

UNITED STATES DISTRICT COURT

DISTRICT OF MAINE

MARION DOYLE)	
and)	
MICHAEL DOYLE)	
)	
Plaintiffs)	
)	
v.)	Civil Action No.:
)	14-CV-259-JDL
FALMOUTH POLICE DEPARTMENT,)	
TOWN OF FALMOUTH, MAINE,)	
ROBERT RYDER, in his individual and)	
official capacities, and JOHN KILBRIDE,)	
in his individual and official capacities,)	
)	
Defendants)	

COMPLAINT & DEMAND FOR JURY TRIAL

NOW COMES Plaintiffs Marion Doyle and Michael Doyle and hereby complains against Defendants Robert Ryder, John Kilbride, Falmouth Police Department and the Town of Falmouth, Maine as follows:

THE PARTIES

1. Plaintiffs Marion Doyle and Michael Doyle are individuals residing in the Town of Falmouth, County of Cumberland and State of Maine.
2. Defendant Falmouth Police Department (“Falmouth Police”) is a lawfully organized unit or division of Defendant Town of Falmouth, Maine.

3. Defendant Town of Falmouth, Maine (“Town of Falmouth”) is a lawfully organized and/or incorporated town in the County of Cumberland and State of Maine. The Town of Falmouth was incorporated under the laws of the State of Massachusetts in 1778, and became the 46th Town in Maine when Maine became a state in 1820.
4. Defendant Robert Ryder (“Ryder”) is an individual who, upon information and belief, resides in the County of Cumberland and State of Maine. At all times relevant to this Complaint, Defendant Ryder was a patrolman on the Falmouth Police Department and an employee of the Falmouth Police Department.
5. Defendant John Kilbride (“Kilbride”) is an individual who, upon information and belief, resides in the City of Portland, County of Cumberland and State of Maine. At all times relevant to this Complaint, Defendant Kilbride was a lieutenant on the Falmouth Police Department and an employee of the Falmouth Police Department.

JURISDICTION & VENUE

6. Venue is proper in this court because the Plaintiffs are residents of Maine, and because Defendants are all individuals or government units residing, or organized and/or incorporated in the State of Maine.

- This Court has personal jurisdiction over the Defendants because they are individuals or government units residing, organized and/or incorporated in the State of Maine.
7. This Court has original subject matter jurisdiction over this case pursuant to 28 U.S.C. Sec. 1331 because this case arises under 42 U.S.C. Sec. 1983 and the Fourth, Fifth, and Fourteenth Amendments of the United States Constitution.
 8. There are no pending state court proceeding relating to any of the factual and/or legal claims asserted in this Complaint.

FACTUAL BACKGROUND

9. During Thanksgiving Day of 2012, Defendant Falmouth Police stopped Plaintiff Michael Doyle (“Michael”) while he was driving on Johnson Rd. in Falmouth toward Rt. 88 in Falmouth. Plaintiff Michael was on his way to an address at Applegate Lane in Falmouth. Falmouth Police lacked Probable Cause for the stop of Plaintiff Michael. Defendant Falmouth Police proceeded to ask only for Plaintiff Michael’s driver’s license and specifically NOT for the vehicle’s registration and proof of insurance. Plaintiff was not speeding or committing any other infraction of any motor vehicle law, regulation, or rule. The Falmouth Police officer who stopped Plaintiff

Michael said he was going to the home of the Plaintiffs and issuing Plaintiff Marion Doyle (“Marion”) a summons for Evasion of Registration Fees in the State of Maine. At no time was any summons issued to Plaintiff Michael for this unlawful detention and restraint on Johnson Rd.

10. On Thanksgiving Day 2012, Defendant Ryder did in fact drive to the residence of Plaintiffs on Shady Lane and issue a summons for \$911.00 for the Evasion of Registration Fees to and in the name of Plaintiff Marion, who at no time was driving the vehicle stopped on Johnson Rd. nor was a passenger in the vehicle, yet the summons listed her as the violator and falsely listed the location of the issued summons as Johnson Rd. with all data from Plaintiff Marion’s driver’s license on the summons. This could not have been provided to the Officer as Plaintiff did not have her license with her or even in the house. Consequently, Defendant Ryder could only have had the summons filled out prior to coming to the residence on Shady Lane. This summons was falsely issued by Defendant Ryder, in an attempt to seek revenge in a petty way against Plaintiff Michael who had previously criticized Ryder for his incompetent police work during vandalism of Plaintiff’s campaign signs, by involving Plaintiff

Marion, age 95, in his plot to get even with Plaintiff Michael.

11. This False Summons resulted in a trial in the District Court for Cumberland County on May 23, 2013 before Judge Jeffery Moskowitz. During the hearing it was established in the morning session that Defendant Ryder had failed to comply with a previous court order to supply discovery to Plaintiff Marion so a defense could be mounted against this false charge. This caused J. Moskowitz to continue the trial to 1:30 and reorder Defendant Ryder to go to Plaintiff's residence and supply the withheld discovery. The discovery demonstrated numerous pages where Defendant Ryder had overtly and continuously attempted to disparage Plaintiff Michael and was reduced to using Plaintiff Marion as his scapegoat to exact his revenge. J. Moskowitz ruled that Defendant Ryder had failed to prove his case and ruled for the Plaintiff Marion.

12. Upon information and belief, the investigation was conducted by Defendant Ryder and the information was submitted to the Cumberland County District Attorney's Office by Defendant Kilbride.

13. Defendants Ryder, Kilbride, and Falmouth Police took steps to secure a trial and prosecution based solely on the basis of a falsified summons issued to a person not an occupant of a vehicle at the time

- the vehicle was illegally stopped and without any probable cause.
14. At the time that Defendants submitted this false summons to the Cumberland County District Attorney's Office, Defendants withheld from the Cumberland County District Attorney's Office credible exculpatory information evidencing that Plaintiff was not guilty of the false charge of Evasion of Registration Fees.
15. Specifically, and without limitation, the Defendants withheld information and documents that J. Moskowitz cited in his decision ruling in favor of Plaintiff Marion.
16. As a result of the above described actions and omissions of the Falmouth Police Department, Plaintiff Marion, at an advanced age of 95, and who had never previously even been cited for a parking violation, was thrown into a deep depression over the prospect of being forced to pay \$911 for a false violation she did not commit. The emotional distress caused by the Defendants was so great that it brought Plaintiff Marion to the point where she attempted suicide due directly to the false and frivolous charge brought by the Falmouth Police.
17. At all times relevant to this Complaint, the Defendants Ryder and Kilbride were acting as employees and/or agents of Defendants

Falmouth Police and Town of Falmouth. At all times relevant to this Complaint, Falmouth Police was a division or unit of Defendant Town of Falmouth, and was acting as an agent of the Town of Falmouth.

COUNT I

Violation of Plaintiffs' 4th Amendment Rights
Unreasonable Seizure---November 2012
Claim for Relief Under 42 U.S.C. Sec. 1983
(Against Defendants Falmouth Police and Town of Falmouth)

18. Plaintiff repeats and restates the allegations in paragraphs 1-17 as if fully set forth herein.
19. At all times relevant to this Complaint, Defendants Falmouth Police and Town of Falmouth were persons within the meaning of 42 U.S.C. Sec. 1983.
20. At all times relevant to this Complaint, Plaintiffs were citizens of the United States within the meaning of 42 U.S.C. Sec. 1983.
21. During Thanksgiving Day of 2012, while acting under color of law, Defendant Falmouth Police seized Plaintiff Michael while he was driving on Johnson Road in Falmouth toward Rt. 88, by stopping his vehicle that he was driving. Immediately after seizing Plaintiff Michael, Defendants Ryder and the Falmouth Police Department threatened to falsely summons Plaintiff Marion while Plaintiff Michael was falsely detained and in the custody of Defendant Ryder

and the Falmouth Police.

22. Defendant Falmouth Police seizure of Plaintiff Michael was not supported by any warrant or probable cause or consent from the Plaintiff. Accordingly, Defendant Falmouth Police's seizure was in violation of Plaintiff Michael's rights under the Fourth Amendment of the United States Constitution, as applied to state and local governments and their officials pursuant to the Fourteenth Amendment of the United States Constitution.

23. Through its actions and omissions under the color of law, Defendant Falmouth Police subjected Plaintiffs, and/or caused Plaintiffs to be subjected, to deprivation of their rights, under the Fourth Amendment of the United States Constitution, to be free from unreasonable and warrantless seizures, as applied to state and local governments and their officials pursuant to the Fourteenth Amendment of the United States Constitution.

24. As a direct and proximate result of the deprivation of their Fourth Amendment rights, to which they were subjected to by the Defendant Falmouth Police, Plaintiffs have suffered actual damages, including, without limitations, loss of liberty, loss of peace of mind, damage to their reputations in the community, an emotional distress, and costs.

25. Pursuant to 42 U.S.C. Sec. 1983, Plaintiff is entitled to recover nominal and actual damages from Defendants Falmouth Police and Town of Falmouth. Pursuant to 42 U.S.C. Sec. 1988, Plaintiff is also entitled to recover reasonable attorneys' fees and costs from Defendants Falmouth Police and Town of Falmouth.

26. In its actions and omissions subjecting Plaintiffs to a deprivation of their Fourth Amendment rights, Defendant Falmouth Police acted maliciously, and/or with reckless or callous indifference to Plaintiff's constitutional rights. Accordingly, Plaintiff is entitled to recover punitive damages from Defendant Falmouth Police Department.

27. At all times relevant to the allegations in this Complaint, Defendant Falmouth Police was acting as an actual or apparent agent of Defendant Town of Falmouth. Pursuant to well established principles of *respondent superior*, Defendant Town of Falmouth is directly liable to Plaintiffs for the actions and omissions of Defendant Falmouth Police set forth herein.

WHEREFORE, Plaintiffs respectfully request that this Court:

A. Order that the Defendants Falmouth Police and Town of Falmouth pay to Plaintiffs such compensatory and consequential damages as

are appropriate, plus interest and costs.

- B. Order that Defendants Falmouth Police and Town of Falmouth pay Plaintiffs their reasonable attorneys' fees.
- C. Order that the Defendants Falmouth Police and Town of Falmouth pay punitive damages to Plaintiff; and
- D. Award such other and further relief as is just and proper.

Fully set forth

COUNT II

***Violations of Plaintiffs' Rights 4th Amendment Rights
Unreasonable Search and Seizure---November 2012
Claim for Relief Under 42 U.S.C. Sec. 1983
(Against All Defendants)***

- 28. Plaintiffs repeats and restates the allegations in paragraphs 1-27 as if fully set forth herein.
- 29. At all times relevant to this Complaint, Defendants were persons within the meaning of 42 U.S.C. Sec. 1983.
- 30. At all times relevant to this Complaint, Plaintiffs were citizens of the United States within the meaning of 42 U.S.C. Sec. 1983.
- 31. On or about November 29, 2012, as direct and proximate result of the actions and omissions of Defendants Ryder, Kilbride, and Falmouth Police Department carried out under color of law, Plaintiff Michael was seized, and under custody and control of the Defendants on

Johnson Road, Falmouth, Maine.

32. Through their actions and omissions under color of law, the Defendants subjected Plaintiffs, and/or caused Plaintiffs to be subjected, to a deprivation of their rights, under the Fourth Amendment of the United States Constitution, to be free from unreasonable seizures, as applied to state and local governments and their officials pursuant to the Fourteenth Amendment of the United States Constitution.
33. As direct and proximate result of the deprivation of their Fourth Amendment rights to which they were subjected by Defendants, Plaintiffs have suffered actual damages, including, without limitations, loss of liberty, loss of peace of mind, damage to their reputation in the community, emotional distress, and legal fees and costs.
34. Pursuant to 42 U.S.C. sec. 1983, Plaintiffs are entitled to recover nominal and actual damages from Defendants Falmouth Police and Town of Falmouth. Pursuant to 42 U.S.C. Sec 1988, Plaintiffs is entitled to recover their reasonable attorneys' fees and costs from Defendants Falmouth Police and Town of Falmouth.
35. In their actions and omissions subjecting Plaintiffs to a deprivation of

their Fourth Amendment rights, the Defendants acted maliciously, and/or with reckless or callous indifference to Plaintiffs' constitutional rights. Accordingly, Plaintiffs are entitled to recover punitive damages from Defendants.

36. At all times relevant to the allegations in this Complaint, Defendants Ryder and Kilbride were acting as actual or apparent agents of Defendants Falmouth Police and Town of Falmouth, and Defendant Falmouth Police was acting as an actual or apparent agent of Defendant Town of Falmouth. Pursuant to well established principles of *respondent superior*, Defendant Falmouth Police is directly liable to Plaintiffs for actions and omissions of Defendants Ryder and Kilbride set forth herein, and Defendant Town of Falmouth is directly liable to Plaintiffs for the actions and omissions of Defendants Ryder, Kilbride and Falmouth Police set forth herein.

WHEREFORE, Plaintiffs respectfully request that this Court:

- A. Order that Defendants pay to Plaintiffs such compensation and consequential damages as are appropriate, plus interest and costs;
- B. Order that Defendants pay to Plaintiffs their reasonable attorneys' fees and costs;
- C. Order that Defendants pay punitive damages to Plaintiffs; and

D. Award such other and further relief as is just and proper.

COUNT III

Violation of Plaintiffs' Rights 5th and 14th Amendment Rights
Deprivation of Liberty Without Due Process
Claim for Relief Under 42 U.S.C. Sec. 1983
(Against All Defendants)

37. Plaintiffs repeat and restates the allegations in paragraphs 1-36 as if fully set forth herein.

38. At all times relevant to this Complaint, Defendants were persons within the meaning of 42 U.S.C. Sec. 1983.

39. At all times relevant to this Complaint, Plaintiffs were citizens of the United States within the meaning of 42 U.S.C. Sec. 1983.

40. On or about November 23, 2012, as a direct and proximate result of the actions and omissions of Defendants Ryder, Kilbride, and Falmouth Police Department carried out under color of law, Plaintiff Michael was seized on Johnson Rd. in an illegal traffic stop, without probable cause, and with the only purpose to brag that Defendant Ryder was going to go to the Plaintiffs' home and "...give your mother (Plaintiff Marion) a summons for evasion of registration fees for \$911..."

41. Through their actions and omissions under color of law, the

Defendants subjected Plaintiff Michael, and/or caused Plaintiff Michael to be subjected, to a deprivation of his rights, under the Fifth and Fourteenth Amendments of the United States Constitution, to be free of deprivations of his liberty without due process of law, as applied to state and local governments and their officials pursuant to the Fourteenth Amendment of the United States Constitution.

42. As a direct and proximate results of the deprivation of her Fifth and Fourteenth Amendment rights to which Plaintiff Michael was subjected by Defendants, Plaintiff Michael has suffered actual damages, including, without limitation loss of liberty, damages to his reputation in the community, emotional distress, and costs.

43. Pursuant to 42 U.S.C. Sec. 1983, Plaintiff Michael is entitled to recover nominal and actual damages from Defendants Falmouth Police and Town of Falmouth. Pursuant to 42 U.S.C. Sec. 1988, Plaintiff Michael is entitled to recover his reasonable attorneys' fees and costs from the Defendants Falmouth Police and Town of Falmouth.

44. In their actions and omissions subjecting Plaintiff Michael to a deprivation of his Fifth and Fourteenth Amendment rights, the Defendants acted maliciously, and/or with reckless or callous

indifference to Plaintiff Michael's constitutional rights. Accordingly, Plaintiff is entitled to recover punitive damages from Defendants.

45. At all times relevant to the allegations in the Complaint, Defendants Ryder and Kilbride were acting as actual or apparent agents of Defendants Falmouth Police and Town of Falmouth, and Defendants Falmouth Police was acting as an actual or apparent agent of Defendant Town of Falmouth. Pursuant to well established principles of *respondent superior*, Defendant Falmouth Police is directly liable for the actions and omissions of Defendants Ryder and Kilbride set forth herein, and Defendant Town of Falmouth is directly liable to Plaintiff Michael for the actions and omissions of Defendants Ryder, Kilbride, and Falmouth Police set forth herein.

WHEREFORE, Plaintiffs respectfully request that this Court:

- A. Order that Defendants pay to Plaintiff Michael such compensatory and consequential damages as are appropriate, plus interest costs;
- B. Order that Defendants pay to Plaintiff Michael his reasonable attorneys' fees and costs;
- C. Order that Defendants pay punitive damages to Plaintiff Michael;
and
- D. Award such other and further relief as is just and proper.

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a jury trial on all claims set forth herein that are so triable.

MARION DOYLE
Pro se

MICHAEL DOYLE,
Pro se

Dated: June 30, 2014

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