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MONTANA ELEVENTH JUDICIAL DISTRICT COURT, FLATHEAD COUNTY

<p>WILLIAM DIAL, Plaintiff, vs. MICHAEL GOGUEN, Defendant.</p>	<p>Cause No.: DV-15-2019-0001327-TO COMPLAINT AND DEMAND FOR TRIAL BY JURY Judge Amy Eddy</p>
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COMES NOW Plaintiff William Dial and for his cause of action against Defendant

Michael Goguen states and alleges as follows:

GENERAL AND COMMON ALLEGATIONS

1. Plaintiff William Dial (hereafter "Dial" or "Bill Dial") is a resident of Whitefish, Flathead County, Montana. He is currently the Chief of Police for the City of Whitefish.
2. Defendant Michael Goguen (hereafter "Goguen") resides in Flathead County, Montana near Whitefish, Montana.
3. In 2017, Defendant Michael Goguen attempted, through words, conduct and actions, to gain favor with the City of Whitefish Police Department in an attempt to

wrongfully influence a pending criminal investigation in which he had a direct and material involvement. Such conduct includes, but is not limited to, efforts to gain favor with, socialize with and eventually befriend the lead detective assigned to the criminal investigation. This includes (a) inviting the lead detective over for dinner at his personal residence and multiple other events, (b) providing a charitable donation to the Internet Crimes Against Children Task Force for the purpose of creating a position specifically for the lead detective to fill, and (c) taking the lead detective on an all-expense paid elk hunt in Colorado with a private jet, lodging, meals and guides. All this was done while the criminal investigation was supposed to be ongoing.

4. Goguen's conduct was intended to and, in fact, did influence the criminal investigation. It caused the lead detective to fail in his duties and responsibilities to the Whitefish Police Department to fairly and neutrally investigate the case. Goguen's conduct caused the lead detective to fail to open any report, fail to properly investigate the matter, turn a blind eye to potential crimes, and fail to document multiple communications he had with Goguen related to the investigation, notwithstanding direct orders from his supervisor to do such things.

5. When it was discovered the lead detective had failed to properly and fairly investigate the criminal matter and had allowed Goguen to improperly influence the same, the lead detective's employment with the Whitefish Police Department ended.

6. Bill Dial took appropriate action to ensure Goguen, like all other individuals, is held to the same standards when it comes to criminal investigations and to ensure favoritism not be allowed based on a person's wealth, status or position.

7. In response to the termination of the detective's employment and Goguen's

inability to secure favoritism with the City of Whitefish Police Department, Goguen thereafter engaged in a variety of retaliatory conduct, aimed at maliciously, intentionally and purposefully interfering with Bill Dial's economic interests and his employment as the Chief of Police of the Whitefish Police Department and aimed to cause Bill Dial personal stress and harm.

8. In early 2019, Goguen personally met with the Mayor, the City Manager and the City Attorney of Whitefish, demanding Plaintiff be fired as the Chief of Police of the Whitefish Police Department. He threatened to sue the City of Whitefish for millions of dollars in the event the City did not terminate Bill Dial's employment.

9. Further, Goguen hired and paid an attorney to falsely and wrongfully slander and libel Dial with Plaintiff's employer. These efforts were a further attempt to have Plaintiff fired and to interfere with his economic interests and employment.

10. Goguen also hired the same attorney to file false and wrongful complaints against Plaintiff with POST, the Public Safety Officer Standards and Training Bureau, thereby attempting to injure his reputation and ability to continue to serve as a police officer.

11. To further his attempt to injure Plaintiff's reputation and livelihood, Goguen through counsel complained to the Criminal Justice Information Network that Dial improperly released confidential criminal justice information, notwithstanding the fact the Montana Department of Justice previously investigated Goguen's same complaint on this matter and found no wrongdoing or policy violation.

12. In addition to attempting to wrongfully interfere with Bill Dial's reputation, employment with the City of Whitefish and his certification with POST, Goguen has taken additional actions to intimidate and cause emotional distress to Bill Dial, including but not

limited to conducting surveillance on him and his family.

13. Goguen's actions have caused Bill Dial substantial and significant emotional distress. Bill Dial has worked decades establishing a good reputation and position with the City of Whitefish, which Goguen intentionally and deliberately attempted to destroy, for no good reason. Dial's emotional distress and concern for his well-being is heightened, due to Goguen's attempt to use his influence and power to destroy Dial's employment, reputation and position as a police officer. Further, Dial has credible and reliable information which has lead him to fear for his own personal safety and well-being, as a result of Goguen's actions.

14. At all times material herein, Goguen acted intentionally, purposefully and maliciously to interfere with Dial's employment, economic interests and personal well-being. Finally, Goguen acted in reckless and conscious disregard of the rights of Dial to be free from the tortious and wrongful conduct of Goguen.

15. Dial may supplement the allegations of this Complaint with further information as such information becomes known and available within the bounds of disclosure allowed by law.

COUNT ONE
(Negligent and Intentional Infliction of Emotional Distress)

16. Plaintiff re-alleges and incorporates herein by reference the common allegations as set forth in Paragraphs 1-15 as if fully set forth herein.

17. Goguen engaged in the aforementioned extreme and outrageous acts and conduct in order to intentionally, recklessly and negligently cause Plaintiff severe emotional distress.

18. Plaintiff has suffered serious and severe emotional distress as a reasonably

foreseeable consequence of Goguen's acts and omissions.

19. As a direct and proximate cause of his acts, Goguen is liable to Plaintiff for compensatory and punitive damages, all in an amount to be shown and proven at the time of trial.

**COUNT TWO
(Negligence)**

20. Plaintiff re-alleges and incorporates herein by reference the allegations contained in Paragraphs 1-19 as if fully set forth herein.

21. Goguen owed a duty to Plaintiff to exercise reasonable care under the circumstances to avoid reasonably foreseeable risk of harm to Plaintiff, including to his personal and economic interests.

22. Goguen breached that duty of care, proximately causing Plaintiff damages. Goguen is liable to Plaintiff for compensatory and punitive damages, all in an amount to be shown and proven at the time of trial.

**COUNT THREE
(Tortious Interference)**

23. Plaintiff re-alleges and incorporates herein by reference the allegations contained in Paragraphs 1-22 as if fully set forth herein.

24. Goguen unlawfully, intentionally, willfully and purposefully engaged in actions, without right or justifiable cause, which were calculated to cause damage to and interfere with Plaintiff's livelihood, economic interests and his employment as the Chief of Police of the Whitefish Police Department.

25. As a direct and proximate result of his acts, Goguen caused damage to Plaintiff, including but not limited to damage to his personal and professional reputation.

Goguen is liable to Plaintiff for compensatory and punitive damages, all in an amount to be shown and proven at the time of trial.

COUNT FOUR
(Negligent Interference)

26. Plaintiff re-alleges and incorporates herein by reference the allegations contained in Paragraphs 1-25 as if fully set forth herein.

27. The conduct of Goguen was negligent and calculated to cause and did cause damage to Plaintiff and his employment with the City of Whitefish.

28. As a direct and proximate result of Goguen's conduct and interference with economic relations, Plaintiff has been damaged, including damages to his personal and professional reputation, all in an amount to be proven at the time of trial.

COUNT FIVE
(Libel, Slander, and Defamation)

29. Plaintiff re-alleges and incorporates herein by reference the allegations contained in Paragraphs 1-28 as if fully set forth herein.

30. Goguen, individually and acting through counsel, made numerous false and unprivileged representations, both verbally and in writing, which exposes Plaintiff to contempt, ridicule and obloquy, and which further have a tendency to injure Plaintiff in his occupation.

31. Goguen's statements and actions constitute libel, slander and defamation and have proximately caused damages to Plaintiff. Goguen is liable to Plaintiff for compensatory and punitive damages, all in an amount to be shown and proven at the time of trial.

COUNT SIX
(Abuse of Process)

32. Plaintiff re-alleges and incorporates herein by reference the allegations contained in Paragraphs 1-31 as if fully set forth herein.

33. In filing and pursuing the various complaints and false allegations with the City of Whitefish and POST, Goguen had an ulterior motive and purpose, including but not limited to (a) retaliating against Bill Dial, (b) maliciously attempting to interfere with Dial's employment, and (c) attempting to coerce and intimidate Dial with respect to ongoing and future investigations and proceedings. In doing so, Goguen used and abused the legal processes for an unauthorized purpose not proper in the regular conduct of the proceedings.

34. As a direct and proximate result of Goguen's abuse of process, Plaintiff has been damaged. Goguen is liable to Plaintiff for compensatory and punitive damages, all in an amount to be shown and proven at the time of trial.

WHEREFORE, Plaintiff prays for judgment against Defendant as follows:

1. For actual, compensatory and punitive damages in an amount to be proven at trial;
2. For all costs and expenses of suit, as allowed by law; and
3. For such other and further additional relief as may be deemed just and proper.

DEMAND FOR JURY TRIAL

Plaintiff demands a jury trial on all matters so triable.

Dated this 16th day of December, 2019.

HAMMER, QUINN & SHAW, PLLC

/s/ Marcel A. Quinn

Marcel A. Quinn

Todd A. Hammer

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