

CHAPTER 63
October 6, 2015
By Editor:

Councilor Moonbat Babine thinks someone died and made him king. You can read his email below. How does this big of a dope get elected to anything? **Moonbat** has just the right combination of arrogance and ignorance. **Moonbat** has the arrogance that he knows more than he does and the arrogance that allows him to demonstrate his ignorance to the world.

Moonbat Babine should glance at the First Amendment and read this: “...*and to petition the government for a redress of grievances.*”

Moonbat will learn that as long as he’s on the Council, anyone and everyone has the **CONSTITUTIONAL RIGHT** to contact him ad infinitum. That would include the person suing him personally, the Council, the Police Department, and the Town. You can read FTM’s response to, the Town’s lawyer, **Mark Franco’s** latest effort to get a dismissal below.

UNITED STATES DISTRICT COURT

DISTRICT OF MAINE

MICHAEL DOYLE

Plaintiff

v.

Civil Action No.:
2:15-cv-00227-JAW

**TOWN OF SCARBOROUGH and
MEMBERS OF THE TOWN COUNCIL
INDIVIDUALLY**

Defendants

OPPOSITION TO DEFENDANT’S MOTION TO DISMISS NOW COMES Plaintiff Michael Doyle and Opposes Defendant’s Motion to Dismiss.

1. This case is based upon the conduct of the Council, Town Manager, and Scarborough Police Department during the Public Forum portion of the Council Meeting. The Complaint does not relate to any other part of the agenda. Plaintiff wasn’t disruptive. Plaintiff merely asked a question: What was the emotional abuse Officer Maietta suffered before he was forced out of the Scarborough Police Department? At which point Plaintiff was gaveled down by Chair

Holbrook. When Plaintiff repeatedly asked what Public Forum Rule he was violating Holbrook repeated he was “out of order”. At which point Town Manager, Tom Hall, stood up and started to walk around Holbrook towards Plaintiff as if to physically confront Plaintiff. Hall stopped after a few feet and directed a Scarborough Police Officer to escort Plaintiff from the Council Chamber and from the Town Hall. All of this is on the YouTube link in the Complaint. Plaintiff asserts that this was clearly an abrogation of the Freedom of Speech and the Freedom of the Press clause of the First Amendment. Plaintiff asked the content-based question during Public Forum because the Town Government, the Town Council, the Town Manager, and the Town Police Department have a history of this type of misconduct. In a random page selection from 328 pages of the

Maietta Workers Comp claim testimony, Plaintiff discovered that another police officer was in Maine Medical Center’s P6 ward (Psyche floor), when his wife was forced to bring a waiver form for him to sign relieving the Town of Scarborough of any responsibility for causing his mental break down. Plaintiff’s question was not disruptive, merely embarrassing to a government body that has a known history of abusing employees at will. A history of abuse that the Council, the Manager, and the Police Department wanted to keep secret from the public both in attendance at the Council meeting and those viewing from home.

2. The Public Forum Rules provide for 5 minutes of speaking time. When Plaintiff was first gavelled down at a previous meeting he asked: Why Scarborough business owner Andrew Cusack wasn’t investigated on a complaint, dating back two years, of drugging and raping two young men? Once again Plaintiff was forced to stop speaking and was shouted down by Councilor St. Clair (violating Council Rules that only the Chair can speak during Council meetings unless a Councilor raises their hand and is called upon by the Chair) again based solely on content, not agenda, and not on time allowances.

In both of these instances, Maietta and Cusack, Plaintiff was forced to stop speaking because he was pointing out embarrassing misconduct of the Defendants as a group and individually. Each Councilor knew, or should have known, what Chair Holbrook and member St. Clair, and Manager Hall did, was a violation of the law. The Councilors that failed to intervene and stop the violation of the law are complicit in the violation of the law.

SUMMARY OF FACTS

Defense claims no cause of action in their Motion. Two separate events took place both were a violation of the content-based decision recently handed down by the U.S. Supreme Court. Plaintiff submits that each event of the Council thwarting free speech in a public forum that is open to all speech, and not a public meeting as Defense argues off point, where Free Speech is an absolute right, are violations of both Free Speech and Freedom of the Press. These events were not an agenda item that may or may not be controlled by other rules. At no time did Plaintiff violate any Public Forum rules previously submitted with the Complaint. When the Chair was gaveling Plaintiff into submission, and Plaintiff repeatedly asked what rule Plaintiff was in violation of, the Council was silent as to any rule. Plaintiff wasn’t disruptive at any time. Plaintiff’s questions in both events were straightforward and simple content based inquires

as to embarrassing misconduct by Scarborough Town Management. In both of these events the Town of Scarborough, and/or the Town Council, and/or the Police Department, and/or the Town Manager, Thomas Hall, all acting as agents or employees of the Town of Scarborough, deprived Plaintiff of his Constitutional Rights. Each of these violations is documented in the YouTube link contained within the Complaint. The most recent U.S. Supreme Court ruling cited by Plaintiff speaks directly to content based violation of the First Amendment and is the controlling decision for this action. All other citations noted by Defendant are off point and immaterial to this action.

Consequently, Defendant's Motion to dismiss should be denied.

MICHAEL DOYLE,
Pro se

Dated: September 28, 2015

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

From: sbabine@ci.scarborough.me.us
To: seller99@msn.com
CC: THall@ci.scarborough.me.us; JHolbrook@ci.scarborough.me.us;
phayes@ci.scarborough.me.us; wdonovan@ci.scarborough.me.us;
eblaise@ci.scarborough.me.us; jcaterina@ci.scarborough.me.us; kstclair@ci.scarborough.me.us;
YJustice@ci.scarborough.me.us
Subject: Re: NEW POST
Date: Fri, 25 Sep 2015 00:16:14 +0000

Mr. Doyle,

I ask that you cease and desist and refrain from communicating with and contacting me. I consider your communications harassing. Please refer all communications through the Town's Attorney.

Councilor Shawn A. Babine