



SUPERIOR COURT

___ **Providence County**
Licht Judicial Complex
250 Benefit Street
Providence, Rhode Island 02903

___ **Kent County**
Kent County Judicial Complex
222 Quaker Lane
Warwick, Rhode Island 02886

X **Newport County**
Murray Judicial Complex
45 Washington Square
Newport, Rhode Island 02840

___ **Washington County**
McGrath Judicial Complex
4800 Tower Hill Road
Wakefield, Rhode Island 02879

CIVIL ACTION, FILE No. NC 10-03

Louise Durfee and Joanne Arruda }
Plaintiff
DAVID M. Nelson }
Defendant

Summons

To the above-named Defendant: DAVID M. Nelson

The above-named Plaintiff has brought an action against you in said Superior Court in the county indicated above. You are hereby summoned and required to serve upon Jeffrey Schreck Plaintiff's attorney, whose address is 99 Wayland Avenue, Suite 200, Providence, RI 02906 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. Your answer must also be filed with the court.

As provided in Rule 13(a) unless the relief demanded in the complaint is for damage arising out of your ownership, maintenance, operation or control of a motor vehicle, or unless otherwise provided in Rule 13(a), your answer must state as a counterclaim any related claim which you may have against the Plaintiff, or you will thereafter be barred from making such claim in any other action.

Dated: 6/29/10
(Seal of the Superior Court)

Hy S. Krich, Jr.
Clerk
A True Copy Attached
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RD conserved #40
7/12/10

LOUISE DURFEE AND JOANNE ARRUDA,)
)
)
 Plaintiffs,)
)
 v.)
)
 DAVID M. NELSON, and JOHN DOES and)
 JANE DOES 1 TO 10,)
)
 Defendants.)
)

C.A. NO. NC10- 0358

COMPLAINT

1. Plaintiff Louise Durfee is a member of the Town Council of the Town of Tiverton, Rhode Island, and resides in Tiverton.

2. Plaintiff Joanne Arruda is a member of the Town Council of the Town of Tiverton, Rhode Island, and resides in Tiverton.

3. Defendant David M. Nelson is a resident of the Town of Tiverton, Rhode Island. Mr. Nelson is President of an organization called Tiverton Citizens for Change (“TCC”). TCC operates a website, TivertonCC.com, and solicits donations to support its mission to “bring[] fiscal responsibility and transparent government to Tiverton, RI”.

4. John Does and Jane Does 1 to 10 are unknown individuals who are members of TCC and participated with Mr. Nelson in the wrongful acts described below.

5. In or about April or May 2010, Mr. Nelson prepared and signed a letter on TCC letterhead (the “Letter”) containing false and defamatory statements about plaintiffs, and disseminated that letter to an unknown number of people and entities.

6. The Letter accuses plaintiffs and their allies of submitting false documentation to the State of Rhode Island to support a tax increase. The Letter further states that this accusation of official misconduct by plaintiffs is “not an idle charge” and is “well-documented.” The Letter accuses plaintiffs and others who constitute a majority of the members of the Town Council of making “a practice of sending secret, falsified documents to the state government”.

7. Mr. Nelson’s statements in the Letter accuse plaintiffs of wrongful, criminal conduct, and assert that TCC has written evidence to support his charges.

8. Mr. Nelson’s statements are false, defamatory, and harmful to plaintiffs’ reputations. Plaintiffs have been damaged by these statements, and plaintiffs are therefore entitled to compensatory and punitive damage. The amount of damages that plaintiffs seek is sufficient to invoke the jurisdiction of this Court.

COUNT ONE (DEFAMATION)

9. Plaintiffs incorporate by reference the allegations contained in paragraphs 1 through 8 of the Complaint as if fully set forth herein.

10. The defamatory statements in the Letter are defamation per se, as they accuse plaintiffs of official misconduct in their public duties and also falsely state that Mr. Nelson and TCC have documents that support these allegations.

11. The defamatory statements in the Letter were made with actual malice.

12. In addition to Mr. Nelson, upon information and belief other individuals, John Does and Jane Does 1 to 10, participated with Mr. Nelson in preparing and sending the defamatory Letter, and these individuals whose identify is presently unknown are also liable to plaintiffs.

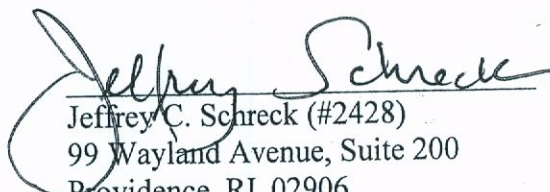
13. Plaintiffs have demanded that Mr. Nelson retract his false statements, but Mr. Nelson did not respond to that demand.

WHEREFORE, plaintiffs demand judgment in their favor in an amount to be determined at trial, plus punitive damages, attorneys' fees, costs, and such other and further relief as this Court deems appropriate.

COUNT TWO (INJUNCTIVE RELIEF)

14. Plaintiffs incorporate by reference the allegations contained in paragraphs 1 through 13 of the Complaint as if fully set forth herein.

15. If it is determined that defendants have defamed plaintiffs through publication of the Letter, plaintiffs ask for a mandatory injunction requiring defendants to send a letter of retraction to all people and entities to whom the Letter has been sent.


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