

STATE OF MAINE
WALDO, ss.

DISTRICT COURT
LOCATION: BELFAST
DOCKET NO.

ADAM FLANDERS

v.
MASS RESISTANCE
BRIAN CAMENKER

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)

COMPLAINT

PREAMBLE

1. Adam Flanders, Plaintiff, is a resident of the State of Maine. The Plaintiff was convicted of the misdemeanor crime of Sexual Abuse of a Minor on August 27, 2008, for which he served approximately 6 weeks in county jail and is required to register for a period of 10 years.
2. Brian Camenker is the founder and CEO of Mass Resistance. Brian Camenker is the sole proprietor of Mass Resistance and has exclusive access to publish material on the website. Brian Camenker and Mass Resistance are based in the State of Massachusetts. The address of Brian Camenker and Mass Resistance is 84 Staniford Street, Newton, MA 02466. Alternatively their Post Office Box is P.O. Box 1612, Waltham, MA 02454.
4. The Defendant Brian Camenker in fact harassed the Plaintiff, Adam Flanders, by publishing defamatory material on the Mass Resistance website. On November 14, 2011 a District Court Judge made a factual finding of harassment against Mr. Camenker (refer to BELDC-PA-2011-00149).
5. The Defendant Mass Resistance has been officially declared a national Hate Group by the Southern Poverty Law Center. The Defendant's status as a hate group exists because of anti-gay tactics, many of which are included in this Complaint.

STATEMENT OF FACTS

COUNT 1 - INITIAL PUBLICATION

Beginning sometime in 2007, Mass Resistance / Brian Camenker ("Defendants") began publishing a letter allegedly written by Adam Flanders ("Plaintiff"). This letter was apparently obtained from the Maine Christian Civic League, although, as of this writing, there is no evidence of this publication on the Christian Civic League's website. The Defendants failed to verify the authenticity of the letter and upon publishing it, along with defamatory commentary, did not even know whether or not the Plaintiff actually wrote the letter or not, or whether the document had been altered. The alleged letter was accompanied by false statements made by the Defendants.

The letter and false statements remained online for several years until, after making numerous Cease and Desist requests against the Defendants, the Plaintiff sought a Protection from Harassment Order against the Defendants. The Court made a finding of harassment against the Defendant Brian Camenker based on the material published by the Defendants. The Defendants failed to contest the Plaintiff's allegations.

COUNT 2 - SECOND PUBLICATION

In May 2012 the Plaintiff contacted the Defendants' web host, IXWebHosting / HostExcellence and informed the web host of their client's harassment and the Protection from Harassment Order. The web host commanded the Defendants to remove the offending material. The Defendants obliged and removed all mention of the Plaintiff from the Mass Resistance website. About a month later, on June 8th, 2012, the Defendants published a new and even more defamatory article specifically targeting the Plaintiff. In the article the Defendants *falsely accuse* the Plaintiff of the following *serious crimes* and *sexual misconduct*:

1. Sexually molesting a 14-year-old boy (specifically alleging the Plaintiff was convicted).
2. Illegally having sex with young boys.
3. Filing a fraudulent complaint in the Maine courts.
4. Criminally abusing the legal process associated with protection orders.
5. Stating lies and dishonesties in a lawful complaint made under oath.
6. Filing a false report (and that the Plaintiff should be arrested as a result).

In addition the Defendants published material accusing the Plaintiff of being supported by well-funded gay activists and suggested that the Plaintiff was a pedophile, child molester, child predator, and that the Plaintiff had sexually assaulted a number of young boys after manipulating them with drugs and alcohol. In contrast, Belfast Chief of Police Michael McFadden stated on record that the crime was a "very minor, very low class misdemeanor" and equivalent to "stealing a candy bar." McFadden also noted that the 15-year-old boy did *not* consider himself a victim.

COUNT 3 - THIRD-PARTY DEFAMATION

The Plaintiff shortly thereafter received several emails from sympathetic individuals warning him about the defamatory content on the Defendants' website. The Plaintiff once again contacted the Defendants' web host, which promptly terminated their contract with the Defendants. The result was that the Defendants' website was shut down for a period of 2-3 days until the Defendants found a new web host, "Radio Doctor" in Augusta, Maine.

During the time the Defendants' website was down, the Defendants, specifically Brian Camenker, published defamatory material directly and indirectly through other news outlets and websites such as WND.com and FreeRepublic.com. The Defendant went as far as to interview on a nationally syndicated television and radio program to further defame the Plaintiff. On June 11, 2012 and June 12, 2012, Brian Camenker appeared twice on a television and radio program. During these programs the Defendant continued to speak about the Plaintiff and repeat the false statements previously published on the Defendants' website.

COUNT 4 - THIRD PUBLICATION

On June 18, 2012, after the Defendants restored their website, including all defamatory publications about the Plaintiff, the Defendants published yet another article attacking the Plaintiff. This third article made all the same defamatory accusations mentioned in the second article and additionally falsely accused the Plaintiff of being backed by some sort of "homosexual lobby" that was illegally intimidating the Defendants and other "pro-family organizations." The Defendants ask the public to "fight back" against the Plaintiff and donate money to Mass Resistance to help their cause of fighting back against the Plaintiff. The Defendants therefore not only harassed, stalked, and defamed the Plaintiff, but have attempted to procure monetary gain from such conduct as well.

CONCLUSION

The Plaintiff has reported all of this information to the Belfast Police Department in Belfast, Maine, as well as in a letter directly to the Court. Belfast PD and the District Attorney are currently investigating the case to see if the Defendant Brian Camenker has violated the Protection from Harassment Order and/or committed new crimes pursuant to Maine Statute. The Belfast Chief of Police recommended that the Plaintiff sue Brian Camenker and Mass Resistance for defamation, while they attempt to find some way to criminally charge Brian Camenker.

In his criminal complaints to police, the Plaintiff describes the extreme emotional distress caused by the Defendants directly and the indirect residual effects of the Defendants' continued harassment, privacy violations, defamation, and obsession with stalking and targeting the Plaintiff, a private individual who simply wishes to live his life in peace. The Plaintiff also claims significant economic losses, both past and future, due to damage to the Plaintiff's public reputation, especially where the Defendants have gone to such extents to defame the Plaintiff, including defamation on a nationally syndicated television and radio program. The Defendants' conduct has also interfered with the Plaintiff's ability to rehabilitate from his actual criminal convictions. The Plaintiff is currently seeking a Preliminary Injunction against the Defendants.

The Plaintiff has established that the Defendants' actions are *not* protected by free speech. Again, a court of law has already made a factual finding that the Defendants' publications constitute harassment and stalking pursuant to Maine law. Because the Defendant Brian Camenker went to the extent of purchasing a criminal history record from the State of Maine, among other things, the Defendants are aware of the falsity inherent in their statements.

The Plaintiff can and will establish that the Defendants' statements are not only false, but also qualify as *Defamation Per Se*, which is recognized in both Maine and Massachusetts State law. Following with the Defamation Per Se Doctrine, the Defendants have falsely imputed to the Plaintiff several *criminal offenses* for which the Plaintiff was never accused, charged, or convicted, as well as *serious sexual misconduct* that is in no way supported by fact. The falsity of the Defendants' defamatory statements will be easily proved with criminal dockets, police reports, and other official documents in the possession of the Plaintiff and the State of Maine.

WHEREFORE, this Plaintiff claims compensatory damages, for emotional distress and suffering, as well as past and future damage to the Plaintiff's career, in the amount of \$500,000 due to personal injury directly and indirectly caused by the deliberately malicious conduct of the Defendants. Where this is a serious assault on a protected class and a minority based on the Plaintiff's sexual orientation, forbidden by both Maine and Massachusetts State Law, the Plaintiff requests punitive and exemplary damages in the amount of \$500,000 to further discourage hate crimes and other forms of harassment and stalking motivated by prejudice against gay and lesbian citizens, particularly young people who are all too often victimized by the cyber bullying and stalking by bigoted and discriminatory individuals and organizations such as the Defendants named in this Complaint. The Plaintiff requests a declaratory judgment ruling that the Defendants' conduct is in violation of Maine's Criminal Code, specifically in reference to stalking, harassment, and crimes motivated by prejudice based on the victim's sexual orientation. The Plaintiff requests that the Defendants' online conduct be limited, that the Defendant refrain from further harassment and stalking against individuals based on their sexual orientation, and all such other and further relief that the court may deem just and proper.

Respectfully submitted,


Adam Flanders, Plaintiff

6/29/12
Date

STATE OF MAINE

SUPERIOR COURT

DISTRICT COURT

_____, ss.

Location Belfast

Docket No. _____

Docket No. _____

Adam Flanders Plaintiff

SUMMONS

v.

Mass Resistance / Brian Camenker Defendant

84 Staniford St. Address
Newton, MA 02466

The Plaintiff has begun a lawsuit against you in the (District) (~~Superior~~) Court, which holds sessions at (street address) 103 Church St., in the Town/City of Belfast, County of Waldo, Maine. If you wish to oppose this lawsuit, you or your attorney **MUST PREPARE AND SERVE A WRITTEN ANSWER** to the attached Complaint **WITHIN 20 DAYS** from the day this Summons was served upon you. You or your attorney must serve your Answer, by delivering a copy of it in person or by mail to the Plaintiff's attorney, or the Plaintiff, whose name and address appear below. You or your attorney must also file the original of your Answer with the court by mailing it to the following address: Clerk of (District) (~~Superior~~) Court, _____

103 Church St., Belfast, Maine 04915
(Mailing Address) (Town, City) (Zip)

before, or within a reasonable time after, it is served.

IMPORTANT WARNING

IF YOU FAIL TO SERVE AN ANSWER WITHIN THE TIME STATED ABOVE, OR IF, AFTER YOU ANSWER, YOU FAIL TO APPEAR AT ANY TIME THE COURT NOTIFIES YOU TO DO SO, A JUDGMENT BY DEFAULT MAY BE ENTERED AGAINST YOU IN YOUR ABSENCE FOR THE MONEY DAMAGES OR OTHER RELIEF DEMANDED IN THE COMPLAINT. IF THIS OCCURS, YOUR EMPLOYER MAY BE ORDERED TO PAY PART OF YOUR WAGES TO THE PLAINTIFF OR YOUR PERSONAL PROPERTY, INCLUDING BANK ACCOUNTS AND YOUR REAL ESTATE MAY BE TAKEN TO SATISFY THE JUDGMENT. IF YOU INTEND TO OPPOSE THIS LAWSUIT, DO NOT FAIL TO ANSWER WITHIN THE REQUIRED TIME.

If you believe the plaintiff is not entitled to all or part of the claim set forth in the Complaint or if you believe you have a claim of your own against the Plaintiff, you should talk to a lawyer. If you feel you cannot afford to pay a fee to a lawyer, you may ask the clerk of court for information as to places where you may seek legal assistance.

Date: 6/29/12

(Seal of Court)

Brooks H. Otis

Clerk

Adam Flanders
(Attorney for) Plaintiff

192 Searsport Ave. Address

Belfast, ME 04915

(207) 323-0241 Telephone

STATE OF MAINE

SUPERIOR COURT

DISTRICT COURT

_____, ss.

Location Bethel

Docket No. _____

Docket No. _____

Adam Flanders Plaintiff

v.

Mass Resistance Defendant
Brian Camenker

ACKNOWLEDGMENT OF
RECEIPT OF SUMMONS AND COMPLAINT
OR POST-JUDGMENT MOTION

NOTICE

Please sign the acknowledgment below and return this form in the enclosed self-addressed stamped envelope so it will be received by the sender within 20 days from the day it was mailed to you. If you do not do this, you may be required by the Court to pay for the cost of serving the Summons and Complaint or Post-Judgment Motion on you.

(Keep one copy of this form and the copy of the Complaint or Motion for your records.)

STATEMENT

By signing, dating and returning this form, I state that I received a copy of the Summons and Complaint or a copy of the Post-Judgment Motion and that:

AS TO ALL CIVIL COURT CASES, INCLUDING DIVORCE, JUDICIAL SEPARATION AND PARENTAL RIGHTS & RESPONSIBILITIES, I understand that if I do not file an answer to the Complaint or an objection to the Motion within the time limits established by statute or court rule and appear at all court conferences and hearings, then a judgment may be entered against me in my absence, and Plaintiff or the moving party may request that other orders be entered against me.

AS TO DIVORCE, JUDICIAL SEPARATION, AND PARENTAL RIGHTS & RESPONSIBILITIES CASES, I understand that if I do not want to file an Answer to the Complaint, but I do want to be heard on issues of parental rights and responsibilities regarding my children, alimony, support, counsel fees and division of marital and non-marital property, I must file an Entry of Appearance form and appear at all court conferences and hearings.

Date: _____

Signature _____
Address: _____
Phone: (____) _____

IMPORTANT WARNING

YOU ARE RESPONSIBLE FOR NOTIFYING THE COURT CLERK OF ANY CHANGES TO YOUR ADDRESS AND TELEPHONE NUMBER.

IF YOU DO NOT INFORM THE CLERK OF ANY CHANGES TO EITHER YOUR ADDRESS OR TELEPHONE NUMBER, IT MAY NOT BE POSSIBLE FOR YOU TO GET NOTICE OF ANY COURT CONFERENCES OR HEARINGS.