

COMMONWEALTH OF MASSACHUSETTS

ESSEX, SS

TRIAL COURT OF THE COMMONWEALTH
HAVERHILL DISTRICT COURT

ERIN DEMPSEY,

PLAINTIFF,

DOCKET NUMBER
2538R000628

ERIC NEAL,

DEFENDANT,

**DEFENDANT’S MEMORANDUM OF LAW IN SUPPORT OF MOTION TO DISSOLVE
HARASSMENT PREVENTION ORDER**

NOW COMES the Defendant, ERIC NEAL (hereinafter “Neal”), in the above-captioned matter and respectfully requests that this Honorable Court dissolve the M.G.L. c.258E Harassment Prevention Order. In support of Neal’s motion, he hereby files this supporting Memorandum of Law.

PROCEDURAL HISTORY

The procedural history for this case requires a short summary. On November 25, 2025, the Plaintiff, Erin Dempsey (“Ms. Dempsey”) obtained a temporary harassment prevention order under M.G.L. c.258E Harassment Prevention Orders (“HPO”). The return date for the two party hearing was scheduled for December 5, 2025. On or around December 1, 2025, Mr. Neal, pro se, filed the underlying “Motion to Modify or Dissolve Temporary Order” (“the Motion”). On December 3, 2025, again pro se, he filed a “Supplemental Motion to Dissolve Temporary Order.” Both documents attacked the standard of “harassment” under 258E while also bristling at Ms. Dempsey’s reversal from complimentary communication to apparent severe distress. Mr. Neal attached exhibits that included, inter alia, courteous communication between Ms. Dempsey and Mr. Neal. She continued to compliment Mr. Neal’s investigations, including showing his

material to her students, and that they could both do a podcast together while enjoying apple cider.

Mr. Neal and Ms. Dempsey appeared pro se for the two party hearing on December 5, 2025. The Court did not hear Mr. Neal's Motion because it was improperly served and was subsequently scheduled for January 23, 2026. The Court extended the temporary order for one year, but did not disturb the hearing date for Mr. Neal's Motion. On January 2, 2026, Mr. Neal, pro se, filed a Notice of Appeal in this case. On January 23, 2026, Mr. Neal appeared with Counsel for purposes of hearing the Motion. Neither Ms. Dempsey nor her Counsel of Record appeared. Mr. Neal argued that the standard for an HPO was unmet when dealing with pure speech, both under the requirement for three separate instances and that the speech referenced were not fighting words nor true threats. The Honorable Court said that it would need the presence of Ms. Dempsey and/or her Counsel for purposes of the Motion and rescheduled to the following week. On January 29, 2026, Mr. Neal appeared with Counsel, but neither Ms. Dempsey or her Counsel appeared. At the Court's request, Counsel for Mr. Neal was able to reach Counsel for Ms. Dempsey by phone to confirm a new date of February 12, 2026, for purposes of Mr. Neal's Motion. The Honorable Court permitted Mr. Neal to file this supplemental Memorandum to clarify Mr. Neal's legal and factual positions.

STANDARD

M.G.L. c.258E, §1 provides:

“‘Harassment’, (i) 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; or (ii) an act that: (A) by force, threat or duress causes another to involuntarily engage in sexual relations; or (B) constitutes a violation of section 13B, 13F, 13H, 22, 22A, 23, 24, 24B, 26C, 43 or 43A of chapter 265 or section 3 of chapter 272.”

When conduct involves speech alone, the First Amendment is implicated. In order to survive First Amendment scrutiny, the speech must be true threats or fighting words in order to qualify for “harassment.” Seney v. Morhy, 467 Mass. 58, 63 (2014). See also O’Brien v. Borowski, 461 Mass. 415, 425 (2012) (“Because the definition of ‘civil harassment’ is substantially broader than the definition of ‘fighting words,’ we discern no legislative intent to confine the meaning of harassment to fighting words, but we do discern an intent to confine the meaning of harassment to either fighting words or ‘true threats.’”). Noting the Supreme Court’s language in Virginia v. Black, 538 U.S. 343, 359 (2003), the Appeals Court explained in A.R. v. L.C., 93 Mass. App. Ct. 758, 760 (2018), “To qualify as a true threat, a threat must demonstrate ‘a serious expression of an intent to commit an act of unlawful violence to a particular individual or group of individuals,’ [Black, 538 U.S. at 359] -- under c. 258E, the specific individual to whom the alleged predicate acts are directed.” To ensure that the statute did not run afoul of the First Amendment, the A.R. decision continued “...the true threats cannot be threats to do just any kind of harm; they must be intended to cause ‘fear of physical harm’... Even threats intended to do anything else to the specific individual will not amount to predicate acts for purposes of c. 258E, notwithstanding the language of the statute, and only a threat intended to cause fear of physical harm (or physical property damage) can qualify as one of the three predicate acts for purposes of c. 258E.” A.R., 93 Mass. App. Ct. at 760.

Because a HPO threatens to restrain and jail an individual for speech alone, the standard for true threats or fighting words is an exacting one. O’Brien v. Borowski, 461 Mass. 415, 422 (2012) (“While most speech is protected from government regulation by the First Amendment to the United States Constitution and art. 16 of the Massachusetts Declaration of Rights, as amended by art. 77 of the Amendments to the Massachusetts Constitution, there are ‘certain

well-defined and narrowly limited classes of speech' that are not protected because they are 'no essential part of any exposition of ideas, and are of such slight social value as a step to truth' that whatever meager benefit that may be derived from them is 'clearly outweighed' by the dangers they pose. Chaplinsky v. New Hampshire, 315 U.S. 568, 571, 572 (1942)[.]” (further citations omitted)). Screaming at a baseball coach in front of other parents and sending vulgar emails directly to a plaintiff were insufficient to qualify as a true threat or fighting words even though the plaintiff testified it placed him in fear for himself and his family. Seney v. Morhy, 467 Mass. 58, 63-64 (2014). Calling a Plaintiff stupid and uneducated, and that the Plaintiff was corrupt and a liar, all made in public, were insufficient to maintain a HPO. Van Liew v. Stansfield, 474 Mass. 31, 39 (2016) (“The insults were not ‘so personally abusive that they [were] plainly likely to provoke a violent reaction and cause a breach of the peace,’ O'Brien, 461 Mass. at 423, nor did such insults, even if delivered in a loud voice, rise to the level of a ‘true threat’ of ‘imminent physical harm’ or words that would cause someone to fear such harm. Id. at 425.”). Persistent direct messages trying to obtain a response, even if the messages caused aggravation, annoyance, or frustration, would not qualify for a HPO absent evidence that the communication was aimed at causing fear. R.S. v. A.P.B., 95 Mass. App. Ct. 372, 376 (2019). See also T.D. v. E.S., 22-P-545 (2023) (Rule 23) (“Without evidence that the defendant's words placed the plaintiff in fear of physical harm, that the defendant called the plaintiff offensive names in August 2018 did not amount to a true threat.”).

The standard is even harder to reach when there is no direct communication between the Plaintiff and Defendant. Recently, in K.B. v. D.O., 23-P-291 (2024) (Rule 23), the Appeals Court assessed social media posts that a defendant made about a plaintiff, who was a Department of Children and Families case worker. The social media posts at issue involved the defendant

posting, on their own Facebook, childhood pictures of the plaintiff, the plaintiff's husband's obituary, the plaintiff's children's names, allegations that the plaintiff was involved in DCF misconduct, that the defendant would "do whatever it takes to take [the plaintiff] down," and the defendant felt "Closer to her children every single day. That must really freak you out, [plaintiff]. You are probably wetting yourself right now." *Id.* at *1-2. The defendant never sent the posts directly to the plaintiff even though the posts certainly caused the plaintiff distress and damage to her reputation. In vacating the HPO, the Appeals Court noted that despite the significant distress caused by the posts, "...to ensure that courts are not improperly restricting freedom of speech, the term 'harass' has a specific definition in this context, derived from the statute and case law, a definition much more exacting than common usage." *K.B. v. D.O.*, 23-P-291 (2024) (Rule 23) at *7, quoting *Gassman v. Reason*, 90 Mass. App. Ct. 1, 8 (2016). Absent a threat of physical harm, the HPO could not survive under M.G.L. c.258E.

THE PLAINTIFF'S AFFIDAVIT AND EXHIBITS

The Plaintiff's Affidavit and Exhibits stated that her assistant coach sent her a post made by Mr. Neal. The Plaintiff's Affidavit claims that the post and video included "unauthorized images making serious accusations about me being predatory. I have never met or spoken to this man in my life." The Affidavit continued that the Plaintiff went to Mr. Neal's YouTube channel and chose to watch a video he was presenting "showing personal photos of me, calling me a predatory [sic] and piece of shit." The Plaintiff then wrote that she messaged Mr. Neal directly to inform him what he said was false and "he didn't have the right to represent me this way." The Affidavit resumed that between November 22 and November 25, 2025, Mr. Neal posted "malicious and false content about me." Ms. Dempsey claimed that she included "all of this activity" (emphasis added), meaning that she submitted everything she had to support her HPO.

The Affidavit claimed that Mr. Neal was harassing parents and athletes. Ms. Dempsey asserted that she was a teacher and this “false content could be detrimental to my business (Cheerletics Royalty) as well as to my reputation.” Ms. Dempsey argued that Mr. Neal had her business address, photos of her athletes, photos of herself, her home address, and “who knows what else.” It concluded by claiming, under oath, that Mr. Neal “is mentally ill, volatile and delusional and I fear for my safety as well as the safety of the athletes at my gym.”

Ms. Dempsey included 14 documents. Mr. Neal will address each document, assuming each one as a separate exhibit, below.

ARGUMENT

1. THERE WERE NOT THREE SEPARATE INSTANCES OF HARASSMENT

M.G.L. c.258E requires, by statute, three separate instances of harassment directed at the Plaintiff. There simply were not three instances referenced or cited within the Affidavit or the exhibits.

ii. The Affidavit

Ms. Dempsey’s affidavit does not allege three separate instances of harassment under M.G.L. c258E. Her opening paragraph states that the post and video included “unauthorized images making serious accusations about me being predatory.” Nothing in the statute mandates the sharing of only authorized images, nor is an opinion about whether somebody is “predatory” prohibited.

The Affidavit alleges that she then went to Mr. Neal’s YouTube channel, which included personal photos of her and again calling her predatory and a piece of shit. Nothing in the statute prohibits sharing personal photos, or giving an opinion about whether somebody is predatory

and/or excrement. There are no allegations that the photos shared were unlawful or illegal. There was nothing Ms. Dempsey claimed was a threat of physical harm.

Ms. Dempsey claims then that she messaged Mr. Neal to inform him what he said was false, and that he did not have the right to represent her that way. While Mr. Neal disputes that the information was false, the statute does not prohibit sharing false information or mandate that a subject of a story must be represented in a particular way. The Affidavit then alleges that Mr. Neal “told me to see [what] happened if I continued to have people contact him regarding the video being harassment.” There was no threat of physical harm, fighting words, or true threats within that statement. While open to interpretation, Mr. Neal was intending to convey that he may seek legal action if people continued to contact him because, as is cited in the Plaintiff’s exhibits, people were coming to Mr. Neal’s house and confronting him.

The Affidavit resumes by alleging that from November 22 to November 25, Mr. Neal was posting malicious and false content about the Plaintiff. The Plaintiff references exhibits, which are discussed below, as her evidence of malicious and false content.

The Affidavit moves on to discuss parents and athletes. Even if true, Ms. Dempsey does not plead legal authority to claim a HPO on behalf of those individuals. Continuing into the next paragraph, the Affidavit states again that Mr. Neal’s representations were false and could harm the Plaintiff’s business and reputation. This would not qualify as harassment under the statute. C.E.R. v. P.C., 91 Mass. App. Ct. 124, 126 (2017) (“We observe at the outset that fear of economic loss occasioned by the defendants’ actions cannot form the basis of a harassment prevention order. See O’Brien, 461 Mass. at 427.”). Mr. Neal’s alleged possession of her business and home addresses, which are publicly available, does not constitute harassment. Possession of photographs, which are not alleged to be illegal or unlawful, does not constitute a

true threat or fighting words—especially when those photographs were posted online by the Plaintiff herself.

The Plaintiff's Affidavit is replete with allegations that the images were "unauthorized," that Mr. Neal called Ms. Dempsey's actions "predatory," that he called her "a piece of shit," that Mr. Neal's allegations were "false," that he had no "right to represent me this way," and that the content he posted was "malicious and false." None of these rises to the level of true threats or fighting words—there is nothing close to threatening physical harm toward Ms. Dempsey. And even if the statement allegedly made by Mr. Neal that Ms. Dempsey would "see what happened if I continued to have people contact him regarding the video being harassment," this would only qualify as a one instance of harassment, leaving her far short from the statutory requirements.

ii. The Exhibits

Ms. Dempsey included fourteen separate documents that she attached to the Affidavit. For clarity, each separate document is identified as a separate Exhibit.

In the first exhibit, Ms. Dempsey printed a Facebook post made by Mr. Neal which stated "Do [Masconomet Regional School District] teachers do this? I just found a teacher in MA posting some pretty disturbing content and teaching 5 year olds how to say "hoochie." I'm hoping this doesn't happen in Middleton." There was a link to a YouTube video titled "English Teacher Caught Posting Disturbing Content Online (EXPOSED)". There is nothing identified in the language or the post that would qualify as harassment. There are no true threats or fighting words, but instead Mr. Neal advertising a link to a video. It was not sent to Ms. Dempsey, but instead posted in a Facebook group. Ms. Dempsey's affidavit clarifies that an assistant coach sent her this information as she had not seen this on her own.

The second exhibit was a screenshot from a post on skiplook.com with the heading " All Stars: Inside a Toxic Culture Bound by Contract." The text included is critical of the program's contract terms that allegedly silence parents and allow the owners to have control over families' finances, behaviors, and social media accounts. This is nowhere near harassment as it is criticizing the terms of an adhesion contract.

The third exhibit is a screenshot from YouTube. While hard to read, the title of the video appears to be " s Something to Say About My Video." There is no information other than the Plaintiff's description "second video posted about me & Cheerletics." There are no allegations that the video contained true threats or fighting words.

The fourth exhibit is a screenshot allegedly made by Mr. Neal detailing an encounter he had with someone named Arthur Bernardino. The post states that Arthur Bernardino came to Mr. Neal's property to apologize and that they had a respectful discussion that concluded with them each acknowledging different opinions. Ms. Dempsey appears to circle a paragraph that states "All this said, I will not stop my investigation into predators. I will not stop talking about what I believe are predatory behaviors. I will not be silent." Ms. Dempsey wrote that Mr. Neal was talking about her-despite there being no reference in the exhibit to her and despite that the post uses the plural "predators." As above, Ms. Dempsey cannot seek a HPO about Mr. Neal's interactions with other people. Mr. Neal is clearly stating that he will continue his speech about predators, and in no way makes any threat of physical harm to Ms. Dempsey.

The fifth exhibit is a screenshot from YouTube of Mr. Neal's alleged comments to two different people. Ms. Dempsey identifies those as parents from her gym. As above, Ms. Dempsey cannot seek a HPO about Mr. Neal's interactions with other people.

The sixth exhibit is a screenshot from July 4, 2013, allegedly made by Mr. Neal about his father's arrest. Ms. Dempsey wrote in the margins "proof of pornography in his background." This has nothing to do with the Plaintiff at all. It is not directed at her and predates everything in her affidavit by more than 12 years.

The seventh exhibit is a screenshot of a post made by Mr. Neal responding to someone named Jamie Leigh. There is discussion of the aforementioned contract. Ms. Dempsey wrote in the margins that this was a parent from the gym. As above, Ms. Dempsey cannot seek a HPO about Mr. Neal's interactions with other people.

The Eighth exhibit is a screenshot allegedly from Mr. Neal where he discusses people are joining his community groups and that these new people seem connected to Ms. Dempsey. Mr. Neal writes that he feels intimidated and threatened by the attention, but laments that he wishes more attention were paid to the underlying behavior that gave rise to his initial journalism. There appears to be a repost of the same video "English Teacher Caught Posting Disturbing Content Online (EXPOSED)." There is nothing in this post that threatens physical harm, fighting words, or true threats against Ms. Dempsey.

The Ninth exhibit is a screenshot from the same YouTube video "English Teacher Caught Posting Disturbing Content Online (EXPOSED)." It appears to be paused at a different spot. Even if the video were considered one instance of harassment by claiming a true threat or fighting words, it would not be a second instance of harassment to reference the same video twice.

The tenth exhibit appears to be the end of the description of the same YouTube video, updated to account for Ms. Dempsey's position. It includes a Fair Use Notice. It appears to just

be a description from the same aforementioned video and does not contain anything threatening Ms. Dempsey with physical harm, fighting words, or true threats.

The eleventh exhibit appears to be a picture of Ms. Dempsey that was available online. It is not within the purview of M.G.L. c.258E to grant a HPO due to posting a publicly available picture. If this is what the Affidavit references as “personal pictures,” it would seem that none of the pictures would qualify as anywhere close to harassment. K.B. v. D.O., 23-P-291 (Mass. App.Ct. Feb 15, 2024) (Rule 23.0) (“Here, the defendant did not send any messages to the plaintiff or otherwise contact her directly, but instead made the plaintiff the subject of Facebook posts of which the plaintiff was made aware by another person who viewed the posts.... Reposting this publicly available information may be distasteful or even contemptible; it is not a true threat under c. 258E.”).

The twelfth exhibit is correspondence between the Georgetown Police Department and Ms. Dempsey. It does not appear to contain anything from Mr. Neal and is instead the police and Ms. Dempsey talking about Mr. Neal. There can be no harassment from this exhibit as Mr. Neal isn’t even on the email chain.

The thirteenth exhibit is a screenshot of communication between Ms. Dempsey and Mr. Neal whereby Ms. Dempsey requests that the video be taken down, and Mr. Neal defends his reporting and that he respectfully wished to cease communication with Ms. Dempsey. Mr. Neal claims that he sometimes calls out predators after the fact, and other times tries to prevent predators from hurting children. General statements on one’s own website or social media account do not qualify. Kareem K. v. Ida I., 100 Mass.App.Ct. 902, 904 (2022) (“We take this opportunity to reiterate that, where a c. 258E order is sought on the basis of speech alone, the plaintiff must prove that the speech rose to the level of true threats or fighting words and not

merely that it was 'harassing, intimidating, or abusive in the colloquial sense.' A.R. v. L.C., 93 Mass. App. Ct. 758, 761, 108 N.E.3d 490 (2018).") A plaintiff must "...have experienced an 'entire course of harassment,' the whole of which caused fear or intimidation amounting to more than 'a fear of economic loss, of unfavorable publicity, or of defeat at the ballot box.'" Seney v. Morhy, 467 Mass. 58 , 62 (2014) (quoting O'Brien v. Borowski, 461 Mass. 415, 426 n. 8 (2012).") See also Gassman v. Reason, 90 Mass. App. Ct. 1, 9 (2016) ("Despite the fact that the order in this case was issued or extended by three different judges, there simply is no evidence that Reason intended to cause any harm at all to Gassman, much less that she wilfully committed three or more acts, aimed at Gassman, each with the intent to cause fear, intimidation, abuse, or damage to property. There is no evidence of a true threat or of fighting words.").

The fourteenth exhibit is another screenshot from the same YouTube video "English Teacher Caught Posting Disturbing Content Online (EXPOSED)." There is no threat or harassment—just the same video paused at a different point.

There were, quite simply, not three separate instances of harassment, which is required under M.G.L. c.258E, and therefore the HPO must be dissolved.

2. NONE OF THE SPEECH ROSE TO THE LEVEL OF HARASSMENT

Even if there were more than three separate instances, none of the speech involved in this case rose to the level of harassment. The Plaintiff's Affidavit notes that she had never met or spoken to Mr. Neal. Her Affidavit notes that Mr. Neal did not attempt to contact her or communicate with her; she learned about Mr. Neal's video from her assistant coach.

The Plaintiff's Affidavit and Exhibits do not cite a single instance of a true threat or fighting words. The Plaintiff's Affidavit and Exhibits take issue with the veracity of what Mr. Neal said and the characterization of her and her business. There are no allegations that Mr. Neal

threatened her. Ms. Dempsey complains that she was insulted, that Mr. Neal may damage her career as a teacher or her business at the gym, but these are insufficient to sustain a HPO. C.E.R. v. P.C., 91 Mass. App. Ct. 124, 126 (2017) (“We observe at the outset that fear of economic loss occasioned by the defendants' actions cannot form the basis of a harassment prevention order. See O'Brien, 461 Mass. at 427.”).

Similarly, Mr. Neal allegedly calling Ms. Dempsey “predatory,” or “a piece of shit” would not qualify as fighting words. Mr. Neal did not say anything directly to Ms. Dempsey, and she only learned about what he said watching videos posted on the internet—not in person. Ms. Dempsey respectfully contacted Mr. Neal after viewing the videos, and Ms. Dempsey similarly does not make any escalatory threats to harm Mr. Neal. Insults and vulgarities are protected under our jurisprudence, and M.G.L. c.258E does not mandate that speech be pleasant, nice, respectful, or fair. Ms. Dempsey was equally empowered to defend herself—and insult Mr. Neal if she felt it appropriate—without triggering the risk of a HPO against her.

Strangely, the only mention of “fear” in the Plaintiff’s Affidavit is at the very end and spilling over into the third page as an afterthought. After taking issue with the harm that may befall her reputation, business, and career, she also asserts, under the pains and penalties of perjury, that Mr. Neal “is mentally ill, volatile and delusional and I fear for my safety as well as the safety of the athletes at my gym.” Ms. Dempsey does not explain how she diagnosed Mr. Neal as “mentally ill,” “volatile,” or “delusional.” These supposed statements of fact about Mr. Neal are false. Their absurdity is highlighted because Ms. Dempsey simultaneously claimed she never met or spoke with Mr. Neal, which renders a conclusion that he was mentally ill, volatile, or delusional a reckless or malicious statement of supposed fact. Regardless, even if Mr. Neal were mentally ill, volatile, or delusional, which he is not, those conditions in and of themselves

do not warrant a HPO—mentally ill individuals are not subject to a passive HPO allowing unpleasant interactions to chill an individual’s speech (or arrest that person if there were a violation).

Nothing in Ms. Dempsey’s affidavit or her exhibits contains any allegations that Mr. Neal made any threats to physically harm her. The apparent fear she felt was an afterthought to her more pressing concerns: business, job, career, and reputation, none of which justify a HPO. All her interactions concerned speech alone and there were no allegations that any of the speech rose to the level of true threat or fighting words. Since there was no harassment, the HPO must be dissolved.

3. *THERE WAS NO INTENT TO HARASS THE PLAINTIFF*

An essential element is that the Plaintiff must establish that the Defendant intended to harass the Plaintiff. O’Brien v. Borowski, 461 Mass. 415, 426 n.8 (“We interpret G. L. c. 258E, § 1, to require proof that the defendant had the requisite intent in committing each of the three required acts of wilful and malicious conduct. A plaintiff seeking protection through a civil harassment order must show that the defendant engaged in at least three wilful and malicious acts, and that for each act the defendant intended to cause fear, intimidation, abuse, or damage to property.”). The Plaintiff’s Affidavit and exhibits underscore that Mr. Neal did not intend to harass the Plaintiff.

The first exhibit from the Plaintiff was a post on Facebook into a Middleton Facebook group flagging what Mr. Neal considered inappropriate activity. It was not tagged to Ms. Dempsey or sent to her directly. Ms. Dempsey’s Affidavit highlights this as well—her assistant coach alerted her to the video. Mr. Neal did not send the video or any other video directly to Ms.

Dempsey. Nothing was directed at her and, in fact, she acknowledges that she reached out to him first.

The exhibits demonstrate that Mr. Neal was making a post about inappropriate conduct from an adult in the community who interacts frequently with children. He was trying to flag that some of the actions about children were strange—calling young children “hoochie”¹ and teaching them how to say it; pictures of children pretending to be pimps; zooming into the crotch of a child; or candid pictures of a child laying down and stretching one of her legs in the air. He did not direct anything at Ms. Dempsey, but instead to alert community members that this conduct was occurring.

Ms. Dempsey’s Affidavit and Exhibits admits that Mr. Neal was not directing any conduct at her. If Mr. Neal had wanted to direct conduct at Ms. Dempsey, he had contact information and could have done so. Mr. Neal made no efforts to contact the Plaintiff directly and the Affidavit makes it clear that she initiated contact with him.

4. THE PLAINTIFF’S COMMUNICATIONS SHOW SHE WAS NOT HARASSED

The video and articles giving rise to Mr. Neal’s criticisms involved the portrayal of children. Mr. Neal illuminated that some of the comments and posts by Ms. Dempsey about minor children were overtly sexual and inappropriate for children. Mr. Neal’s Motion included communication that he had with Ms. Dempsey. (Exhibit 1). Ms. Dempsey’s original communication with Mr. Neal occurred November 21, 2025 (not November 22, 2025 as she alleged in her Affidavit). Her third message to Mr. Neal said that the content Mr. Neal cited was just a “misunderstanding and it was a joke.” Ms. Dempsey continued, “I said the suing comment because I was upset. You are entitled to your opinion and I think if you knew me you would feel

¹ The Merriam-Webster definition of hoochie: “a sexually promiscuous young woman.” <https://www.merriam-webster.com/dictionary/hoochie>. Accessed January 30, 2026.

differently. I'm happy to do a live with you drinking apple cider??...I actually teach a true crime class and would love your perspective on some of the cases you post about." The same evening, she wrote "I completely understand and respect your points and the work you do on your channel. I teach [high school] and one of the things I teach them is strong argument skills. I'm going to make them watch some [sic] your videos! Lol." The following day, November 22, 2025, she requested that Mr. Neal remove the video, stating "You are entitled to your opinion but I do feel this is an attack on my character for some information and posts taken out of context." Again, her concern is her business and reputation, not her physical safety because Mr. Neal never made her feel afraid. On the morning of November 23, 2025, Ms. Dempsey wrote at 7:28AM, "Hi. I just wanted to make you aware that I have been contacted by two separate people from Middleton suggesting I contact Middleton police regarding this issue. One of them sent me a screen recording of the live video you did on Friday night and suggested it was harassment." It was actually Mr. Neal, in response, who broke off contact with Ms. Dempsey. It was only after Mr. Neal said that he did not want to communicate with Ms. Dempsey that she decided to pursue the HPO. It would be an unusual result to simultaneously find Mr. Neal intended to harass Ms. Dempsey when it was Mr. Neal who elected to stop communications.

The communications also show that Ms. Dempsey was never in fear of Mr. Neal. She contacted him directly, which she would not have done if she were afraid. The communications also show that she was complimenting him and wanted to do a live podcast with him to discuss mutual interests. She suggested they have apple cider during that discussion. She would not do that if she were afraid. In addition, she offered to show his videos to her minor students, which is difficult to reconcile with her Affidavit claiming he was "mentally ill, volatile and delusional." In fact, it's Mr. Neal who remarks that his videos would be inappropriate for children because his

videos deal with “heavy topics.” It is anomalous for Ms. Dempsey to expose her students to Mr. Neal’s content unless she felt he had positive qualities to impart. Nothing in her communications implies or suggests that she felt afraid, and she only sought the HPO after Mr. Neal terminated communication.

SUMMARY AND CONCLUSION

The Plaintiff’s HPO does not contain three instances of alleged harassment under M.G.L. c.258E and therefore must be dissolved. But even if it did, all of the conduct that she references would not rise to the level of harassment required under the First Amendment, to wit fighting words or true threats. Ms. Dempsey’s affidavits show that Mr. Neal did not try to contact her, and he terminated communication with Ms. Dempsey, which are the opposite of what someone intending to harass another would do. And finally, her allegations that she was in fear are unreasonable in light of her direct communication with Mr. Neal, including offering to discuss other topics and enjoy drinks together. In summary, the HPO must be dissolved as the threshold requirements under M.G.L. c258E were never met.

Dated: January 30, 2026

Respectfully Submitted,

ERIC NEAL

By his attorney,



Erik T. Hagen, Esq.

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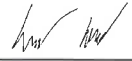
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CERTIFICATE OF SERVICE

I, Erik T. Hagen, Esq. certify that on this 30th day of January, 2026, I delivered a copy of the Defendant’s Memorandum of Law in Support of Motion to Dissolve Harassment Prevention

Order, to Attorney Corey Silva, Phifer Pinkham LLC, 1900 Crown colony Drive, Suite 309, Quincy, MA 02169, by email only directed to csilva@phiferpinkham.com



Erik T. Hagen, Esq.



Erin Dempsey



Erin Dempsey

You're not friends on Facebook
1 mutual friend: Rebecca Thorn
Lives in Plum Island, Massachusetts

11/21/25, 6:15 PM

I see you have posted videos of me that I have not approved. I have alerted my lawyer who will be contacting you as this is a violation of Massachusetts law. The video you have posted and analyzed as "disturbing content" is a joke. The mother of the 5 year old you are so offended about shared this video on her own instagram- because it is a joke. Please remove any content with my name connected from your page and any public pages or expect legal action to be taken against you.



11/21/25, 6:42 PM

I'm also CORI'd in a public school system and have been for 17 years. Get a life.



11/21/25, 8:53 PM



Erin Dempsey



You replied to Erin

I see you have posted videos of me that I have not approved. I have aler...

What law?

You can now message and call each other and see info like Active Status and when you've read messages.

11/21/25, 10:11 PM

I'm hoping we can agree to disagree and that you will remove the post. It's obviously a misunderstanding and it was a joke. My business and job are important to me and I am hoping you will please take this post down., at least from the Middleton real talk page

I will agree to take it off the Middleton page. I will not take it off my channel. And if you threaten to sue me again based on my opinion on what I could publicly see online, I will cover this more. I have every right to my opinion just as you do. And I don't know if you're friends with Art Bernardino, but he came into my video and accused me of liking the young girls. Not a smart thing to say. Furthermore I don't know why all these young girls are now trying to get into the group, one of them is wearing a bra and panties in the bathroom and there's two others. I allowed two of them in not the girl in a bra and panties but I'm assuming they're here to cause issues.

It's removed off the Middleton page.



Erin Dempsey



It's removed off the Middleton page.

I said the suing comment because I was upset. You are entitled to your opinion and I think if you knew me you would feel differently. I'm happy to do a live with you drinking apple cider?? If you could take the video down it would mean a lot to me personally and professionally. I actually teach a true crime class and would love your perspective on some of the cases you post about.

I'm not comfortable taking down the video at this time. And I'm not saying that overall you are a bad person but I gave my opinion based on what I saw.

I would appreciate you reconsidering that. I've been a teacher and coach for 20 years. The little girl in the video was the daughter of a coach. It was a joke and posted on a page run by athletes-like a bloopers page. They thought it was funny and obviously didn't understand what others might think about it. I respect your opinion and wish you could see it from my perspective in how I felt my character was attacked. I did not mean to attack yours.

Who is Art Bernardino?

One of the dads.
He's very old school and opinionated but overall an awesome guy

Probably got riled up

Well it's one thing to get riled up and another thing to accuse someone of liking little girls.



Erin Dempsey



And commented out of emotion like we all do

I don't comment that about people.



Well I said I was going to sue you because I was riled up and had no intention to. My apologies for that

I would consider down the line but right now I'm not making any decisions about it.



The photos in the video are also from a zoom practice that we did during Covid and an assistant coach posted them to our team FB page to keep the morale going when they were working out at home. The photos were looked at completely out of context and I wouldn't exploit kids like that



Most of our athletes have been with us for 10 years or more and we are a very close knit community. I was more upset about those assumptions than the most recent joke video

I hear what you're saying. Give me a little bit and I'll think about it. I'm not unreasonable



I appreciate it. Working with kids is my whole life and it really upset me to have myself portayed that way and I am the polar opposite. That's one of the reasons I was so quick to react



Erin Dempsey



11/21/25, 10:44 PM

Also as soon as you search my name on Google videos this is one of the first things that comes up. I've won state titles and teaching awards and it's really upsetting to me that it's now overshadowed by the video. Would you please consider removing it from the internet?

I completely understand and respect your points and the work you do on your channel.

I teach HS and one of the things I teach them is strong argument skills. I'm going to make them watch some your videos! Lol

Did you do anything on the Karen Read case? We are analyzing that right now in my true crime class

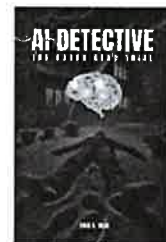


11/21/25, 11:47 PM

You replied to Erin

Did you do anything on the Karen Read case? We are analyzing that right ...

<https://amzn.to/48a6PHf>



AI Detective: The Karen Read Trial



Erin Dempsey



↩ You replied to Erin

I teach HS and one of the things I teach them is strong argument skills...

My videos deal with heavy topics and mainly predators.

↩ You replied to Erin

Also as soon as you search my name on Google videos this is one of the f...

I just looked at it in an incognito window and it's probably just for cookies because nothing shows up. It takes days to show up.

I'm on inclined to remove it right now but I might be open to it in the future. I understand you are not the sum of my video and there's a whole lot more to you and I accept that but I do stand by my opinion in my video. I'm going to bed I hope you have a nice night.

11/22/25, 6:13 AM

Thank you for your response. You say you are heavy on predators on your channel. I am not a predator. I'm CORI'd for school every year and must also do a background check through the USASF every year to run my gym. I have never had an issue with either. I am sure you can understand my concern with a student of mine coming across the link of these opinions of me on a channel with a focus on predators. I am really hoping you will see it from this viewpoint and take the video down.





Erin Dempsey



11/22/25, 7:52 AM

Sorry, but I slept on it, and I'm not comfortable taking the video down. I didn't call you a predator, but I stand by what I said. There were things I didn't even include that were concerning, like the zoom in between an underage girl's legs and other posts that were not appropriate. Those were on your page, and you liked them instead of having them removed.

You're free to share your perspective on your own social media if you want, but I've made my decision. The video will remain as it is.

11/22/25, 1:09 PM

Ok, thank you for the reply. My main concern is this content being distributed to other platforms. You are entitled to your opinion but I do feel this is an attack on my character for some information and posts taken out of context. In two jobs where I work closely with kids you can understand my concern with misrepresentation.

Well if it's any consolation I'm putting out a follow-up video that deals more in depth with my opinion and I have said good things about you in the video so that should be out soon and that's probably the last video I'm going to do on this matter.

That said if you would like me to quote you with anything in the follow-up please let me know and I will quote you

I appreciate that very much

If you would ever reconsider taking the original one down, I would really appreciate that as well. Have a nice weekend.





Erin Dempsey



Edited

Wait do you want me to quote you in the follow-up. Do you have a specific thing that you'd like to say



I think just that the video and other content was taken out of context. I have the utmost respect for young athletes and would never represent them or portray them in a negative way.

👤 You replied to Erin

I think just that the video and other content was taken out of context. ...

Ok



Thank you very much.

Yw



Other platforms are being tagged in the original video. It's for this reason I am asking you to reconsider removing it or turning off comments. I am really hoping to put this behind me today.

11/23/25, 7:28 AM


 Erin Dempsey




Ok

 Thank you very much.

Yw

 Other platforms are being tagged in the original video. It's for this reason I am asking you to reconsider removing it or turning off comments. I am really hoping to put this behind me today.

11/23/25, 7:28 AM

 Hi- I just wanted to make you aware that I have been contacted by two separate people from Middleton suggesting I contact Middleton police regarding this issue. One of them sent me a screen recording of the live video you did on Friday night and suggested it was harassment. I honestly don't want to pursue anything or do anything or even have people I don't know contacting me about this. I am hoping you can just remove your original video from your page today in order for all of this to stop. I would really appreciate it. I am a good person and it has been a rough weekend for me with all this.

11/23/25, 8:54 AM

Well, you might get lucky contacting the police as I've done stories on some of them, so there are plenty that don't like me. But the video itself was extremely mild, not even being a public records investigation, just commentary, as in my opinion. Because you're holding that over my head, though, just like you did earlier with the lawsuit, I think it's my best interest to stop communication with you. I wish you the best.

    | Aa