

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

NORTHEAST CONCEPTS, INC.,	)	CIVIL ACTION NO.
HUGUENOT FARMS, INC., JAMES	)	2008-cv-30219
LAMOUNTAIN, MICHAEL LAMOUNTAIN,	)	
KARRI ANN GEOFFRY, CHAD BRIGHAM,	)	
PLAINTIFFS,	)	
v.	)	
TOWN OF HOLLAND, HOLLAND POLICE	)	
DEPARTMENT, HOLLAND CONSERVATION	)	
COMMISSION, and in their official and individual	)	
capacities: BRIAN JOHNSON, SARA MEIER,	)	
JAMES WETTLAUFER, HOWARD FIFE,	)	
CHIEF KEVIN GLEASON, EARL JOHNSON,	)	
CHRISTIAN PETERSON, HOLLAND	)	
HIGHWAY DEPARTMENT,	)	
DEFENDANTS.	)	
	)	NOVEMBER 5, 2008

**COMPLAINT**

**PRELIMINARY STATEMENT**

This action is brought by Plaintiffs against Defendants, who acting under color of state law, charter, ordinance, regulation, custom or usage, have unlawfully violated the Plaintiffs' civil and due process rights by depriving the Plaintiffs of access to their property, denying the Plaintiffs of an opportunity to be heard, defaming the Plaintiffs in retaliation for the Plaintiffs' public speech, making false criminal and civil complaints about the Plaintiffs and intentionally inflicting emotional distress upon the Plaintiffs in violation of their civil rights.

**NATURE OF ACTION**

This action arises under Title 42 U.S.C. §§ 1983, and 1988; the First, Fourth and Fourteenth Amendments to the United States Constitution and state common law.

## **JURISDICTION**

This court's jurisdiction is invoked pursuant to Title 28 U.S.C. §1331, §1343, §1657, §2201 and §2202; and the aforementioned constitutional provisions. Plaintiffs further invokes the pendent jurisdiction of this court to hear and decide claims arising under state law. The amount in controversy exceeds Seventy Five Thousand Dollars (\$75,000.00), excluding interests and costs.

## **PARTIES**

1. At all relevant times, the Plaintiff, James P. LaMountain, (hereinafter, “J. LaMountain”), was a resident of Holland, Massachusetts and was a citizen of the United States of America, and is a partner of Huguenot Farms, Inc.
2. At all relevant times, the Plaintiff, Karrie Ann Geoffrey, (hereinafter “Geoffrey”), was a resident of Holland, Massachusetts and was a citizen of the United States of America.
3. At all relevant time, Plaintiff, Huguenot Farms at Bondet Hill / New Oxford (hereinafter, “Huguenot Farms”) was a corporation incorporated under the laws of Massachusetts and owned a controlling interest in Northeast Concepts, Inc., and has a primary place of business in the town of Oxford, Worcester County, Commonwealth of Massachusetts.
4. At all relevant times, the Plaintiff, Northeast Concepts, Inc., (hereinafter, “Northeast Concepts”) was a business incorporated under the laws of Massachusetts with its primary place of business in the town of Holland, Hampden County, in the Commonwealth of Massachusetts, whose controlling interest is held by Huguenot Farms.
5. At all relevant times, the Plaintiff, Michael LaMountain, (hereinafter, “M. LaMountain”), was a resident of the Holland, Massachusetts and was a citizen of the United States of America.

6. At all relevant times, the Plaintiff, Chad Brigham, (hereinafter, “Brigham”), was a resident of the Holland, Massachusetts and was a citizen of the United States of America.
7. At all relevant times, the Defendant, the Town of Holland (hereinafter, “Town”) was a duly incorporated municipality in the Commonwealth of Massachusetts.
8. At all relevant times, the Defendant, the Holland Police Department (hereinafter, “HPD”), was a municipal employer and an agency of the Town of Holland.
9. At all relevant times, the Defendant, Chief Kevin Gleason, (hereinafter, “Chief”), was a resident of the State of Massachusetts and a citizen of the United States of America, and was the Chief of Police of the Holland Police Department in Holland Massachusetts and is sued in his individual and official capacity.
10. At all relevant times, the Defendant, the Holland Highway Department (hereinafter, “Highway Dept.”) was a municipal employer and an agency of the Town of Holland, Massachusetts.
11. At all relevant times, the Defendant, Holland Fire Department, (hereinafter, “HFD”), was a municipal employer and an agency of the Town of Holland.
12. At all relevant times, the Defendant, Holland Conservation Commission (hereinafter, “HCC”), is an agency of the Town of Holland, Massachusetts.
13. At all relevant times, the Defendant Earl Johnson (hereinafter, “E. Johnson”), was a resident of the State of Massachusetts and a citizen of the United States of America, was a member of the Town Board of Selectmen, Member of the Town Planning Board, Member of the Town Board of Tax Assessors, and acted with the authority of the Town in his positions with the Town boards, and is sued in his individual and official capacity.
14. At all relevant times, the Defendant, James Wettlaufer (hereinafter, “Wettlaufer”), was a

resident of the State of Massachusetts and a citizen of the United States of America, was the Chair of the Town Board of Selectmen, and Member of the HCC and was acting with the authority of the Town, and is sued in his individual and official capacity.

15. At all time, Defendant Brian Johnson (hereinafter, “B. Johnson”), was a resident of the State of Massachusetts and a citizen of the United States of America, was employed by the Town as the Town Highway Superintendent and Highway Surveyor, is the son of E. Johnson and is sued in his individual and official capacity.

16. At all times relevant, the Defendant, Howard Fife (hereinafter, “Fife”), was a resident of the State of Massachusetts and a citizen of the United States of America, was a member of Town Board of Selectmen, Member of the Planning Board, Member of the Board of Tax Assessors and the HCC, was acting with the authority of the town at all times relevant and is sued in his individual and official capacity.

17. At all times relevant, the Defendant, Christian Peterson, (hereinafter, “Peterson”), was a resident of the State of Massachusetts and a citizen of the United States of America, was a Town Selectman and Tax Assessor, and was acting with the authority of the Town and is sued in his individual and official capacity.

18. At all times relevant, the Defendant, Sara Meier, (hereinafter, “Meier”) was a resident of the State of Massachusetts and a citizen of the United States of America, was the Town Tax Assessors Clerk and is sued in her official and individual capacity.

### **FACTS**

1. In 2005, 2006 and 2007, J. LaMountain, a resident of the Town and a partner of Hugeunot Farms, which owned the Property in the Town, made public complaints about the practices of Town officials and Town agencies, specifically, E. Johnson, Fife, Wettlaufer, and the HCC. As a result of such complaints, the Plaintiffs have been retaliated against, harassed, defamed and denied their property interests.

**A. Failure to Act-Assault of Geoffrey/Theft of Property**

2. Geoffrey lived with J. LaMountain with their minor children at 14 Lake Ridge Road, Holland, MA.
3. On or about December 19, 2005, J. LaMountain, reported to Chief Gleason that his tenant, Leonard Robertson, had threatened physical harm against individuals in the household, including J. LaMountain's minor children, that he was concerned for the safety of the minor children and asked Chief Gleason for assistance.
4. Chief Gleason refused to provide assistance to J. LaMountain's family and stated that J. LaMountain would instead need to follow procedures for landlord tenant eviction.
5. On December 20, 2005, a restraining order was issued by the Palmer District Court ordering that Robertson be removed from J. LaMountain's home which was based in part upon a sworn affidavit by Geoffrey.
6. The restraining order was given to the HPD for execution pursuant to G.L. c. 209A sec. 7 but Chief Gleason refused to enforce the order allowing Robertson to remain in J. LaMountain's house. The following day, Chief Gleason and Earl Johnson testified to the Palmer District Court that they questioned the credibility of Geoffrey's affidavit in support of the application for a restraining order and the Court vacated the restraining order based upon Chief Gleason's testimony.
7. On January 7, 2006, Robertson assaulted Geoffrey in her home.
8. J. LaMountain and Geoffrey reported the assault to the HPD and Chief Gleason refused to assist Geoffrey.
9. On January 9, 2006, the Palmer District Court re-issued the restraining order against Robertson, which was subsequently extended for six months.
10. At the request of J. LaMountain, the restraining order was given to the Massachusetts State Police, instead of the HPD, where it was enforced and Robertson was removed from J. LaMountain's home.

11. J. LaMountain made a complaint to Chief Gleason about the handling of the matter but the complaint was never addressed by the HPD. Chief Gleason had not previously ever refused to enforce a restraining order that had been issued by a court.
12. In September 2008, property was stolen from the Property.
13. A criminal complaint was filed with Chief Gleason and no action was taken to investigate the robbery of the property.

**B. The Property**

2. On May 17, 2006, the Plaintiffs, Northeast Concepts and Hugeunot Farms purchased 80 acres of agriculturally zoned property, formerly known as the “Blodgette Farm” located at 00 Mashapaug Road, Holland Massachusetts, and identified by Town as parcels 10-A-6 and 11-a-3, (hereinafter, “Property”). The Property is bisected by a public roadway and a portion of the Property borders the Hamilton Reservoir in Holland, Massachusetts.
3. On May 30, 2006, the Plaintiffs, J. LaMountain, and Hugeunot Farms, gave notice to the Town that it intended to use the Property as a farm. The Town denied the existence of a farm on the Property and denied the Plaintiff’s request for an agricultural exemption pursuant to the Wetland Protection Act.
4. On June 5, 2007, the Housing Court ruled that “all activities being conducted on the property are agricultural in nature” and exemptions apply according to Massachusetts General Law including MGL Ch 128 Section 1A., MGL Ch. 111. s 142L & 310 CMR 7.07 (3)(c).
5. In August, 2006, a MASSDEP agent, notified the HCC that the Property had a pre-existing road and permitted the Plaintiffs to maintain the Property because the Property was exempt from the Wetland Protection Act.
6. The HCC, Fife, Wettlaufer and E.Johnson refused to recognize that the Property is exempt

from the Wetland Protection Act because the Property is used for agricultural purposes and repeatedly falsely reported to the MASSDEP the Plaintiffs were violating the Wetland Protection Act on the Property.

7. Wettlaufer, Fife and E. Johnson knew that the property owned by Huguenot Farm in Oxford, MA was used only for agricultural purposes.

8. In August 2006, the MASSDEP issued a ruling that the Plaintiffs could use the Access Road Area to access the Farm and the Town officials were given notice of this ruling.

**C. Public Speech by the Plaintiffs**

21. On March 22, 2008, Geoffrey, reported a complaint to Defendant Town Officials about town employee Mieir and the false complaint made against Geoffrey.

22. In February, 2007, J. LaMountain filed a Criminal Complaint against Wettlaufer for violations under MGL ch. 6 S. 178N and MGL ch. 265 S. 43A.

**D. False Criminal Complaints Made Against the Plaintiffs**

23. On February 20, 2007, Fife filed a criminal complaint against J. LaMountain for assault after Fife trespassed on LaMountain's property and refused to leave.

24. On March 13, 2007, at a meeting of the HCC, Fife called the police and made a false report against J. LaMountain and made threats against J. LaMountain who was present at the meeting. Fife further refused to issue any permits to the Plaintiffs without any basis for the refusal and denied the Plaintiffs' request to demolish old structures on the Property.

25. On September 1, 2007, C. Brigham was falsely arrested without probable cause while he had a picnic with his family on the beachfront Property on Labor Day weekend.

26. J. LaMountain was falsely arrested for painting crosswalk marks on the road near the Property.

27. J. LaMountain filed a complaint against B. Johnson for trespassing on the Property.

**E. False and Frivolous Complaints Made by Town Defendants**

28. In July, 2006, Fife and Wettlaufer falsely reported violations of the Wetland Protection Act

to the Massachusetts Department of Environmental Protection (hereinafter, "MASSDEP").

29. Based upon the Town officials' false complaints, the MassDEP ordered the Plaintiffs not to conduct open burning on the Property, in July, 2006.

30. The HCC, Fife and Wettlaufer, issued enforcement orders against the Plaintiffs because the Plaintiffs were cutting bush and maintaining the Property. The Town and Town officials had not previously issued enforcement orders against a property owner for cutting brush, in July, 2006.

31. On October 6, 2006, the HFD issued an unrestricted agricultural burning permit that allowed the Plaintiffs to burn debris on the Property. There were no time restraints on the burning permit and it expired on October 31, 2006.

32. Between October 21, 2006 and November 1, 2006, Wettlaufer, in his position as Town Selectman, made a false report to DEP and instructed the MASSDEP to issue further fines and penalties for the same activities that had previously been adjudicated in the Plaintiffs' favor.

33. On October 31, 2006, Wettlaufer made false complaints to the HCC at a meeting that the Plaintiffs were violating the burning permit by burning debris at 7:30 p.m. Such burning was not in violation of the burning permit as there were not time restrictions on the burning permit.

34. On November 1, 2006, an open air burning permit was issued by the Forest Warden allowing open burning on November 1, 2006 and November 2, 2006.

35. On November 1, 2006, Chief Gleason falsely reported that J. LaMountain was conducting open burning on the Property on an expired permit although the forest warden had issued an open burning permit for November 1, 2006.

36. On November 1, 2006, Wettlaufer falsely reported to the MassDEP that the Plaintiffs had violated the burning permit.

37. Based upon Wettlaufer and Chief Gleason's false reports regarding the burning on the Property, the MassDEP issued a \$1,000 Penalty and fine against J. LaMountain even though, there was no violation and J. LaMountain was not involved in the burning on the Property.

38. On December 26, 2006 the Defendant Town Officials filed a action in the Hampden County



Superior Court alleging that the Plaintiffs violated the burning ordinance based upon the false reports made by Chief Gleason and Wettlaufer against J. LaMountain and sought civil penalties of \$25,000 against J. LaMountain.

39. The false reports by the HCC, Fife, Wettlaufer and E. Johnson resulted in the issuance of a fine by the MASSDEP in the amount of twelve thousand (\$12,000) dollars.

40. On February 12, 2007, J. LaMountain harvested wood from the Property as allowed under 310 CMR 10.04 (b) 15 and maintained the Property as allowed under 310 CMR (b) 15. c.

41. On February 13, 2007, J. LaMountain notified the HCC and Fife of the intent to use adjacent Farm property, located at assessors map 11-A-3 (hereinafter, "Storage Area") for an agricultural storage area as allowed under 310 CMR 10.04 (c) pursuant to GL 40A section 3, which provides that agricultural property "divided by a public way... shall be construed as one parcel" and sought permission to cut brush in the Storage Area in order to store wood in the Storage Area.

42. On February 13, 2007, Fife issued an Enforcement Order ordering the Plaintiffs to stop cutting any vegetation in the Storage Area. The enforcement order was arbitrarily and erroneously issued.

43. On February 14, 2007, Fife and Holland Officer Davey, under the supervision and direction of Chief Gleason, entered property at 14 Lakeridge Road, Holland, Massachusetts to deliver the Enforcement Order to J. LaMountain.

44. James LaMountain asked Fife to leave his property but Fife did not leave.

45. On February 20, 2007, Fife filed a criminal complaint against James LaMountain for assault because of this interaction.

46. On February 20, 2007, J. LaMountain filed an application for an Agricultural Preservation Restriction with the HCC and the HCC refused to authorize it. J. LaMountain reported complaints to the HCC about the conduct of Fife.

47. Fife stated that "Holland has enough open space" and reasoned that the Property did not

meet the agriculture requirements.

48. On March 13, 2007, the HCC refused approve the Plaintiffs' request for the demolition of the existing dangerous structure on the Property stating that they will not issue any permits to the Plaintiffs to maintain the Property.

49. On March 30, 2007, the MassDEP issued a Penalty and fine against the Plaintiffs for \$12,000.00 for violations that were false and based upon false complaints made by Defendant Town Officials.

50. In July, 2007, J. LaMountain removed the barricades from his beach front Property and the Town Official Defendants filed a criminal complaint against J. LaMountain.

51. On December 12, 2007, Wettlaufer and other Defendant Town Officials made a false complaint to the MassDEP that the Plaintiffs were violating the Wetlands Act by creating more beach property.

52. On April 26, 2008, Wettlaufer made a false complaint to the MassDEP alleging that the Plaintiffs set a fire on the Property without a permit although there was a permit and falsely attributed a neighbor's fire the Plaintiffs'.

53. In May, 2008, the Defendant Town Officials and Chief Gleason made numerous false reports to the MassDEP about the Plaintiffs use of the Property and the beach front Property.

54. On June 23, 2008, the MassDEP conducted an environmental raid on the Property based upon the false complaints made by the Defendant Town Officials.

55. In July, 2008, the Defendant Town Officials made a false complaint to the MassDEP about a fuel spill on the Property and forced the Plaintiffs to remove a "port-o-potty" that was lawfully being used.

56. E. Johnson and the Defendant Town Officials falsely manufactured a dog bite complaint against the James LaMountain's dog on March 28, 2007 and conducted a hearing on the complaint in a televised public hearing without giving James LaMountain notice of the complaint and further denied James LaMountain with an opportunity to be heard.

57. On March 29, 2007, E. Johnson sent James LaMountain notice that the dog had been declared a public nuisance. The declaration was in violation of GL 140 s 157 because E. Johnson and town official did not follow the procedure for declaring a dog a nuisance.

58. On April 2, 2007, James LaMountain filed a request for an emergency injunction in the Springfield Superior Court to order the Defendant's Earl Johnson and Wettlaufer not to take part in any dog hearings.

59. On April 4, 2007, E. Johnson was served with notice preventing Wettlaufer and E. Johnson from taking part in any town hearing regarding J.LaMountain's dog, subsequently, E. Johnson, Wettlaufer, and Peterson held a televised hearing regarding LaMountain's dog, in a manner other than prescribed by MGL Ch. 140 s.157.

60. Meier and Fife gave false testimony at the hearing.

61. Despite witnesses that stated the dog was harmless and a lack of evidence to support that the dog was violent, the Board of Selectmen voted and declared the dog to be a nuisance and ordered the dog be removed from Holland within 10 days.

**F. Access to Property Restricted and Arbitrary Denials**

62. On June 2, 2006, Plaintiffs installed a silt fence and haybales along Amber brook which is adjacent to their driveway and access road (hereinafter, "Access Road Area") and started clearing brush from the Access Road Area.

63. On June 2, 2006, the HCC and Fife drove onto the Farm and order the Plaintiffs not to use their pre-existing driveway and access road without filling out a notice of intent under the Wetland Protection Act.

64. The Access Road Area is exempt from the Wetland Protection Act due to its agricultural purpose pursuant to M.G.L. c. 40A sec. 3 which provides: "no zoning ordinance or bylaw shall prohibit . . . the use of land for the primary purpose of commercial agriculture" and pursuant to 310 CMR 10.04(c) as it was a pre existing agricultural access road and was directly related to production or raising of agricultural commodities.

65. On June 6, 2006, the HCC issued an enforcement order to the Plaintiffs to cease and desist from maintaining the Access Road Area.

66. The result of this order was to deprive the Plaintiffs access to their existing access to the Property because the Plaintiffs were prevented from clearing the Access Road Area in order to allow vehicles onto the area. By preventing access by vehicles onto the Access Road Area the Plaintiffs were prevented from having access to the Property.

67. On June 7, 2006, Wettlaufer and E. Johnson initiated an action to abandon the town owned road identified as Blodgett Road, (hereinafter, "Mashapaug Road Access") that provides access to the rear of the Property. This action by the Town officials prevented an alternate access to the Property.

68. On June 13, 2006, the HCC ordered the Plaintiffs not to access the Farm using Mashapaug Road Access at a Holland Conservation Commission meeting, further restricting access to the Property.

69. On July 2, 2006, Holland Officer Moorehouse, under the direction of Chief Gleason and Wettlaufer and Town Official defendants, ordered J. LaMountain to cease all work on the Farm.

70. On August 24, 2006, the MassDEP issued notice that permitted access to Mashapaug Road Access.

71. In October, 2006 the Plaintiffs submitted an application and plan for a driveway permit to highway surveyor B. Johnson to access the Property from frontage on the Chaffee Road, which was denied by B. Johnson.

72. In October, 2006, E. Johnson denied the Plaintiffs access to the Chaffee Road access point to the Property which further denied the Plaintiffs access to the Property.

73. Chaffee Road was the last remaining access point to the Property.

74. As of October, 2006, the Town and its officials had prevented all access areas to the Property, specifically, Chaffee Road, Mashapaug Road Access and the Access Road Area.

75. On July 2, 2006, Wettlaufer with Holland Police Officer Moorehouse, ordered the Plaintiffs

stop working on the Access Road Area to the Property, when the Plaintiffs were cutting down brush on the Access Road Area.

76. On July 18, 2006, the HCC denied the Plaintiffs' application for a permit to demolish a dangerous collapsing structure on the Property and restated that the Plaintiffs could not use the Access Road Area.

77. On or about July 23 2007-September 21 2007, the Defendants placed physical barricades, including New Jersey style barriers preventing access to the waterfront portion of the Plaintiffs' Property.

78. J. La Mountain removed the barriers.

79. These actions by the Town Official Defendants made it impossible for the Plaintiffs to park on their property and forced minor children to cross a dangerous road.

80. The Town Official Defendants reinstalled the barriers thereby denying the Plaintiffs' access to the Property.

**G. Defamation and Threat By Town Officials**

81. On July 3, 2006, Wettlaufer made false statements about James LaMountain to several witnesses, specifically he said "James LaMountain is a child molester" "Public Enemy #1."

82. In April, 2007, Wettlaufer also declared that James LaMountain is a registered sex offender in violation of MGL Ch. 6 s. 178N and MGL Ch. 6 s. 178J.

83. In April, 2007, M. LaMountain was nominated to run in the June election for a seat on the School committee occupied by incumbent Howard Fife and Brigham was nominated to run for Twon Selectman against E. Johnson, they were both subsequently harassed and defamed by Johnson and Fife.

84. E. Johnson, B. Johnson, Fife, Chief Gleason and Meier distributed, endorsed, or allowed defamatory flyers on Town property including the Elementary School, Library, Town Hall Polling place, as well as inside the Locked Holland Senior Center, that made false statements against the J. LaMountain, who was not running for elected office.

85. The notices were posted on election day on the Town Hall property, inside the 150 foot zone of the polling place in violation of MGL Ch.54 s. 65.

86. These violations were reported to Chief Gleason by J. LaMountain pursuant to MGL Ch. 54 s.75 but Chief Gleason mocked the Plaintiffs' complaint and took no action.

87. E. Johnson called J. LaMountain a "child molester" in the Town Hall in front of numerous witnesses, in June, 2006 and April, 2007. B. Johnson told numerous third parties that J. LaMountain was a "child molester" in April, 2007.

88. On April 2, 2007, town officials, B. Johnson and Sarah Meier, threatened James LaMountain, at the Town Hall. B. Johnson and Meier told J. LaMountain to: "get out of town or else".

89. When J. LaMountain left the Town Hall, Meier chased J. LaMountain out of the Town Hall and down the street to a gas station where she yelled profanities and stated to witnesses that J. LaMountain was a "child molester" and the his family is "dirt". Meier further stated that J. LaMountain and his family "better get out of town if they know what's good for them."

90. Meier then requested that a member of the motorcycle gang the Hell's Angels inflict bodily injury to J. LaMountain and his family.

**FIRST COUNT : VIOLATION OF J. LAMOUNTAIN AND BRIGHAM'S FOURTH AMENDMENT RIGHTS (FALSE ARREST), PURSUANT TO 42 U.S.C. § 1983, AS TO CHIEF GLEASON**

1. Paragraphs 1 through 90 are hereby incorporated into this the First Count, as if set forth in their entirety herein.
2. On February 20, 2007, Fife filed a criminal complaint against J. LaMountain for assault after Fife trespassed on LaMountain's property and refused to leave.
3. On March 13, 2007, at a meeting of the HCC, Fife called the police and made a false report against J. LaMountain and made threats against J. LaMountain who was present at

the meeting. Fife further refused to issue any permits to the Plaintiffs without any basis for the refusal and denied the Plaintiffs' request to demolish old structures on the Property.

4. On September 1, 2007, Brigham was falsely arrested without probable cause while he had a picnic with his family on the beachfront Property on Labor Day weekend.
5. J. LaMountain was falsely arrested for painting crosswalk marks on the road near the Property.
6. J. LaMountain filed a complaint against B. Johnson for trespassing on the Property.
7. The defendant, Chief Gleason violated the plaintiff's Fourth Amendment rights as follows: (a) The defendant, each and all of them, failed to secure to the plaintiffs, unlawfully deprived the plaintiffs, or caused the plaintiffs to be unlawfully deprived of rights secured to them by the United States Constitution and by Title 42 United States Code § 1983, et. seq.; (b) The defendant falsely arrested the Plaintiffs without probable cause.
8. As a result of the violation of the plaintiffs' civil rights, as aforesaid, the plaintiffs were caused to suffer the following injuries, but this claim is not limited to the following injuries, some or all of which are likely to be permanent in nature:
  - (a) Loss of dignity, humiliation, and severe emotional pain and suffering;
  - (b) anxiety, fear, and trauma, associated with being falsely arrested; and
  - (c) damage to their name and reputation.

**SECOND COUNT: VIOLATION OF FOURTEENTH AMENDMENT-EQUAL PROTECTION CLAUSE (CLASS OF ONE) RIGHTS OF J. LAMOUNTAIN, M. LAMOUNTAIN, BRIGHAM, HUGUENOT FARMS, AND NORTHEAST CONCEPTS BY HCC, WETTLAUFER, E. JOHNSON, FIFE, CHIEF GLEASON**

1. Paragraphs 1 through 90 of the Facts are hereby incorporated into this the Second Count, as if set forth in their entirety herein.
2. The defendants, each and all of them, failed to secure to the plaintiffs, unlawfully deprived the plaintiffs, or caused the plaintiffs to be unlawfully deprived of rights secured to them by the Fourteenth Amendment of United States Constitution and by Title 42 United States Code § 1983, et. seq.
3. The Plaintiffs were irrationally and intentionally treated differently from other people who are similarly situate as follows:

(a) The Defendant Town Officials made unfounded complaints and false complaints to the MASSDEP against the Plaintiffs for maintaining the Property and had not previously made false complaint about other similarly situated Town residents;

(b) The Defendant Town Officials repeatedly denied the Plaintiffs' petitions filed with the HCC without any basis for the denials when similarly situated town property owners were not denied the same requests;

(c) The Defendant Town Officials barricaded access to the Plaintiffs' Property and had not done that to other Town Residents;

(d) The Defendant Town Officials issued Enforcement Orders and pursued fines against the Plaintiffs and did not issue Enforcement Orders or pursue fines against other Town residents; and

(e) The Chief refused to enforce the protective order against Robertson and had never refused to enforce a court issued protective order.

4. The Plaintiffs were treated differently from similarly situated individuals in an irrational manner, in violation of the Fourteenth Amendment.

5. The Defendants did not have a legitimate government policy that can justify the differential treatment that the Plaintiffs suffered.



6. The similarity in circumstances and difference in treatment that the Plaintiffs suffered were sufficient to exclude the possibility that the defendants acted on the basis of a mistake.

7. The plaintiffs were intentionally singled out for reasons that so lack any reasonable nexus with a legitimate governmental policy and the Defendants acted with an improper purpose.

8. Each of the above named Individual Defendants participated in this misconduct, were aware of their corrupt and illegal activity and their blatant disregard of the plaintiffs' constitutional and civil rights.

9. As a result of the violation of the plaintiffs' civil rights, as aforesaid, the plaintiffs were caused to suffer the following injuries, but this claim is not limited to the following injuries, some or all of which are likely to be permanent in nature:

- (a) Loss of dignity, humiliation, and severe emotional pain and suffering;
- (b) damage to their name and reputation; and
- (c) loss and damage to property.

**THIRD COUNT: VIOLATION OF ALL OF THE PLAINTIFFS' FOURTEENTH AMENDMENT PROCEDURAL DUE PROCESS RIGHTS AS TO ALL OF THE DEFENDANTS.**

1. Paragraphs 1 through 90 are hereby incorporated into this the Third Count, as if set forth in their entirety herein.

2. During all times relevant to this complaint, the defendants violated plaintiffs' constitutional rights by depriving them of liberty without procedural due process of law.

3. The Plaintiffs have been deprived of their property interest in the access to their property as a result of the Town Officials' administrative action.

4. The defendants, each and all of them, failed to secure to the plaintiff, unlawfully deprived the plaintiff, or caused the plaintiff to be unlawfully deprived of rights secured to them by the

United States Constitution pursuant Title 42 U.S.C. § 1983, et seq. by their promotion and acquiescence of the aforementioned activities.

5. Defendant's actions are in violation of the aforementioned constitutional and statutory provisions and entitle the Plaintiff to immediate injunctive relief pursuant to the aforementioned jurisdictional statutes and constitutional protection.

6. As a result of the violation of the plaintiffs' civil rights, as aforesaid, the plaintiffs were caused to suffer the following injuries, but this claim is not limited to the following injuries, some or all of which are likely to be permanent in nature:

- (a) Loss of dignity, humiliation, and severe emotional pain and suffering;
- (b) loss of privacy within the sanctity of their home;
- (d) lost income;
- (e) damage to their name and reputation; and
- (f) loss and damage to property.

**FOURTH COUNT: VIOLATION OF THE PLAINTIFFS' FOURTEENTH AMENDMENT SUBSTANTIVE DUE PROCESS RIGHTS AS TO ALL OF THE DEFENDANTS.**

1. Paragraphs 1 through 90 are hereby incorporated into this the Fourth Count as if set forth in their entirety herein.

2. During all times relevant to this complaint, the defendants violated plaintiffs' constitutional rights by depriving them of liberty without due process of law by carrying out a pattern of outrageous conduct .

3. During all times relevant to this complaint, the plaintiff was subjected to continual and progressive harassment and intimidation by the defendants, all in violation of the plaintiff's

constitutional rights.

4. The defendants, each and all of them, failed to secure to the plaintiff, unlawfully deprived the plaintiff, or caused the plaintiff to be unlawfully deprived of rights secured to him by the United States Constitution pursuant Title 42 U.S.C. § 1983, et seq. by their promotion and acquiescence of the aforementioned activities.

5. The actions of the defendants were and are extreme and outrageous, shocking to the sensibilities of any reasonable person and will continue unabated unless strictly prohibited by the court.

6. Defendant's actions are in violation of the aforementioned constitutional and statutory provisions and entitle the Plaintiff to immediate injunctive relief pursuant to the aforementioned jurisdictional statutes and constitutional protection.

7. As a result of the violation of the plaintiffs' civil rights, as aforesaid, the plaintiffs were caused to suffer the following injuries, but this claim is not limited to the following injuries, some or all of which are likely to be permanent in nature:

- (a) Loss of dignity, humiliation, and severe emotional pain and suffering;
- (b) loss of privacy within the sanctity of their home;
- (c) lost income;
- (d) damage to their name and reputation; and
- (e) loss and damage to property.

**SIXTH COUNT: INTENTIONAL INFLECTION OF EMOTIONAL DISTRESS BY ALL PLAINTIFFS AGAINST ALL DEFENDANTS**

1. Paragraphs 1 through 90 are hereby incorporated into this the Sixth Count, as if set forth in their entirety herein.

2. The defendants, intended to inflict severe emotional distress upon the plaintiffs, and knew or should have known at all times that their acts or omissions as alleged herein would result in severe emotional distress to the plaintiffs.
3. The acts and omissions of the defendants were extreme, outrageous and dangerous.
4. As a direct and proximate result of said acts or omissions, the plaintiff suffered emotional distress.
5. The plaintiff claims damages.

WHEREFORE, the plaintiffs claims judgment against the defendants as follows:

- (1) Compensatory money damages;
- (2) Punitive damages as provided by 42 U.S.C. §§ 1983, and other applicable law;
- (3) Attorney's fees and costs as provided by 42 U.S.C. §§ 1988, and other applicable law;
- (4) Lost and future lost wages; and
- (5) Such other relief in law or equity as the Court may deem appropriate.
- (6) A Jury trial is requested.

PLAINTIFFS,

By: \_\_\_\_\_

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