

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, SS.

**SUPERIOR COURT DEPT.
Civil Action No.**

Ourway Realty, LLC d/b/a)
Plainridge Racecourse)
Plaintiff)
Vs.)
Thomas Keen,)
Defendant)

I. PARTIES

1. Plaintiff Ourway Realty, LLC d/b/a Plainridge Racecourse (hereinafter "Plainridge") is a limited liability company duly organized under the laws of the Commonwealth of Massachusetts with a principal place of business at 301 Washington Street, Plainville, MA 02762.
2. Defendant Thomas Keen ("Keen") is an individual with a principal residence located at 50 Taunton Street, Plainville, MA 02762.

I. FACTS

3. Defendant maintains a web site dedicated to opposing the development of a so-called Category 2 gaming facility in Plainville, MA at the present harness horse racing facility known as Plainridge Racecourse (the "Facility").
4. Defendant has created a web site entitled "NoPlainvilleRacino" (the "Site") in association with his opposition to the Facility, including links to Facebook and other social media.

5. On information and belief, Defendant controls and/or has the ability to control and filter the content on the Site.
6. Evidently, in connection with his opposition to the Facility, on or about March 28, 2012, Defendant posted a picture of an individual suspected of breaking and entering into a dwelling/building on Route 152 in Plainville, MA on the Site.
7. On or about March 28, 2012 at 1:01 p.m., a person affiliated with the Defendant's site posted "I wonder if they checked over at the racetrack, lol" in the comment section below the picture.
8. The posting intimates that criminals are clearly associated with the Plaintiff's present operations. N
9. On or about April 20, 2012, Plaintiff's counsel forwarded a letter of representation and demand letter to the Defendant requesting that he cease and desist in posting or allowing to post on the Site references to crime associated with the operation of Plaintiff's operations or intended operations.
10. On or about April 25, 2012, the ACLU responded to Plaintiff's demand letter citing the anti-SLAPP statute, and refusing to comply.
11. Plaintiff seeks only to stop any information or postings on the Site that associate Plaintiff's operations with crimes and that are defamatory.
12. As a direct result of the Defendant's refusal to cease and desist from his activities, the Plaintiff has suffered and continues to suffer severe harm.

COUNT I
(DEFAMATION/SLANDER/LIBEL)

13. Plaintiff repeats and realleges the allegations contained in paragraphs 1 through 12 as if set forth separately herein.
14. Defendant has "published" information that associates Plaintiff with crimes and criminals.
15. The actions of Defendant held Plaintiff up to ridicule and scorn within a considerable and respectable class in the community.
16. Defendant's actions and words were intended to prejudice Plaintiff in its profession and standing in the community, and in particular, with its attempts to obtain a so-called Category 2 License from the Commonwealth for expanded gaming. m
17. Defendant published in writing and verbally defamed Plaintiff as stated herein.
18. Defendant discredited Plaintiff in the minds of the considerable and respectable class in the community.
19. As a direct and proximate result of the Defendant's actions, the Plaintiff has suffered and continues to suffer severe economic harm.

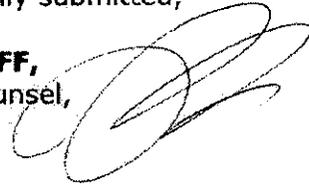
Wherefore, Plaintiff respectfully requests this Honorable Court grant judgment in its favor against the Defendant in an amount to be determined by the trier of fact together with costs of suit, interest, attorney's fees and any further relief this Court deems just and appropriate, as well as treble damages as provided for in the statute; additionally, Plaintiff seeks injunctive relief to remove the offensive material from the Site and to prohibit any further publication of information similar in nature.

JURY DEMAND

Plaintiff hereby makes a demand for a trial by jury on each claim asserted or hereafter asserted by Plaintiff and of each defense asserted or hereafter asserted by any Defendant.

Respectfully submitted,

PLAINTIFF,
By Its Counsel,



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Dated: June 4, 2012

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