

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO.:

CHARLES E. COUGHLIN, JR. and )  
STAVROULA BOURIS )  
Plaintiffs, )

v. )

TOWN OF ARLINGTON AND )  
ARLINGTON SCHOOL COMMITTEE, )  
NATHAN LEVENSON (individually and in his )  
capacity as Superintendent of Schools), )  
TRACY BUCK (individually and in her )  
capacity as an employee of the Town of )  
Arlington), and JEFFREY THIELMAN )  
(individually and in his capacity as a member of )  
the Arlington School Committee). )  
Defendants. )

**COMPLAINT**

**JURY TRIAL DEMAND**

**INTRODUCTION**

This is an action for damages brought by the plaintiffs, Charles E, Coughlin Jr, and Stavroula Bouris, against the Town of Arlington and Town of Arlington School Committee pursuant to the provisions of Mass. Gen. L. c. 258, § 2 and 42 U.S.C. § 1983, and against Nathan Levenson, individually and in his capacity as the Superintendent of Schools; Tracy Buck, individually and in her capacity as an employee of the Town of Arlington; and, Jeffrey Thielman, individually and in his capacity as a member of the Town of Arlington School Committee pursuant to 42 U.S.C. § 1983, the Massachusetts Declaration of Rights, the Massachusetts civil rights statutes and common law.

### **JURISDICTION**

1. Jurisdiction is conferred upon this Court by Title 28, United States Code, §1331. The plaintiffs further invoke the supplemental jurisdiction of this Court to consider claims arising under state law pursuant to 28 U.S.C. §1367. Said claims form part of the same case or controversy.

2. On or about March 3, 2009, proper Notice of Claim, pursuant to M.G. L. c. 258, § 4 was given to the Defendant, Town of Arlington through Town Manager, Brian Sullivan; Board of Selectmen Chair, Clarissa Rowe; Town Counsel, Julianna Rice; and Town Clerk, Corrine Rainville.

### **PARTIES**

3. At all times relevant to this Complaint, the plaintiff Charles E. Coughlin, Jr., (“Coughlin”) is an individual with a usual place of residence in Tewksbury, Massachusetts, County of Middlesex. Coughlin was employed by the Town of Arlington (“Arlington”) as a teacher at the Ottoson Middle School.

4. At all times relevant to this Complaint, the plaintiff, Stavroula Bouris (“Bouris”), is an individual with a usual place of residence in Natick, Massachusetts, County of Middlesex. Bouris was employed by the Town of Arlington as the principal of the Ottoson Middle School.

5. The defendant, Town of Arlington (“Arlington”), is a municipality duly incorporated under the laws of the Commonwealth of Massachusetts.

6. The defendant, Town of Arlington School Committee (“School Committee”), is a department or agency of the defendant, Arlington.

7. At all times relevant to this Complaint, the Arlington School system is governed

by the School Committee. The School Committee is responsible for promulgating policy for the Arlington Public Schools and for hiring the Superintendent of Schools to administer the daily operations. M.G.L. c. 71, §59.

8. At all times relevant to this Complaint, the defendant, Nathan Levenson (“Levenson”), is an individual with a usual place of residence in Boxford, Massachusetts, County of Essex. Levenson was employed by the Town of Arlington as the Superintendent of Schools.

9. At all times relevant to this Complaint, the defendant, Tracy Buck (“Buck”), is an individual with a usual place of residence in Winchester, Massachusetts, County of Middlesex. She was employed by the Town of Arlington as a High School Network Technician.

10. At all times relevant to this Complaint, the defendant, Jeffrey Thielman (“Thielman”), is an individual with a usual place of residence in Arlington, Massachusetts, County of Middlesex. Thielman is a member of the Arlington School Committee.

### **FACTS**

11. Coughlin began his employment in the Arlington School System on or about September 8, 1999. He was hired to teach technology courses to seventh and eighth grade students at the Ottoson Middle School (hereinafter “the Ottoson”). He was a teacher with professional status subject to the provisions of a collective bargaining agreement (between the Arlington School Committee and the Arlington Education Association) and the provisions of M.G.L. c. 71, §42.

12. During Coughlin’s seven years of employment in Arlington, he was an exemplary teacher and enjoyed a stellar reputation among his supervisors and fellow teachers both at the

Ottoson and across the district. In 2002, he was promoted to the lead teacher position of the Technology Education Department.

13. Bouris began her employment with the Arlington School System in September, 1998 when she was hired as the Assistant Principal for the Ottoson. She also enjoyed an excellent reputation and had a good rapport with teachers, students and parents. In 2002, Bouris was promoted to the position of Principal at the Ottoson.

14. Bouris and Coughlin met when Coughlin was hired to teach at the Ottoson. They shared a close relationship, not only as colleagues, but also as friends. Between 1999 and 2007, Bouris and Coughlin, and others, customarily exchanged and communicated by e-mail on a daily basis.

15. Levenson was hired by the School Committee in July of 2005. Shortly thereafter, while acting under color of his legal authority as Superintendent and absent any legitimate cause, Levenson embarked on a course of action designed to oust Bouris from her position as principal at the Ottoson. For example, Levenson hired a “mentor” to work with Bouris who in reality functioned as a spy. Bouris was the only experienced principal assigned a “mentor.”

16. In June, 2006, Levenson evaluated Bouris and noted that “no one on this planet is better positioned to help move the Ottoson from good to great.” But, in that same evaluation he set amorphous goals for Bouris which were seemingly at odds with the praise. Then, in November 2006, Levenson issued a “Memo of Concern” criticizing her abilities, thereby creating a false impression that her job performance was deficient.

17. In late January 2007, Levenson visited Bouris at the Ottoson and informed her that he was not sure he would be renewing her contract. Shortly thereafter, on or about

February 12, 2007, Levenson attempted to coerce a resignation out of Bouris. He suggested that a story, even if untrue, regarding the fondling of a child, could ruin a career and suggested it would be in Bouris' best interest to resign as opposed to having him not renew her contract. Bouris refused to resign.

18. On or about March 7, 2007, Levenson made public his decision not to renew Bouris' contract which provoked an immediate public outcry. On March 13, 2007, members of the Ottoson staff, students, and parents from the district appeared at a televised School Committee meeting. At that meeting the chosen representative of the Ottoson Middle School, Lawrence Greco (a senior member of the Ottoson staff), announced a 100% vote of confidence in Bouris by the Ottoson staff and a 100% vote of no confidence in Levenson. Greco publicly blamed Levenson for professional intolerance, callous and immoral acts, smugness, and of repeated mistakes borne of inexperience and arrogance. Greco further accused him of losing the trust of the staff, engaging in campaigns of slander, creating a climate of fear that encouraged silence and demoralized and intimidated staff, and engaging in threats of retribution.

19. Additionally, then sitting member of the School Committee, Martin Thrope, publicly raised questions about the motives behind Levenson's decision not to renew Bouris' contract, his ability to function as a manager and a leader, his personal integrity and credibility, his poor interpersonal and communication skills, his questionable respect for the "little people," his ham-handed implementation methods, his lack of understanding of the community, and his self promotion and hubris. At the conclusion of his speech, Thrope made a motion for a vote of "no confidence" in the Superintendent.

20. During the course of subsequent school committee meetings Bouris and

supporters of Bouris, most notably Coughlin, brought certain information to the attention of the public and the School Committee. Specifically, Coughlin learned and publicly reported that Levenson had never been appointed as Assistant Superintendent of the Harvard Public Schools as he had claimed on his resume.

21. The events of March 13, 2007, and those that followed, clearly put the Town and the School Committee on notice that Levenson had been and was pursuing a course of conduct/misconduct that required immediate remediation if not sanction and that he had misrepresented his credentials to secure the position of Superintendent of Arlington Public Schools. Despite such notice, the School Committee made no effort to supervise, discipline, or control Levenson.

22. The aforementioned backlash ultimately forced Levenson to change his decision and to renew Bouris' contract. Thereafter, Levenson sought ways to retaliate against both Bouris and Coughlin. He, in concert with others, wanted to ensure that the process of renewing Bouris' contract would be publicly humiliating to Bouris.

23. In April, 2007, School Committee Member, Jeffrey Thielman, approached Coughlin and told him that if he continued to challenge the Superintendent and/or School Committee he would lose his job.

24. In April and May of 2007, Levenson attempted, unsuccessfully, to have Bouris eliminate Coughlin's position through budget cuts. He also attempted to divest Coughlin of his Lead Teacher position by eliminating the 0.4 administrative time that was attached to that position. The net effect of eliminating the administrative time would mean he would have to teach an additional 0.4 classes that Levenson knew were not available. Coughlin subsequently

filed a grievance addressing this issue which resulted in a ruling that Levenson had in fact violated the Collective Bargaining Agreement when he altered the Lead Teacher position held by Coughlin.

25. Emboldened by the lack of any oversight or control and his retaliatory animus, Levenson, still acting under color of his legal authority as Superintendent, alone, or in concert with others, started monitoring the e-mail account of Bouris in March, April, and May of 2007. This was in contravention of policy and practice.

26. On or about early June, 2007, Buck claims to have received an anonymous note that suggested that Bouris and Coughlin were engaged in an improper relationship. Buck claims that she promptly destroyed the note and is the only person who claims to have seen it.

27. On or about June 6, 2007, Levenson acting alone, or in concert with Buck and/or others, accessed and printed e-mails between Coughlin and Bouris which, *inter alia*, contained a private e-mail user name and password. This information was subsequently used to access Bouris's private e-mail account in violation of Massachusetts law.

28. Levenson and Buck later claimed that they accessed the email account as part of an investigation into the allegations contained in the anonymous note that Levenson denies he ever saw.

29. The investigation conducted by Levenson and Buck violated express policies prohibiting the investigation of anonymous complaints.

30. On June 11, 2007, Levenson claims to have received an anonymous package which contained additional printed e-mails between Bouris and Coughlin including those accessed from Bouris's private e-mail account in violation of Massachusetts law. The original

envelope and the original contents were destroyed. Neither the School Committee nor Arlington ever conducted an investigation into the breach of their internal e-mail system much less the criminal accessing of the private e-mail accounts or the purported destruction of the notes, envelope and contents of the envelope that formed the basis for the so-called investigation.

31. In furtherance of his plan to retaliate against Bouris and Coughlin, Levenson retained Attorney Alan Miller of Stoneman, Chandler & Miller LLP to conduct an investigation into “inappropriate conduct” by Coughlin and Bouris for the purpose of terminating them. He informed the School Committee of the investigation before Coughlin and Bouris knew they were being investigated. In a June 10, 2007, memo to the School Committee, Levenson indicated that he had received copies of e-mails between Coughlin and Bouris which were sent through the school’s e-mail system. Levenson claimed that he had not solicited the e-mails, but that they were provided to him by “an employee of the district.”

32. On or about June 13, 2007, both Coughlin and Bouris received notification from Levenson that he had received unsolicited information from a “school district employee” that indicated inappropriate conduct on their part. Levenson further stated that given the public and sometimes contentious nature of his recent interactions with them, he was recusing himself from the investigation and had turned the materials over to the school district’s counsel, Attorney Alan Miller.

33. Levenson’s misconduct continued throughout the investigative process. Levenson, through Miller, attempted to persuade Coughlin to resign by suggesting to him that the investigation into the e-mails would become public, which would be bad for his family and would ruin his career. Miller specifically stated to Coughlin that he must resign before an

investigation took place because “it was hard to keep a lid on it.” Miller further commented that he hoped Coughlin was “f---ing Bouris” because if he wasn’t, Miller would “feel guilty when he fired him.”

34. Attorney Miller’s investigation of the matter was far from impartial, independent and thorough. The reports he submitted during the investigative process reveal multiple and inconsistent versions of the same story. On July 9, 2007, he submitted a report to Levenson confirming an understanding that, totally unsolicited, Levenson was approached by “a teacher” who gave Levenson a package of e-mails from the Arlington Schools e-mail system containing correspondence between Coughlin and Bouris. Miller described the e-mails as containing explicit sexual content and suggesting a romantic and sexual relationship between Coughlin and Bouris. The report included excerpts from some of the “more blatant ones” which were in fact the criminally accessed “private ones.”

35. Attorney Miller’s report to Levenson, dated August 8, 2007, addressed the propriety of how the e-mails were accessed. The report indicated that there was concern among staff, town officials and the public regarding the potential “invasion of what, for the most part, were intended to be private communications.” The conclusion of Miller’s report was that Buck “committed no wrongful act and was merely carrying out her job responsibilities.”

36. Levenson and Miller manipulated the investigation into the conduct of Bouris and Coughlin in order to create the appearance of legitimacy to the decision he had already made to terminate them. Such manipulation included, *inter alia*, the making of false statements; the fabrication of documents; the use of documents obtained in violation of criminal law, policy and practice; the alteration of documents; the destruction of evidence; and, the failure to reference

any of the exculpatory explanations provided by Coughlin and Bouris as part of the investigation.

37. Levenson created a contemporaneous log of events surrounding the illegal and improper access of e-mail accounts on June 8, 2007, which reveals his knowing contravention of policy, practice, law, and criminal statute. In his log, Levenson accused Buck of crimes and improprieties that he later claimed he fabricated because he was angry at Buck and he needed to deflect blame from himself.

38. Levenson offered Bouris' job to other individuals before the so-called investigation into her conduct was completed and concomitantly before the decision to fire her was theoretically, possible.

39. On or before July 15, 2007, prior to the completion of the investigation, Thielman, acting under color of his legal authority as a School Committee member, alone, or in concert with Levenson, who was still acting under color of his legal authority as Superintendent, and/or others, surreptitiously released both the criminally obtained private e-mails and the Arlington K-12 e-mails between Coughlin and Bouris to the press together with false allegations that Coughlin and Bouris had committed the crime of forgery. This surreptitious release was done with the full knowledge of Levenson and Thielman that they, for numerous reasons, were obliged to prevent further dissemination of the criminally obtained private e-mails. All of this material was ultimately published in the local Arlington e-media as well as the local Arlington print media. Levenson published his false allegations of forgery orally and in writing to the Arlington School Community, the educational community at large, and the public at large.

40. Levenson, still acting under color of his legal authority as Superintendent, alone,

or in concert with others, caused the cancellation of Coughlin's health insurance even though he was entitled to the benefits until the start of the next school year.

41. On August 9, 2007, Levenson, acting under color of his legal authority as Superintendent, retaliated against Coughlin by terminating his employment with the Arlington Public Schools without just cause. Coughlin's termination was purportedly based on the e-mails at issue and their content.

42. On September 5, 2007, Levenson, acting under color of his legal authority as Superintendent, retaliated against Bouris by terminating her employment with the Arlington Public Schools without good cause. Bouris's termination was purportedly based on the e-mails at issue and their content.

43. Following the termination of Coughlin and Bouris, in subsequent proceedings, Levenson, acting alone or in concert with others, fabricated evidence, suppressed the contemporaneous log of purported events surrounding the illegal access of email accounts, perjured himself in related administrative and arbitration proceedings, manufactured false documents, altered documents, destroyed evidence/documents, suppressed documents and manipulated witnesses with half truths and lies. All of the foregoing was done to create the appearance of legitimacy in Levenson's unlawful and retaliatory act of terminating Coughlin and Bouris.

44. In challenging their termination, Bouris and Coughlin invoked arbitration pursuant to M.G.L.c. 71, §41 and §42, respectively.

45. On October 27, 2009, Arbitrator Richard Boulanger ("Boulanger") issued an award in which he concluded that Coughlin's dismissal was not justified. Boulanger ruled that

Coughlin did not engage in conduct unbecoming a teacher or other just cause. Boulanger further found that Levenson was not credible and that Arlington did not follow its own policies and procedures in terminating Coughlin.

**COUNT I**  
**NEGLIGENCE –M.G.L. CHAPTER 258**  
**COUGHLIN v. TOWN OF ARLINGTON**

46. The plaintiff, Coughlin, incorporates and re-alleges the allegations set forth in paragraphs 1 through 45 of this Complaint as if fully set forth herein.

47. The School Committee had the responsibility to train, control, discipline, and supervise Levenson. The School Committee knew or should have known of the scope of Levenson's misconduct and was on notice that Levenson was pursuing a course of conduct/misconduct that required immediate remediation. Its failure to properly discharge its responsibilities after notice constitutes negligence under Massachusetts Law.

48. Levenson had the responsibility to train, control, discipline, and supervise his subordinates, including Buck. Levenson knew or should have known the scope of Buck's and other's conduct/misconduct and was on notice that Buck was pursuing a course of conduct/misconduct that required immediate remediation. His failure to properly discharge his responsibilities after notice constitutes negligence under Massachusetts Law.

49. The School Committee and Levenson, in his capacity as Superintendent of the Arlington Public Schools, owed a duty to Coughlin to use due care in discharging their responsibilities within the Arlington school system.

50. The School Committee and Levenson breached that duty by failing to properly discharge their supervisory responsibilities.

51. Arlington is directly liable and responsible to Coughlin for the negligent acts and omissions of the School Committee and Levenson.

52. As a direct and proximate result of the negligent failure of the School Committee and Levenson to properly train, control, discipline, and supervise those under their supervision, Coughlin suffered and will continue to suffer damages in the form of economic loss, emotional distress, attorney's fees, costs and expenses.

**COUNT II**  
**NEGLIGENCE –M.G.L. CHAPTER 258**  
**BOURIS v. TOWN OF ARLINGTON**

53. The plaintiff, Bouris, incorporates and re-alleges the allegations set forth in paragraphs 1 through 52 of this Complaint as if fully set forth herein.

54. The School Committee had the responsibility to train, control, discipline, and supervise Levenson. The School Committee knew or should have known of the scope of Levenson's misconduct and was on notice that Levenson was pursuing a course of conduct/misconduct that required immediate remediation. Its failure to properly discharge its responsibilities after notice constitutes negligence under Massachusetts law.

55. Levenson had the responsibility to train, control, discipline, and supervise his subordinates, including Buck. Levenson knew or should have known the scope of Buck's and other's conduct/misconduct and was on notice that Buck was pursuing a course of conduct/misconduct that required immediate remediation. His failure to properly discharge his responsibilities after notice constitutes negligence under Massachusetts law.

56. The School Committee and Levenson, in his capacity as Superintendent of the Arlington Public Schools, owed a duty to Bouris to use due care in the discharging of their

responsibilities within the Arlington school system.

57. The School Committee and Levenson breached that duty by failing to properly discharge their supervisory responsibilities.

58. Arlington is directly liable and responsible to Bouris for the negligent acts and omissions of the School Committee and Levenson.

59. As a direct and proximate result of the negligent failure of the School Committee and Levenson to properly train, control, discipline, and supervise those under their supervision, Bouris suffered and will continue to suffer damages in the form of economic loss, emotional distress, attorney's fees, costs and expenses.

**COUNT III**  
**42 U.S.C. SECTION 1983 – VIOLATION OF CIVIL RIGHTS**  
**COUGHLIN v. THE TOWN OF ARLINGTON**

60. The plaintiff, Coughlin, incorporates and re-alleges the allegations set forth in paragraphs 1 through 59 of this Complaint as if fully set forth herein.

61. Arlington had a longstanding policy and practice to ignore its responsibility to monitor and control the School Committee that resulted in no oversight or control over the School Committee's actions. Said policy of abdicating responsibility is so firmly entrenched as to constitute a custom or usage and resulted in the constitutional deprivations suffered by Coughlin.

62. The School Committee, through its members, deprived Coughlin of clearly-established and well-settled constitutional rights guaranteed him by the First and Fourteenth Amendments; the right to the protection of one's reputation, and the right of privacy and free speech.

63. Arlington because of its policies and customs, took no steps to stop the actions of the School Committee, failed to effectively investigate complaints of such actions and failed to discipline or otherwise properly supervise the individuals who engaged in such conduct. Instead, Arlington sanctioned the actions of the School Committee through their reckless disregard and deliberate indifference to the effect of such actions on the constitutional rights of individuals.

64. The failure of Arlington to control the operations and actions of the School Committee created an unspoken policy condoning unlawful conduct that directly and proximately resulted in the deprivation of rights and immunities secured to Coughlin under the Constitution and laws of the United States and of the Commonwealth of Massachusetts including, but not limited to, his rights under the First and Fourteenth Amendments.

65. By abdicating its responsibility to control the School Committee, Arlington created and fostered an atmosphere of lawlessness in which the School Committee was emboldened and permitted to violate the rights of Coughlin.

66. As a direct and proximate result of Arlington's policy to abdicate control of the School Committee, Coughlin was deprived of his constitutional rights, suffered and will continue to suffer damages in the form of economic loss, emotional distress, attorney's fees, costs and expenses.

**COUNT IV**  
**42 U.S.C. SECTION 1983 – VIOLATION OF CIVIL RIGHTS**  
**BOURIS v. THE TOWN OF ARLINGTON**

67. The plaintiff, Bouris, incorporates and re-alleges the allegations set forth in paragraphs 1 through 66 of this Complaint as if fully set forth herein.

68. Arlington had a longstanding policy and practice to ignore its responsibility to

monitor and control the School Committee that resulted in no oversight or control over the School Committee's actions. Said policy of abdicating responsibility is so firmly entrenched as to constitute a custom or usage and resulted in the constitutional deprivations suffered by Bouris.

69. The School Committee, through its members, deprived Bouris of clearly-established and well-settled constitutional rights guaranteed her by the First and Fourteenth Amendments; the right to the protection of one's reputation, and the right of privacy and free speech.

70. Arlington because of its policies and customs, took no steps to stop the actions of the School Committee, failed to effectively investigate complaints of such actions and failed to discipline or otherwise properly supervise the individuals who engaged in such conduct. Instead, Arlington sanctioned the actions of the School Committee through their reckless disregard and deliberate indifference to the effect of such actions on the constitutional rights of Bouris.

71. The failure of Arlington to control the operations and actions of the School Committee created an unspoken policy condoning unlawful conduct that directly and proximately resulted in the deprivation of rights and immunities secured to Bouris under the Constitution and laws of the United States and of the Commonwealth of Massachusetts including, but not limited to, her rights under the First and Fourteenth Amendments.

72. By abdicating its responsibility to control the School Committee, Arlington created and fostered an atmosphere of lawlessness in which the School Committee was emboldened and permitted to violate the rights of Bouris.

73. As a direct and proximate result of Arlington's policy to abdicate control of the School Committee, Bouris was deprived of her constitutional rights, suffered and will continue

to suffer damages in the form of economic loss, emotional distress, attorney's fees, costs and expenses.

**COUNT V**  
**42 U.S.C. SECTION 1983**  
**COUGHLIN v. THE ARLINGTON SCHOOL COMMITTEE**

74. The plaintiff, Coughlin, incorporates and re-alleges the allegations set forth in paragraphs 1 through 73 of this Complaint as if fully set forth herein.

75. The conduct of defendants, Levenson and Thielman, as heretofore described, deprived Coughlin of clearly-established and well-settled constitutional rights guaranteed him by the First and Fourteenth Amendments; the right to the protection of one's reputation, and the right of privacy and free speech.

76. Levenson and Thielman invaded Coughlin's privacy by accessing and disseminating information and e-mails in violation of policy, practice and law; deprived Coughlin of his employment in retaliation for protected speech; and, impaired his reputation and employment status all in violation of his constitutional rights.

77. The School Committee knew or should have known of the unlawful conduct of Levenson and Thielman.

78. Despite its knowledge of the actions of defendants Levenson and Thielman, the School Committee failed to take any steps to remediate their conduct, failed to discipline or otherwise properly supervise and control Levenson and Thielman, and failed to properly train them with regard to the proper constitutional and statutory limits on the exercise of their authority and instead acquiesced and condoned said conduct.

79. The conduct of the School Committee constitutes gross negligence and deliberate

indifference to the effect of such actions on the constitutional rights of Coughlin.

80. As a direct and proximate result thereof, Coughlin was deprived of rights and immunities secured to him under the Constitution and laws of the United States and of the Commonwealth of Massachusetts including, but not limited to his rights under the First and Fourteenth Amendments. Coughlin suffered and will continue to suffer damages in the form of economic loss, emotional distress, attorney's fees, costs and expenses.

**COUNT VI**  
**42 U.S.C. SECTION 1983**  
**BOURIS v. THE ARLINGTON SCHOOL COMMITTEE**

81. The plaintiff, Bouris, incorporates and re-alleges the allegations set forth in paragraphs 1 through 80 of this Complaint as if fully set forth herein.

82. The conduct of defendants, Levenson and Thielman, as heretofore described, deprived Bouris of clearly-established and well-settled constitutional rights guaranteed her by the First and Fourteenth Amendments; the right to the protection of one's reputation, and the right of privacy and free speech.

83. Levenson and Thielman invaded Bouris's privacy by accessing and disseminating information and e-mails in violation of policy, practice and law; deprived Bouris of her employment in retaliation for protected speech; and, impaired her reputation and employment status all in violation of her constitutional rights.

84. The School Committee knew or should have known of the unlawful conduct of Levenson and Thielman.

85. Despite its knowledge of the actions of defendants, Levenson and Thielman, the School Committee failed to take any steps to remediate their conduct, failed to discipline or

otherwise properly supervise and control Levenson and Thielman, and failed to properly train them with regard to the proper constitutional and statutory limits on the exercise of their authority and instead acquiesced and condoned said conduct.

86. The conduct of the School Committee constitutes gross negligence and deliberate indifference to the effect of such actions on the constitutional rights of Bouris.

87. As a direct and proximate result thereof, Bouris was deprived of rights and immunities secured to her under the Constitution and laws of the United States and of the Commonwealth of Massachusetts including, but not limited to her rights under the First and Fourteenth Amendments. Bouris suffered and will continue to suffer damages in the form of economic loss, emotional distress, attorney's fees, costs and expenses.

**COUNT VII**  
**42 U.S.C. §1983 - VIOLATION OF CIVIL RIGHTS**  
**COUGHLIN v. LEVENSON**

88. The plaintiff, Coughlin, incorporates and re-alleges the allegations set forth in paragraphs 1 through 87 of this Complaint as if fully set forth herein.

89. The conduct of the defendant, Buck, as heretofore described, deprived Coughlin of clearly-established and well-settled constitutional rights guaranteed him by the First and Fourteenth Amendments; the right to the protection of one's reputation, and the right of privacy and free speech.

90. Buck invaded Coughlin's privacy by accessing and disseminating information and e-mails in violation of policy, practice and law; deprived Coughlin of his employment in retaliation for protected speech; and impaired his reputation and employment status, all in violation of his constitutional rights.

91. Levenson, while acting under color of his legal authority as Superintendent of the Arlington Public Schools, knew of Buck's unlawful conduct.

92. Despite Levenson's knowledge of Buck's unlawful conduct, he failed to remediate or stop her conduct, failed to discipline or otherwise properly supervise and control Buck, failed to properly train her with regard to the proper constitutional and statutory limits on the exercise of her authority and instead acquiesced and condoned her conduct.

93. Levenson's conduct constitutes gross negligence amounting to deliberate indifference to the effect of such actions on the constitutional rights of Coughlin.

94. As a direct and proximate result thereof, Coughlin was deprived of rights and immunities secured to him under the Constitution and laws of the United States and of the Commonwealth of Massachusetts including, but not limited to his rights under the First and Fourteenth Amendments. Coughlin suffered and will continue to suffer damages in the form of economic loss, emotional distress, attorney's fees, costs and expenses.

**COUNT VIII**  
**42 U.S.C. §1983 - VIOLATION OF CIVIL RIGHTS**  
**BOURIS v. LEVENSON**

95. The plaintiff, Bouris, incorporates and re-alleges the allegations set forth in paragraphs 1 through 94 of this Complaint as if fully set forth herein.

96. The conduct of the defendant, Buck, as heretofore described, deprived Bouris of clearly-established and well-settled constitutional rights guaranteed her by the First and Fourteenth Amendments; the right to the protection of one's reputation, and the right of privacy and free speech.

97. Buck invaded Bouris's privacy by accessing and disseminating information and e-

mails in violation of policy, practice and law; deprived Bouris of her employment in retaliation for protected speech; and, impaired her reputation and employment status all in violation of her constitutional rights.

98. Levenson, while acting under color of his legal authority as Superintendent of the Arlington Public Schools, knew of Buck's unlawful conduct.

99. Despite Levenson's knowledge of Buck's actions, he failed to remediate or stop her conduct, failed to discipline or otherwise properly supervise and control Buck, failed to properly train her with regard to the proper constitutional and statutory limits on the exercise of her authority and instead acquiesced and condoned her conduct.

100. The conduct of Levenson constitutes gross negligence and amounts to deliberate indifference to the effect of such actions on the constitutional rights of Bouris.

101. As a direct and proximate result thereof, Bouris was deprived of rights and immunities secured to her under the Constitution and laws of the United States and of the Commonwealth of Massachusetts including, but not limited to her rights under the First and Fourteenth Amendments. Bouris suffered and will continue to suffer damages in the form of economic loss, emotional distress, attorney's fees, costs and expenses.

**COUNT IX**  
**42 U.S.C. §1983 - VIOLATION OF CIVIL RIGHTS**  
**COUGHLIN v. LEVENSON**

102. The plaintiff, Coughlin, incorporates and re-alleges the allegations set forth in paragraphs 1 through 101 of this Complaint as if fully set forth herein.

103. Levenson's conduct, as heretofore described, deprived Coughlin of clearly-established and well-settled constitutional rights guaranteed him by the First and Fourteenth

Amendments; the right to the protection of one's reputation, and the right of privacy and free speech.

104. Levenson invaded Coughlin's privacy by accessing and disseminating information and e-mails in violation of policy, practice and law; deprived Coughlin of his employment in retaliation for protected speech; and, impaired his reputation and employment status all in violation of his constitutional rights.

105. The actions of Levenson were without just cause or legal justification, were willful, wanton, and intentional and were committed under the color of his authority as a Superintendent of the Arlington Public Schools.

106. The acts of Levenson were committed either maliciously or with a reckless disregard for the constitutional rights of Coughlin.

107. As a direct and proximate result of the acts and omissions of Levenson, Coughlin suffered and will continue to suffer damages in the form of economic loss, emotional distress, attorney's fees, costs and expenses.

**COUNT X**  
**42 U.S.C. §1983 - VIOLATION OF CIVIL RIGHTS**  
**BOURIS v. LEVENSON**

108. The plaintiff, Bouris, incorporates and re-alleges the allegations set forth in paragraphs 1 through 107 of this Complaint as if fully set forth herein.

109. Levenson's conduct, as heretofore described, deprived Bouris of clearly-established and well-settled constitutional rights guaranteed her by the First and Fourteenth Amendments; the right to the protection of one's reputation, and the right of privacy and free speech.

110. Levenson invaded Bouris's privacy by accessing and disseminating information and e-mails in violation of policy, practice and law; deprived Bouris of her employment in retaliation for protected speech; and, impaired her reputation and employment status all in violation of her constitutional rights.

111. The actions of Levenson were without just cause or legal justification, were willful, wanton, and intentional and were committed under the color of his authority as a Superintendent of the Arlington Public Schools.

112. The acts of Levenson were committed either maliciously or with a reckless disregard for the constitutional rights of Bouris.

113. As a direct and proximate result of the acts and omissions of Levenson, Bouris suffered and will continue to suffer damages in the form of economic loss, emotional distress, attorney's fees, costs and expenses.

**COUNT XI**  
**42 U.S.C. §1983 - VIOLATION OF CIVIL RIGHTS**  
**COUGHLIN v. THIELMAN**

114. The plaintiff, Coughlin, incorporates and re-alleges the allegations set forth in paragraphs 1 through 113 of this Complaint as if fully set forth herein.

115. Thielman's conduct, as heretofore described, deprived Coughlin of clearly-established and well-settled constitutional rights guaranteed him by the First and Fourteenth Amendments; the right to the protection of one's reputation, and the right of privacy and free speech.

116. Thielman invaded Coughlin's privacy by accessing and disseminating information and e-mails in violation of policy, practice and law; deprived Coughlin of his employment in

retaliation for protected speech; and, impaired his reputation and employment status all in violation of his constitutional rights.

117. The actions of Thielman were without just cause or legal justification, were willful, wanton, and intentional and were committed under the color of his authority as a School Committee member in Arlington.

118. The acts of Thielman were committed either maliciously or with a reckless disregard for the constitutional rights of Coughlin.

119. As a direct and proximate result of the acts and omissions of Thielman, Coughlin suffered and will continue to suffer damages in the form of economic loss, emotional distress, attorney's fees, costs and expenses.

**COUNT XII**  
**42 U.S.C. §1983 - VIOLATION OF CIVIL RIGHTS**  
**BOURIS v. THIELMAN**

120. The plaintiff, Bouris, incorporates and re-alleges the allegations set forth in paragraphs 1 through 119 of this Complaint as if fully set forth herein.

121. Thielman's conduct, as heretofore described, deprived Bouris of clearly-established and well-settled constitutional rights guaranteed her by the First and Fourteenth Amendments; the right to the protection of one's reputation, and the right of privacy and free speech.

122. Thielman invaded Bouris's privacy by accessing and disseminating information and e-mails in violation of policy, practice and law; deprived Bouris of her employment in retaliation for protected speech; and, impaired her reputation and employment status all in violation of her constitutional rights.

123. The actions of Thielman were without just cause or legal justification, were willful, wanton, and intentional and were committed under the color of his authority as a School Committee member in Arlington.

124. The acts of Thielman were committed either maliciously or with a reckless disregard for the constitutional rights of Bouris.

125. As a direct and proximate result of the acts and omissions of Thielman, Bouris suffered and will continue to suffer damages in the form of economic loss, emotional distress, attorney's fees, costs and expenses.

**COUNT XIII**  
**42 U.S.C. §1983 - VIOLATION OF CIVIL RIGHTS**  
**COUGHLIN v. BUCK**

126. The plaintiff, Coughlin, incorporates and re-alleges the allegations set forth in paragraphs 1 through 125 of this Complaint as if fully set forth herein.

127. Buck's conduct, as heretofore described, deprived Coughlin of clearly-established and well-settled constitutional rights guaranteed him by the First and Fourteenth Amendments; the right to the protection of one's reputation, and the right of privacy and free speech.

128. Buck invaded Coughlin's privacy by accessing and disseminating information and e-mails in violation of policy, practice and law; deprived Coughlin of his employment in retaliation for protected speech; and, impaired his reputation and employment status all in violation of his constitutional rights.

129. The actions of Buck were without just cause or legal justification, were willful, wanton, and intentional and were committed under the color of her authority as the Technology

Specialist in Arlington.

130. The acts of Buck were committed either maliciously or with a reckless disregard for the constitutional rights of Coughlin.

131. As a direct and proximate result of the acts and omissions of Buck, Coughlin suffered and will continue to suffer damages in the form of economic loss, emotional distress, attorney's fees, costs and expenses.

**COUNT XIV**  
**42 U.S.C. §1983 - VIOLATION OF CIVIL RIGHTS**  
**BOURIS v. BUCK**

132. The plaintiff, Bouris, incorporates and re-alleges the allegations set forth in paragraphs 1 through 131 of this Complaint as if fully set forth herein.

133. Buck's conduct, as heretofore described, deprived Bouris of clearly-established and well-settled constitutional rights guaranteed her by the First and Fourteenth Amendments; the right to the protection of one's reputation, and the right of privacy and free speech.

134. Buck invaded Bouris's privacy by accessing and disseminating information and e-mails in violation of policy, practice and law; deprived Bouris of her employment in retaliation for protected speech; and, impaired her reputation and employment status all in violation of her constitutional rights.

135. The actions of Buck were without just cause or legal justification, were willful, wanton, and intentional and were committed under the color of her authority as the High School Network Technician.

136. The acts of Buck were committed either maliciously or with a reckless disregard for the constitutional rights of Bouris.

137. As a direct and proximate result of the acts and omissions of Buck, Bouris suffered and will continue to suffer damages in the form of economic loss, emotional distress, attorney's fees, costs and expenses.

**COUNT XV**  
**M.G.L. CHAPTER 12, SECTION 11I - MASSACHUSETTS CIVIL RIGHTS ACT**  
**BOURIS v. LEVENSON**

138. The plaintiff, Bouris, incorporates and re-alleges the allegations set forth in paragraphs 1 through 137 of this Complaint as if fully set forth herein.

139. The defendant, Levenson, interfered or attempted to interfere with Bouris's exercise and enjoyment of rights secured by the Constitution or the laws of either the United States or the Commonwealth.

140. Levenson interfered or attempted to interfere with Bouris's constitutional rights of protection to her reputation, privacy and free speech as guaranteed by the First Amendment and Fourteenth Amendment of the Constitution as well as M.G.L. c. 214, section 1B.

141. Levenson interfered or attempted to interfere with Bouris's right to privacy by accessing and disseminating information and e-mails in violation of policy, practice and law; deprived Bouris of her employment in retaliation for protected speech; impaired her reputation and employment status; and interfered with her employment contract all in violation of her constitutional and statutory rights.

142. Levenson's interference or attempted interference with Bouris's rights was by threats, intimidation or coercion in violation of M.G.L.c. 12, section 11I. Levenson attempted to coerce a resignation by threatening to make public allegations that would ruin Bouris's career and family.

143. As a direct and proximate result of the above described conduct Bouris suffered and will continue to suffer damages in the form of economic loss, emotional distress attorney's fees, costs and expenses.

**COUNT XVI**  
**M.G.L. CHAPTER 12, SECTION 11I- MASSACHUSETTS CIVIL RIGHTS ACT**  
**COUGHLIN v. THIELMAN**

144. The plaintiff, Coughlin, incorporates and re-alleges the allegations set forth in paragraphs 1 through 143 of this Complaint as if fully set forth herein.

145. The defendant, Thielman, interfered or attempted to interfere with Coughlin's exercise and enjoyment of rights secured by the Constitution or the laws of either the United States or the Commonwealth.

146. Thielman interfered or attempted to interfere with Coughlin's constitutional rights of protection to his reputation, privacy and free speech as guaranteed by the First Amendment and Fourteenth Amendment of the Constitution as well as M.G.L. c. 214, section 1B.

147. Thielman interfered or attempted to interfere with Coughlin's right to privacy by accessing and disseminating information and e-mails in violation of policy, practice and law; deprived Coughlin of his employment in retaliation for protected speech; impaired his reputation and employment status; and interfered with his employment contract all in violation of his constitutional and statutory rights.

148. Thielman's interference or attempted interference with Coughlin's rights was by threats, intimidation or coercion in violation of M.G.L.c. 12, section 11I. Thielman attempted to silence Coughlin by threatening him with the loss of his employment.

149. As a direct and proximate result of the above described conduct Coughlin suffered

and will continue to suffer damages in the form of economic loss, emotional distress, attorney's fees, costs and expenses.

**COUNT XVII**  
**M.G.L. CHAPTER 214, SECTION 1B – INVASION OF PRIVACY**  
**COUGHLIN v. LEVENSON**

150. The plaintiff, Coughlin, incorporates and re-alleges the allegations set forth in paragraphs 1 through 149 of this Complaint as if fully set forth herein.

151. Coughlin has a right against unreasonable, substantial or serious interference with his privacy.

152. Levenson violated that right by knowingly violating policies and practices, monitoring and accessing private e-mails and disclosing and disseminating information of a highly personal nature without any legitimate reason for doing so.

153. Levenson's unreasonable, substantial and serious interference with Coughlin's privacy is a violation of M.G.L.c. 214, section 1B.

154. As a direct and proximate result of the above described conduct Coughlin suffered and will continue to suffer damages in the form of economic loss, emotional distress, attorney's fees, costs and expenses.

**COUNT XVIII**  
**M.G.L. CHAPTER 214, SECTION 1B – INVASION OF PRIVACY**  
**BOURIS v. LEVENSON**

155. The plaintiff, Bouris, incorporates and re-alleges the allegations set forth in paragraphs 1 through 154 of this Complaint as if fully set forth herein.

156. Bouris has a right against unreasonable, substantial or serious interference with her privacy.

157. Levenson violated that right by knowingly violating policies and practices, monitoring and accessing private e-mails and disclosing and disseminating information of a highly personal nature without any legitimate reason for doing so.

158. Levenson's unreasonable, substantial and serious interference with Bouris's privacy is a violation of M.G.L.c. 214, section 1B.

159. As a direct and proximate result of the above described conduct Bouris suffered and will continue to suffer damages in the form of economic loss, emotional distress, attorney's fees, costs and expenses.

**COUNT XIX**  
**M.G.L. CHAPTER 214, SECTION 1B – INVASION OF PRIVACY**  
**COUGHLIN v. THIELMAN**

160. The plaintiff, Coughlin, incorporates and re-alleges the allegations set forth in paragraphs 1 through 159 of this Complaint as if fully set forth herein.

161. Coughlin has a right against unreasonable, substantial or serious interference with his privacy.

162. Thielman violated that right by disclosing and disseminating information of a highly personal nature without any legitimate reason for doing so.

163. Thielman's unreasonable, substantial and serious interference with Coughlin's privacy is a violation of M.G.L.c. 214, section 1B.

164. As a direct and proximate result of the above described conduct Coughlin suffered and will continue to suffer damages in the form of economic loss, emotional distress, attorney's fees, costs and expenses.

**COUNT XX**  
**M.G.L. CHAPTER 214, SECTION 1B – INVASION OF PRIVACY**  
**BOURIS v. THIELMAN**

165. The plaintiff, Bouris, incorporates and re-alleges the allegations set forth in paragraphs 1 through 164 of this Complaint as if fully set forth herein.

166. Bouris has a right against unreasonable, substantial or serious interference with her privacy.

167. Thielman violated that right by disclosing and disseminating information of a highly personal nature without any legitimate reason for doing so.

168. Thielman's unreasonable, substantial and serious interference with Bouris's privacy is a violation of M.G.L.c. 214, section 1B.

169. As a direct and proximate result of the above described conduct Bouris suffered and will continue to suffer damages in the form of economic loss, emotional distress, attorney's fees, costs and expenses.

**COUNT XXI**  
**M.G.L. CHAPTER 214, SECTION 1B – INVASION OF PRIVACY**  
**COUGHLIN v. BUCK**

170. The plaintiff, Coughlin, incorporates and re-alleges the allegations set forth in paragraphs 1 through 169 of this Complaint as if fully set forth herein.

171. Coughlin has a right against unreasonable, substantial or serious interference with his privacy.

172. Buck violated that right by knowingly violating policies and practices and accessing private e-mails and communications of a highly personal nature without any legitimate reason for doing so.

173. Buck's unreasonable, substantial and serious interference with Coughlin's privacy is a violation of M.G.L.c. 214, section 1B.

174. As a direct and proximate result of the above described conduct Coughlin suffered and will continue to suffer damages in the form of economic loss, emotional distress, attorney's fees, costs and expenses.

**COUNT XXII**  
**M.G.L. CHAPTER 214, SECTION 1B – INVASION OF PRIVACY**  
**BOURIS v. BUCK**

175. The plaintiff, Bouris, incorporates and re-alleges the allegations set forth in paragraphs 1 through 174 of this Complaint as if fully set forth herein.

176. Bouris has a right against unreasonable, substantial or serious interference with her privacy.

177. Buck violated that right by knowingly violating policies and practices and accessing private e-mails and communications of a highly personal nature without any legitimate reason for doing so.

178. Buck's unreasonable, substantial and serious interference with Bouris's privacy is a violation of M.G.L.c. 214, section 1B.

179. As a direct and proximate result of the above described conduct Bouris suffered and will continue to suffer damages in the form of economic loss, emotional distress, attorney's fees, costs and expenses.

**COUNT XXIII**  
**DEFAMATION**  
**COUGHLIN v. LEVENSON**

180. The plaintiff, Coughlin, incorporates and re-allege the allegations set forth in

paragraphs 1 through 179 of this Complaint as if fully set forth herein.

181. Levenson did author and submit for publication, without privilege to do so, false defamatory statements and communications concerning Coughlin which disparaged and damaged his reputation in the community and impaired his ability to practice in his profession.

182. Levenson commenced a campaign designed to damage Coughlin's reputation and hamper his ability to find employment. He maliciously released criminally obtained private e-mails and other e-mails between Bouris and Coughlin to the press.

183. Levenson further disseminated defamatory statements regarding Coughlin to the Arlington School community and to the public at large

184. Levenson also published false allegations of forgery both orally and in writing.

185. The statements made by Levenson were made with knowledge of their falsity and/or with reckless disregard for their truth and/or were malicious.

186. As a direct and proximate result of the defamatory statements and communications by Levenson, Coughlin has suffered and will continue to suffer damages in the form of economic loss, emotional distress, harm to his reputation, attorney's fees, costs and expenses.

**COUNT XXIV**  
**DEFAMATION**  
**BOURIS v. LEVENSON**

187. The plaintiff, Bouris, incorporates and re-allege the allegations set forth in paragraphs 1 through 186 of this Complaint as if fully set forth herein.

188. Levenson did author and submit for publication, without privilege to do so, false defamatory statements and communications concerning Bouris which disparaged and damaged

her reputation in the community and impaired her ability to practice in her profession.

189. Levenson commenced a campaign designed to damage Bouris's reputation and hamper her ability to find employment. He maliciously released criminally obtained private e-mails and other e-mails between Bouris and Coughlin to the press.

190. Levenson further disseminated defamatory statements regarding Bouris to the Arlington School community and to the public at large.

191. Levenson also published false allegations of forgery both orally and in writing.

192. The statements made by Levenson were made with knowledge of their falsity and/or with reckless disregard for their truth and/or were malicious.

193. As a direct and proximate result of the defamatory statements and communications by Levenson, Bouris has suffered and will continue to suffer damages in the form of economic loss, emotional distress, harm to her reputation, attorney's fees, costs and expenses.

**COUNT XXV**  
**DEFAMATION**  
**COUGHLIN v. THIELMAN**

194. The plaintiff, Coughlin, incorporates and re-allege the allegations set forth in paragraphs 1 through 193 of this Complaint as if fully set forth herein.

195. Thielman did author and submit for publication, without privilege to do so, false defamatory statements and communications concerning Coughlin which disparaged and damaged his reputation in the community and impaired his ability to practice in his profession.

196. Thielman commenced a campaign designed to damage Coughlin's reputation and hamper his ability to find employment. He surreptitiously and maliciously released criminally

obtained private e-mails and other e-mails between Bouris and Coughlin as well as investigative reports containing personal information to the press.

197. Thielman further disseminated defamatory statements regarding Coughlin to the Arlington School community and to the public at large.

198. Thielman also published false allegations of forgery both orally and in writing.

199. The statements made by Thielman were made with knowledge of their falsity and/or with reckless disregard for their truth and/or were malicious.

200. As a direct and proximate result of the defamatory statements and communications by Thielman, Coughlin has suffered and will continue to suffer damages in the form of economic loss, emotional distress, harm to his reputation, attorney's fees, costs and expenses.

**COUNT XXVI**  
**DEFAMATION**  
**BOURIS v. THIELMAN**

201. The plaintiff, Bouris, incorporates and re-allege the allegations set forth in paragraphs 1 through 200 of this Complaint as if fully set forth herein.

202. Thielman did author and submit for publication, without privilege to do so, false defamatory statements and communications concerning Bouris which disparaged and damaged her reputation in the community and impaired her ability to practice in her profession.

203. Thielman commenced a campaign designed to damage Bouris's reputation and hamper her ability to find employment. He surreptitiously and maliciously released criminally obtained private e-mails and other e-mails between Bouris and Coughlin as well as investigative reports containing personal information to the press.

204. Thielman further disseminated defamatory statements regarding Bouris to the Arlington School community and to the public at large.

205. Thielman also published false allegations of forgery both orally and in writing.

206. The statements made by Thielman were made with knowledge of their falsity and/or with reckless disregard for their truth and/or were malicious.

207. As a direct and proximate result of the defamatory statements and communications by Thielman, Bouris has suffered and will continue to suffer damages in the form of economic loss, emotional distress, harm to her reputation, attorney's fees, costs and expenses.

**COUNT XXVII**  
**DEFAMATION**  
**COUGHLIN v. BUCK**

208. The plaintiff, Coughlin, incorporates and re-allege the allegations set forth in paragraphs 1 through 207 of this Complaint as if fully set forth herein.

209. Buck did author and submit for publication, without privilege to do so, false defamatory statements and communications concerning Coughlin which disparaged and damaged his reputation in the community and impaired his ability to practice in his profession.

210. Buck commenced a campaign designed to damage Coughlin's reputation and hamper his ability to find employment. She disseminated defamatory statements regarding Coughlin to the Levenson.

211. The statements made by Buck were made with knowledge of their falsity and/or with reckless disregard for their truth.

212. As a direct and proximate result of the defamatory statements and

communications by Buck, Coughlin has suffered and will continue to suffer damages in the form of economic loss, emotional distress, harm to his reputation, attorney's fees, costs and expenses.

**COUNT XXVIII**  
**DEFAMATION**  
**BOURIS v. BUCK**

213. The plaintiff, Bouris, incorporates and re-allege the allegations set forth in paragraphs 1 through 212 of this Complaint as if fully set forth herein.

214. Buck did author and submit for publication, without privilege to do so, false defamatory statements and communications concerning Bouris which disparaged and damaged her reputation in the community and impaired her ability to practice in her profession.

215. Buck commenced a campaign designed to damage Bouris's reputation and hamper her ability to find employment. She disseminated defamatory statements regarding Bouris to Levenson.

216. The statements made by Buck were made with knowledge of their falsity and/or with reckless disregard for their truth.

217. As a direct and proximate result of the defamatory statements and communications by Buck, Bouris has suffered and will continue to suffer damages in the form of economic loss, emotional distress, harm to her reputation, attorney's fees, costs and expenses.

**COUNT XXIX**  
**INTERFERENCE WITH ADVANTAGEOUS BUSINESS RELATIONS**  
**COUGHLIN v. LEVENSON**

218. The plaintiff, Coughlin, incorporates and re-alleges the allegations set forth in paragraphs 1 through 217 of this Complaint as if fully set forth herein.

219. Coughlin was a teacher employed with the Arlington Public Schools.

220. Levenson had knowledge of Coughlin's business relationship with the Arlington Public Schools.

221. Levenson knowingly interfered with the business relationship with improper motive or by improper means. Levenson pursued a retaliatory course of conduct/misconduct in a deliberate and malicious attempt to oust Coughlin from his position.

222. As a direct and proximate result of Levenson's intentional interference with Coughlin's advantageous relationship, Coughlin suffered damages in the form of termination of his employment as well as damages in reputation, prospective earnings and other undetermined damages.

**COUNT XXX**  
**INTERFERENCE WITH ADVANTAGEOUS BUSINESS RELATIONS**  
**BOURIS v. LEVENSON**

223. The plaintiff, Bouris, incorporates and re-alleges the allegations set forth in paragraphs 1 through 222 of this Complaint as if fully set forth herein.

224. Bouris was a principal employed with the Arlington Public Schools.

225. Levenson had knowledge of Bouris's business relationship with the Arlington Public Schools.

226. Levenson knowingly interfered with the business relationship with improper motive or by improper means. Levenson pursued a retaliatory course of conduct/misconduct in a deliberate and malicious attempt to oust Bouris from her position as principal in the Arlington School system.

227. As a direct and proximate result of Levenson's intentional interference with Bouris's advantageous relationship, Bouris suffered damages in the form of termination of her

employment as well as damages in reputation, prospective earnings and other undetermined damages.

**COUNT XXXI**  
**INTERFERENCE WITH ADVANTAGEOUS BUSINESS RELATIONS**  
**COUGHLIN v. THIELMAN**

228. The plaintiff, Coughlin, incorporates and re-alleges the allegations set forth in paragraphs 1 through 227 of this Complaint as if fully set forth herein.

229. Coughlin was a teacher employed with the Arlington Public Schools.

230. Thielman had knowledge of Coughlin's business relationship with the Arlington Public Schools.

231. Thielman knowingly interfered with the business relationship with improper motive or by improper means. Thielman pursued a course of conduct/misconduct in a deliberate and malicious attempt to impair Coughlin's reputation and deprive him of his position within the Arlington School system.

232. As a direct and proximate result of Thielman's intentional interference with Coughlin's advantageous relationship, Coughlin suffered damages in the form of termination of his employment as well as damages in reputation, prospective earnings and other undetermined damages.

**COUNT XXXII**  
**INTERFERENCE WITH ADVANTAGEOUS BUSINESS RELATIONS**  
**BOURIS v. THIELMAN**

233. The plaintiff, Bouris, incorporates and re-alleges the allegations set forth in paragraphs 1 through 232 of this Complaint as if fully set forth herein.

234. Bouris was a principal employed with the Arlington Public Schools.

235. Thielman had knowledge of Bouris's business relationship with the Arlington Public Schools.

236. Thielman knowingly interfered with the business relationship with improper motive or by improper means. Thielman pursued a course of conduct/misconduct in a deliberate and malicious attempt to impair Bouris's reputation and deprive her of her position as principal in the Arlington School system.

237. As a direct and proximate result of Thielman's intentional interference with Bouris's advantageous relationship, Bouris suffered damages in the form of termination of her employment as well as damages in reputation, prospective earnings and other undetermined damages.

**COUNT XXXIII**  
**INTERFERENCE WITH ADVANTAGEOUS BUSINESS RELATIONS**  
**COUGHLIN v. BUCK**

238. The plaintiff, Coughlin, incorporates and re-alleges the allegations set forth in paragraphs 1 through 237 of this Complaint as if fully set forth herein.

239. Coughlin was a teacher employed with the Arlington Public Schools.

240. Buck had knowledge of Coughlin's business relationship with the Arlington Public Schools.

241. Buck knowingly interfered with the business relationship with improper motive or by improper means. Buck pursued a course of conduct/misconduct in a deliberate and malicious attempt to impair Coughlin's reputation and deprive him of his position within the Arlington School system.

242. As a direct and proximate result of Buck's intentional interference with

Coughlin's advantageous relationship, Coughlin suffered damages in the form of termination of his employment as well as damages in reputation, prospective earnings and other undetermined damages.

**COUNT XXXIV**  
**INTERFERENCE WITH ADVANTAGEOUS BUSINESS RELATIONS**  
**BOURIS v. BUCK**

243. The plaintiff, Bouris, incorporates and re-alleges the allegations set forth in paragraphs 1 through 242 of this Complaint as if fully set forth herein.

244. Bouris was a principal employed with the Arlington Public Schools.

245. Buck had knowledge of Bouris's business relationship with the Arlington Public Schools.

246. Buck knowingly interfered with the business relationship with improper motive or by improper means. Buck pursued a course of conduct/misconduct in a deliberate and malicious attempt to impair Bouris's reputation and deprive her of her position as principal within the Arlington School system.

247. As a direct and proximate result of Buck's intentional interference with Bouris's advantageous relationship, Bouris suffered damages in the form of termination of her employment as well as damages in reputation, prospective earnings and other undetermined damages.

**COUNT XXXV**  
**INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**  
**COUGHLIN v. LEVENSON**

248. The plaintiff, Coughlin, incorporates and re-alleges the allegations set forth in paragraphs 1 through 247 of this Complaint as if fully set forth herein.

249. The acts of Levenson, as heretofore described, were intended to inflict emotional distress upon Coughlin. Levenson knew or should have known that emotional distress was the likely result of his conduct.

250. Levenson's conduct was extreme, outrageous, beyond all possible bounds of decency and utterly intolerable in a civilized community.

251. The actions of Levenson caused Coughlin emotional distress which was severe and of such a nature that no reasonable person could be expected to endure it.

252. As a direct and proximate result of the above described conduct Coughlin suffered mental anguish and severe psychological injuries as well as economic loss.

**COUNT XXXVI**  
**INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**  
**BOURIS v. LEVENSON**

253. The plaintiff, Bouris, incorporates and re-alleges the allegations set forth in paragraphs 1 through 252 of this Complaint as if fully set forth herein.

254. The acts of Levenson, as heretofore described, were intended to inflict emotional distress upon Bouris. Levenson knew or should have known that emotional distress was the likely result of his conduct.

255. Levenson's conduct was extreme, outrageous, beyond all possible bounds of decency and utterly intolerable in a civilized community.

256. The actions of Levenson caused Bouris emotional distress which was severe and of such a nature that no reasonable person could be expected to endure it.

257. As a direct and proximate result of the above described conduct Bouris suffered mental anguish and severe psychological injuries as well as economic loss.

**COUNT XXXVII**  
**INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**  
**COUGHLIN v. THIELMAN**

258. The plaintiff, Coughlin, incorporates and re-alleges the allegations set forth in paragraphs 1 through 257 of this Complaint as if fully set forth herein.

259. The acts of Thielman, as heretofore described, were intended to inflict emotional distress upon Coughlin. Thielman knew or should have known that emotional distress was the likely result of his conduct.

260. Thielman's conduct was extreme, outrageous, beyond all possible bounds of decency and utterly intolerable in a civilized community.

261. The actions of Thielman caused Coughlin emotional distress which was severe and of such a nature that no reasonable person could be expected to endure it.

262. As a direct and proximate result of the above described conduct Coughlin suffered mental anguish and severe psychological injuries as well as economic loss.

**COUNT XXXVIII**  
**INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**  
**BOURIS v. THIELMAN**

263. The plaintiff, Bouris, incorporates and re-alleges the allegations set forth in paragraphs 1 through 262 of this Complaint as if fully set forth herein.

264. The acts of Thielman, as heretofore described, were intended to inflict emotional distress upon Bouris. Thielman knew or should have known that emotional distress was the likely result of his conduct.

265. Thielman's conduct was extreme, outrageous, beyond all possible bounds of decency and utterly intolerable in a civilized community.

266. The actions of Thielman caused Bouris emotional distress which was severe and of such a nature that no reasonable person could be expected to endure it.

267. As a direct and proximate result of the above described conduct Bouris suffered mental anguish and severe psychological injuries as well as economic loss.

**COUNT XXXIX**  
**INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**  
**COUGHLIN v. BUCK**

268. The plaintiff, Coughlin, incorporates and re-alleges the allegations set forth in paragraphs 1 through 267 of this Complaint as if fully set forth herein.

269. The acts of Buck, as heretofore described, were intended to inflict emotional distress upon Coughlin. Buck knew or should have known that emotional distress was the likely result of her conduct.

270. Buck's conduct was extreme, outrageous, beyond all possible bounds of decency and utterly intolerable in a civilized community.

271. The actions of Buck caused Coughlin emotional distress which was severe and of such a nature that no reasonable person could be expected to endure it.

272. As a direct and proximate result of the above described conduct, Coughlin suffered mental anguish and severe psychological injuries as well as economic loss.

**COUNT XL**  
**INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**  
**BOURIS v. BUCK**

273. The plaintiff, Bouris, incorporates and re-alleges the allegations set forth in paragraphs 1 through 272 of this Complaint as if fully set forth herein.

274. The acts of Buck, as heretofore described, were intended to inflict emotional

distress upon Bouris. Buck knew or should have known that emotional distress was the likely result of her conduct.

275. Buck's conduct was extreme, outrageous, beyond all possible bounds of decency and utterly intolerable in a civilized community.

276. The actions of Buck caused Bouris emotional distress which was severe and of such a nature that no reasonable person could be expected to endure it.

277. As a direct and proximate result of the above described conduct Bouris suffered mental anguish and severe psychological injuries as well as economic loss.

WHEREFORE, the plaintiffs, Charles E. Coughlin, Jr. and Stavroula Bouris, demand judgment against all the defendants, jointly and severally, and request the following relief:

1. Award of compensatory damages on all Counts of the Complaint;
2. Award of punitive damages on Counts VII, VIII, IX, X, XI, XII, XIII, and XIV;
3. Award the costs of this action, including attorney's fees on Counts III, IV, V, VI, VII, VIII, IX, X, XI, XII, XIII, and XIV; and,
4. Such other and further relief as the Court may deem appropriate.

**THE PLAINTIFFS DEMANDS A JURY TRIAL ON ALL ISSUES SO TRIABLE.**

RESPECTFULLY,  
The Plaintiffs,  
By Their Attorneys,

/s/ Frank Mondano  
Frank Mondano, Esquire, BBO # 351540  
Maria A. Luise, Esquire, BBO #557353  
BALLIRO & MONDANO  
63 Atlantic Avenue, Third Floor  
Boston, MA 02110  
(617) 737-8442

JS 44 (Rev. 12/07)

CIVIL COVER SHEET

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 THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

Coughlin, Charles, Jr. and Bouris, Stavroula

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

(c) Attorney's (Firm Name, Address, and Telephone Number) Balliro & Mondano, 63 Atlantic Ave, 3rd Fl., Boston, MA 02110 Frank Mondano, Esq. and Maria A. Luise, Esq. (617-737-8442)

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2010 FEB 8 3:11

U.S. DISTRICT COURT DISTRICT OF MASS.

Town of Arlington, Arlington School Committee, Nathan Levenson, Tracy Buck and Jeffrey Thielman

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

IN REMEDY AND CONDEMNATION CASES, USE THE LOCATION OF THE PROPERTY INVOLVED.

Attorneys (If Known) Town Counsel, Julianna Rice, 50 Pleasant Street, Arlington, MA 02476 (see attached).

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

- 1 U.S. Government Plaintiff
2 U.S. Government Defendant
3 Federal Question (U.S. Government Not a Party)
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)

- Citizen of This State
Citizen of Another State
Citizen or Subject of a Foreign Country
PTF DEF
1 1
2 2
3 3
Incorporated or Principal Place of Business In This State
Incorporated and Principal Place of Business In Another State
Foreign Nation

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

Table with columns: CONTRACT, REAL PROPERTY, CIVIL RIGHTS, PRISONER PETITIONS, TORTS, PERSONAL INJURY, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES.

V. ORIGIN

- 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
7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): 42 USC 1983
Brief description of cause: Plaintiffs civil rights were violated in an employment setting.

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 DEMAND \$ 7,000,000 CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE DOCKET NUMBER

DATE 02/08/2010 SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFF JUDGE MAG. JUDGE

**ATTACHMENT TO CIVIL COVER SHEET**

**Attorneys for Defendant (if known):**

Peabody & Arnold LLP, Robert T. Gill, 600 Atlantic Avenue, Boston, MA 02210

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

1. Title of case (name of first party on each side only) Charles E. Coughlin, Jr. v. Town of Arlington

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, 410, 470, 535, R.23, REGARDLESS OF NATURE OF SUIT.
- II. 195, 196, 368, 400, 440, 441-446, 540, 550, 555, 625, 710, 720, 730, 740, 790, 791, 820\*, 830\*, 840\*, 850, 890, 892-894, 895, 950.
- III. 110, 120, 130, 140, 151, 190, 210, 230, 240, 245, 290, 310, 315, 320, 330, 340, 345, 350, 355, 360, 362, 365, 370, 371, 380, 385, 450, 891.
- IV. 220, 422, 423, 430, 460, 462, 463, 465, 480, 490, 510, 530, 610, 620, 630, 640, 650, 660, 690, 810, 861-865, 870, 871, 875, 900.
- V. 150, 152, 153.

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

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U.S. DISTRICT COURT  
DISTRICT OF MASS.

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.

None

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 Frank Mondano, Esq. Balliro & Mondano

ADDRESS 63 Atlantic Avenue, 3rd Floor, Boston, MA 02110

TELEPHONE NO. 617-737-8442