

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO.

JOHN DOE,)
Plaintiff)
)
v.)
)
FOX BROADCASTING COMPANY,)
LANGLEY PRODUCTIONS, INC.,)
CITY OF WORCESTER,)
SERGEANT THOMAS NEEDHAM,)
CAMERAMAN DOE 1, CAMERAMAN)
DOE 2, OFFICER DOE 1, OFFICER)
DOE 2, OFFICER DOE 3,)
Defendants)

NOTICE OF REMOVAL OF CIVIL ACTION FROM STATE
COURT TO THE UNITED STATES DISTRICT COURT

Defendants Fox Broadcasting Company, Langley Productions, Inc., City of Worcester, and Sergeant Thomas Needham, through their undersigned attorneys, hereby file this Notice of Removal, pursuant to 28 U.S.C. §§ 1441(a) and (b) and 1446, to remove the above-captioned case now pending in the Superior Court, Department of the Trial Court, Commonwealth of Massachusetts, in and for the County of Worcester. As grounds for the removal, these Defendants state the following:

1. This action was commenced in the Superior Court of Worcester County, Massachusetts, as Civil Action No. 09-01633E. Process was served upon Defendants Fox Broadcasting Company, Sergeant Thomas Needham and City of Worcester on or about October 14, 2009, and upon Langley Productions, Inc. on October 16, 2009. A First Amended Complaint was filed on October 20, 2009, which has not yet been served.

2. This action is a civil action brought by Plaintiff, in which he seeks, among other things, to recover damages he allegedly suffered when the Defendants allegedly violated his civil rights under 42 U.S.C. § 1983. (See Plaintiff's Complaint, attached hereto as Exhibit A, and Plaintiff's First Amended Complaint, attached hereto as Exhibit B.)

3. The action is one of which this Court has original jurisdiction under the provisions of 28 U.S.C. § 1331 and 42 U.S.C. § 1983 and is one which may be removed to the District Court by Defendants pursuant to the provisions of 28 U.S.C. § 1441(a) and (b) in that it is a civil action containing claims or rights arising under the laws of the United States.

4. The notice is filed within thirty days after the first Defendants were served with copies of the summons and complaint.

5. Copies of all process, pleadings, and orders either served upon Defendants or filed in the State Court action are attached and filed herein. (See Exhibits A and B.)

WHEREFORE, Defendants Fox Broadcasting Company, Langley Productions, Inc., City of Worcester and Sergeant Thomas Needham give notice that this action is removed from the Worcester Superior Court to this Court.

DEFENDANTS CITY OF WORCESTER
and SERGEANT THOMAS NEEDHAM,

By their attorneys,

David M. Moore
City Solicitor

/s/ Janet J. McGuiggan

Janet J. McGuiggan (BBO #630013)

Assistant City Solicitor

City Hall, Room 301

455 Main Street

Worcester, MA 01608

Telephone: (508) 799-1161

mcguigganj@ci.worcester.ma.us

DEFENDANTS FOX BROADCASTING
COMPANY and LANGLEY
PRODUCTIONS, INC.,

By their attorneys,

/s/ Leonard H. Freiman

Leonard H. Freiman, Esq. (BBO #560233)

Rachel E. Brodin, Esq. (BBO #666237)

Goulston & Storrs

400 Atlantic Avenue

Boston, MA 02110-3333

Telephone: (617) 482-1776

lfreiman@goulstonstorrs.com

rbrodin@goulstonstorrs.com

CERTIFICATE OF SERVICE

I, Janet J. McGuiggan, hereby certify that on this 3d day of November, 2009, I served the within Notice of Removal of Civil Action From State Court to the United States District Court upon Plaintiff by providing a copy of the same to Plaintiff's counsel of record, Hector E. Pineiro, via the United States District Court's electronic notification system, and upon Fox Broadcasting Company and Langley Productions, Inc. by providing a copy of the same to Leonard H. Freiman, Esq. via email notification.

/s/ Janet J. McGuiggan _____

Janet J. McGuiggan
Assistant City Solicitor

COMMONWEALTH OF MASSACHUSETTS

Worcester, ss.

True Copy

Attest:

*Edward H. Maguire
Constable Worcester*

John Doe

Superior Court
Department of the Trial Court
of the Commonwealth
Civil Action

No. *09-1633 E*

Plaintiff (s)

v.

Defendant (s)

City of Worcester et al.

SUMMONS

2009 OCT 14 P 12:56

RECEIVED
WORCESTER CITY CLERK

* To the above-named Defendant:

You are hereby summoned and required to serve upon *Hector E. Pineiro* plaintiff's attorney, whose address is *807 Main St. Worcester MA 01610* an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgement by default will be taken against you for the relief demanded in the complaint. You are also required to file your answer to the complaint in the SUPERIOR COURT Department of the Trial Court at WORCESTER either before service upon plaintiff's attorney or within a reasonable time thereafter.

Unless otherwise provided by Rule 13 (a), your answer must state as a counter-claim any claim which you may have against the plaintiff which arises out of the transaction of occurrence that is the subject matter of the plaintiff's claim or you will thereafter be barred from making such claim in any other action.

Witness, *Barbara J. Rouse*, Esquire, at Worcester, the *17th* day of *July* in the year of our Lord two thousand and *2009*.

[Signature]
Clerk

NOTES:

- 1. This summons is issued pursuant to Rule 4 of the Massachusetts Rules of Civil Procedure.
- 2. When more than one defendant is involved, the names of all defendants should appear in the caption. If a separate summons is used for each defendant, each should be addressed to that particular defendant.

PLEASE CIRCLE TYPE OF ACTION INVOLVED: TORT — MOTOR VEHICLE TORT — CONTRACT EQUITABLE RELIEF — CH. 93A — MEDICAL MALPRACTICE — OTHER.

* NOTICE TO DEFENDANT: You need not appear personally in court to answer the complaint, but if you claim to have a defense, either you or your attorney must serve a copy of your written answer within 20 days as specified herein AND also file the original in the Clerk's Office, Superior Court, Room 1008.



PLAINTIFF(S)

John Roe

DEFENDANT(S)

Fox Broadcasting Co. et al.

ATTORNEY, FIRM NAME, ADDRESS AND TELEPHONE

Robert H. Scott 807 Main St. Worcester MA
Board of Bar Overseers number:

ATTORNEY (if known)

Origin code and track designation

Place an x in one box only:

- 1. F01 Original Complaint
- 2. F02 Removal to Sup.Ct. C.231,s.104 (Before trial) (F)
- 3. F03 Retransfer to Sup.Ct. C.231,s.102C (X)

- 4. F04 District Court Appeal c.231, s. 97 &104 (After trial) (X)
- 5. F05 Reactivated after rescript; relief from judgment/Order (Mass.R.Civ.P. 60) (X)
- 6. E10 Summary Process Appeal (X)

TYPE OF ACTION AND TRACK DESIGNATION (See reverse side)

CODE NO.	TYPE OF ACTION (specify)	TRACK	IS THIS A JURY CASE?
E99	Other - Civil Rights (X)		(X) Yes () No

The following is a full, itemized and detailed statement of the facts on which plaintiff relies to determine money damages. For this form, disregard double or treble damage claims; indicate single damages only.

TORT CLAIMS

(Attach additional sheets as necessary)

A. Documented medical expenses to date:

- 1. Total hospital expenses \$
 - 2. Total Doctor expenses \$
 - 3. Total chiropractic expenses \$
 - 4. Total physical therapy expenses \$
 - 5. Total other expenses (describe) \$
- Subtotal \$

B. Documented lost wages and compensation to date

C. Documented property damages to date

D. Reasonably anticipated future medical and hospital expenses

E. Reasonably anticipated lost wages

F. Other documented items of damages (describe)

G. Brief description of plaintiff's injury, including nature and extent of injury (describe)

Home invasion; filmed while naked
emotional harm

TOTAL \$ 12,000,000.00

CONTRACT CLAIMS

(Attach additional sheets as necessary)

Provide a detailed description of claim(s):

TOTAL \$ 10,000,000.00

PLEASE IDENTIFY, BY CASE NUMBER, NAME AND COUNTY, ANY RELATED ACTION PENDING IN THE SUPERIOR COURT DEPARTMENT

"I hereby certify that I have complied with the requirements of Rule 5 of the Supreme Judicial Court Uniform Rules on Dispute Resolution (SJC Rule 1:18) requiring that I provide my clients with information about court-connected dispute resolution services and discuss with them the advantages and disadvantages of the various methods."

Signature of Attorney of Record

[Handwritten Signature]

DATE:

7/17/09

COMMONWEALTH OF MASSACHUSETTS

WORCESTER, ss

WORCESTER SUPERIOR COURT
CIVIL ACTION NO. 09-1633 E

JOHN DOE,)
Plaintiff)
)
v.)
)
FOX BROADCASTING COMPANY,)
LANGLEY PRODUCTIONS, INC.)
CITY OF WORCESTER,)
SERGEANT THOMAS NEEDHAM,)
CAMERAMAN DOE 1, CAMERAMAN)
DOE 2, OFFICER DOE 1, OFFICER)
DOE 2, OFFICER DOE 3,)
Defendants)

RECEIVED

JUL 17 2009

CLERK OF COURTS
WORCESTER COUNTY

COMPLAINT AND REQUEST FOR JURY TRIAL

INTRODUCTION

1. This is an action for money damages and other relief arising from the unjustified warrantless invasion of plaintiff's home on the night of July 19, 2006, by officers of the Worcester Police Department and cameramen of the television show "Cops," during which the officers awakened the plaintiff and menaced him with guns as he lay naked and uncovered on his bed, and the cameramen trained bright lights and video cameras on the scene and, on information and belief, recorded it.

PARTIES

2. John Doe, the plaintiff, is a resident of the City of Worcester, Worcester County, Massachusetts, and at all times pertinent hereto he resided in an apartment at 92 Houghton Street, Worcester.
3. Defendant Fox Broadcasting Company ("Fox") is a Delaware Corporation having its usual places of business at Fox Broadcasting Company, Tax Department, Beverly Hills, California, and an agent for service in California of Gary D. Roberts, Esq., 10201 West Pico Boulevard, Los Angeles California, and an agent for service in Delaware of the United States Corporation Company, 2711 Centerville Road, Suite 400, Wilmington, Delaware.
4. Defendant Langley Productions, Inc., ("Langley") is a California corporation having its usual place of business at 1111 Broadway, Santa Monica, California, and an agent for service of Michael D. Schwartz, 23031 Ventura Boulevard, Suite 1110, Woodland Hills, California.

Scanned

John Doe
v. Fox Worcester
Sgt Needham
7-17-09

5. The defendant City of Worcester is a Massachusetts municipal corporation having its usual place of business at City Hall 455 Main Street, Worcester, Massachusetts.
6. Defendant Thomas Needham (“Sgt. Needham”) was at all times pertinent hereto a sergeant of the Police Department of the City of Worcester and is sued in tort and civil rights in his individual and official capacities.
7. Defendants Cameraman Doe 1 and Cameraman Doe 2 (collectively “the cameramen”) were at all times pertinent hereto agents, servants and employees of Fox and/or Langley and are sued in their individual and official capacities both as agents of Fox and/or Langley and as state actors.
8. Defendants Officer Doe 1, Officer Doe 2 and Officer Doe 3 (collectively “the other officers”) were at all times pertinent hereto officers of the Worcester Police Department and are sued in their individual and official capacities.

FACTS

9. On July 19, 2006, plaintiff was the lawful occupant and sole tenant of an apartment at his aforesaid address.
10. At approximately 10 p.m. as plaintiff retired for the night, he turned on an air conditioner in his bedroom and, the temperature being uncomfortably hot, he disrobed and fell asleep lying completely naked on his back.
11. At approximately 10:30 p.m., Sgt. Needham, without warrant and for no lawful reason or purpose, entered plaintiff’s apartment through an open window.
12. Sgt. Needham moved from his point of entry to the front door of plaintiff’s apartment, as he did so passing the plaintiff’s open bedroom door at which time on information and belief he observed the plaintiff sleeping as aforesaid.
13. Sgt. Needham, without without warrant and for no lawful reason or purpose, opened the front door and admitted the cameramen and the other officers to plaintiff’s apartment.
14. The cameramen and the other officers entered plaintiff’s apartment at the time and place aforesaid without warrant and for no lawful reason or purpose.
15. Needham, the other officers, and the cameramen then entered the bedroom where plaintiff was sleeping.
16. At the aforesaid time and place Needham and the other officers drew their handguns, pointed them at the plaintiff and in loud voices ordered the sleeping plaintiff to “freeze.”
17. At the aforesaid time and place, as the officers leveled their weapons at the plaintiff, the

cameramen each activated bright lights and pointed video cameras at the plaintiff.

18. The plaintiff awakened in terror, partially blinded by the lights but able to see the muzzles of four guns pointing at him.
19. Plaintiff instinctively began to move his hands towards lower torso to cover his torso but stopped as police officers threatened to shoot him and ordered him to freeze.
20. As police officers demanded the plaintiff identify himself and otherwise interrogated him the plaintiff's eyes began to adjust to the lights and he realized that video cameras as well as guns were pointed at him and by all appearances were recording the image of him lying naked and terrified in his bed.
21. After a period of interrogation Sgt Needham, the other officers and the cameramen then left plaintiff's bedroom and exited his apartment.
22. Since this incident plaintiff has, by his counsel, attempted to learn from Fox and/or its agents the location or status of any video made of the plaintiff, but these efforts have brought no response.

COUNT I

All individual defendants – 42 U.S. ss. 1983

23. All individual defendants in this action acted under color of law and/or under the circumstances their conduct amounted to state action.
24. The defendants, by their conduct, violated the plaintiff's right to privacy and the right to be free of unreasonable search and seizure under the Fourth Amendment to the U. S. Constitution.

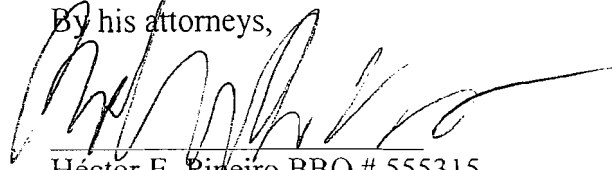
COUNT II

All defendants – intentional infliction of emotional distress

25. All defendants, by reason of their own conduct, conduct they enabled and sought, and/or conduct of themselves or their agents, servants or employees, intentionally caused the plaintiff great emotional distress.

WHEREFORE, plaintiff demands compensatory relief and all other remedies that the Court may deem just.

Respectfully submitted,
Plaintiff
By his attorneys,

A handwritten signature in black ink, appearing to be "Héctor E. Píreiro", written over a horizontal line.

Héctor E. Píreiro BBO # 555315
Robert A. Scott BBO # 648740
807 Main Street
Worcester, MA 01610
Tel. (508) 770-0600

DATED: July 17, 2009

COMMONWEALTH OF MASSACHUSETTS


WORCESTER, ss

WORCESTER SUPERIOR COURT
CIVIL ACTION NO.:

09-1633 E


 JOHN DOE,)
 Plaintiff)
))
 v.))
))
 FOX BROADCASTING COMPANY,)
 LANGLEY PRODUCTIONS, INC.)
 CITY OF WORCESTER,)
 SERGEANT THOMAS NEEDHAM,)
 CAMERAMAN DOE 1, CAMERAMAN)
 DOE 2, OFFICER DOE 1, OFFICER)
 DOE 2, OFFICER DOE 3,)
 _____)
 Defendants)

FILED
JUL 17 2009

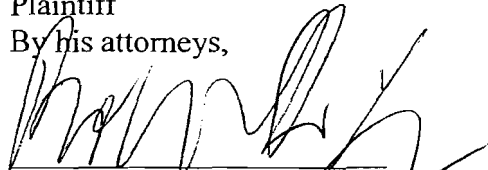
ATTEST:  CLERK

**MOTION FOR APPOINTMENT OF SPECIAL SERVICE PROCESS SERVER
AND PROPOSED ORDER OF APPOINTMENT**

In accordance with the provisions of Rule 4C of the M.R.Civ. P. the undersigned hereby moves this Honorable Court for the appointment of Constable from the Office of George & Associates as process server in the above entitled action in order to assure a substantial savings in time. The undersigned affirms under the pains and penalties of perjury that to the best of his knowledge and belief the person to be appointed process server is a Constable who is experienced in the service of process, and is not a party to this action.

5/17/09
Attest:

Constable
Final Constable

Respectfully submitted,
Plaintiff
By his attorneys,



Hector E. Pineiro, Esquire, BBO # 555315
Robert A. Scott, Esquire, BBO # 648740
807 Main Street
Worcester, MA 01610
Tel. (508) 770-0600

DATED: April 6, 2006

10/20

COMMONWEALTH OF MASSACHUSETTS

WORCESTER, ss

WORCESTER SUPERIOR COURT
CIVIL ACTION NO. 09-01633 E

 JOHN DOE,)
 Plaintiff)
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 v.))
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 FOX BROADCASTING COMPANY,)
 LANGLEY PRODUCTIONS, INC.)
 CITY OF WORCESTER,)
 SERGEANT THOMAS NEEDHAM,)
 CAMERAMAN DOE 1, CAMERAMAN)
 DOE 2, OFFICER DOE 1, OFFICER)
 DOE 2, OFFICER DOE 3,)
 _____)
 Defendants)

FILED
 OCT 20 2009
 ATTEST: *Del. H. [Signature]* CLERK

5

FIRST AMENDED COMPLAINT AND REQUEST FOR JURY TRIAL

INTRODUCTION

1. This is an action for money damages and other relief arising from the unjustified warrantless invasion of plaintiff's home on the night of July 19, 2006, by officers of the Worcester Police Department and cameramen of the television show "Cops," during which the officers awakened the plaintiff and menaced him with guns as he lay naked and uncovered on his bed, and the cameramen trained bright lights and video cameras on the scene and, on information and belief, recorded it.

PARTIES

2. John Doe, the plaintiff, is a resident of the City of Worcester, Worcester County, Massachusetts, and at all times pertinent hereto he resided in an apartment at 92 Houghton Street, Worcester.
3. Defendant Fox Broadcasting Company ("Fox") is a Delaware Corporation having its usual places of business at Fox Broadcasting Company, Tax Department, Beverly Hills, California, and an agent for service in California of Gary D. Roberts, Esq., 10201 West Pico Boulevard, Los Angeles California, and an agent for service in Delaware of the United States Corporation Company, 2711 Centerville Road, Suite 400, Wilmington, Delaware.

4. Defendant Langley Productions, Inc., (“Langley”) is a California corporation having its usual place of business at 1111 Broadway, Santa Monica, California, and an agent for service of Michael D. Schwartz, 21031 Ventura Boulevard, Suite 1110, Woodland Hills, California.
5. The defendant City of Worcester is a Massachusetts municipal corporation having its usual place of business at City Hall 455 Main Street, Worcester, Massachusetts.
6. Defendant Thomas Needham (“Sgt. Needham”) was at all times pertinent hereto a sergeant of the Police Department of the City of Worcester and is sued in tort and civil rights in his individual and official capacities.
7. Defendants Cameraman Doe 1 and Cameraman Doe 2 (collectively “the cameramen”) were at all times pertinent hereto agents, servants and employees of Fox and/or Langley and are sued in their individual and official capacities both as agents of Fox and/or Langley and as state actors.
8. Defendants Officer Doe 1, Officer Doe 2 and Officer Doe 3 (collectively “the other officers”) were at all times pertinent hereto officers of the Worcester Police Department and are sued in their individual and official capacities.

FACTS

9. On July 19, 2006, plaintiff was the lawful occupant and sole tenant of an apartment at his aforesaid address.
10. At approximately 10 p.m. as plaintiff retired for the night, he turned on an air conditioner in his bedroom and, the temperature being uncomfortably hot, he disrobed and fell asleep lying completely naked on his back.
11. At approximately 10:30 p.m., Sgt. Needham, without warrant and for no lawful reason or purpose, entered plaintiff’s apartment through an open window.
12. Sgt. Needham moved from his point of entry to the front door of plaintiff’s apartment, as he did so passing the plaintiff’s open bedroom door at which time on information and belief he observed the plaintiff sleeping as aforesaid.
13. Sgt. Needham, without warrant and for no lawful reason or purpose, opened the front door and admitted the cameramen and the other officers to plaintiff’s apartment.
14. The cameramen and the other officers entered plaintiff’s apartment at the time and place aforesaid without warrant and for no lawful reason or purpose.
15. Needham, the other officers, and the cameramen then entered the bedroom where plaintiff was sleeping.

16. At the aforesaid time and place Needham and the other officers drew their handguns, pointed them at the plaintiff and in loud voices ordered the sleeping plaintiff to “freeze.”
17. At the aforesaid time and place, as the officers leveled their weapons at the plaintiff, the cameramen each activated bright lights and pointed video cameras at the plaintiff.
18. The plaintiff awakened in terror, partially blinded by the lights but able to see the muzzles of four guns pointing at him.
19. Plaintiff instinctively began to move his hands towards lower torso to cover his torso but stopped as police officers threatened to shoot him and ordered him to freeze.
20. As police officers demanded the plaintiff identify himself and otherwise interrogated him the plaintiff’s eyes began to adjust to the lights and he realized that video cameras as well as guns were pointed at him and by all appearances were recording the image of him lying naked and terrified in his bed.
21. After a period of interrogation Sgt Needham, the other officers and the cameramen then left plaintiff’s bedroom and exited his apartment.
22. Since this incident plaintiff has, by his counsel, attempted to learn from Fox and/or its agents the location or status of any video made of the plaintiff, but these efforts have brought no response.
23. As a direct and proximate result of defendants’ conduct as state herein, the plaintiff was placed in real danger of great physical harm, assaulted, menaced, terrorized, grossly humiliated and subjected to continuing fear of further extreme humiliation, deprived of the expectation of security and privacy in his home, and traumatized during the events and subsequently to date due to his memory of the events and his knowledge or reasonable belief that the said events were recorded on video.
24. Each of the aforesaid harms to the plaintiff was, or in the exercise of reasonable care should have been, foreseeable to the persons who engage in the conduct complained of.

COUNT I

All defendants – 42 U.S. ss. 1983

25. Each of the preceding paragraphs is incorporated in this count as if fully set forth herein.
26. Each individual defendant, and one or more agents of each corporate defendant, acted under color of law and/or under the circumstances their conduct amounted to state action.
27. The defendants, by their conduct or that of their agents, violated the plaintiff’s rights to privacy, freedom from unreasonable search and seizure, and due process under the Fourth, Fifth and Fourteenth Amendment to the U. S. Constitution, and the police officers violated his right under the said Amendments to freedom from use of excessive force.

28. The said violations of plaintiff's rights proximately caused his past and continuing harms.

COUNT II

All defendants – intentional infliction of emotional distress

29. Each of the preceding paragraphs is incorporated in this count as if fully set forth herein.

30. All defendants, by reason of their own outrageous and unconscionable conduct, and/or such conduct they enabled and sought, and/or such conduct of themselves or their agents, servants or employees, did knowingly and intentionally caused the plaintiff extreme emotional distress and the harms enumerated herein.

COUNT III

All defendants – negligent infliction of emotional distress

31. Each of the preceding paragraphs is incorporated in this count as if fully set forth herein.

32. As a result of defendants' conduct as set forth above, the plaintiff had a legitimate fear of imminent and extreme violence and severe bodily injury and death, and as a direct and proximate result he sustained the harms enumerated herein.

COUNT IV

All defendants – invasion of privacy

33. Each of the preceding paragraphs is incorporated in this count as if fully set forth herein.

34. The defendants, by their conduct or that of their agents, violated the plaintiff's right to privacy under the common law, Constitution and/or statutes of the Commonwealth of Massachusetts.

35. The said violations of plaintiff's rights proximately caused his past and continuing harms.

COUNT V

All defendants – trespass

36. Each of the preceding paragraphs is incorporated in this count as if fully set forth herein.

37. At all times pertinent hereto plaintiff had the right of sole possession of the premises he occupied at 92 Houghton Street, Worcester, and he was in fact in sole possession of the premises as his dwelling.

38. The aforesaid entry by police and cameramen onto the premises of his residence and their presence and conduct therein all occurred without prior notice, knowledge, consent, or permission to or by the plaintiff in any way, shape or form - direct or indirect, tacit or explicit.

39. The said violations of plaintiff's rights proximately caused his past and continuing harms.

COUNT VI
All police officers – assault

40. Each of the preceding paragraphs is incorporated in this count as if fully set forth herein.

41. The conduct of each of the police officer defendants placed the plaintiff in reasonable fear of the imminent use of deadly force against him without any reason or justification whatsoever.

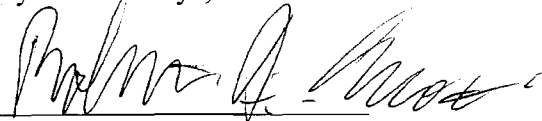
42. As a direct and proximate result of these unprovoked assaults with deadly weapons, the plaintiff suffered the harms as alleged herein.

WHEREFORE, plaintiff requests judgment against the defendants jointly and severally for the following damages and other relief, and for all other relief the Court may find is in the interests of justice:

- Compensatory damages;
- Punitive damages;
- Attorney fees;
- Such injunctive relief as the Court may deem appropriate to secure any video recordings of the aforementioned events in the possession of the plaintiff, to preclude possession by any other party (except as required for purposes of this action and subject to protective order), and further to preclude any copying or distribution of said video recordings.

PLAINTIFF RESPECTFULLY REQUESTS JURY TRIAL AS TO ALL ISSUES

Respectfully submitted,
Plaintiff
By his attorneys,



Héctor E. Pineiro BBO # 555315
Robert A. Scott BBO # 648740
807 Main Street
Worcester, MA 01610
Tel. (508) 770-0600

DATED: October 19, 2009

10/20

COMMONWEALTH OF MASSACHUSETTS

WORCESTER, ss

WORCESTER SUPERIOR COURT
CIVIL ACTION NO. 09-01633 E

JOHN DOE,)
Plaintiff)
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v.)
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FOX BROADCASTING COMPANY,)
LANGLEY PRODUCTIONS, INC.)
CITY OF WORCESTER,)
SERGEANT THOMAS NEEDHAM,)
CAMERAMAN DOE 1, CAMERAMAN)
DOE 2, OFFICER DOE 1, OFFICER)
DOE 2, OFFICER DOE 3,)
Defendants)

NOTICE OF FILING FIRST AMENDED COMPLAINT

[MRCP 15(a)]

Pursuant to Mass. R. Civ. P. 15(a), the plaintiff hereby submits for filing his First Amended Complaint. The undersigned counsel here by certifies that as of this date no responsive pleading has been received nor, to the best of his knowledge and belief, has any been served, and no order of dismissal has been entered, and therefore filing of the First Amended Complaint is allowable as a matter of course.

Respectfully submitted,
Plaintiff
By his attorneys,

Héctor E. Pineiro BBO # 555315
Robert A. Scott BBO # 648740
807 Main Street
Worcester, MA 01610
Tel. (508) 770-0600

DATED: October 19, 2009

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 DEFENDANTS
(b) County of Residence of First Listed Plaintiff (EXCEPT IN U.S. PLAINTIFF CASES)
(c) Attorney's (Firm Name, Address, and Telephone Number)
County of Residence of First Listed Defendant (IN U.S. PLAINTIFF CASES ONLY)
NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.
Attorneys (If Known)

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)
(For Diversity Cases Only)
PTF DEF
Citizen of This State 1 1
Citizen of Another State 2 2
Citizen or Subject of a Foreign Country 3 3
Incorporated or Principal Place of Business In This State 4 4
Incorporated and Principal Place of Business In Another State 5 5
Foreign Nation 6 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)
CONTRACT TORTS FORFEITURE/PENALTY LABOR IMMIGRATION BANKRUPTCY SOCIAL SECURITY FEDERAL TAX SUITS OTHER STATUTES
110 Insurance 120 Marine 130 Miller Act 140 Negotiable Instrument 150 Recovery of Overpayment & Enforcement of Judgment 151 Medicare Act 152 Recovery of Defaulted Student Loans (Excl. Veterans) 153 Recovery of Overpayment of Veteran's Benefits 160 Stockholders' Suits 190 Other Contract 195 Contract Product Liability 196 Franchise
PERSONAL INJURY 310 Airplane 315 Airplane Product Liability 320 Assault, Libel & Slander 330 Federal Employers' Liability 340 Marine 345 Marine Product Liability 350 Motor Vehicle 355 Motor Vehicle Product Liability 360 Other Personal Injury
PERSONAL INJURY 362 Personal Injury - Med. Malpractice 365 Personal Injury - Product Liability 368 Asbestos Personal Injury Product Liability
PERSONAL PROPERTY 370 Other Fraud 371 Truth in Lending 380 Other Personal Property Damage 385 Property Damage Product Liability
610 Agriculture 620 Other Food & Drug 625 Drug Related Seizure of Property 21 USC 881 630 Liquor Laws 640 R.R. & Truck 650 Airline Regs. 660 Occupational Safety/Health 690 Other
422 Appeal 28 USC 158 423 Withdrawal 28 USC 157
820 Copyrights 830 Patent 840 Trademark
861 HIA (1395ff) 862 Black Lung (923) 863 DIWC/DIWW (405(g)) 864 SSID Title XVI 865 RSI (405(g))
870 Taxes (U.S. Plaintiff or Defendant) 871 IRS—Third Party 26 USC 7609
400 State Reapportionment 410 Antitrust 430 Banks and Banking 450 Commerce 460 Deportation 470 Racketeer Influenced and Corrupt Organizations 480 Consumer Credit 490 Cable/Sat TV 810 Selective Service 850 Securities/Commodities/Exchange 875 Customer Challenge 12 USC 3410 890 Other Statutory Actions 891 Agricultural Acts 892 Economic Stabilization Act 893 Environmental Matters 894 Energy Allocation Act 895 Freedom of Information Act 900 Appeal of Fee Determination Under Equal Access to Justice 950 Constitutionality of State Statutes

V. ORIGIN (Place an "X" in One Box Only)
1 Original Proceeding 2 Removed from State Court 3 Remanded from Appellate Court 4 Reinstated or Reopened 5 Transferred from another district (specify) 6 Multidistrict Litigation 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):
Brief description of cause:

VII. REQUESTED IN COMPLAINT:
CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 DEMAND \$ CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY
(See instructions): JUDGE DOCKET NUMBER

DATE SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY
RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading 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. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

I. (a) Plaintiffs-Defendants. Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.

(b) County of Residence. For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)

(c) Attorneys. Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".

II. Jurisdiction. The basis of jurisdiction is set forth under Rule 8(a), F.R.C.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.

United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.

United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.

Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.

Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; federal question actions take precedence over diversity cases.)

III. Residence (citizenship) of Principal Parties. This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.

IV. Nature of Suit. Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerks in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.

V. Origin. Place an "X" in one of the seven boxes.

Original Proceedings. (1) Cases which originate in the United States district courts.

Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.

Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.

Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.

Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.

Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.

Appeal to District Judge from Magistrate Judgment. (7) Check this box for an appeal from a magistrate judge's decision.

VI. Cause of Action. Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553

Brief Description: Unauthorized reception of cable service

VII. Requested in Complaint. Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.

Demand. In this space enter the dollar amount (in thousands of dollars) being demanded or indicate other demand such as a preliminary injunction.

Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.

VIII. Related Cases. This section of the JS 44 is used to reference related pending cases if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

1. Title of case (name of first party on each side only)

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

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

4. Has a prior action between the same parties and based on the same claim ever been filed in this court?

YES NO

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

YES NO

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

YES NO

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

YES NO

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

YES NO

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

Eastern Division Central Division Western Division

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

Eastern Division Central Division Western Division

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

YES NO

(PLEASE TYPE OR PRINT)

ATTORNEY'S NAME

ADDRESS

TELEPHONE NO.