

UNITED STATES DISTRICT COURT

DISTRICT OF MAINE

MICHAEL DOYLE

Plaintiffs

v.

Civil Action No.:

FALMOUTH TOWN COUNCIL,
TOWN OF FALMOUTH, MAINE,
NATHAN POORE, in his individual and
official capacities

Defendants

COMPLAINT & DEMAND FOR JURY TRIAL

NOW COMES Plaintiffs Michael Doyle and hereby complains against
Defendants Falmouth Town Council, Nathan Poore, Town Manager, and the
Town of Falmouth, Maine as follows:

THE PARTIES

1. Plaintiff Michael Doyle is an individual residing in
the Town of Falmouth, County of Cumberland and State of Maine.
2. Defendant Falmouth Town Council (“the Council”) 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 Nathan Poore (“Poore”) is an individual who, upon information and belief, resides in the County of York and State of Maine. At all times relevant to this Complaint, Defendant Poore was the Town Manager and an employee of the Town of Falmouth.

JURISDICTION & VENUE

5. Venue is proper in this court because the Plaintiff is a resident 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.
6. This Court has original subject matter jurisdiction over this case pursuant to 18 U.S.C. Sec. 1341 for executing a fraudulent scheme and Sec. 1346, a scheme to deprive another of the intangible right of honest services.

7. There are no pending state court proceeding relating to any of the factual and/or legal claims asserted in this Complaint.

FACTUAL BACKGROUND

8. From October 18, 2011 until December 12, 2013 Plaintiff submitted 30 FOAA requests to Defendant Town of Falmouth by email to allow Plaintiff to inspect and copy certain Public Records. Of those 30 requests 21 were at the rate of \$10.00 per hour and 9 were at the rate of \$15.00 per hour. In each of those requests the first free hour was denied by the Chief Information Officer for the Defendant, Town Manager, Nathan Poore. The excuse presented by Defendant was each of the 30 requests were a continuing request of a prior question. Under MSRA 408A. 8. B. covering fees to be paid per hour there are no provisions for the denial of the first free hour under any stated conditions.
9. Exhibits 1 through 30, are the mailed invoices, and are attached as evidence of the fraud.
10. The Defendants' position, if taken to its ultimate logical end, no free first hour would ever be provided as required by law, as all questions under this scheme could be considered a "continuing FOAA request"

for any information involving the Defendants' decisions throughout the entire town government.

11. Defendants Defrauded Plaintiff of \$345.00 intentionally over a period of 26 months.

COUNT I

Claim for Relief Under 18 U.S.C. Sec. 1341 and 1346 (Against Defendants Falmouth Town Council, Nathan Poore, Town Manager, and Town of Falmouth)

12. Plaintiff repeats and restates the allegations in paragraphs 1-11 as if fully set forth herein.

13. At all times relevant to this Complaint, Defendants Falmouth Town Council, Nathan Poore, Town Manager, and Town of Falmouth were persons within the meaning of 18 U.S.C. Sec. 1341 and 1346.

14. At all times relevant to this Complaint, Plaintiff was a citizen of the United States within the meaning of 18 U.S.C. Sec. 1341 and 1346.

15. As a direct and proximate result of the fraud perpetrated by Defendants, and to which they were subjected to by the Defendants, Plaintiffs have suffered actual damages, including, without limitations, lost of peace of mind, damage to the reputation in the community, and emotional distress, and costs.

16. Pursuant to 18 U.S.C. Sec. 1341 and 1346, Plaintiff is entitled to recover nominal and actual damages from Defendants Falmouth Town Council, Town of Falmouth and Town Manager, Nathan Poore.

17. In Defendants actions subjecting Plaintiff to a deprivation of his “intangible right of honest service”, Defendants acted in a maliciously, and/or with reckless or callous indifference to Plaintiff’s rights under Title 18 Sec. 1341 and 1346. Accordingly, Plaintiff is entitled to recover punitive damages from Defendants Falmouth Town Council, Town of Falmouth, and Nathan Poore, Town Manager.

18. At all times relevant to the allegations in this Complaint, Defendant Nathan Poore, Town Manager, was acting as an actual or apparent agent of Defendant Town of Falmouth and the Town Council.

Pursuant to well established principles of *respondent superior*, Defendant Town of Falmouth is directly liable to Plaintiff for the actions and omissions of Defendants Falmouth Town Council and Town Manager Nathan Poore set forth herein.

WHEREFORE, Plaintiffs respectfully request that this Court:

A. Order that the Defendants Falmouth Town Council, Town of Falmouth, and Nathan Poore, Town Manager pay to Plaintiff such

compensatory and consequential damages as are appropriate, plus interest and costs.

- B. Order that Defendants pay Plaintiff their reasonable attorneys' fees, if any.
- C. Order that the Defendants pay punitive damages to Plaintiff; 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.

MICHAEL DOYLE
Pro Se

Dated: April 25, 2016

Michael Doyle
3 Shady Lane
Falmouth, Maine 04105
Tel: 207.766.6644
E-mail: seller99@msn.com