

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

Civil Action No. 17-12232

ALI REI,

Plaintiff,

v.

COLONEL RICHARD D. MCKEON,
MAJOR SUSAN ANDERSON, AND A
NUMBER OF JOHN DOES AND/OR JANE
DOES,

Defendants.

COMPLAINT

Introduction

This case arises out of a civil conspiracy to violate Trooper Ray's constitutional rights. The defendants, along with other co-conspirators referred to herein as John and/or Jane Does, interfered and attempted to interfere, through threats, intimidation, and coercion, with the plaintiff's property interest in her employment. Specifically, the defendants and their co-conspirators agreed to attempt to force the plaintiff to participate in their improper and illegal scheme to destroy public records, court records, and alter police reports.

The plaintiffs hereby allege as follows:

Jurisdiction & Venue

1. Jurisdiction is proper pursuant to 28 U.S. Code § 1331, as the plaintiffs bring claims herein pursuant to 42 U.S. Code § 1983.
2. This Court has jurisdiction over the plaintiff's pendant state claims pursuant to 28 U.S. Code § 1367.
3. Venue is proper in the District of Massachusetts, as the Commonwealth of Massachusetts employs all parties, and all conduct relevant to the plaintiffs' claims occurred within the borders of the Commonwealth.

The Parties

4. The plaintiff, Ali Rei ("Trooper Rei"), at all times relevant hereto, has been employed by the Massachusetts State Police ("MSP") as a Massachusetts State Police Trooper.
5. The defendant, Colonel Richard D. McKeon ("Colonel McKeon"), is the Superintendent of the Massachusetts State Police.
6. The defendant, Major Susan Anderson ("Major Anderson"), at all times relevant hereto, has been employed as a Major by the Massachusetts State Police.
7. Upon information and belief, John and Jane Does are officers of the Massachusetts State Police, members of the Worcester District Attorneys' Office, and others.

Facts

8. The plaintiff, Ali Rei ("Trooper Rei" or "Rei"), is 32 years old and is currently employed as a Trooper for the Massachusetts State Police.
9. Trooper Rei graduated from the State Police Training Academy in 2012.
10. In early 2017, Trooper Rei was assigned to the MSP barracks.
11. In June of 2017, Trooper Rei began the process of obtaining certification as a Drug Recognition Expert.
12. Trooper Rei completed a two-week classroom-training program in Franklin, MA.
13. Trooper Rei then participated in DRE training at the Maricopa County Jail in Arizona.
14. In July 2017, Rei received her DRE certificate.
15. In October 2017, Trooper Rei was working the 3 to 11 PM shift.
16. On Monday, October 16, 2017, Trooper Rei responded to a call regarding an automobile crash on Interstate 190 South.
17. Trooper Ryan Sceviour had arrived before Trooper Rei. Trooper Sceviour determined that the female driver was under the influence of alcohol and possibly drugs, and he requested a Drug Recognition Expert to evaluate the suspect.
18. Trooper Rei observed that the suspect's pupils appear constricted and showed very little reaction to light when a flashlight was used.

19. The suspect stated that she had used heroin "this morning" and drank two nips of alcohol.
20. The suspect failed all of the field sobriety tests administered by Trooper Sceviour.
21. Trooper Sceviour placed the suspect under arrest. During this interaction, both the suspect and her male passenger admitted to suffering from addiction.
22. Trooper Sceviour transported the female prisoner to the Holden Barracks, Trooper Rei proceeded to the Barracks in order to administer the drug recognition tests.
23. The prisoner, Ali Bibaud ("Bibaud"), agreed to participate in a DRE evaluation.
24. Trooper Rei conducted a comprehensive DRE evaluation of Ms. Bibaud at the barracks.
25. The evaluation included visual observation and conversation.
26. Trooper Rei observed multiple indicia of intravenous drug use.
27. Ms. Bibaud told Trooper Rei that she regularly used two grams of heroin per day.
28. Ms. Bibaud indicated that she had crashed the vehicle on purpose because she was upset with her "boyfriend", the passenger in the vehicle.
29. Ms. Bibaud stated that she was "sick of living like this".
30. Trooper Rei asked what she meant by that statement and Ms. Bibaud responded by stating that she had to perform multiple sexual acts in order to obtain the drugs for "us" [presumably, her and her "boyfriend"].
31. Trooper Rei obtained a urine sample from the Ms. Bibaud.
32. Ms. Bibaud consented to take a breathalyzer. Two tests were performed, which produced results of .224 and .222, respectively.
33. After Trooper Rei concluded her DRE examination, Trooper Sceviour asked Trooper Rei to remain in the area while he booked Ms. Bibaud.
34. During booking, Trooper Rei heard Ms. Bibaud making comments to Trooper Sceviour suggesting that she would trade sexual favors for leniency.

35. Trooper Rei made detailed notations in the electronic Administrative Journal regarding her DRE examinations.
36. Sometime thereafter, the Administrative Journal was printed out and put into a binder at the Holden barracks.
37. Trooper Rei left the barracks after the booking and began drafting her official DRE report.
38. Trooper Rei completed her DRE report on October 17, 2017.
39. On October 19, 2017, Trooper Rei was not scheduled to work.
40. In the afternoon of October 19th, Trooper Rei received a telephone call from a sergeant who informed her that Major Anderson wanted to speak with her and that Trooper Sceviour had been disciplined regarding his written report about the arrest of "a Judge's daughter."
41. Trooper Rei called Major Anderson. Anderson informed Rei that, per orders given to her, she had deleted Rei's log notes from the computer and had removed the relevant pages from the Administrative Journal and shredded them.
42. Major Anderson told Trooper Rei that she had made a copy of the relevant Journal pages and was going to leave them in Trooper Rei's mailbox so that Rei could use them to draft her official DRE report.
43. Major Anderson ordered Trooper Rei not to include any statements regarding sexual acts in her DRE report, despite the fact that the statements were clearly relevant to the crimes with which Ms. Bibaud was being charged and possibly to other crimes that the District Attorney should investigate.
44. Major Anderson also ordered Trooper Rei to create new journal entries to replace the deleted ones and ordered Rei to shred her copy of her original log entries.
45. Major Anderson indicated that her orders were coming from Colonel McKeon and Secretary of the Executive Office of Public Safety and Security Daniel Bennett.
46. Trooper Rei knew that disobeying a direct order from a superior officer would likely result in her dismissal from employment with the MSP, and she feared that she would lose her job if she did not comply.
47. Trooper Rei also knew that Major Anderson's order was wholly improper, illegal, and unethical.

48. Despite Major Anderson's direct order, Trooper Rei did not shred the copies of the Administrative Journal extract and did not alter her DRE report to remove the incriminating statements made by Ms. Bibaud.

49. Trooper Rei is in fear of being disciplined and terminated from her employment because she did not obey Anderson's illegal orders. As a result, Trooper Rei suffered and continues to suffer from severe emotional distress as a result of the orders that were given to her by Major Anderson to commit illegal acts.

The Conspiracy

50. Sometime prior to 9:15 AM on October 19, 2017, Colonel McKeon, Major Anderson, and others, entered into an agreement to coerce Trooper Rei into cleansing the Administrative Log and into preparing a dishonest, incomplete, and altered report regarding the arrest of Ms. Bibaud.

51. However, Trooper Rei, facing discipline (including up to dismissal) if she did not obey a direct order from her superior officer, refused to alter her report or to shred her log entries.

52. On October 26, 2017, a website published a report indicating that District Attorney Joseph Early had contacted Colonel McKeon and arranged to have the reports altered.

53. The actions of Colonel McKeon, Major Anderson, and others have negatively impacted Trooper Rei's employment and have caused her severe emotional distress.

54. On October 16, 2017, Trooper Rei was doing her job in protecting and serving the citizens of the Commonwealth when she arrested and drug tested Ms. Bibaud, and prepared a report consistent with her observations, including therein comments made by Ms. Bibaud that were obviously relevant to the crimes with which she was being charged and possibly other crimes.

55. The DRE report written by Trooper Rei was consistent with her duties and complied with the highest standards of the State Police.

56. The actions of the defendants, and others to be named, in attempting to alter court records and in damaging Trooper Rei's career and reputation are both shocking and outrageous.

57. On November 9, 2017, despite having been ordered not to include the statements made by Ms. Bibaud in her report, Trooper Rei forwarded her original, unaltered report to the Middlesex District Attorney's Office as required by law.

COUNT I
Violation of Federal Constitutional Rights
Pursuant to 42 U.S.C. Section 1983
v.
All Defendants

58. The plaintiff repeats and re-alleges the preceding paragraphs as if fully set forth herein.
59. The plaintiff enjoys a right to her employment free from interference aimed at achieving unlawful and unethical ends, and threats, intimidation, and coercion into aiding in unlawful and unethical acts.
60. The defendants violated the plaintiff's constitutional rights by attempting to coerce her into breaking the law, by interfering with her performing the duties of her job within lawful and ethical bounds, and by threatening her with direct orders that, if she did not follow, exposed her to discipline, including dismissal, for refusing to participate in the defendants' illegal and conspiratorial purposes.
61. The plaintiff suffered damage to her job security and severe emotional distress as a result of the defendants' outrageous conduct.

WHEREFORE, the plaintiff asks that this Court order that the defendants issue an apology, and for compensatory and punitive damages, her costs, attorneys' fees, and all other relief to which she is entitled by law.

COUNT II
Violation of State Constitutional Rights
Constitution of the Commonwealth, Chapter 12, Section 11H
v.
All Defendants

62. The plaintiff repeats and re-alleges the preceding paragraphs as if fully set forth herein.
63. The plaintiff enjoys a right to her employment free from interference aimed at achieving unlawful and unethical ends, and threats, intimidation, and coercion into aiding in unlawful and unethical acts.
64. The defendants violated the plaintiff's constitutional rights by attempting to coerce her into breaking the law, by interfering with her performing the duties of her job within lawful and ethical bounds, and by threatening her with direct orders that, if she did not follow, exposed her to discipline, including dismissal, for refusing to participate in the defendants' illegal and conspiratorial purposes.
65. The plaintiff suffered damage to her job security and severe emotional distress as a result of the defendants' outrageous conduct.

WHEREFORE, the plaintiff asks that this Court order that the defendants issue an apology, and for compensatory and punitive damages, her costs, attorneys' fees, and all other relief to which she is entitled by law.

COUNT III
Civil Conspiracy
State and Federal
v.
All Defendants

66. The plaintiff repeats and re-alleges the preceding paragraphs as if fully set forth herein.
67. The agreement between the defendants, when each was knowingly acting for illegal purposes, and threatened, intimidated, and coerced the plaintiff in order to accomplish unlawful ends, constitutes a conspiracy.
68. Each of the defendants, knowing that their conduct was illegal, unethical, and unconstitutional, acted in concert for improper and illegal purposes, and assisted and encouraged one another, in violating the plaintiff's rights.
69. As a result of the defendants' unconstitutional and unlawful conspiracy, the plaintiff suffered damage to her job security, her reputation, and severe emotional distress.

WHEREFORE, the plaintiff asks that this Court order that the defendants issue an apology, and for compensatory and punitive damages, her costs, attorneys' fees, and all other relief to which she is entitled by law.

COUNT IV
Intentional Infliction of Emotional Distress
v.
All Defendants

70. The plaintiff repeats and re-allege the preceding paragraphs as if fully set forth herein.
71. The defendants intended to inflict emotional distress on the plaintiff and should have known that their conduct would inflict emotional distress on the plaintiff.
72. The defendants' conduct was extreme and outrageous, beyond all bounds of decency and utterly intolerable in a civilized community.
73. The distress suffered by the plaintiff was severe and of the nature that no reasonable person could be expected to endure it.

74. As a result of the defendants' unconstitutional and unlawful conduct, the plaintiff suffered damage to her job security and severe emotional distress.

WHEREFORE, the plaintiff asks that this Court order that the defendants issue an apology, and for compensatory and punitive damages, her costs, attorneys' fees, and all other relief to which she is entitled by law.

JURY DEMAND

The Plaintiff Demands a Trial by Jury on all Claims so Triable.

Respectfully submitted,
The Plaintiff,
Trooper Ali Rei,
By her attorneys,

/s/ Leon H. Kesten

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