

COMMONWEALTH OF MASSACHUSETTS

ESSEX, SS.

SUPERIOR COURT  
DOCKET NO.:

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DIANNE D’IORIO, )  
 Plaintiff )  
 VS. )  
 CITY OF LAWRENCE, )  
 DANIEL RIVERA, and )  
 JAMES X. FITZPATRICK, )  
 Defendants. )

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**COMPLAINT FOR DAMAGES**

(Jury Trial Requested)

**GENERAL ALLEGATIONS**

1. The plaintiff, Dianne D’Iorio, is an individual residing in Lawrence, Essex County, Massachusetts.
2. The defendant, City of Lawrence (“LAWRENCE”) is a municipality, duly organized and existing under the laws of the Commonwealth of Massachusetts with a usual place of business located at 200 Common Street, Lawrence, Essex County, Massachusetts.
3. The defendant, Daniel Rivera (“RIVERA”) is an individual and the current Mayor of LAWRENCE.
4. The defendant James X. Fitzpatrick (“FITZPATRICK”) is an individual and the current Chief of the Lawrence Police Department.
5. On or about January, 2007 the plaintiff was hired as a dispatcher for the Lawrence Police Department and is still employed in that capacity.
6. In or about July or August, 2015, the defendants disclosed certain personnel information to the press relating to the plaintiff.
7. Specifically, the defendants disclosed to the press information concerning three (3) citizen telephone contacts with the plaintiff on or about November 26, 2014, November 29, 2014 and July 16, 2015.

8. Information disclosed to the press, includes, but is not limited to, the following:
  - A. Audio recordings of some or all of the telephone contacts.
  - B. Copies of internal police memoranda relative to the telephone contacts, some disciplinary in nature.
  - C. Copies of written communication(s) from the defendant to the plaintiff, concerning the telephone contacts, also some of a disciplinary nature.
  - D. Oral disclosures to the press of plaintiff's private personnel information concerning these telephone contacts and personnel actions taken, or to be taken, by LAWRENCE.
9. The oral disclosures to the press contained inaccurate information concerning the plaintiff.
10. The inaccurate information disclosed to the press, includes, but it not limited to the following:
  - A. RIVERA represented that disciplinary proceedings for these three (3) telephone contacts was to be initiated, when he knew that disciplinary procedures relative to the two (2) November, 2014 telephone contacts had already taken place and a resolution reached.
  - B. FITZPATRICK misrepresented the policies and procedures of the Lawrence Police Department as it relates to dispatchers sending police assistance to motor vehicle accidents. Specifically, FITZPATRICK represented that it is the policy and procedure of the Lawrence Police Department to dispatch a police car to all motor vehicle accident calls, which was not the policy and procedure at that time.
  - C. The plaintiff is informed and believes that these disclosures, and others, by RIVERA and FITZPATRICK, were made knowing the information was false and/or with reckless disregard as to the truth or falsity of the statements, and the plaintiff suffered actual injury or harm as a result.
11. In response to this situation the plaintiff demanded a copy of her personnel file from the defendant in August/September, 2015. The defendant was unable to procure a complete and accurate copy of her personnel file and has been unable to do so to date.
12. The plaintiff is also informed and believes that the defendant keeps and maintains multiple personnel files about her in different locations.

13. The plaintiff is informed and believes, and thereupon alleges, that the defendants engaged in these actions knowingly, intentionally, willfully and with the specific intent to cause the plaintiff harm.
14. As a proximate result, the plaintiff has experienced personal injuries, severe emotional distress, damage to her personal and professional expectation, lost wages and benefits, future lost wages and benefits, damage to her earning capacity, medical expenses and attorney's fees.

**COUNT ONE FOR DEFAMATION**

15. The plaintiff realleges the allegations set forth in paragraphs 1 through 14 and incorporates the same herein by reference as through fully set forth.
16. As alleged above, the defendants published false statements concerning the plaintiff.
17. As alleged above, the defendants published statements portraying the plaintiff in a false light.
18. The statements made by the defendants were capable of, and did in fact, cause harm to the plaintiff's reputation in the community
19. The statements made by the defendants were made not only knowingly and intentionally made, but also with actual malice against the interests of the plaintiff, as the defendants actual knew that said statements were false and/or portrayed the plaintiff in a false light.

**COUNT TWO FOR VIOLATION OF  
M.G.L. C. 214, SECTION 1B**

20. The plaintiff realleges the allegations set forth in paragraphs 1 through 14 and incorporates the same herein by reference as through fully set forth.
21. The conduct of the defendants, as described above relative to disclosures of personnel information and documentation, constitutes an invasion of privacy, in violation of M.G.L. c. 214, Section 1B.

**COUNT THREE FOR VIOLATION OF  
M.G.L. C. 149, SECTION 52C**

22. The plaintiff realleges the allegations set forth in paragraphs 1 through 14 and incorporates the same herein by reference as through fully set forth.
23. The conduct of the defendants, as described relative to a failure to timely provide copies of her personnel file and the maintenance of multiple personnel files in multiple locations, constitutes a violation of M.G.L. c. 149, Section 52C.

WHEREFORE, the plaintiff prays that judgment be entered in her favor against all defendants, and that she be awarded a sum of money to compensate for her damages, including punitive damages, plus interests, costs, attorney's fees, and such other and further relief as the Court deems appropriate.

DATED:

RESPECTFULLY SUBMITTED  
FOR THE PLAINTIFF  
BY HER ATTORNEY

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