

**JAN 08 2018**

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By Sabrina Pratt  
Sabrina Pratt, Deputy

**IN THE TWENTY-SECOND JUDICIAL DISTRICT COURT,  
STATE OF MONTANA, CARBON COUNTY**

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<b>JOEL W. TODD,</b>	)	
Plaintiff	)	Cause No. DV – 18- <u>03</u> = ①
	)	
v.	)	<b>HONORABLE BLAIR JONES</b>
	)	
<b>MARY CAMERON, and</b>	)	<b>COMPLAINT</b>
<b>DIANE T. DIMICH</b>	)	
Defendants	)	

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For its claims against Defendants, Plaintiff alleges as follows:

**GENERAL ALLEGATIONS**

1. Joel W. Todd (“Todd”) is an individual who resides in Carbon County, Luther, MT 59068.
2. At all times relevant, Todd has been a member in good standing of the State Bar of Montana, Bar No. 11248 and authorized to practice law in the State of Montana.
3. For the period on or about January 2015 through June 30, 2017, Todd was a contract professional providing legal services to the City of Red Lodge, Montana in the capacity of City Prosecutor.
4. Defendant, Mary Cameron, (“Cameron”) is an individual who resides in Carbon County, Red Lodge, MT 59068.

5. Defendant, Diane T. Dimich (“Dimich”) is an individual who resides in Carbon County, Red Lodge, MT 59068.
6. Cameron and Dimich are sisters and at all times relevant have been acting together, in concert, against Todd.
7. On or about February 2016, Dimich authored a letter and published it to numerous members of the general public in Red Lodge and Carbon County.
8. The Dimich letter, inter alia, falsely accused Todd of conspiring with the Red Lodge Police Department (“RLPD”) to harass, intimidate and threaten Dimich and Camron with the goal of causing Dimich and Cameron to refrain from making public statements critical of Todd and RLPD.
9. The Dimich accusations in the letter, which were also published on Facebook, constituted accusations of criminal behavior against Todd and members of the RLPD.
10. Dimich, in her letter, demanded information from RLPD to prove RLPD and Todd were making false statements publicly about efforts by RLPD to conduct illegitimate law enforcement actions.
11. On or about February 23, 2016, Cameron submitted a letter to Mayor and City Council of the City of Red Lodge. Upon information and belief, the letter was published to members of the general public in Red Lodge and Carbon County.
12. Cameron’s letter stated it was a follow-up to the request for information by Dimich and formalized the demand to receive information about anti-crime enforcement actions by RLPD.

13. On or about March 21, 2016, acting at the behest of Red Lodge Mayor, Ed Williams, and within the course and scope of his duties as Red Lodge City Prosecutor, Todd wrote a letter to the Carbon County Commissioners seeking to replace Cameron as coordinator of the Carbon County DUI Task Force with someone who has law enforcement experience.
14. The grounds stated for the request in the letter of March 21, 2016, made to Carbon County Commissioners, inter alia, included written and oral statements communicated to the general public by Cameron in which Cameron falsely accused Todd of telling lies about Cameron and acting in an unprofessional and unethical manner.
15. Todd wrote a second letter to Carbon County Commissioners on April 6, 2016, once again acting at the behest of Mayor Williams and within the course and scope of his duties as Red Lodge City Prosecutor, in which the request to remove Cameron as Coordinator was withdrawn in favor of asking the commissioners to modify and restrain Cameron's behavior.
16. Beginning on or about April 6, 2016 and continuing until the present, Cameron and Dimich, in concert, conducted a campaign of harassment and vilification against Todd for the express purpose of damaging Todd's professional reputation, getting him fired as Red Lodge City Prosecutor and, when they failed in getting him fired, to persuade the City of Red Lodge against renewing Todd's contract as Red Lodge City Prosecutor.
17. On or about June 30, 2016, Cameron presented a written request to Red Lodge Mayor Mike Schoenike and Red Lodge City Council seeking to have Todd fired as Red Lodge City Prosecutor.
18. The written request on June 30, 2016 stated falsely that Todd acted outside the course and scope of his duties as Red Lodge City Prosecutor when communicating with Carbon County Commissioners via Todd's letter of March 21, 2016.

19. The false information in Cameron's written request on June 30, 2016 was communicated by Cameron to other Red Lodge City employees and, upon information and belief, was disseminated and published to members of the general public in Red Lodge and Carbon County via Facebook and other forms of social media.
20. On July 13, 2016, after Mayor Schoenike refused to fire Todd, Cameron wrote another letter in which she not only accused Todd, falsely, of committing a crime through what she alleged was an "illegal poker game" at the Elks but asked Mayor Schoenike and City Council to refrain from renewing Todd's contract as Red Lodge City Prosecutor.
21. Cameron's letter of July 13, 2016 was communicated by Cameron to other Red Lodge City employees and, upon information and belief, disseminated and published to members of the general public in Red Lodge and Carbon County via Facebook and other forms of social media.
22. On or about September 13, 2016, Cameron disseminated another letter to various Red Lodge City employees and, upon information and belief, to members of the general public in Red Lodge and Carbon County via Facebook and other forms of social media.
23. Cameron's letter of September 13, 2016, accused Todd, falsely, of using his paralegal at the expense of the City to work on Todd's private cases.
24. Cameron's letter of September 13, 2016, falsely accused Todd of creating a Drug Forfeiture Fund for the City of Red Lodge so Todd, the Red Lodge Police Chief and Mayor Williams could misappropriate and spend general fund revenue of the City of Red Lodge illegally.
25. In fact, the Drug Forfeiture Fund was created pursuant to a written memorandum dated January 26, 2015 authored by Attorney Sam Painter who served, at the time, as Red Lodge City Attorney.

26. On or about October 25, 2016, Cameron put a post on Facebook that was published to numerous members of the general public.
27. Cameron's post on October 25, 2016 falsely accused Todd not only of harassing Cameron and Dimich, but of acting in a conspiracy with former Mayor Williams to prevent Carbon County News from publishing articles and letters to the editor that would expose Todd's illegal acts.
28. On or about November 25, 2016, Cameron made a post on Facebook disseminated and published to numerous members of the general public in Red Lodge and Carbon County.
29. Cameron's post on November 25, 2016 not only openly advocated non-renewal of Todd's contract but sought to recruit others to join her in taking concerted action against Todd to block his re-appointment as Red Lodge City Prosecutor. Upon information and belief, others did join in concerted action with Cameron and Dimich against Todd.
30. On or about December 12, 2016, Cameron sent a memo via email to Mayor Schoenike that was disseminated and published to other Red Lodge City employees and various members of the general public in Red Lodge and Carbon County.
31. Cameron's email on December 12, 2016, inter alia, stated: "I think that Joel Todd has too much influence over the Police [*sic*] in Red Lodge. He needs to go. He confuses everyone when he steps in to speak or explain things related to the RLPD. He makes the RLPD look bad."
32. The City of Red Lodge published a REQUEST FOR QUALIFICATIONS ("RFQ") in December 2017 seeking applications from qualified attorneys for position of Red Lodge City Attorney. Deadline for submission was January 27, 2017.
33. On or about January 25, 2017, Todd submitted a Statement of Qualification for Position as Red Lodge City Attorney.

34. Upon information and belief, two (2) Montana lawyers submitted applications but, for reasons related to their prior performance and unwillingness to relocate to Red Lodge, both of those applicants were rejected from consideration.
35. Upon information and belief, a lawyer barred in another state but not in Montana and a third Montana lawyer also submitted timely applications.
36. On or before March 31, 2017, the third attorney barred in Montana withdrew her application from consideration due to accepting another professional position in Carbon County Montana.
37. As of April 1, 2017, through on or about April 30, 2017, Todd remained the sole applicant for the position of Red Lodge City Attorney who was qualified to practice law in Montana.
38. On or about February 15, 2017, Dimich submitted a letter to Mayor of Red Lodge in opposition to a Red Lodge City Ordinance proposed by Todd. The ordinance sought to maintain certain penalties for a criminal suspect refusing to take a chemical breathalyzer test.
39. Not only did Dimich submit the letter, but she published on Facebook and through Carbon County News her opposition to the proposed ordinance.
40. In her letter and other public statements in opposition to the ordinance, Dimich alleged, falsely, Todd was proposing the ordinance for the express purpose of negotiating lighter sentences for defendants charged with DUI.
41. On or about February 21, 2017, Dimich sent an email to the Mayor of Red Lodge as a follow-up to her letter of February 15, 2017.
42. The email of February 21, 2017 was circulated among various City employees.

43. Upon information and belief, Dimich published the false accusations in the email against Todd on Facebook and to numerous members of the general public in Red Lodge and Carbon County.
44. Dimich's letter of February 15, 2017 and her email of February 21, 2017 were intended primarily by Dimich and Cameron to blacken Todd's professional reputation and to further their mutual goal of inducing the Mayor and Red Lodge City Council to deny Todd from becoming Red Lodge City Attorney.
45. During the entire month of March 2017, Dimich conducted a public campaign against Todd and another City employee, falsely accusing Todd of seeking to remove her son, Andrew Dimich, from Red Lodge City Council.
46. Dimich and Cameron posted on Facebook and made numerous public statements accusing Todd, falsely, of targeting Andrew Dimich for removal as a "rogue" member of City Council.
47. The real purpose behind these false statements and the attack on Todd was to induce the Mayor and Red Lodge City Council against appointing Todd as Red Lodge City Attorney.
48. Even though Todd was the only applicant for the position of Red Lodge City Attorney qualified to practice law in Montana during the period April 1, 2017 through April 30, 2017, the Mayor and City Council failed to appoint Todd as Red Lodge City Attorney.
49. The campaign of harassment and vilification conducted in concert by Dimich and Cameron from on or about February 2016 through April 30, 2017 severely damaged Todd's professional reputation and standing to the extent it caused the Mayor and City Council to deny Todd appointment as Red Lodge City Attorney.

50. The original RFQ proposed compensation of \$70,000.00 per annum for the lawyer selected as Red Lodge City Attorney.
51. The concerted actions by Dimich and Cameron caused Todd to lose \$70,000.00 per year of professional compensation for services as Red Lodge City Attorney for a period of at least two (2) years. That resulted in a total compensatory loss of \$140,000.00.
52. Another person, who only became qualified to practice law in Montana on or about May 3, 2017, was appointed Red Lodge City Attorney on May 8, 2017.
53. Despite succeeding in denying Todd appointment as Red Lodge City Attorney, Dimich and Cameron continued their concerted actions to undermine and to damage Todd's professional reputation.
54. Cameron, on or about May 10, 2017, posted on Facebook about Todd. Dimich also posted and joined in Cameron's attack.
55. Cameron's post, which was published to many persons in the general public in Red Lodge and Carbon County, accused Todd and another City employee, falsely, of carrying "...their threats and intimidation tactics to this extreme."
56. Cameron's post constituted a false claim that Todd committed criminal behavior.
57. Dimich, on or about August 2017, posted on Facebook. The post was published to many persons in the general public in Red Lodge and Carbon County.
58. Dimich's post repeated many of the false accusations made against Todd during the period February 2016 through April 30, 2017.



59. Since Todd had been denied appointment as Red Lodge City Attorney on May 8, 2017, upon information and belief, the sole purpose of posting against Todd on August 9, 2017 was to damage and to undermine Todd's professional reputation permanently.
60. Simultaneously, on August 9, 2017, Dimich sent an email to Mayor and Red Lodge City Council falsely accusing Todd of an incident in a local coffee shop where Dimich alleged Todd "ranted and raved" and got in Dimich's face.
61. Dimich's email, which contained a completely false account of contact between Todd and Dimich, was intended to cast Todd in a false light to damage and undermine Todd's professional reputation permanently.
62. Cameron, in a series of posts on Facebook, on September 16, 2017, once again renewed the false allegation Todd "...set up a Drug Forfeiture account with restricted funds From [*sic*] capital improvements (saved from resort tax) and then continued to put other funds in the DF accounts that was in no way drug forfeiture money."
63. Dimich supported and participated in the false posting and said, inter alia, as follows:  
"Mary Cameron brought this to the Mayor and Council on several occasions for over a year."
64. Cameron and Dimich knew the statements against Todd were false and constituted accusations of criminal conduct.
65. Cameron and Dimich made these deliberately false statements with actual malice and for the express purpose of damaging Todd's professional reputation permanently.
66. Cameron made a post on Facebook in which she accused Todd, falsely, of corrupting Mayor Schoenike. It was posted November 5, 2017 and was published to numerous members of the general public in Red Lodge and Carbon County.

67. Cameron's post falsely stated, inter alia, as follows: "They had this attitude that the city [sic] couldn't look good, unless they made the county [sic] look bad. That was all on Todd—a sore loser carpet bagger who tried, unlawfully [sic] to run for county attorney and was exposcd."
68. Once again, since Todd played no role in the re-election of Mike Schoenike as Mayor, the post, upon information and belief, was intended to undermine and to damage Todd's professional reputation.
69. It is impossible to quantify with specificity a dollar amount for the damages inflicted on Todd's professional reputation by Cameron and Dimich.
70. Since Cameron and Dimich acted with malice and with the intent to inflict damage on his professional reputation, Todd is entitled to an amount three (3) times the loss of income of \$140,000.00 caused by not getting the position as Red Lodge City Attorney.

### COUNT ONE - CONSPIRACY

71. Todd incorporates the foregoing allegations as if set forth in full.
72. Cameron and Dimich agreed to act together for the express purpose of denying Todd his professional position as City Prosecutor for the City of Red Lodge. Upon information and belief, other persons participated and supported the concerted action by Dimich and Cameron.
73. Cameron and Dimich acted in concert to achieve their jointly-adopted, express purpose by committing on numerous occasions the crime of criminal defamation in violation of 45-8-212, MCA.

74. Cameron and Dimich each committed numerous acts in furtherance of their conspiracy by making deliberately false and unprivileged written and oral communications about Todd to numerous third persons without Todd's consent.

75. Cameron and Dimich, with knowledge of the defamatory character of the communications about Todd, made their false and unprivileged written and oral statements not only to ridicule and disgrace Todd but also to injury Todd in his profession as a lawyer and as City Prosecutor for the City of Red Lodge, and to deny Todd appointment as Red Lodge City Attorney.

Wherefore, Todd is entitled to an award of compensatory damages and punitive damages consistent with the proofs at trial.

#### **COUNT TWO – SLANDER**

76. Todd incorporates the foregoing allegations as if set forth in full.

77. Cameron and Dimich each made numerous false and unprivileged oral statements to third persons about Todd. Those oral statements were published in Red Lodge and Carbon County.

78. Cameron and Dimich knew Todd did not consent to them making false oral statements to third persons about him.

79. Cameron and Dimich acted with actual malice either by making deliberately false statements about Todd or in reckless disregard of whether their oral statements against Todd were true.

80. Todd's professional reputation was damaged severely by the false oral statements made against Todd by Cameron and Dimich. Upon information and belief, prospective clients decided against engaging Todd as a lawyer due to his severely damaged reputation.

81. The false oral statements made against Todd by Cameron and Dimich were the cause for the Mayor and City Council of Red Lodge declining to appoint Todd as Red Lodge City Attorney.

Wherefore, Todd is entitled to an award of compensatory damages and punitive damages in an amount consistent with the proofs at trial.

### **COUNT THREE- LIBEL**

82. Todd incorporates the foregoing allegations as if set forth in full.

83. Cameron and Dimich each made numerous false and unprivileged written statements about Todd to third persons that were not privileged.

84. Cameron and Dimich knew Todd did not consent to them making false written statements to third persons about him.

85. Cameron and Dimich acted with actual malice by making deliberately false statements about Todd with the intent to harm Todd's professional reputation or by acting in reckless disregard of the truth of their false and unprivileged written statements against Todd.

Wherefore, Todd is entitled to an award of compensatory damages and punitive damages in an amount consistent with the proofs at trial.

### **COUNT FOUR- INTERFERENCE WITH PROSPECTIVE BUSINESS RELATIONSHIP**

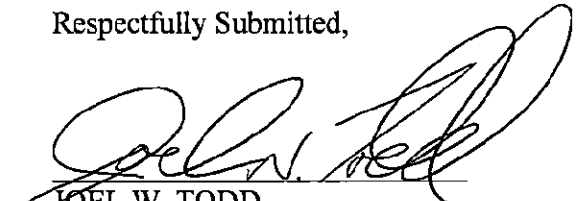
86. Todd incorporates the foregoing allegations as if set forth in full.

87. Cameron and Dimich each made numerous false oral and written statements to third persons about Todd that were not privileged and without Todd's consent.
88. Cameron and Dimich each made numerous false oral and written statements to the Mayor and City Council of Red Lodge about Todd that were not privileged and without Todd's consent.
89. Cameron and Dimich made the false oral and written statements to the Mayor and City Council of the City of Red Lodge for the express purpose, inter alia, of denying Todd appointment as Red Lodge City Attorney.
90. Cameron and Dimich succeeded in their goal of denying Todd appointment as Red Lodge City Attorney.

Wherefore, Todd is entitled to an award of compensatory damages and punitive damages consistent with the proofs at trial.

DATED: this 8 day of January 2018

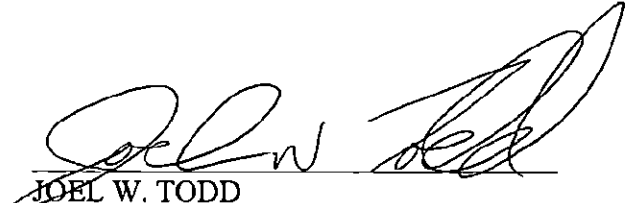
Respectfully Submitted,

  
JOEL W. TODD  
Pro Se Plaintiff

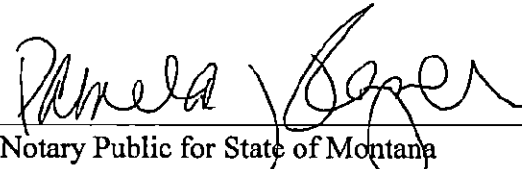
STATE OF MONTANA )  
 ) ss  
COUNTY OF CARBON )

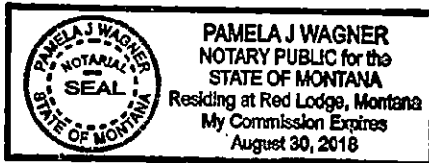
JOEL W. TODD, being first duly sworn, upon his oath, deposes and states as follows:

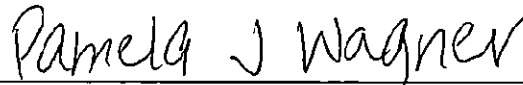
He has read the foregoing Complaint and knows the contents thereof, and the facts and matters contained therein are true, correct and complete to the best of his knowledge, information and belief.

  
JOEL W. TODD

SUBSCRIBED and SWORN TO,  
before me, a Notary Public, this  
8 day of January 2018.

By:   
Notary Public for State of Montana



  
Print Name of Notary  
Residing at Red Lodge, MT  
My Commission Expires 8-30-2018