

STATE OF RHODE ISLAND
KENT, SC.

SUPERIOR COURT

DAVID J. GORMAN,

Plaintiff,

v.

TOWN OF EAST GREENWICH,
RHODE ISLAND, by and through its
Finance Director, LINDA DYKEMAN;
SUZANNE MCGEE CIENKI, in her
capacity as President of the Town of East
Greenwich Town Council; and SUZANNE
MCGEE CIENKI, individually,

Defendants.

C.A. No. KC-2017-

COMPLAINT

Plaintiff David J. Gorman (“Gorman”) files this civil action seeking money damages and associated relief from the Town of East Greenwich, Rhode Island (the “Town”), by and through its Finance Director Linda Dykeman (“Dykeman”), for the Town’s illegal acts committed by and through its Town Council President Defendant Suzanne McGee Cienki (“Cienki”). Gorman also seeks money damages and associated relief from Cienki in her individual capacity.

1. Gorman is an individual residing in Coventry, Rhode Island. Gorman is employed by the Town as a firefighter.
2. The Town is a municipal corporation organized and existing under the laws of the State of Rhode Island.
3. Defendant Cienki is the Town Council President and is sued in both her official and individual capacities.

4. Defendant Dykeman is the Finance Director of the Town of East Greenwich and is sued in her official capacity.

5. This Court has subject-matter jurisdiction over this action pursuant to R.I. Gen. Laws § 8-2-14.

6. A meeting was held in the Town Hall on the morning of June 12, 2017. It was attended by Cienki, Lt. William Perry (the head of the Town firefighters union), former Town Manager Tom Coyle, Town Councilman Sean Todd, firefighter Michael Jones and Fire Chief Russell McGillivray.

7. During the meeting, Cienki stated that she was unhappy with several Town firefighters who had formerly worked for other localities because they came to the Town with a “history.”

8. In particular, Cienki singled out Gorman. Cienki stated to the group that Gorman “is a sociopath.”

9. Referring to Gorman, at the same meeting, Cienki stated to the group: “I will cut off his balls and feed them to his god damn dog.”

10. Pursuant to R.I. Gen. Laws § 45-15-5, by letter dated September 8, 2017, Gorman wrote to the East Greenwich Town Council. In the letter, Gorman reported the defamatory and sexually harassing comments made about him by Cienki at the June 12, 2017 meeting, and stated that he reserved his right to file an appropriate legal action unless he received monetary compensation and other relief from the Town and Cienki within 40 days. Neither the Town nor Cienki responded to Gorman’s letter.

Count I
Defamation

11. Gorman incorporates by reference the allegations in Paragraphs 1 through 10 above.

12. Cienki's statement that Gorman "is a sociopath" is false.

13. Cienki acted negligently and/or recklessly in stating that Gorman "is a sociopath."

14. Cienki's statement that Gorman "is a sociopath" was not a privileged statement.

15. As a proximate result of Cienki's statement that Gorman "is a sociopath,"

Gorman's reputation has been damaged; he has been subjected to distrust, ridicule, contempt and disgrace; his trustworthiness and character have been negatively affected; and he has been embarrassed and suffered mental distress.

16. As a proximate result of Cienki's statement that Gorman "is a sociopath," Gorman has been damaged in an amount to be determined at trial.

Count II
R.I. Gen. Laws § 9-1-28.1(a)(4)

17. Gorman incorporates by reference the allegations in Paragraphs 1 through 16 above.

18. Cienki's statement that Gorman "is a sociopath" was a publication of a false or fictitious fact which implies an association and/or condition which does not exist.

19. The association and/or condition implied by Cienki through her publication that Gorman "is a sociopath" would be objectionable to the ordinary reasonable person under the circumstances.

20. As a result of Cienki's statement that Gorman "is a sociopath," Gorman received unreasonable and highly objectionable publicity that attributes to him characteristics that are false, and he was thereby placed before the public in a false position.

21. As a result of Cienki placing Gorman before the public in a false light, Cienki violated R.I. Gen. Laws § 9-1-28.1.

22. As a result of Cienki placing Gorman before the public in a false light, Gorman has been damaged in an amount to be determined at trial.

Count III
Rhode Island Civil Rights Act of 1990

23. Gorman incorporates by reference the allegations in Paragraphs 1 through 22 above.

24. Cienki's statement to various Town officials that she intended to "cut off [Gorman's] balls and feed them to his god damn dog" constituted sexual harassment and violated the Rhode Island Civil Rights Act of 1990, R.I. Gen. Laws § 42-112-1 et seq.

25. As a proximate result of Cienki's statement that she intended to "cut off [Gorman's] balls and feed them to his god damn dog" and resulting violation of R.I. Gen. Laws § 42-112-1, Gorman has been damaged in an amount to be determined at trial.

WHEREFORE, Gorman requests that this Court enter the following relief:

A. Judgment for Gorman against Cienki and the Town in an amount determined at trial;

B. An award of litigation costs and reasonable attorney fees, as permitted by R.I. Gen. Laws § 9-1-28.1 and § 42-112-2; and

C. Such further relief as this Court deems appropriate.

PLAINTIFF DEMANDS TRIAL BY JURY

DAVID J. GORMAN

By his Attorneys,

/s/ Mark A. Pogue

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Dated: November 2, 2017