

THE STATE OF NEW HAMPSHIRE

HILLSBOROUGH, SS.

NORTHERN DISTRICT

SUPERIOR COURT

Theodore Gatsas

v.

William Cashin

and

Jon Hopwood

JURY TRIAL REQUESTED

COMPLAINT

I. INTRODUCTION

1. Theodore "Ted" Gatsas is a lifelong resident of Manchester, New Hampshire who has served his community in the capacity of Mayor, State Senator and President of the New Hampshire Senate, and Alderman. He first held public office in the 1999. As such, he is accustomed to public criticism and the rough and tumble of politics. However, there are limits to the malicious and false lies intended to impugn a person's character that can be launched. The defendants far overstepped those bounds.

2. Defendants are critics of the plaintiff. Nothing in this complaint seeks to, or could have the effect of, limiting the ability of defendants to offer criticism of the plaintiff. However, the defendants together drafted and published a letter containing

defamatory statements accusing the plaintiff of violations of the City Charter, acts which are crimes under New Hampshire law.

3. Mr. Gatsas is perfectly aware that criticism of public officials like him may well include vehement, caustic, and sometimes unpleasantly sharp attacks on government and public officials, and that the occasionally erroneous statement is inevitable. While the plaintiff is unfazed by, and indeed welcomes, the ordinary and sometimes heated public criticism that comes with public responsibility, the defendants' conduct exceeds the bounds of public decency. In nearly every jurisdiction in the United States, including New Hampshire, knowingly made false allegations of criminal activity constitute defamation *per se*.

4. By accusing Mr. Gatsas of violating the City Charter and, by the defendants' own terms, the New Hampshire criminal code, the defendants have simply gone too far.

5. As a result of the defendants' conduct, Mr. Gatsas now seeks relief as follows:

II. PARTIES

6. Mr. Gatsas is a New Hampshire individual with an address of 20 Market Street, Manchester, New Hampshire, 03101.

7. The defendant William Cashin is an individual with an address of 154 Winter Street, Manchester, New Hampshire, 03102.

8. The defendant Jon Hopwood is an individual with an address of 445 Mast Road, Manchester, New Hampshire, 03102.

III. JURISDICTION AND VENUE

9. This Court has jurisdiction pursuant to RSA 491:7.

10. Venue is proper Hillsborough County pursuant to RSA 507:9.

IV. FACTS

11. On June 27, 2017, Defendant Cashin published a letter (the "Cashin letter") addressed to "The Hon. Mayor Theodore Gatsas, Chair, Board of Mayor and Aldermen, 1 City Hall Plaza, Manchester, NH 03102."¹

12. In subsequent published report, Cashin acknowledged that the letter was actually written for his signature by defendant Hopwood. Thus, both men participated in, and are responsible for, the contents of the letter.

13. The Cashin letter, taken as a whole, is defamatory.

14. Further, the Cashin letter contains numerous specific allegations that, in the context of the letter, are individually defamatory.

15. The defamatory statements include, but are not limited to, the following:

(a) "Mayor Theodore Gatsas ... engineered a cover-up of the rape...."

¹ The letter was addressed in error. Mayor Gatsas is not the Chair of the Board of Mayor and Alderman. The Chair of the Board of Mayor and Aldermen is Pat Long.

(b) "[A] government official engineering a cover-up to benefit themselves personally, which likely included ordering or attempting to influence city departments to quash reports of a crime that, had it been publicly reported, would have adversely effected the electoral chances of the government official, is a violation of the City Charter."

(c) "This cover-up would include the failure of Mayor Gatsas to properly inform the Board of Mayor and Alderman (BOMA) and the Board of the School Committee (BSC) about the crime and its true nature."

(d) "The failure of Mayor Gatsas to inform BOMA and the BSC about the West High rape represents a separate charter violation in that it was an attempt to influence the Boards and their members via negative action, i.e., a transgression of omission."

(e) "I believe a violation of Manchester City Charter Article IX: Standards of Conduct, Section 9:03(g) *Non-interference* has occurred. Manchester City Charter IX: 9:03(g) states:

The board of mayor and aldermen, the various boards and commissions and the board of school committee shall act in all matters as a body, and shall not seek individually to influence the official acts of any city official, or to direct or request, except in writing, the appointment or removal of any person to or from office; or to interfere in any way with the performance by such officers of their duties.

(f) "The failure of Mayor Gatsas to inform BOMA and the BSC about the West High rape represents a separate charter violation in that it was an attempt to influence the Boards and their members via negative action, i.e., a transgression of omission."

- (g) "In his official capacity as mayor and chairs of BOMA and the BSC, Gatsas apparently attempted to interfere with the operation of the Manchester Police Department and the Manchester School District, and with BOMA and the BSC."
- (h) "In the case of the Boards, Mayor Gatsas interfered with the Boards both as legal entities and with the individual members of the Boards."
- (i) "Mayor Gatsas' failure to properly inform BOMA and the BOSC prevented the Boards and individual board members from fulfilling their legally constituted roles as government entities and, in the case of the board members, as government officials representing the citizens of Manchester."
- (j) "Furthermore, false statements made in June 2017 by Mayor Gatsas concerning what happened on September 30, 2015, such as his statement that he was never told that it was a rape, also would constitute a Charter Violation."
- (k) "In my opinion, false statements by Mayor Gatsas, who was and is a candidate for reelection, represent an attempt by a government official to interfere with the performance of both Boards and the individual members of the Boards. This would constitute a separate, and ongoing, violation of the City Charter."
- (l) "Mayor Gatsas' conduct in 2015 and 2017 also represents a fourth charter violation, in that the attempts to influence government entities and the legal representatives of the voters of Manchester was done with the purpose of personal enrichment, namely, the reelection of Theodore Gatsas."

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- (m) "It is apparent that the reason Mayor Gatsas covered up the West Side rape was to get reelected in 2015, just as it is apparent his false statements of June 2017 were made with the intent to get reelected again."
- (n) "When Mayor Theodore Gatsas, as a candidate for reelection, engaged in a cover-up in 2015, it was with the intent of gaining a future financial interest distinct from the personal interest he then personally enjoyed."
- (o) "Similarly, when Mayor Gatsas, a candidate for reelection, makes false statements in June 2017 to continue the cover-up, he is seeking a distinct, future financial interest. Both actions represent violations of the City Charter."
- (p) "As a citizen of the City of Manchester, New Hampshire, I request that a Conduct Board as described under Manchester City Charter Article IX: Standards of Conduct, Section 9:04 be established to conduct an investigation into my allegations and to ensure swift and corrective action if deemed appropriate upon Theodore Gatsas."
- (q) "If Mayor Gatsas is found guilty, the case should be referred to the Public Integrity Unit of the Office of the New Hampshire Attorney General for criminal investigation, as violations of the City Charter, under RSA 49-C:31, are punishable as misdemeanors."

16. In addition to the facts set forth above, the plaintiff, upon information and belief, contends that the civil discovery process set forth in the superior court rules will result in the uncovering of additional evidence of further defamatory statements and

additional evidence that the defendants published these statements with knowledge that they were false or with reckless disregard of whether they were false or not.

COUNT I
DEFAMATION

17. Mr. Gatsas repeats and restates the preceding allegations as if fully set forth herein.

18. By the conduct alleged herein, the defendants published false statements about Mr. Gatsas that are both defamatory *per se* and defamatory in the context in which they were published.

19. The defendants published these statements with actual malice, that is, with knowledge that these statements were false, or with reckless disregard of whether they were false or not.

20. The defendants published these statements without privilege of any kind.

21. By the conduct alleged herein, Mr. Gatsas has suffered damages in an amount within the jurisdictional limits of this Court.

22. Furthermore, based on the wanton and malicious nature of the false statements made by the defendants, Mr. Gatsas is entitled to enhanced compensatory damages.

WHEREFORE, Mr. Gatsas respectfully requests that this Court:

A. Enter judgment against the defendants;

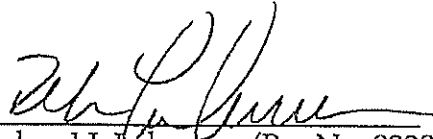
B. Award all damages to which Mr. Gatsas is entitled, including enhanced compensatory damages;

C. Award reasonable attorney's fees; and

D. Enter such further relief as this Court deems just and proper.

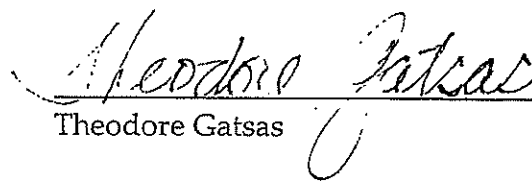
Respectfully Submitted
THEODORE GATSAS
By his attorneys,
Lehmann Law Office, PLLC

July ¹² 11, 2017


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I, Theodore Gatsas, hereby certify that the foregoing facts set forth in support of this complaint are true.

July 11, 2017


Theodore Gatsas

JUDICIAL BRANCH
SUPERIOR COURT

Millsborough Superior Court Northern District
100 Chestnut Street
Manchester NH 03101

Telephone: 1-855-212-1234
TTY/TDD Relay: (800) 735-2964
<http://www.courts.state.nh.us>

SUMMONS IN A CIVIL ACTION

Case Name: **Theodore Gatsas v William Cashin, et al**
Case Number: **216-2017-CV-00492**

Date Complaint Filed: July 12, 2017

Complaint has been filed against William Cashin; Jon Hopwood in this Court. A copy of the complaint is attached.

The Court ORDERS that ON OR BEFORE:

August 28, 2017

Theodore Gatsas shall have this Summons and the attached Complaint served upon William Cashin; Jon Hopwood by in hand or by leaving a copy at his/her abode, or by such other service as is allowed by law.

September 18, 2017

Theodore Gatsas shall file the return(s) of service with this Court. Failure to do so may result in this action being dismissed without further notice.

10 days after Defendant served

William Cashin; Jon Hopwood must file an Appearance and Answer or other responsive pleading form with this Court. A copy of the Appearance and Answer or other responsive pleading must be sent to the party listed below and any other party who has filed an Appearance in this matter.

Notice to William Cashin; Jon Hopwood: If you do not comply with these requirements you will be considered in default and the Court may issue orders that affect you without your input.

Send copies to:

Richard J. Lehmann, ESQ

Lehmann Law Office PLLC
835 Hanover St Ste 301
Manchester NH 03104

BY ORDER OF THE COURT

W. Michael Scanlon
W. Michael Scanlon
Clerk of Court

July 14, 2017

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