

**HEARING**

Monday, September 18, 2023

Time: 9:00 a.m. Eastern

No. 2336 RO 000521

Salem District Court  
56 Federal St, Salem, MA 01970  
Session A, Courtroom A

**PLEADINGS  
TPO & Fee Motion**

HOPE WATT-BUCCI,

Plaintiff,

v.

KIMBERLY KAHAN,

Defendant.

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# AFFIDAVIT


Describe in detail the most recent incidents of harassment. If the harassment consisted only of conduct that was willful and malicious, but was not a violation of the listed criminal statutes, you must describe at least three separate incidents of such harassment. The Judge requires as much information as possible, such as what happened, each person's actions, the dates, locations, any injuries, and any medical or other services sought. Also describe any history of harassment, with as much of the above detail as possible. Note: Unless the Court allows a motion to impound, this affidavit will be public record, including any names or specific addresses included in the affidavit.

On or about  (date), the Defendant:

In June 2023 residents of my town who reside at 12 North St. Manchester by-the-Sea, MA placed 3 anti-LGBTQ+ lawn signs on their front lawn (see attached) pictures 1,2,&3).  
 As the President and Founder of North Shore Pride, as well as a concerned citizen of the same town of Manchester by-the-Sea, I placed an Op-Ed in our local newspaper (the Manchester Cricket) in response to the signs (See attached Op Ed article).  
 These residents responded by adding now two more signs over the last several months (See attached pictures 5&6). These signs directly mention me by name and make reference to me supporting and being a groomer for LGBTQ+ children.  
 I spoke with the local Manchester by-the-Sea Police Dept. and the detective determined it was a civil issue and there was nothing they could do for me. The detective did ask the resident to remove the signs and the owners refused citing they wanted an apology from me for the op-ed article in the local newspaper. I have had many town residents of Manchester by-the-Sea approach me and ask why these residents are still allowed to keep the signs up. These residents have offered support and continually approach me to ask why these signs are allowed to remain up for public viewing. These residents reside on a very public street in the town that is well traveled. I submitted a request to G.L.A.D. (LGBTQ+ Advocates and Defenders of Boston) to try and stop this harassment and they referred me to your office and this application to try and get these residents to stop their harassment of me.

If more space is needed, attach additional pages and check this box:

I declare under penalty of perjury that all statements of fact made above, and in any additional pages attached are true.

<b>DATE SIGNED</b>	<b>PLAINTIFF'S SIGNATURE</b> 	
<b>WITNESSED BY</b>	<b>PRINTED NAME OF WITNESS</b>	<b>TITLE OF WITNESS</b>
<input checked="" type="checkbox"/> If this box is checked, this form was completed by a police officer with information provided by the Plaintiff.	<b>SIGNATURE OF OFFICER</b>	<b>PRINTED NAME/TITLE OF OFFICER</b>

I have transcribed the above affidavit for the Plaintiff.

<b>TRANSCRIBER'S SIGNATURE</b>	<b>PRINTED NAME OF TRANSCRIBER</b>	<input type="checkbox"/> Court Certified Interpreter <input type="checkbox"/> Court Screened Interpreter <input type="checkbox"/> Other: _____ <input type="checkbox"/> Remote Translation via Telephone/Video
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**NOTICE OF NEXT EVENT**

DOCKET NUMBER

**2336RO000521****Trial Court of Massachusetts  
District Court Department**CASE NAME  
Hope Watt Bucci v. Kimberly Kahan

ATTORNEY (OR PRO SE PARTY) TO WHOM THIS COPY OF NOTICE IS ISSUED

Kimberly Kahan  
12 North St.  
Manchester, MA 01944COURT NAME & ADDRESS  
Salem District Court  
56 Federal Street  
Salem, MA 01970

NEXT COURT EVENT

**Hearing After Notice****09/18/2023 at 09:00 AM**  
**Session A, Courtroom A, 1st Floor**

JUDGE OR MAGISTRATE (if already assigned)

**^^^ COUNSEL FOR ALL PARTIES (OR PRO SE PARTY)    ^^^**  
**MUST APPEAR ON THE DATE & TIME SHOWN ABOVE****TO THE PARTIES TO THIS CASE:**

The nature, date and time of the next scheduled event concerning this case is indicated above.

**You are required to be present at this event.**

If you have good reason to request the Court to reschedule this event for another date, such request must be made by motion in accordance with the applicable court rule. Please note that the granting of a continuance is not automatic even when all the parties agree.


**Further Orders of the Court.**

DATE ISSUED

September 7, 2023

CLERK-MAGISTRATE

C-M Brian J Costa

<b>SUMMONS TO DEFENDANT</b> G.L. c. 209A or G.L. c. 258E		DOCKET NO. <b>2336RO521</b>	Massachusetts Trial Court 
PLAINTIFF'S NAME <b>Hope Watt Bucci</b>		COURT NAME & ADDRESS <b>Salem District Court 56 Federal Street Salem, MA 01970</b>	
DEFENDANT'S NAME & ADDRESS  <b>Kimberly Kahan 12 North St. Manchester, Ma 01944</b>		DATE OF COURT HEARING <b>9/18/2023</b>	
		TIME OF COURT HEARING <b>9:00am</b>	

**TO THE DEFENDANT NAMED ABOVE:**

The Plaintiff named above has filed with this court the attached:

- Complaint for Protection from Abuse** pursuant to Massachusetts General Laws chapter 209A, section 3, requesting that you be ordered not to abuse the Plaintiff and for other relief as indicated.
- Complaint for Protection from Harassment** pursuant to Massachusetts General Laws chapter 258E, section 3, requesting that you be ordered not to harass or abuse the Plaintiff and for other relief as indicated.

A judge will conduct a hearing on the Plaintiff's Complaint at this court on the date and time shown above.

**YOU ARE HEREBY SUMMONED TO APPEAR** before this Court at that date and time if you wish to be heard on whether the Court should issue the requested Order.

At that hearing, you will have an opportunity to cross-examine any witnesses offered by the Plaintiff. You may also offer witnesses or other evidence on your behalf and you may be heard on whether the Court should issue the requested Order. If you wish, you may retain counsel to represent you at that hearing.

**IF YOU DO NOT APPEAR AT THE HEARING, EITHER PERSONALLY OR BY COUNSEL, THE COURT MAY ISSUE THE REQUESTED ORDER WITHOUT HEARING FROM YOU.**

Whether or not you appear at the hearing, if the Court issues an Order that you are to refrain from abusing or harassing the Plaintiff, to refrain from contacting the Plaintiff or the Plaintiff's minor child, or to vacate the Plaintiff's household, multiple family dwelling or workplace, **ANY VIOLATION OF THAT ORDER IS A CRIMINAL OFFENSE**, punishable by imprisonment or fine or both.

TESTE OF FIRST JUSTICE WITNESS: <b>Randy S. Chapman</b>	DATE ISSUED <b>9/7/2023</b>	CLERK-MAGISTRATE/DEPUTY CLERK <i>[Signature]</i> <b>Clerk Magistrate</b>
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<b>CERTIFICATE OF SERVICE</b>		
I certify that on this date I served this Summons and a copy of the Plaintiff's Complaint for Protection on the Defendant:		
<input type="checkbox"/> by mailing them by first class mail to the Defendant at the address shown above.		
Other:		
DATE <b>9/7/2023</b>	SIGNATURE OF PERSON MAKING SERVICE <i>[Signature]</i>	TITLE <b>Staff member: Clerk's Office</b>

COMMONWEALTH OF MASSACHUSETTS

SUPERIOR COURT FOR ESSEX COUNTY  
CASE NO. 2336 RO 000521

\_\_\_\_\_)  
HOPE WATT-BUCCI )  
Plaintiff, )  
 )  
v. )  
 )  
KIMBERLY KAHAN )  
Defendant. )  
\_\_\_\_\_)

**KIMBERLY KAHAN’S MEMORANDUM IN OPPOSITION TO 258E TPO PETITION**

**1.0 Introduction**

Ms. Hope Watt-Bucci disagrees with Ms. Kahan’s political views. Rather than let their ideas compete in the marketplace of ideas, as our Constitution mandates, Ms. Watt-Bucci prefers to act the part of the bully, censor, and comes to this Honorable Court under quite the cloud of hypocrisy. She has harassed Ms. Kahan directly, sought to enlist others to harass Ms. Kahan, has incited others to steal Ms. Kahan’s property, and has even incited others to throw feces at Ms. Kahan’s home. This is all because Ms. Hope Watt-Bucci disagrees, politically, with Ms. Kahan. Since none of this has succeeded in suppressing Ms. Kahan from expressing her views (peacefully and lawfully), Ms. Hope Watt-Bucci unethically seeks an injunction from this Honorable Court for no purpose other than to silence Ms. Kahan.

The Petition must be disallowed and reasonable fees and costs should be awarded to Defendant. Ms. Kahan hereby submits this Memorandum in support of her arguments to deny the Petition, and in support of her request to be reimbursed her attorney’s fees in light of the Petition’s frivolous nature.

## 2.0 Relevant Facts

Ms. Kahan has strong beliefs about recent matters of public debate and concern. She is in support of equal rights for all people regardless of their sexual orientation. See Declaration of KIMBERLY KAHAN (“Kahan Decl.”) attached hereto as Exhibit 1, at ¶ 5. However, she believes that the struggle for equality has been won, and that we have entered a period where things have gone beyond merely seeking equality. See id. at ¶ 6. Ms. Kahan also has strong views on how our media and Silicon Valley companies unduly influence our discourse. See id. at ¶ 7.

Reasonable minds may agree with Ms. Kahan, and reasonable minds may disagree with her as well. However, the First Amendment demands that we tolerate all viewpoints – not only those that Ms. Watt-Bucci believes should be approved of.

Ms. Kahan is a devout Christian and a political conservative. See Kahan Decl. at ¶ 8. While such beliefs and viewpoints are not rare, nationwide, it would be an understatement to say that she is anything other than an endangered species in the Commonwealth of Massachusetts. The fact that she is in a small and shrinking minority does not invalidate her views. To express these views, she placed a trio of signs in her yard at 12 North Street, Manchester.<sup>1</sup> See id. at ¶ 9. Notably, she placed them all there at the same time. See id. at ¶ 10.

Ms. Kahan’s signs were as follows, and are cited in the manner that Ms. Watt-Bucci cites them in her Affidavit:

“It’s not about your lifestyle, its about the grooming of our children while theyre too young to understand.” [sic]. See Picture 1.

She placed another that showed two anthropomorphic figures: the first stands under a flag that has composite symbols representing the transsexual flag, the Satanic pentagram, and the

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<sup>1</sup> Ms. Watt-Bucci describes North Street as a “very public street in the town that is well-traveled.” See Affidavit of Watt-Bucci. What is “very public” and “well traveled” is perhaps a matter of personal opinion. However, when calibrating Ms. Watt-Bucci’s perception to objective reality, this is probably helpful. North Street is a narrow one-way street that leads to another one-way street. It is likely one of the least well-traveled streets in the town. However, this does not change the legal analysis of this matter, it simply casts light on Ms. Watt-Bucci’s credibility.

Islamic crescent. That figure is wearing a mask, has a syringe poking into itself, and wears a variety of logos including the communist hammer and sickle, the CNN logo, and Facebook and Twitter's corporate logos. That figure is scolding another figure with the words "they brainwashed you." The other figure sports a crucifix and the American flag, and responds "really?" See Picture 2.

The third sign she placed shows the words "PRIDEMONTH" and then the letters on each side of "PRIDEMONTH" fade out, to "PRIDEMONTH" to finally "DEMON" and on the last line, it says "Makes sense now." See Picture 3.

Ms. Watt-Bucci, who lives 100 feet away from Ms. Kahan, at 16 North Street, was displeased with Ms. Kahan's opinions. Rather than walk from 16 North Street to 12 North Street to speak to her neighbor about them, Ms. Watt-Bucci instead took to Facebook on the page "Manchester the What When Where How?" – a page that is largely used for community discussions in Manchester, but where political views are for the most part only welcome if they adhere to one particular orthodoxy – an orthodoxy that Ms. Kahan rejects.

On June 16 at 4:52 PM Ms. Watt-Bucci, knowing full well that posting Ms. Kahan's address would result in vandalism and harassment, did exactly that. See Kahan Decl. at ¶ 11. She had both the intent and the desire to see harassment and vandalism visited upon her neighbor. See id. at ¶ 12. Her desires were rewarded, as shortly thereafter, her summoned minions stole Ms. Kahan's signs and threw feces at her home. See id. at ¶ 13. Even in the largely-politically-and-socially-orthodox online community, some members expressed concern about Ms. Kahan's address being posted, with one member stating: "Now that her address was posted people are driving by taking pictures. Look up Doxxing." See id. at ¶ 14. Another wrote "and there is a prevailing sentiment of revenge as vigilantism. This entire post should be taken down ... lest there is harm caused to any person or property." See id. at ¶ 15. Ms. Watt-Bucci, even upon being notified that there would be "vigilantism" joyfully continued her campaign to ensure that Kahan would be harassed and intimidated.

Ms. Watt-Bucci also published a letter to the editor in the Manchester Cricket, ironically enough, calling for a display of “community” in opposition to Ms. Kahan. This is ironic, because we should not forget that not only do the two parties live in a small community, but live less than 100 feet from each other. Ms. Watt-Bucci also *mailed* a tank top shirt to Ms. Kahan that said “be kind” on it. See Kahan Decl. at ¶ 16. It is unclear why she mailed it rather than walk past a single intervening house to drop it off.

Once Ms. Watt-Bucci decided to create a public dispute between herself and her neighbor (rather than speaking to a neighbor) and once Ms. Watt-Bucci knowingly and willfully incited actual criminal conduct and vandalism against Ms. Kahan, Ms. Kahan responded with more yard signs, all placed in her yard at the same time. See Kahan Decl. at ¶ 17. She hung the tank top outside her home, with the card that Watt-Bucci included, as well as two signs criticizing Watt-Bucci’s statements in the Manchester Cricket and on the Manchester Facebook Page. See id. at ¶ 18.

Further escalating this matter, Watt-Bucci called the Manchester police, seeking criminal sanctions against Ms. Kahan for daring to have an opposing viewpoint. See Affidavit of Watt-Bucci. To the Police Department’s credit, they declined to arrest Ms. Kahan, but they did speak with her, merely suggesting that she remove the signs. See Affidavit of Watt-Bucci. Ms. Kahan stated that she would do so, if Ms. Watt-Bucci would apologize to Kahan’s children, who were now terrified by the actions that Watt-Bucci knowingly and willfully incited against Kahan. See Kahan Decl. at ¶ 26. Watt-Bucci refused. The signs remained up.

We now find ourselves here, where Watt-Bucci seeks a court order suspending Ms. Kahan’s First Amendment rights, and using the power of contempt to then ensure that Ms. Watt-Bucci need not tolerate any viewpoints except those of which she approves.

No Court in the United States, nor any other free country, should give Watt-Bucci what she asks for. Any order issued by this Honorable Court should remind Ms. Watt-Bucci that we live in a free country, where freedom of expression means freedom for viewpoints you dislike, as

well as those you approve of. Freedom of expression is there even for, and in fact *especially* for viewpoints that the community may consider to be a minority viewpoint.

### **3.0 Legal Standards**

Mass. Gen. L. ch. 258E provides for civil restraining orders and makes it a crime to violate them. See O'Brien v. Borowski, 461 Mass. 415, 419 (2012). If a Court is inclined to grant the order, it must make a finding of “harassment.”

“Harassment” is defined in 258E, § 1, as “[3] or more acts of willful and malicious conduct aimed at a specific person committed with the intent to cause fear, intimidation, abuse or damage to property and that does in fact cause fear, intimidation, abuse or damage to property.”

There are two hurdles that the Plaintiff must pass in order to prove civil harassment under c. 258E: First, the acts of harassment must be willful and malicious. “[T]he latter defined as ‘characterized by cruelty, hostility or revenge,’” Id. Then, the plaintiff must prove that the Defendant committed all three acts “with the intent to cause fear, intimidation, abuse or damage to property.” M.G. L. c. 258E, § 1. If she fails to get over either, the Petition must be disallowed.

Further, even if the petition makes it past these two hurdles, there is a third hurdle when the alleged acts involve speech: Constitutional protections. The Legislature defined harassment to “exclude constitutionally protected speech,” O'Brien, 461 Mass. at 425. Any speech that leads to a 258E order must be either “fighting words” or “true threats.” See Seney v. Morhy, 467 Mass. 58, 63 (2014).

To qualify as “fighting words” the words “must be a direct personal insult addressed to a person, and they must be inherently likely to provoke violence.” O'Brien, at 423. As for “true threats,” these include “direct threats of imminent physical harm,” as well as “words or actions that — taking into account the context in which they arise — cause the victim to fear such [imminent physical] harm now or in the future.” Id. at 425.

Moreover, to constitute “harassment” under 258E, “the fighting words or true threats must have been made with an *intention* to cause, and *must actually cause*, abuse, fear, intimidation, or damage to property. Van Liew v. Stansfield, 474 Mass. 31, 37 (2016) (emphasis

added; quoting O'Brien at 425). “Fear” in this context is “narrowly defined as fear of physical harm or fear of physical damage to property; it must be more than ‘a fear of economic loss, of unfavorable publicity, or of defeat at the ballot box’” Id. at 37-38, quoting O'Brien, at 427.

#### **4.0 Argument**

Ms. Watt-Bucci hopes that this Court will simply rubber stamp the Petition, without considering any of the required factors. Watt-Bucci stumbles over literally every single requirement in 258E.

##### **4.1 The Petition Fails to Allege Three or More Acts**

In this case, there are at best only two. While Watt-Bucci provided six photos of six signs, the first three are of three different signs that were put up all at the same time. See Kahan Decl. at ¶ 28. The second three pictures were also put up at the same time. See id. To claim that three signs, put up at the same time, are more than one “act” would be as illogical as claiming that three sentences uttered, one after the other, are “three acts.” That is two “acts.”

However, let us be charitable and call each sign an “act.” Even then, the Petition fails. The first three signs are described above, and have absolutely nothing to do with Ms. Watt-Bucci. She simply does not like their content. A sign that someone dislikes is not an “act” under the statute. The first three Pictures are of signs that are wholly irrelevant under this law, and must be disregarded by this Court.

Watt-Bucci then, in her Affidavit, complains about two more. Even if we are to be charitable and call these signs (put up at the same time) *two* separate acts, and we are to assume, *arguendo*, that they are “harassing” under 258E, Watt-Bucci has (at best) sought redress for *two* acts, and not *three*. Petition denied.

##### **4.2 The Conduct Was Willful, but Not Malicious, so the Petition Fails**

Ms. Kahan must admit that half of this element is met. She certainly did not place the signs in her yard by accident. Therefore, they were willfully placed there. However, there is nothing to suggest that she did so *maliciously* as the law defines that term. The term maliciously requires “cruelty, hostility, or revenge.” However, Ms. Kahan placed the *relevant* signs,

mentioning Ms. Watt-Bucci as part of an ongoing public dialogue. The Court is reminded that this started with three generic political signs that mentioned nobody. Then, Ms. Watt-Bucci sought to incite violence and vandalism against Ms. Kahan, and she succeeded in doing so. Ms. Watt-Bucci made this a public event in the Manchester Cricket. Ms. Kahan did not have a friend who works for the Cricket, so her only way to respond to now a town-wide discussion was to place signs in her yard. See Kahan Decl. at ¶ 19. Ms. Kahan denies that this was cruel (in fact, it was far more kind than Watt-Bucci’s intentional acts to incite violence and vandalism). Kahan also denies that she did so out of “hostility.” See id. at ¶ 20. If this is “hostility” than anyone taking the opposite side of a debate is then “hostile?” Finally, there was no motivation of “revenge.” See id. If Ms. Kahan wanted “revenge” it would be no great feat to simply go throw dog feces at Ms. Watt-Bucci’s home under the cover of darkness, as Watt-Bucci incited others to do to Ms. Kahan. Engaging in public debate is not “revenge” and no case in the history of American jurisprudence would support such a conclusion.

#### **4.3 No intent to cause fear, intimidation, abuse, or damage to property.**

Ms. Kahan responded to an ongoing debate, which Ms. Watt-Bucci made a town-wide debate in the Manchester Cricket and on the Manchester Facebook page. However, as above, it was never her intent to cause fear, intimidation, abuse, or damage to property. See Kahan Decl. at ¶ 20. It was her intent to exercise a right to reply to mail sent to her home and to public declarations about her. Ms. Watt-Bucci is the one who made this a matter of public debate. If she does not like that the other party to a debate has the right to retort, then she should exercise her right to remain silent. One she entered the arena of debate, she does not get to falsely claim “fear, intimidation, abuse, or damage to property” because someone replies. And it is worth noting that she does not so much as *allege* this element, much less *establish* it in the petition. The Petition must be denied.

#### **4.4 No fear, intimidation, abuse, or damage occurred**

Certainly, when we are before the Court, we anticipate that Ms. Watt-Bucci is at least capable of lying to the Court that she was in fear, intimidated, felt abused, and there was damage.

However, the petition is void of such allegations. In fact, unless the Affidavit is perjurious on its face, it establishes the exact opposite. Ms. Watt-Bucci goes to great lengths to brag in the Affidavit about how she has an outpouring of support from “many” residents who are unaware of why Ms. Kahan is allowed to disagree with the current political orthodoxy. She claims that she has been “offered support” (but she does not go so far as to admit that this “support” was the violence and vandalism she incited).

#### **4.5 Even if the statutory standards were met, any order granted under this Petition would violate the First Amendment**

Petitioner can not meet the high bar to show that Kahan’s political signs are unprotected under the First Amendment or the Massachusetts Constitution.

To be deemed a “true threat,” the speech must be “*aimed at placing the victim in fear of physical violence[.]*” Commonwealth v. Walters, 472 Mass. 680, 692 (2015) citing Virginia v. Black, 538 U.S. 343, 359-60 (2003). “[S]peech that has an expressive purpose other than to instill fear in another may be explicitly threatening, but may nevertheless fail to rise to the level of a true threat.” Id. at 691. We have already established that the *intent* was to engage in debate on matters of public concern and to exercise a right to reply. See Kahan Decl. at ¶ 19. In fact, if we examine the signs themselves, not even the most thin skinned person could think that *this* is language someone would use to put someone in fear of physical violence.

Similarly, the “fighting words” exception “*is limited to words that are likely to provoke a fight: face-to-face personal insults that are so personally abusive that they are plainly likely to provoke a violent reaction and cause a breach of the peace.*” O’Brien v. Borowski, 461 Mass. 415, 423 (2012). Such provocation must be *immediate*. See Byrnes v. City of Manchester, 848 F. Supp. 2d 146, 157 (D.N.H. 2012) citing Chaplinsky v. New Hampshire, 315 U.S. 568, 573 (1942). The statute thus requires three or more acts of harassment that must either be a true threat or fighting words. See G.L. § 258E, § 1.

Here, there is neither an allegation that the political signs are intended to place Ms. Watt-Bucci in “fear of physical violence,” nor that they are even in the same universe as those that are

“plainly likely to provoke a violent reaction.” Indeed, the only reaction they provoked was Ms. Watt-Bucci seeking to do figurative violence to the First Amendment.

While Ms. Watt-Bucci may not like the signs, nothing on them would provoke an immediate violent reaction or breach of peace. Compare Baker v. Glover, 776 F. Supp. 1511, 1516 (M.D. Ala. 1991) (“To the extent that there are any true fighting words left, the court is of the opinion that the phrase ‘Eat Shit’ does not fall within this category. Such words do not ‘by their very utterance inflict injury or tend to incite an immediate breach of the peace.’”) quoting Chaplinsky, 315 U.S. at 572. See also Nolan v. Krajcik, 384 F.Supp.2d 447, 459 (D. Mass. 2005) (“the use of epithets or otherwise profane language alone is not a basis for regulating speech as fighting words.”); Commonwealth v. A Juvenile, 368 Mass. 580, 589, 334 N.E.2d 617 (1975) (noting state cannot sanction “[v]ulgar, profane, offensive or abusive speech” alone under First Amendment). In fact, by the very sworn Affidavit provided by Ms. Watt-Bucci, the element of immediacy is dissolved. She claims that the signs went up in June of 2023. Certainly, if there were to be an *immediate* breach of the peace, that immediacy would no longer exist now that we are four months out from the signs being put in Kahan’s yard.

#### **4.6 The Order Sought is an Unconstitutional Prior Restraint**

“Temporary restraining orders and permanent injunctions – i.e., court orders that actually forbid speech activities – are classic examples of prior restraints.” Alexander v. United States, 509 U.S. 544, 550 (1993). “[P]rior restraints ‘require an unusually heavy justification under the First Amendment.’” Commonwealth v. Barnes, 461 Mass. 644, 652, 963 N.E.2d 1156, 1164-65 (2012) quoting New York Times Co. v. United States, 403 U.S. 713, 733, 91 S. Ct. 2140, 29 L. Ed. 2d 822 (1971) (Pentagon Papers) (White, J., concurring). “A prior restraint ... has an immediate and irreversible sanction. If it can be said that a threat of criminal or civil sanctions after publication ‘chills’ speech, prior restraint ‘freezes’ it at least for the time.” Nebraska Press Ass’n v. Stuart, 427 U.S. 539, 559 (1974). As the First Circuit observed, “[t]he Supreme Court has declared: ‘Any prior restraint on expression comes to this Court with a ‘heavy presumption’

against its constitutional validity.” In re Providence Journal Co., 820 F.2d 1342, 1348 (1st Cir. 1986) quoting Organization for a Better Austin v. Keefe, 402 U.S. 415, 419 (1971).

“[A]ny order seeking to enjoin speech must be based on detailed findings of fact that (a) identify a compelling interest that the restraint will serve and (b) demonstrate that no reasonable, less restrictive alternative to the order is available.” George W. Prescott Publ. Co. v. Stoughton Div. of the Dist. Court Dep’t of the Trial Court, 428 Mass. 309, 311 (1998).

## **5.0 Conclusion**

Anti-gay sentiment has been largely (and blessedly) wiped from our national discourse. It is not enough that our culture has completely rejected anti-gay sentiment, from the military to professional sports. It is easier to find an LGBTQ+ flag flying on a home in Manchester than it is to find an American flag. In fact, if someone arose from a coma this year, they might believe that we had been conquered by a foreign nation. That level of victory has not been achieved by anyone since the bombing of Nagasaki.

Further, Ms. Kahan does not even have an issue with LGBT individuals. She simply disagrees, *in part*, with the level to which the nationwide “victory lap” has gone. Is she right? That isn’t the point. She is a free American, and even if she wanted to express the most vile hate, and the most virulent disagreement, Ms. Kahan would have every right to do so. Ms. Watt-Bucci can not tolerate even one last shred of dissent – and there is a word for that: Fascism.

The Petition must be denied. It was brought specifically in retaliation for political yard signs, put up to communicate Ms. Kahan’s views about matters of public concern and which are part of an ongoing debate that Ms. Watt-Bucci entered, escalated, and now seeks to use the Government to do what she could not do by bullying, intimidation, and incitement.

The relief sought, if granted, would be an unconstitutional prior restraint. There is no evidence of three acts as to Plaintiff not based on protected speech. Finally, there is no need for the HPO; barring Defendant from engaging in First Amendment protected speech hardly serves the noble purpose for which Chapter 258E was enacted. The HPO should be denied and the

matter should be dismissed. Reasonable fees and costs, a petition for which will be brought by separate petition, must be awarded to Ms. Kahan.

KIMBERLY KAHAN

By her attorney,

/s/ Marc J. Randazza

Marc J. Randazza, BBO# 651477

Randazza Legal Group, PLLC

30 Western Avenue

Gloucester, MA 01930

(978) 801-1776

ecf@randazza.com

Dated: 18 Sept. 2023

**CERTIFICATE OF SERVICE**

I, Marc J. Randazza, hereby certify that a true and correct copy of the foregoing document is being served upon all *pro se* parties and all attorneys of record in the above-captioned matter by hand delivery, this 18th day of September 2023, as follows:

/s/ Marc J. Randazza  
MARC J. RANDAZZA

COMMONWEALTH OF MASSACHUSETTS

SUPERIOR COURT FOR ESSEX COUNTY  
CASE NO. 2336 RO 000521

\_\_\_\_\_) )  
HOPE WATT-BUCCI ) )  
Plaintiff, ) )  
 ) )  
v. ) )  
 ) )  
KIMBERLY KAHAN ) )  
Defendant. ) )  
\_\_\_\_\_) )

**DECLARATION OF KIMBERLY KAHAN IN SUPPORT OF KIMBERLY KAHAN'S  
MEMORANDUM IN OPPOSITION TO 258E TPO PETITION**

I, KIMBERLY KAHAN, declare:

1. I am over 18 years of age and have never been convicted of a crime involving fraud or dishonesty. I have knowledge of the facts set forth herein, and if called as a witness, could and would testify thereto.

2. I am the Defendant in the above-captioned matter.

3. I submit this declaration in support of my Memorandum in Opposition to 258E TPO Petition.

4. I have strong beliefs about recent matters of public debate and concern.

5. I am in support of equal rights for all people regardless of their sexual orientation.

6. However, I believe that the struggle for equality has been won, and that we have entered a period where things have gone beyond merely seeking equality.

7. I also have strong views on how our media and Silicon Valley companies unduly influence our discourse.

8. I am a devout Christian and a political conservative.

9. To express my views, I placed a trio of signs in my yard at 12 North Street, Manchester.

10. I placed all three signs in my yard at the same time.
11. On June 16 at 4:52 PM, Ms. Watt-Bucci posted my address to Facebook on the page “Manchester the What When Where How?”
12. In doing so, I believe that Ms. Watt-Bucci had both the intent and the desire to see harassment and vandalism visited upon me.
13. Shortly after Ms. Watt-Bucci posted my address, someone stole my signs and threw feces at my home.
14. After Ms. Watt-Bucci posted my address on the Facebook page, some members expressed concern about my address being posted, with one member stating: “Now that her address was posted people are driving by taking pictures. Look up Doxxing.”
15. Another wrote “and there is a prevailing sentiment of revenge as vigilantism. This entire post should be taken down ... lest there is harm caused to any person or property.”
16. In addition to Ms. Watt-Bucci denouncing me in public, she also mailed a tank top shirt to me that said “be kind” on it.
17. Once Ms. Watt-Bucci decided to create a public dispute between us and once Ms. Watt-Bucci incited actual criminal conduct and vandalism against me, I responded with another trio of yard signs, all placed there at the same time.
18. I hung the tank top outside her home, with the card that Ms. Watt-Bucci included, as well as two signs criticizing Watt-Bucci’s statements in the Manchester Cricket and on the Manchester Facebook Page.
19. Placing those new signs outside my house was the only way I knew how to respond to Ms. Watt-Bucci’s statements in the Manchester Cricket and on the Manchester Facebook Page, since this was now a town-wide public discussion, and I do not have a friend that works for the Manchester Cricket.
20. I did not place the signs outside my house to be cruel, I did not do it out of hostility, and I did not do it to seek revenge. It was not my intent to cause fear, intimidation, abuse, or property damage.

21. If I had any idea that my signs would place someone in fear of violence, I would not have placed them up there. I chose my words carefully to ensure that they were merely part of our ongoing debate.

22. Between the two of us, Ms. Watt-Bucci is the only one who seems to have acted with any intent to try to place someone in fear, intimidation, abuse, or damage to property. Her intent all along has been to try to intimidate me into taking my signs down, and her posts and letters inspired people to cause damage to my property. They took my signs and threw dog feces at my house, all because of her.

23. I only use Ms. Watt-Bucci's name in my sign to respond to the public dialogue that *she* started. In that way, she chose to involve herself in our dialogue, not me.

24. At some point thereafter, Ms. Watt-Bucci called the Manchester police, seeking criminal sanctions against me.

25. The MTBS Police Department did not arrest me, but we did speak. They merely suggested that I remove the signs.

26. I told the MTBS Police Department that I would remove them, but only if Ms. Watt-Bucci would apologize to my children, who were now terrified by the actions that Ms. Watt-Bucci knowingly and willfully incited against me.

27. Ms. Watt-Bucci refused to apologize to my children, and the signs remained up.

28. While Ms. Watt-Bucci provided six photos of six signs, the first three are of three different signs that were put up all at the same time. The second three pictures were also put up at the same time.

I declare under penalty of perjury under the law of Commonwealth of Massachusetts that the foregoing is true and correct.

Executed on: \_\_\_\_\_.

---

KIMBERLY KAHAN

COMMONWEALTH OF MASSACHUSETTS

SALEM DISTRICT COURT  
CASE NO. 2336 RO 000521

\_\_\_\_\_) )  
HOPE WATT-BUCCI ) )  
Plaintiff, ) )  
 ) )  
v. ) )  
 ) )  
KIMBERLY KAHAN ) )  
Defendant. ) )  
\_\_\_\_\_) )

**MOTION FOR SANCTIONS AND FEES**  
**UNDER MASS. RULE 11 OR THE COURT’S INHERENT POWER**

Ms. Hope Watt-Bucci disagrees with Ms. Kahan’s political views. Rather than let their ideas compete in the marketplace of ideas, as our Constitution mandates, Ms. Watt-Bucci prefers to act the part of the bully, censor, and comes to this Honorable Court under quite the cloud of hypocrisy. She has harassed Ms. Kahan directly, sought to enlist others to harass Ms. Kahan, has incited others to steal Ms. Kahan’s property, and has even incited others to throw feces at Ms. Kahan’s home. This is all because Ms. Hope Watt-Bucci disagrees, politically, with Ms. Kahan. Since none of this has succeeded in suppressing Ms. Kahan from expressing her views (peacefully and lawfully), Ms. Hope Watt-Bucci unethically seeks an injunction from this Honorable Court for no purpose other than to silence Ms. Kahan.

Rule 11 was designed for this very circumstance. As an alternative to Rule 11, the Court also has the inherent power to impose fees upon Watt-Bucci. A District Court, a court of “superior and general jurisdiction,” G. L. c. 218, § 4, has the inherent power to “punish those who obstruct or degrade the administration of justice.” New England Novelty Co. v. Sandberg, 315 Mass. 739, 746 cert. denied, 323 U.S. 740 (1944); Police Commissioner of Boston v. Gows, 429 Mass. 14,

18-19, 705 N.E.2d 1126 (1999) (discussing, and adopting, rule of numerous other jurisdictions that a judge may “consult[] [her] sense of justice in awarding attorney’s fees to compensate [a party] for the needless litigation in which [the party] has been forced to engage”).

Here, without a doubt, we have “needless litigation.” Watt-Bucci filed this action for no reason other than to stifle Kahan’s First Amendment protected rights. There was no reasonable basis for the Petition. The actions complained of do not even come close to meeting the standards under G.L. 258E. There is not a single case in the history of 258E upholding a TPO under similar or analogous facts. As such, this petition was filed in violation of Mass. R. Civ. P. 11. Whether the Court exercises its power under Rule 11 or simply under its inherent power, it would be proper for this Honorable Court to place the cost of defense of this matter upon Ms. Watt-Bucci’s shoulders, not leaving it upon Ms. Kahan’s shoulders, when she has done nothing actionable.

Should this Court fail to impose costs and fees it will incentivize frivolous abuse of the 258E process, to the detriment of those seeking to exercise their First Amendment rights and to the detriment of true victims of harassment and abuse who require this Court’s attention. Further, if the Court allows this motion, it will actually be to Ms. Watt-Bucci’s benefit, in a roundabout way. If the motion is disallowed, then Ms. Kahan’s only route to being made whole will be a new claim for abuse of process. Watt-Bucci’s petition is so void of legal and factual support that it is certain to sustain an action in Superior Court for abuse of process. See, e.g., Van Liew v. Stansfield, 474 Mass. 31, 37 (2016) (dismissing an anti-slapp motion against a party who sought to bring an abuse of process claim against a party that frivolously petitioned for a 258E order). Watt-Bucci can pay a little now, or a lot later. This Court should be merciful and choose the former for her.

Counsel for the Defendant certifies under penalty of perjury and under penalty of sanctions under the Massachusetts Rules of Professional Conduct that he has a normal hourly rate of \$1,000

per hour at this time.<sup>1</sup> In addition, Counsel for the Defendant employed the assistance of attorneys in his Las Vegas office to assist in finalizing some of the work in this case, and an award for their time is sought, even though there has been insufficient time to seek their admission *pro hac vice*.<sup>2</sup>

Activity	Time	Rate	Fee
Initial Intake Meeting and Interview Client	2.0	\$1000	\$2000
Research concerning case law since 2022	1.5	\$1000	\$1500
Drafting Opposition to Petition	3.0	\$1000	\$2500
Second Meeting with client	1.0	\$1000	\$1000
Drafting Motion for Fees	1.0	\$1000	\$1000
Assembling evidence and pleadings (att’y at paralegal rate)	1.0	\$200	\$200
Shepard – Assistance with Preparing Fee Motion	0.6	\$550	\$330
Rothell – Assistance with Preparing Opposition Brief	2.3	\$450	\$1035
Attend hearing (estimated)	1.0	\$1000	\$1000
Total	13.4	-----	\$10,565
Client Discount – 50% (not offered to Plaintiff)			\$5,282
<b>Amount requested</b>			<b>\$10,565</b>

WHEREFORE Defendant respectfully requests this Honorable Court allow this motion awarding Defendant her reasonable attorney’s fees in the amount of \$10,565 or in an amount that the Court finds fair and equitable.

KIMBERLY KAHAN  
By her attorney,

/s/ Marc J. Randazza  
Marc J. Randazza, BBO# 651477  
Randazza Legal Group, PLLC  
30 Western Avenue  
Gloucester, MA 01930  
(978) 801-1776  
ecf@randazza.com

Dated: 18 Sept. 2023

<sup>1</sup> In this matter, given the First Amendment implications thereof, and as a courtesy to the Defendant (who is a single mother of five children) he has afforded her a 50% discount from his normal fees. This amount is not offered to the Plaintiff, but is disclosed to the Court and the Parties in the interest of full candor.

<sup>2</sup> It is proper to seek their fees in this matter, *pro hac vice* admission or not. See, e.g., Hanrahan v. Statewide Collection, Inc., No. 21-16187, 2022 U.S. App. LEXIS 24773, at \*3 (9th Cir. Sep. 1, 2022).

**CERTIFICATE OF SERVICE**

I, Marc J. Randazza, hereby certify that a true and correct copy of the foregoing document is being served upon all *pro se* parties and all attorneys of record in the above-captioned matter by hand delivery, this 18th day of September 2023, as follows:

/s/ Marc J. Randazza  
MARC J. RANDAZZA

COMMONWEALTH OF MASSACHUSETTS

SALEM DISTRICT COURT  
CASE NO. 2336 RO 000521

_____	)
<b>HOPE WATT-BUCCI</b>	)
<b>Plaintiff,</b>	)
	)
<b>v.</b>	)
	)
<b>KIMBERLY KAHAN</b>	)
<b>Defendant.</b>	)
_____	)

**DECLARATION IN SUPPORT OF FEES SOUGHT FOR MOTION FOR SANCTIONS**

I, Marc J. Randazza, declare:

1. I am over 18 years of age and have never been convicted of a crime involving fraud or dishonesty. I have first-hand knowledge of the facts set forth herein, and if called as a witness could and would testify competently thereto.

2. I am the managing partner of Randazza Legal Group, PLLC (“RLG”).

3. I am an attorney licensed in the States of Nevada, California, Arizona, Massachusetts, and Florida, and have more than 20 years of experience as an attorney.

4. The primary focus of my practice is First Amendment litigation.

5. I am a past president of the First Amendment Lawyers’ Association.

6. Due to my legal expertise and reputation in this field, I have appeared on and written articles for numerous national news sources, including (but not limited to) National Public Radio, The New York Times, CNN, Fox News, NBC, and Vegas Inc., and I was a columnist for CNN, writing typically on freedom of speech issues.

7. I have a BA from the University of Massachusetts, Amherst, where I earned a B.A. in journalism, and focused my studies on media and First Amendment law. I have a JD from

Georgetown University Law Center. I also hold a Master's Degree in Mass Communications from the University of Florida, where I also focused on media and First Amendment law studies. Finally, I have an LL.M. from the University of Turin, Italy, where my LLM was awarded in Intellectual Property law, with my thesis focusing on the confluence of freedom of expression and intellectual property rights. My thesis was published in the Nevada Law Review. Randazza, Marc J. (2015) Freedom of Expression and Morality-Based Impediments to the Enforcement of Intellectual Property Rights, Nevada Law Journal: Vol. 16: Iss. 1, Article 4. Available at: <https://scholars.law.unlv.edu/nlj/vol16/iss1/4>

8. I was formerly an adjunct professor, teaching First Amendment law, and I frequently teach CLE and other courses on freedom of speech law.

9. A true and correct copy of my curated *curriculum vitae* is attached to this Declaration.

10. I submitted proposed Anti-SLAPP legislation (free speech protective legislation) to the Nevada Senate on March 15, 2013. I was called as a witness before the Nevada State Senate Judiciary committee to testify as an expert on First Amendment law and Anti-SLAPP laws for the benefit of the committee and the Senate in passing this important law. On April 22, 2013, the Nevada Senate voted on the proposed Anti-SLAPP Statute, and passed it unanimously. I appeared before the Assembly Judiciary Committee on May 6, 2013. On May 22, 2013, the Nevada Assembly voted on the Anti-SLAPP statute, and passed the proposed statute unanimously. On May 27, 2013, Governor Brian Sandoval approved the bill. I testified before the Nevada Assembly Committee on the Judiciary on April 24, 2015 when the Nevada legislature was considering SB 444, an amendment that would have stripped Nevada's Anti-SLAPP statute of its most important protections and remedies and would have rendered it useless. I also led the lobbying effort to save the statute from the significant changes SB 444 would have brought. In fact, I alone lobbied

against it and I was instrumental in crafting the language in the statute today. The version of SB 444 that ultimately passed, creating the current version of the statute, retains the substance of the 2013 statute with relatively mild changes.

11. Since then, I have also assisted legislators and committees in Massachusetts, New Hampshire, Pennsylvania, Ohio, Missouri, and New York on Anti-SLAPP legislation.

12. My current billing rate is \$1000 per hour and I have provided my time records for this matter in the motion for sanctions. I typically bill in 1/10<sup>th</sup> of an hour increments. However, as a courtesy to my client, I rounded down (but never up) on each of these time entries to the half hour. As a further courtesy, and due to the significant First Amendment interests at stake in this case, I afforded my client a 50% discount on my normal fees. This courtesy, however, should not excuse Plaintiff from suffering the full consequences of filing this censorious lawsuit.

13. My rate is based on national market rates, as my First Amendment practice is nation-wide. However, we generally follow the Adjusted Laffey Matrix, with some elevated rates for special matters. Furthermore, we do not charge for most customary costs like long-distance phone calls, faxes, and the like, as we build most “costs” into our hourly rates rather than nickel-and-dime our clients for small costs and charges.

14. The Laffey Matrix provides for a rate of \$1057 per hour for someone of my level of experience. <http://www.laffeymatrix.com/see.html>

15. While most of my fee collections recently have been negotiated, other courts have found similar rates to be reasonable and have endorsed my fee applications. The court in Tobinick v. Novella, 207 F. Supp. 3d 1332 (S.D. Fla. 2016) upheld a rate of \$650. In iQTAXX, LLC v. Boling, No. A-15-728426-C, 2016 BL 154334 (Nev. Dist. Ct. May 10, 2016), the Court upheld a \$650 per hour rate. In Guo v. Cheng, No. A-18-779172-C (Eighth Jud. Dist. Ct., Jun. 4, 2020), the Court upheld an \$800/hr rate, and a total fee award of \$184,955.55); In Las Vegas Resort

Holdings, LLC v. Roeben, No. A-20-819171-C (Eighth Jud. Dist. Ct., Dec. 30, 2020) the same \$800/hr rate was upheld; and in Lazer v. Williams, No. A-19-797156-C (Eighth Jud. Dist. Ct., Feb. 17, 2022), that court approved a \$650/hr rate and awarded a total of \$168,231.30 in fees and costs.

16. My law partner Alex J. Shepard contributed 0.6 hours of his time assisting with this matter. Mr. Shepard earned his JD from Washington University School of Law, is licensed to practice in both Nevada and California, and has nearly 10 years of experience, primarily in intellectual property and First Amendment litigation, including Anti-SLAPP cases. Mr. Shepard's customary billing rate is \$550 per hour. Accordingly, Mr. Shepard billed \$330.00 on this matter.

17. My associate Trey A. Rothell contributed 2.3 hours of his time assisting me with this matter. Mr. Rothell earned his JD at the Florida State University College of Law and is licensed to practice law in the State of Nevada. Although he has been licensed for nearly two years, Mr. Rothell worked for RLG as a law clerk for three years and has an additional four years of experience as a paralegal. His billing rate is \$450 per hour. Accordingly, Mr. Rothell billed \$1,035.00 on this matter.

18. The requested fees are reasonable particularly in light of the fact that the work I performed was done on an emergency basis that required me to work extensively over the weekend during off-hours, as I was not retained until Saturday, September 16, 2023.

19. The information contained in this declaration and in the Motion filed herewith is truthful to the best of my knowledge and belief.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: September 18, 2023.

/s/ Marc J. Randazza  
Marc J. Randazza



Manchester By The Sea Police Department  
Incident Report

Incident #: 23MHT-77-OF  
Call #: 23-60246

Date/Time Reported: 07/26/2023 1141  
Report Date/Time: 07/27/2023 1151  
Status: No Crime Involved

Reporting Officer: PATROL ANDREA LOCKE

Signature: \_\_\_\_\_

# EVENTS(S)

LOCATION TYPE: Residence/Home/Apt./Condo      Zone: MANCHESTER POLICE ZONE  
12 NORTH ST  
MANCHESTER BY THE SEA MA 01944

1 LARCENY UNDER \$1200

# VICTIM(S)

SEX RACE      AGE      SSN      PHONE

1 KAHAN, KIMBERLY M  
12 NORTH ST  
MANCHESTER BY THE SEA MA 01944-1334

DOB:  
EMPLOYER:  
ETHNICITY:  
RESIDENT STATUS: Resident  
VICTIM CONNECTED TO OFFENSE NUMBER(S): 1

\*\* Portions of this report have been redacted \*\*

This information will be passed on to Detective Richard for further review.  
Respectively Submitted  
Andrea Locke



Manchester By The Sea Police Department  
Incident Report

Page: 1  
09/14/2023

Incident #: 23MHT-44-OF  
Call #: 23-48989

Date/Time Reported: 06/19/2023 0927  
Report Date/Time: 06/19/2023 1000  
Occurred Between: 06/18/2023 0000-06/19/2023 0927  
Status: Incident Open

Reporting Officer: DETECTIVE MICHAEL RICHARD  
Assisting Officer: DETECTIVE RICHARD CHUTE  
Approving Officer: SERGEANT STEPHEN LOUF

Signature: \_\_\_\_\_

Signature: \_\_\_\_\_

#	SUSPECT(S)	SEX	RACE	AGE	SSN	PHONE
1	UNKNOWN, UNKNOWN CENTRAL ST Apt. #ST MANCHESTER BY THE SEA MA 01944					NOT AVAIL
	Military Active Duty:					
	DOB: NOT AVAIL		PLACE OF BIRTH:			
	LICENSE NUMBER:		ETHNICITY:			

#	OFFENSE(S)	ATTEMPTED	TYPE
	LOCATION TYPE: Other/Unknown MANCHESTER POLICE DEPARTMENT 10 CENTRAL ST MANCHESTER BY THE SEA MA 01944		Zone: MANCHESTER POLICE ZONE
1	LARCENY UNDER \$1200 266/30/C	N	Misdemeanor
	OCCURRED: 06/19/2023 0927		

#	VICTIM(S)	SEX	RACE	AGE	SSN	PHONE
1	KAHAN, KIMBERLY M 12 NORTH ST MANCHESTER BY THE SEA MA 01944-1334					
	DOB:					
	EMPLOYER:					
	ETHNICITY:					
	RESIDENT STATUS: Resident					
	VICTIM CONNECTED TO OFFENSE NUMBER(S): 1					
2	SHAW, MICHAEL P 12 NORTH ST MANCHESTER BY THE SEA MA 01944					NOT AVAIL
	DOB:					
	EMPLOYER:					
	ETHNICITY:					
	RESIDENT STATUS: Non Resident					
	VICTIM CONNECTED TO OFFENSE NUMBER(S): 1					

Call Number DISPATCH LOG  
Printed: 09/14/2023

For Date: 06/17/2023 - Saturday

<u>Call Number</u>	<u>Time</u>	<u>Call Reason</u>	<u>Action</u>	<u>Priority</u>	<u>Duplicate</u>
23-48550	0748:48	Phone - HARASSMENT	ASSISTED AS NEEDED		2

Call Taker: AMCKE - MCKEON, ALEXANDER  
 Call Source: Telephone  
 Call Closed By: APARE - PARE, ABIGAIL 06/17/2023 0826  
 Call Modified By: APARE - PARE, ABIGAIL  
 Location/Address: [MHT] 12 NORTH ST  
 Jurisdiction: MANCHESTER BY THE SEA  
 Fire District: MANCHESTER FIRE ZONE  
 EMS Service Area: MANCHESTER FIRE ZONE  
 Party Entered By: 06/17/2023 0751 AMCKE - MCKEON, ALEXANDER  
 Modified By: 06/17/2023 0752 AMCKE - MCKEON, ALEXANDER  
 Calling Party: KAHAN, KIMBERLY M @ 12 NORTH ST - MANCHESTER BY THE SEA, MA 01944-1334  
 CallBack Number: 978-621-7447

SSN: [REDACTED] DOB: 04/23/1966 Race: U Sex: F  
 ID: MHPD - MANCHESTER POLICE, GHOST UNIT  
 Disp-07:50:27 Arvd-08:26:09 Clrd-08:26:10  
 Arrived By: APARE - PARE, ABIGAIL  
 Cleared By: APARE - PARE, ABIGAIL  
 Narrative: 06/17/2023 0750 MCKEON, ALEXANDER  
 Modified By: 06/17/2023 0751 MCKEON, ALEXANDER

CALLER BEING HARASSED FOR SIGNS IN HER YARD.

CALLER: KIMBERLY KAHAN 978-621-7447

Narrative: 06/17/2023 0826 PARE, ABIGAIL  
 PER CONTROL, ASSISTED AS NEEDED. SPOKEN TO OVER THE PHONE



Manchester By The Sea Police Department  
Incident Report

Incident #: 23MHT-25-OF  
Call #: 23-42904

Date/Time Reported: 05/30/2023 1236  
Report Date/Time: 05/30/2023 1252  
Occurred On: 05/30/2023 1236  
Status: Incident Open

Reporting Officer: DETECTIVE MICHAEL RICHARD  
Approving Officer: SERGEANT STEPHEN LOUF

Signature: \_\_\_\_\_  
Signature: \_\_\_\_\_

# SUSPECT(S)

1 \*\*\*UNKNOWN\*\*\* SEX RACE AGE SSN PHONE

Military Active Duty: NOT AVAIL  
DOB: NOT AVAIL  
LICENSE NUMBER: \_\_\_\_\_

PLACE OF BIRTH:  
ETHNICITY:

# OFFENSE(S)

LOCATION TYPE: Other/Unknown  
MANCHESTER POLICE DEPARTMENT  
10 CENTRAL ST  
MANCHESTER BY THE SEA MA 01944  
Zone: MANCHESTER POLICE ZONE

ATTEMPTED TYPE

1 LARCENY UNDER \$1200  
266/30/C  
266 30/C N Misdemeanor  
OCCURRED: 05/30/2023 1236

# VICTIM(S)

1 KAHAN, KIMBERALY SEX RACE AGE SSN PHONE

14 NORTH ST  
MANCHESTER BY THE SEA MA 01944  
NOT AVAIL

DOB:  
EMPLOYER:  
ETHNICITY:  
RESIDENT STATUS: Resident  
VICTIM CONNECTED TO OFFENSE NUMBER(S): 1

Manchester-by-the-Sea Police Department  
NARRATIVE FOR DETECTIVE MICHAEL RICHARD

Ref: 23MHT-44-OF

On June 19th, 2023, I Detective Michael Richard of the Manchester by-the Sea Police Department was working my assigned 0800-1600 shift in marked patrol cruiser #995. My partner for the shift was Detective Richard Chute. At approximately 9:27A.M. Kimberly Kahan and her fiance, Michael Shaw, came into the station to report a theft from their front lawn. The item stolen is a lawn sign that displays "Pridemonth" multiple times in a listed fashion, which slowly highlights "demon" while decreasing visibility on "Pri\*\*\*\*\*th". There is currently no surveillance footage of the theft and Michael stated that she was going to move his security cameras to better protect his property.

This is the second theft from this address involving signs, reported within the month. The residence has multiple signs that portray multiple group symbols such as the Progressive Pride Flag, Black Lives Matter Movement flag, Satanic Worship symbolization and similar images.

Many people who support these groups have shown distain against these signs on the property and have voiced their opposition on social media sites.

\*\*\*\*\*This case is still under investigation\*\*\*\*\*

Respectfully Submitted By:  
Detective Michael Richard

\*\* Portions of this report have been redacted \*\*

Manchester-by-the-Sea Police Department  
NARRATIVE FOR DETECTIVE MICHAEL RICHARD

Page: 1

Ref: 23MHT-25-OF

On May 30, 2023, Kim Kahan (DOB: 04/23/1966), came into the police station to report a theft from her residence of 14 North Street Manchester, MA 01944. She stated that on 05/27/2023 at approximately 1:50A.M. a unknown, young, white male went onto her property and stolen a sign that she had placed there. The sign has not been located as of the writing of this report. Kim stated that she had a Ring Camera that captured the incident. She showed me the video footage on her phone which depicts a young male walking up to the residence and taking a sign from the property before disappearing behind a parked vehicle. I advised her that I would look into the incident in an attempt to locate the property and the individual involved.

I was given a copy of the video and photo of the stolen sign, which has been attached to this report for review.

Respectfully Submitted By:

Detective Michael Richard

\*\* Portions of this report have been redacted \*\*



Manchester By The Sea Police Department  
Incident Report

Incident #: 23MHT-77-OF  
Call #: 23-60246

Date/Time Reported: 07/26/2023 1141  
Report Date/Time: 07/27/2023 1151  
Status: No Crime Involved

Reporting Officer: PATROL ANDREA LOCKE

Signature: \_\_\_\_\_

# EVENTS(S)

LOCATION TYPE: Residence/Home/Apt./Condo      Zone: MANCHESTER POLICE ZONE  
12 NORTH ST  
MANCHESTER BY THE SEA MA 01944

1 LARCENY UNDER \$1200

# VICTIM(S)

SEX RACE      AGE      SSN      PHONE

1 KAHAN, KIMBERLY M  
12 NORTH ST  
MANCHESTER BY THE SEA MA 01944-1334

DOB:  
EMPLOYER:  
ETHNICITY:  
RESIDENT STATUS: Resident  
VICTIM CONNECTED TO OFFENSE NUMBER(S): 1

\*\* Portions of this report have been redacted \*\*

This information will be passed on to Detective Richard for further review.  
Respectively Submitted  
Andrea Locke



12 North St.

16 North St.

North St

North St



PRIDEMONTH  
PRIDEMONTH  
PRIDEMONTH  
PRIDEMON TH  
PRIDEMON  
Makes sense now

IT'S NOT ABOUT  
YOUR LIFESTYLE  
IT'S ABOUT  
THE GROOMING  
OF OUR CHILDREN  
WHILE THEY'RE  
TOO YOUNG TO  
UNDERSTAND

TRUMP  
NOV  
DEMOCRATS CHOOSE



\*\*\*\*\*  
**TRUMP**  
**WON**  
DEMOCRATS CHEATED!  
\*\*\*\*\*

STOP STORM  
WIND TORNADO  
NOW ?

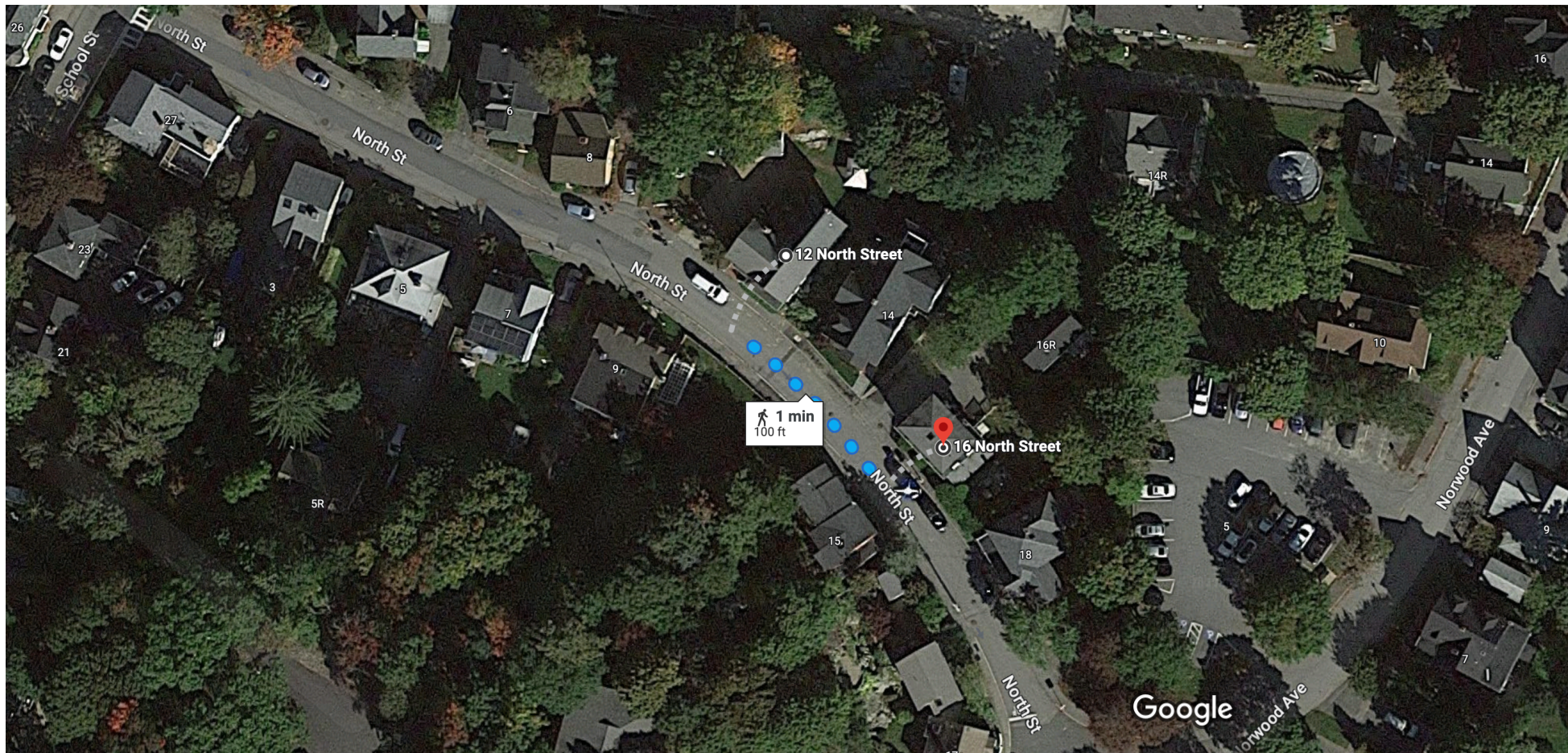
IT'S NOT ABOUT  
YOUR LIFESTYLE  
IT'S ABOUT  
THE PROTECTING  
OF OUR CHILDREN  
WHILE THERE ARE  
FOXYGIVE TO

BAILEY Buchanan  
STOP  
HARASSING  
MY FAMILY



12 North St, Manchester-by-the-Sea, MA 01944 to 16 North St, Manchester-by-the-Sea, MA 01944

Walk 102 ft, 1 min



Imagery ©2023 Google, Imagery ©2023 MassGIS, Commonwealth of Massachusetts EOE, Maxar Technologies, Map data ©2023 Google 50 ft



via North St

1 min

102 ft

Mostly flat

iMessage  
Fri, Jun 16, 4:52 PM



**Manchester the What When** ...  
**Where How?**

Hope Watt-Bucci · 22h · 📷

How unfortunate that some people want to be so hurtful during Pride month, when throughout the country LGBTQ+ rights are being taken away and our LGBTQ+ youth and Trans community continue to be harassed and assaulted. I was truly appalled by the anti-LGBTQ+ signs posted in the front yard at 12 North St. Manchester By-the-Sea. If any of the neighbors of this house on North St. wish to hang a LGBTQ+ Progress Flag at your home to show your support of the LGBTQ+ community, I am happy to provide one for you.

[#proudtobeme] ([https://www.facebook.com/hashtag/proudtobeme?](https://www.facebook.com/hashtag/proudtobeme)

\_\_eep\_\_=6&\_\_cft\_\_[0]=AZWLD\_C6g4wIJMRX-

AUaP4Ty0S8NbfYYYxwkLQrWeNy1HAL

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