

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

MICHAEL MALOTT, et al.	]
	]
<i>Plaintiff</i>	]
	]
v.	]
	]
SALEMHORROR, LLC	]
KAY LYNCH, <i>individually and in</i>	]
<i>the capacity of director</i>	]
	]
<i>Defendants</i>	]
_____	]

FILED  
 IN CLERKS OFFICE  
 2022 DEC 27 9:10  
 U.S. DISTRICT COURT  
 DISTRICT OF MASS.

CAN: \_\_\_\_\_  
 COMPLAINT AND  
 REQUEST FOR INJUNCTION

**NOW COMES**, plaintiff MICHAEL MALOTT and files this his COMPLAINT AND REQUEST FOR INJUNCTION against defendants SALEMHORROR, LLC., KAY LYNCH, both in the capacity of an individual and as director, and STRAUSS-GERDINE LLC, dba SALEM CINEMA and alleges each of the following;

**PARTIES**

1.

Plaintiff Michael Malott is an independent filmmaker residing in the State of Florida, County of Lee and subjects himself to the jurisdiction of this court.

2.

Defendant SalemHorror, LLC is a for-profit corporation whose primary business location is Salem, Massachusetts in the County of Essex and subject to the jurisdiction of this court. Defendant SalemHorror, LLC may be served with service of process through its registered agent, Kevin Lynch whose address of record is, 67 Alden St., Lynn, MA 01902

3.

Defendant Kay Lynch, serves as the director of SalemHorror, LLC and plaintiff's understanding is in a position of management at the Cinema Salem. Plaintiff alleges that defendant Lynch's conduct has been so grossly negligent, ill intended, hateful and such a blatant disregard for individual rights that this warrants that liability extends beyond any protections afforded by the formation of a corporation and that defendant Lynch's unlawful and negligent actions have been carried out in both the context of personal and business representations. Defendant Kay Lynch is transgender and believed to identify publically as a female, plaintiff refers to defendant as "her" in respect of defendant's preference but plaintiff's referrals shall be to both the masculine and feminine identities of defendant. Defendant Kay Lynch may be served with process, as director through the registered agent of defendant SalemHorror, LLC being c/o

Kevin Lynch, 67 Alden St., Lynn, MA 01902

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**JURISDICTION**

4.

Jurisdiction falls under this court based on 28 U.S.C. ¶1332, as a diversity of citizen exists between plaintiff and defendant parties, plaintiff is a citizen of the State of Florida and defendant parties are situated in the Commonwealth of Massachusetts. Plaintiff seeks in excess of \$75,000.00 in damages. Jurisdiction is also based upon 28 U.S.C. ¶1332 as a federal question exists. Venue is proper.

5.

Plaintiffs claims are based on the Civil Rights Act of 1964, Public law 88-352 (78Stat. 241) and various laws and statute relating to interstate commerce and the interference thereof, defamation, unfair business practices, interference with business relations and other tort actions to wit plaintiff seeks injunctive relief and damages.

**OVERVIEW**

6.

Plaintiff is an independent filmmaker with a long history of residency in the Commonwealth of Massachusetts, with a great number of friends and family residing in the Commonwealth within proximity to defendant's event. Plaintiff was forced to relocate to the State of Florida almost three years ago because of job obligations. Defendant's event is an annual horror film festival in which plaintiff has long looked forward to entering where his family and friends could see his

film and this was an event that plaintiff had a long history of attending for several years as plaintiff has a considerable history and ties to the City of Salem.

Defendant clearly and unquestionably states on the event website and their event rules and policies that the event discriminates and does not accept films from filmmakers from the State of Florida or the State of Texas based on the state's stance on sexual, racial and political policies and issues to which do not support the defendants views.

Based upon defendant's belief and interpretation, the entire population of Florida and Texas are racists, opposed to Gay Rights, oppose abortion and stereotyped into a particular political party as trump and DeSantis supporters. Defendant openly posted on its website under its outline for submissions and policies;

*\*\*\*\*Please note that we will not be accepting any film submissions from Texas or Florida unless they feature LGBTQIA2S+ content or creators, No exceptions. \*\*\*\**

Defendant is openly violating the federally protected civil rights of filmmakers in two entire states and is doing such in bad faith and in violation of federal statute and law and defendant is no doubt a public accommodation being a public movie theatre, open to the general public. Further defendant is interfering with the laws and statutes governing interstate commerce, as defendant is negligently denying fair access to trade and businesses of these states with protections and rights federal laws and statute provide. Further, plaintiffs have now been informed that defendant is defaming plaintiff to other parties in retaliation for plaintiff's exercise of rights to bring this action.

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7.

Defendants have caused irreparable damage to plaintiff and plaintiff seeks injunctive relief for himself and all parties similarly situated by asking that this court declare and issue mandatory injunctive relief in the form of an order prohibiting defendants from the further and continued illegal, unjust and unwarranted discrimination in denying a certain class of filmmakers rights to access defendants public event based on the fact that they reside in one of two states and excluding them from rightful and legal public access.

8.

Plaintiff seeks damages, both actual and punitive in an amount equal to the potential loss plaintiff has suffered through defendants negligent and illegal actions, including but not limited to potential loss of revenue from being denied the right to screen his film at an event which is known to secure distribution deals for films such as plaintiffs. Plaintiff seeks damages for loss of opportunity, defamation, personally injury, pain and suffering and other tort related claims.

9.

Additionally, defendant has been launched a personal attack upon plaintiff in an attempt to cause him further harm and duress. Defendant has openly defamed plaintiff and his film on multiple occasions including direct interference with business relations. Plaintiff further asks this court to issue a mandatory injunction barring defendant from further unwarranted and unjust attacks and defamatory actions. (see exhibit A)

10.

Pursuant to Fed. R. Civ. P., Rule 11, plaintiff certifies that all information contained herein is true and correct, and this complaint and request for injunction is not being presented for an improper purpose, and is supported by law. Formal complaints regarding defendant's acts have now initiated investigations by both the Commonwealth of Massachusetts Attorney General's office and the United States Department of Justice, Civil Rights Division (case 234567-RDK)

11.

Plaintiff is in the process of preparing to file and pursue an action as a class against defendants on behalf of filmmakers residing in the states of Florida and Texas without delay, but files this instrument at this time due to the time sensitive and urgent nature of this request for injunction. Defendants will soon cut off submissions from filmmakers and any delay in the issuance of such injunction would be an injustice to a large number of filmmakers, similarly situated in the states defendants are wrongfully and illegally denying and banning entry from. Plaintiff will seek to amend this complain as outlined in the courts rules and Fed. R. Civ. P. and file same amended complaint with this court prior to service upon defendants.

12.

WHEREAS, on the substance of the facts presented and the clarity that defendants actions are a civil rights violation and time is certainly of the essence in the matter presented before this court. Plaintiff seeks the immediate issuance of an injunctive order from this court prohibiting defendants from accepting and providing fair and just treatment to the residents of the states

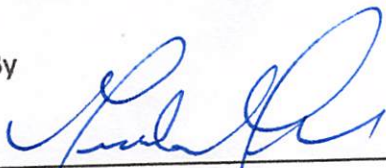
of Florida and Texas and that such order restrain defendants from any such continued  
discriminatory behavior or actions.

CERTIFICATE OF SERVICE

Plaintiff attests that he has served a copy of this document on all named defendant parties by  
email and/or by depositing a copy in the United States Mail addressed to defendants registered  
agents.

SUBMITTED THIS 17 DAY OF DECEMBER, 2022 .

By



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Michael Malott, Plaintiff  
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Cape Coral, FL 33990  
415-572-8952  
litgroup@outlook.com



EXHIBIT A



Salem Horror Fest

12h · 🌐

This is the film - which was never submitted that I'm being sued over - for "not accepting." As a queer survivor of rape, this whole shakedown has triggered a rage like I've never felt before. You will regret this, you sad, pathetic, piece of shit.

rednecks. They only planned to scare the kids, but things went wrong, the gun went off and they felt compelled to rape & murder the remaining two girls to simplify the problem and eliminate any witnesses. What they never

Plaintiff seeks damages, both actual and punitive in an amount equal to the potential loss plaintiff has suffered through defendants negligent and illegal actions, including but not limited to potential loss of revenue loss being denied the right to screen his film at an event which is known to secure distribution deals for films such as plaintiffs. Plaintiff seeks damages for loss of opportunity, defamation, personal injury, pain and suffering and other tort related claims

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5 comments