

COMMONWEALTH OF MASSACHUSETTS

DUKES, SS.

DUKES SUPERIOR COURT
CIVIL ACTION NO.:

DANIELLE CLERMONT)
Plaintiff)
)
V.)
)
TOWN OF TISBURY, and Sgt. MAX)
SHERMAN, in his Official and Individual)
Capacities,)
Defendants)

COMPLAINT

INTRODUCTION

The Plaintiff, Danielle Clermont, brings this action seeking redress for substantial violations of her rights including, but not limited to, intentional interference with an advantageous business relationship by Defendant Max Sherman.

PARTIES

1. The Plaintiff, Danielle Clermont, is an individual currently residing in Westwood, Norfolk County, the Commonwealth of Massachusetts.
2. Defendant Town of Tisbury, is a municipality duly incorporated under the laws of the Commonwealth of Massachusetts.
3. The Defendant Max Sherman, (Hereinafter “Defendant Sherman”) is employed by the Tisbury Police Department, and currently holds the rank of Sergeant.

FACTS

4. The Plaintiff, Danielle Clermont (hereinafter “Plaintiff” or “Ms. Clermont”) is 30 years old and identifies as a bisexual woman.

5. Ms. Clermont has always been interested in a career in law enforcement. In 2016, Ms. Clermont graduated summa cum laude from the University of Massachusetts, Boston.
6. Prior to her graduation from College, Ms. Clermont had previously interned at the Town of Tisbury Police Department (hereinafter “TPD”) in the Autumn of 2015.
7. Ms. Clermont was also previously employed by the Dukes County House of Correction as a Correction Officer in October of 2016.
8. In late 2016, Ms. Clermont attended the Boston Police Academy. The Plaintiff was sponsored by the Tisbury Police Department and former Tisbury Police Chief Daniel Hanavan (hereinafter “Chief Hanavan”).
9. The Plaintiff’s sexual identity as a bi-sexual woman had not been disclosed to the Defendants at the time of her sponsorship to the Boston Police Academy. The Plaintiff excelled during her academy training program.
10. During the pendency of her Boston Police Academy training, Ms. Clermont began a dating relationship with her now life partner, Kindia Roman (hereinafter “Ms. Roman or Officer Roman”). Ms. Roman identifies as a gay, Hispanic woman.
11. At that time, Ms. Roman was employed by the Defendant Town of Tisbury as a Sergeant within the Tisbury Police Department.
12. As a result of Ms. Clermont’s dating relationship with Sgt. Roman, the Plaintiff’s sexual identity became well known within the Tisbury Police Department and the Town at large.
13. Ms. Clermont subsequently graduated from the Boston Police Academy in June 2017 as a squadron leader. She was ranked at the top of her police academy class both physically and academically.
14. Following her graduation from the Boston Police Academy, Ms. Clermont wore the Tisbury Police Department uniform to her graduation ceremony based upon her sponsorship by the Defendant Town of Tisbury and the intention to hire her as an officer.
15. Based upon her previous internship at the TPD, as well as her academy success and the Plaintiff’s sponsorship by Tisbury and Chief Hanavan, the Plaintiff applied for one of several open positions at the Tisbury Police Department.

16. Ms. Clermont was successful in her interview with the Tisbury hiring panel that had been created by the Defendants to objectively evaluate candidates for employment within the Department. The interview panel consisted of members of other law enforcement agencies and Defendant Hanavan.
17. Ms. Clermont was well received by all of the members of the interviewing panel who enthusiastically approved her selection for employment with the TPD.
18. It is important to note that all law enforcement agencies, including the TPD, run a thorough and complete background check on all candidates to be hired by the Department. This includes a Board of Probation “BOP” check, an NCIC criminal history review and CJIS inquiry.¹
19. The Plaintiff openly advised the members of the interview panel, including Chief Hanavan of the facts surrounding her previous contempt of court incident.
20. The Plaintiff had also previously advised Chief Hanavan of the previous contempt of court incident prior to her initial internship.
21. After her interview with the Tisbury review panel, Chief Hanavan provided Ms. Clermont with an offer of employment with the Tisbury Police Department.
22. Chief Hanavan told the Plaintiff she was scheduled to be appointed by the Defendant Tisbury Board of Selectmen at their next weekly meeting.
23. Chief Hanavan wrote to the Plaintiff, *“You are on schedule for the selectmen’s meeting on Tuesday, July 11, at 5 pm...The interview board recommended you be given a conditional offer of employment. You will need to have a physical and the psychological test. The select[men’s] meeting will take place at the Tisbury Fire Station by the Tisbury School. The entrance to the large meeting room is in the backside of the building. You should be in business clothes as you were for the job interview.”*
24. Ms. Clermont notified her family and friends that she had received the offer of employment from the Defendant Town of Tisbury Police Department and that she had accepted their offer.
25. On the day of the scheduled Tisbury Board of Selectmen meeting, the meeting was suddenly canceled without justification and the Plaintiff’s name was removed from the Defendant Board’s agenda without explanation.

¹ Ms. Clermont had a prior CJIS criminal history entry in 2010, at the age of 19 for contempt of court.

26. During that same day, the Plaintiff received a call from Chief Hanavan, notifying Plaintiff that her appointment to the position as a Tisbury police officer would not be happening and that the BOS meeting scheduled for that day had been canceled.
27. Chief Hanavan stated to the Plaintiff that a “negative” letter written about her had been delivered to the Board of Selectmen and that, as a consequence, she would not be appointed as a police officer.
28. Plaintiff has subsequently learned that this “negative” letter was presented to the Board by current Selectmen Defendant James Rogers.
29. Selectmen James Rogers’ son, former Tisbury Police Officer Jeremie Rogers, and Defendant Max Sherman (hereinafter “Sherman” or “Defendant Sherman”) provided information and assisted in the draft of the “negative” letter which discredited Plaintiff’s abilities as a police officer.
30. The Plaintiff avers that Defendants Sherman and Rogers held personal animosity and discriminatory bias against both the Plaintiff and Sgt. Roman as a consequence of their sexual identities.
31. Ms. Clermont was never provided with a copy of this so-called “negative” letter, nor was she ever informed if the letter was signed or submitted anonymously.
32. The Plaintiff was also never informed what the specific reason or basis was for the cancellation of the Board of Selectman’s scheduled meeting or provided with the opportunity to challenge the Board’s decision.
33. Defendant Max Sherman had previously been hired by the Defendant Town of Tisbury as a full-time police officer in 2015.
34. Ms. Clermont’s life partner, Officer Kindia Roman, had previously joined the Tisbury Police Department in 2014 and subsequently became Defendant Max Sherman’s direct supervisor.
35. Defendant Sherman attitude toward the Plaintiff’s partner, Ms. Roman, was extremely hostile. Defendant Sherman refused to follow or obey instructions given to him by Sgt. Roman and openly challenged her authority and rank over him.
36. Defendant Sherman’s animosity toward gay females was palpable. Sherman openly referred to women in general, including Ms. Clermont, and her partner, Ms. Roman by use of the

word “cunt” or “dyke.” He did so while on duty and in the presence of other members of the Department.

37. As a consequence of Sherman’s discriminatory actions, Ms. Roman filed a complaint against Sherman with the Town’s attorney, who took no formal action.

38. However, in February 2018, the Defendant Town of Tisbury had issued a written “Discrimination Prevention Policy.” Tisbury’s Discrimination Prevention Policy prohibited, at a minimum, the following:

Prohibit any kind of discrimination based upon race, color, religion, national origin, ancestry, sex gender identity, age, handicap (disability), participation in complaint related activities, sexual orientation, genetics, or active military or veteran status or any other basis prohibited under applicable law.

39. Sherman’s animosity toward Ms. Roman was also directed toward her partner, the Plaintiff, Ms. Clermont.

40. In addition to her application for employment with the Tisbury Police, Ms. Clermont had also applied for a vacant position with the Westwood Police Department.

41. Ms. Clermont successfully interviewed with the Westwood Police Department and openly provided them with the same information she had given to the TPD interviewing panel regarding her previous contempt of court incident.

42. In December of 2020, Ms. Clermont learned that Defendant Sherman personally contacted Jeffrey Silva, the Westwood Chief of Police in an effort to prevent Ms. Clermont from being hired by the Westwood Police.

43. With regard to this call, Westwood Chief Silva recently, in December of 2020, stated,

“The caller at the time identified himself as a male police officer from the Tisbury Police Department and gave his name, although I don’t recall his name now...He indicated he ‘would hate to see any police department get stuck with a bad cop.’”

“Once it became apparent to me that this caller was trying to character-assassinate a candidate by attempting to prejudice me as the person who would make the final decision to present a candidate for hire...I gave the caller the name and phone number of my background investigator. I told him that any information should be given to my detective, and that he would investigate the information and include it in his report to me if he found it to be verifiable, relevant, and material to the candidate’s application. I then ended the call.”

44. Defendant Sherman went on to defame and slander Ms. Clermont, stating to Chief Silva that Ms. Clermont was unfit to be a police officer and that Ms. Clermont would tarnish the reputation of any police department who hired her.
45. Sherman's statements were untrue, malicious and based upon Ms. Clermont's gender and sexual orientation, as well as Sherman's personal animosity toward Sherman's then supervisor Mr. Roman, who was Ms. Clermont's life partner.
46. Based upon the information recently made available in the December 2020 MV Times article, Ms. Clermont avers that Defendant Sherman was the source of the information included in the "negative" letter written to the Tisbury Board of Selectmen.
47. Ms. Clermont alleges that Defendant Max Sherman deliberately and maliciously interfered with Ms. Clermont's attempts to seek employment with the Tisbury and Westwood Police Departments.
48. Although the Defendant Town of Tisbury and their Board of Selectmen became aware of the recent MV Times article published in December of 2020, no internal affairs investigation was conducted of Defendant Sherman for his actions in contacting Westwood Police Chief Silva or his role in the authoring of the so-called "negative" letter purportedly used by the Tisbury Board of Selectmen to justify their rescission of their offer of employment to Ms. Clermont.
49. Based upon the disclosures made in the recent Martha's Vineyard Times article, Counsel has filed a FOIA request for the Defendant Board of Selectmen to produce a copy of the "negative" letter leading to their failure to hire Ms. Clermont.
50. As previously stated, Ms. Clermont was never provided with a copy of the letter or its contents.
51. Defendant Max Sherman wrongfully interfered with Ms. Clermont's rights to seek employment with the Tisbury Police Department as well as the Town of Westwood.
52. It was not until December 2, 2020, as a result of an article published by the Martha's Vineyard Times newspaper, that Plaintiff learned of the discriminatory animus and motivation behind the so-called "negative" letter sent to the Tisbury Board of Selectmen.

COUNT I
INTENTIONAL, IMPROPER INTERFERENCE WITH ADVANTAGEOUS BUSINESS
RELATIONSHIP
v. Defendant Max Sherman

53. Plaintiff hereby incorporates each and every allegation in the preceding paragraphs of this Complaint as if set forth in full herein.

54. As stated more particularly above, the Defendants acted with malice and in bad-faith in intentionally interfering with Plaintiff's employment relationship with the Town of Tisbury causing the loss of her job and job offer respectively.
55. The Defendants' conduct, as more particularly described above, has damaged Ms. Clermont.
56. The Defendants are liable to Plaintiff for the violations of law set forth above.

COUNT II
CONSPIRACY

v. Defendant Max Sherman and Defendant Town of Tisbury

57. Plaintiff hereby incorporates each and every allegation in the preceding paragraphs of this Complaint as if set forth in full herein.
58. As a result of the Defendants' actions in conspiracy, under color of law and otherwise, the Plaintiff's rights were interfered with, attempted to be interfered with, and that interference or attempted interference was by threats, intimidation or coercion and the Plaintiff was deprived of a property interest in public employment.
59. As a result of this intentional, willful, knowing, malicious and purposeful conspiracy the Plaintiff suffered the deprivation of her rights and a loss of public employment, wages and benefits, was forced to suffer great strain, hardship, and anxiety, was caused painful physical and mental suffering, and was subjected to humiliation.

COUNT III
SLANDER

v. Defendant Max Sherman

60. Plaintiff hereby incorporates each and every allegation in the preceding paragraphs of this Complaint as if set forth in full herein.
61. Defendant Sherman maliciously spoke and published slanderous, false, malicious and defamatory statements regarding Plaintiff.
62. The statements made by Sherman which were made with no basis in truth or fact and the statements injured the honesty, integrity, morality and reputation of Clermont and thereby exposed her to public contempt and ridicule and to cause injury and damage to Clermont's personal life and professional career.
63. As a result of Defendant Sherman's actions, Plaintiff was permanently and greatly damaged in name and reputation and was further exposed to public contempt, humiliation and ridicule so as to damage her professional career.

COUNT IV
Failure to Properly Train and Supervise
Defendant Town of Tisbury

64. Plaintiff hereby incorporates each and every allegation in the preceding paragraphs of this Complaint as if set forth in full herein.
65. As a foreseeable result of Town of Tisbury failure to properly train and supervise Max Sherman, as well as investigate or discipline, Plaintiff Danielle Clermont was caused to suffer extreme emotional distress and damage to her personal and professional reputation.

THE PLAINTIFF HEREBY DEMANDS A TRIAL BY JURY ON ALL COUNTS.

Respectfully submitted,
For Plaintiff,
By her attorney,

/s/ Timothy M. Burke

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CERTIFICATE OF SERVICE

I hereby certify that this document filed through the Massachusetts Electronic Filing system will be sent electronically to the registered participants. Email copies will be sent to all counsel of record.

Dated: 01/13/2022

/s/ Timothy M. Burke