

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS
EASTERN DIVISION

JUSTIN GEORGE,)
 Plaintiff,)
 v.)
 Town of Dracut,)
 James Duggan, individually and)
 in his official capacity as)
 Town Manager of the Town of Dracut,)
 David Brouillette, individually and)
 in his official capacity as Chief of the)
 Dracut Fire Department,)
 Christine Lindberg individually and in)
 her official capacity as Director of)
 Human Resources for the Town of Dracut)
 Defendants.)

CIVIL ACTION NO.

JURY TRIAL DEMANDED

COMPLAINT AND JURY DEMAND

INTRODUCTION

1. Justin George is employed as a firefighter for the Town of Dracut. He is also a Sergeant in the Massachusetts National Guard who has been on active duty in Afghanistan. The Town of Dracut has a by-law requiring it to supplement the lower pay that its employees receive when fulfilling their duty as reservists. When Mr. George asserted that the Town was not making the proper payments he was subjected to harassment and retaliation by the Defendants. The harassment and retaliation intensified when he spoke publicly about the Town’s unlawful payments and after he filed a warrant with the Town Meeting to correct the practice. Ultimately Defendants trumped up charges that Mr. George was unstable, and they conspired to suspend him unless he would submit to a baseless psychiatric examination. Mr. George remained on suspension

for over a year until an arbitrator ruled that the Town had no legitimate reason for its demand that he submit to a psychiatric examination. Mr. George filed a complaint with the EEOC which also found that the Town had no basis for its actions and had discriminated and retaliated against him. Mr. George suffered financial losses from the Defendants' actions, has had his career promotional opportunities severely impacted, has been smeared throughout the Town of Dracut and the community of firefighters as someone with psychiatric issues, and had suffered severe and prolonged emotional distress impacting on himself and his family. He brings suit to redress those issues.

JURISDICTION AND VENUE

2. This Court has jurisdiction over the claims for violations of the Americans with Disabilities Act, 42 U.S.C. Sections 12112-12117. The Court has jurisdiction over claims pursuant to 42 U.S.C. Sections 1983 and 1988, the First and Fourteenth Amendments to the United States Constitution pursuant to 28 U.S.C. Sections 1331 and 1343. The Court has supplemental jurisdiction over state and common law claims pursuant to 28 U.S.C. Section 1397. Venue is proper in the Eastern Division of the Court as all parties are located in that division and all actions set forth in this Complaint occurred in that division.

PARTIES

3. The Plaintiff, Justin George ("Mr. George"), is employed as a firefighter for the Town of Dracut and is a member of the Dracut Firefighters Union, IAFF Local 2586 (hereinafter the "Union"). Mr. George also holds the rank of sergeant in the Massachusetts National Guard. Mr. George is a veteran as that term is defined in M.G.L. c. 4, § 7.

4. Defendant Town of Dracut, Massachusetts (the "Town") is municipal corporation. It is the employer of Mr. George and all of the Town's firefighters. The Town is a party to a collective

bargaining agreement with the Union, which is the representative for firefighters in the Town of Dracut for purposes of bargaining as to wages, hours, standards of productivity and performance and other terms and conditions of employment and is the duly certified bargaining agent for Firefighters of the Dracut Fire Department.

5. Defendant James A. Duggan (“Town Manager Duggan”) was at all relevant times the Town Manager of the Town of Dracut. As Town Manager Town Manager Duggan is the senior appointed officer of the Town and is responsible for the effective operation of the Town’s administration. The Town Manager directs the administration of the fire department.

6. Defendant, David Brouillette (“Chief Brouillette”) is the Chief of the Dracut Fire Department and was at all relevant times Mr. George’s supervisor.

7. Defendant Christine Lindberg (“Human Resource Director Lindberg”) is the Director of Human Resources for the Town of Dracut.

STATEMENT OF FACTS

8. Plaintiff Justin George has been employed as a firefighter for the Dracut Fire Department since 2010. He has always had an exemplary record of performance as a firefighter.

9. Mr. George has served as an elected member of the Union’s Executive Board and a member of the Union’s Bargaining Committee for all times relevant herein.

10. Since 2008 Mr. George has served this country as a member of the Massachusetts National Guard. During his service with the Massachusetts National Guard he was deployed to Bagram, Afghanistan where he served as a medic between September 2014 and June 2015. Mr. George currently holds the rank of sergeant. His record of service in the military has also been exemplary.

11. For his service as a firefighter to the Town of Dracut Mr. George has been awarded a Certificate of Merit in 2013 and was recognized as the Firefighter of Year in 2016.

12. For his service to his country Mr. George has been awarded an Army Commendation Ribbon, among other awards.

13. Due to his continuing service to his country as a member of the Massachusetts National Guard, Mr. George is required to undergo military training one weekend per month in addition to attending a two to three week training exercise each year.

14. By law the Town is required to allow Mr. George leave to meet his military obligations. By Massachusetts law, and by Town by-law, the Town of Dracut is required to pay its employees for the difference in their regular salary and that of their military pay while they are on duty fulfilling their obligations in the Reserves.

15. Mr. George suffers from Post Traumatic Stress Disorder (PTSD) as a result of events he experienced while deployed in Afghanistan. He has had counseling through the Veteran's Administration since his return from deployment in 2015. While the PTSD does affect his major life activities it has never interfered with his ability to work as a firefighter.

16. Chief Brouillette was aware that Mr. George had been diagnosed with PTSD and the fact that he was undergoing continuing counseling with the VA.

17. In or around January 2018, Mr. George made an inquiry to Town Finance Director Vandal relating to the pay he was receiving for military leave. Mr. George informed Town Finance Director Vandal that the Town's calculation methodology for his military leave pay did not comply with a Town by-law and, therefore, he and other Dracut employees who served in the military were not receiving the proper pay.

18. Despite Mr. George's repeated pleas to address the wage error, the Town refused to correct the calculation errors.

19. In response, and in an attempt to cure the Town's refusal to pay the correct amount of military leave pay, Mr. George placed a warrant on the Town Meeting agenda which would force the Town to correct the error. Mr. George had a right as resident of the Town of Dracut to place a warrant before Town Meeting for its consideration and vote. He has a First Amendment right to speak about the proper pay that employees should receive when they are required to take leave to serve in the military. The proper pay for reservists is a matter of public interest affecting other members of the community beyond Mr. George.

20. Mr. George's continued advocacy to address and correct the wage discrepancy affecting firefighters serving in the military created an adverse relationship between Mr. George and Town Officials including Town Manager Duggan and Chief Brouillette.

21. In January 2018 Chief Brouillette called Mr. George into his office and attempted to harass and coerce him into dropping his lawful efforts to have the Town adopt a by-law addressing the military pay issue.

22. Chief Brouillette also undertook a campaign of harassment against Mr. George which included encouraging and condoning certain of his subordinates to call Mr. George a "double dipper", a pejorative term suggesting Mr. George was illegally being paid twice for the same work.

23. Chief Brouillette also questioned Mr. George's PTSD diagnosis and called him a "fucking pussy". The Chief belittled Mr. George's service to his country as a member of the Massachusetts National Guard who had deployed to Afghanistan.

24. Chief Brouillette's actions were in retaliation for and in an effort to get Mr. George to abandon his advocacy on behalf of himself and other Town of Dracut employees who have continuing military obligations.

25. In or around April 25, 2018, Mr. George requested that Human Resource Director Lindberg provide him with a copy of the Town's hostile work environment policy. Mr. George was surprised to learn that the Town did not have such a policy.

26. On June 2, 2018 Mr. George filed a harassment complaint with the Town against Chief Brouillette, Town Manager Duggan and Fire Captain Voulgaris because of the harassment they had directed against him in retaliation for his attempts to have the Town change the way it compensated employees for military duty time.

27. Immediately after receiving Mr. George's complaint Lindberg sent a copy to Town Manager Duggan and Chief Brouillette. The only action that Lindberg took in relation to the complaint was to disclose to Duggan and Brouillette that Mr. George had filed a complaint against them. Lindberg never did any investigation of the complaint and the Town has never released any finding on the complaint.

28. Immediately thereafter, and without any basis for doing so, Chief Brouillette began an investigation of Mr. George during which the Chief falsely accused Mr. George of abusing his sick leave in connection with his military leave. The investigation was yet another attempt to harass and intimidate Mr. George. As part of his investigation Chief Brouillette contacted officials in Mr. George's National Guard Unit.

29. On June 16, 2018 Mr. George had his first meeting with Human Resource Director Lindberg to discuss the hostile work environment claim.

30. During a contract negotiation meeting between the Town and the Union Town Manager Duggan made a comment about the military leave item on the Town meeting warrant and stated how that if adopted it could result in the Town having fewer funds available for raises for members of the Union. That statement was an attempt to coerce and intimidate Mr. George into dropping the warrant article by threatening that the firefighters would not receive any raise if Mr. George persisted.

31. On June 26, 2018 Mr. George had his second meeting with Human Resource Director Lindberg regarding his hostile work environment claim against Chief Brouillette. Town Labor Counsel Peter McQuillan was also present during this meeting.

32. On June 28, 2018 Mr. George made a public document request to Town Manager Duggan in connection with the military leave pay dispute.

33. On August 2, 2018 Mr. George sent Human Resource Director Lindberg an email inquiring as to the status of the hostile work environment investigation.

34. Within hours of making sending that email to Human Resource Director Lindberg, Town Manager Duggan placed Mr. George on administrative leave. Duggan also banned Mr. George from the Dracut Fire Department property and ordered him to return station keys and his Dracut Fire Department ID.

35. Although he had neither factual basis nor authority to do so, Town Manager Duggan ordered Mr. George to undergo a psychiatric evaluation. Duggan told George that he would not be allowed to return to duty as a firefighter until and unless he submitted to the psychiatric evaluation. Suspending Mr. George and ordering him to submit to a baseless psychiatric examination was the Town's latest act of retaliation against Mr. George.

36. At no time prior to being ordered to undergo a psychiatric examination did anyone acting on behalf of the Town inform Mr. George or the Union of any issues or complaints regarding his behavior or his fitness for duty.

37. In his career as a Dracut firefighter Mr. George has never been disciplined, nor had he ever failed to fully perform his duties.

38. Veterans are protected from retaliatory conduct taken by their civilian employers against them for their military service through G.L. c. 33, § 13. Defendants' actions were clearly retaliatory for Mr. George's attempt to secure what he legitimately believed to be proper military pay.

39. Retaliating against an employee for objecting to a practice or policy that they reasonably believe to be a violation of law, including a town by-law, is prohibited by and a violation of M.G.L. c. 149, § 185.

40. Mr. George is a member of the Dracut Firefighters Union, which represents Dracut Firefighters regarding terms and conditions of employment including when and how a firefighter may be suspended or required to undergo an examination. The Union is a party to a collective bargaining agreement with the Town.

41. That Collective Bargaining Agreement does not authorize or allow the Town to send a firefighter for a psychiatric evaluation.

42. Mr. George was appointed to his position under Massachusetts Civil Service laws. He has a continued expectation, and therefore a property right, in his employment.

43. The Union immediately contacted the Town seeking the basis for Mr. George's suspension and for the Town's demand that he have a psychiatric investigation. Pursuant to

M.G.L. c. 150E the Union also sent the town a request for information on the suspension and order for a psychiatric evaluation. The Town refused to comply with that request.

44. On August 15, 2018, in an attempt at compromise, Mr. George provided a letter from his VA counselor stating that he was fit for and able to perform all of the essential functions of a firefighter. The Defendants have never had any evidence to the contrary.

45. On August 16, 2018 Town Counsel McQuillan declared that the Town did not find the unequivocal letter from Mr. George's counselor to be sufficient, again despite the Defendant's complete lack of any medical evidence to the contrary or even any failure of Mr. George to fully perform. The Town continued to demand that Mr. George submit to a psychiatric evaluation, which it scheduled for five days later.

46. Union counsel advised the Town that its actions were in violation of the Collective Bargaining Agreement, an Unfair Labor Practice, and unlawful retaliation in violation of M.G.L. c. 149, §185 and c. 33, §13.

47. The Town refused to reinstate Mr. George, leaving him suspended.

48. The Union and Mr. George filed suit in the Middlesex County Superior Court seeking an injunction to preclude the Town from forcing Mr. George to undergo a psychiatric examination until an arbitrator decided whether the Town had a contractual right and a factual basis for ordering any such examination. Dracut Firefighters Union and Justin George v. Town of Dracut and James Duggan, Middlesex County Superior Court No. 1881 CV 2411.

49. After a hearing and briefing, including exhibits and affidavits, the Superior Court issued an injunction precluding the Town from ordering Mr. George to undergo a psychiatric examination.

50. The issue of whether there was a contractual right and a factual basis for the Town to order Mr. George to undergo a psychiatric examination was then submitted to binding arbitration. After four days of hearing and the submission of briefs by the parties, Arbitrator Altman ruled against the Town. He found:

The Town has the contractual right to have Dracut Firefighters submit to fitness for duty examinations when there are legitimate concerns over the firefighter's ability to perform the duties of the position. There must be a legitimate reason for such action, and it must be directly related to the firefighter's ability to perform the duties of the position. In the present case, the Town's decision to direct Mr. George to have a psychological examination was directly related to Mr. George's advocacy on the issue of military pay for employees of the Town of Dracut, which is not a legitimate reason to require an employee to submit to a psychological examination as a condition of continued employment. Moreover, the evidence demonstrates that Mr. George was capably performing the duties of the position, and was already receiving treatment for his PTSD from the Veterans Administration.

51. The Town did not appeal the Arbitrator's decision but instead finally allowed Mr. George to return to work without being forced to submit to a baseless psychiatric examination.

52. Mr. George filed a timely complaint with the EEOC because of the Town's unlawful discrimination against him. That complaint also constitutes a filing with the Massachusetts Commission against Discrimination. The Town's action of suspending Mr. George because of a false concern over his PTSD, and its refusal to allow him to work unless he submitted to a groundless psychiatric examination, constitute unlawful discrimination on the basis of handicap and perception of handicap.

53. The EEOC investigated Mr. George's Complaint. Based on its investigation it issued a determination on the merits, finding that Mr. George has a covered disability under the ADA, that the Town had failed to show that it had a "medically valid reason to require Mr. George to undergo psychiatric examination or to be suspended, and that its (the Town's) actions constituted adverse employment actions." The EEOC further found that there was "no evidence" that Mr.

George was unable to perform the essential functions of his job or that he posed a threat to anyone. The EEOC further found that Mr. George “was subjected to employment discrimination because of his (actual, regarded as and perceived) disability, in violation of the ADA”. The EEOC also found that Mr. George was retaliated against after he inquired about the Town’s harassment policy.

54. The EEOC subsequently issued a Right to Sue letter.

55. As a result of the Defendant’s actions Mr. George suffered severe, prolonged emotional distress. The fact that he has PTSD and is undergoing treatment, which had been private matters, was widely disseminated throughout the firefighting community and the Town of Dracut. He was falsely accused of being a danger to himself or others. He was suspended for over a year during which time he was precluded from even visiting a Dracut fire station. He lost approximately \$30,000.00 in paid details and overtime, which impacted on his ability to support his family. He lived under the constant stress of these false accusations and the attendant concern that he might never be able to return to work as a firefighter. When the Town finally allowed Mr. George to return to work he continued to have emotional distress and be in fear of potential harassment.

56. At the time he was suspended Mr. George was next in line for promotion to lieutenant. As a result of the stigma that has attached to him from the Defendant’s actions it is unlikely that he will ever be promoted. The lack of any promotion will result in lost wages and a significant reduction in his eventual pension.

FIRST CLAIM FOR RELIEF

57. Mr. George realleges and incorporates herein all preceding paragraphs.

58. The actions of the Defendant Town of Dracut constitute discrimination on the basis of an actual, regarded as or perceived disability in violation of the Americans with Disability Act.

SECOND CLAIM FOR RELIEF

59. Mr. George realleges and incorporates herein all preceding paragraphs.

60. The actions of the Defendant Town of Dracut constitute retaliation for making a complaint of discrimination in violation of the Americans with Disability Act.

THIRD CLAIM FOR RELIEF

61. Mr. George realleges and incorporates herein all preceding paragraphs.

62. The actions of the Defendant Town of Dracut constitute discrimination on the basis of an actual, regarded as or perceived disability in violation of M.G.L. c. 151B.

FOURTH CLAIM FOR RELIEF

63. Mr. George realleges and incorporates herein all preceding paragraphs.

64. The actions of the Defendant Town of Dracut constitute retaliation for making a complaint of discrimination in violation of M.G.L. c. 151B.

FIFTH CLAIM FOR RELIEF

65. Mr. George realleges and incorporates herein all preceding paragraphs.

66. The actions of all Defendants constitute retaliation against Mr. George and a conspiracy to retaliate against Mr. George for his exercise of his First Amendment rights, actionable pursuant to 42 U.S.C. section 1983.

SIXTH CLAIM FOR RELIEF

67. Mr. George realleges and incorporates herein all preceding paragraphs.

68. The actions of the Defendants constitute an unlawful common law conspiracy to wrongfully retaliate against Mr. George for his exercise of his First Amendment rights, to

attempt to coerce and intimidate him into dropping his attempts to change the way Dracut compensates those of its employees that serve in the military and to deprive him of his employment without due process.

SEVENTH CLAIM FOR RELIEF

69. Mr. George realleges and incorporates herein all preceding paragraphs.

70. The actions of the Town constitute unlawful retaliation against Mr. George for his disclosure, complaint and reporting of the Town's calculation of military pay, which Mr. George believed, in good faith, to be in violation of law. That retaliation is unlawful pursuant to M.G.L. c. 149, §185.

EIGHTH CLAIM FOR RELIEF

71. Mr. George realleges and incorporates herein all preceding paragraphs.

72. The actions of the Defendants constitute a deprivation of Mr. George's statutory and constitutional rights through threats, intimidation and coercion in violation of the Massachusetts Civil Rights Act, M.G.L. c. 12, §11.

NINTH CLAIM FOR RELIEF

73. Mr. George realleges and incorporates herein all preceding paragraphs.

74. The actions of the Defendants constitute a conspiracy to deprive Mr. George of his statutory and constitutional rights through threats, intimidation and coercion in violation of the Massachusetts Civil Rights Act, M.G.L. c. 12, §11.

JURY DEMAND

Plaintiff demands trial by jury on all issues.

WHEREFORE, Plaintiff prays that this Honorable Court:

1. Grant judgment in his favor on all claims.

2. Award him consequential damages including lost overtime and detail pay.
3. Award him compensation for lost future earnings, promotions, and increases in his pension in an amount to be proven at trial.
4. Award him just compensation for his emotional distress in an amount of not less than \$1,000,000.00, as determined by a jury after trial.
5. Award punitive damages against the Defendants in an amount of not less than \$1,000,000.00, as determined by a jury after trial.
6. Award him pre-judgment interest.
7. Award him his attorney's fees and costs in bringing this action.
8. Enter such other and further orders as the Court deems meet and just.

Respectfully submitted,
Plaintiff Justin George,
by his attorneys,

/s/ Brian Rogal
Brian Rogal, Esquire
BBO No. 424920
ROGAL & DONNELLAN, PC
100 River Ridge Drive, Suite 203
Norwood, Massachusetts 02062
(781) 255-1200
BRogal@RogalandDonnellan.com

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Justin George

(b) County of Residence of First Listed Plaintiff Middlesex
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Brian Rogal, Rogal & Donnellan, PC, 100 River Ridge Drive, Suite 203, Norwood, Ma. 02062. 781-255-1200

DEFENDANTS

Town of Dracut, James Duggan, David Brouillette and Christine Lindberg

County of Residence of First Listed Defendant Middlesex
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff
- 3 Federal Question (U.S. Government Not a Party)
- 2 U.S. Government Defendant
- 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF		PTF	DEF
Citizen of This State	<input checked="" type="checkbox"/> 1	<input checked="" type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS			
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input checked="" type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding
- 2 Removed from State Court
- 3 Remanded from Appellate Court
- 4 Reinstated or Reopened
- 5 Transferred from Another District (specify)
- 6 Multidistrict Litigation - Transfer
- 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
42 U.S.C. Sections 12112-12117; , 42 U.S.C. Sections 1983 and 1988

Brief description of cause:
Violation of ADA and retaliation for exercise of First Amendment Rights

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ 2,000,000.00 CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE _____ DOCKET NUMBER _____

DATE 11/07/2019 SIGNATURE OF ATTORNEY OF RECORD /s/ Brian Rogal

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

1. Title of case (name of first party on each side only) Justin George v. Town of Dracut

2. Category in which the case belongs based upon the numbered nature of suit code listed on the civil cover sheet. (See local rule 40.1(a)(1)).

- I. 160, 400, 410, 441, 535, 830*, 835*, 850, 891, 893, R.23, REGARDLESS OF NATURE OF SUIT.
- II. 110, 130, 190, 196, 370, 375, 376, 440, 442, 443, 445, 446, 448, 470, 751, 820*, 840*, 895, 896, 899.
- III. 120, 140, 150, 151, 152, 153, 195, 210, 220, 230, 240, 245, 290, 310, 315, 320, 330, 340, 345, 350, 355, 360, 362, 365, 367, 368, 371, 380, 385, 422, 423, 430, 450, 460, 462, 463, 465, 480, 490, 510, 530, 540, 550, 555, 560, 625, 690, 710, 720, 740, 790, 791, 861-865, 870, 871, 890, 950.

*Also complete AO 120 or AO 121. for patent, trademark or copyright cases.

3. Title and number, if any, of related cases. (See local rule 40.1(g)). If more than one prior related case has been filed in this district please indicate the title and number of the first filed case in this court.

4. Has a prior action between the same parties and based on the same claim ever been filed in this court?
YES NO

5. Does the complaint in this case question the constitutionality of an act of congress affecting the public interest? (See 28 USC §2403)

YES NO

If so, is the U.S.A. or an officer, agent or employee of the U.S. a party?

YES NO

6. Is this case required to be heard and determined by a district court of three judges pursuant to title 28 USC §2284?

YES NO

7. Do all of the parties in this action, excluding governmental agencies of the United States and the Commonwealth of Massachusetts ("governmental agencies"), residing in Massachusetts reside in the same division? - (See Local Rule 40.1(d)).

YES NO

A. If yes, in which division do all of the non-governmental parties reside?

Eastern Division Central Division Western Division

B. If no, in which division do the majority of the plaintiffs or the only parties, excluding governmental agencies, residing in Massachusetts reside?

Eastern Division Central Division Western Division

8. If filing a Notice of Removal - are there any motions pending in the state court requiring the attention of this Court? (If yes, submit a separate sheet identifying the motions)

YES NO

(PLEASE TYPE OR PRINT)

ATTORNEY'S NAME Brian Rogal, Rogal & Donnellan, PC

ADDRESS 100 River Ridge Drive, Suite 203, Norwood, Ma. 02062

TELEPHONE NO. 781-255-1200