

COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF THE TRIAL COURT

HAMPDEN, SS.

SUPERIOR COURT
CIVIL ACTION NO. 1879CV00344

RIAN WATERS
Plaintiff

vs.

AIDAN KEARNEY,
WORCESTER DIGITAL MARKETING, LLC
TURTLEBOY ENTERPRISES, LLC
Defendants

HAMPDEN COUNTY
SUPERIOR COURT
FILED

FEB 4 2019

[Signature]
CLERK OF COURTS

**DEFENDANTS, AIDAN KEARNEY, WORCESTER DIGITAL MARKETING, LLC,
AND TURTLEBOY ENTERPRISES, LLC MEMORANDUM OF LAW
IN SUPPORT OF THEIR MOTION TO DISMISS**

NOW COME the defendants, Aidan Kearney, Worcester Digital Marketing, LLC, and Turtleboy Enterprises, LLC (“Defendants”), and respectfully move this Court to dismiss the Second Amended Complaint filed against them. As grounds therefore and in support thereof, the defendants state as follows:

PROCEDURAL AND FACTUAL BACKGROUND

This action arises out of an underlying arrest of the Plaintiff, Rian Waters, for animal cruelty charge and assault and battery upon Samantha Cardin, that occurred on or about December 31, 2016. Said charges were subsequently blogged about on Defendant, Worcester Digital Marketing, LLC’s social media platform on or about January 6, 2017.

Plaintiff filed this action on May 16, 2018. (Dkt. No. 3). Plaintiff subsequently filed an Amended Complaint, then a Second Amended Complaint on December 26, 2018. (Dkt. No. 24). The Plaintiff has also filed numerous other pleadings including a pending Motion for Preliminary Injunction. (Dkt. No. 25). The Defendants were granted leave to file their Answer late and filed

their Answer to Plaintiff's Amended Complaint on or about December 10, 2018. The Defendants now move to dismiss Plaintiff's Second Amended Complaint. All counts against Samantha Cardin were dismissed on January 9, 2019, in court.

On or about December 31, 2016, the Plaintiff, Rian Waters, did physically assault Samantha Cardin leaving a black eye and bruises on her body. See Exhibit "A", a true and accurate copy of the Affidavit of Samantha Cardin. Samantha Cardin believes that on or about December 31, 2016, the Plaintiff, Rian Waters, did physically assault her dog, leading to the dog's death a few hours later. Exhibit A. Shortly after December 31, 2016, Samantha Cardin posted to her Facebook page photographs of her injuries and statements concerning the assault on her and her dog. Exhibit "A".

On December 31, 2016 the Plaintiff was arrested for animal cruelty and assault battery upon the Defendant, Samantha Cardin. Exhibit A. At times relevant to the allegations in Plaintiff's Second Amend Complaint the Defendant, Aidan Kearney, was an employee and/or officer of Worcester Digital Marketing, LLC. See Exhibit "B", a true and accurate copy of Affidavit of Aidan Kearney. Worcester Digital Marketing, LLC owns all publications using the name Turtleboy Sports and operates social media platforms known as Turtleboy Sports. Exhibit "B". Third party bloggers are permitted to post their own blogs to the Turtleboy Sports social media platforms. Exhibit "B". Turtleboy Enterprises, LLC, is a defunct company which has no involvement with regard to the allegations in Plaintiff's Second Amended Complaint. Exhibit "B".

On January 6, 2017 a third-party posted a blog re-publishing several of Samantha Cardin's Facebook posts which stated that she was assaulted by the Plaintiff and her dog was gravely injured and subsequently died. See Exhibit "C", a true and accurate copy of Turtleboy

Sports blog dated January 6, 2017. Mr. Water's Facebook posts were also added to the blog. Exhibit "C". Samantha Cardin's Facebook posted were accurately detailed in the blog. Exhibit "A". The blogger provides his/her commentary and opinions on the subject incident. Exhibit "C".

On or about November 13, 2018, Worcester Digital Marketing, LLC published a book entitled "I am Turtleboy." See Exhibit "B". The subject lawsuit is discussed on several pages in that book. See Exhibit "D", a true and accurate copy of the relevant pages of I am Turtleboy.

STANDARD OF REVIEW

The standard of review for a motion to dismiss pursuant to Mass. R. Civ. P. 12(b)(6) requires that the court determine that the allegations state a claim on which relief can be granted. "In making this determination, [the court] look[s] beyond the conclusory allegations in the complaint and focus[es] on whether the factual allegations plausibly suggest an entitlement to relief." *Curtis v. Herb Chambers I-95, Inc.*, 458 Mass. 674, 676 (2011); see also *Iannacchino v. Ford Motor Co.*, 451 Mass. 623, 635-636 (2008) (retiring the standard contained in *Conley v. Gibson*, 355 U.S. 41 (1957) and *Nader v. Citron*, 372 Mass. 96 (1997)). In *Iannacchino*, the Supreme Judicial Court held:

As the Court stated, "While a complaint attacked by a ... motion to dismiss does not need detailed factual allegations ... a plaintiff's obligation to provide the 'grounds' of his 'entitle[ment] to relief' requires more than labels and conclusions.... Factual allegations must be enough to raise a right to relief above the speculative level ... [based] on the assumption that all the allegations in the complaint are true (even if doubtful in fact)...." What is required at the pleading stage are factual "allegations plausibly suggesting (not merely consistent with)" an entitlement to relief, in order to "reflect[] the threshold requirement of [Fed. R. Civ. P.] 8(a)(2) that the 'plain statement' possesses enough heft to 'sho[w] that the pleader is entitled to relief.'"

Id. at 636 (quoting *Bell Atl. Corp. v. Twombly*, 550 U.S. 544 (2007)).

ARGUMENT

Plaintiff's Complaint alleges claims for Libel, Slander, Intentional Infliction of Emotional Distress, Fraud and Negligent Publication against the Defendants. These claims should be dismissed pursuant to Rule 12(b)(6) because the Complaint does not allege any facts, as opposed to conclusions of law, or sufficient facts, to support the causes of action alleged. Additionally, the individual defendant, Aidan Kearney, cannot be individually liable.

I. AIDAN KEARNEY CANNOT BE INDIVIDUALLY LIABLE TO THE PLAINTIFF BECAUSE OF THE EXISTENCE OF THE LIMITED LIABILITY COMPANY, WORCESTER DIGITAL MARKETING, LLC.

The Plaintiff has asserted claims in the Complaint against Aidan Kearney individually, who is an employee and sole member of Worcester Digital Marketing, LLC.

Generally, however, a corporate officer has no liability at common law for a corporation's obligations. *Lyon v. Morphew*, 424 Mass. 828, 831 (1997) ("Officers and employees of a corporation do not incur personal liability ... merely by virtue of the position they hold in the corporation.") In the context of limited liability companies, G.L. c. 156C, § 22, provides that:

... [T]he debts, obligations and liabilities of a limited liability company, whether arising in contract, tort or otherwise, shall be solely the debts, obligations and liabilities of the limited liability company; and no member or manager of a limited liability company shall be personally liable, directly or indirectly, including, without limitation, by way of indemnification, contribution, assessment or otherwise, for any such debt, obligation or liability of the limited liability company solely by reason of being a member or acting as a manager of the limited liability company.

Id. (emphasis added). In *Davidson v. Ruskin*, 2009 Mass. App. Div. 75, 2009 Mass. App. Div. LEXIS 31 (Mass. App. Div. 2009), a tenant brought a claim against Peabody Park, LLC, the lessor ("Peabody Park"), Bernard Ruskin, Peabody Park's principal, and the leasing agent. In affirming the trial court's decision, the Appellate Division noted that any appeal of the claims against Ruskin,

a member of Peabody Park, would be frivolous, citing to “G.L. c. 156C, § 2(5), stating that a limited liability company need only have one member, and § 22, providing that a member is not liable for obligations of a limited liability company arising in contract or tort.” *Id.*; see also *CMI Assocs., LLC v. Regional Financing Co., LLC*, 775 F. Supp. 2d 281, 288 (D. Mass. 2011) (Ponsor, J.) (granting summary judgment as to all claim against individual defendant because the claims arose “from actions taken by [him] in his official capacity as owner and principal of [the limited liability company]”); *Smith v. Shining Rock Golf Community, LLC*, No. 2006-1510-B, 2007 Mass. Super. LEXIS 222 (Mass. Super. June 20, 2007) (McCann, J.) (holding that individual not liable where acting in representative capacity for limited liability company).

In this case, the Plaintiff alleges that Worcester Digital Marketing, LLC is a duly organized limited liability company, that Kearney is a member. The allegations against Kearney are limited to those he took in his capacity as manager and/or employee of Worcester Digital Marketing, LLC. The Complaint is devoid of any allegations that Kearney engaged in any conduct outside of the scope of his capacity as a member or manager of Worcester Digital Marketing, LLC or that could otherwise serve as a basis for any liability not shielded by Chapter 156C. Indeed, there are also no allegations that could support a finding that Kearney owed any personal duty to the Plaintiff or had any special relationship with the Plaintiff separate and distinct from the duties of Worcester Digital Marketing, LLC. See e.g., *Lyon, supra*. In *Lyon, supra*, the Supreme Judicial Court stated that defendants, who were the employer’s chief operating officer and director and assistant director of engineering, “may not be held individually liable for any breach of a duty which their employer, as owner of the building, may have owed to the plaintiff.” *Id.* at 831. Here, any duty that may have been owed to the Plaintiff was owed by Worcester Digital Marketing, LLC, and, therefore, Kearney cannot be individually liable to the Plaintiff. To find that a claim exists against Kearney

on these alleged facts would destroy the very reason for creating a limited liability company as company owners, members or managers would be individually liable for actions of the corporation.

As such, the law does not permit piercing the veil established by statute for such limited liability corporations and, therefore, Kearney is entitled to a dismissal of all claims against him, including Counts 4, 5, & 7.¹

II. PLAINTIFF HAS NOT ALLEGED A VIABLE CLAIM FOR DEFAMATION.

Counts 2, 4, 5, 8, & 9 of the Complaint purport to be claims for defamation (libel/slander). To prove a claim for defamation, Plaintiff must allege and prove four elements to a defamation claim:

[F]irst, the defendant made a statement, of and “concerning the plaintiff, to a third party”; second, the “statement could damage the plaintiff’s reputation in the community”; third, the defendant was at fault for making the statement; and fourth, the statement caused economic loss or, in four specific circumstances, is actionable without economic loss.

Scholz v. Delp, 473 Mass. 242, 249 (2015) (quoting *Ravnikar v. Bogojavlensky*, 438 Mass. 627, 629-630 (2003) (footnote omitted) (emphasis added).

A. Defendants Did Not Make Any Statements Concerning the Plaintiff

The Defendants did not write the blog in question. Worcester Digital Marketing’s social media platforms allowed a third party to post to their website or platform, which is what occurred in this instance. Exhibit “B”.

B. Defendant’s Alleged Statements Are Not Actionable.

Assuming arguendo, that the subject statements are attributed the Defendants, “[A] threshold issue is whether the statement is reasonably susceptible of a defamatory meaning, and that

¹ The inclusion of these claims against Kearney without any factual bases and in light of the protections afforded by Chapter 156C may support a finding that such claims are frivolous for purposes of G.L. c. 231, § 6F, and Kearney would reserve the right to file an appropriate motion at the time as allowed by Section 6F.

determination is a question of law for the court. *Foley v. Lowell Sun Pub. Co.*, 404 Mass. 9, 11 (1989) (citing *Jones v. Taibbi*, 400 Mass. 786, 791-792 (1987), and cases cited). Further:

Stated another way “[s]tatements alleged to be libelous must be interpreted reasonably.” *King v. Globe Newspaper Co.*, 400 Mass. 705, 711-712 (1987), cert. denied, 485 U.S. 940 and 962 (1988). As we have said in another context, this interpretation “requires that the court examine the statement in its totality in the context in which it was uttered or published. The court must consider all the words used, not merely a particular phrase or sentence.” *Myers v. Boston Magazine Co.*, 380 Mass. 336, 341-342 (1980), quoting *Information Control Corp. v. Genesis One Computer Corp.*, 611 F.2d 781, 784 (9th Cir. 1980).

Foley, 404 Mass. at 11.

1. Plaintiff Has Not Alleged Any Facts that the Alleged Statements Were Not Substantially True.

Assuming arguendo, that the subject statements are attributed the Defendants, truth is a defense to libel unless actual malice is alleged or proved by the Plaintiff. See G.L. c. 231, § 92; *McAvoy v. Shufrin*, 401 Mass. 593, 597 (1988); see also *Jones v. Taibbi*, 400 Mass. 786 (1987). “Substantial, not literal truth, is required. See, e.g., *Clay Corp. v. Colter*, 30 Mass. L. Rep. 536, 2012 Mass. Super. LEXIS 357, at *11 (Mass. Super. Ct. Sept. 10, 2012) (citing *Conner v. Standard Pub. Co.*, 183 Mass. 474, 478 (1903)). It is undisputed that Plaintiff was arrested for animal cruelty and assault and battery upon Samantha Cardin. See Plaintiff’s Complaint. Moreover, Samantha Cardin has submitted an affidavit confirming she was in fact assaulted by the Plaintiff. Exhibit A. Plaintiff has not alleged any facts that he did not in fact assault Samantha Cardin. As such, there is nothing in the alleged statements to support the conclusion that Defendants’ statements were false, or not substantially true.

2. To the Extent that the Alleged Statements Contain Opinions, Such Opinions are Not Actionable.

While Defendants deny they made any defamatory statements, the statements, in context, are not actionable because they are opinions. “If it is plain that the speaker is expressing a subjective

view, an interpretation, a theory, conjecture, or surmise, the statement is not actionable.” *Scholz*, 473 Mass. at 251 (citation omitted; alterations omitted; internal quotation marks omitted; emphasis added). Here, Defendants are allegedly expressing its opinion based on disclosed, nondefamatory facts. “An ‘expression of opinion based on disclosed or assumed nondefamatory facts is not itself sufficient for an action of defamation, no matter how unjustified or unreasonable the opinion may be or how derogatory it is.’” *Dulgarian v. Stone*, 420 Mass. 843, 850 (1995) (quoting *Lyons*, 415 Mass. at 262 (1993) (further citation omitted); see *Nat’l Ass’n of Gov’t Employees, Inc. v. Central Broadcasting Corp.*, 379 Mass. 220, 227 (1980) (“Under the First Amendment there is no such thing as a false idea. However pernicious an opinion may seem, we depend for its correction not on the conscience of judges and juries but on the competition of other ideas.”). Whether a statement is one of fact or opinion is a question of law for the Court to decide when the statement is unambiguously either fact or opinion. See *Lyons*, 415 Mass. at 263.

Again, it is undisputed that Plaintiff was arrested for assault and battery, and the victim, has confirmed she was in fact assaulted by the Plaintiff. As such, the blog simply reflects Defendants’ subjective views based on nondefamatory facts.

III. PLAINTIFF HAS NOT ALLEGED ANY FACTS THAT WOULD SUFFICIENTLY PLACE DEFENDANT ON NOTICE OF THE BASES FOR THE CLAIM OF INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS.

Preliminarily, because the alleged statements are nonactionable opinion, and Plaintiff therefore cannot prevail on his defamation claim, he also cannot establish the derivative claim of intentional infliction of emotional distress. See *Scholz*, 473 Mass. at 254; see also *Hustler Magazine, Inc. v. Falwell*, 485 U.S. 46, 57 (1988); *Rotkiewicz v. Sadowsky*, 431 Mass. 748, 755 (2000).

Nevertheless, Plaintiff’s Complaint is also devoid of any facts that would support, as a matter of law, a claim for intentional infliction of emotional distress. Liability for intentional infliction

of emotional distress occurs when “one who, without a privilege to do so, by extreme and outrageous conduct intentionally causes severe emotional distress to another...” *George v. Jordan Marsh Co.*, 359 Mass. 244, 256 (1971); *Agis v. Howard Johnson Co.*, 371 Mass. 140, 144 (1976). The Plaintiffs must prove:

(1) the defendant intended to inflict emotional distress, or knew or should have known that emotional distress was the likely result of his conduct; ... (2) that the conduct was “extreme and outrageous,” was “beyond all possible bounds of decency” and was “utterly intolerable in a civilized community,” ... (3) that the actions of the defendant were the cause of the plaintiff’s distress; ... and (4) that the emotional distress sustained by the plaintiff was “severe” and of such a nature that no reasonable [person] could be expected to endure it.

Agis, 371 Mass. at 144-145 (internal citations omitted). In *Foley v. Polaroid Corp.*, 400 Mass. 82

(1987), the Court, addressing a claim for intentional infliction of emotional distress, noted:

[L]iability cannot be predicated upon “mere insults, indignities, threats, annoyances, petty oppressions, or other trivialities,” nor even is it enough “that the defendant has acted with an intent which is tortious or even criminal, or that he has intended to inflict emotional distress, or even that his conduct has been characterized by ‘malice,’ or a degree of aggravation which would entitle the plaintiff to punitive damages for another tort”; rather, “[l]iability has been found only where the conduct has been so outrageous in character, and so extreme in degree, as to go beyond all possible bounds of decency, and to be regarded as atrocious, and utterly intolerable in a civilized community.” Restatement (Second) of Torts § 46 comment d (1965). Massachusetts cases have similarly described the limitations upon what can constitute “extreme and outrageous” conduct. See, e.g., *Agis v. Howard Johnson Co.*, *supra* at 145; *George v. Jordan Marsh Co.*, *supra* at 254; *Boyle v. Wenk*, 378 Mass. 592, 594-595 (1979).

Foley, *supra* at 99.

In the three cases cited by the *Foley* court, the respective courts found that the conduct alleged rose to the level of extreme and outrageous so as to support a claim for intentional infliction of emotional distress. In *Agis*, a manager decided to terminate employees in alphabetical order when money was discovered missing, even though he had not conducted any investigation and had no proof who stole the money. The plaintiff was among the first fired. 371 Mass. at 140, 145-146.

In *Boyle*, the defendant continued to harass the plaintiff even though he knew of her tenuous health situation from the recent birth of her child. 378 Mass. 594-595; see also *George, supra* at 255 (continued calls and requests for payment without any privilege to do so).

Here, the Plaintiff's claims again do not state any facts would allow for an analysis of this claim and its individual elements. Plaintiff has not alleged any facts as to the context for Defendants' statements, whether it was made in a capacity that would or would not permit such a statement, or any other information necessary to plead such a claim that is not a self-serving conclusory statement.

Based on the foregoing, Plaintiff's claim for intentional infliction of emotional distress must be dismissed.

IV. DEFENDANTS RESERVES THE RIGHT TO ARGUE ADDITIONAL DEFENSES.

Because the Complaint is so utterly devoid of any facts so as to place Defendants on the notice to which he is entitled under the Rules of Civil Procedure, Defendants are unable to anticipate or assert other defenses that may be available to them and, thus, expressly reserves their right to assert additional defenses, including but not limited to defenses under the Anti-SLAPP statute, G.L. c. 231, § 59H.

CONCLUSION

WHEREFORE, the defendants, Aidan Kearney, Worcester Digital Marketing, LLC, and Turtleboy Enterprises, LLC, respectfully requests that the Court dismiss Plaintiff's Complaint.

AIDAN KEARNY,
WORCESTER DIGITAL MARKETING, LLC
TURTLEBOY ENTERPRISES, LLC
By their attorney,



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Westfield, MA 01085
(413) 251-1010
(413) 372-1610 fax
Kevin@KCTrialAttorney.com

CERTIFICATE OF SERVICE

I, Kevin Chrisanthopoulos Esq., hereby certify that on this 11 day of January 2019, I served a copy of the above upon the parties in the action, in hand, to the plaintiff:

Rian Waters

Subscribed under the penalties of perjury.



Kevin Chrisanthopoulos, Esq.

EXHIBIT

A

EXHIBIT

B

EXHIBIT

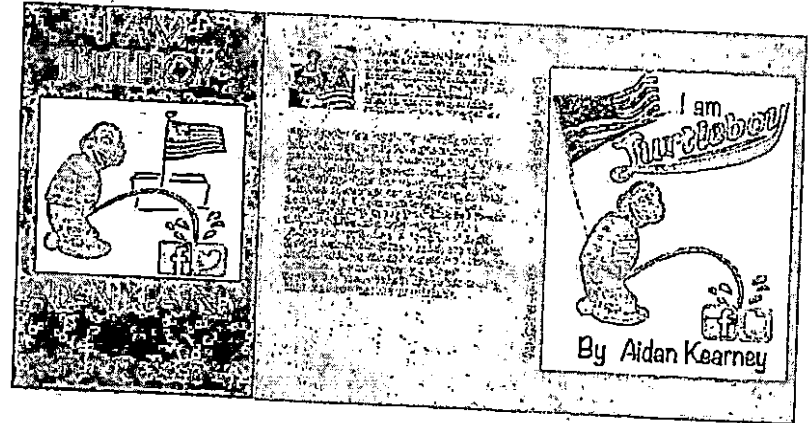
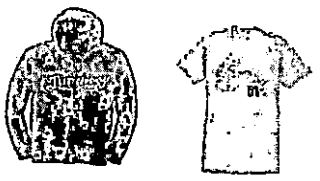
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Palmer Cheeshogs Are Airing Their Domestic Abuse/Dead Dog Dirty Laundry On Facebook And It's Fascinating To Watch


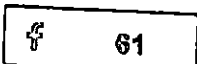
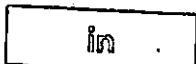

"I AM TURTLEBOY" NOW ON SALE ON AMAZON, BUY YOUR'S TODAY



SHOP THE TURTLEBOY STORE


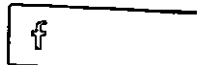


"I Am Turtleboy" now available on Amazon


 61
 
 61 SHARES

21 Votes

LISTEN TO UNCLE TURTLEBOY'S LATE NIGHT GARAGE PODCAST ON ITUNES AND SOUNDCLOUD

A turtle rider sent us this Facebook post from a Palmer relationship gone bad.....



Sam Samson Cardin

19 hrs · 🌐

THIS IS NOT LOVE



Agawam,
Massachusetts:
Unknown, Tiny

Men, You Don't Need
the Blue Pill if You Do
This Before Bed



Jade M Raymond Who did this?

Like · Reply · 🌐 1 · Yesterday at 10:03am




Sam Samson Cardin My now, ex


Like · Reply · 🌐 2 · Yesterday at 10:07am




Jade M Raymond Sam Samson Cardin your baby daddy?



 Like · Reply · Yesterday at 10:07am


 **Jade M Raymond** Lol
Like · Reply · Yesterday at 10:07am

 **Sam Samson Cardin** Yes
Like · Reply · Yesterday at 10:08am

You're Not Supposed
to Know This About
the Real Air Force

Sponsored by Revcontent

She's saying he head butted her:

 **Ryan Clark** Whilst this isn't okay, looks identical to my eye after I got hit in the face with a bar.. damn

Like · Reply · 1 · 21 hrs


^ Hide 12 Replies

 **Sam Samson Cardin** Well that tells you how hard it was! It was a head butt!


Like · Reply · 2 · 20 hrs

**FOLLOW
TURTLEBOY ON
FACEBOOK**

She's also accusing him of killing their dog:

 **Jorgi D'Vera** Wait he killed your dog too?

Like · Reply · 1 · 17 hrs

 **Sam Samson Cardin** I didn't see him break her back. But her back was broken and she was paralyzed within minutes of this black eye.

Like · Reply · 17 hrs

 **Jorgi D'Vera** That's awful, that man should not be around your baby girl.

Like · Reply · 1 · 17 hrs

 **Sam Samson Cardin** I had to put her down because she wouldn't ever heal.

Like · Reply · 17 hrs

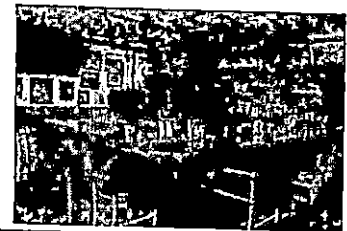
 **Sam Samson Cardin** And he's not

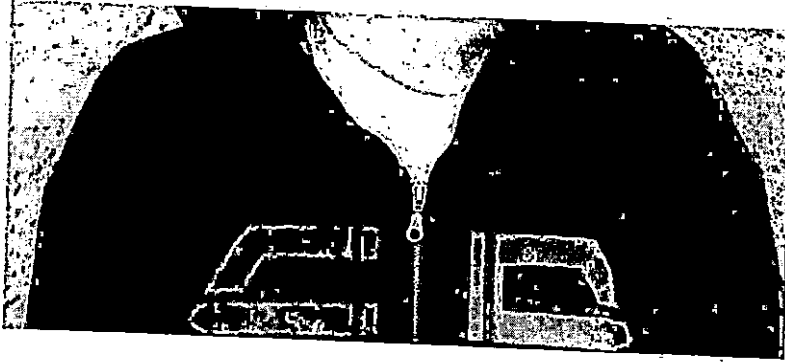
Like · Reply · 17 hrs

Not good if true. But there's two sides to every story.
This is the the accused, Rian Waters from Palmer:



**SMITTY'S
TAVERN, WEST
BOYLSTON ST.
WORCESTER**

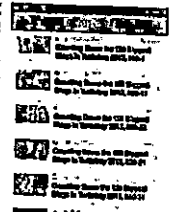




Although based on that Voke-stache, I think we all knew he was from Palmer. That collection of dirt and pubes on his upper lip is strike one. Because when I look at a picture like that, one of the first things that crosses my mind as an unbiased Facebook juror is, "domestic abuse." However, at the same time, you kind of have to question any chick who looks at that face and says,

"I want him to inseminate me."

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THE TURTLEBOY
APP**



TRENDING NOW

**BLACK AND
WHITE GRILLE,
SPENCER MA**



**RECENT
COMMENTS**



Smiley's Tavern

Here's what the now ex-boyfriend had to say about it:



Rian Waters

January 4 at 10:17pm · 🌐

I am free, released me on my recognizance. My lawyer and I have plenty of evidence to prove more than just my innocence. Me and Sam had an accident that neither one of us is proud of, but I by no means broke any law. The facts and her motives are our own business for now. We are both moving on in different directions, and I expect us both to have the best years of our lives in 2017. I am very happy for all the friends that did stand by me, and extremely disappointed in the family that trusted a one sided story.... Everything happens for a reason, and this story has plenty of silver linings. Thank you Lord!

Alright, so right off the bat we're skeptical of this story. If your ex-girlfriend is posting pictures of herself with a black eye and blaming you for it, you probably shouldn't write,

"Sam had an accident that neither one of us is proud of."

Because that sounds shady as hell. How do you have an accident and get a black eye? I've had a lot of accidents before. I get boo-boos and cuts. Can't say I've ever fallen and gotten a black eye.

Plus, if Sam did have an accident, then why would it be something YOU would be not proud of? Lets pretend she slipped and fell and hit her face on something. Why would you ever say that this is something that you're "not proud of?" Because if she had an accident that had nothing to do with you, then why would you feel the need to say you weren't proud of it? Kind of makes you sound guilty bud.

Then there's this:



Rian Waters

January 4 at 11:27pm · 🌐

Bill the Butcher on Lawrence Junior Bacon Hoodbooger Refuses To Cooperate With Cops Who Want To Know Why He Got Stabbed In The Face, Wants To Leave Hospital Without Treatment Because He Has Things To Do At 2 AM

Hugh-Bo Mont on Meet Rochelle Dickson: Beef Blumpkin #1 Who Has Been Robbing Ulta Beauty Store's All Over New England And Is Currently Being Sought By Berlin Police

Charline on Turns Out Ginger Cheesehog Anna Storelli Used To Be Skinny, Got A Boobjob, Has Multiple Restraining Orders And Snapped After 2 Week Virtual Reality Experiment In College

Dick Soranichi on Alleged Domestic Abuser Rian Waters Got Our Facebook Page Suspended For 30 Days Because We Posted A Screenshot Of Something He Said On Our Page

Turdchomper on This Is Awkward, It's Almost As If Rian Waters' Whole Complaint Against His Ex Is Completely Fraudulent And Was Designed To

Intimidate Her Into Giving In To His Demands



Okay so now for the possibly really good news. Ludlow Jail was stupid enough to not initially trust that I had Celiac disease. Their unprepared policy is to wait until they get a fax with a diagnosis from a doctor. Problem with this is if someone gets arrested on a Friday afternoon, and it happens to be a holiday weekend. Then the said person would be stuck eating less than 1000 safe calories in at least 4 days!
I got a lot of work to do, and it's far from a sure thing. But if I get the right lawyer, I may be able to correct some outdated policies.

 Like  Comment  Share

"LOL, dumbass Ludlow cops don't know about Celiac disease."

Just kind of comes across as someone who thinks he's the smartest person in the room.
Here's the thing – he actually doesn't sound dumb. And based on some earlier posts, he seems like someone who has his shit together:



Rian Waters
July 21, 2014 · 69

Application accepted! Emerald Science LLC is moving to S Market st about a mile from the center of Redding.

 Share

 18



Lindsey Woodbury My man lived there. How are you?
July 21, 2014 at 3:13pm



Rian Waters Excellent, very busy all the time though.
July 21, 2014 at 6:30pm



Rian Waters
July 17, 2014 · 69

I think I found my storefront. In Redding 2000sq ft offices, warehouse space, showroom, and on a busy street. Seems like the owner likes me hopefully he accepts my paperwork

 Share

Well, his lawyer must've seen the things he was posting on Facebook and told him to shut the fuck up. So he posted about how he was going to do just that, and then went on to do the exact opposite:



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Coincidences That...**

Jcorala

**Look Closely: 24
Heart Pounding
Photos That Will M...**

Livestly

**Stop Doing This 1
Thing With Your Pa...**

TruthFinder Guardian

If Your Cat Vomits (...)

Ultimate Pet Nutrition



Rian Waters

19 hrs · 6

I talked to my attorney and he advised that I shouldn't share the evidence, but that I should share the facts.

Sam has been diagnosed with bipolar but refuses to take medication. In the mornings after she drinks she often explodes. I mentioned that morning that I was afraid of setting her off, sadly that did. I used the word begging at least 50 times requesting her to calm down and or let me leave. Eventually I grabbed a small portion of my valubles, and went back to trying to push my way out the door. She became violent, so I tossed the valubles away from the door and continued begging and pushing to leave. At some point our heads met, and she let me go. When I came back to collect some stuff, Sam agreed that it was an accident and that she couldn't blame me.

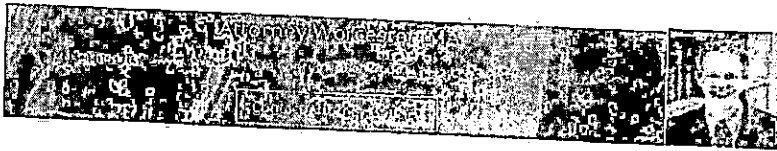
Two days prior in the late afternoon, me and Sam returned to the house, and found a big metal cabinet knocked over on the ground. The only one there at the time was Luna our dog. We didn't think much of it. But that night and twice the next day, Luna started limping and laying down after walking 50 feet. I carried her across the street back to the house three times before our argument.

Sadly I can't share the evidence yet, but it's enough to make me wonder if I even did cause that black eye.

Haters can keep hating, in the long run its going to help me.

Also, I'm not mad. I was blind loyal to her, and she made it super easy to move on.

Wait.....what??? You came home and found the dog crushed underneath a big metal cabinet? And you "didn't think much of it?" Yea, that sounds believable. Because sometimes I come home and find my dog buried in rubble, and I'm like, "whatever."



IF what he's saying is true, and that's a huge IF, then that means this dog was clearly in need of a vet for days, and they did nothing about it. The dog was hurt so badly that he had to carry it back home several times. And no one thought it would be a good idea to, I dunno, see if the dog needed help? Nah, better just tell him put some tussin on it and walk it off instead.

Then there's this gem:



"Sadly I can't share the evidence yet, but it's enough to make me wonder if I even did cause that black eye."

But wait.....that would mean that before he made this post that he was pretty convinced that he DID cause the black eye. Yea, that's a smart thing to post on Facebook when you have a court date in your future. I mean, whoever her lawyer is must be sitting at home thanking this ding-dong for the free layup.

Oh.yea, and the second you say anything similar to, "haters gonna hate," I just kind of assume you're an asshole. Not a good look bros.



Rian Waters I'll give her a little bit of time to tell the truth.
Like · Reply · Yesterday at 1:38pm



Brittany Patrick So wait... you killed her dog? None of this shit is right and it shouldn't have ever gotten to this point.
Like · Reply · Yesterday at 1:40pm



Rian Waters I posted my side, as I said, I'm innocent.
Like · Reply · 19 hrs

You'll give her time to tell the truth? Hey here's an idea – stop talking until you get to court. What the hell is wrong with these people? Get off of Facebook. Don't get me wrong, Turtleboy loves gawking at a good dumpster fire breakup on the Facebook machine just as much as the next guy. Ya see this stuff all the time and you love it cuz it's not you. But if it were your brother or your sister or someone you loved, you'd probably tell them to stay off the Internet for a little bit. Because we're watching your blowout for the same reason we all watched Jerry Springer growing up – we like to watch the world burn. But we'd be humiliated if we were in this position.

Look, you have to be careful with these domestic abuse stories. Your initial instinct is often to believe the battered woman. I know it was Turtleboy's. But at the same time, we don't know these people. And some



chicks are capable of anything. All I know is, nothing about his story makes much sense, and if you're keeping score at home, she's winning in the court of public opinion. The only thing he's got going for him is the fact that it's gonna be pretty hard to prove in court that he headbutted her. If I can easily picture these two cheeshogs going at it, and her getting up in his grill and smacking him a couple times, and their heads banging into each other, than so can any real life juror.



The bottom line is that the real losers here are the dog and the child. I'm sure both he and her are far from innocent. A couple unwed Palmerites in their pajamas re-enacting their favorite episode of

16 and Pregnant.

But the poor dog is dead and the poor girl has to grow up watching this bullshit in her formative years (she appears to be 2 or 3). It's terrible what happened to the dog, but hopefully the

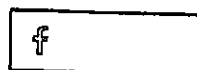


little girl can grow up without this sort of trashbag behavior becoming normalized.

We urge you to support the Turtleboy Sponsors by doing business with them. Without them none of this is possible. Click on any of them to check out their sites or Facebook pages.



DICK PIC ATTACK



EXHIBIT

D

eatedly asked if I wrote the blogs he had printed out, and what
pose of the blogs was. This man is a lawyer and doesn't
tand how the First Amendment works. As if anyone needs a
to write a blog about another person, never mind a public
ike him. Once again, this was Gaffney trying to use his
n as an attorney to silence the press because it was critical of
was straight out of the John Adams playbook, and just like the
n Act was rejected, so too was Mike Gaffney.

st part about the deposition was when he asked me why a blog
ed by Shell Shocker said, "HAHAHAHHAHAHAH *what a*
told him it probably said that because the blogger was using
irst Amendment rights to express their opinion that Michael
oser. He asked why the blog was published, and I told him that
oy publishes blogs for a living and didn't need a reason why.
ntinued to press so I asked him if he did in fact lose, to which
led affirmatively.

like, that's what losers do. They lose."

hat point Margaret made a series of objections because
y was hassling me with irrelevant non-questions. Gaffney
d to her objections so we walked to the courthouse to get a
n it. When Judge Lemire didn't rule on the objection the
ion was postponed and continued weeks later with more of
ie nonsense. The second time around it appeared as if he had
ome Prozac, because he was much calmer. We spent 4-5 hours
rough conversations he had with Clarence, asking me if I was
e and getting the same answer every time.

le weeks after the deposition Judge Lemire finally dismissed
: outright. In his ruling he cited free speech rights and the fact
discovered Gaffney had written blogs in the past, something
' never mentioned in his complaint. Turns out Gaffney was
yl Most importantly Gaffney never responded to our

discovery asking for proof that he was damaged economically as a
result of Turtleboy blogs, because he wasn't.

I knew this wouldn't be the last time hearing from him though.
Michael Gaffney has no life, and I had no doubt he was plotting
revenge. The way he would likely do that is by helping people file
lawsuits against me who have appeared in previous blogs. One of
these people is Rian Waters. In January 2017 Rian appeared in a blog
written by one of the girls, after his baby's mother alleged domestic
abuse by posting a picture of herself with a black eye on Facebook.
She also alleged that Rian Waters had killed their dog. The blogger
never said that he did it, and simply satirized the story as an example
of trashy people airing their trash publicly.

There was much more to it though, which I didn't find out until after
he sued me. According to the woman he assaulted, Rian Waters sold
drugs in California and hardly ever saw his daughter or baby momma
in Palmer. However, on a visit to see them he allegedly shipped
himself drugs via the USPS, which he intended to sell here. One day
he got into an argument with his baby's mother and allegedly
assaulted her, causing the black eye. He then went into the house and
killed the dog in front of his special needs daughter by stomping it in
the back.

Everything she had posted on Facebook was true, and she had finally
gotten the courage to speak out against her abuser. I know this as a
fact because Rian had a trial and it all came out. In court a
veterinarian testified that the autopsy on the dog indicated that he
killed the poor thing. He avoided a guilty verdict because he
intimidated his baby's mother from testifying against him. By making
it clear to her that his lawyer would bring up the fact that he had
drugs in her house, with her child present, he convinced her that she
would lose custody of her daughter if she testified. Scared and with
limited resources she decided not to testify against him. As a result
the case was dismissed, but it was not a not guilty verdict.

he case was dismissed Rian Waters felt exonerated and began
ing me, demanding that the blog be taken down since in his
mind the court found him not guilty. The man is a true
path. He is manipulative, cunning, and well written, and isn't
o use the court system. He began to attempt to extort me,
g deals in which I paid him money, took down the blog, and
t blog informing people that he was innocent. I ignored his
for a long time until he finally filed a complaint in Hampden
t Court. His lawsuit was as frivolous as Gaffney's, charging me
vel for writing a blog that I didn't actually write. The libel he
damaged him included making fun of his "pubestache"
st other things.

emails kept coming I finally went to the Holden Police and
report. I never responded to his complaint, which was a
; because I was intimidated by him (he murders dogs and
omen after all) and hoped he would go away (since he had no
. Months went by and I never heard from him or the court.
September 2018 I had a judgment against me for not
ling, so I finally had to hire a lawyer out of Westfield. He's a
ood guy and we are still fighting to get the judgment
ed.

aters responded by opposing this motion, but this time his
; cited several previous court cases and sounded strikingly like
Gaffney's filings. Indeed, included in the motion was an
: from Gaffney himself, alleging that his lawsuit against me is
ig (it's not) and that I'm still under investigation by the
er Police for harassment, extortion, and witness tampering
) . These two psychopaths are now working together to
urtleboy.

never give into people like this. To do so would be to
te in the kind of self-censorship that I left teaching over.
e censor ourselves we are no longer free. When we cannot
pinions about political figures like Michael Gaffney we are

not living in a democracy. When we aren't allowed to publicly
criticize animals who beat women and kill dogs in front of children,
then we are allowing these kind of atrocities to be hidden from the
public. People like this want to cause destruction and not get called
out on it. Turtleboy doesn't afford them that privilege, so they try to
bully us into silence via the courts.

I have bad news for Michael Gaffney, Rian Waters, the Dartmouth
Yogapoon, Gordon Davis, Talib Kweli, and anyone else who tries to
sue us in the future -- Turtleboy does not give into bullies. Turtleboy
is an American patriot exercising the rights that so many people have
sacrificed their lives for. I refuse to dishonor the beautiful democracy
they created by censoring any of my bloggers who are not
committing libel. You may inconvenience us with your frivolous
litigation, and attempt to silence us by racking up legal fees. But at the
end of the day Turtleboy will win and you will lose.