

COMMONWEALTH OF MASSACHUSETTS

HAMPDEN, SS.

SUPERIOR COURT DEPT.  
DOCKET NO. **11 618**

NANCY CURVING )  
Plaintiff )  
Vs. )  
PETER FREI )  
Defendant )

VERIFIED COMPLAINT FOR DAMAGES AND INJUNCTIVE RELIEF

INTRODUCTION

1. This is a complaint seeking damages for defamation and libel and for temporary and permanent injunctive relief to prohibit the continued publication of libelous and slanderous comments about the Plaintiff on the website of the Defendant.

PARTIES

2. The Plaintiff, Nancy Curving, is an individual who resides at One Hamilton Drive, Holland, Hampden County, Commonwealth of Massachusetts.

3. The Defendant, Peter Frei, is an individual who resides at 101 Maybrook Road, Holland, Hampden County, Commonwealth of Massachusetts.

FACTS

4. Upon information and belief the Defendant is the owner/operator of a website known as the "The Holland Blog 01521.com". Said site contains a section called "Speak out Holland" which solicits comments from members of the community.

5. On or about June 21, 2011 a comment was posted on the "Speak out Holland" section of said website that alleges that the Plaintiff attempted to sell illegal drugs, to wit: crack cocaine, to the party posting the comment. The comment listed the Plaintiff's name and address. The post further states that the Plaintiff walks up and down her street at night speaking to an imaginary friend and pet. Annexed hereto marked as "A" is a true and accurate copy of the "speak out Holland portion of the website containing the comment.

6. On or about June 25, 2011 a further comment by a person identified as "Betsy" was posted in response to the June 21, 2011 comment suggesting that the authorities should be informed about the Plaintiff, including town officials and the Town of Holland police. See Exhibit "A" annexed hereto.

7. On or about June 26, 2011 the Plaintiff contacted the defendant, Peter Frei, by telephone asking that he remove this libelous comment from his website. The Defendant refused.

8. On or about June 26, 2011 a comment was posted by "someone who lives here" referencing the libelous post the town official referred to by the previous post by "Betsy". See Exhibit "A" attached.

9. On or about June 27, 2011 the person identified as "The pushed upon" posted the comments shown on Exhibit "A" attached. In this comment titled "Hope this got a point across" the party references the fact that the Plaintiff spoke with the Defendant Peter Frei and asked him to remove the libelous posts.

9. On or about June 28, 2011 Plaintiff counsel sent correspondence to the Defendant, Peter Frei demanding that the libelous comments be removed. A true and accurate copy of said correspondence is annexed hereto marked as "B".

10. On or about June 30, 2011 Defendant contacted Plaintiff's counsel by telephone indicating that he would not remove the comments from his website without a court order.

11. As a result of these posts the Plaintiff has suffered severe emotional distress. The posts have had a severe deleterious effect on her and her family.

COUNT I  
DEFAMATION AND LIBEL

12. The Plaintiff re-alleges and incorporates each and every allegation contained in paragraphs 1-11 above.

13. The statements contained in the comments on the Holland Blog are false statements. The statements are defamatory to the Plaintiff and were disseminated to the public by the Defendant.

14. The statements were material false statements of fact concerning the Plaintiff alleging that the Plaintiff is attempting to sell illegal narcotics. The statements were made by the Defendant disregarding whether the facts contained therein were truthful.

15. The Defendant knew or should have known that the facts in the comment were false and the Defendant allowed the publication of the comment with the intent to harm the Plaintiff.

16. After demand by the Plaintiff and her counsel the Defendant failed and refused to cease publication of the statements.

17. As a result of the Defendant's statements, the Plaintiff has suffered damage to her reputation, has been humiliated and impugned in eyes of the public thereby damaging her

reputation. Further as a result of the Defendant's statements, the Plaintiff has suffered mental pain, anguish and humiliation.

18. The Plaintiff has suffered, is suffering and will continue to suffer irreparable harm and damage as a result of the Defendant's publication of the statements, specifically severe emotional distress and harm to her family.

19. If the Defendant is not preliminarily and permanently restrained and enjoined, and continues to unlawfully defame the Plaintiff irreparable damage and harm will occur to the Plaintiff. The Plaintiffs' remedy at law is not adequate to compensate them for the injuries suffered on an ongoing basis.

WHEREFORE the Plaintiffs request the following relief:

1. That a preliminary injunction issue ordering the Defendant to forthwith remove the comments on "The Holland Blog dated June 21, 2011 at 17:28 by "the pushed upon", the comments posted on June 25, 2011 at 20:54 by "Betsy" the comment posted on June 26, 2011 at 10:52 by "someone who lives here" and the comment posted on June 27, 2011 at 8:26 by "The pushed upon".

2. That a permanent injunction issue ordering the Defendant to forthwith remove the comments on "The Holland Blog dated June 21, 2011 at 17:28 by "the pushed upon", the comments posted on June 25, 2011 at 20:54 by "Betsy" the comment posted on June 26, 2011 at 10:52 by "someone who lives here" and the comment posted on June 27, 2011 at 8:26 by "The pushed upon".

3. That judgment for damages enter in favor of the Plaintiff against the Defendant for her damages and injuries and that she be awarded attorney's fees and costs incurred in defending this matter.

4. Such other relief as the Court deems just and appropriate.

NANCY CURVING  
PLAINTIFF

Dated: July 22, 2011

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E. John Anastasi, Esquire  
Anastasi & Associates, P.C.  
P.O. Box 552  
245 Main Street  
Oxford, MA 01540  
508-987-8700  
BBO#017720