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MASSA CONSTRUCTION, INC.,

Index No. 126837-2020

Plaintiff,

-against-

JAMES MEANEY a/k/a THE GENEVA BELIEVER,

Defendants.

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**NOTICE OF ELECTRONIC FILING  
(Consensual Case)  
(Uniform Rule § 202.5-b)**

**You have received this Notice because:**

- 1) The Plaintiff/Petitioner, whose name is listed above, has filed this cause using the New York State Courts E-filing system ("NYSCEF"), and
  - 2) You are a Defendant/Respondent (a party) in this case
- **If you are represented by an attorney:**  
Give this Notice to your attorney. (Attorneys: see "Information for Attorneys" pg. 2).
  - **If you are not represented by an attorney:**  
**You will be served with all documents in paper and you must serve and file your documents in paper, unless you choose to participate in e-filing.**

**If you choose to participate in e-filing, you must have access to a computer and a scanner or other device to convert documents into electronic format, a connection to the Internet, and an e-mail address to receive service of documents.**

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- visit: [www.nycourts.gov/efile-unrepresented](http://www.nycourts.gov/efile-unrepresented) or
- contact the Clerk's Office or Help Center at the court where the case was filed. Court contact information can be found at [www.nycourts.gov](http://www.nycourts.gov)

To find legal information to help you represent yourself visit [www.nycourthelp.gov](http://www.nycourthelp.gov)

**Information for Attorneys  
(E-filing is Mandatory for Attorneys)**

An attorney representing a party who is served with this notice must either:

- 1) immediately record his or her representation within the e-filed matter on the NYSCEF site [www.nycourts.gov/efile](http://www.nycourts.gov/efile); or
- 2) file the Notice of Opt-Out from with the clerk of the court where this action is Pending and serve on all parties. Exemptions from mandatory e-filing are limited to attorneys who certify in good faith that they lack the computer hardware and/or scanner and/or internet connection or that they lack (along with all employees subject to their direction) the knowledge to operate such equipment. [Section 202.5bb(e)]

For additional information about electronic filing and to create a NYSCEF account, visit the NYSCEF website at [www.nycourts.gov/efile](http://www.nycourts.gov/efile) or contact the NYSCEF Resource Center (phone: 646-386-3033; email: [efile@nycourts.gov](mailto:efile@nycourts.gov)).

Dated: February 5, 2020

  
\_\_\_\_\_  
Anthony C. Galli, Esq.  
Sheats & Bailey, PLLC  
Attorneys for Plaintiff  
Massa Construction, Inc.  
P.O. Box 586  
Liverpool, New York 13088  
Telephone (315) 678-7314  
Email: [agalli@theconstructionlaw.com](mailto:agalli@theconstructionlaw.com)

TO: James Meaney a/k/a The Geneva Believer  
[REDACTED]  
Geneva, New York 14456

STATE OF NEW YORK  
SUPREME COURT COUNTY OF ONTARIO

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MASSA CONSTRUCTION, INC.,  
630 Pre-Emption Road, Geneva, New York 14456,

Index No. 126837-2020

Plaintiff,

SUMMONS

-against-

JAMES MEANEY a/k/a THE GENEVA BELIEVER,  
[REDACTED], Geneva, New York 14456,

Defendants.

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To the above-named Defendant(s):

YOU ARE HEREBY SUMMONED to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the plaintiff's attorney(s) within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint. Plaintiff designates Ontario County as the place of trial. The basis of the venue is residence of the parties.

Dated: February 3, 2020

/s/ Anthony C. Galli

Anthony C. Galli, Esq.  
Sheats & Bailey, PLLC  
Attorneys for Plaintiff  
P.O. Box 586  
Liverpool, New York 13088  
Telephone (315) 676-7314

STATE OF NEW YORK  
SUPREME COURT COUNTY OF ONTARIO

MASSA CONSTRUCTION, INC.,

Index No. \_\_\_\_\_

Plaintiff,

-against-

Verified Complaint

JAMES MEANEY a/k/a THE GENEVA BELIEVER,

Defendants.

The Plaintiff, by its attorneys, Sheats & Bailey, PLLC, complains of the Defendants as follows:

1. That at all times hereinafter mentioned, Plaintiff, Massa Construction, Inc. ("Massa"), was and still is a New York corporation maintaining an office for the conduct of its business at 630 Pre-Emption Road, Geneva, New York 14456.

2. That at all times hereinafter mentioned, upon information and belief, the Defendant, James Meaney, is an individual residing at [REDACTED], Geneva, New York 14456.

3. That at all times hereinafter mentioned, upon information and belief, the Defendant, James Meaney, maintains an internet publication called "The Geneva Believer" at <http://www.genevabeliever.com> and via other internet outlets such as, upon information and belief, Facebook and Twitter.

**FACTUAL BACKGROUND**

4. Massa contracts with both private and public entities to perform construction services.

5. In order to be awarded a construction contract with a public entity, Massa must be the lowest, responsive, and responsible bidder in a competitive bidding process. See General Municipal Law § 103.

6. One of the public entities Massa submits competitive bids to is the City of Geneva.

7. James Meaney, through his publication, "The Geneva Believer," has published several internet articles that convey the falsehood that Massa obtains its construction contracts with the City of Geneva by means of collusion and bribery with the City of Geneva.

8. On January 25, 2020, The Geneva Believer has republished all of its articles about Massa in one new publication. Annexed hereto as **Exhibit 1** is a copy of the January 25, 2020 article.

9. Annexed hereto as **Exhibits 2 through 9** are copies of the eight (8) previous articles that the Defendant republished by way of its January 25, 2020 article.

10. Reading each article in isolation, they each convey the falsehood that Massa obtains its construction contracts with the City of Geneva by means of collusion and bribery.

11. Reading all articles in their entirety, as they are presented in the January 25, 2020 republication, read as a whole, the articles convey the falsehood that Massa obtains its construction contracts with the City of Geneva by means of collusion and bribery.

12. Moreover, the images in each of the articles convey the falsehood that Massa obtains its construction contracts with the City of Geneva by means of collusion and bribery. Notably, there is an image in the April 7, 2018 article where one man in a suit stuffs cash into another man's suit jacket.

13. The Defendant's internet publications have been republished numerous times via Facebook and Twitter, among other social media sources.

**AS AND FOR A FIRST CAUSE OF ACTION FOR DEFAMATION**

14. Plaintiff repeats and realleges paragraphs 1 through 13 above as if fully set forth herein.

15. Defendant has published false statements on its various website platforms that injure Massa in its business as a general contractor, and which damage Massa's reputation.

16. The website articles contain text and images that convey the falsehood that Massa obtains its construction contracts with the City of Geneva by means of collusion and bribery.

17. Defendant's statements and images impute dishonesty, misconduct, and fraud to Massa's business as a general contractor, and as such, constitute defamation.

18. As a matter of fact, the only means by which Massa obtains construction contracts with the City of Geneva is by winning a competitive bidding process. In order to win the competitive bid, Massa must be the lowest, responsive, responsible bidder. *See* General Municipal Law § 103.

19. The Defendant knows that Massa must submit its bid to the City of Geneva to be awarded a construction contract, but nonetheless, with malice and reckless disregard for the truth, the Defendant's articles convey the falsehood that Massa obtains its construction contracts with the City of Geneva by means of collusion and bribery.

20. The falsehoods in Defendant's articles have been displayed on Defendant's websites, which are exposed to the public, presenting the false and injurious message to everyone on the internet.

21. The falsehood that Massa obtains its construction contracts with the City of Geneva by means of collusion and bribery has spread throughout Geneva, New York and Ontario County. It has also spread throughout the construction community in which Massa does business.

22. In the mind of a reasonable reader, the falsehood that Massa obtains its construction contracts with the City of Geneva by means of collusion and bribery imputes misconduct, dishonesty, and fraud on Massa.

**AS AND FOR A SECOND CAUSE OF ACTION FOR LIBEL *PER SE***

23. Plaintiff repeats and realleges paragraphs 1 through 22 above as if fully set forth herein.

24. Defendant has published false statements on its various website platforms that injure Massa in its business as a general contractor, and which tend to tarnish Massa's business reputation in the eyes of the construction community.

25. The website articles contain text and images that convey the falsehood that Massa obtains its construction contracts with the City of Geneva by means of collusion and bribery.

26. Defendant's statements and images impute dishonesty, misconduct, and fraud to Massa's business as a general contractor; and as such, constitute libel *per se*.

27. As a matter of fact, the only means by which Massa obtains construction contracts with the City of Geneva is by winning a competitive bidding process. In order to win the competitive bid, Massa must be the lowest, responsive, responsible bidder. *See* General Municipal Law § 103.

28. The Defendant knows that Massa must submit its bid to the City of Geneva to be awarded a construction contract, but nonetheless, with reckless disregard for the truth, the Defendant's articles convey the falsehood that Massa obtains its construction contracts with the City of Geneva by means of collusion and bribery.

29. The falsehoods in Defendant's articles have been displayed on Defendant's websites, which are exposed to the public, presenting the false and injurious message to everyone on the internet.

30. The falsehood that Massa obtains its construction contracts with the City of Geneva by means of collusion and bribery has spread throughout Geneva, New York and Ontario County. It has also spread throughout the construction community in which Massa does business.

31. In the mind of a reasonable reader, the falsehood that Massa obtains its construction contracts with the City of Geneva by means of collusion and bribery, denigrates Massa's business integrity.

32. The articles constitute libel per se, and as such, the law presumes damages and Massa need not allege or prove them.

**WHEREFORE**, Plaintiffs, Massa Construction, Inc., demands judgment as follows:

(1) on its first cause of action against the Defendant, James Meaney, a/k/a the Geneva Believer, enjoining Defendant from further publication of its defamatory articles, and awarding damages in an amount to be determined at trial, plus attorneys' fees; and

(2) on its second cause of against the Defendant, James Meaney, a/k/a the Geneva Believer, enjoining Defendant from further publication of its defamatory articles, and awarding damages in an amount to be determined at trial, plus attorney's fees; and



(7) together with such other and further relief as this Honorable Court deems just and proper.

Dated: February 3, 2020

/s/ Anthony C. Galli

Anthony C. Galli, Esq.  
Sheats & Bailey, PLLC  
Attorneys for Plaintiff  
Massa Construction, Inc.  
Office & P.O. Address:  
P.O. Box 586  
Liverpool, New York 13088  
Telephone (315) 676-7314

VERIFICATION

STATE OF NEW YORK )  
 ) ss.:  
COUNTY OF ONTARIO )

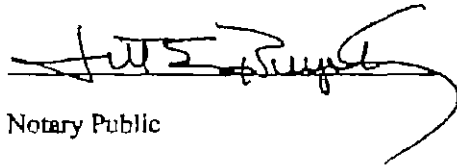
Nicholas P. Massa, being duly sworn, deposes and says:

I am the President of MASSA CONSTRUCTION, INC., a corporation and a party in the within action; I have read the foregoing Verified Complaint and know the contents thereof; the same is true to my own knowledge, except as to the matters therein stated to be alleged upon information and belief and as to those matters I believe it to be true. I am making this verification because the above party is a corporation and I am an officer thereof. The grounds of my belief as to all matters not stated upon my own knowledge are the books and records of the corporation and duties as an officer.



Nicholas P. Massa

Sworn to before me on February 3, 2020.



Notary Public

JILL E. BUYCK  
Notary Public, State of New York  
Wayne County No. 4877378  
Commission Expires Jan. 20, 2023