

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 1:25-cv-12414-ADB

DA'SEAN J. NORBERT
Plaintiff

v.

TOWN OF NAHANT, NAHANT
POLICE DEPARTMENT, LT.
STEPHEN SHULTZ
CHIEF TIMOTHY FURLONG,
Defendants

**DEFENDANTS, TOWN OF NAHANT, NAHANT POLICE DEPARTMENT,
STEPHEN SHULTZ, AND TIMOTHY FURLONG'S ANSWER AND JURY CLAIM.**

The Defendants, Town of Nahant, 'Nahant Police Department', Lt. Stephen Shultz, and Chief Timothy Furlong, answer the Plaintiff's Complaint as follows:

Defendants neither admit nor deny the statements contained in Plaintiff's Introduction, as such are conclusions and/or characterizations of the law to which no response is required. To the extent that factual allegations are asserted against them, Defendants deny the same.

1. Defendants have insufficient information to either admit or deny the allegations contained in Paragraph 1. To the extent that factual allegations are asserted against them, Defendants deny the same.
2. Defendants admit the statements contained in Paragraph 2.
3. Defendants admit the statements contained in Paragraph 3.
4. Defendants admit the statements contained in Paragraph 4.
5. Defendants admit the statements contained in Paragraph 5.
6. Defendants neither admit nor deny the allegations contained in Paragraph 6 as such are

conclusions and/or characterizations of the law to which no response is required. To the extent that factual allegations are asserted against them, Defendants deny the same.

7. Defendants neither admit nor deny the allegations contained in Paragraph 7 as such are conclusions and/or characterizations of the law to which no response is required. To the extent that factual allegations are asserted against them, Defendants deny the same.
8. Defendants admit that the Plaintiff was arrested and was carrying his Massachusetts LTC, but otherwise have insufficient information to either admit or deny the remaining allegations contained in Paragraph 8.
9. Defendants have insufficient information to either admit or deny the allegations contained in Paragraph 9. To the extent that factual allegations are asserted against them, Defendants deny the same.
10. Defendants admit only that Chief Timothy Furlong received an email from Plaintiff regarding his criminal case. Defendants deny the remainder of statements contained in Paragraph 10.
11. Defendants have insufficient information to either admit or deny the allegations contained in Paragraph 11. To the extent that factual allegations are asserted against them, Defendants deny the same.
12. Defendants admit Plaintiff visited the Nahant Police Department that evening. Defendants deny the remainder of statements contained in Paragraph 12.
13. Defendants deny the allegations contained in Paragraph 13.
14. Defendants admit Plaintiff called the Nahant Police Department that evening. Defendants deny the remainder of statements contained in Paragraph 14.
15. Defendants admit only that a previous traffic stop of the Plaintiff occurred. Defendants deny the remainder of the allegations contained in Paragraph 15.

16. Defendants admit the statements contained in Paragraph 16.
17. Defendants deny the statements contained in Paragraph 17.
18. Defendants deny the statements contained in Paragraph 18.
19. Defendants neither admit nor deny the statements contained in Paragraph 19, as such are conclusions and/or characterizations of the law to which no response is required. To the extent that factual allegations are asserted against them, Defendants deny the same.
20. Defendants admit the statement contained in Paragraph 20.
21. Defendants admit to receiving a request. As to the remainder of statements contained in Paragraph 21, Defendants have insufficient information to either admit or deny the allegations. To the extent that factual allegations are asserted against them, Defendants deny the same.
22. Defendants admit to producing a response to Plaintiff's request. As to the remainder of statements contained in Paragraph 22, Defendants have insufficient information to either admit or deny the allegations. To the extent that factual allegations are asserted against them, Defendants deny the same.
23. Defendants admit to the Town of Nahant finding no misconduct by Lt. Stephen Shultz. Defendants deny the remainder of statements contained in Paragraph 23.
24. Defendants deny the statements contained in Paragraph 24.
25. Defendants deny the allegations contained in Paragraph 25 of Count I.
26. Defendants deny the allegations contained in Paragraph 26 of Count II.
27. Defendants deny the allegations contained in Paragraph 27 of Count III.
28. Defendants deny the allegations contained in Paragraph 28 of Count IV.
29. Defendants deny the allegations contained in Paragraph 29 of Count V.

30. Defendants deny the allegations contained in Paragraph 30 of Count VI.

31. Defendants deny the allegations contained in Paragraph 31 of Count VII.

WHEREFORE, The Defendants, Town of Nahant, 'Nahant Police Department', Stephen Shultz, and Timothy Furlong, demand judgment in their favor along with costs and fees.

DEMAND FOR JURY TRIAL

The Defendants demand a trial by jury on all counts of the Plaintiff's Complaint.

AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE:

The Plaintiff has failed to state a claim for which relief may be granted.

SECOND AFFIRMATIVE DEFENSE:

The Plaintiff has failed to present a case or controversy for which relief may be granted.

THIRD AFFIRMATIVE DEFENSE:

The Plaintiff has failed to exhaust the statutory administrative remedies.

FOURTH AFFIRMATIVE DEFENSE:

The Plaintiff has failed to state a claim for which this Court has subject matter jurisdiction.

FIFTH AFFIRMATIVE DEFENSE:

The Plaintiff has failed to state a claim for which this Court has primary jurisdiction.

SIXTH AFFIRMATIVE DEFENSE:

The Defendants deny that the acts were committed as alleged in Plaintiff's Complaint, but if any said acts were committed as the plaintiff alleges, defendants state that they acted at all times in good faith and a reasonable belief that their actions were in compliance with all relevant laws and circumstances.

SEVENTH AFFIRMATIVE DEFENSE:

The Defendants state that any alleged injury to the plaintiff was caused by persons or entities for whom these defendants are not responsible.

EIGHTH AFFIRMATIVE DEFENSE:

The Defendants state that they are not liable or are immune from liability under M.G.L. c. 258.

NINTH AFFIRMATIVE DEFENSE:

The individual Defendant acted objectively reasonably under the circumstances and, thus, is qualifiedly immune from liability.

TENTH AFFIRMATIVE DEFENSE:

The Defendants state that their acts and conduct were performed according to, and protected by, law and/or legal process, and that therefore the plaintiff cannot recover.

ELEVENTH AFFIRMATIVE DEFENSE:

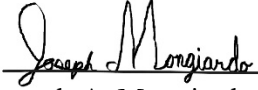
The Plaintiff has failed to make statutory presentment of claims pursuant to G.L. c. 258, Section 2 et seq, and thus any claims sounding in negligence are barred.

TWELVETH AFFIRMATIVE DEFENSE:

The named 'Nahant Police Department' is a department of the Town of Nahant and is not a legal entity for purposes of suit.

Defendants,
Town of Nahant, Nahant Police Department, Lt.
Stephen Shultz, Chief Timothy Furlong,

By their attorney,



Joseph A. Mongiardo, Esquire (BBO #710670)
Douglas I. Louison, Esquire (BBO #545191)
Louison, Costello, Condon & Pfaff, LLP Ten
Post Office Square, Suite 1330
Boston, MA 02109
(617) 439-0305
dlouison@lccplaw.com

Dated: September 12, 2025

CERTIFICATE OF SERVICE

I, hereby certify that on September 12, 2025, the foregoing document was served to the following:

Da'Sean J. Norbert
9 Spring Road
Nahant, MA 01908

/s/ Joseph Mongiardo
Joseph A. Mongiardo