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Attorneys for Plaintiff Michael Boren

**IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF CUSTER**

MICHAEL BOREN, an individual,

Plaintiff,

v.

RICHARD DOUGLAS FOSBURY, an
individual; GARY GADWA, an individual;
JON CONTI, an individual; and DOES 1-20,

Defendants.

Case No.:

**COMPLAINT AND DEMAND FOR JURY
TRIAL**

**Filing Fee:
Fee Category:**

Plaintiff Michael Boren, by and through his counsel of record, for his complaint against Defendants Richard Douglas Fosbury, Gary Gadwa, Jon Conti and Does 1-20, pleads and alleges as follows:

INTRODUCTION

1. Plaintiff Michael Boren ("BOREN") is a resident of Custer County, Idaho and the owner of Hell Roaring Ranch, a 480-acre cattle ranch located approximately 15 miles south of Stanley, Idaho, within the boundaries of the Sawtooth National Recreation Area ("SNRA").

2. Since early 2021, Blaine County Commissioner and Defendant Richard Douglas Fosbury (“FOSBURY”), in collaboration with a group consisting mostly of Blaine County residents, referred to herein as the “Opposition Group” (which Group includes Gary Gadwa (“GADWA”) as well as DOES 1-20) have intentionally, or at least recklessly, disparaged BOREN. This campaign of disparagement was part of a strategy developed by FOSBURY and the Opposition Group to oppose BOREN’s use of his ranch pasture as a landing area for the aircraft BOREN uses in connection with his ranching operations. The disparaging statements disseminated by FOSBURY and the Opposition Group include, but are not limited to:

- a. The falsehood that BOREN’s use of his pasture as a landing area for his aircraft is unlawful;
- b. The falsehood that BOREN illegally “built” an “airstrip” or “airport” on his property;
- c. The falsehood that BOREN needed Custer County or United States Forest Service (“USFS”) permission to land his aircraft on his ranch pasture;
- d. The falsehood that BOREN knowingly ignored the law when he used his pasture as a landing area for his aircraft; and
- e. The falsehood that BOREN “lied” to local, state and federal authorities about the use of his pasture so that he could hide his allegedly illegal activities.

3. FOSBURY and the Opposition Group intentionally disseminated these defamatory statements concerning BOREN knowing they would harm BOREN’s reputation, subject him to ridicule and anger from the community and jeopardize BOREN’s continued use of his pasture as a landing area for his aircraft.

4. Although BOREN's ranch is located in Custer County, FOSBURY used his position as a Blaine County Commissioner to advise and otherwise facilitate the attack on BOREN. As will be discussed in further detail below, FOSBURY used his power and authority as a Blaine County Commissioner (along with Blaine County resources) to disparage and defame BOREN in an effort to interfere in BOREN's rightful use of his property *in Custer County*.

5. Defendants' defamation of BOREN continues today. Even though BOREN has asked Defendants to refrain from their unlawful behavior, Defendants have ignored BOREN's overtures at resolving his differences with Defendants and Defendants continue to expand upon and spread these malicious falsehoods to anyone who will listen. The continuing harm caused by Defendants' defamation is well illustrated by a recent YouTube presentation created by Defendant Jon Conti ("CONTI"). CONTI's malicious personal attack on BOREN is the direct consequence of the defamation initiated by FOSBURY, GADWA and the Opposition Group.

6. As a consequence, BOREN and his family have received death threats and have become the subjects of ridicule within the community and state.

7. As it is expected that Defendants will complain that this action is an attempt to curb their First Amendment rights, BOREN seeks a Declaratory Judgment that the statements made by Defendants are defamatory and, therefore, not protected speech. Further, BOREN is entitled to recover damages equal to the amounts expended by BOREN in attempting to preserve his reputation, as well as general damages in an amount to be proved at trial.

THE PARTIES

8. BOREN is an individual who, at all times relevant hereto, has resided in Custer County, Idaho.

9. Upon information and belief, FOSBURY is an individual who, at all times relevant hereto, has resided in Blaine County, Idaho. GADWA is an individual who, at all times relevant hereto, has resided in Custer County, Idaho. CONTI is an individual who, at all times relevant hereto, has resided in Ada County, Idaho.

10. DOES 1-20 (who are a part of the "Opposition Group" along with GADWA) "acted in concert" with FOSBURY and engaged in the same defamatory conduct as that attributed to FOSBURY and GADWA in this Complaint. As such, FOSBURY, GADWA and DOES 1-20 are jointly and severally liable to BOREN for each other's intentional or reckless conduct.

JURISDICTION AND VENUE

11. This Court has original jurisdiction over this matter under Idaho Code § 1-705. Defendants are subject to this Court's jurisdiction under Idaho Code § 5-514.

12. Pursuant to Idaho Code § 5-404, venue is proper in Custer County because at least one Defendant resides in Custer County.

13. Damages in the instant action are expected to be above the limit of this Court to reassign to a Magistrate Division.

GENERAL FACTUAL ALLEGATIONS

14. This case arises out of the circumstances surrounding BOREN's application to the Custer County Planning and Zoning Commission ("CCP&Z") for a Conditional Use Permit ("CUP"). The CUP application, which was filed on February 16, 2021, requested that an undeveloped pasture on BOREN's Hell Roaring Ranch be granted a conditional use permit for the purpose of allowing emergency public use.

15. BOREN's CUP request was public minded: Only months before filing his request, BOREN witnessed circumstances that demonstrated to him that the pasture on his property

might be useful in emergency circumstances if it were depicted on aviation charts as a private airstrip open to emergency use.

16. Given that BOREN had, for years, used the undeveloped pasture in question to land his own aircraft, it seemed quite natural that the same area could be put to public use in the event of an emergency.

17. Although BOREN's proposal was intended to benefit the public, his CUP application was vociferously opposed by the Opposition Group, which was led by FOSBURY. The reason for their opposition, however, had little to do with the request for a conditional use permit. Rather, FOSBURY and the Opposition Group saw BOREN's CUP application as an opportunity to retroactively prohibit BOREN's use of his pasture for landing his own aircraft, which were used in his ranching operations.

18. Seizing on BOREN's CUP application, FOSBURY and the Opposition Group fabricated a false and defamatory narrative concerning BOREN's use of his pasture landing area.

19. Among other things, FOSBURY and the Opposition Group:

- a. Falsely stated that BOREN had no right to land his aircraft on his property;
- b. Falsely stated that BOREN had been landing his aircraft on his pasture for years, with full knowledge of his unlawful conduct;
- c. Falsely stated that in order to land his aircraft, BOREN had "constructed" an "airstrip" (or according to some in the Opposition Group, an "airport") without obtaining the "necessary permits" from Custer County or the USFS;
- d. Falsely stated that in order to keep his "airport construction" secret, BOREN intentionally misled government officials into believing that he was building an irrigation system on his pasture; and

- e. Falsely stated that because BOREN had brazenly violated the law and lied to conceal it, his CUP application should be denied, *and his use of his pasture as a landing area should be declared unlawful.*
20. This false narrative was as absurd as it was untrue. In truth,
- a. BOREN had every right to land his aircraft on his property. Indeed, he had been doing so in plain view of the USFS and Custer County officials for years, without objection from any such officials or any members of the community.
 - b. BOREN did not need an “airstrip” (much less an “airport”) to land his aircraft. BOREN is an accomplished pilot, experienced in using his pasture for take-off and landing. Thus, BOREN had never “constructed” an airstrip (or an airport, for that matter) on his land.
 - c. BOREN has constructed (and continues to construct) an underground irrigation system for his 63-acre pasture (which includes the areas of the pasture where he lands his aircraft). Anyone making any sort of reasonable inquiry into BOREN’s irrigation system construction would know that such project was not a “cover” to hide an “airstrip.”

21. Although the narrative developed by FOSBURY and the Opposition Group was completely false, it was useful in arousing reputation-damaging sentiment in the media. Journalists reported the Opposition Group’s falsehoods in a multiplicity of articles that repeated, again and again, the inaccuracies stated above.

22. Indeed, the Opposition Group's false narrative was so often repeated, it appears to have been accepted by many as true—to the point where BOREN and his family received death threats.

23. What should have been an uncontroversial application for the purposes of charting a landing area so that it could be used in an emergency situation turned into an expensive and highly personal fight over BOREN's reputation and right to use his land as he had lawfully done for years.

24. FOSBURY played an instrumental role in the Opposition Group's efforts to defame BOREN and did so with the intent of inciting anger against him within the community with the end goal of depriving him of his lawful property rights.

25. For example, given his belief that the CCP&Z would likely approve BOREN's CUP application unless disrupted, FOSBURY improperly used Blaine County resources and his position as a Blaine County Commissioner to attempt to influence and even thwart Custer County's decision-making process.

26. FOSBURY used his position as a Blaine County Commissioner to gain access to the USFS to set up meetings between the Opposition Group and USFS concerning BOREN's Custer County CUP application. FOSBURY set up these meetings to persuade the USFS to take the unprecedented step of intervening into and halting the Custer County proceedings before the CCP&Z had ruled on BOREN's CUP application.

27. These meetings were conducted behind closed doors between the USFS, FOSBURY, and other DOEs, including, upon information and belief, Angenie McCleary. Upon information and belief, FOSBURY repeated some or all of the false and defamatory statements described above during these meetings. FOSBURY made these defamatory statements so he could

characterize BOREN as a brazen violator of state and federal law and thereby motivate the USFS to take action against him.

28. Because these were closed-door meetings, BOREN had no notice or opportunity to respond to any defamatory statements or untrue allegations made by FOSBURY (or other members of the Opposition Group) in these “off-the-record” meetings.

29. FOSBURY set himself up as the “adviser” to the Opposition Group, claiming experience in Idaho zoning law and SNRA scenic easement guidelines. In that position, FOSBURY exacerbated and compounded the misinformation and falsehoods pertaining to BOREN and the CUP process by:

- a. Wrongly advising the Opposition Group that BOREN had violated Custer County zoning laws when he failed to obtain permits for his alleged “airstrip” which he allegedly “constructed” in 2016;
- b. Wrongly advising the Opposition Group that BOREN had violated SNRA rules and regulations when he failed to obtain USFS certification before using his pasture as a landing area;
- c. Wrongly advising the Opposition Group that the reason Custer County officials would likely approve BOREN’s CUP was because they were ignorant of their statutory duties;
- d. Wrongly advising the Opposition Group that the USFS officials had the right to intervene in the Custer County proceeding, and that refraining from such intervention amounted to a failure by the USFS to protect the SNRA;

- e. Wrongly advising the Opposition Group that BOREN had lied to the Army Corp of Engineers regarding certain irrigation work performed on his pastureland; and
- f. Wrongly advising the Opposition Group that the Right to Farm Act did not apply to BOREN's use of his aircraft as part of his ranching operation.

30. FOSBURY's conduct described above substantially advanced and augmented the Opposition Group's false narrative that "BOREN had illegally constructed an airstrip on his property and had lied about it to the authorities," which narrative was distributed to the media, governmental authorities, and the public at large. Consequently, FOSBURY's conduct was a substantial factor in harming BOREN's reputation and causing BOREN to expend hundreds of thousands of dollars to obtain CUP approval.

31. On May 1, 2021, FOSBURY took it upon himself to communicate with Robert Brochu, a Project Manager for the US Army Corps of Engineers who had met with BOREN in 2016 regarding BOREN's use of his pasture. At that time, Brochu had inquired about work that BOREN was performing in his pasture area. BOREN honestly responded that the work being done was for improvements to the irrigation system in the pasture area. This statement was absolutely true.

32. FOSBURY defamed BOREN in a May 1, 2021 email to Brochu (which he sent from his Blaine County Commissioner email address), calling BOREN a liar. In the opening lines of his email, FOSBURY states:

I am in receipt of correspondence...[from] 2016 when Mr Boren lied to you and stated that he was not building and [sic] airstrip on his ranch. The airstrip has been constructed illegally (without permits) and he is now appearing before the Custer County Planning and Zoning for a Conditional Use permit after the fact.

33. At the time that FOSBURY accused BOREN of lying, FOSBURY and the Opposition Group:

- a. Had no proof that BOREN's statement to Brochu was false;
- b. Had information available to them confirming that BOREN was, indeed, building an underground irrigation system on his pasture;
- c. Had made no reasonable inquiry to determine whether an "airstrip" had ever been "constructed" on BOREN's pasture;
- d. Had been unable to identify any state or federal laws violated by BOREN's use of his pasture as a landing area (despite significant efforts to locate legal authority to the contrary);
- e. Had no information to suggest that permits were required for BOREN to land his aircraft on his pasture;
- f. Had information that BOREN's use of the pasture as a landing strip "for agricultural purposes" could not be prohibited by county planning and zoning authorities by virtue of Idaho's Right to Farm Act;
- g. Had no proof that BOREN's use of his aircraft was for other than "agricultural purposes";
- h. Knew that BOREN's use of his pasture for take-off and landing his aircraft was known to the USFS, and that the USFS had at no time taken any action whatsoever to oppose such use as inconsistent with the SNRA;
- i. Knew that BOREN would likely be working in the future with the federal government, and specifically the Army Corp of Engineers; and

- j. Should have known that such accusation was an assertion that BOREN had committed a federal felony (lying to a federal official) and a state misdemeanor.

34. FOSBURY's defamatory statements were ratified and adopted by the Opposition Group in its various communications with the media and local residents. For example, in an opinion piece published in the Post Register, GADWA accused BOREN of lying to "regulators" about "fixing irrigation" on his pasture "when it was obvious that he had graded an airstrip." Such libel was made with malice, or at least recklessly, without due regard for the true facts, which were available to FOSBURY, GADWA and the Opposition Group.

35. The defamatory statements of FOSBURY and the Opposition Group were restated and repeated throughout the CUP application process, causing BOREN to expend enormous sums to defend against the barrage of falsehoods that harmed his reputation and threatened his property rights.

36. This desperate campaign of reckless defamation is illustrated in the filings submitted by the Opposition Group during the CUP process. For example, the *Notice of Appeal and/or Motion for Reconsideration of the Findings of Fact re: Boren Conditional Use Permit ("CUP")* (hereinafter "Notice of Appeal") is filled with false information, presumably provided by FOSBURY and other Opposition Group members to Michael Pogue, the Opposition Group's attorney. Such falsehoods include but are not limited to:

- a. The falsehood that BOREN's pasture landing area violated FAA regulations.
- b. The falsehood that BOREN's fuel storage violated the Clean Water Act.
- c. The falsehood that BOREN was in violation of the Endangered Species Act.

- d. The falsehood that BOREN had failed to obtain the necessary permitting for his septic system.
- e. The falsehood that BOREN misrepresented the construction on his pasture as pasture improvements, rather than airport or airstrip construction.
- f. The falsehood that Custer County could not make a decision on the CUP without first receiving the USFS's "CUP compliance review."

37. On information and belief, FOSBURY and the Opposition Group used the briefing contained within the "Notice of Appeal" as part of their effort to persuade the USFS to intercede into, and interfere with, the Custer County proceedings

38. In spite of their campaign of falsehoods, FOSBURY and the Opposition Group failed to effectively obstruct Custer County's full and fair consideration of BOREN's CUP application. On September 20, 2021 the Custer County Board of Commissioners affirmed the CCP&Z decision to grant BOREN's CUP application.

39. Although BOREN was ultimately successful in both protecting his right to land his aircraft in his pasture, and obtaining the Conditional Use Permit he requested, FOSBURY and the Opposition Group have "doubled down" in their defamation of BOREN. While continuing to disseminate the falsehoods identified in paragraph 2, above, FOSBURY and the Opposition Group have disseminated new false and disparaging statements in an effort to explain why their false narrative was rejected by Custer County in the CUP process: FOSBURY and the Opposition Group maintain that the only reason BOREN's application was approved was because BOREN unfairly and corruptly influenced Custer County officials who were more than willing to ignore their statutory obligations and unlawfully grant the CUP application.

40. This new round of defamation, which was disseminated from both the Opposition Group's website and Facebook page "Advocates for the Sawtooth NRA," has harmed BOREN as it has been picked up and repeated by others who are unaware of the true facts.

41. The continuing harm caused by Defendants' defamation of BOREN is best exemplified by the words and conduct of CONTI. Almost a year after the completion of the Custer County process, CONTI adopted and expanded upon the Opposition Group's defamation of BOREN in a YouTube presentation live streamed on March 3, 2022 entitled, "The Billionaire Building A Private Airport in the Sawtooths" (the "Presentation").

42. In advance of his Presentation, CONTI promised his viewers that their "blood [would] boil" upon hearing what CONTI had to say about the "Billionaire Asshole" who had "illegally" constructed an "airport" on his ranch property. CONTI also advertised the Presentation with a picture of BOREN with the word "Asshole" in bold red letters and a bold red arrow pointing at BOREN.

43. During the course of his Presentation, CONTI launched into a malicious barrage of defamatory statements intended to harm BOREN's reputation. For example:

- a. CONTI falsely stated that BOREN had illegally constructed an "airport" on his ranch and landed his aircraft at his "private airport" with full knowledge that such was an illegal activity.
- b. CONTI falsely stated that BOREN had intentionally misled local authorities into believing that his airport construction was actually work on his ranch irrigation system.
- c. CONTI falsely stated that the USFS had found BOREN's "airport" in violation of SNRA rules and suggested that BOREN obtained permits for

his airport by improperly using his money and influence to get what he wanted.

- d. CONTI falsely stated that BOREN had filed litigation to stop the construction of a hiking trail in the SNRA.
- e. CONTI falsely stated that BOREN had flown his helicopter “illegally” and “intimidated” construction workers who were building the hiking trail.

44. Upon information and belief, CONTI did nothing to verify these allegations before disseminating them.

- a. CONTI took *no steps* to determine whether, in fact, BOREN had ever constructed an airport or airstrip on his ranch property. (Had he done so, he would have learned that BOREN has never constructed either an airport or an airstrip.)
- b. CONTI never reviewed the publicly available materials filed with Custer County relating to BOREN’s CUP application. (Had he done so, he would have learned that: (a) BOREN had acquired all necessary permits in connection with his ranch; (b) no federal agency had objected to BOREN landing his aircraft on his property; (c) prior to his CUP application, BOREN had never received a complaint about use of his pasture as a landing area; and (d) Custer County had conducted a full, fair and impartial review of BOREN’s CUP request.)
- c. CONTI failed to review the USFS’s position on BOREN’s use of his pasture to land his aircraft. (Had he done so, CONTI would have learned that the

USFS had declared that BOREN's use of his pasture as a landing strip did not violate the scenic easement on BOREN's property.)

- d. CONTI never reviewed the court filings relating to litigation filed over the hiking trail. (Had he done so, he would have learned that BOREN had nothing to do with that litigation.)

45. CONTI's malice for BOREN is obvious from CONTI's language and conduct both during and after the Presentation:

- a. During the Presentation, CONTI repeatedly referred to BOREN as an "asshole" who "lies, because that's who he is."
- b. During the Presentation, a viewer posted a question for CONTI's response – why not legalize shooting down helicopters? This was a clear reference to shooting down BOREN's helicopter. CONTI stated this was a "good idea."
- c. In spite of this malicious disparagement, BOREN contacted CONTI shortly after the Presentation with the idea that CONTI might be interested in viewing his pasture landing area – where no airport or airstrip exists. Moreover, BOREN graciously offered CONTI the opportunity to interview him to get "the other side of the story."
- d. CONTI refused BOREN's offer.

46. Given CONTI's refusal to reconsider his position, BOREN offered to resolve their differences for an apology and a nominal (\$5,000) payment— *not to BOREN, but to two non-profit organizations that work for the benefit of the SNRA*. CONTI again refused and threatened BOREN that if BOREN did not pay him \$100,000.00, CONTI would continue to circulate CONTI's

defamatory YouTube presentation. This, perhaps more than anything else, demonstrates CONTI's malice.

47. Similar to CONTI, FOSBURY, on his own behalf, and on behalf of the Opposition Group, has refused to enter into any discussion to resolve this matter out of court.

48. Left with no options, BOREN has resolved to repair his reputation in the courts.

49. As a consequence of FOSBURY's, the Opposition Group's, and CONTI's actions, BOREN's reputation has been damaged, BOREN and his family received death threats and BOREN was forced to expend excessive sums to obtain his CUP, whereas such an application should have been a simple uncontested matter.

CLAIMS FOR RELIEF

First Cause of Action

Declaratory Relief

(Against FOSBURY, GADWA, CONTI and DOES 1-20)

50. BOREN repeats herein by this reference each and every allegation set forth in Paragraphs 1 through 7 and 14 through 49, inclusive, as if said paragraphs were set forth herein in full.

51. BOREN seeks a declaratory judgment that the statements made by Defendants, as listed below (or statements of similar import or inference), are false and defamatory:

- a. That BOREN has illegally constructed an airport or airstrip on his property;
- b. That BOREN's use of his pasture as a landing area was unlawful;
- c. That BOREN needed permits or permission from Custer County or the USFS in order to land his aircraft on his pasture; and

- d. That BOREN intentionally misled government officials into believing that he was building an irrigation system on his pasture, when in fact he was constructing an airstrip.

Second Cause of Action
Defamation
(Against FOSBURY, GADWA, CONTI and DOES 1-20)

52. BOREN repeats herein by this reference each and every allegation set forth in Paragraphs 1 through 7 and 14 through 49, inclusive, as if said paragraphs were set forth herein in full.

53. FOSBURY, the Opposition Group (which includes GADWA and DOES 1-20) and CONTI communicated information concerning BOREN to others that impugned the honesty, integrity, virtue and/or reputation of BOREN and/or exposed BOREN to public hatred, contempt and ridicule.

54. The information that FOSBURY, the Opposition Group and CONTI communicated to others was false.

55. FOSBURY, the Opposition Group and CONTI knew the information was false, or reasonably should have known that it was false.

56. BOREN suffered actual injury as a direct and proximate result of FOSBURY's, the Opposition Group's and CONTI's defamation in an amount to be proved at trial. These damages include, but are not limited to, the damage to BOREN's reputation resulting from Defendants' defamation, as well as the significantly increased costs associated with defending against that defamation and FOSBURY and the Opposition Group's challenge to BOREN's CUP application. Indeed, what should have been an easy, unopposed CUP application (like prior similar CUP applications to the CCP&Z) turned into a lengthy, drawn out and nasty attack on BOREN, his

family and his private property rights, all of which caused him to expend hundreds of thousands of dollars to complete the CUP process, including defending against FOSBURY and the Opposition Group's appeal.

Third Cause of Action
Defamation Per Se
(Against FOSBURY, GADWA, CONTI and Does 1-20)

57. BOREN repeats herein by this reference each and every allegation set forth in Paragraphs 1 through 7 and 14 through 49, inclusive, as if said paragraphs were set forth herein in full.

58. Defendants communicated information concerning BOREN to others.

59. The information related to BOREN's ranching business and impugned BOREN's honesty, integrity, virtue and reputation as a rancher.

60. Defendants falsely claimed that BOREN had committed a crime of moral turpitude.

61. The information was false.

62. Defendants knew it was false, or acted with reckless disregard for its truth, at the time the information was communicated to another.

63. BOREN's injury is presumed and BOREN need not prove actual injury because of the defamation.

64. BOREN should be awarded special and general damages in an amount to be proved at trial.

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Fourth Cause of Action
Conspiracy to Commit Defamation
(Against FOSBURY, GADWA and DOES 1-20)

65. BOREN repeats herein by this reference each and every allegation set forth in Paragraphs 1 through 7 and 14 through 49, inclusive, as if said paragraphs were set forth herein in full.

66. FOSBURY and the Opposition Group agreed and conspired to disseminate defamatory information about BOREN.

67. BOREN was defamed by the Opposition Group in accordance with that agreement.

68. FOSBURY was aware that the Opposition Group planned to defame BOREN, and FOSBURY agreed with the Opposition Group and intended that the defamation be committed.

69. BOREN was injured by the Opposition Group's defamatory statements.

70. FOSBURY is liable to BOREN for the acts of the Opposition Group in an amount to be proved at trial.

COSTS AND ATTORNEYS' FEES

BOREN has been required to retain counsel to assist in the prosecution of this matter. BOREN is entitled to recover his costs and attorney's fees incurred in the prosecution of this matter pursuant to Idaho Rule of Civil Procedure 54 and/or Idaho Code §§ 12-120 and 12-121, or other applicable law.

DEMAND FOR JURY TRIAL

BOREN hereby demands a jury trial pursuant to Idaho Rule of Civil Procedure 38(b).

PRAYER FOR RELIEF

WHEREFORE, BOREN prays for judgment against Defendants as follows:

1. For declaratory relief as set out above;

2. For monetary damages in an amount to be determined at trial;
3. For all costs and attorneys' fees incurred in the prosecution of this action;
4. For all prejudgment interest; and
5. For such other and further relief as this Court deems just and proper.

DATED this 6th day of May 2022.

THOMAS BANDUCCI P.C.

/s/ Thomas A. Banducci

Thomas A. Banducci

Attorneys for Plaintiff Michael Boren