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ATTORNEY GENERAL



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July 17, 2020

Heidi Bauer, Manager of Cumberland County Court Operations
Cumberland County Superior Court
205 Newbury Street, Ground Floor
Portland, ME 04101

Re: *State of Maine v. Michael Roylos*

Dear Heidi:

Enclosed please find for filing a complaint, motion for preliminary injunction, supporting memorandum, proposed order and summary sheet in the above-referenced action under the Maine Civil Rights Act.

Thank you for your attention to this matter.

Very truly yours,

A handwritten signature in cursive script that reads "Leanne".

Leanne Robbin
Assistant Attorney General
Criminal Division

Enclosures

This summary sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by the Maine Rules of Court or by law. This form is required for the use of the Clerk of Court for the purpose of initiating or updating the civil docket. (SEE INSTRUCTIONS ON REVERSE)

I. County of Filing or District Court Jurisdiction: Cumberland County		
II. CAUSE OF ACTION (Cite the primary civil statutes under which you are filing, if any.) <i>Pro se</i> plaintiffs: If unsure, leave blank. 5 M.R.S.A. §§ 4681-4685		
III. NATURE OF FILING		
<input checked="" type="checkbox"/> Initial Complaint <input type="checkbox"/> Third-Party Complaint <input type="checkbox"/> Cross-Claim or Counterclaim <input type="checkbox"/> If Reinstated or Reopened case, give original Docket Number _____ (If filing a second or subsequent Money Judgment Disclosure, give docket number of first disclosure)		
IV. <input type="checkbox"/> TITLE TO REAL ESTATE IS INVOLVED		
V. MOST DEFINITIVE NATURE OF ACTION. (Place an X in one box only) <i>Pro se</i> plaintiffs: If unsure, leave blank.		
<u>GENERAL CIVIL (CV)</u>		
<input type="checkbox"/> Personal Injury Tort <input type="checkbox"/> Property Negligence <input type="checkbox"/> Auto Negligence <input type="checkbox"/> Medical Malpractice <input type="checkbox"/> Product Liability <input type="checkbox"/> Assault/Battery <input type="checkbox"/> Domestic Torts <input type="checkbox"/> Other Negligence <input type="checkbox"/> Other Personal Injury Tort <input type="checkbox"/> Non-Personal Injury Tort <input type="checkbox"/> Libel/Defamation <input type="checkbox"/> Auto Negligence <input type="checkbox"/> Other Negligence <input type="checkbox"/> Other Non-Personal Injury Tort	<input type="checkbox"/> Contract <input type="checkbox"/> Contract <input type="checkbox"/> Declaratory/Equitable Relief <input type="checkbox"/> General Injunctive Relief <input type="checkbox"/> Declaratory Judgment <input type="checkbox"/> Other Equitable Relief <input checked="" type="checkbox"/> Constitutional/Civil Rights <input type="checkbox"/> Statutory Actions <input type="checkbox"/> Unfair Trade Practices <input type="checkbox"/> Freedom of Access <input type="checkbox"/> Other Statutory Actions <input type="checkbox"/> Miscellaneous Civil <input type="checkbox"/> Drug Forfeitures	<input type="checkbox"/> Other Forfeitures/Property Libels <input type="checkbox"/> Land Use Enforcement (80K) <input type="checkbox"/> Administrative Warrant <input type="checkbox"/> HIV Testing <input type="checkbox"/> Arbitration Awards <input type="checkbox"/> Appointment of Receiver <input type="checkbox"/> Shareholders' Derivative Actions <input type="checkbox"/> Foreign Deposition <input type="checkbox"/> Pre-action Discovery <input type="checkbox"/> Common Law Habeas Corpus <input type="checkbox"/> Prisoner Transfers <input type="checkbox"/> Foreign Judgments <input type="checkbox"/> Minor Settlements <input type="checkbox"/> Other Civil
<u>CHILD PROTECTIVE CUSTODY (PC)</u>		
<input type="checkbox"/> Non-DHS Protective Custody		
<u>SPECIAL ACTIONS (SA)</u>		
<input type="checkbox"/> Money Judgment <input type="checkbox"/> Money Judgment Request Disclosure		
<u>REAL ESTATE (RE)</u>		
<input type="checkbox"/> Title Actions <input type="checkbox"/> Quiet Title <input type="checkbox"/> Eminent Domain <input type="checkbox"/> Easements <input type="checkbox"/> Boundaries	<input type="checkbox"/> Foreclosure <input type="checkbox"/> Foreclosure for Non-pmt (ADR exempt) <input type="checkbox"/> Foreclosure - Other <input type="checkbox"/> Trespass <input type="checkbox"/> Trespass	<input type="checkbox"/> Misc. Real Estate <input type="checkbox"/> Equitable Remedies <input type="checkbox"/> Mechanics Lien <input type="checkbox"/> Partition <input type="checkbox"/> Adverse Possession <input type="checkbox"/> Nuisance <input type="checkbox"/> Abandoned Roads <input type="checkbox"/> Other Real Estate
<u>APPEALS (AP) (To be filed in Superior Court) (ADR exempt)</u>		
<input type="checkbox"/> Governmental Body (80B) <input type="checkbox"/> Administrative Agency (80C) <input type="checkbox"/> Other Appeals		
VI. M.R.Civ.P. 16B Alternative Dispute Resolution (ADR):		
<input type="checkbox"/> I certify that pursuant to M.R.Civ.P. 16B(b), this case is exempt from a required ADR process because:		
<input type="checkbox"/> It falls within an exemption listed above (i.e., an appeal or an action for non-payment of a note in a secured transaction).		
<input type="checkbox"/> The plaintiff or defendant is incarcerated in a local, state or federal facility.		
<input type="checkbox"/> The parties have participated in a statutory prelitigation screening process with _____ (name of neutral) on _____ (date).		
<input type="checkbox"/> The parties have participated in a formal ADR process with _____ (name of neutral) on _____ (date).		
<input type="checkbox"/> This is a Personal Injury action in which the plaintiff's likely damages will not exceed \$30,000, and the plaintiff requests an exemption from ADR.		

VII. (a) PLAINTIFFS (Name & Address including county)
or Third-Party, Counterclaim or Cross-Claim Plaintiffs
 The plaintiff is a prisoner in a local, state or federal facility.

State of Maine
c/o Office of the Attorney General
6 State House Station
Augusta, ME 04333-0006
Kennebec County

(b) Attorneys (Name, Bar number, Firm name, Address, Telephone Number) If all counsel listed do NOT represent all plaintiffs,
(If *pro se* plaintiff, leave blank) specify who the listed attorney(s) represent.

Leanne Robbin, Assistant Attorney General
Maine Bar Number: 2838
Office of the Attorney General
6 State House Station
Augusta, ME 04333-0006
(207) 626-8800

VIII. (a) DEFENDANTS (Name & Address including county)
and/or Third-Party, Counterclaim or Cross-Claim Defendants
 The defendant is a prisoner in a local, state or federal facility.

Michael Roylos
18 Loraine Street
Portland, Maine 04103

(b) Attorneys (Name, Bar number, Firm name, Address, Telephone Number)
(If known)


If all counsel listed do NOT represent all
defendants, specify who the listed attorney(s)
represent.

IX. RELATED CASE(S) IF ANY _____

Assigned Judge/Justice _____ Docket Number _____

Date: July 17, 2020

Leanne Robbin, A.A.G.
Name of Lead Attorney of Record or *Pro se* Party


Signature of Attorney or *Pro se* Party

c:

STATE OF MAINE
CUMBERLAND, ss.

SUPERIOR COURT
CIVIL ACTION
DOCKET NO.

STATE OF MAINE,)	
)	
Plaintiff)	
)	
v.)	COMPLAINT
)	(Injunctive Relief Requested)
)	
MICHAEL ROYLOS)	
(DOB 12/24/1956))	
)	
Defendant)	

I. INTRODUCTION

1. The Attorney General brings this civil action for injunctive and other relief pursuant to the Maine Civil Rights Act, 5 M.R.S.A. §§ 4681-4685.

II. PARTIES AND JURISDICTION

2. Plaintiff State of Maine is a sovereign state and brings this action pursuant to 5 M.R.S.A. § 4681.

3. Defendant Michael Roylos (the “defendant”) resides in Portland, Maine.

4. This Court has jurisdiction over this action pursuant to 4 M.R.S.A. § 105 and 5 M.R.S.A. § 4681(2).

5. Venue is proper pursuant to 5 M.R.S.A. § 4681(2).

III. STATUTORY BACKGROUND

6. Title 5 M.R.S.A. § 4681 provides a cause of action for the Attorney General to seek an injunction against any person who intentionally interferes or attempts to intentionally interfere by physical force or violence against a person, the threat of physical force or violence, property damage or the threat of property damage, or attempts to so interfere, with the exercise

or enjoyment by any other person of rights secured by the Constitution of the United States or the State of Maine or the laws of the United States or the State of Maine.

7. Title 5 M.R.S.A. § 4684-A provides that a person has the right to engage in lawful activities without being subject to physical force or violence, the threat of physical force or violence, property damage or threat of property damage, motivated by reason of race, color, religion, sex, ancestry, national origin, physical or mental disability or sexual orientation.

8. Each violation of 5 M.R.S.A. § 4681 is a civil violation for which a civil penalty of up to \$5,000 may be adjudged.

IV. FACTS

9. The victim is a 38-year-old lesbian woman who resides in Portland, Maine.

10. On or about July 3, 2020, at around 6:00 p.m., the victim was pulling into the parking lot at Shaw's Supermarket at the Northgate Shopping Center in Portland. The defendant was walking to his car near the area that the victim was parking.

11. The defendant accused the victim of driving too fast in the parking lot. He then called the victim an "[expletive] faggot." The victim replied, "Excuse me?" The defendant then said, "You heard me you [expletive] faggot."

12. When the victim attempted to record the defendant with her cell phone, the defendant physically assaulted her. He grabbed her arms and then seized her from behind.

13. As he assaulted the victim, the defendant continued to call her a "faggot."

14. The victim was able to extricate herself from the defendant's grasp and ran towards a vehicle with a female driver in it. She fell as she reached the vehicle and bystanders came to her aid.

15. The defendant's conduct has placed the victim in fear for her safety.

V. CAUSE OF ACTION

COUNT I

16. Plaintiff repeats, realleges and incorporates herein by reference the averments set forth in paragraphs 1 through 15 of this Complaint.

17. The defendant has intentionally interfered with the victim's right to engage in lawful activities without being subject to physical force or violence, threats of physical violence or property damage based on the defendant's bias towards the victim's sexual orientation. This right is secured by the Maine Civil Rights Act, 5 M.R.S.A. §§ 4681 and 4684-A.

VI. RELIEF REQUESTED

Plaintiff State of Maine respectfully requests that this Court:

1. Enter a Permanent Injunction enjoining the defendant from:
 - a. assaulting, using physical force or violence, threatening to use physical force or violence, intimidating, coercing or harassing; or attempting to assault, use physical force or violence, threaten to use physical force or violence, intimidate, coerce or harass the victim;
 - b. assaulting, using physical force or violence, threatening to use physical force or violence or attempting to use physical force or violence on any person motivated by bias based upon race, color, religion, sex, ancestry, national origin, physical or mental disability or sexual orientation;
 - c. causing or attempting to cause damage to or trespass upon the property of the victim;

d. causing or attempting to cause damage to or to trespass upon the property of any other person motivated by bias based on race, color, religion, sex, ancestry, national origin, physical or mental disability or sexual orientation;

e. assaulting, using physical force or violence, threatening to use physical force or violence, intimidating, coercing or harassing, or attempting to assault, threaten, intimidate, coerce or harass any person or causing or attempting to cause damage to or trespass upon the property of any person because that person did or might complain of or testify about acts alleged in this Complaint or acts prohibited by Maine or Federal law, or did or might cooperate in any investigation concerning such acts;

f. speaking to, telephoning, writing or otherwise communicating with the victim or any member of her family;

g. knowingly coming within 150 feet of the victim, her place of business or her residence;

i. encouraging or causing any other person to engage in conduct prohibited in paragraphs (a)-(g) above or assisting any person in engaging in such conduct.

2. Declare that the defendant has violated the Maine Civil Rights Act, 5 M.R.S.A. §4681.

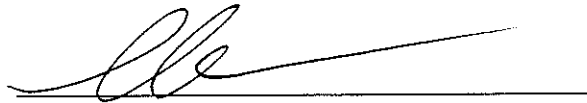
3. Order the defendant to pay a civil penalty of up to \$5,000 for each violation.

4. Grant other such relief as is just and proper.

Respectfully submitted,

AARON M. FREY
Attorney General

Dated: July 17, 2020

A handwritten signature in black ink, appearing to read 'LR', is written over a horizontal line.

Leanne Robbin
Assistant Attorney General
Criminal Division
Maine Bar No. 2838
Assistant Attorneys General
6 State House Station
Augusta, Maine 04333
(207) 626-8581

Attorneys for State of Maine

STATE OF MAINE
CUMBERLAND, ss.

SUPERIOR COURT
CIVIL ACTION
DOCKET NO.

STATE OF MAINE,)
)
 Plaintiff,)
)
 v.)
)
 MICHAEL ROYLOS,)
)
 Defendant.)

MOTION FOR
PRELIMINARY INJUNCTION

The State of Maine moves for a Preliminary Injunction in this action to enjoin the Defendant, or anyone acting under his control or in active concert or participation with him, from:

- a. threatening or using physical force or violence against Alana Reali;
- b. threatening or using physical force or violence against any person by reason of that person's race, color, religion, sex, ancestry, national origin, physical or mental disability, or sexual orientation;
- c. causing damage to, destruction of or trespass upon the residence of Alana Reali or any member of her family;
- d. causing damage to, destruction of or trespass upon the property of any person motivated by reason of that person's race, color, religion, sex, ancestry, national origin or physical or mental disability, or sexual orientation;
- e. threatening or using physical force, violence, harassment, damage to property or trespass upon property, against any person because that person was a witness

to the conduct alleged in this complaint, or because that person complained of or testified concerning that conduct or cooperated in any investigation thereof;

f. harassing, intimidating, speaking to, telephoning or otherwise communicating with Alana Reali or any member of her family;

g. knowingly coming within 150 feet Alana Reali, her place of employment or her residence;

h. encouraging or causing any other person to engage in conduct prohibited in paragraphs (a)-(g) above, or assisting any person in engaging in such conduct.

The grounds in support of this Motion are set forth in the Plaintiff's Complaint. In further support of this Motion, Plaintiff invites the Court's attention to the following facts:

The Defendant used violence and the threat of violence against Alana Reali based on his bias against her sexual orientation. The Defendant's actions directly interfered with the right of Alana Reali to engage in lawful activities free of violence or threats of violence based on bias against her sexual orientation.

If the Defendant's violations of law, as set forth in the Complaint, continue unrestrained, Alana Reali will suffer immediate and irreparable injury, loss or damage.

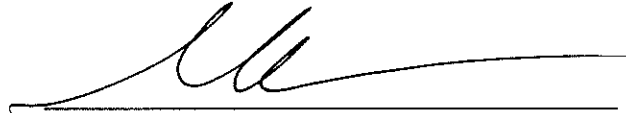
Plaintiff has no adequate remedy at law. Plaintiff is the State of Maine, and no bond need be required.

WHEREFORE, Plaintiff State of Maine moves this Court to grant the requested Preliminary Injunction.

Dated at Augusta, Maine, this 17th day of July, 2020.

Respectfully submitted,

AARON M. FREY
Attorney General

A handwritten signature in black ink, appearing to read 'LR', is written over a horizontal line.

Leanne Robbin
Assistant Attorney General
Criminal Division
Maine Bar No. 2838
Assistant Attorneys General
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Attorneys for State of Maine

IMPORTANT NOTICE

Any party opposing this Motion must file an opposition in writing not later than 21 days after the filing of this Motion, unless another time is set by the court. Failure to file timely opposition will be deemed a waiver of all objections to this Motion, which may be granted without further notice or hearing.