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STATE OF MAINE
Piscataquis, ss.

SUPERIOR COURT
Civil Action,
Docket No.: _____

MICHAEL G. DAVIS, an individual)
and resident of the Town of Sangerville,)
County of Piscataquis, and State of)
Maine,)

PLAINTIFF)

vs.)

MAINE DEPARTMENT OF)
CONSERVATION,)

and)

DEWAYNE LONG, an individual)
and resident of the Town of Norridgewock,)
County of Somerset, and State of Maine,)

and)

CHARLES CLUKEY, an individual)
and resident of the State of Maine,)

and)

STEVEN DAY, an individual and)
resident of the State of Maine,)

and)

GARY MORSE, an individual and)
resident of the State of Maine,)

and)

JAMES DOWNING, an individual and)
resident of the State of Maine,)

and)

ROBERT LESSO, an individual and)
resident of the State of Maine,)

DEFENDANTS)

COMPLAINT

NOW COMES the Plaintiff, Michael G. Davis, by and through undersigned counsel, and complains against the Defendants as follows:

PARTIES

1. The Plaintiff is an individual and resident of the Town of Sangerville, County of Piscataquis and State of Maine.

2. Defendant Department of Conservation is an administrative agency of the State of Maine with a principal place of business in the City of Augusta, County of Kennebec and State of Maine.

3. Defendant Dewayne Long is a Maine State Forest Ranger employed with Defendant Department of Conservation, Maine Forest Service, and at all times pertinent hereto was acting in his official capacity as such, and was also acting in his individual capacity.

4. Defendant Charles Clukey is a Maine State Forest Ranger employed with Defendant Department of Conservation, Maine Forest Service, and at all times pertinent hereto was acting in his official capacity as such, and was also acting in his individual capacity.

5. Defendant Steven Day is a Maine State Forest Ranger employed with Defendant Department of Conservation, Maine Forest Service, and at all times pertinent hereto was acting in his official capacity as such, and was also acting in his individual capacity.

6. Defendant Gary Morse is a Maine State Forest Ranger employed with Defendant Department of Conservation, Maine Forest Service, and at all times pertinent hereto was acting in his official capacity as such, and was also acting in his individual capacity.

7. Defendant James Downing is a Maine State Forest Ranger employed with Defendant Department of Conservation, Maine Forest Service, and at all times pertinent hereto was acting in his official capacity as such, and was also acting in his individual capacity.

8. Defendant Robert Lesso is a Maine State Forest Ranger employed with Defendant Department of Conservation, Maine Forest Service, and at all times pertinent hereto was acting in his official capacity as such, and was also acting in his individual capacity.

9. Plaintiff has complied with 14 M.R.S.A. §8107, to wit, the Plaintiff has given Notice of Claim, properly served, to the Defendants.

COUNT I

(Defamation -- Dewayne Long)

10. Plaintiff repeats and realleges each and every allegation made in Paragraphs 1

through and including 9 of this Complaint as if fully set forth herein.

11. Defendant Long knew, or reasonably should have known that, by virtue of his official status as a Forest Ranger for the Maine State Forest Service, which status was known to all parties to this lawsuit, and to other specific individuals referenced in this Complaint, said individuals would substantially rely on statements made by said Defendant within the realm of his expertise, and that statements of opinion would reasonably be believed by said third parties to be statements of fact or supported by facts of which said Defendant was aware.

12. In and about October of 1995, Defendant Long published false and defamatory statements of fact regarding the Plaintiff and the Plaintiff's businesses, and specifically, but without limitation, alleged that the Plaintiff engaged in violation of civil and criminal laws; specifically, but without limitation, Defendant Long published said statements to Raymond Clarke and Patricia Clarke, and in so doing specifically accused the Plaintiff of engaging in violation of criminal and civil laws.

13. In addition to the defamatory statements referenced in the paragraph immediately preceding, upon information and belief Defendant Long made such false and defamatory statements of fact regarding the Plaintiff and the Plaintiff's business operations to other individuals, including some or all of the other individual Defendants to this Complaint.

14. As a direct and proximate result of the defamatory statements set forth in the preceding paragraphs of this Complaint, the Plaintiff has been caused to suffer damage to his reputation and good name, loss of advantageous business relations, loss of contractual business relations, diminished opportunity for advantageous business relations, emotional distress, and incidental and consequential damages, and specifically, but without limitation on the generality of the foregoing, caused Raymond and Patricia Clarke to terminate and otherwise breach a contract which the Plaintiff had lawfully entered into with said individuals and caused said Raymond and Patricia Clarke to initiate and prosecute a lawsuit against the Plaintiff based upon the statements made by Defendant Long, all to the detriment, expense, damage and loss of the Plaintiff.

15. The actions of Defendant Long as aforesaid were taken negligently, carelessly, recklessly, intentionally, willfully and with reckless and careless disregard for the rights of the Plaintiff and were further taken with express malice or, alternatively, were so outrageous that malice can be implied therefrom.

WHEREFORE, Plaintiff prays for judgment against Defendant Long on Count I of this Complaint in an amount deemed to be just and equitable under the circumstances, plus punitive damages, attorney's fees, interest and costs.

COUNT II
(Defamation -- Steven Day)

16. Plaintiff repeats and realleges each and every allegation made in Paragraphs 1 through and including 9 of this Complaint as if fully set forth herein.

17. Defendant Day knew, or reasonably should have known that, by virtue of his official status as a Forest Ranger for the Maine State Forest Service, which status was known to all parties to this lawsuit, and to other specific individuals referenced in this Complaint, said individuals would substantially rely on statements made by said Defendant within the realm of his expertise, and that statements of opinion would reasonably be believed by said third parties to be statements of fact or supported by facts of which said Defendant was aware.

18. Defendant Day, in and during the two years preceding the date of this Complaint, published false and defamatory statements of fact, and opinion allegedly supported by fact, regarding the Plaintiff and the Plaintiff's businesses, and specifically, but without limitation, alleged that the Plaintiff engaged in violation of civil and criminal law, engaged in improper, detrimental and illegal acts and practices with respect to the conduct of his businesses and his timber harvesting activities.

19. The actions of Defendant Day in publishing the false and defamatory statements of fact as aforesaid were taken negligently, carelessly, recklessly, willfully and wantonly, and in deliberate and reckless disregard of the various rights of the Plaintiff.

20. The actions of Defendant Day were taken with express malice, or, alternatively, were so outrageous that malice can be implied therefrom.

21. As a direct and proximate result of the false and defamatory statements of fact published by the individual Defendants as aforesaid, jointly and severally, the Plaintiff has been caused to suffer damage to his reputation and good name, emotional anguish, humiliation, embarrassment and distress, loss of advantageous business relations, loss of contractual business relations, diminished opportunity for advantageous business relations as well as incidental and consequential damages.

WHEREFORE, Plaintiff prays for judgment against Defendant Day on Count II of this Complaint in an amount deemed to be just and equitable under the circumstances, plus punitive damages, attorney's fees, interest and costs.

COUNT III
(Defamation -- Gary Morse)

22. Plaintiff repeats and realleges each and every allegation made in Paragraphs 1 through and including 9 of this Complaint as if fully set forth herein.

23. Defendant Morse knew, or reasonably should have known that, by virtue of his official status as a Forest Ranger for the Maine State Forest Service, which status was known to all parties to this lawsuit, and to other specific individuals referenced in this Complaint, said individuals would substantially rely on statements made by said Defendant within the realm of his expertise, and that statements of opinion would reasonably be believed by said third parties to be statements of fact or supported by facts of which said Defendant was aware.

24. Defendant Morse, in and during the two years preceding the date of this Complaint, published false and defamatory statements of fact, and opinion allegedly supported by fact, regarding the Plaintiff and the Plaintiff's businesses, and specifically, but without limitation, alleged that the Plaintiff engaged in violation of civil and criminal law, engaged in improper, detrimental and illegal acts and practices with respect to the conduct of his businesses and his timber harvesting activities.

25. The actions of Defendant Morse in publishing the false and defamatory statements of fact as aforesaid were taken negligently, carelessly, recklessly, willfully and wantonly, and in deliberate and reckless disregard of the various rights of the Plaintiff.

26. The actions of Defendant Morse were taken with express malice, or, alternatively, were so outrageous that malice can be implied therefrom.

27. As a direct and proximate result of the false and defamatory statements of fact published by the individual Defendants as aforesaid, jointly and severally, the Plaintiff has been caused to suffer damage to his reputation and good name, emotional anguish, humiliation, embarrassment and distress, loss of advantageous business relations, loss of contractual business relations, diminished opportunity for advantageous business relations as well as incidental and consequential damages.

WHEREFORE, Plaintiff prays for judgment against Defendant Morse on Count III of this Complaint in an amount deemed to be just and equitable under the circumstances, plus punitive damages, attorney's fees, interest and costs.

COUNT IV
(Defamation -- Charles Clukey)

28. Plaintiff repeats and realleges each and every allegation made in Paragraphs 1 through and including 9 of this Complaint as if fully set forth herein.

29. Defendant Clukey knew, or reasonably should have known that, by virtue of his official status as a Forest Ranger for the Maine State Forest Service, which status was known to all parties to this lawsuit, and to other specific individuals referenced in this Complaint, said individuals would substantially rely on statements made by said Defendant within the realm of

his expertise, and that statements of opinion would reasonably be believed by said third parties to be statements of fact or supported by facts of which said Defendant was aware.

30. Defendant Clukey, in and during the two years preceding the date of this Complaint, published false and defamatory statements of fact, and opinion allegedly supported by fact, regarding the Plaintiff and the Plaintiff's businesses, and specifically, but without limitation, alleged that the Plaintiff engaged in violation of civil and criminal law, engaged in improper, detrimental and illegal acts and practices with respect to the conduct of his businesses and his timber harvesting activities.

31. The actions of Defendant Clukey in publishing the false and defamatory statements of fact as aforesaid were taken negligently, carelessly, recklessly, willfully and wantonly, and in deliberate and reckless disregard of the various rights of the Plaintiff.

32. The actions of Defendant Clukey were taken with express malice, or, alternatively, were so outrageous that malice can be implied therefrom.

33. As a direct and proximate result of the false and defamatory statements of fact published by the individual Defendants as aforesaid, jointly and severally, the Plaintiff has been caused to suffer damage to his reputation and good name, emotional anguish, humiliation, embarrassment and distress, loss of advantageous business relations, loss of contractual business relations, diminished opportunity for advantageous business relations as well as incidental and consequential damages.

WHEREFORE, Plaintiff prays for judgment against Defendant Clukey on Count IV of this Complaint in an amount deemed to be just and equitable under the circumstances, plus punitive damages, attorney's fees, interest and costs.

COUNT V
(Defamation -- James Downing)

34. Plaintiff repeats and realleges each and every allegation made in Paragraphs 1 through and including 9 of this Complaint as if fully set forth herein.

35. Defendant Downing knew, or reasonably should have known that, by virtue of his official status as a Forest Ranger for the Maine State Forest Service, which status was known to all parties to this lawsuit, and to other specific individuals referenced in this Complaint, said individuals would substantially rely on statements made by said Defendant within the realm of his expertise, and that statements of opinion would reasonably be believed by said third parties to be statements of fact or supported by facts of which said Defendant was aware.

36. Defendant Downing, in and during the two years preceding the date of this Complaint, published false and defamatory statements of fact, and opinion allegedly supported

by fact, regarding the Plaintiff and the Plaintiff's businesses, and specifically, but without limitation, alleged that the Plaintiff engaged in violation of civil and criminal law, engaged in improper, detrimental and illegal acts and practices with respect to the conduct of his businesses and his timber harvesting activities.

37. The actions of Defendant Downing in publishing the false and defamatory statements of fact as aforesaid were taken negligently, carelessly, recklessly, willfully and wantonly, and in deliberate and reckless disregard of the various rights of the Plaintiff.

38. The actions of Defendant Downing were taken with express malice, or, alternatively, were so outrageous that malice can be implied therefrom.

39. As a direct and proximate result of the false and defamatory statements of fact published by the individual Defendants as aforesaid, jointly and severally, the Plaintiff has been caused to suffer damage to his reputation and good name, emotional anguish, humiliation, embarrassment and distress, loss of advantageous business relations, loss of contractual business relations, diminished opportunity for advantageous business relations as well as incidental and consequential damages.

WHEREFORE, Plaintiff prays for judgment against Defendant Downing on Count V of this Complaint in an amount deemed to be just and equitable under the circumstances, plus punitive damages, attorney's fees, interest and costs.

COUNT VI
(Defamation -- Robert Lesso)

40. Plaintiff repeats and realleges each and every allegation made in Paragraphs 1 through and including 9 of this Complaint as if fully set forth herein.

41. Defendant Lesso knew, or reasonably should have known that, by virtue of his official status as a Forest Ranger for the Maine State Forest Service, which status was known to all parties to this lawsuit, and to other specific individuals referenced in this Complaint, said individuals would substantially rely on statements made by said Defendant within the realm of his expertise, and that statements of opinion would reasonably be believed by said third parties to be statements of fact or supported by facts of which said Defendant was aware.

42. Defendant Lesso, in and during the two years preceding the date of this Complaint, published false and defamatory statements of fact, and opinion allegedly supported by fact, regarding the Plaintiff and the Plaintiff's businesses, and specifically, but without limitation, alleged that the Plaintiff engaged in violation of civil and criminal law, engaged in improper, detrimental and illegal acts and practices with respect to the conduct of his businesses and his timber harvesting activities.

43. The actions of Defendant Lesso in publishing the false and defamatory statements of fact as aforesaid were taken negligently, carelessly, recklessly, willfully and wantonly, and in deliberate and reckless disregard of the various rights of the Plaintiff.

44. The actions of Defendant Lesso were taken with express malice, or, alternatively, were so outrageous that malice can be implied therefrom.

45. As a direct and proximate result of the false and defamatory statements of fact published by the individual Defendants as aforesaid, jointly and severally, the Plaintiff has been caused to suffer damage to his reputation and good name, emotional anguish, humiliation, embarrassment and distress, loss of advantageous business relations, loss of contractual business relations, diminished opportunity for advantageous business relations as well as incidental and consequential damages.

WHEREFORE, Plaintiff prays for judgment against Defendant Lesso on Count VI of this Complaint in an amount deemed to be just and equitable under the circumstances, plus punitive damages, attorney's fees, interest and costs.

COUNT VII

(42 U.S.C. §1983 -- Dewayne Long)

46. The Plaintiff repeats and realleges each and every allegation contained in Paragraphs 1 through 9 and 11 through 15, inclusive, of this Complaint as if fully set forth herein.

47. The false and defamatory statements made by Defendant Long were made under color of State law.

48. The false and defamatory statements made by the Defendant Long, as described in the preceding paragraph, violated the Plaintiff's constitutional rights to privacy, liberty, property, and due process.

49. The false and defamatory statements referred to above were made by Defendant Long pursuant to an unconstitutional policy or custom including but without limitation the policy or custom of using the authority and power of said Defendant and its appointed representatives including its duly appointed Forest Rangers, to interfere and deprive citizens, including the Plaintiff, through defamation, harassment and intimidation, of their constitutional rights including right to contract, property rights, liberty rights and rights to privacy, all without due process of law, as secured by the Constitution to the citizens, including the Plaintiff, pursuant to the Fifth and Fourteenth Amendments of the United States Constitution.

50. As a direct and proximate result of the false and defamatory statements of fact published by the individual Defendants as aforesaid, jointly and severally, and as a direct and

proximate result of the unconstitutional policy or custom of the Maine Forest Service and/or the Department of Conservation which was the primary or moving force behind the actions of the Defendants as aforesaid, the Plaintiff has been caused to suffer damage to his reputation and good name, emotional anguish, humiliation, embarrassment and distress, loss of advantageous business relations, loss of contractual business relations, diminished opportunity for advantageous business relations as well as incidental and consequential damages.

WHEREFORE, the Plaintiff prays for judgment in his favor and against Defendant Long on Count VII in an amount determined by the court to be just and equitable under the circumstances, plus punitive damages, attorney fees, costs, and interest, and for such other and further relief as the court deems just and proper.

COUNT VIII
(42 U.S.C. §1983 -- Steven Day)

51. The Plaintiff repeats and realleges each and every allegation contained in Paragraphs 1 through 9 and 17 through 21, inclusive, of this Complaint as if fully set forth herein.

52. The false and defamatory statements made by Defendant Day were made under color of State law.

53. The false and defamatory statements made by the Defendant Day, as described in the preceding paragraph, violated the Plaintiff's constitutional rights to privacy, liberty, property, and due process.

54. The false and defamatory statements referred to above were made by Defendant Long pursuant to an unconstitutional policy or custom including but without limitation the policy or custom of using the authority and power of said Defendant and its appointed representatives including its duly appointed Forest Rangers, to interfere and deprive citizens, including the Plaintiff, through defamation, harassment and intimidation, of their constitutional rights including right to contract, property rights, liberty rights and rights to privacy, all without due process of law, as secured by the Constitution to the citizens, including the Plaintiff, pursuant to the Fifth and Fourteenth Amendments of the United States Constitution.

55. As a direct and proximate result of the false and defamatory statements of fact published by the individual Defendants as aforesaid, jointly and severally, and as a direct and proximate result of the unconstitutional policy or custom of the Maine Forest Service and/or the Department of Conservation which was the primary or moving force behind the actions of the Defendants as aforesaid, the Plaintiff has been caused to suffer damage to his reputation and good name, emotional anguish, humiliation, embarrassment and distress, loss of advantageous business relations, loss of contractual business relations, diminished opportunity for advantageous business relations as well as incidental and consequential damages.

WHEREFORE, the Plaintiff prays for judgment in his favor and against Defendant Day on Count VIII in an amount determined by the court to be just and equitable under the circumstances, plus punitive damages, attorney fees, costs, and interest, and for such other and further relief as the court deems just and proper.

COUNT IX
(42 U.S.C. §1983 -- Gary Morse)

56. The Plaintiff repeats and realleges each and every allegation contained in Paragraphs 1 through 9 and 23 through 27, inclusive, of this Complaint as if fully set forth herein.

57. The false and defamatory statements made by Defendant Morse were made under color of State law.

58. The false and defamatory statements made by the Defendant Morse, as described in the preceding paragraph, violated the Plaintiff's constitutional rights to privacy, liberty, property, and due process.

59. The false and defamatory statements referred to above were made by Defendant Long pursuant to an unconstitutional policy or custom including but without limitation the policy or custom of using the authority and power of said Defendant and its appointed representatives including its duly appointed Forest Rangers, to interfere and deprive citizens, including the Plaintiff, through defamation, harassment and intimidation, of their constitutional rights including right to contract, property rights, liberty rights and rights to privacy, all without due process of law, as secured by the Constitution to the citizens, including the Plaintiff, pursuant to the Fifth and Fourteenth Amendments of the United States Constitution.

60. As a direct and proximate result of the false and defamatory statements of fact published by the individual Defendants as aforesaid, jointly and severally, and as a direct and proximate result of the unconstitutional policy or custom of the Maine Forest Service and/or the Department of Conservation which was the primary or moving force behind the actions of the Defendants as aforesaid, the Plaintiff has been caused to suffer damage to his reputation and good name, emotional anguish, humiliation, embarrassment and distress, loss of advantageous business relations, loss of contractual business relations, diminished opportunity for advantageous business relations as well as incidental and consequential damages.

WHEREFORE, the Plaintiff prays for judgment in his favor and against Defendant Morse on Count IX in an amount determined by the court to be just and equitable under the circumstances, plus punitive damages, attorney fees, costs, and interest, and for such other and further relief as the court deems just and proper.

COUNT X
(42 U.S.C. §1983 -- Charles Clukey)

61. The Plaintiff repeats and realleges each and every allegation contained in Paragraphs 1 through 9 and 29 through 33, inclusive, of this Complaint as if fully set forth herein.

62. The false and defamatory statements made by Defendant Clukey were made under color of State law.

63. The false and defamatory statements made by the Defendant Clukey, as described in the preceding paragraph, violated the Plaintiff's constitutional rights to privacy, liberty, property, and due process.

64. The false and defamatory statements referred to above were made by Defendant Long pursuant to an unconstitutional policy or custom including but without limitation the policy or custom of using the authority and power of said Defendant and its appointed representatives including its duly appointed Forest Rangers, to interfere and deprive citizens, including the Plaintiff, through defamation, harassment and intimidation, of their constitutional rights including right to contract, property rights, liberty rights and rights to privacy, all without due process of law, as secured by the Constitution to the citizens, including the Plaintiff, pursuant to the Fifth and Fourteenth Amendments of the United States Constitution.

65. As a direct and proximate result of the false and defamatory statements of fact published by the individual Defendants as aforesaid, jointly and severally, and as a direct and proximate result of the unconstitutional policy or custom of the Maine Forest Service and/or the Department of Conservation which was the primary or moving force behind the actions of the Defendants as aforesaid, the Plaintiff has been caused to suffer damage to his reputation and good name, emotional anguish, humiliation, embarrassment and distress, loss of advantageous business relations, loss of contractual business relations, diminished opportunity for advantageous business relations as well as incidental and consequential damages.

WHEREFORE, the Plaintiff prays for judgment in his favor and against Defendant Clukey on Count X in an amount determined by the court to be just and equitable under the circumstances, plus punitive damages, attorneys fees, costs, and interest, and for such other and further relief as the court deems just and proper.

COUNT XI
(42 U.S.C. §1983 -- James Downing)

66. The Plaintiff repeats and realleges each and every allegation contained in Paragraphs 1 through 9 and 35 through 39, inclusive, of this Complaint as if fully set forth herein.

67. The false and defamatory statements made by Defendant Downing were made under color of State law.

68. The false and defamatory statements made by the Defendant Downing, as described in the preceding paragraph, violated the Plaintiff's constitutional rights to privacy, liberty, property, and due process.

69. The false and defamatory statements referred to above were made by Defendant Long pursuant to an unconstitutional policy or custom including but without limitation the policy or custom of using the authority and power of said Defendant and its appointed representatives including its duly appointed Forest Rangers, to interfere and deprive citizens, including the Plaintiff, through defamation, harassment and intimidation, of their constitutional rights including right to contract, property rights, liberty rights and rights to privacy, all without due process of law, as secured by the Constitution to the citizens, including the Plaintiff, pursuant to the Fifth and Fourteenth Amendments of the United States Constitution.

70. As a direct and proximate result of the false and defamatory statements of fact published by the individual Defendants as aforesaid, jointly and severally, and as a direct and proximate result of the unconstitutional policy or custom of the Maine Forest Service and/or the Department of Conservation which was the primary or moving force behind the actions of the Defendants as aforesaid, the Plaintiff has been caused to suffer damage to his reputation and good name, emotional anguish, humiliation, embarrassment and distress, loss of advantageous business relations, loss of contractual business relations, diminished opportunity for advantageous business relations as well as incidental and consequential damages.

WHEREFORE, the Plaintiff prays for judgment in his favor and against Defendant Downing on Count XI in an amount determined by the court to be just and equitable under the circumstances, plus punitive damages, attorney fees, costs, and interest, and for such other and further relief as the court deems just and proper.

COUNT XII

(42 U.S.C. §1983 -- Robert Lesso)

71. The Plaintiff repeats and realleges each and every allegation contained in Paragraphs 1 through 9 and 41 through 45, inclusive, of this Complaint as if fully set forth herein.

72. The false and defamatory statements made by Defendant Lesso were made under color of State law.

73. The false and defamatory statements made by the Defendant Lesso, as described in the preceding paragraph, violated the Plaintiff's constitutional rights to privacy, liberty, property, and due process.

74. The false and defamatory statements referred to above were made by Defendant Long pursuant to an unconstitutional policy or custom including but without limitation the policy or custom of using the authority and power of said Defendant and its appointed representatives including its duly appointed Forest Rangers, to interfere and deprive citizens, including the Plaintiff, through defamation, harassment and intimidation, of their constitutional rights including right to contract, property rights, liberty rights and rights to privacy, all without due process of law, as secured by the Constitution to the citizens, including the Plaintiff, pursuant to the Fifth and Fourteenth Amendments of the United States Constitution.

75. As a direct and proximate result of the false and defamatory statements of fact published by the individual Defendants as aforesaid, jointly and severally, and as a direct and proximate result of the unconstitutional policy or custom of the Maine Forest Service and/or the Department of Conservation which was the primary or moving force behind the actions of the Defendants as aforesaid, the Plaintiff has been caused to suffer damage to his reputation and good name, emotional anguish, humiliation, embarrassment and distress, loss of advantageous business relations, loss of contractual business relations, diminished opportunity for advantageous business relations as well as incidental and consequential damages.

WHEREFORE, the Plaintiff prays for judgment in his favor and against Defendant Lesso on Count XII in an amount determined by the court to be just and equitable under the circumstances, plus punitive damages, attorney fees, costs, and interest, and for such other and further relief as the court deems just and proper.

COUNT XIII

(Department of Conservation -- Respondeat Superior)

76. The Plaintiff repeats and realleges each and every allegation contained in Paragraphs 1 through and including 75 of this Complaint as if fully set forth herein.

77. At the time that Defendants Long, Morse, Clukey, Downing, Lesso, and Day made the false and defamatory publications described as aforesaid, each Defendant was an employee of the Department of Conservation acting within the scope of his employment.

78. Defendant Department of Conservation is liable to the Plaintiff for the wrongs committed by the Defendants referenced in the paragraph immediately preceding as set forth in Counts I, II, III, IV, V, and VI, said employees acting in the scope of their employment.

WHEREFORE, the Plaintiff prays for judgment in his favor and against the Defendant Department of Conservation on Count XIII in an amount determined by the court to be just and equitable under the circumstances, plus punitive damages, attorney fees, costs, and interest, and for such other and further relief as the court deems just and proper.

COUNT XIV

(42 U.S.C. §1983 - Department of Conservation)

79. The Plaintiff repeats and realleges each and every allegation contained in Paragraphs 1 through 78, inclusive, of this Complaint as if fully set forth herein.

80. The actions of Defendants Long, Morse, Clukey, Downing, Lesso and Day were made pursuant to an unconstitutional policy or custom of the Maine Forest Service and/or the Maine Department of Conservation as aforesaid, which unconstitutional policy or custom was the moving force behind the unconstitutional and otherwise unlawful actions of said Defendants.

81. As a result of the actions of the Defendants as aforesaid, the Plaintiff was deprived, without due process of law, of the constitutional rights enumerated herein above.

82. As a direct and proximate result of the false and defamatory statements of fact published by the individual Defendants as aforesaid, jointly and severally, and as a direct and proximate result of the unconstitutional policy or custom of the Maine Forest Service and/or the Department of Conservation which was the primary or moving force behind the actions of the Defendants as aforesaid, the Plaintiff has been caused to suffer damage to his reputation and good name, emotional anguish, humiliation, embarrassment and distress, loss of advantageous business relations, loss of contractual business relations, diminished opportunity for advantageous business relations as well as incidental and consequential damages.

WHEREFORE, the Plaintiff prays for judgment in his favor and against the Defendant Department of Conservation on Count XIV in an amount determined by the court to be just and equitable under the circumstances, plus punitive damages, attorney fees, costs, and interest, and for such other and further relief as the court deems just and proper

COUNT XV

(Negligent Infliction of Emotional Distress -- Dewayne Long)

83. The Plaintiff repeats and realleges each and every allegation contained in Paragraphs 1 through 9, 11 through 15 and 47 through 50, inclusive, of this Complaint as if fully set forth herein.

84. In taking the complained of actions as aforesaid, Defendant Long negligently inflicted severe emotional distress upon the Plaintiff.

85. As a direct and proximate result of the emotional distress negligently inflicted by Defendant Long on and against the Plaintiff, the Plaintiff has been caused to suffer humiliation, embarrassment, physical disability, infirmity and sickness, and great pain of body and mind.

WHEREFORE, Plaintiff prays for judgment in his favor on Count XV in an amount deemed to be just and equitable under the circumstances, plus interest and his costs.

COUNT XVI

(Negligent Infliction of Emotional Distress -- Steven Day)

86. The Plaintiff repeats and realleges each and every allegation contained in Paragraphs 1 through 9, 17 through 21 and 52 through 55, inclusive, of this Complaint as if fully set forth herein.

87. In taking the complained of actions as aforesaid, Defendant Day negligently inflicted severe emotional distress upon the Plaintiff.

88. As a direct and proximate result of the emotional distress negligently inflicted by Defendant Day on and against the Plaintiff, the Plaintiff has been caused to suffer humiliation, embarrassment, physical disability, infirmity and sickness, and great pain of body and mind.

WHEREFORE, Plaintiff prays for judgment in his favor on Count XVI in an amount deemed to be just and equitable under the circumstances, plus interest and his costs.

COUNT XVII

(Negligent Infliction of Emotional Distress -- Gary Morse)

89. The Plaintiff repeats and realleges each and every allegation contained in Paragraphs 1 through 9, 23 through 27 and 57 through 60, inclusive, of this Complaint as if fully set forth herein.

90. In taking the complained of actions as aforesaid, Defendant Morse negligently inflicted severe emotional distress upon the Plaintiff.

91. As a direct and proximate result of the emotional distress negligently inflicted by Defendant Morse on and against the Plaintiff, the Plaintiff has been caused to suffer humiliation, embarrassment, physical disability, infirmity and sickness, and great pain of body and mind.

WHEREFORE, Plaintiff prays for judgment in his favor on Count XVII in an amount deemed to be just and equitable under the circumstances, plus interest and his costs.

COUNT XVIII

(Negligent Infliction of Emotional Distress -- Charles Clukey)

92. The Plaintiff repeats and realleges each and every allegation contained in Paragraphs 1 through 9, 29 through 33 and 62 through 65, inclusive, of this Complaint as if fully set forth herein.

93. In taking the complained of actions as aforesaid, Defendant Clukey negligently inflicted severe emotional distress upon the Plaintiff.

94. As a direct and proximate result of the emotional distress negligently inflicted by Defendant Clukey on and against the Plaintiff, the Plaintiff has been caused to suffer humiliation, embarrassment, physical disability, infirmity and sickness, and great pain of body and mind.

WHEREFORE, Plaintiff prays for judgment in his favor on Count XVIII in an amount deemed to be just and equitable under the circumstances, plus interest and his costs.

COUNT XIX

(Negligent Infliction of Emotional Distress -- James Downing)

95. The Plaintiff repeats and realleges each and every allegation contained in Paragraphs 1 through 9, 35 through 39 and 67 through 70, inclusive, of this Complaint as if fully set forth herein.

96. In taking the complained of actions as aforesaid, Defendant Downing negligently inflicted severe emotional distress upon the Plaintiff.

97. As a direct and proximate result of the emotional distress negligently inflicted by Defendant Downing on and against the Plaintiff, the Plaintiff has been caused to suffer humiliation, embarrassment, physical disability, infirmity and sickness, and great pain of body and mind.

WHEREFORE, Plaintiff prays for judgment in his favor on County XIX in an amount deemed to be just and equitable under the circumstances, plus interest and his costs.

COUNT XX

(Negligent Infliction of Emotional Distress -- Robert Lesso)

98. The Plaintiff repeats and realleges each and every allegation contained in Paragraphs 1 through 9, 41 through 45 and 72 through 75, inclusive, of this Complaint as if fully set forth herein.

99. In taking the complained of actions as aforesaid, Defendant Lesso negligently inflicted severe emotional distress upon the Plaintiff.

100. As a direct and proximate result of the emotional distress negligently inflicted by Defendant Lesso on and against the Plaintiff, the Plaintiff has been caused to suffer humiliation, embarrassment, physical disability, infirmity and sickness, and great pain of body and mind.

WHEREFORE, Plaintiff prays for judgment in his favor on Count XX in an amount deemed to be just and equitable under the circumstances, plus interest and his costs.

COUNT XXI

(Interference with Contractual and/or Advantageous Business Relations -- Dewayne Long)

101. The Plaintiff repeats and realleges each and every allegation contained in Paragraphs 1 through 9, 11 through 15, 47 through 50, and 84 through 85, inclusive, of this Complaint as if fully set forth herein.

102. The Plaintiff has entered into various contracts (licenses to cut and remove timber) with various private individuals and entities including, without limitation, with Raymond and Patricia Clarke and with Eugene DiFronzo, which contracts constitute a prospective economic advantage for the Plaintiff.

103. The conduct of Defendant Long as aforesaid in contacting individuals with whom Plaintiff contracted with and from whom the Plaintiff stood to realize an economic advantage, unlawfully interfered with said perspective economic advantage through intimidation.

104. As a direct and proximate result of the Defendant's interference with the Plaintiff's advantageous contractual and business relations, the Plaintiff has suffered damages in the form of lost personal property, loss of profits, loss business opportunities and other consequential and incidental damages.

WHEREFORE, Plaintiff seeks judgment against Defendant Long on Count XXI in an amount deemed to be just and equitable under the circumstances, plus interest and his costs.

COUNT XXII

(Interference with Contractual and/or Advantageous Business Relations -- Steven Day)

105. The Plaintiff repeats and realleges each and every allegation contained in Paragraphs 1 through 9, 17 through 21, 52 through 55, and 87 through 88, inclusive, of this Complaint as if fully set forth herein.

106. The Plaintiff has entered into various contracts (licenses to cut and remove timber) with various private individuals and entities including, without limitation, with Raymond and Patricia Clarke and with Eugene DiFronzo, which contracts constitute a prospective economic advantage for the Plaintiff.

107. The conduct of Defendant Day as aforesaid in contacting individuals with whom Plaintiff contracted with and from whom the Plaintiff stood to realize an economic advantage, unlawfully interfered with said perspective economic advantage through intimidation.

108. As a direct and proximate result of the Defendant's interference with the Plaintiff's advantageous contractual and business relations, the Plaintiff has suffered damages in the form of lost personal property, loss of profits, loss business opportunities and other consequential and incidental damages.

WHEREFORE, Plaintiff seeks judgment against Defendant Day on Count XXII in an amount deemed to be just and equitable under the circumstances, plus interest and his costs.

COUNT XXIII

(Interference with Contractual and/or Advantageous Business Relations -- Gary Morse)

109. The Plaintiff repeats and realleges each and every allegation contained in Paragraphs 1 through 9, 23 through 27, 57 through 60, and 90 through 91, inclusive, of this Complaint as if fully set forth herein.

110. The Plaintiff has entered into various contracts (licenses to cut and remove timber) with various private individuals and entities including, without limitation, with Raymond and Patricia Clarke and with Eugene DiFronzo, which contracts constitute a prospective economic advantage for the Plaintiff.

111. The conduct of Defendant Morse as aforesaid in contacting individuals with whom Plaintiff contracted with and from whom the Plaintiff stood to realize an economic advantage, unlawfully interfered with said perspective economic advantage through intimidation.

112. As a direct and proximate result of the Defendant's interference with the Plaintiff's advantageous contractual and business relations, the Plaintiff has suffered damages in the form of lost personal property, loss of profits, loss business opportunities and other consequential and incidental damages.

WHEREFORE, Plaintiff seeks judgment against Defendant Morse on Count XXIII in an amount deemed to be just and equitable under the circumstances, plus interest and his costs.

COUNT XXIV

(Interference with Contractual and/or Advantageous Business Relations -- Charles Clukey)

113. The Plaintiff repeats and realleges each and every allegation contained in Paragraphs 1 through 9, 29 through 33, 62 through 65, and 93 through 94, inclusive, of this Complaint as if fully set forth herein.

114. The Plaintiff has entered into various contracts (licenses to cut and remove timber) with various private individuals and entities including, without limitation, with Raymond and

Patricia Clarke and with Eugene DiFronzo, which contracts constitute a prospective economic advantage for the Plaintiff.

115. The conduct of Defendant Clukey as aforesaid in contacting individuals with whom Plaintiff contracted with and from whom the Plaintiff stood to realize an economic advantage, unlawfully interfered with said perspective economic advantage through intimidation.

116. As a direct and proximate result of the Defendant's interference with the Plaintiff's advantageous contractual and business relations, the Plaintiff has suffered damages in the form of lost personal property, loss of profits, loss business opportunities and other consequential and incidental damages.

WHEREFORE, Plaintiff seeks judgment against Defendant Clukey on Count XXIV in an amount deemed to be just and equitable under the circumstances, plus interest and his costs.

COUNT XXV

(Interference with Contractual and/or Advantageous Business Relations -- James Downing)

117. The Plaintiff repeats and realleges each and every allegation contained in Paragraphs 1 through 9, 35 through 39, 67 through 70 and 99 through 97, inclusive, of this Complaint as if fully set forth herein.

118. The Plaintiff has entered into various contracts (licenses to cut and remove timber) with various private individuals and entities including, without limitation, with Raymond and Patricia Clarke and with Eugene DiFronzo, which contracts constitute a prospective economic advantage for the Plaintiff.

119. The conduct of Defendant Downing as aforesaid in contacting individuals with whom Plaintiff contracted with and from whom the Plaintiff stood to realize an economic advantage, unlawfully interfered with said perspective economic advantage through intimidation.

120. As a direct and proximate result of the Defendant's interference with the Plaintiff's advantageous contractual and business relations, the Plaintiff has suffered damages in the form of lost personal property, loss of profits, loss business opportunities and other consequential and incidental damages.

WHEREFORE, Plaintiff seeks judgment against Defendant Downing on Count XXV in an amount deemed to be just and equitable under the circumstances, plus interest and his costs.

COUNT XXVI

(Interference with Contractual and/or Advantageous Business Relations -- Robert Lesso)

121. The Plaintiff repeats and realleges each and every allegation contained in Paragraphs 1 through 9, 41 through 45, 72 through 75, and 99 through 100, inclusive, of this Complaint as if fully set forth herein.

122. The Plaintiff has entered into various contracts (licenses to cut and remove timber) with various private individuals and entities including, without limitation, with Raymond and Patricia Clarke and with Eugene DiFronzo, which contracts constitute a prospective economic advantage for the Plaintiff.

123. The conduct of Defendant Lesso as aforesaid in contacting individuals with whom Plaintiff contracted with and from whom the Plaintiff stood to realize an economic advantage, unlawfully interfered with said perspective economic advantage through intimidation.

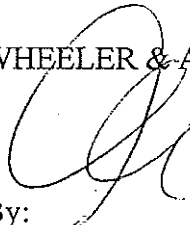
124. As a direct and proximate result of the Defendant's interference with the Plaintiff's advantageous contractual and business relations, the Plaintiff has suffered damages in the form of lost personal property, loss of profits, loss business opportunities and other consequential and incidental damages.

WHEREFORE, Plaintiff seeks judgment against Defendant Lesso on Count XXVI in an amount deemed to be just and equitable under the circumstances, plus interest and his costs.

Dated: _____

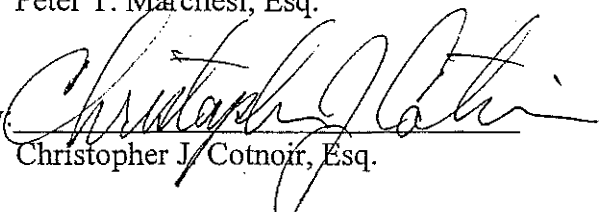
1/14/97

WHEELER & AREY, P.A.



By: _____

Peter T. Marchesi, Esq.



By: _____

Christopher J. Cotnoir, Esq.

Attorneys for Plaintiff

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