**
6983

6984 457. **M.G.L. c. 269, § 10** is unconstitutional and is overly vague, and
6985 violates the keeping and bearing various types of arms and is in

6986 conflict with the decisions of the Supreme Court of the United States
6987 in *McDonald v. Chicago*, 561 U.S. ___, 130 S.Ct. 3020 (2010), and
6988 also in *District of Columbia v. Heller*, 554 U.S. 570 (2008),
6989 Massachusetts Constitution Part The First, Article XVII; the U.S.
6990 Constitution as a whole; the U.S. Constitution, Amendment II (also
6991 known as the Second Amendment); and the U.S. Constitution,
6992 Amendment XIV (also known as the Fourteenth Amendment); the Ku
6993 Klux Klan Act (or the Civil Rights Act of 1871); 42 U.S.C. § 1983
6994 (also called "section 1983"), and other relevant laws, as a violation,
6995 deprivation and infringement of civil rights. The allegations contained
6996 in paragraphs 1 through the current paragraph, are re-alleged and
6997 incorporated into this count as though fully set forth herein. The
6998 aforementioned and following Massachusetts General Laws, Statutes,
6999 and Regulation are invalid as applied to prohibit a private citizen who
7000 is otherwise eligible to possessing arms, firearms or from carrying a
7001 loaded and operable firearm, or other arms for the purpose of self-
7002 defense. The invalidities of the aforesaid and following statute and
7003 regulations, and Defendants' application of same, infringe Plaintiff's
7004 Second and Fourteenth Amendments right and damage Plaintiff's in
7005 violation of 42 U.S.C. § 1983. This statute infringes the 2nd

7006 Amendment right to keep and bear arms, and the 14th Amendment
7007 privileges and immunities of U.S. citizenship, the “Equal Protections
7008 Clause” of the 14th Amendment, including but not limited to the
7009 Constitution of the United States, Article IV, Section 2, and is thus
7010 unlawful prior restraint, as well as a deprivation of the civil rights of
7011 the Plaintiff Atkinson. This violates the cruel and unusual
7012 punishments clause of the Eighth Amendment, made applicable to the
7013 states though the Fourteenth Amendment to the Unites States
7014 Constitution. This statute as a whole, and also in sections or parts is
7015 unconstitutional, an infringement, and a deprivation of civil rights of
7016 Plaintiff Atkinson.

7017
7018 458. **M.G.L. c. 269, § 10(m)** allows all citizens to possess and carry
7019 arms as authorized by the U.S. Constitution, Amendment II (also
7020 known as the Second Amendment) is in fact a “statue” as defined in
7021 paragraph (m), the U.S. Constitution, Amendment XIV (also known
7022 as the Fourteenth Amendment) expands the 2nd Amendment and
7023 applies to all citizens of the Commonwealth, and to all Citizens of the
7024 United States as an unqualified right onto which the government can
7025 not and shall not infringe. Thusly, where **M.G.L. c. 269, § 10(m)**

7026 refers to “all people not exempted by statute,” this in reality includes
7027 all law abiding citizens of the Commonwealth, not merely the chosen
7028 few who a “licensing authority” arbitrarily decides may or may not
7029 possess firearms, or even a certain class or type of firearm or
7030 ammunition. This section is unconstitutional and violates the 14th, 9th,
7031 and 2nd Amendments, and other relevant laws, as a violation,
7032 deprivation, and infringement of civil rights. This statute infringes the
7033 2nd Amendment right to keep and bear arms, and the 14th Amendment
7034 privileges and immunities of U.S. citizenship, the “Equal Protections
7035 Clause” of the 14th Amendment, including but not limited to the
7036 Constitution of the United States, Article IV, Section 2, and is thus
7037 unlawful prior restraint, as well. This statute as a whole, and also in
7038 sections or parts is unconstitutional, an infringement, and a
7039 deprivation of civil rights of Plaintiff Atkinson as a deprivation of the
7040 civil rights of the Plaintiff Atkinson.

7041

7042 **COUNT THIRTY FOUR - THE SECOND AMENDMENT**
7043 **INVALIDATES M.G.L. c. 269, § 10 TO THE EXTENT IT**
7044 **PREVENTS QUALIFIED PRIVATE CITIZENS FROM KEEPING**
7045 **AND/OR CARRYING AND/OR BEARING ARMS FOR SELF-**
7046 **DEFENSE.**
7047

7048 459. **M.G.L. c. 269, § 10** is unconstitutional in that it bans a useful type

7049 of arm called a “silencer,” or “sound suppressor” and while the Statue
7050 is flawed with its technical description of such an arm or accessory to
7051 an arm, they are nonetheless useful for lawful defense of the home, or
7052 business, so much so that SWAT teams and tactical entry teams
7053 routinely utilize this devices and related arms in order to protect their
7054 hearing in order to provide a tactical advantage. The allegations
7055 contained in paragraphs 1 though the current paragraph, are re-alleged
7056 and incorporated into this count as though fully set forth herein. The
7057 aforementioned and following Massachusetts General Laws, Statutes,
7058 and Regulation are invalid as applied to prohibit a private citizen who
7059 is otherwise eligible to possessing arms, firearms or from carrying a
7060 loaded and operable firearm, or other arms for the purpose of self-
7061 defense. The invalidities of the aforesaid and following statute and
7062 regulations, and Defendants’ application of same, infringe Plaintiff’s
7063 Second and Fourteenth Amendments right and damage Plaintiff’s in
7064 violation of 42 U.S.C. § 1983. These arms or attachments to arms
7065 exist and are used as hearing protection devices both by the police, by
7066 the military, and by law-abiding citizens. The Commonwealth has no
7067 legitimate reason to ban such a useful arm or attachment, when it is
7068 recognized so universally as being so useful in home or business

7069 defense situations, and in fact it is a practical accessory to an arm
7070 which protects the hearing of the user from long term injury, and thus
7071 is a strongly desirable safety device for firearms of various types,
7072 sizes, and calibers. Sound suppressors protect lawful users of firearm
7073 against temporary and permanent hearing loss; preserving situational
7074 awareness and crucial communication; reducing and altering the
7075 sound signature, concealing a shooter's position; reducing or virtually
7076 eliminating blinding muzzle flash, concealing a shooter's position and
7077 preserving dark-adapted vision; reduce or virtually eliminating dust
7078 raised by muzzle blast, which also conceals a shooter's position and
7079 keeps the view unobstructed; and reduce recoil, allowing bullet impact
7080 observation and faster follow-up shots if such are needed. The statute
7081 is overly vague, and violates the keeping and bearing various types of
7082 arms and is in conflict with the decisions of the Supreme Court of the
7083 United States in *McDonald v. Chicago*, 561 U.S. ____, 130 S.Ct. 3020
7084 (2010), and also in *District of Columbia v. Heller*, 554 U.S. 570
7085 (2008), Massachusetts Constitution Part The First, Article XVII; the
7086 U.S. Constitution as a whole; the U.S. Constitution, Amendment II
7087 (also known as the Second Amendment); and the U.S. Constitution,
7088 Amendment XIV (also known as the Fourteenth Amendment); the Ku

7089 Klux Klan Act (or the Civil Rights Act of 1871); 42 U.S.C. § 1983
7090 (also called "section 1983"), and other relevant laws, as a violation,
7091 deprivation and infringement of civil rights. This statute infringes the
7092 2nd Amendment right to keep and bear arms, and the 14th Amendment
7093 privileges and immunities of U.S. citizenship, the “Equal Protections
7094 Clause” of the 14th Amendment, including but not limited to the
7095 Constitution of the United States, Article IV, Section 2, and is thus
7096 unlawful prior restraint, as well as a deprivation of the civil rights of
7097 the Plaintiff Atkinson. This violates the cruel and unusual
7098 punishments clause of the Eighth Amendment, made applicable to the
7099 states though the Fourteenth Amendment to the United States
7100 Constitution. This statute as a whole, and also in sections or parts is
7101 unconstitutional, an infringement, and a deprivation of civil rights of
7102 Plaintiff Atkinson.

7103

7104 **COUNT THIRTY FIVE - M.G.L. c. 111C AND 105 CMR 170.750**
7105 **DEPRIVES PLAINTIFF OF DUE PROCESS, EQUAL**
7106 **PROTECTIONS, FIFTH AMENDMENT RIGHTS, SIXTH**
7107 **AMENDMENT RIGHTS, SEVENTH AMENDMENT RIGHTS.**
7108

7109 460. **M.G.L. c 111C** is unconstitutional in that it provides mechanism
7110 by which (under **105 CMR 170.750**) the Commonwealth may revoke

7111 the professional licenses and medical credentials of Emergency
7112 Medical Technicians on an arbitrary, vague, and capricious manner
7113 under a mere accusation of a act, absent any probable cause, absent
7114 any tangible proof the act actually took place, absent any form of
7115 probable cause hearing, absent any form of dangerousness hearing,
7116 absent any scientific proof, absent any examination of the evidence,
7117 absent the cross examination of witness or accusers, no ability to cross
7118 examine witnesses, nor to refute the charges, or to examine documents,
7119 or evidence which the state may hold before such a suspension is
7120 imposed. The allegations contained in paragraphs 1 though the current
7121 paragraph, are re-alleged and incorporated into this count as though
7122 fully set forth herein. The aforementioned and following
7123 Massachusetts General Laws, Statutes, and Regulation are invalid.
7124 The invalidities of the aforesaid and following statute and regulations,
7125 and Defendants' application of same, infringe Plaintiff's civil rights
7126 and damage Plaintiff in violation of 42 U.S.C. § 1983. In reality, the
7127 State revokes or suspends the licenses of certain EMT's when it is
7128 politically beneficial for them to do so, absent any actual evidence of
7129 wrong doing, and places the burden of proving innocence upon the
7130 person on whom the State is depriving of civil rights. This statute

7131 and/or regulation is an affront to 5th Amendment, 6th Amendment, 8th
7132 Amendment, 9th Amendment, and 14th Amendment, including but not
7133 limited to the Constitution of the United States, Article IV, Section 2,
7134 and is a violation of civil rights, and deprivation of the civil rights of
7135 the Plaintiff Atkinson. Further, as the State is depriving patients of the
7136 services of a qualified volunteer Emergency Medical Technician in
7137 his community, the deprivation extends to the patients of Plaintiff
7138 Atkinson (acting as an EMT) as he is not allowed to render emergency
7139 care, and in fact the State is needless prolonging the pain and
7140 suffering, and promoting the death to citizens in need of emergency
7141 medical services, thus in turn depriving them of their civil rights. This
7142 violates the cruel and unusual punishments clause of the Eighth
7143 Amendment, made applicable to the states though the Fourteenth
7144 Amendment to the Unites States Constitution. This statute as a whole,
7145 and also in sections or parts is unconstitutional, an infringement, and a
7146 deprivation of civil rights of Plaintiff Atkinson.

7147

7148 **COUNT THIRTY SIX - M.G.L. c. 30Ac § 2 AND 105 CMR 170.750**
7149 **DEPRIVES PLAINTIFF OF DUE PROCESS, EQUAL**
7150 **PROTECTIONS, FIFTH AMENDMENT RIGHTS, SIXTH**
7151 **AMENDMENT RIGHTS, SEVENTH AMENDMENT RIGHTS.**
7152

7153 461. **M.G.L. c 30Ac § 2** is unconstitutional in that it provides
7154 mechanisms by which (under **105 CMR 170.750**) the Commonwealth
7155 may revoke the professional licenses and medical credentials of
7156 Emergency Medical Technicians on an arbitrary, vague, and
7157 capricious manner under a mere accusation of a act, absent any
7158 probable cause, absent any tangible proof the act actually took place,
7159 absent any form of probable cause hearing, absent any form of
7160 dangerousness hearing, absent any scientific proof, absent any
7161 examination of the evidence, absent the cross examination of witness,
7162 no ability to cross examine witnesses, nor to refute the charges, or to
7163 examine documents, or evidence which the state may hold before such
7164 a suspension is imposed. The allegations contained in paragraphs 1
7165 though the current paragraph, are re-alleged and incorporated into this
7166 count as though fully set forth herein. The aforementioned and
7167 following Massachusetts General Laws, Statutes, and Regulation are
7168 invalid. The invalidities of the aforesaid and following statute and
7169 regulations, and Defendants' application of same, infringe Plaintiff's
7170 civil rights and damage Plaintiff in violation of 42 U.S.C. § 1983. In
7171 reality, the State revokes or suspends the licenses of certain EMT's
7172 when it is politically beneficial for then to do so, absent any actual

7173 evidence of wrong doing, and places the burden of proving innocence
7174 upon the person on whom the State is depriving of civil rights. This
7175 statute and/or regulation is an affront to 5th Amendment, 6th
7176 Amendment, 8th Amendment, 9th Amendment, and 14th Amendment,
7177 including but not limited to the Constitution of the United States,
7178 Article IV, Section 2, and is a violation of civil rights, and deprivation
7179 of the civil rights of the Plaintiff Atkinson. Further, as the State is
7180 depriving patients of the services of a qualified volunteer Emergency
7181 Medical Technician in his community, the deprivation extends to the
7182 patients of Plaintiff Atkinson (acting as an EMT) as he is not allowed
7183 to render emergency care, and in fact the State is needless prolonging
7184 the pain and suffering, and promoting the death to citizens in need of
7185 emergency medical services, thus in turn depriving them of their civil
7186 rights. This statute as a whole, and also in sections or parts is
7187 unconstitutional, an infringement, and a deprivation of civil rights of
7188 Plaintiff Atkinson.

7189

7190 **COUNT THIRTY SEVEN - 105 CMR 170 AND 170.750 DEPRIVES**
7191 **PLAINTIFF OF DUE PROCESS, EQUAL PROTECTIONS, FIFTH**
7192 **AMENDMENT RIGHTS, SIXTH AMENDMENT RIGHTS,**
7193 **SEVENTH AMENDMENT RIGHTS.**
7194

7195 462. **105 CMR 170 (all sections)** is unconstitutional as it provides
7196 mechanisms by which (under **105 CMR 170.750**) the Commonwealth
7197 may revoke the professional licenses and medical credentials of
7198 Emergency Medical Technicians on an arbitrary, vague, and
7199 capricious manner under a mere accusation of a act, absent any
7200 probable cause, absent any tangible proof the act actually took place,
7201 absent any form of probable cause hearing, absent any form of
7202 dangerousness hearing, absent any scientific proof, absent any
7203 examination of the evidence, absent the cross examination of witness,
7204 no ability to cross examine witnesses, nor to refute the charges, or to
7205 examine documents, or evidence which the state may hold before such
7206 a suspension is imposed. The allegations contained in paragraphs 1
7207 though the current paragraph, are re-alleged and incorporated into this
7208 count as though fully set forth herein. The aforementioned and
7209 following Massachusetts General Laws, Statutes, and Regulation are
7210 invalid. The invalidities of the aforesaid and following statute and
7211 regulations, and Defendants' application of same, infringe Plaintiff's
7212 civil rights and damage Plaintiff in violation of 42 U.S.C. § 1983. In
7213 reality, the State revokes or suspends the licenses of certain EMT's
7214 when it is politically beneficial for then to do so, absent any actual

7215 evidence of wrong doing, and places the burden of proving innocence
7216 upon the person on whom the State is depriving of civil rights. This
7217 statute and/or regulation is an affront to 5th Amendment, 6th
7218 Amendment, 8th Amendment, 9th Amendment, and 14th Amendment,
7219 including but not limited to the Constitution of the United States,
7220 Article IV, Section 2, and is a violation of civil rights, and deprivation
7221 of the civil rights of the Plaintiff Atkinson. Further, as the State is
7222 depriving patients of the services of a qualified volunteer Emergency
7223 Medical Technician in his community, the deprivation extends to the
7224 patients of Plaintiff Atkinson (acting as an EMT) as he is not allowed
7225 to render emergency care, and in fact the State is needless prolonging
7226 the pain and suffering, and promoting the death to citizens in need of
7227 emergency medical services, thus in turn depriving them of their civil
7228 rights. This statute as a whole, and also in sections or parts is
7229 unconstitutional, an infringement, and a deprivation of civil rights of
7230 Plaintiff Atkinson.

7231

7232 **COUNT THIRTY EIGHT - 105 CMR 171 AND 170.750 DEPRIVES**
7233 **PLAINTIFF OF DUE PROCESS, EQUAL PROTECTIONS, FIFTH**
7234 **AMENDMENT RIGHTS, SIXTH AMENDMENT RIGHTS,**
7235 **SEVENTH AMENDMENT RIGHTS.**
7236

7237 463. **105 CMR 171 (all sections)** is unconstitutional and provides
7238 mechanisms by which (under **105 CMR 170.750**) the Commonwealth
7239 may revoke the professional licenses and medical credentials of
7240 Emergency Medical Technicians on an arbitrary, vague, and
7241 capricious manner under a mere accusation of a act, absent any
7242 probable cause, absent any tangible proof the act actually took place,
7243 absent any form of probable cause hearing, absent any form of
7244 dangerousness hearing, absent any scientific proof, absent any
7245 examination of the evidence, absent the cross examination of witness,
7246 no ability to cross examine witnesses, nor to refute the charges, or to
7247 examine documents, or evidence which the state may hold before such
7248 a suspension is imposed. The allegations contained in paragraphs 1
7249 though the current paragraph, are re-alleged and incorporated into this
7250 count as though fully set forth herein. The aforementioned and
7251 following Massachusetts General Laws, Statutes, and Regulation are
7252 invalid. The invalidities of the aforesaid and following statute and
7253 regulations, and Defendants' application of same, infringe Plaintiff's
7254 civil rights and damage Plaintiff in violation of 42 U.S.C. § 1983. In
7255 reality, the State revokes or suspends the licenses of certain EMT's
7256 when it is politically beneficial for then to do so, absent any actual

7257 evidence of wrong doing, and places the burden of proving innocence
7258 upon the person on whom the State is depriving of civil rights. This
7259 statute and/or regulation is an affront to 5th Amendment, 6th
7260 Amendment, 8th Amendment, 9th Amendment, and 14th Amendment,
7261 including but not limited to the Constitution of the United States,
7262 Article IV, Section 2, and is a violation of civil rights, and deprivation
7263 of the civil rights of the Plaintiff Atkinson. Further, as the State is
7264 depriving patients of the services of a qualified volunteer Emergency
7265 Medical Technician in his community, the deprivation extends to the
7266 patients of Plaintiff Atkinson (acting as an EMT) as he is not allowed
7267 to render emergency care, and in fact the State is needless prolonging
7268 the pain and suffering, and promoting the death to citizens in need of
7269 emergency medical services, thus in turn depriving them of their civil
7270 rights. This statute as a whole, and also in sections or parts is
7271 unconstitutional, an infringement, and a deprivation of civil rights of
7272 Plaintiff Atkinson.

7273

7274 **COUNT THIRTY NINE - TOWN OF ROCKPORT POLICIES, 105**
7275 **CMR 170 AND 170.750 DEPRIVES PLAINTIFF OF DUE**
7276 **PROCESS, EQUAL PROTECTIONS, FIFTH AMENDMENT**
7277 **RIGHTS, SIXTH AMENDMENT RIGHTS, SEVENTH**
7278 **AMENDMENT RIGHTS.**
7279

7280 464. **Town of Rockport – Rockport Ambulance Department, Policy**

7281 **Manual** is unconstitutional and provides mechanisms by which
7282 **(under 105 CMR 170.750)** the Town Ambulance Department may
7283 suspend or terminate without pay and Emergency Medical
7284 Technicians or Emergency First Responder on an arbitrary, vague,
7285 and capricious manner under a mere accusation of a act, absent any
7286 probable cause, absent any tangible proof the act actually took place,
7287 absent any form of probable cause hearing, absent any form of
7288 dangerousness hearing, absent any scientific proof, absent any
7289 examination of the evidence, absent the cross examination of witness,
7290 no ability to cross examine witnesses, nor to refute the charges, or to
7291 examine documents, or evidence which the state may hold before such
7292 a suspension is imposed. The allegations contained in paragraphs 1
7293 though the current paragraph, are re-alleged and incorporated into this
7294 count as though fully set forth herein. The aforementioned and
7295 following Massachusetts General Laws, Statutes, and Regulation are
7296 invalid. The invalidities of the aforesaid and following statute and
7297 regulations, and Defendants’ application of same, infringe Plaintiff’s
7298 civil rights and damage Plaintiff in violation of 42 U.S.C. § 1983. In
7299 reality, the State revokes or suspends the licenses of certain EMT’s

7300 when it is politically beneficial for them to do so, absent any actual
7301 evidence of wrong doing, and places the burden of proving innocence
7302 upon the person on whom the State is depriving of civil rights. This
7303 statute and/or regulation is an affront to 4th, 5th Amendment, 6th
7304 Amendment, 8th Amendment, 9th Amendment, and 14th Amendment,
7305 including but not limited to the Constitution of the United States,
7306 Article IV, Section 2, and is a violation of civil rights, and deprivation
7307 of the civil rights of the Plaintiff Atkinson. This statute as a whole,
7308 and also in sections or parts is unconstitutional, an infringement, and a
7309 deprivation of civil rights of Plaintiff Atkinson.

7310

7311 465. **Town of Rockport – Employment Policy Manual** is

7312 unconstitutional and provides mechanisms by which Town of
7313 Rockport may suspend or terminate without pay an employee on an
7314 arbitrary, vague, and capricious manner under a mere accusation of a
7315 act, absent any probable cause, absent any tangible proof the act
7316 actually took place, absent any form of probable cause hearing, absent
7317 any form of dangerousness hearing, absent any scientific proof, absent
7318 any examination of the evidence, absent the cross examination of
7319 witness, no ability to cross examine witnesses, nor to refute the

7320 charges, or to examine documents, or evidence which the state may
7321 hold before such a suspension is imposed. In reality, the suspends or
7322 terminates of certain employees when it is politically beneficial for
7323 then to do so, absent any actual evidence of wrong doing, and places
7324 the burden of proving innocence upon the person on whom the State is
7325 depriving of civil rights. This statute and/or regulation is an affront to
7326 5th Amendment, 6th Amendment, 8th Amendment, 9th Amendment, and
7327 14th Amendment, including but not limited to the Constitution of the
7328 United States, Article IV, Section 2, and is a violation of civil rights,
7329 and deprivation of the civil rights of the Plaintiff Atkinson. This
7330 statute as a whole, and also in sections or parts is unconstitutional, an
7331 infringement, and a deprivation of civil rights of Plaintiff Atkinson.

7332

7333 **COUNT FORTY - M.G.L. c. 30A (ALL SECTIONS) DEPRIVES**
7334 **PLAINTIFF OF DUE PROCESS, EQUAL PROTECTIONS, FIFTH**
7335 **AMENDMENT RIGHTS, SIXTH AMENDMENT RIGHTS,**
7336 **SEVENTH AMENDMENT RIGHTS.**
7337

7338 466. **M.G.L. c. 30A (all sections)** is unconstitutional and is an affront
7339 to 5th Amendment, 6th Amendment, 7th, 8th Amendment, 9th
7340 Amendment, and 14th Amendment, including but not limited to the
7341 Constitution of the United States, Article IV, Section 2, and is a

7342 violation of civil rights, and deprivation of the civil rights of the
7343 Plaintiff Atkinson. The allegations contained in paragraphs 1 though
7344 the current paragraph, are re-alleged and incorporated into this count
7345 as though fully set forth herein. The aforementioned and following
7346 Massachusetts General Laws, Statutes, and Regulation are invalid.
7347 The invalidities of the aforesaid and following statute and regulations,
7348 and Defendants' application of same, infringe Plaintiff's civil rights
7349 and damage Plaintiff in violation of 42 U.S.C. § 1983. This statute as
7350 a whole, and also in sections or parts is unconstitutional, an
7351 infringement, and a deprivation of civil rights of Plaintiff Atkinson.

7352

7353 **COUNT FORTY ONE - 801 CMR 1.01 DEPRIVES PLAINTIFF OF**
7354 **DUE PROCESS, EQUAL PROTECTIONS, FIFTH AMENDMENT**
7355 **RIGHTS, SIXTH AMENDMENT RIGHTS, SEVENTH**
7356 **AMENDMENT RIGHTS.**
7357

7358 467. **Standard Rules of Practice and Procedure, 801 CMR 1.01** is
7359 unconstitutional and is an affront to 5th Amendment, 7th, 6th
7360 Amendment, 8th Amendment, 9th Amendment, and 14th Amendment,
7361 including but not limited to the Constitution of the United States,
7362 Article IV, Section 2, and is a violation of civil rights, and deprivation
7363 of the civil rights of the Plaintiff Atkinson. The allegations contained

7364 in paragraphs 1 though the current paragraph, are re-alleged and
7365 incorporated into this count as though fully set forth herein. The
7366 aforementioned and following Massachusetts General Laws, Statutes,
7367 and Regulation are invalid. The invalidities of the aforesaid and
7368 following statute and regulations, and Defendants' application of
7369 same, infringe Plaintiff's civil rights and damage Plaintiff in violation
7370 of 42 U.S.C. § 1983. This statute as a whole, and also in sections or
7371 parts is unconstitutional, an infringement, and a deprivation of civil
7372 rights of Plaintiff Atkinson.

7373

7374 **COUNT FORTY TWO - THE SECOND AMENDMENT**
7375 **INVALIDATES 501 CMR 7.00 TO THE EXTENT IT PREVENTS**
7376 **QUALIFIED PRIVATE CITIZENS FROM KEEPING AND/OR**
7377 **CARRYING AND/OR BEARING ARMS FOR SELF-DEFENSE.**
7378

7379 468. **501 CMR 7.00 "Approved Weapons Roster"** published by the
7380 Executive Office of Public Safety is unconstitutional and is a tool for
7381 violation, deprivation, and infringement of civil rights. The allegations
7382 contained in paragraphs 1 though the current paragraph, are re-alleged
7383 and incorporated into this count as though fully set forth herein. The
7384 aforementioned and following Massachusetts General Laws, Statutes,
7385 and Regulation are invalid. The invalidities of the aforesaid and

7386 following statute and regulations, and Defendants’ application of
7387 same, infringe Plaintiff’s civil rights and damage Plaintiff in violation
7388 of 42 U.S.C. § 1983. The statute is overly vague, and violates the
7389 keeping and bearing of various types of arms and is in conflict with
7390 the decisions of the Supreme Court of the United States in *McDonald*
7391 *v. Chicago*, 561 U.S. ___, 130 S.Ct. 3020 (2010), and also in *District*
7392 *of Columbia v. Heller*, 554 U.S. 570 (2008), Massachusetts
7393 Constitution Part The First, Article XVII; the U.S. Constitution as a
7394 whole; the U.S. Constitution, Amendment II (also known as the
7395 Second Amendment); and the U.S. Constitution, Amendment XIV
7396 (also known as the Fourteenth Amendment); the Ku Klux Klan Act
7397 (or the Civil Rights Act of 1871); 42 U.S.C. § 1983 (also called
7398 "section 1983"), and other relevant laws, as a violation, deprivation
7399 and infringement of civil rights. This statute infringes the 2nd
7400 Amendment right to keep and bear arms, and the 14th Amendment
7401 privileges and immunities of U.S. citizenship, the “Equal Protections
7402 Clause” of the 14th Amendment, including but not limited to the
7403 Constitution of the United States, Article IV, Section 2, and is thus
7404 unlawful prior restraint, as well as a deprivation of the civil rights of
7405 the Plaintiff Atkinson. This statute as a whole, and also in sections or

7406 parts is unconstitutional, an infringement, and a deprivation of civil
7407 rights of Plaintiff Atkinson.

7408

7409 **COUNT FORTY THREE - STUDENT CONDUCT CODE**
7410 **DEPRIVES PLAINTIFF OF DUE PROCESS, EQUAL**
7411 **PROTECTIONS, FIFTH AMENDMENT RIGHTS, SIXTH**
7412 **AMENDMENT RIGHTS, SEVENTH AMENDMENT RIGHTS,**
7413 **IMPOSES DOUBLE JEOPARDY, AND DOUBLE PUNISHMENTS.**
7414 **FURTHER STUDENT CONDUCT CODE PREVENTS**
7415 **QUALIFIED PRIVATE CITIZENS FROM KEEPING AND/OR**
7416 **CARRYING AND/OR BEARING ARMS FOR SELF-DEFENSE.**
7417

7418 469. **North Shore Community College Student Conduct Code, 2008**

7419 is unconstitutional, (NORTH SHORE COMMUNITY COLLEGE is a
7420 state run College, and an extension of the state in all respects);
7421 published and circulated by the “Judicial Affairs Office, Division of
7422 Student Life” is an affront to 5th Amendment, 6th Amendment, 7th, 8th
7423 Amendment, 9th Amendment, and 14th Amendment, including but not
7424 limited to the Constitution of the United States, Article IV, Section 2,
7425 and is a violation of civil rights, and deprivation of the civil rights of
7426 the Plaintiff Atkinson. The allegations contained in paragraphs 1
7427 though the current paragraph, are re-alleged and incorporated into this
7428 count as though fully set forth herein. The aforementioned and
7429 following Massachusetts General Laws, Statutes, and Regulation are

7430 invalid. The invalidities of the aforesaid and following statute and
7431 regulations, and Defendants' application of same, infringe Plaintiff's
7432 civil rights and damage Plaintiff in violation of 42 U.S.C. § 1983. The
7433 Handbook Outlines methods by which the School may conduct sham
7434 trials, and impose unlawful punishments upon students, without
7435 allowing the student to be fairly represented at, and other time not
7436 even told about the hearing, not allowed to confront witnesses or
7437 examine evidence, the Student is not permitted the ability to cross
7438 examine witnesses, there is lack of due process, and vague, and
7439 arbitrary guidelines by which the President of the College may
7440 suspend, ban, and expel any student for many reason, at any time,
7441 based even on a whim, or political convenience, unproven accusation,
7442 and even to punish and to muzzle and restrain student who may
7443 choose to lawfully exercise a civil right. This statute as a whole, and
7444 also in sections or parts is unconstitutional, an infringement, and a
7445 deprivation of civil rights of Plaintiff Atkinson. The defendant North
7446 Shore Community College further takes it upon itself (as a State
7447 agency) to zealously punish any student who is merely ACCUSED of
7448 a deed off campus, with no regards that such a deed in fact took place,
7449 or consider if the student is guilty, by default the college assumes the

7450 student is guilty, imposed punishment illegally, and then threatens to
7451 further punish the student should they refuse to accept the original
7452 unlawful punishment. This defendant (acting as a state agency, under
7453 the color of law) further violates double jeopardy in that the college
7454 punishes the student for any perceived violation of the law, and then
7455 allows the student to again be re-punished by way of the court system.
7456 Any punitive action of any sort imposed by this college, is in fact an
7457 official punishment by state agency acting under color of law. Hence,
7458 anybody who is punished by this college cannot therefore be then
7459 punished a second time by the state. Hence, anybody who is punished
7460 by this college cannot therefore be then punished a second time by the
7461 state. Conversely, this Defendant may not impose additional or
7462 supplemental punishment once the State has already punished the
7463 student in some way. This is a deprivation of rights provided by the
7464 5th Amendment, 6th Amendment, 8th Amendment, 9th Amendment, and
7465 14th Amendment including but not limited to the Constitution of the
7466 United States, Article IV, Section 2, and an infringement of the civil
7467 rights of Plaintiff Atkinson. This statute as a whole, and also in
7468 sections or parts is unconstitutional, an infringement, and a
7469 deprivation of civil rights of Plaintiff Atkinson. The Defendant also

7470 infringe on the lawfully possession of arms in the private home of the
7471 student (well away from campus), and to deprive the student of their
7472 civil rights, and to infringe upon the 2nd Amendment right to keep and
7473 to bear arms (outside of the College, and well off Campus). This
7474 statute as a whole, and in sections or parts is unconstitutional, an
7475 infringement, and a deprivation of civil rights of Plaintiff Atkinson.

7476

7477 **COUNT FORTY FOUR - STUDENT CONDUCT CODE**
7478 **DEPRIVES PLAINTIFF OF DUE PROCESS, EQUAL**
7479 **PROTECTIONS, FIFTH AMENDMENT RIGHTS, SIXTH**
7480 **AMENDMENT RIGHTS, SEVENTH AMENDMENT RIGHTS,**
7481 **IMPOSES DOUBLE JEOPARDY, AND DOUBLE PUNISHMENTS.**
7482 **FURTHER STUDENT CONDUCT CODE PREVENTS**
7483 **QUALIFIED PRIVATE CITIZENS FROM KEEPING AND/OR**
7484 **CARRYING AND/OR BEARING ARMS FOR SELF-DEFENSE.**
7485

7486 470. **Salem State College (also called Salem State College) Student**
7487 **Handbook, 2008-2010** is unconstitutional, (SALEM STATE
7488 COLLEGE is a state run College, and an extension of the state in all
7489 respects) is an affront to 4th, 5th Amendment, 6th Amendment, 7th, 8th
7490 Amendment, 9th Amendment, and 14th Amendment, including but not
7491 limited to the Constitution of the United States, Article IV, Section 2,
7492 and is a violation of civil rights, and deprivation of the civil rights of
7493 the Plaintiff Atkinson. The allegations contained in paragraphs 1

7494 though the current paragraph, are re-alleged and incorporated into this
7495 count as though fully set forth herein. The aforementioned and
7496 following Massachusetts General Laws, Statutes, and Regulation are
7497 invalid. The invalidities of the aforesaid and following statute and
7498 regulations, and Defendants' application of same, infringe Plaintiff's
7499 civil rights and damage Plaintiff in violation of 42 U.S.C. § 1983. The
7500 Handbook Outlines methods by which the School may conduct sham
7501 trials, and impose unlawful punishments upon students, without
7502 allowing the student to be fairly represented at, and other time not
7503 even told about the hearing, not allowed to confront witnesses or
7504 examine evidence, the Student is not permitted the ability to cross
7505 examine witnesses, there is lack of due process, and vague, and
7506 arbitrary guidelines by which the President of the College may
7507 suspend, ban, and expel any student for any reason, at any time, based
7508 even on a whim, or political convenience, unproven accusation, and
7509 even for student who may choose to lawfully exercise a civil right.
7510 This statute as a whole, and in sections or parts is unconstitutional, an
7511 infringement, and a deprivation of civil rights of Plaintiff Atkinson.
7512 The Defendant Salem State College further takes it upon itself (as a
7513 State agency) to zealously punish any student who is merely

7514 ACCUSED if a deed off campus, with no regards that such a deed in
7515 fact took place, or consider if the student is guilty, by default the
7516 college assumes the student is guilty, imposed punishment illegally,
7517 and then threatens to further punish the student should they refuse to
7518 accept the original unlawful punishment. This defendant (acting as a
7519 state agency, under the color of law) further violates double jeopardy
7520 in that the college punishes the student for any perceived violation of
7521 the law, and then allows the student to again be re-punished by way of
7522 the court system. Any punitive action of any sort imposed by this
7523 college, is in fact an official punishment by state agency acting under
7524 color of law. Hence, anybody who is punished by this college cannot
7525 therefore be then punished a second time by the state. Conversely, this
7526 Defendant may not impose additional or supplemental punishment
7527 once the State has already punished the student in some way. This is a
7528 deprivation of rights provided by the 5th Amendment, 6th Amendment,
7529 8th Amendment, 9th Amendment, and 14th Amendment including but
7530 not limited to the Constitution of the United States, Article IV,
7531 Section 2, and an infringement of the civil rights of Plaintiff Atkinson.
7532 This statute as a whole, and also in sections or parts is
7533 unconstitutional, an infringement, and a deprivation of civil rights of

7534 Plaintiff Atkinson. The Defendant also infringe on the lawfully
7535 possession of arms in the private home of the student (well away from
7536 campus), and to deprive the student of their civil rights, and to
7537 infringe upon the 2nd Amendment right to keep and to bear arms
7538 (outside of the College, and well off Campus). This statute as a whole,
7539 and in sections or parts is unconstitutional, an infringement, and a
7540 deprivation of civil rights of Plaintiff Atkinson.

7541

7542 **COUNT FORTY FIVE - STUDENT CONDUCT CODE DEPRIVES**
7543 **PLAINTIFF OF DUE PROCESS, EQUAL PROTECTIONS, FIFTH**
7544 **AMENDMENT RIGHTS, SIXTH AMENDMENT RIGHTS,**
7545 **SEVENTH AMENDMENT RIGHTS, IMPOSES DOUBLE**
7546 **JEOPARDY, AND DOUBLE PUNISHMENTS. FURTHER**
7547 **STUDENT CONDUCT CODE PREVENTS QUALIFIED PRIVATE**
7548 **CITIZENS FROM KEEPING AND/OR CARRYING AND/OR**
7549 **BEARING ARMS FOR SELF-DEFENSE.**
7550

7551 471. Additionally, the Student Conduct Codes, published by the
7552 Commonwealth of Massachusetts for the University of Massachusetts
7553 at Amherst, Boston, Dartmouth, Lowell and Worcester; Bridgewater
7554 State University, Fitchburg State University, Framingham State
7555 University, the Massachusetts College of Art and Design, the
7556 Massachusetts Maritime Academy, the Massachusetts College of
7557 Liberal Arts, Westfield State University and Worcester State

7558 University; Berkshire Community College, Bristol Community
7559 College, Bunker Hill Community College, Cape Cod Community
7560 College, Greenfield Community College, Holyoke Community
7561 College, Massachusetts Bay Community College, Massasoit
7562 Community College, Middlesex Community College, Mount
7563 Wachusett Community College, Northern Essex Community College,
7564 North Shore Community College, Quinsigamond Community College,
7565 Roxbury Community College and Springfield Technical Community
7566 College (all of which are state run College, and an extension of the
7567 state in all respects); published and circulated by the school is
7568 unconstitutional, and is an affront to 2nd, 4th, 5th Amendment, 6th
7569 Amendment, 8th Amendment, 9th Amendment, and 14th Amendment,
7570 including but not limited to the Constitution of the United States,
7571 Article IV, Section 2, and is a violation of civil rights, and deprivation
7572 of the civil rights of the Plaintiff Atkinson. The allegations contained
7573 in paragraphs 1 through the current paragraph, are re-alleged and
7574 incorporated into this count as though fully set forth herein. The
7575 aforementioned and following Massachusetts General Laws, Statutes,
7576 and Regulation are invalid. The invalidities of the aforesaid and
7577 following statute and regulations, and Defendants' application of

7578 same, infringe Plaintiff's civil rights and damage Plaintiff in violation
7579 of 42 U.S.C. § 1983.

7580

7581 **COUNT FORTY SIX - STUDENT CONDUCT CODE DEPRIVES**
7582 **PLAINTIFF OF DUE PROCESS, EQUAL PROTECTIONS, FIFTH**
7583 **AMENDMENT RIGHTS, SIXTH AMENDMENT RIGHTS,**
7584 **SEVENTH AMENDMENT RIGHTS, IMPOSES DOUBLE**
7585 **JEOPARDY, AND DOUBLE PUNISHMENTS. FURTHER**
7586 **STUDENT CONDUCT CODE PREVENTS QUALIFIED PRIVATE**
7587 **CITIZENS FROM KEEPING AND/OR CARRYING AND/OR**
7588 **BEARING ARMS FOR SELF-DEFENSE.**
7589

7590 472. The Student Conduct Handbooks of the many aforementioned
7591 State run schools outlines unconstitutional methods and
7592 unconstitutional schemes by which the School may conduct sham
7593 trials, and impose unlawful and unconstitutional punishments upon
7594 students under the color of authority, without allowing the student to
7595 be fairly represented at all by an attorney, and other times not even
7596 told about the hearing, not allowed to confront witnesses or examine
7597 evidence, the Student is not permitted the ability to cross examine
7598 witnesses, no attorney is allowed to represent the student, there is lack
7599 of due process, and vague, and arbitrary guidelines by which the
7600 President of the College may suspend, ban, and expel any student for
7601 many reason, at any time, based even on a whim, or political

7602 convenience, unproven accusation, and even to punish and to muzzle
7603 and restrain student who may choose to lawfully exercise a civil right.
7604 The allegations contained in paragraphs 1 though the current
7605 paragraph, are re-alleged and incorporated into this count as though
7606 fully set forth herein. The aforementioned and following
7607 Massachusetts General Laws, Statutes, and Regulation are invalid.
7608 The invalidities of the aforesaid and following statute and regulations,
7609 and Defendants' application of same, infringe Plaintiff's civil rights
7610 and damage Plaintiff in violation of 42 U.S.C. § 1983. This statute,
7611 Conduct Handbooks, Policies, Guidelines, and other official
7612 guidelines as a whole, and in sections or parts is unconstitutional, an
7613 infringement, and a deprivation of civil rights of Plaintiff Atkinson.
7614 These aforementioned state run colleges further takes it upon itself (as
7615 a State agency) to zealously and/or unfairly punish any student and to
7616 impose double punishments by way of the college and then by way of
7617 the courts of a student who is merely ACCUSED of a deed off
7618 campus, with no regards that such a deed in fact took place, or
7619 consider if the student is guilty, by default the college assumes the
7620 student is guilty, imposes punishment illegally, and then threatens to
7621 further punish the student should they refuse to accept the original

7622 unlawful punishment. These schools (acting as a state agency, under
7623 the color of law at all times) further violates double jeopardy in that
7624 the college punishes the student for any perceived violation of the law,
7625 and then allows the student to again be re-punished by way of the
7626 court system. Any punitive action of any sort imposed by this college,
7627 is in fact an official punishment by state agency acting under color of
7628 law. Hence, anybody who is punished by this college cannot therefore
7629 be then lawfully punished a second time by the state. This is a
7630 deprivation of rights provided by the 1st, 2nd, 4th, 5th Amendment, 6th
7631 Amendment, 8th Amendment, 9th Amendment, and 14th Amendment
7632 including but not limited to the Constitution of the United States,
7633 Article IV, Section 2, and an infringement of the civil rights of
7634 Plaintiff Atkinson. This statute as a whole, and also in sections or
7635 parts is unconstitutional, an infringement, and a deprivation of civil
7636 rights of Plaintiff Atkinson. This is used by the Commonwealth and
7637 by the College to more specifically to infringe on the lawfully
7638 possession of arms in the private home of the student (well away from
7639 campus), and to deprive the student of their civil rights, and to
7640 infringe upon the 2nd Amendment right to keep and to bear arms
7641 (outside of the College, and well off Campus). This statute and

7642 handbooks as a whole, and also in sections or parts is unconstitutional,
7643 an infringement, and a deprivation of civil rights of Plaintiff Atkinson.

7644

7645 **COUNT FORTY EIGHT – EQUAL PROTECTION: VIOLATION OF**
7646 **THE SECOND AND FOURTEENTH AMENDMENTS TO THE**
7647 **CONSTITUTION AND 42 U.S. 1983**
7648

7649 473. The allegations contained in paragraphs 1 though the current
7650 paragraph, are re-alleged and incorporated into this count as though
7651 fully set forth herein. The aforesaid and following acts by
7652 Defendant(s) infringe Plaintiff’s civil rights and damage Plaintiff in
7653 violation of 42 U.S.C. § 1983.

7654

7655 474. The Defendants’ lack compelling interests, important interest, or
7656 governmental interests from denying law-abiding citizens like
7657 Plaintiff Atkinson the equal protection of laws. Nor are the Statutes
7658 narrowly tailored or rationally related to governmental interests.

7659

7660 475. The Statues enforced by the Defendants are unconstitutional as
7661 written or as applied by the Defendants are unconstitutional, and they
7662 prevent Plaintiff Atkinson from exercising his fundamental right to
7663 keep and bear arms for the purposes of self-defense, and other lawful

7664 purposes.

7665

7666 476. The Defendants currently maintain and actively enforce a set of
7667 laws, customs, practices, and policies under color of state law that
7668 deprive individuals, including Plaintiff Atkinson, of their right to keep
7669 and bear arms, in violation of their Second and Fourteenth
7670 Amendments.

7671

7672 **COUNT FORTY NINE – WHILE ACTING UNDER COLOR OF**
7673 **LAW, DEFENDANT TOWN OF ROCKPORT AND INDIVIDUAL**
7674 **DEFENDANTS DID DEPRIVE AND/OR INFRINGE ON THE**
7675 **PLAINTIFF’S CIVIL RIGHTS IN VIOLATION OF 42 U.S.C. § 1983**
7676

7677 477. The allegations contained in paragraphs 1 though the current
7678 paragraph, are re-alleged and incorporated into this count as though
7679 fully set forth herein. The aforesaid and following acts by
7680 Defendant(s) infringe Plaintiff’s civil rights and damage Plaintiff in
7681 violation of 42 U.S.C. § 1983.

7682

7683 478. On or about December 6, 2009, the Rockport police, acting
7684 under color of state law, some dressed in uniform, and others dressed
7685 in street clothing (not uniforms), carrying firearms, using police cars

7686 clearly marked as police officers of the Rockport Police Department,
7687 executed an unlawfully issued and unlawfully obtained search warrant,
7688 that was obtained by fraud and deception on the part of Defendants
7689 Marino, Andrus, Tibert, and Mahoney.

7690
7691 479. The search warrant in question was issued on or about
7692 December 4, 2009, the affidavit for which contains numerous
7693 falsehoods, deceptions, and false statements. In fact, if the true facts
7694 were inserted into the application for the search warrant and the false
7695 facts given the magistrate were excised, no probable cause for the
7696 "warrant" existed.

7697
7698 480. The Rockport Police Department and others are incompetent
7699 and knowingly, and arrogantly violated the law in furtherance of an
7700 ongoing criminal enterprise.

7701
7702 481. This search warrant was executed by Defendants Marino,
7703 Andrus, Tibert, Mahoney, Schmink, Hurst, George, McCarthy, plus
7704 four unknown Rockport Police Officers (listed herein as John Does),
7705 plus Defendant McDowell of the FBI, and one unknown person who

7706 is believed to be a Federal Agent (listed herein as John Doe). The
7707 report of the search deliberately omits the participation of Defendant
7708 John McCarthy, Rockport Chief of Police, Defendants Christian
7709 McDowell, various John Does, and other participants.

7710

7711 482. Defendants working in concert with others stole considerable
7712 property and possessions of the Plaintiff consisting of several hundred
7713 thousand dollars of American Gold Eagles and gold bullion (over 140
7714 ounces of gold, valued at \$1500 per ounce), at least \$5,000 in cash,
7715 and over 1600 ounces of silver bullion, plus tools, goods, equipment,
7716 and supplies – none of which was ever listed on the inventory return,
7717 and seized things not authorized for seizure on the search warrant.

7718 These items and acts are outlined in other paragraphs, and re-alleged
7719 and incorporated into this count as though fully set forth herein. This
7720 search and seizure deprived Plaintiff of his civil rights.

7721

7722 483. Further, Defendants did not seize certain items specifically
7723 listed on the search warrant. The warrant instead was used as a
7724 mechanism for the “general exploratory rummaging” and damaging of
7725 the Plaintiff’s belongings, and was in fact used as a “General Warrant”

7726 and did not conform to a scrupulous standard by which “nothing is to
7727 be left to the discretion of the officer executing the warrant.” Thus
7728 even though firearms records were specified in the search warrant,
7729 and these records were in fact found by the police, yet they were not
7730 taken, or entered into evidence as these records would have proved the
7731 Plaintiff did nothing wrong. Further, the search warrant specified that
7732 computers were to be taken (yet there was no specificity in the order);
7733 yet the police only took five computers, and did not take the more
7734 then fifty other computers on the premises as required by *Stanford v.*
7735 *Texas*, 379 U.S. 476, 485 (1965). This search and seizure deprived
7736 Plaintiff of his civil rights.

7737
7738 484. Police also seized the Plaintiff’s firearm licenses to carry from
7739 other states, even though this seizure of other licenses was not
7740 permitted by the search warrant. None of these items were listed on
7741 the inventory of the search. This seizure deprived Plaintiff of his civil
7742 rights.

7743
7744 485. These Defendant have committed various criminal offenses in
7745 permanently depriving plaintiff of his property and obstructed justice by

7746 falsely reporting their activities and items taken as well as exceeded, and
7747 overstepped their authority and violated the Constitutional rights of
7748 the Plaintiff, infringing and deprived him of his civil rights in
7749 violation of Plaintiff's constitutional and statutory rights, including but
7750 not limited to the 4th, 5th, and 14th amendments and 42 USC 1983, et
7751 seq.

7752
7753 486. Plaintiff repeatedly demanded that the police leave his premises,
7754 when the police refused to show him the search warrant. The police
7755 continued to refused to leave, and continued to refused to produce a
7756 warrant.

7757
7758 487. After the police had left the premises of the Plaintiff later in the
7759 day, the police did not leave a copy of the warrant on the Plaintiff
7760 property, nor was any inventory of the seized property provided to the
7761 Plaintiff, not left on the premises.

7762
7763 488. Plaintiff repeatedly sought to leave the premises after the police
7764 broke in, and attempted to depart by walking out the door, only to be
7765 physically restrained by the police, and prohibited from leaving his

7766 premises, even though the police had not yet announced that he was
7767 under arrest. The Plaintiff was repeatedly struck several times by the
7768 police as a result, all in violation of the Plaintiff civil rights.

7769

7770 489. The Rockport Police Department stole thousands of dollars in
7771 prescription medications, which had been provided to the Plaintiff by
7772 the federal government to treat injuries and disabilities, sustain by
7773 virtue of the Plaintiff military service to this nation. Police also stole
7774 thousands of dollars in orthopedic shoes and leg braces which has also
7775 been provided by the federal government to treat such injuries.

7776

7777 490. Police and others sabotaged various equipment and tool cases
7778 of the Plaintiff so that the cases could not be opened and used for his
7779 profession, and in many instances the cases had to be cut open by the
7780 Plaintiff to gain access to the contents. In some cases this took the
7781 form of the Police changing of combination, or jamming debris into
7782 the case locks.

7783

7784 491. Defendant directly deprived, violated, and infringed upon
7785 Plaintiff 's civil rights, with malice, and with careful planning and

7786 conspiracy with others. The conduct of these Defendants shocks the
7787 conscience.

7788

7789 492. These Defendants have exceeded, and overstepped their
7790 authority and violated the Constitutional rights of the Plaintiff,
7791 infringing and deprived him of his civil rights.

7792

7793 493. These Defendants has while acting under color of law and
7794 while armed with a dangerous weapon at all times with the intent to
7795 commit a felony; has engaged in a pattern of robbery; armed robbery;
7796 embezzlement; fraud; larceny; false statements; intimidation of a
7797 witness; false arrest; kidnapping; confinement; home invasion; armed
7798 home invasion; assault; armed assault; assaulted with bodily injury in
7799 furtherance of committing a felony; willfully inflicting injury;
7800 unlawfully used or threatened to use against another the power of or
7801 authority vested in him; use of excessive force; breaking and entered
7802 into a dwelling house; assault and battery; broke into a truck in order
7803 to commit a felony; induced another to part with property under false
7804 pretenses; had in his possession tools and implements to break open a
7805 building, room, or vault in order to steal and to commit other crimes;

7806 placed a person in fear of their lives in order to force the person to
7807 surrender the means of opening a locked room and locked safes;
7808 damaged property; intimidated witness or potential witness; caused
7809 serious alarm to a reasonable person; inflicted substantial emotional
7810 distress; entered a dwelling places of another knowing that one or
7811 more persons present within was likely armed with dangerous
7812 weapons; fraudulently converted property that was in the custody of
7813 the Town to his own personal use; concealed felonies committed by
7814 others who were part of the conspiracy; stole and, or received and
7815 gave to others stolen trade secrets; made false and fictitious claims,
7816 injured and defaced a dwelling house; remained on private property
7817 after being forbidden to remain thereon by the person in legal control
7818 of the premises; without authorization, committed subornation of
7819 perjury; made multiple false reports to state boards or commissioners;
7820 while acting as a employee of the Town of Rockport and Federal
7821 Agents, filed false written reports and statements; took money and
7822 rewards to compound or conceal felonies; aided in the commission of
7823 a felony; knowingly accessed computers, and computer systems and
7824 failed to terminate such access knowing that such access was not
7825 authorized; interfered with civil rights; committed conspiracy to

7826 violate civil rights; violated Constitutional Rights; and committed
7827 other State and Federal crimes.

7828

7829 494. Further, this defendant has engaged in conduct and as a
7830 continuing unit of an enterprise, through a pattern, of racketeering
7831 enterprises (including, but not limited to: mail fraud, wire fraud,
7832 scheme to defraud, robbery, kidnapping, obstruction of justice,
7833 interference in commerce, also involving monetary transactions in
7834 property derived from specified unlawful activity), and have caused
7835 injury to the business and/or property of the Plaintiff Atkinson.

7836

7837 **COUNT FIFTY – WHILE ACTING UNDER COLOR OF LAW,**
7838 **DEFENDANT COMMONWEALTH OF MASSACHUSETTS AND**
7839 **INDIVIDUAL DEFENDANTS DID DEPRIVE AND/OR INFRINGE**
7840 **ON THE PLAINTIFF’S CIVIL RIGHTS IN VIOLATION OF 42**
7841 **U.S.C. § 1983**
7842

7843 495. The allegations contained in paragraphs 1 through the current
7844 paragraph, are re-alleged and incorporated into this count as though
7845 fully set forth herein. The aforesaid and following acts by
7846 Defendant(s) infringe Plaintiff’s civil rights and damage Plaintiff in
7847 violation of 42 U.S.C. § 1983.

7848

7849 496. These Defendants have exceeded, and overstepped their
7850 authority and violated the Constitutional rights of the Plaintiff,
7851 infringing and deprived him of his civil rights. Defendant directly
7852 deprived, violated, and infringed upon Plaintiff 's civil rights, with
7853 malice, and with careful planning and conspiracy with others.

7854
7855 497. Plaintiff is informed and believes that it is through the
7856 leadership, ratification, and support of Defendant Commonwealth that
7857 its subordinate law enforcement agencies, and Defendants identified
7858 hereinafter, had permission to implement the custom, practice and
7859 usage which violated and continue to violate Plaintiff's
7860 constitutionally, statutory and regulatory rights, activities, privileges,
7861 and immunities in accordance with the United States Constitution, 1st,
7862 2nd, 4th, 5th, 6th, 8th, 9th, and 14th Amendments, and the U.S.
7863 Constitution, Article Four, Section 2, and Massachusetts Constitution,
7864 Part the First, Article XVII; Defendant Commonwealth is being sued
7865 in its official Capacity.

7866
7867 498. Further, these defendants has engaged in conduct and as a
7868 continuing unit of an enterprise, through a pattern, of racketeering

7869 enterprises (including, but not limited to: mail fraud, wire fraud,
7870 scheme to defraud, robbery, kidnapping, obstruction of justice,
7871 interference in commerce, also involving monetary transactions in
7872 property derived from specified unlawful activity), and have caused
7873 injury to the business and/or property of the Plaintiff Atkinson.

7874

7875 **COUNT FIFTY ONE – WHILE ACTING UNDER COLOR OF**
7876 **LAW, DEFENDANT COMMONWEALTH OF MASSACHUSETTS**
7877 **AND INDIVIDUAL DEFENDANTS DID DEPRIVE AND/OR**
7878 **INFRINGE ON THE PLAINTIFF’S CIVIL RIGHTS IN**
7879 **VIOLATION OF 42 U.S.C. § 1983**
7880

7881 499. The allegations contained in paragraphs 1 though the current
7882 paragraph, are re-alleged and incorporated into this count as though
7883 fully set forth herein. The aforesaid and following acts by
7884 Defendant(s) infringe Plaintiff’s civil rights and damage Plaintiff in
7885 violation of 42 U.S.C. § 1983.

7886

7887 500. While acting as a State agency, Defendants Commonwealth of
7888 Massachusetts, Salem State College, North Shore Community College,
7889 Montserrat College of Art, and Defendants Lloyd A. Holmes, Wayne
7890 Burton, Donna Richemond, Doug Puska, Kenneth Tashjy, Marshall J.
7891 Handly, Stephen D. Immerman, Brian Bicknell, Lee Dellicker, Lecia

7892 Turcotte, Donald Bowen, Martha Buskirk, Christopher Collins, Nancy
7893 Crate, Craig H. Deery, Steven Dodge, Henrietta Gates, Miranda
7894 Gooding, Linda Harvey, Betsy Hopkins, John Peterman, Jurrien
7895 Timmer, Charles Whitten, Alan Wilson, Katherine Winter, Jo
7896 Broderick, Rick Longo, Laura Tonelli, Theresa Skelly, Jeffrey Newell,
7897 Laura Tonelli, Scott James, Patricia Maguire Meservey, James Stoll,
7898 Shawn A. Newton, William Anglin, Shawn A. Newton, Shane
7899 Rodriguez, Kemah Travers, Kristina Mason, Lee Brossoit, John Good,
7900 Beverly National Bank, DanversBank, and various Johns Does did
7901 unlawfully suspended Plaintiff Atkinson as a student, and did punish
7902 and continue to Punish Plaintiff, for acts which the Plaintiff was never
7903 found guilty, nor for which there was ever any probable cause.

7904
7905 501. These Defendants have exceeded, and overstepped their
7906 authority and violated the Constitutional rights of the Plaintiff,
7907 infringing and deprived him of his civil rights. Defendants directly
7908 deprived, violated, and infringed upon Plaintiff 's civil rights, with
7909 malice, and with careful planning and conspiracy with others.

7910

7911 502. Plaintiff is informed and believes that it is through the
7912 leadership, ratification, and support of Defendants that its subordinate
7913 law enforcement agencies, and Defendants identified hereinafter, had
7914 permission to implement the custom, practice and usage which
7915 violated and continue to violate Plaintiff's constitutionally, statutory
7916 and regulatory rights, activities, privileges, and immunities in
7917 accordance with the United States Constitution, 1st, 2nd, 4th, 5th, 6th,
7918 8th, 9th, and 14th Amendments, and the U.S. Constitution, Article
7919 Four, Section 2, and Massachusetts Constitution, Part the First, Article
7920 XVII; Defendants are being sued in its official Capacity.

7921
7922 503. Further, this defendant has engaged in conduct and as a
7923 continuing unit of an enterprise, through a pattern, of racketeering
7924 enterprises (including, but not limited to: mail fraud, wire fraud,
7925 scheme to defraud, robbery, kidnapping, obstruction of justice,
7926 interference in commerce, also involving monetary transactions in
7927 property derived from specified unlawful activity), and have caused
7928 injury to the business and/or property of the Plaintiff Atkinson.

7929
7930 **COUNT FIFTY TWO – WHILE ACTING UNDER COLOR OF**
7931 **LAW, DEFENDANT COMMONWEALTH OF MASSACHUSETTS,**

7932 **ATTORNEY GENERAL, LYONS AMBULANCE, OEMS,**
7933 **BEVERLY HOSPITAL AND INDIVIDUAL DEFENDANTS, AND**
7934 **OTHERS DID DEPRIVE AND/OR INFRINGE ON THE**
7935 **PLAINTIFF'S CIVIL RIGHTS IN VIOLATION OF 42 U.S.C. §**
7936 **1983**
7937

7938 504. The allegations contained in paragraphs 1 though the current
7939 paragraph, are re-alleged and incorporated into this count as though
7940 fully set forth herein. The aforesaid and following acts by
7941 Defendant(s) infringe Plaintiff's civil rights and damage Plaintiff in
7942 violation of 42 U.S.C. § 1983.
7943

7944 505. While acting as a State agency, Defendants Commonwealth of
7945 Massachusetts, Town of Rockport, Lyons Ambulance, Beverley
7946 Hospital, Henry Michalski, Penny Michalski, Kevin M. Lyons, Frank
7947 Carabello, Darrell Moore, Robert Piepiora, David Raymond, John L.
7948 Good, Michael Cooney, Paul Coffey, Rosemary Lesch, Scott Story,
7949 Rita Budrow, Jane Carr, Diane E. Crudden, Abdullah Rehayem,
7950 Renee D. Lake, M. Thomas Quail, Brendan Murphy, Michael Racicot,
7951 Linda Sanders, Sandy Jacques, Sarah Wilkinson, Andrew Heinze,
7952 Ellen Canavan, Charles Clark, Mark Millet, Steven Krendel, Martha
7953 Coakley, John B. Brennan, Mark Pulli, Michael Cooney, Mary
7954 Elizabeth Heffernan, Mark Delaney, James F. Slater, Beverly National

7955 Bank, DanversBank, others named herein, and various John Does,
7956 operated fraudulent EMT training courses, and/or engaged in a
7957 widespread cover-up of fraudulent EMT training, made false claims in
7958 order to obtain federal funds, and engaged in reckless patient
7959 endangerment.

7960

7961 506. Further complaints by Plaintiff to Municipal and State agencies
7962 resulted in a cover-up, resulted in significant retaliation against the
7963 Plaintiff by Defendants and a deprivation of his civil rights.

7964

7965 507. The Town of Rockport, Rockport Police Department, Rockport
7966 Ambulance Department, Rockport Fire Department, the
7967 Commonwealth of Massachusetts Office of the Attorney General,
7968 Commonwealth of Massachusetts – OEMS Department, Essex
7969 Country District Attorney, Christian McDowell, Henry Michalski,
7970 Penny Michalski, John Does, and others listed herein did conspire to
7971 interfere with Plaintiff's international shipments in order to cause
7972 delays, by which Plaintiff was then charged in the aforementioned
7973 events due to delayed shipments.

7974

7975 508. The Commonwealth unlawful suspended Plaintiff Atkinson as
7976 an EMT by suspending his EMT license, as did the Town of Rockport
7977 Ambulance Department, and did punish Plaintiff, for acts which the
7978 Plaintiff was never found guilty, nor for which there was ever any
7979 probable cause.

7980
7981 509. Defendants Town of Rockport, Rosemary Lesch, and Scott
7982 Story, and Jane Carr, allowed a lesbian EMT named Diane E.
7983 Crudden to sexually harass the Plaintiff (who is a hetro-sexual male),
7984 and allowed and permitted a hostile work environment to develop
7985 between Defendant Crudden and other hetro-sexual males with the
7986 ambulance department. When Plaintiff complained of the repeated
7987 hostilities and sexual harassment to Defendant Lesch (acting as the
7988 department head, and in the Plaintiff's immediate chain of command
7989 and supervisor), he was told the Defendant Crudden was "treating you
7990 like that, merely because you have a penis" and the "she treats all
7991 males poorly and with hostility". Further, Defendant Lesch and Story
7992 did not to stop future sexual harassment (in the form of crude sexual
7993 jokes, and verbal attacks of a sexual nature), nor to remedy the hostile
7994 work environment that it fostered. It is the Plaintiffs understanding

7995 that Defendant Crudden had been a long-term behavioral problem
7996 within the department, spanning several years, and that Defendant
7997 Crudden and Carr working in concert had succeeded in chasing off
7998 other volunteer EMT's and Volunteer First Responders. Defendant
7999 Lesch further stated that "Dianne, Jane, and Rita have chased off more
8000 EMTs and First Responders through bullying them then she can
8001 count." She then went on to explain that there four EMT's (three
8002 previously named) who were trying to take over the ambulance
8003 department, and they viewed everybody outside of their group of four
8004 people as a threat to their taking over in the future.

8005
8006 510. Defendants Town of Rockport, Rosemary Lesch, Jane Carr,
8007 Dianne Crudden, and Scott Story as department leaders promoted the
8008 falsification of patient medical records, instructing Plaintiff to
8009 fabricate patient Vital Signs, and to "pencil whip" patient medical
8010 records. The Plaintiff refused to falsify patient records, or to falsify
8011 patient vital signs (or to falsify training records), and received
8012 considerable pressure from Defendant Carr, who claimed "that's the
8013 way he do it at Beverly Hospital" and alternately she would state "We
8014 do it that way at Lyons Ambulance." Defendants Carr and Crudden

8015 were aggressive in their insistence that the patient records be falsified,
8016 and Plaintiffs repeatedly observe both Defendants placing information
8017 into the patient records which did not in fact take place, or of
8018 preparing reports as someone else, and forging their names on it,
8019 including forging patients signatures on medical documents.

8020

8021 511. These Defendants have exceeded, and overstepped their
8022 authority and violated the Constitutional rights of the Plaintiff,
8023 infringing and deprived him of his civil rights. Defendant directly
8024 deprived, violated, and infringed upon Plaintiff 's civil rights, with
8025 malice, and with careful planning and conspiracy with others.

8026

8027 512. Plaintiff is informed and believes that it is through the
8028 leadership, ratification, and support of Defendants that its subordinate
8029 law enforcement agencies, and Defendants identified hereinafter, had
8030 permission to implement the custom, practice and usage which
8031 violated and continue to violate Plaintiff's constitutionally, statutory
8032 and regulatory rights, activities, privileges, and immunities in
8033 accordance with the United States Constitution, 1st, 2nd, 4th, 5th, 6th,
8034 8th, 9th, and 14th Amendments, and the U.S. Constitution, Article

8035 Four, Section 2, and Massachusetts Constitution, Part the First, Article
8036 XVII; Defendants are being sued in its official Capacity.

8037

8038 513. Further, this defendant has engaged in conduct and as a
8039 continuing unit of an enterprise, through a pattern, of racketeering
8040 enterprises (including, but not limited to: mail fraud, wire fraud,
8041 scheme to defraud, robbery, kidnapping, obstruction of justice,
8042 interference in commerce, also involving monetary transactions in
8043 property derived from specified unlawful activity), and have caused
8044 injury to the business and/or property of the Plaintiff Atkinson.

8045

8046 **COUNT FIFTY THREE – WHILE ACTING UNDER COLOR OF**
8047 **LAW, ESSEX COUNTY SHERIFF’S DEPARTMENT,**
8048 **ROCKPORT POLICE DEPARTMENT AND OTHERS DID**
8049 **DEPRIVE AND/OR INFRINGE ON THE PLAINTIFF’S CIVIL**
8050 **RIGHTS IN VIOLATION OF 42 U.S.C. § 1983**

8051

8052 514. The allegations contained in paragraphs 1 though the current
8053 paragraph, are re-alleged and incorporated into this count as though
8054 fully set forth herein. The aforesaid and following acts by
8055 Defendant(s) infringe Plaintiff’s civil rights and damage Plaintiff in
8056 violation of 42 U.S.C. § 1983.

8057

8058 515. While acting as a State agency, Defendants Essex County,
8059 Sheriffs Department, Commonwealth of Massachusetts, Melanie
8060 Goodlaxson, Frank G. Cousins, Jr., Michael Marks, Michael Frost,
8061 Michael Marino, Town of Rockport, Rockport Police Department,
8062 Addison Gilbert Hospital, Vincent P. Meoli, Michael Arsenian, Peter
8063 W. Curatolo, others named herein, and various John Does did deprive
8064 Plaintiff of required medical treatments, prescribed and required
8065 medications, deprived Plaintiff of required orthopedic shoes, and
8066 required orthopedic leg and knee braces, engaged in abusive, sadistic
8067 and brutal treatment and handling of Plaintiff, refused food to Plaintiff,
8068 and/or provided food that was rancid or inedible, or for which the
8069 Plaintiff had an allergy.

8070
8071 516. Defendants have acted with deliberate indifference to the
8072 Plaintiffs serious medical needs by implementing, sanctioning,
8073 approving, ratifying, or failing to remedy policies, practices, acts, and
8074 omissions that deny, delay, or intentionally interfere with medical
8075 treatment. This violates the cruel and unusual punishments clause of
8076 the Eighth Amendment, made applicable to the states though the
8077 Fourteenth Amendment to the Unites States Constitution.

8078

8079 517. Defendants acted with deliberate indifference to the medical
8080 needs of the Defendant, and in fact acted with calculated sadism and
8081 malice, and did deprive Plaintiff of his civil rights under color of
8082 authority.

8083

8084 518. Defendants forced Plaintiffs to ride long distances in unheated
8085 police and Sherriff vehicles, in sub-freezing temperatures, barely clad
8086 in a hospital gown, and forced Plaintiff to ambulate over ice coated
8087 walkways and paths with feet either uncovered, or clad in the thinnest
8088 of socks, shivering in the brutal wind and sub-freezing temperatures,
8089 and without the assistance of orthopedic shoes, leg or knee braces, or
8090 little more as the bare hospital gown and jeans at times with no jacket,
8091 coat, or other covering.

8092

8093 519. These Defendants have exceeded, and overstepped their
8094 authority and violated the Constitutional rights of the Plaintiff,
8095 infringing and deprived him of his civil rights. Defendants directly
8096 deprived, violated, and infringed upon Plaintiff 's civil rights, with
8097 malice, and with careful planning and conspiracy with others.

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520. Plaintiff is informed and believes that it is through the leadership, ratification, and support of Defendants that its subordinate law enforcement agencies, 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; Defendants are being sued in its official Capacity.

521. 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.

8118 **COUNT FIFTY FOUR – WHILE ACTING UNDER COLOR OF**
8119 **LAW, COMMONWEALTH OF MASSACHUSETTS AND**
8120 **OTHERS DID DEPRIVE AND/OR INFRINGE ON THE**
8121 **PLAINTIFF’S CIVIL RIGHTS IN VIOLATION OF 42 U.S.C. §**
8122 **1983**
8123

8124 522. The allegations contained in paragraphs 1 though the current
8125 paragraph, are re-alleged and incorporated into this count as though
8126 fully set forth herein. The aforesaid and following acts by
8127 Defendant(s) infringe Plaintiff’s civil rights and damage Plaintiff in
8128 violation of 42 U.S.C. § 1983.
8129

8130 523. While acting as a State agency, Defendants Commonwealth of
8131 Massachusetts, Rockport Police Department, John Auerbach, Martha
8132 Coakley, Katherine Hartigan, John B. Brennan, Kevin P. Burke,
8133 James Hurst, Daniel Mahoney, Michael Marino, John T. McCarthy,
8134 Gregory George, Sean Andrus, James Hurst, Mark Schmink, Robert
8135 Tibert, Michael Anderson, Timothy Frithsen, Christian McDowell,
8136 Michael Racicot, Linda Sanders, Sandy Jacques, Sarah Wilkinson,
8137 Andrew Heinze, Ellen Canavan, Charles Clark, Charlene Brown, and
8138 the Cape Ann Chamber of Commerce, others named herein, and
8139 various John Does did deprive Plaintiff his rights under the 1st, 2nd, 4th,

8140 5th, 7th, 8th, and 14th Amendments, and deprived Plaintiff of his civil
8141 rights under color of authority.

8142

8143 524. Further, the Commonwealth and political subdivisions thereof,
8144 public and private colleges have passed, and imposes, and enforce
8145 unconstitutional laws, statutes, regulations, and policies which
8146 deprives Plaintiff of his civil rights.

8147

8148 525. Defendants have acted with deliberate indifference to the
8149 Plaintiffs serious medical needs by implementing, sanctioning,
8150 approving, ratifying, or failing to remedy policies, practices, acts, and
8151 omissions that deny, delay, or intentionally interfere with medical
8152 treatment. This violates the cruel and unusual punishments clause of
8153 the Eighth Amendment, made applicable to the states though the
8154 Fourteenth Amendment to the Unites States Constitution

8155

8156 526. These Defendants have exceeded, and overstepped their
8157 authority and violated the Constitutional rights of the Plaintiff,
8158 infringing and deprived him of his civil rights. Defendant directly

8159 deprived, violated, and infringed upon Plaintiff 's civil rights, with
8160 malice, and with careful planning and conspiracy with others.

8161

8162 527. Defendants concocted an illegal, and Constitutionally prohibited
8163 system of laws, scheme, statutes, regulations, and policies, which
8164 infringe of the civil rights of the Plaintiff.

8165

8166 528. Defendants know that their creation, and enforcement of these
8167 laws are a violation, infringement, and deprivation of the Defendants
8168 civil rights.

8169

8170 529. Plaintiff is informed and believes that it is through the
8171 leadership, ratification, and support of Defendants that its subordinate
8172 law enforcement agencies, and Defendants identified hereinafter, had
8173 permission to implement the custom, practice and usage which
8174 violated and continue to violate Plaintiff's constitutionally, statutory
8175 and regulatory rights, activities, privileges, and immunities in
8176 accordance with the United States Constitution, 1st, 2nd, 4th, 5th, 6th,
8177 8th, 9th, and 14th Amendments, and the U.S. Constitution, Article

8178 Four, Section 2, and Massachusetts Constitution, Part the First, Article
8179 XVII; Defendants are being sued in its official Capacity.

8180

8181 530. Further, this defendant has engaged in conduct and as a
8182 continuing unit of an enterprise, through a pattern, of racketeering
8183 enterprises (including, but not limited to: mail fraud, wire fraud,
8184 scheme to defraud, robbery, kidnapping, obstruction of justice,
8185 interference in commerce, also involving monetary transactions in
8186 property derived from specified unlawful activity), and have caused
8187 injury to the business and/or property of the Plaintiff Atkinson.

8188

8189 **COUNT FIFTY FIVE – RESEARCH ELECTRONICS, A AND L**
8190 **ENTERPRISES, THOMAS H. JONES, BRUCE BARSUMIAN,**
8191 **MICHELLE GAW, TRISH WEBB, PAMELA MCINTYRE, LEE**
8192 **JONES, ARLENE J. BARSUMIAN, DARLENE JONES,**
8193 **CHRISTIAN MCDOWELL, DEPARTMENT OF ENERGY,**
8194 **DEPARTMENT OF STATE, CENTRAL INTELLIGENCE**
8195 **AGENCY, OTHERS NAMED HEREIN AND OTHERS DID**
8196 **DEPRIVE AND/OR INFRINGE ON THE PLAINTIFF’S CIVIL**
8197 **RIGHTS IN VIOLATION OF 42 U.S.C. § 1983 AND DID COMMIT**
8198 **UNLAWFUL ACTS, TRAFFICKED IN ILLEGAL**
8199 **EAVESDROPPING AND MEDICAL DEVICES, COMMITTED**
8200 **ILLEGAL EAVESDROPPING, VIOLATED EXPORT**
8201 **CONTROLS. AND OTHER ACTS DESCRIBED HEREIN**

8202

8203 531. The allegations contained in paragraphs 1 though the current
8204 paragraph, are re-alleged and incorporated into this count as though

8205 fully set forth herein. The aforesaid and following acts by
8206 Defendant(s) infringe Plaintiff's civil rights and damage Plaintiff in
8207 violation of 42 U.S.C. § 1983.

8208

8209 532. While acting as a State agency, Defendants Research
8210 Electronics, A and L Enterprises, Thomas H. Jones, Bruce Barsumian,
8211 Michelle Gaw, Trish Webb, Pamela McIntyre, Lee Jones, Arlene J.
8212 Barsumian, Darlene Jones, Christian McDowell, Department of
8213 Energy, Department of State, Central Intelligence Agency, others
8214 named herein, and various John Does did deprive Plaintiff his rights
8215 under color of authority.

8216

8217 533. Defendants Research Electronics, A and L Enterprises, Thomas
8218 H. Jones, Bruce Barsumian, Michelle Gaw, Trish Webb, Pamela
8219 McIntyre, Lee Jones, Arlene J. Barsumian, Darlene Jones, others
8220 named herein, and various John Does makes, builds, imports, sells,
8221 resells, possesses, offer for sale, operates, ships in inter-state
8222 commerce, and controls illegal eavesdropping device, in violation of
8223 18 USC 2510-2522 and in furtherance of their commercial business
8224 pursuits in violation of Federal law

8225

8226 534. Defendants Research Electronics, A and L Enterprises, Thomas
8227 H. Jones, Bruce Barsumian, Michelle Gaw, Trish Webb, Pamela
8228 McIntyre, Lee Jones, Arlene J. Barsumian, Darlene Jones, others
8229 named herein, and various John Does makes, builds, imports, sells,
8230 resells, possesses, offer for sale, operates, ships in inter-state
8231 commerce, and controls devices capable of transmitting a radio signal,
8232 or which contains a local oscillator which are not properly licensed,
8233 certified, and/or labeled in accordance with 47 CFR in violation of
8234 Federal law.

8235

8236 535. Defendants Research Electronics, A and L Enterprises, Thomas
8237 H. Jones, Bruce Barsumian, Michelle Gaw, Trish Webb, Pamela
8238 McIntyre, Lee Jones, Arlene J. Barsumian, Darlene Jones, others
8239 named herein, and various John Does makes, builds, imports, sells,
8240 resells, possesses, offer for sale, operates, ships in interstate and
8241 international commerce goods unlawfully that is restricted by
8242 International Traffic in Arms Regulations (ITAR) by the U.S. State
8243 Department items as controlled munitions or commodities in violation
8244 of Federal law.

8245

8246 536. Defendant unlawfully exports controlled munitions and
8247 controlled devices in violation of International Traffic in Arms
8248 Regulations (ITAR) (22 CFR, Sections 120 - 130) in that they are
8249 legally defined as defense articles on the United States Munitions List
8250 (USML). Licenses are issued by the U.S. Department of State
8251 Directorate of Defense Trade Controls (DDTC).

8252

Sec. 121.1 General. The United States Munitions List.

8253

“(a) The following articles, services and related technical data
8254 are designated as defense articles and defense services pursuant
8255 to sections 38 and 47(7) of the Arms Export Control Act (22
8256 U.S.C. 2778 and 2794(7)).”

8257

8258

Category XI--Military [and Space] Electronics

8259

“(b) Electronic systems or equipment specifically
8260 designed, modified, or configured for intelligence,
8261 security, or military purposes for use in search,
8262 reconnaissance, collection, monitoring, direction-finding,
8263 display, analysis and production of information from the
8264 electromagnetic spectrum and electronic systems or
8265 equipment designed or modified to counteract electronic
8266 surveillance or monitoring.”

8267

8268 537. Research Electronics has unlawfully subverted this by
8269 repeatedly claiming that the “electronics counter-measures equipment”
8270 which they make is merely “general purpose test equipment” when it
8271 is in fact “electronic counter-measures equipment” as defined by

8272 Section 121.1, Category XI(b) as “equipment designed or modified to
8273 counteract electronic surveillance or monitoring.”

8274

8275 538. Further, Research Electronics does not advertise this equipment
8276 for any function other than for the purposes of “counteracting
8277 electronic surveillance or monitoring,” and the equipment is purpose
8278 built for that sole function along, and no other.

8279

8280 539. Neither does Research Electronics train students at their school
8281 on how to use this equipment for any function other than to find,
8282 locate, and to counteract eavesdropping devices.

8283

8284 540. The Defendants have not only violated International Traffic in
8285 Arms Regulations, but they have also committed including, but not
8286 limited to: Wire Fraud, Mail Fraud, Scheme to Defraud, Obstruction
8287 of Criminal Investigations, Obstruction of Law Enforcement,
8288 Interference with Commerce, and Transactions in Property Derived
8289 from Specific Unlawful Activity in furtherance of this illegal
8290 exportation, and misrepresented to the federal government of the
8291 nature of their goods. This scheme to defraud, and to falsely classify

8292 in order to export counter-surveillance equipment as mere “general
8293 purpose test equipment” on the part of the Defendants has caused
8294 harm to the business and property of the Plaintiff and others,
8295 represents the conduct of a continuing unit, by an enterprise, through a
8296 pattern, of prohibited activities, which resulted in income for the
8297 Defendants, and damage to the Plaintiff business and property.

8298
8299 541. Had Defendants not engaged in this fraud, other parties would
8300 have been able to apply for such licenses, and this to export n
8301 estimated \$28,774,000 in goods, which the Defendant illegally
8302 exported to foreign customers between Jun 2007 and June 2011. As
8303 this illegal export, and violations of the RICO statutes were
8304 committed by the Defendants, trebles damages for the illegal exports
8305 alone is expected to exceed \$86,322,000.

8306
8307 542. Defendants Research Electronics, A and L Enterprises, Thomas
8308 H. Jones, Bruce Barsumian, Michelle Gaw, Trish Webb, Pamela
8309 McIntyre, Lee Jones, Arlene J. Barsumian, Darlene Jones, others
8310 named herein, and various John Does makes, builds, imports, sells,
8311 resells, possesses, offer for sale, operates, ships in interstate and

8312 international commerce goods and devices sold for detecting hidden
8313 cellular phones or other electronics on or in the human body by means
8314 of non-ionizing radiation, and which are not approved medical or
8315 radiological devices, and which are expressly prohibited by Federal
8316 Guidelines due to the likelihood of very grave health risks in violation
8317 of Federal law.

8318

8319 543. Defendants Research Electronics, A and L Enterprises, Thomas
8320 H. Jones, Bruce Barsumian, Michelle Gaw, Trish Webb, Pamela
8321 McIntyre, Lee Jones, Arlene J. Barsumian, Darlene Jones, others
8322 named herein, and various John Does makes, builds, imports, sells,
8323 resells, possesses, offer for sale, operates, ships in interstate and
8324 international commerce goods and devices manufactures medical
8325 equipment for the purposes of radiological or radiating devices to
8326 examine humans which are not approved for human use, and which
8327 are specifically prohibited by federal guidelines for human use, and
8328 which are expressly prohibited by Federal Guidelines due to the
8329 likelihood of very grave health risks, in violation of Federal law.

8330

8331 544. Defendants Research Electronics, A and L Enterprises, Thomas
8332 H. Jones, Bruce Barsumian, Michelle Gaw, Trish Webb, Pamela
8333 McIntyre, Lee Jones, Arlene J. Barsumian, Darlene Jones, others
8334 named herein, and various John Does makes, builds, imports, sells,
8335 resells, possesses, offer for sale, operates, ships in interstate and
8336 international commerce, goods and device claimed to be able to detect
8337 bombs or explosive devices by means of non-ionizing radiation,
8338 which present a high risk of accidental detonation. Defendants
8339 recklessly endangers the life and limbs of U.S. Military forces and
8340 members of the intelligence community by selling defective
8341 equipment, and make false claims about products to obtain federal
8342 funds.

8343
8344 545. Defendants Research Electronics, A and L Enterprises, Thomas
8345 H. Jones, Bruce Barsumian, Michelle Gaw, Trish Webb, Pamela
8346 McIntyre, Lee Jones, Arlene J. Barsumian, Darlene Jones, others
8347 named herein, and various John Does encouraged, endorsed,
8348 organized, and/orchestrated an ongoing criminal enterprise.

8349

8350 546. Any veil of immunity, which this defendant may have
8351 previously enjoyed by virtue of their office or position, or government
8352 connections is “pierced and ripped asunder” due to their infringement
8353 and deprivation of the Constitutional Rights of the Plaintiff, and thus
8354 this Defendant (and all other Defendants) stands fully naked and
8355 vulnerable before the court, with no immunity of any form.

8356
8357 547. Defendants Research Electronics, A and L Enterprises, Thomas
8358 H. Jones, Bruce Barsumian, Michelle Gaw, Trish Webb, Pamela
8359 McIntyre, Lee Jones, Arlene J. Barsumian, Darlene Jones, others
8360 named herein, and various John Does, in combination, contracted to,
8361 engaged in, conspired to engage in, created trusts and agreements,
8362 engaged in monopolistic efforts, rigged contracts, inflated market
8363 price, price fixing, and restraint of trade among the several States, or
8364 with foreign nations, in violation of the law and contrary to public
8365 policy. Defendants demanded that the Plaintiff not deal in the goods,
8366 wares, merchandise, machinery, supplies, or other commodities of
8367 their competitor or competitors, with the effect of such lease, sale, or
8368 contract for sale or such condition, agreement, or understanding may

8369 be to substantially lessen competition or tend to create a monopoly in
8370 any line of commerce.

8371

8372 548. Defendants engaged in a long term course of fraud and
8373 conversion as follows to include stealing customers, refusing to pay
8374 contracted commissions, unduly delaying international and domestic
8375 shipments, and other acts which harmed the Plaintiff and the
8376 Plaintiff's business.

8377

8378 549. Plaintiff began dealing the Defendant Research Electronics and
8379 Defendant Barsumian in approximate late Fall of 1981 as a retail
8380 customer of the company purchasing products for use in the
8381 performance of TSCM services and bug sweeps. At that time,
8382 Defendant Barsumian operated the company in the form of "Research
8383 Electronics, Inc" and alternately under the name of "Security
8384 Research International" with an address in and near the Tampa,
8385 Florida area. At the time, the Defendant stated that he was in the
8386 profession of performing TSCM (bug sweeping) services as well as
8387 the profession of making bugging devices and TSCM equipment.

8388

8389 550. In 1983, (by his own admission) Defendant Barsumian suffered
8390 a catastrophic financial collapse of his business in Florida, and moved
8391 to Tennessee to be supported by his wife's parents. At that time the
8392 Defendant produced only the most primitive of TSCM products, and
8393 the quality was grossly inferior to those produced by the competitors
8394 of the Defendant.

8395
8396 551. In the April 1988, the Plaintiff discover that the Defendant was
8397 not operating in Tennessee after moving from Florida and contacted
8398 the Defendant in order to arrange for a visit in the Fall of 1988 while
8399 the Plaintiff would be working at a project in Oak Ridge, Tennessee.
8400 Defendant at this time disclosed to the Plaintiff that his business had
8401 collapsed, and that his father-in-law had to rent a U-Haul truck to
8402 move him and his wife from Florida to Tennessee and that he and his
8403 father-in-law had restarted the "Research Electronics" company, but
8404 was not longer operating the under the "Security Research" company
8405 name. At that time the Defendant disclosed to the Plaintiff that the
8406 Defendant was wholly unable to perform a TSCM inspection or bug
8407 sweep and stated to the Plaintiff that he "would be restricting his
8408 activities to the making of bug sweep devices, not of rending TSCM

8409 service, as he discovered too late that he was no good at it, and that it
8410 was at the center of his bankruptcy problems”.

8411

8412 552. In the late Fall of 1988, the Plaintiff visited the Defendants
8413 factory in or near Cookeville, TN in order to purchase a new model of
8414 device which the Defendant had described to him and was marketing
8415 to replaced the inferior quality equipment previously purchased by the
8416 Plaintiff from the Defendant in 1983. While the product still
8417 performed inferior to that built by competitors, it was an improvement
8418 on the product purchased roughly five years previously. During this
8419 visit, the Defendant quizzed the Plaintiff in regards to the “other
8420 equipment” the Plaintiff was using to perform TSCM services for
8421 clients, and the Plaintiff agreed to demonstrate several items, which
8422 the Plaintiff had designed and built for his own use to provide TSCM
8423 services. Among the items demonstrated was a silver Halliburton
8424 briefcase into which the Plaintiff had built a computer controlled
8425 receiver, with a swing out panel that positioned the antennas and
8426 receivers well away from the computer so that it did not pickup
8427 electrical noise the from computer, and the small printer/plotter which
8428 was also built into the case. The Plaintiff also demonstrated an

8429 sophisticated antenna system, whereby the antennas, filters, and
8430 preamplifiers were built into the “swing out wings” that would
8431 normally hold screwdriver blades. The Plaintiff discovered to some
8432 horror in 1990, that the Defendant actually took the Plaintiff design,
8433 claimed it as his own, and fraudulently filed a patent for it mere weeks
8434 after the demonstration by the Plaintiff.

8435

8436 553. In approximately 1992, Defendant again began dealing with
8437 Plaintiff, and through Plaintiff’s web site allowed an Internet presence
8438 (www.tscm.com) in which Plaintiff provided detailed descriptions,
8439 photographs, etc. of Defendants products as well as other
8440 manufacturers of such equipment to the TSCM, Intelligence, and
8441 private sector communities.

8442

8443 554. At that time, the Defendant lacked any kind of a website, lacked
8444 any sort of on-line representation of its products, lacked even
8445 primitive E-mail of their own, and lacked the technical ability to
8446 provide same.

8447

8448 555. As the relationship developed between the parties, in
8449 approximately 1995, Plaintiff began buying and reselling Defendants
8450 products under a non written agreement in which Plaintiff received a
8451 31.5% discount on all of Defendants products he purchased and was
8452 free to sell at whatever price Plaintiff desired. Plaintiff did however;
8453 refuse to have anything at all to do with the illegal bugging devices
8454 which the Defendant was offering for sale.

8455
8456 556. Pursuant to this non written agreement, Plaintiff's sold
8457 Defendants products to the United States Government, the U.S.
8458 Government Intelligence community, including the Central
8459 Intelligence Agency, the Federal Bureau of Investigation, the U.S.
8460 Department of State, Secret Service, Department of Energy, Army,
8461 Navy, Air Force, Marine Corps, Defense Contractors, Research and
8462 Development Companies, Think Tanks, Lockheed Martin, Harvard,
8463 Raytheon Corporation, Mitre Corporation, Lawrence Livermore Labs,
8464 Lincoln Labs, Sandia Labs, the Royal Canadian Mounted Police, and
8465 others.

8466

8467 557. During this same period, Defendant developed a product known
8468 as the “OSCOR” which is an Omni Spectral Correlator, Model 5000
8469 or OSC-5000. Plaintiff took an OSCOR, designed and modified
8470 Defendants unit, and thereafter showed it to Defendant suggesting the
8471 modification be made to make it more saleable to U.S. Government
8472 entities. Defendant implemented Plaintiff’s designs and modifications.

8473
8474 558. In 1995, the Defendant contacted the Plaintiff by phone and
8475 asked Plaintiff if he had any suggestion on how to resolve a technical
8476 issue in raising the frequency coverage of the OSC-5000 product,
8477 which the Plaintiff had successfully performed on other similar
8478 systems for defense contractors. The Plaintiff described to the
8479 Defendant a very simple, and inexpensive design which he had used
8480 in the past on other equipment whereby the local oscillator of the
8481 OSC-5000 could be used to drive a simple microwave down convertor
8482 that was attached to an 18 GHz AEL blade style log periodic antenna
8483 that was commercially available. Further, the Plaintiff cautioned the
8484 Defendant that the product would not be taken seriously by the TSCM
8485 community unless it could cover up to 40 GHz or above, which would

8486 require the use of three antennas, each with a slightly different
8487 downconverter, and some kind of switching circuit.

8488

8489 559. In approximately 1999, Defendant made additional
8490 modifications to the OSCOR and increased the price. Plaintiff, an
8491 authority in TSCM, continued to purchase and resell Defendants
8492 products and gave individual discounts to other practitioners in the
8493 TSCM field while maintaining normal pricing structure for non-
8494 TSCM professionals. Because of Plaintiff's professional courtesy,
8495 Defendant became upset and expressed its upset with Plaintiff;
8496 however, the relationship continued.

8497

8498 560. In early July 1999, an FBI Agent in Boston, MA approached
8499 Defendant and asked advice as to how to approach Research
8500 Electronics in a way that would allow the FBI and CIA to harvest
8501 customer information more effectively as the agents he spoke to
8502 acknowledged that Research Electronics had been provided this
8503 information for years, but that it was often incomplete, and they had
8504 caught Defendant Research Electronics not being forthcoming on the
8505 information to the intelligence agencies of equipment which they had

8506 previously provided. Plaintiff explained to the FBI Agent that the only
8507 effect method to do this was to have at least one agent in place
8508 (overtly or covertly), by way of the training department so that not
8509 only would that person have access to equipment sales records, but
8510 could also assess and direct the training of foreign nationals by way of
8511 this agent-in-position. This agent-in-position was chosen by the U.S.
8512 Army as one of their own TSCM instructors and put in place a few
8513 months later to act as a conduit and liaison. Additionally, in the years
8514 that followed, several additional agents were put in place inside the
8515 Defendants firm, with the Defendants permission as a type of
8516 undercover operation, with these later operatives being controlled by
8517 the Central Intelligence Agency instead of the U.S. Army.

8518
8519 561. Essentially, the U.S. Intelligence community has sought for
8520 decades to control the TSCM marketplace, and the manufacture of
8521 related goods and in turn to provide training so that there would be
8522 only a single control point, or monopoly on all TSCM and related
8523 equipment that was being exported to foreign countries for use by
8524 their intelligence agencies, government agencies, military, and
8525 corporations.

8526

8527 562. In December of 1999, the Defendant requested the assistance of
8528 the Plaintiff and attempted to use the Plaintiff to contact the
8529 manufacture of a CODEC (digital coding and decoding) system which
8530 the Defendant has seen the Plaintiff use to examine digital phone
8531 systems during TSCM inspections. The Defendant sought to develop
8532 an eavesdropping device based on the CODEC system, which the
8533 Plaintiff refused to assist in, or to have anything to do with in any way.
8534 The Plaintiff did demonstrate to the Defendant how to instead utilize
8535 near-end and far-end cross talk analysis to locate eavesdropping
8536 devices, but refused to assist the Defendant in eavesdropping methods
8537 or equipment development which they were seeking.

8538

8539 563. Defendant restructured the company in 2000 and in the
8540 following year, Defendant confected a Manufacturer's Representative
8541 Contract in which Defendant now claimed that all government sales
8542 were "in house" clients of Defendant. Plaintiff discussed the improper
8543 and unethical wholesale blanket of "in house" contained in the
8544 agreement with Defendant Tom Jones, a managing member of
8545 Defendant, informed Plaintiff that if he didn't agree Defendant would

8546 severe all ties with Plaintiff and he would be prohibited from any
8547 further purchases. In short, Defendant informed Plaintiff he could
8548 “take it or leave it” with respect to that provision and every other
8549 provision of the contract.

8550

8551 564. In addition, during visits made almost yearly after that point,
8552 Defendant maintained a huge inventory of illegal bugging devices (i.e.
8553 devices designed primarily for the unlawful and surreptitious
8554 interception of wire and/or oral communications), which is a felony to
8555 possess, and which the Plaintiff personally examined, and in some
8556 cases covertly and/or overtly photographed. Defendant repeatedly
8557 solicited Plaintiff to purchase and deal in these illicit eavesdropping
8558 devices from them, but Plaintiff strongly refused. Further, Defendant
8559 repeatedly illegally bugged and eavesdropped upon Plaintiff during
8560 his visits in contravention of applicable State laws of the State of
8561 Tennessee and Federal law.

8562

8563 565. During the Plaintiff visits to the Defendants business location in
8564 1999, 2005, and in 2007, Plaintiff photographed these illegal bugging
8565 devices, which drastically upset the Defendants as they stated that

8566 were concerned the they could get into trouble if the photographs
8567 were ever published, put on the Internet, or provided to the authorities.

8568

8569 566. Beginning in 2001, Defendant entered into a manufacturer's
8570 representative agreement, which continued until October of 2010. A
8571 review of the terms and conditions imposed by Plaintiff pursuant to its
8572 inclusion of adhesion clauses in said contract required to be executed
8573 by Defendant on a "take it or leave it" basis is illustrative. For
8574 example, Defendant required Plaintiff to agree that "In the event of
8575 any dispute or controversy regarding whether a commission is due,
8576 Plaintiff "will have full authority and final discretion regarding same.
8577 REI's decision regarding the payment or non payment will not be
8578 appeal able (sic) or actionable even if it is arbitrary, unreasonable, and
8579 or motivated by REI's self interest." In addition, Defendants provided
8580 the following: "REI may freely solicit any customer directly, even in
8581 competition with the MREP and no liability will be incurred to the
8582 MREP." After 2006, annual renewals were signed but Defendant
8583 retained all copies refusing to send copies to representatives who
8584 executed same, even after multiple requested to be provided copies.

8585

8586 567. Defendant required that Plaintiff provide it with a Pending
8587 Order Form on all sales of Plaintiff pursuant to the Manufacturer's
8588 Representative Contract. In approximately 2004, Plaintiff discovered
8589 that on orders he had made with third parties, Defendant was under
8590 reporting commissions due to Plaintiff. Further, Defendant restricted
8591 Plaintiff's ability to provide Pending Order Forms limiting him to
8592 only ten (10) per month since Plaintiff was submitting more than any
8593 other dealer in the United States (i.e. approximately 250 per month) as
8594 a result of him selling more product than any other venue outside of
8595 the Defendants business.

8596
8597 568. In 2004 and 2005, Plaintiff went to Defendants business to
8598 attend a two-week series of classes, and then a one-week course
8599 relative to Defendants equipment. Prior to Plaintiff's arrival, he was
8600 told that Defendant would assist him in dealing with clients to close
8601 more sales and would also train Plaintiff in doing basic repairs on the
8602 OSCOR such as replacing batteries and alignments and would do this
8603 over a three day period over the weekend of the two week course (the
8604 "service" course was to take place on Friday Afternoon, and then all
8605 day on Saturday and Sunday). Contrary to Defendants representations,

8606 when Plaintiff arrived he was shown how to repair broken hinges;
8607 however, Defendant not only did not provide any instruction on any
8608 other repair or alignment techniques as promised, Defendant did
8609 everything to hide from Plaintiff anything related to repairs of the
8610 OSCOR.

8611

8612 569. In 2007, Defendant had developed another product, the
8613 TALAN (which was based on the aforementioned CODEC of the
8614 Plaintiff). Plaintiff, prior to his arrival at Defendants business, was
8615 told to bring photographic equipment because Defendant wanted
8616 Plaintiff to take extensive photographs of the TALAN in order to
8617 promote the product on the Plaintiff's web site. Prior to this date,
8618 Defendant had published only computer mockups since Defendant
8619 was experiencing considerable problems getting a final, production
8620 model. Upon arrival, Defendant not only refused to allow photographs
8621 by Plaintiff, Defendant further prohibited Plaintiff from using
8622 photographs from Defendant brochures, even though Plaintiff was still
8623 a manufacturer's representative. Over the two week course, Plaintiff
8624 witnessed the TALAN products used in the classroom and
8625 laboratories exhibiting catastrophic failures due to serious design

8626 flaws, and the course instructors state to the Plaintiff that the all of the
8627 units that the company was selling were having the same problems,
8628 and that all of the units which the Plaintiff had sold to the FBI as
8629 eavesdropping systems had been returned as defective.

8630

8631 570. In April 2007, after Plaintiff testified as a nationally recognized
8632 technical subject matter expert in TSCM and TEMPEST for the
8633 “Deepwater” Congressional Investigation engaged as a subject matter
8634 expert for the Congressional Oversight Committee a situation
8635 unfolded which eventually resulted in the Defendant threatening to
8636 “destroy “ the Plaintiff by a series of actions the Defendant initiated in
8637 August 2007 and coordinated on behalf of the certain elements U.S.
8638 Government who were found to be involved by the Plaintiff in the
8639 matter, on behalf of the Congressional Oversight Committee.

8640

8641 571. The Plaintiff asserts that this is the same pattern of retaliatory
8642 behavior by the FBI an other government agencies, which was used
8643 against Martin L. Kaiser in 1975 (and others since) after he also
8644 testified before Congress in a similar fashion about government
8645 corruption and rampant contractor fraud. This retaliation represents a

8646 long term pattern of conduct by an agency, agent, or contractor of the
8647 government in order to “pay back” or attempt to discrete the person
8648 who testified before Congress and who performing their civic duty by
8649 providing such testimony. Plaintiff further asserts, that this was a long
8650 term course of conduct of a continuing enterprise, though a pattern, of
8651 racketeering (including but not limited to: mail fraud, wire fraud,
8652 scheme to defraud, obstruction of justice, interference in commerce,
8653 witness tampering, whistle-blower retaliation, and monetary
8654 transactions in property derived from specified unlawful activities),
8655 and have caused injury to the business and/or property of Plaintiff.

8656
8657 572. The project to “destroy” the Plaintiff by this Defendant thus
8658 appears to have been instituted in August of 2007, and possibly as
8659 early as July 2007 (after the Plaintiff received a barrage of threat from
8660 three defense contractor who had just lost a contract valued in the tens
8661 of billions of dollars as a result of the Plaintiffs testimony before
8662 Congress in April 2007).

8663
8664 573. The Plaintiff did not become aware of this pattern of criminal
8665 behavior of the Defendants until it manifested itself on December 1,

8666 2009, and discovered the injury to the Plaintiff at that time. Plaintiff
8667 asserts that this pattern of specific, organized criminal acts (in order to
8668 destroy the Plaintiff) took place from 2007 until the present date, but
8669 also that the conduct took place over a long period of time spanning a
8670 continuum of acts from October 2001 to the present time, and acts
8671 which form a pattern even prior to September 2001, and in fact dating
8672 back over a period of nearly thirty years.

8673

8674 574. After the Plaintiff testified before Congress in April 2007, the
8675 Defendant began to complicate Plaintiff's sales by kicking back or
8676 rejecting end user certificates on overseas sales of products, revealing
8677 at one point, that Defendant had "not received approval from
8678 Washington, D.C. on the end user certificate." This tactic continued to
8679 be employed by Defendant such that simple transactions often were
8680 complicated by Defendant to cause delays in the transactions resulting
8681 in Defendant capturing the client and sale and denying Plaintiff
8682 rightful commissions, or profits.

8683

8684 575. Several transactions regarding sales made by Plaintiff are
8685 illustrative. In approximately mid 2005, Plaintiff was contacted by a

8686 national company interested in his advice relative to their needs and
8687 TSCM equipment available from a number of manufacturers,
8688 including Defendant. After spending a substantial period of time with
8689 the client, Plaintiff submitted the Pending Order Form to Defendant
8690 for this particular sale. After submission of same, Plaintiff made an
8691 inquiry to Defendant on the status of the order and was informed no
8692 transaction took place. This was approximately a \$100,000 sale of
8693 equipment in which Plaintiff should have been paid \$25,000.00
8694 commission. After being informed no transaction took place, Plaintiff
8695 was on the premises of Defendant subsequently for a training course
8696 and was greeted by one of the national company's employees who
8697 told Plaintiff they had tried to purchase equipment from him; however,
8698 his boss had been contacted directly by Defendant who told the
8699 company they had to buy it directly from Defendant, not Plaintiff.
8700 Thereafter the sale went through directly with Defendant who retained
8701 the entirety of the transaction and informed Plaintiff that no sale had
8702 occurred.

8703
8704 576. A national pharmaceutical company consulted with Plaintiff in
8705 a similar manner. After the company agreed to purchase Defendants

8706 equipment from Plaintiff, Plaintiff submitted the pending order
8707 notification to Defendant. The purchase order was made with the
8708 pharmaceutical company's employee charged with providing not only
8709 budget requirements but also recommendations to the company. As
8710 soon as Defendant received the pending order notification from
8711 Plaintiff, Defendant immediately went to a higher up in the
8712 pharmaceutical company took the order, concluded the transaction
8713 and reported to Plaintiff that no sale had taken place. Later at a trade
8714 show, Plaintiff encountered the pharmaceutical company's employee,
8715 with whom Plaintiff had dealt, who informed Plaintiff that Defendant
8716 had called the company's executive and told him they had to purchase
8717 direct with Defendant, not Plaintiff.

8718
8719 577. Plaintiff was contacted by a foreign government who sought his
8720 advice and counsel who desired to purchase equipment. The foreign
8721 government flew not only their representative but also a number of
8722 their TSCM personnel who came to Plaintiff place of business. The
8723 result of Plaintiff meetings with this government resulted in the sale of
8724 16 complete sets of Defendants equipment. Defendant, after receiving
8725 the order, restricted Plaintiff's commissions to only two of the sixteen

8726 sets thereby depriving Plaintiff of some approximate \$318,000 in
8727 commissions earned.

8728

8729 578. In approximately September of 2007, and then in March 2008,
8730 Plaintiff was directly contacted by a foreign government for the
8731 purchase of approximately \$1.5 Million dollars of Defendants
8732 equipment to be delivered directly to their Embassy in Washington,
8733 D.C. In addition, the Embassy desired Plaintiff to provide two weeks
8734 of training to their personnel. The Embassy; however, desired that a
8735 small fraction of the actual order be sent as a test transaction to ensure
8736 the confidentiality of the transaction. Again, upon receipt of the test
8737 transaction, Defendants went directly to persons inside this foreign
8738 government to take over the entire transaction (and to cut the Plaintiff
8739 out of the transaction). As a result of Defendants actions, the entire
8740 transaction was terminated with an assurance made to Plaintiff that
8741 this foreign government's purchase would never be used in any of
8742 their Embassies throughout the world as the direct result of the
8743 methods used by Defendant as their operational security had been
8744 breached by Defendant (the purchasing of this kind of equipment
8745 requires great secrecy, or the equipment will be rendered of little or no

8746 value). Plaintiff was deprived of approximately \$500,000 in direct
8747 commissions as well as the additional monies which were to be paid
8748 for Plaintiff training of these intelligence officers.

8749

8750 579. Because of the nature of the business of the Plaintiff, the
8751 agencies of the United States government who may or may not have
8752 been involved with Plaintiff, and the nature of the transactions,
8753 Defendant has been intentionally non specific relative to the specific
8754 details of these transactions disclosed herein. Nonetheless, the
8755 Plaintiff has provided TSCM services to virtually every intelligence
8756 agency of the United States government as a recognized GSA
8757 contractor up until December 1, 2009.

8758

8759 580. Upon information and belief there are hundreds of transactions
8760 which were similarly handled by Defendants who maintained no
8761 transactions occurred, when in fact they did resulting in commissions
8762 being due and owing to Plaintiff well in excess of \$3,150,000.00. The
8763 conduct described herein by Defendants is submitted to have breached
8764 the contract existing between the parties. Defendant is entitled to an
8765 accounting for at least the past ten years prior to the filing of this suit,

8766 and damages for the entirety of the thirty years, as the injury was not
8767 fully discovered until December 2010 and January 2011.

8768

8769 581. Defendant has demanded an accounting of the aforementioned
8770 commissions due from Plaintiff, but Plaintiff has failed and/or refused
8771 and continues to fail and/or refuses to render such an accounting and
8772 pay the monies due as reflected in the demand letter transmitted to
8773 Defendant.

8774

8775 582. In 2004, Plaintiff advised Defendant of Ariyani Nawardi with
8776 the Intelligence service for Indonesia. Mr. Nawardi and his entourage
8777 flew to the U.S. and met with Plaintiff for several days. The result of
8778 Plaintiff's efforts was a contract calling for an international sale with
8779 overseas delivery with Mr. Nawardi to purchase \$916,880.00 of
8780 Defendants countermeasure equipment. After Plaintiff Atkinson
8781 registered his client with Defendants in accordance with written
8782 contract with Defendant, and disclosed the entirety of the sale, the end
8783 result was that Plaintiff drop shipped to Indonesia two sets of gear
8784 remitting to Defendant the price less Plaintiff's profits on those two
8785 sets. Thereafter, Defendant fraudulently and tortuously interfered with

8786 Plaintiff's relationship with Mr. Nawardi and converted the remainder
8787 of the order by entering an agreement with Mr. Nawardi converting
8788 the remaining 14 sets which realized \$819,000.00 to Defendants of
8789 which Plaintiff received -0- commissions. To effectuate Defendants
8790 fraud, tortuous interference with the contractual rights existing
8791 between Plaintiff and Nawardi and the government of Indonesia,
8792 Defendant transformed Mr. Nawardi magically into a "house client"
8793 shorting Plaintiff of \$316,000.00 commissions due. Specifically, Mr.
8794 Nawardi did not want to deal with Defendants directly and so that sale
8795 was clearly Plaintiff's for which money is and has been due and
8796 owing.

8797
8798 583. In early November of 2009, Plaintiff booked a large sale to a
8799 client and obtained a \$66,000.00 sale of Defendants countermeasure
8800 equipment. His commissions due were approximately \$17,000.00;
8801 however, being in the hospital from multiple heart attacks as a result
8802 of the Defendant actions combined with his already being a disabled
8803 Veteran, when Plaintiff did place the order, Defendant refused to
8804 remit to him the commissions he earned and converted the customer
8805 completely.

8806

8807 584. Repeatedly throughout from 2003 through October of 2010 the
8808 Plaintiff requested a written accounting of the sales and commissions
8809 between the Plaintiff and the Defendant, but the Defendant refused
8810 requests for same, and the Defendant suddenly “terminated” the
8811 agreement, when Plaintiff more strongly requested any accounting to
8812 which he is and has been entitled, Defendants threatened to terminate
8813 any further association and bar Plaintiff from continuing to service his
8814 clients as a further means of attempting to enforce the adhesion clause
8815 relative to monies due.

8816

8817 585. The commissions due to the Plaintiff from the Defendant at this
8818 point would have been well in excess of three million dollars, and by
8819 Plaintiff refusing to do further business with the Plaintiff they
8820 essentially retained the commissions that were due the Plaintiff.
8821 Additionally, the future lost profits and commissions which the
8822 Plaintiff could reasonably earn in the are in excess of fifteen million
8823 dollars in addition to moneys already owned.

8824

8825 586. Plaintiff asserts that between 2005 and 2007 Defendant,
8826 confected a scheme to defraud the Plaintiff out of sales and
8827 commissions, and to remove him as a market influencer, for their own
8828 benefit, and that in August of 2007 they launched their scheme.

8829
8830 587. During the calendar year of 2010, Plaintiff sold approximately
8831 \$220,000.00 of Defendants equipment and earned at least \$50,000.00
8832 in commissions, none of which have been paid or properly credited to
8833 his in-house account, which Defendant had established for its
8834 convenience since Plaintiff was the largest seller of Defendants
8835 equipment. In March 2010, the accounting department at Defendant
8836 stated that Plaintiff had a credit balance of \$43,115, which was
8837 earmarked to purchase new demonstration gear and to attend classes
8838 from the Defendant, although the Plaintiff was somewhat wary of the
8839 “new products” the Defendant was trying to promote and began
8840 asking technical question about the equipment, with the Defendant
8841 could not answer to the Plaintiffs satisfaction.

8842

8843 588. In order to avoid payment of past monies due to Plaintiff and
8844 alternatively to avoid any accounting which had been repeatedly
8845 requested by Plaintiff, Defendant engaged in an abuse of process.

8846

8847 589. Specifically, in February 2009, the Plaintiff contracted for the
8848 sale of over \$30,000.00 of Defendants equipment to a client located in
8849 Switzerland and an ultimate destination in Uzbekistan. Upon receipt
8850 of payment by the Swiss client, Plaintiff properly registered the sale in
8851 accordance with the required disclosure to Defendant and immediately
8852 remitted full payment in the sum of over \$20,000.00 to Defendant
8853 who received same. Defendant has judicially confessed that these
8854 funds were for the entirety of the order bound for Switzerland and
8855 thence to Uzbekistan, and that the transaction had been paid in full
8856 and was financially cleared for immediate shipment.

8857

8858 590. In order to avoid any accounting or payment of monies due to
8859 Plaintiff, Defendant required that the shipment of the Defendants
8860 equipment must be preceded by what is referred to as an “end user”
8861 certificate, rather than ship the purchased items to the address
8862 provided, and then repeatedly rejected the supplied documents.

8863 Plaintiff was repeatedly told that the shipment was “on the loading
8864 dock” and requiring only the end-user certificate to effect release.

8865

8866 591. In truth in fact, under the U.S. Customs’ classification of the
8867 equipment purchased at the time, no end user certificate was required.
8868 Further, neither Switzerland nor Uzbekistan required any end user
8869 certificate.

8870

8871 592. It has since been discovered that while no “end user” certificate
8872 is legally required, the goods are still required by law to be shipped
8873 under a State Department issued approval, which the Defendant had
8874 unlawfully subverted by falsely claiming the equipment was merely
8875 “general purpose test equipment” when in fact it was rather
8876 “electronic counter measures gear” which is tightly controlled and
8877 regulated by the U.S. Government. It is by this deception, that the
8878 Defendant was effecting illegal exports, as an long term organized
8879 criminal enterprise.

8880

8881 593. Defendant, upon information and belief, directed the customer
8882 in Switzerland to contact the Rockport Police Department in Rockport,

8883 Massachusetts, and the Cape Ann Chamber of Commerce in
8884 Gloucester, Massachusetts and to file a criminal complaint alleging
8885 that Plaintiff was attempting to “steal” the customer’s money (when in
8886 fact the Defendant was in possession of the funds, and was delaying
8887 shipping the goods).

8888

8889 594. In addition, Defendant further rejected the first and second “end
8890 user” certificate which Defendant required in order to delay the
8891 shipment which Defendant knew the customer wanted as quickly as
8892 possible since it formed a portion of a time sensitive contract via the
8893 cut-out in Switzerland for a sale that the Swiss customer had with the
8894 Government of Uzbekistan.

8895

8896 595. Due to the delays in the Defendant shipping the goods to the
8897 client, the Plaintiff received a number of threatening phone calls, in an
8898 attempt to speed up shipment, and the caller (from Switzerland) even
8899 threatened violence if the goods were not in his hand by November 6,
8900 2010 so that the goods could be provided to the end user. Further, the
8901 Plaintiff was told that he would be “severely punished” because of the
8902 delays in the shipment, which were caused by the Defendant.

8903

8904 596. The Government of Uzbekistan had agreed to provide counter-
8905 surveillance services to the Government of Kazakhstan in preparation
8906 for the movement of sixty casks of nuclear weapons-grade plutonium
8907 and highly enriched uranium (sufficient to make 770+ nuclear bombs)
8908 by rail starting in Mid November 2009 (such transactions, sales, and
8909 services for such counter-surveillance goods and services are within
8910 the normal course and scope of the Plaintiff's business and area of
8911 expertise).

8912

8913 597. Such equipment sales or counterintelligence services to the
8914 intelligence agencies of one country, so that they may render services
8915 to a allied or semi-allied country is the mainstay of the intelligence
8916 community and which forms a type of “diplomatic quid pro quo”
8917 where the nation with greater technical capabilities provides services
8918 to the inferior nation.

8919

8920 598. In this case, the Government of Kazakhstan lacked the ability to
8921 detect tracking devices and eavesdropping devices on the transport
8922 rail cars, and requested the assistance of the intelligence agencies

8923 within the Government of Uzbekistan, who then procured the
8924 equipment through the cut-out company in Switzerland, who in turn
8925 placed the order with the Plaintiff, and thus the Plaintiff placed the
8926 order with the Defendant. As the test runs of these rail cars and casks
8927 were to begin in Mid November 2009 with live runs starting in
8928 February 2010 and completing in February 2011 it was vitally
8929 important that the counter-surveillance equipment supplied by
8930 Defendant arrive a week advance of November 2009 (the equipment
8931 had to be in the hands of the Government of Uzbekistan, not later than
8932 November 6, 2009). The Government of Uzbekistan and the
8933 Government of Kazakhstan opted to utilize a “Chinese Wall” in order
8934 to procure the equipment for this project, and in February 2009 the
8935 Government of Uzbekistan CEMA contracted with the intermediary in
8936 Switzerland for the equipment purchase.

8937

8938 599. The Government of Kazakhstan had been obstructing the
8939 movement of these casks for years, and it took supreme diplomatic
8940 and political pressure on the part of the United States Government to
8941 move the casks, and the U.S. State Department, Central Intelligence
8942 Agency, and Department of Energy were strongly involved in

8943 manipulating this project to get it moving forward. In short, the
8944 government of Kazakhstan did not want to move the casks and was
8945 doing everything possible to obstruct the project.

8946

8947 600. The casks being close to Uzbekistan gave the country political
8948 and diplomatic power as they were accessible to Uzbekistan should
8949 they choose to make any move on the weapons grade materials.
8950 Moving the nuclear materials away from the Caspian Sea moved them
8951 well outside the reach of Uzbekistan. The government of Uzbekistan
8952 did not want to move the casks and was doing everything possible to
8953 obstruct the project as it weakened them politically, and
8954 diplomatically.

8955

8956 601. In turn the U.S. Government requested that the Defendant,
8957 delay and interfere with the shipping the Plaintiff's goods destined for
8958 Uzbekistan, so that the shipment arrivals would take place well after
8959 the window of opportunity (after Mid November 2009). To this end,
8960 the Defendant repeatedly and needlessly rejected the un-needed end
8961 user certificates, and created drama about the transaction to enable
8962 this delay.

8963

8964 602. It was presumably in the best interest of the U.S. Government
8965 diplomatic efforts for there to be no counter-surveillance gear
8966 available to the Government of Kazakhstan for use on this project,
8967 which is why, even after the Plaintiff provided Defendant will all of
8968 the funds to cover the shipment, and all of the documents requested,
8969 they claimed that the documents were not sufficient, and Plaintiff now
8970 asserts that Defendants were fully acting as agents of the U.S.
8971 Government in delaying the goods. In turn, the U.S. Government
8972 applied pressure on Defendants to cause these delays in order to
8973 deprive the Government of Kazakhstan of their sweep gear so that
8974 they could not detect the bugs and tracking devices that the U.S.
8975 Government would have placed on the rail cars.

8976

8977 603. Ultimately, Defendants were acting as an agent of the U.S.
8978 Government, the U.S. State Department and the Central Intelligence
8979 Agency and Plaintiff got caught in the middle of a legitimate business
8980 transaction where the U.S. Government wanted to delay the shipment,
8981 but knew that Plaintiff too honest to play games with his clients, and
8982 hence when to the less ethical supplier of the goods, the Defendants..

8983

8984

604. But these illegal manipulations, and delays, and interference with Plaintiff international shipment, along with wire fraud, and scheme to defraud, qualify this as a Racketeering Offense involving both private and government entities.

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605. Thereafter, upon information and belief, Defendant was in communication with the Rockport Police Department, specifically Patrolman Daniel Mahoney, and other law enforcement agencies, manipulating their investigations to obtain the specific result of effectuating Plaintiff's arrest to not only damage Plaintiff's good name and reputation known worldwide as not only an expert and market influencer in TSCM, but also to obtain the result of not having to account for or pay for monies due and owing to Plaintiff known by Defendant.

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606. The U.S. Government had previously approached the Plaintiff to effect similar delays on foreign transactions, which the Plaintiff had always refused to take part in as a matter of ethics.

9000

9001

9002

9003 607. Starting on or about Mid-December 2009, and running through
9004 March and April 2010, virtually all of the Defendants in-transit
9005 shipments were seized or delayed by U.S. Customs due to
9006 “irregularities in the export documents”, presumable due to fraudulent
9007 export documents having been repeatedly filed by the Defendant.

9008
9009 608. In conjunction with an abuse of process (i.e. using and
9010 manipulating the criminal process to obtain a result for which the
9011 process was not intended – avoid payment of monies and accounting
9012 of monies due), Defendant further refused to ship to a customer from
9013 China, an Defendants product which was to be shipped to Arizona
9014 inside the Territory of the United States.

9015
9016 609. In accordance with terms and conditions of contract, which
9017 Defendant has judicially confessed, the sale of the Defendants product
9018 to the Chinese customer to be delivered to Arizona, Defendant refused
9019 to ship the product to Arizona.

9020
9021 610. Defendant again communicated with the Rockport Police
9022 Department and provided misleading and inaccurate information to

9023 Patrolman Daniel Mahoney in its singular scheme to avoid any
9024 accounting, payment of monies due Plaintiff from Defendant, and
9025 destroy the competitive viability of Plaintiff in the marketplace as a
9026 strong market influence for which Defendant was keenly aware.

9027

9028 611. Plaintiff submits that he is entitled to declaratory judgment that
9029 the clauses in MREP Agreements described herein are adhesionary
9030 and *contra bones mores* such that they are legally unenforceable.

9031

9032 612. Plaintiff submits that he is entitled to an appropriate order from
9033 this Court commanding disclosure for inspection and copying by
9034 Plaintiff of all pending order forms submitted by Plaintiff to
9035 Defendant as well as all sales records, communications relative to
9036 sales, shipping, and export records of Defendant for the past ten (10)
9037 years.

9038

9039 613. Plaintiff submits that Defendant has committed tortuous
9040 interference with the contractual rights of Plaintiff contracts, to
9041 Plaintiff detriment causing damages.

9042

9043 614. Plaintiff submits that Defendant has converted Plaintiff's funds
9044 due and owing both through refusing to remit the funds maintained in
9045 Plaintiff's "house" account, commissions due, and via conversion of
9046 Defendants customers and clients.

9047
9048 615. Plaintiff submits that Defendant has committed fraud by
9049 intentionally falsifying the status of sales made by Plaintiff and falsely
9050 claiming sales made by Plaintiff as Defendants and/or other third
9051 parties.

9052
9053 616. Plaintiff submits that Defendant has abused the legal process by
9054 falsely reporting information to the Rockport Police Department with
9055 the intended purpose of destroying Plaintiff's good name, business
9056 reputation, business, market influence, and accomplish the conversion
9057 of Plaintiff's money and goods; a purpose for which the legal process
9058 was not intended to achieve with full knowledge of Defendants
9059 actions.

9060
9061 617. Plaintiff submits that Defendant has breached the laws of the
9062 State of Tennessee or/or of the United States by illegally possessing

9063 bugging devices as well as using those illegal bugging devices to
9064 intercept wire and/or oral communications of Plaintiff without
9065 Plaintiff's consent contrary to law, doing so within and throughout at
9066 least the past ten years while Plaintiff was on the premises of
9067 Defendants establishments in Tennessee.

9068
9069 618. Further, this Defendant has engaged in conduct and as a
9070 continuing unit of an enterprise, through a pattern, of racketeering
9071 enterprises (including, but not limited to: mail fraud, wire fraud,
9072 scheme to defraud, robbery, kidnapping, extortion, obstruction of
9073 justice, interference in commerce, also involving monetary
9074 transactions in property derived from specified unlawful activity), and
9075 have caused injury to the business and/or property of the Plaintiff
9076 Atkinson. These Defendants have violated the Constitutional rights of
9077 the Plaintiff, infringing and deprived him of his civil rights.

9078
9079 **ON ALL COUNTS**

9080
9081 619. Plaintiff's injuries are irreparable because Plaintiff is entitled to
9082 enjoy his constitutional rights in fact.

9083

9084 620. Plaintiff would continue to suffer irreparable injury if the Court
9085 does not issue an injunction.

9086

9087 621. As a pro se Plaintiff, Plaintiff requests Leave of this Court in
9088 order to submit an additional amended Complaint or to file legal
9089 briefs or additional pleadings should this Complaint herein lack
9090 details which the Court may desire to review in consideration of this
9091 matter, or to clarify or to further describe the Acts, Causes of Action,
9092 Defendants, Prayer of Relief, or other topics found herein.

9093

9094

PRAYER FOR RELIEF

9095

9096 WHEREFORE, Plaintiff pray for the following relief:

9097

9098 1. Immediate declaratory judgment and injunctive relief that the each
9099 and individually, of the aforementioned individual Massachusetts
9100 Statutes and General Laws described herein be repealed and stricken
9101 as they are facially invalid and/or void under the Second and
9102 Fourteenth Amendments, and under *Heller* and/or *McDonald* and a

9103 multitude of related case law and federal statutes, and other relief this
9104 court deems appropriate.

9105
9106 2. Immediate declaratory judgment and injunctive relief, which
9107 immediately compels the Commonwealth of Massachusetts to obey,
9108 and abide by the 2nd and 14th Amendment both in spirit and intent of
9109 *Heller* and/or *McDonald*, to comply with the 2nd Amendment itself,
9110 and other relief this court deems appropriate.

9111
9112 3. Immediate declaratory judgment and injunctive relief, which
9113 immediately compels the Commonwealth of Massachusetts to obey,
9114 and abide and the recognized ancient rights of self defense outlined
9115 the U.S. Constitution and Bill of Rights, and in the laws which well
9116 predated the Constitution and the Bill of Rights, and other relief this
9117 court deems appropriate.

9118
9119 4. Immediate declaratory judgment and injunctive relief, which
9120 immediately compels the Commonwealth of Massachusetts stop ALL
9121 criminal proceedings in ALL cases where the defendant in each case
9122 was merely peacefully possessing arms (and were not using them to

9123 directly commit criminal acts or which were felon-in-possession
9124 issues) within their homes or business in accordance with the *Heller*
9125 and *McDonald* decisions, without a “Firearms Identification Card” or
9126 “License to Carry,” as no such document is required under Federal
9127 law, and rather such a scheme is prohibited under *Heller* and
9128 *McDonald*, and other relief this court deems appropriate.

9129
9130 5. Intervene in several criminal cases that were confected by the
9131 Rockport Police Department and others solely in order to violate the
9132 Plaintiff’s civil rights, and not only cause the charges to be dismissed,
9133 but also to investigate, and/or sanction the conduct of the responsible
9134 judicial officers and District Attorney who permitted the case to
9135 continue for over 18 months, while continuous refusing to provide
9136 Plaintiff with a Probable Cause Hearing, and even continued said
9137 cases when there was strong evidence of no wrong doing by Plaintiff
9138 Atkinson, and other relief this court deems appropriate.

9139
9140 6. Immediate declaratory judgment and injunctive relief to the
9141 Commonwealth of Massachusetts to expunge and/or seal the arrest
9142 records and criminal for all citizens (including Plaintiff) arrested for

9143 mere possession of arms that were authorized by Federal Law, by
9144 otherwise qualified citizens, and other relief this court deems
9145 appropriate.

9146
9147 7. Immediate declaratory judgment and injunctive relief the all Federal
9148 Law Enforcement and Administrative Agencies to expunge and/or
9149 seal the arrest records and criminal for all citizens arrested for mere
9150 possession of arms that were authorized by Federal Law, by otherwise
9151 qualified citizens, and other relief this court deems appropriate.

9152
9153 8. Immediate declaratory judgment and injunctive relief towards the
9154 Commonwealth to release any prisoner who is being held due to
9155 solely on firearms possession charges, when those same firearms were
9156 lawfully obtained, and lawfully possessed within the home as
9157 described in *McDonald* in other then felon-in-possess situations. In
9158 essence, the Plaintiff seeks that this Court intervene and free the
9159 innocent citizens who may have fallen victim to “left wing, gun
9160 hysteria, witch-hunt crackpots” and on whom the Commonwealth has
9161 violated, infringed, and deprived their civil rights, and other relief this
9162 court deems appropriate.

9163

9164

9. Immediate declaratory judgment and injunctive relief, which
immediately compels the Commonwealth of Massachusetts, their
officers, agents, servants, employees, political sub-divisions, and all
persons in active concert or participation with them who receive
actual notice of the injunction to recognize, obey, and abide by the
Bill of Rights, and opinions of the U.S. Supreme Court in *Heller*
(2008) and in *McDonald* (2010), and other relief this court deems
appropriate.

9172

9173

10. Immediate declaratory judgment and injunctive relief, which
immediately compels the Commonwealth of Massachusetts, to publish
in the top 25 daily newspapers circulated within the Commonwealth;
to also place on all television stations a public service ad of at least 30
seconds of audio, and upon all radio stations within the
Commonwealth that runs four times during prime time over a two
week period; an update to the State Police website, the Attorney
General Website, and to the websites of all political subdivisions; and
to sent to all citizens by First Class U.S. Mail who have either a
drivers license, state issued ID, voter registration, or professional

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9182

9183 license a formal notice that arms may now be freely kept inside the
9184 home, or upon the property, or in the place of business if they so
9185 choose with no license of any sort as provided by the Second
9186 Amendment, and that Citizens are to disregard any law of the
9187 Commonwealth to the contrary (so long as the citizen is not a
9188 convicted felon, or adjudged mental defective). That such notification
9189 be made and paid for by the Commonwealth within 30 days, and
9190 absent compliance of the Commonwealth to this court to order the U.S.
9191 Marshalls to complete such notification, and to obtain compensation
9192 from the Commonwealth.

9193
9194 11. Award damages to the Plaintiff for all property stolen, seized, taken
9195 up, damaged, destroyed, misplaced, lost, mis-represented, or likewise
9196 taken from the Plaintiff by whatever means by the Defendants
9197 (including by deceit or trickery), as described in this Complaint, or
9198 which becomes revealed during this suit.

9199
9200 12. Award treble damages against all Defendants in favor of the Plaintiff.

9201
9202 13. Immediate declaratory judgment and injunctive relief to the Town of

9203 Rockport Police Department, to compel Town or Police employees to
9204 stop harassing Plaintiff, to stop dumping trash on Plaintiff's property,
9205 to stop Rockport Police Officers from littering, "doing donuts in the
9206 parking area" or doing "burn outs" in the early morning behind or
9207 next to the Plaintiff home, and on the Plaintiff's property, and other
9208 relief this court deems appropriate.

9209
9210 14. Immediate declaratory judgment and injunctive relief which fully
9211 repeals and strikes down the Massachusetts "Firearms Identification
9212 Card," and relevant M.G.L. and statutes and policies or rules of the
9213 Commonwealth so that no such document or license is required to
9214 possess arms in the home (so long as one has not been adjudged
9215 insane, or a convict felon), and other relief this court deems
9216 appropriate.

9217
9218 15. Issue a declaratory judgment, stating that the conduct of the
9219 Commonwealth of Massachusetts in regards the Second Amendment
9220 "Shocks the Conscious" with the institutionalized infringement and
9221 deprivation of civil rights.

9222

9223 16. Award damages for defamation

9224

9225 17. Immediate declaratory judgment, injunctive relief, and remove to

9226 federal court all criminal cases in accordance with 28 U.S.C. § 1443

9227 and by U.S.C. § 1446 which the Plaintiff is un-constitutionally

9228 charged with criminal violation of various Massachusetts Firearm

9229 related General Laws in Commonwealth courts in regards to the

9230 lawful possession of firearms as permitted by the 2nd Amendment of

9231 the U.S. Constitution, and applied to the Commonwealth by way for

9232 the 14th Amendment, and that federal rights will inevitably be denied

9233 by the very act of bringing the defendant to trial in the state court, and

9234 that it will be impossible for the Plaintiff to receive a fair trial in a

9235 state court.

9236

9237 18. Immediate declaratory judgment and injunctive relief, that any arm,

9238 pistol, revolver, shotgun, carbine, rifle, bayonets, knives, or other

9239 common infantry arms, which have been, issued to U.S. Service

9240 members at any time, or which are currently being sold by the

9241 department of civilian marksmanship or CPM/CMP shall be deemed a

9242 “safe” arm, and the Commonwealth must not be allowed to control of

9243 regulate possession, within very narrow exceptions. These arms will
9244 be considered de facto safe, and suitable for possession by the public,
9245 and other relief this court deems appropriate.

9246

9247 19.Immediate declaratory judgment and injunctive relief that “Law
9248 Enforcement Only” or “Military Use” only weapons, magazines, and
9249 feeding devices shall permitted in the hands of the public in any form.
9250 If the police or the military can possess them, then so can the public,
9251 without any government interference, and other relief this court deems
9252 appropriate.

9253

9254 20.Immediate declaratory judgment and injunctive relief that all arms, or
9255 variations or arms or any kind issued to the State Police or to any Law
9256 Enforcement Agency in the Commonwealth of Massachusetts be de
9257 facto deemed “safe,” and that they make be possessed by members of
9258 the qualified public, and other relief this court deems appropriate.

9259

9260 21.Immediate declaratory judgment and injunctive relief that no firearm
9261 may be banned, outlawed, restrained, or controlled in any way due to
9262 merely cosmetic appearances, paint job, hand guards, plastic

9263 attachments, bayonet lugs, flash hiders or suppressors, noise
9264 suppressors, brackets, scopes, or other useful device(s) which may be
9265 in use by, or have previously been used by the U.S. Government in a
9266 useful manner, and other relief this court deems appropriate.

9267

9268 22. Immediate declaratory judgment and injunctive relief that it is the
9269 responsibility of the state to demonstrate that a specific model firearm
9270 is inherently unsafe or unstable, in a unbiased, and un-rigged
9271 evaluation, that is based on reported accidents, and other relief this
9272 court deems appropriate.

9273

9274 23. Immediate declaratory judgment and injunctive relief that the
9275 firearms “evaluation process” used by the Commonwealth for
9276 firearms for the State shall be no more stringent that that used by the
9277 U.S. Military to evaluate arms, and that once a make and model has
9278 been approved by the U.S. Military, that the Commonwealth can not
9279 then deem it unsafe as a means of prior restraint of citizens obtaining
9280 same, and other relief this court deems appropriate.

9281

9282 24.Immediate declaratory judgment and injunctive relief that when no

9283 disqualifying issues exist that the Commonwealth laws will read
9284 “shall issue” in regards to Firearms (or that no license will in fact be
9285 required), and other relief this court deems appropriate.

9286

9287 25. Under the very close guidance and supervision of this Court, compel
9288 the Commonwealth of Massachusetts to re-write the Student Conduct
9289 Guides, Handbooks, and Policies at all State schools so that the all
9290 school policies and guidelines are fully compliant with all elements of
9291 the Bill of Rights, without reservation. Also compel the Student
9292 Judiciary Committees to address merely minor academic misdeeds,
9293 and compels the college to pursue alleged violation of greater crimes
9294 though the court system alone (as required by law), and other relief
9295 this court deems appropriate.

9296

9297 26. Review all Student Judicial records or all State run colleges to
9298 indentify any additional cases whereby a student was not provided due
9299 process and equal protections, of where they had their 4th, 5th, 6th, and
9300 14th Amendment rights violated by the school, and where they
9301 suffered double jeopardy of some sort by the school acting as a state
9302 agency to impose unlawful and unconstitutional punishments, and

9303 other relief this court deems appropriate.

9304

9305 27. Plaintiff seeks that this Court, on an emergency basis and without
9306 delay strike out, redact, or rescind a number of Massachusetts General
9307 Laws and regulation that are in fact Unconstitutional, and which are a
9308 very grave deprivation, and infringement of civil rights, and other
9309 relief this court deems appropriate.

9310

9311 28. Immediate declaratory judgment and injunctive relief to compel North
9312 Shore Community College, Salem State College, and Montserrat
9313 College of Art to admit student as a full time student, and to make
9314 special accommodations for his physical disabilities.

9315

9316 29. Plaintiff further seeks that this Court immediately and without delay
9317 command the Attorney General to obey the decision of the Supreme
9318 Court in *Heller* and in *McDonald*, and if necessary, Plaintiff requests
9319 that this Court utilize the U.S. Marshall Service to compel the Attorney
9320 General, the District Attorneys, the State Police, and Department of
9321 Public Safety, and the various Police Departments within the
9322 Commonwealth to abide by the decisions of the U.S. Supreme Court,

9323 and of both the letter and intent the Bill of Rights as interpreted by the
9324 U.S. Supreme Court, and other relief this court deems appropriate.

9325

9326 30. Award Plaintiff very strong punitive damages against the
9327 Commonwealth for willfully violating, infringing, and depriving
9328 Plaintiff of his civil rights, and at a level that send a clear message to
9329 both the Commonwealth at to other states which are acting unlawfully,
9330 and to punishes the Commonwealth by depriving them of 40 years of
9331 all state revenues (assuming a budget of 24 billion dollars per year)
9332 based upon the wealth of this defendant, in an amount to be
9333 determined at the time of trial, and other relief this court deems
9334 appropriate.

9335

9336 31. Immediate declaratory judgment and injunctive relief that no State
9337 Agency by take action to restrict, suspend, or other negatively affect
9338 any right, immunities, privileges, licenses, or other right of the public
9339 without at least a *Loudermill* type of hearing well in advance of the
9340 negative action being taken, and other relief this court deems
9341 appropriate.

9342

9343 32.Immediate declaratory judgment and injunctive relief that Research
9344 Electronics shall not make, build, import, sell, operate, or in any way
9345 control any manner of eavesdropping device, of any sort in violation
9346 of 18 USC 2510-2522, and other relief this court deems appropriate.

9347
9348 33.Immediate declaratory judgment and injunctive relief that Research
9349 Electronics shall not make, build, resell, offer for sale, import, sell,
9350 operate, or in any way circulate, ship, or distribute any manner any
9351 sort of device capable of transmitting a signal of any sort, or which
9352 contains a local oscillator until that product is first formally assigned a
9353 FCCID number and retails or commercial sale is approved by the FCC,
9354 for each model, revision, and modification as required by Federal law,
9355 and other relief this court deems appropriate.

9356
9357 34.Immediate declaratory judgment and injunctive relief that Research
9358 Electronics shall not make, build, resell, offer for sale, import, export,
9359 sell, operate, or in any way circulate, ship, or distribute any manner
9360 any sort of device capable of detecting eavesdropping devices or
9361 signals of any sort, unless that equipment is carefully controlled as in
9362 International Traffic in Arms Regulations (ITAR) by the U.S. State

9363 Department items and controlled munitions or commodities as
9364 required by Federal law, and other relief this court deems appropriate.

9365

9366 35.Immediate declaratory judgment and injunctive relief that Research
9367 Electronics shall not make, build, resell, offer for sale, import, export,
9368 sell, operate, or in any way circulate, ship, or distribute any manner
9369 any sort of device sold as detecting hidden cellular phones or other
9370 electronics on or in the human body by means of non-ionizing
9371 radiation due to very grave health risks and other relief this court
9372 deems appropriate.

9373

9374 36.Immediate declaratory judgment and injunctive relief that Research
9375 Electronics shall not make, build, resell, offer for sale, import, export,
9376 sell, operate, or in any way circulate, ship, or distribute any manner
9377 any sort of device sold as detecting bombs or explosive devices by
9378 means of non-ionizing radiation due to very grave health risks and
9379 other relief this court deems appropriate.

9380

9381 37.Impose very strong punitive damages against the Research Electronics
9382 for willfully violating, infringing, and depriving Plaintiff of his civil

9383 rights, also treble damages for committing fraud against the Plaintiff
9384 and violating the RICO statutes, based upon the wealth of this
9385 defendant, or an amount to be determined at the time of trial, and
9386 other relief this court deems appropriate.

9387

9388 38. Impose very strong punitive damages against the Essex County
9389 Sheriffs Department for willfully violating, infringing, and depriving
9390 Plaintiff of his civil rights, based upon the wealth of this defendant, or
9391 an amount to be determined at the time of trial, and other relief this
9392 court deems appropriate.

9393

9394 39. Impose very strong punitive damages against the Town of Rockport,
9395 Rockport Police Department, and Rockport Ambulance Department
9396 for willfully violating, infringing, and depriving Plaintiff of his civil
9397 rights, at monetary level that punishes, equal to all real estate,
9398 buildings, moveable equipment, water treatment plants, roads, boats,
9399 docks, harbors, water reservoirs, water wells, quarries, undeveloped
9400 lands, and other assets of the Town of Rockport, based upon the
9401 wealth of this defendant in an amount to be determined at the time of
9402 trial, and other relief this court deems appropriate.

9403

9404

40.Immediate declaratory judgment and injunctive relief against the

9405

Town of Rockport, and Massachusetts State Police, the Federal

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Bureau of Investigation, and the District Attorney of Essex Country,

9407

to return all property that has been seized from the Plaintiff Atkinson

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at his place of business, within 48 hours of the injunction being issued,

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and to supply a complete chain of custody for each item, and other

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relief this court deems appropriate.

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41.Issue injunction permanently restraining all Defendants and their

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officers, agents, servants, employees, and all persons in concert or

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participation with them who receive notice of this injunction, from

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enforcing any Massachusetts Firearms Law which does not strictly

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comply with the *Heller* and *McDonald* U.S. Supreme Court decisions,

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or which is not in full compliance with the Constitution and the Bill of

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Rights, and to impose punitive damages of an amount to be

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determined at the time of trial, and other relief this court deems

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appropriate.

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42.Impose very strong punitive damages against the North Shore

9423 Community College, Salem State College, and Montserrat College of
9424 Art, in the amount based upon the wealth of these defendants for
9425 willfully violating, infringing, and depriving Plaintiff of his civil
9426 rights, or an amount to be determined at the time of trial, and other
9427 relief this court deems appropriate.

9428
9429 43. Immediate declaratory judgment and injunctive relief to compel North
9430 Shore Community College, Salem State College, and Montserrat
9431 College of Art to readmit Plaintiff as a student, and to expunge or seal
9432 all college records in regards to Plaintiff every having been suspended,
9433 and other relief this court deems appropriate.

9434
9435 44. Immediate declaratory judgment and injunctive relief to compel North
9436 Shore Community College, Salem State College, and Montserrat
9437 College of Art to issue semester grades that would have been earned
9438 at the time of suspension based on grades earned prior to suspension.
9439 In the case of North Shore Community College this will be a B-, A, A,
9440 B, A; with Salem State College this will be two grades of an A, and
9441 Montserrat College of Art will be an A and a B-, and other relief this
9442 court deems appropriate.

9443

9444

45. Immediate declaratory judgment and injunctive relief an injunction to compel the Commonwealth of Massachusetts – Office of Emergency Medical Services to immediately reissue the Plaintiff’s EMT license, and to post the CEU certificates and credits to the Plaintiff training records that the OEMS has previously refused or declined to do, and other relief this court deems appropriate.

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46. Immediate declaratory judgment and injunctive relief to compel the Town of Rockport Ambulance Department to re-hire and un-suspend Plaintiff Atkinson, and to restore him back into position as a volunteer EMT, with full benefits, time in grade, seniority, and other relief this court deems appropriate.

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47. Immediate declaratory judgment and injunctive relief to compel the Commonwealth of Massachusetts OEMS to audit all training records of all active EMT’s, and all training records all future EMT’s to detect any prior falsification of training records, or falsification of patient records, or time sheets, or run reports and other relief this court deems appropriate.

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48. Immediate declaratory judgment and injunctive relief compel the Federal Bureau of Investigation, U.S. Department of State, Central Intelligence Agency, Department of Energy, U.S. Army, U.S. Navy, and other federal military and intelligence agencies to return all copies of RAPHAEL, and all source code, and to pay a suitable fee for use, and theft of trade secrets, punitive damages, and other relief this court deems appropriate.

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49. Immediate declaratory judgment and injunctive relief, and impose strong punitive damages against all other defendants based upon their individual wealth each for willfully violating, infringing, and depriving Plaintiff of his civil rights, or an amount to be determined at the time of trial, and other relief this court deems appropriate.

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50. 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

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9482

9483 “freeze them out of the town,” and which the Plaintiff has been
9484 threatened with at various times because of this matter.

9485
9486 51. Award General Damages, Special Damages, Compensatory Damages,
9487 Punitive Damages, and other relief, which the court deems to be just
9488 and equitable, and other relief this court deems appropriate.

9489
9490 52. Other relief, which the court may find, appropriate.

9491
9492 53. Award Plaintiff treble actual damages both liquidated and
9493 unliquidated in an amount to be determined at the time of trial.

9494
9495 54. Award attorney’s fees and/or costs pursuant to 42 U.S.C. § 1988.

9496
9497 55. In the event that the Plaintiff is not represented by counsel during this
9498 case, the Plaintiff requests compensation equal to the time which was
9499 spent is prosecuting this case as damages, and other relief or
9500 compensation this court deems appropriate

9501
9502 56. Award costs or expenses of the suit.

9503

9504 57. Any other further relief as the Court deems just and appropriate.

9505

9506 **Plaintiff demands a trial by Jury**

9507

9508 Respectfully submitted,

9509 Dated: July 4, 2011

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9512 _____
James M. Atkinson, pro se

9513 31R Broadway

9514 Rockport, MA 01966

9515 (978) 546-3803

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