

6COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

SUPERIOR COURT
CIVIL ACTION NO.:

JANE DOE, on behalf
of herself and all others similarly situated,

Plaintiffs,

v.

DERRICK TODD, M.D.,

CHARLES RIVER MEDICAL ASSOCIATES, P.C.,

THE BRIGHAM AND WOMEN'S HOSPITAL, INC.,

BRIGHAM AND WOMEN'S FAULKNER HOSPITAL, INC.,

BRIGHAM AND WOMEN'S PHYSICIANS ORGANIZATION, INC.,

MASS GENERAL BRIGHAM COMMUNITY PHYSICIANS, INC.,

MASS GENERAL BRIGHAM INCORPORATED,

JOSEPH HARRINGTON, M.D.,

VINAY KUMAR, M.D.,

PAIGE MEISHEID, M.D.,

DOUGLAS GRONDA, M.D., and

JOHN/JANE DOES #1-10,

Defendants.

CLASS ACTION COMPLAINT AND DEMAND FOR JURY TRIAL

PARTIES

1. The named Plaintiff, Jane Doe¹, was at all times relevant to this complaint an individual residing in Sherborn, Massachusetts.
2. The Defendant, Derrick Todd, M.D., was at all times relevant to this complaint, a physician practicing his profession at Brigham and Women's Hospital, located in Boston, Suffolk County, Massachusetts, Brigham and Women's Faulkner Hospital, located in Boston, Suffolk County, Massachusetts, and Charles River Medical Associates, located in Framingham, Middlesex County, Massachusetts.
3. The Defendant, Charles River Medical Associates, P.C., was at all times relevant to this complaint a corporation duly organized and existing under the laws of the Commonwealth of Massachusetts, with a principal place of business at 600 Worcester Street, #303, Framingham, MA 01702, in Middlesex County, Massachusetts.

¹ Plaintiff brings this action under the pseudonym, Jane Doe, to protect her privacy and status as a sexual assault victim.

4. At all times relevant, the Defendant, Charles River Medical Associates, P.C., held out Derrick Todd, M.D. as one its practicing physicians practicing at and under the auspices of its organization.
5. The Defendant, The Brigham and Women's Hospital, Inc., was at all times relevant to this complaint a corporation duly organized and existing under the laws of the Commonwealth of Massachusetts, with a principal place of business at 75 Francis Street, Boston, MA 02115, in Suffolk County, Massachusetts.
6. At all times relevant, the Defendant, The Brigham and Women's Hospital, Inc., held out Derrick Todd, M.D. as one its practicing physicians practicing at and under the auspices of its organization.
7. The Defendant, Brigham and Women's Faulkner Hospital, Inc., was at all times relevant to this complaint a corporation duly organized and existing under the laws of the Commonwealth of Massachusetts, with a principal place of business at 1153 Centre Street, Boston, MA 02130, in Suffolk County, Massachusetts.
8. At all times relevant, the Defendant, Brigham and Women's Faulkner Hospital, Inc., held out Derrick Todd, M.D. as one its practicing physicians practicing at and under the auspices of its organization.
9. The Defendant, Brigham and Women's Physicians Organization, Inc., was at all times relevant to this complaint a corporation duly organized and existing under the laws of the Commonwealth of Massachusetts, with a principal place of business at 254 Second Avenue, Suite 100, Needham, MA 02494, in Norfolk County, Massachusetts.
10. At all times relevant, the Defendant, Brigham and Women's Physicians Organization, Inc., held out Derrick Todd, M.D. as one its practicing physicians practicing at and under the auspices of its organization.
11. The Defendant, Mass General Brigham Community Physicians, Inc., was at all times relevant to this complaint a corporation duly organized and existing under the laws of the Commonwealth of Massachusetts, with a principal place of business at 800 Boylston Street, Suite 1150, Boston, MA 02199, in Suffolk County, Massachusetts.
12. At all times relevant, the Defendant, Mass General Community Physicians, Inc., held out Derrick Todd, M.D. as one its practicing physicians practicing at and under the auspices of its organization.
13. The Defendant, Mass General Brigham Incorporated, was at all times relevant to this complaint a corporation duly organized and existing under the laws of the Commonwealth of Massachusetts, with a principal place of business at 800 Boylston Street, Suite 1150, Boston, MA 02199, in Suffolk County, Massachusetts.

14. At all times relevant, the Defendant, Mass General Brigham Incorporated, held out Derrick Todd, M.D. as one its practicing physicians practicing at and under the auspices of its organization.
15. The Defendant, Joseph Harrington, M.D., was at times relevant to this complaint, upon information and belief, a physician practicing his profession as the Director, Chief Financial Officer, Treasurer, Secretary, and President of Charles River Medical Associates, P.C.
16. The Defendant, Vinay Kumar, M.D., was at times relevant to this complaint, upon information and belief, a physician practicing his profession as the Chief Executive Officer, Director, and President of Charles River Medical Associates, P.C.
17. The Defendant, Paige Meisheid, M.D., was at times relevant to this complaint, upon information and belief, a physician practicing her profession as the Director, Chief Financial Officer, and Treasurer of Charles River Medical Associates, P.C.
18. The Defendant, Douglas Gronda, M.D., was at times relevant to this complaint, upon information and belief, a physician practicing his profession as the Vice President and Director of Charles River Medical Associates, P.C.
19. The Defendants, John/Jane Does #1-10, were at all times relevant to this complaint, individuals who were officers, directors, or other supervisory/administrative professionals for the above-listed named corporate defendants.

JURISDICTION AND VENUE

20. This Court has jurisdiction over this action pursuant to M.G.L. c. 223A, §2 and §3, and M.G.L. c. 212, §3. Venue is appropriate pursuant to M.G.L. c. 214, § 5 as the events at issue took place at Brigham and Women's Hospital, located in Boston, Suffolk County, Massachusetts, Brigham and Women's Faulkner Hospital, located in Boston, Suffolk County, Massachusetts, and Charles River Medical Associates, located in Framingham, Middlesex County, Massachusetts.

FACTS COMMON TO ALL COUNTS

21. At all times relevant to this complaint, Derrick Todd, M.D. was a practicing physician, primarily in the specialty of rheumatology.
22. From 2009 through July, 2023, Dr. Todd was in clinical practice providing direct patient care at Brigham and Women's Hospital and Brigham and Women's Faulkner Hospital as a physician in the Division of Rheumatology, Inflammation, and Immunity.
23. From 2010 through July, 2023, Dr. Todd was in clinical practice providing direct patient care at Charles River Medical Associates, P.C. as a rheumatologist.

24. While in the course of his employment, Dr. Todd had direct access to patients for examinations.
25. While in the course of his employment, and under the auspices of providing “primary care” to his rheumatology patients, Dr. Todd performed inappropriate pelvic examinations, breast examinations, and rectal examinations on patients. These examinations were performed for his own sexual gratification.
26. Upon information and belief, these horrifying, traumatizing, and deplorable acts took place over years, from at least as far back as 2011 and continuing through July, 2023, at which time Dr. Todd was investigated by the Brigham and Women’s Hospital and the Board of Registration in Medicine, and formally resigned.
27. In August, 2023, the Defendant Charles River Medical Associates, P.C. notified patients of Dr. Todd that he was no longer seeing patients.
28. The Defendant, Derrick Todd, M.D., owed his patients a duty of care to remain free from inappropriate bodily examinations, the unauthorized practice of medicine, and sexual assault under the auspices of providing medical care.
29. The Defendant, Derrick Todd, M.D., breached his duty of care when he performed inappropriate bodily examinations, practiced gynecological medicine in an unauthorized manner, and sexually assaulted patients under the auspices of providing medical care.
30. The Defendant, Charles River Medical Associates, P.C., owed patients a duty of care to remain free from inappropriate bodily examinations, the unauthorized practice of medicine, and sexual assault under the auspices of providing medical care.
31. The Defendant, Charles River Medical Associates, P.C., by and through its agents, servants, and/or employees, including Derrick Todd, M.D., breached its duty when it allowed for inappropriate bodily examinations of patients by Dr. Derrick Todd, the unauthorized practice of gynecological medicine by Dr. Derrick Todd, and the sexual assault of patients under the auspices of providing medical care by Dr. Derrick Todd.
32. The Defendant, Charles River Medical Associates, P.C., had a duty to hire, train, supervise, manage, oversee, and retain competent medical providers who refrained from assault and inappropriate examinations of patients.
33. The Defendant, Charles River Medical Associates, P.C., breached its duty of care when it failed to take reasonable steps in the hiring, training, supervising, managing, oversight, and retainment of Derrick Todd, M.D.
34. The Defendant, The Brigham and Women’s Hospital, Inc., owed patients a duty of care to remain free from inappropriate bodily examinations, the unauthorized practice of medicine, and sexual assault under the auspices of providing medical care.

35. The Defendant, The Brigham and Women's Hospital, Inc., by and through its agents, servants, and/or employees, including Derrick Todd, M.D., breached its duty when it allowed for inappropriate bodily examinations of patients by Dr. Derrick Todd, the unauthorized practice of gynecological medicine by Dr. Derrick Todd, and the sexual assault of patients under the auspices of providing medical care by Dr. Derrick Todd.
36. The Defendant, The Brigham and Women's Hospital, Inc., had a duty to hire, train, supervise, manage, oversee, and retain competent medical providers who refrained from assault and inappropriate examinations of patients.
37. The Defendant, The Brigham and Women's Hospital, Inc., breached its duty of care when it failed to take reasonable steps in the hiring, training, supervising, managing, oversight, and retainment of Derrick Todd, M.D.
38. The Defendant, Brigham and Women's Faulkner Hospital, Inc., owed patients a duty of care to remain free from inappropriate bodily examinations, the unauthorized practice of medicine, and sexual assault under the auspices of providing medical care.
39. The Defendant, Brigham and Women's Faulkner Hospital, Inc., by and through its agents, servants, and/or employees, including Derrick Todd, M.D., breached its duty when it allowed for inappropriate bodily examinations of patients by Dr. Derrick Todd, the unauthorized practice of gynecological medicine by Dr. Derrick Todd, and the sexual assault of patients under the auspices of providing medical care by Dr. Derrick Todd.
40. The Defendant, Brigham and Women's Faulkner Hospital, Inc., had a duty to hire, train, supervise, manage, oversee, and retain competent medical providers who refrained from assault and inappropriate examinations of patients.
41. The Defendant, Brigham and Women's Faulkner Hospital, Inc., breached its duty of care when it failed to take reasonable steps in the hiring, training, supervising, managing, oversight, and retainment of Derrick Todd, M.D.
42. The Defendant, Brigham and Women's Physicians Organization, Inc., owed patients a duty of care to remain free from inappropriate bodily examinations, the unauthorized practice of medicine, and sexual assault under the auspices of providing medical care.
43. The Defendant, Brigham and Women's Physicians Organization, Inc., by and through its agents, servants, and/or employees, including Derrick Todd, M.D., breached its duty when it allowed for inappropriate bodily examinations of patients by Dr. Derrick Todd, the unauthorized practice of gynecological medicine by Dr. Derrick Todd, and the sexual assault of patients under the auspices of providing medical care by Dr. Derrick Todd.
44. The Defendant, Brigham and Women's Physicians Organization, Inc., had a duty to hire, train, supervise, manage, oversee, and retain competent medical providers who refrained from assault and inappropriate examinations of patients.

45. The Defendant, Brigham and Women's Physicians Organization, Inc., breached its duty of care when it failed to take reasonable steps in the hiring, training, supervising, managing, oversight, and retainment of Derrick Todd, M.D.
46. The Defendant, Mass General Brigham Community Physicians, Inc., owed patients a duty of care to remain free from inappropriate bodily examinations, the unauthorized practice of medicine, and sexual assault under the auspices of providing medical care.
47. The Defendant, Mass General Brigham Community Physicians, Inc., by and through its agents, servants, and/or employees, including Derrick Todd, M.D., breached its duty when it allowed for inappropriate bodily examinations of patients by Dr. Derrick Todd, the unauthorized practice of gynecological medicine by Dr. Derrick Todd, and the sexual assault of patients under the auspices of providing medical care by Dr. Derrick Todd.
48. The Defendant, Mass General Brigham Community Physicians, Inc., had a duty to hire, train, supervise, manage, oversee, and retain competent medical providers who refrained from assault and inappropriate examinations of patients.
49. The Defendant, Mass General Brigham Community Physicians, Inc., breached its duty of care when it failed to take reasonable steps in the hiring, training, supervising, managing, oversight, and retainment of Derrick Todd, M.D.
50. The Defendant, Mass General Brigham Incorporated, owed patients a duty of care to remain free from inappropriate bodily examinations, the unauthorized practice of medicine, and sexual assault under the auspices of providing medical care.
51. The Defendant, Mass General Brigham Incorporated, by and through its agents, servants, and/or employees, including Derrick Todd, M.D., breached its duty when it allowed for inappropriate bodily examinations of patients by Dr. Derrick Todd, the unauthorized practice of gynecological medicine by Dr. Derrick Todd, and the sexual assault of patients under the auspices of providing medical care by Dr. Derrick Todd.
52. The Defendant, Mass General Brigham Incorporated, had a duty to hire, train, supervise, manage, oversee, and retain competent medical providers who refrained from assault and inappropriate examinations of patients.
53. The Defendant, Mass General Brigham Incorporated, breached its duty of care when it failed to take reasonable steps in the hiring, training, supervising, managing, oversight, and retainment of Derrick Todd, M.D.
54. The Defendant, Joseph Harrington, M.D., owed patients a duty of care to remain free from inappropriate bodily examinations, the unauthorized practice of medicine, and sexual assault under the auspices of providing medical care.
55. The Defendant, Joseph Harrington, M.D., breached his duty when he allowed for inappropriate bodily examinations of patients by Dr. Derrick Todd, the unauthorized practice

of gynecological medicine by Dr. Derrick Todd, and the sexual assault of patients under the auspices of providing medical care by Dr. Derrick Todd.

56. The Defendant, Joseph Harrington, M.D., had a duty to hire, train, supervise, manage, oversee, and retain competent medical providers who refrained from assault and inappropriate examinations of patients.
57. The Defendant, Joseph Harrington, M.D., breached his duty of care when he failed to take reasonable steps in the hiring, training, supervising, managing, oversight, and retainment of Derrick Todd, M.D.
58. The Defendant, Vinay Kumar, M.D., owed patients a duty of care to remain free from inappropriate bodily examinations, the unauthorized practice of medicine, and sexual assault under the auspices of providing medical care.
59. The Defendant, Vinay Kumar, M.D., breached his duty when he allowed for inappropriate bodily examinations of patients by Dr. Derrick Todd, the unauthorized practice of gynecological medicine by Dr. Derrick Todd, and the sexual assault of patients under the auspices of providing medical care by Dr. Derrick Todd.
60. The Defendant, Vinay Kumar, M.D., had a duty to hire, train, supervise, manage, oversee, and retain competent medical providers who refrained from assault and inappropriate examinations of patients.
61. The Defendant, Vinay Kumar, M.D., breached his duty of care when he failed to take reasonable steps in the hiring, training, supervising, managing, oversight, and retainment of Derrick Todd, M.D.
62. The Defendant, Paige Meisheid, M.D., owed patients a duty of care to remain free from inappropriate bodily examinations, the unauthorized practice of medicine, and sexual assault under the auspices of providing medical care.
63. The Defendant, Paige Meisheid, M.D., breached her duty when she allowed for inappropriate bodily examinations of patients by Dr. Derrick Todd, the unauthorized practice of gynecological medicine by Dr. Derrick Todd, and the sexual assault of patients under the auspices of providing medical care by Dr. Derrick Todd.
64. The Defendant, Paige Meisheid, M.D., had a duty to hire, train, supervise, manage, oversee, and retain competent medical providers who refrained from assault and inappropriate examinations of patients.
65. The Defendant, Paige Meisheid, M.D., breached her duty of care when she failed to take reasonable steps in the hiring, training, supervising, managing, oversight, and retainment of Derrick Todd, M.D.

66. The Defendant, Douglas Gronda, M.D., owed patients a duty of care to remain free from inappropriate bodily examinations, the unauthorized practice of medicine, and sexual assault under the auspices of providing medical care.
67. The Defendant, Douglas Gronda, M.D., breached his duty when he allowed for inappropriate bodily examinations of patients by Dr. Derrick Todd, the unauthorized practice of gynecological medicine by Dr. Derrick Todd, and the sexual assault of patients under the auspices of providing medical care by Dr. Derrick Todd.
68. The Defendant, Douglas Gronda, M.D., had a duty to hire, train, supervise, manage, oversee, and retain competent medical providers who refrained from assault and inappropriate examinations of patients.
69. The Defendant, Douglas Gronda, M.D., breached his duty of care when he failed to take reasonable steps in the hiring, training, supervising, managing, oversight, and retainment of Derrick Todd, M.D.
70. The Defendants, John/Jane Does #1-10, owed patients a duty of care to remain free from inappropriate bodily examinations, the unauthorized practice of medicine, and sexual assault under the auspices of providing medical care.
71. The Defendant, John/Jane Does #1-10, breached their duties when they allowed for inappropriate bodily examinations of patients by Dr. Derrick Todd, the unauthorized practice of gynecological medicine by Dr. Derrick Todd, and the sexual assault of patients under the auspices of providing medical care by Dr. Derrick Todd.
72. The Defendant, John/Jane Does #1-10, had a duty to hire, train, supervise, manage, oversee, and retain competent medical providers who refrained from assault and inappropriate examinations of patients.
73. The Defendant, John/Jane Does #1-10, breached their duties of care when they failed to take reasonable steps in the hiring, training, supervising, managing, oversight, and retainment of Derrick Todd, M.D.
74. The Defendant, John/Jane Does #1-10, had a duty to properly credential competent medical providers who refrained from assault and inappropriate examinations of patients.
75. The Defendant, John/Jane Does #1-10, breached their duties of care when they improperly credentialed Derrick Todd, M.D. to perform gynecological care.
76. The deliberate and negligent acts of the Defendants have caused and continue to cause the Plaintiff and the putative class to suffer permanent injuries, including emotional distress.
77. Specifically, the named Plaintiff, Jane Doe, was a rheumatology patient of Dr. Derrick Todd. Beginning in 2012, and continuing through 2023, Dr. Todd performed inappropriate and unauthorized breast and pelvic examinations on the Plaintiff.

78. The Plaintiff brings this Complaint on behalf of herself and all other similarly situated individuals who received inappropriate and unauthorized breast, pelvic, and rectal examinations by Dr. Derrick Todd under the auspices of providing medical care, but in reality, for his own sexual gratification.
79. The class shall be defined as patients of Dr. Derrick Todd who were subjected to inappropriate and unauthorized breast, pelvic, and rectal examinations by Dr. Derrick Todd under the auspices of providing medical care, but in reality, for his own sexual gratification.
80. The putative class is so numerous that joinder of all members would be impracticable as Dr. Derrick Todd had thousands of patients over his tenure/career, and he likely assaulted a large number of those patients.
81. The named Plaintiff will fairly and adequately protect the interests of the putative class and is represented by experienced counsel, with the means, resources, and ability to litigate this case.
82. Common questions of law and fact exist and predominate over any questions of law or fact which may only affect individual class members.
83. The common questions of law and fact include the following: (1) whether the Defendants are liable for negligence; (2) whether the Defendant, Derrick Todd, M.D., is liable for intentional infliction of emotional distress; (3) whether the Defendants are liable for negligent infliction of emotional distress; (4) whether the Defendant, Derrick Todd, M.D., is liable for assault and battery; and (5) whether the corporate Defendants are liable for negligent hiring, training, supervision, oversight, retainment, and credentialing of Derrick Todd, M.D.
84. A class action is superior to other available methods for the just and efficient adjudication of this matter because: (1) the cost of each individual victim/plaintiff litigating her claim would be exorbitant and unfeasible; (2) common questions of law and fact predominate over any individual questions of law and fact; (3) the prosecution of separate lawsuits could result in inconsistent adjudications as well as limit the financial resources available to compensate the plaintiffs; class members are identifiable through medical records and self-reporting; and (4) there will be no overwhelming hardships associated with the management of the class such that individual lawsuits would be favorable.
85. A class action is the most efficient, expedient, economically viable, and fair way to adjudicate this matter.

COUNT I (Negligence: Derrick Todd, M.D)

86. The plaintiff repeats and reavers fully herein the allegations contained in Paragraphs in the "Parties" and "Facts Common to all Counts" section of this complaint as if each were set forth here in their entirety.

87. The injuries sustained by the named Plaintiff and members of the putative class are the direct and proximate result of the negligence of the defendant, Derrick Todd, M.D., including, but not limited to, as follows:

- a. defendant's negligent practice of gynecological medicine;
- b. defendant's negligent failure to protect his patients from inappropriate bodily examinations;
- c. defendant's negligent failure to protect his patients from the unauthorized practice of medicine;
- d. defendant's negligent failure to protect his patients from sexual assault under the auspices of providing medical care;
- e. defendant's failure to appreciate that reasonable persons under the circumstances of the named Plaintiff and members of the putative class would likely suffer emotional distress; and
- f. defendant's failure to appreciate the foreseeability of the injury to the named Plaintiff and members of the putative class as a result of his conduct.

88. As a direct and proximate result of the carelessness, inattention and negligence of the defendant, the named Plaintiff and members of the putative class, were caused and will be caused to sustain severe and permanent personal injuries; have suffered and will continue to suffer great pain of body and anguish of mind; have been and will continue to be unable to pursue normal activities; have sustained and will continue to sustain medical bills resulting from their injuries; have required and will require significant medical/mental health treatment; and their abilities to enjoy their lives have been adversely affected.

WHEREFORE, the named Plaintiff and members of the putative class, pray judgment against the defendant, Derrick Todd, M.D., in an amount that is just and appropriate to compensate them for their injuries, together with interest and costs.

COUNT II (Negligent Infliction of Emotional Distress: Derrick Todd, M.D.)

89. The plaintiff repeats and reavers fully herein the allegations contained in Paragraphs in the "Parties" and "Facts Common to all Counts" section of this complaint as if each were set forth here in their entirety.

90. The emotional distress sustained by the named Plaintiff and members of the putative class is the direct and proximate result of the negligence of the defendant, Derrick Todd, M.D., including, but not limited to, as follows:

- a. defendant's negligent practice of gynecological medicine;

- b. defendant's negligent failure to protect his patients from inappropriate bodily examinations;
- c. defendant's negligent failure to protect his patients from the unauthorized practice of medicine;
- d. defendant's negligent failure to protect his patients from sexual assault under the auspices of providing medical care;
- e. defendant's failure to appreciate that reasonable persons under the circumstances of the named Plaintiff and members of the putative class would likely suffer emotional distress; and
- f. defendant's failure to appreciate the foreseeability of the injury to the named Plaintiff and members of the putative class as a result of his conduct.

91. As a direct and proximate result of the negligence of the defendant, the named Plaintiff and members of the putative class were caused and will be caused to sustain severe and permanent emotional distress; have suffered and will continue to suffer great pain of body and anguish of mind; have been and will continue to be unable to pursue normal activities; have sustained and will continue to sustain medical bills resulting from their injuries; have required and will require significant medical/mental health treatment; and their abilities to enjoy their lives have been adversely affected.

WHEREFORE, the named Plaintiff and members of the putative class, pray judgment against the defendant, Derrick Todd, M.D., in an amount that is just and appropriate to compensate them for their injuries, together with interest and costs.

COUNT III (Intentional Infliction of Emotional Distress: Derrick Todd, M.D.)

92. The plaintiff repeats and reavers fully herein the allegations contained in Paragraphs in the "Parties" and "Facts Common to all Counts" section of this complaint as if each were set forth here in their entirety.

93. The emotional distress sustained by the named Plaintiff and members of the putative class is the direct and proximate result of the extreme and outrageous conduct of the defendant, Derrick Todd, M.D., including, but not limited to, as follows:

- a. defendant's performance of inappropriate bodily examinations;
- b. defendant's unauthorized practice of gynecological medicine;
- c. defendant's sexual assault on his patients under the auspices of providing medical care;

- d. defendant's failure to appreciate that reasonable persons under the circumstances of the named Plaintiff and members of the putative class would likely suffer emotional distress;
- e. defendant's failure to appreciate the foreseeability of the injury to the named Plaintiff and members of the putative class as a result of his conduct; and
- f. defendant's failure to know that his conduct was extreme and outrageous and would likely result in emotional distress to the named Plaintiff and members of the putative class.

94. As a direct and proximate result of the deliberate conduct of the defendant, the named Plaintiff and members of the putative class were caused and will be caused to sustain severe and permanent emotional distress; have suffered and will continue to suffer great pain of body and anguish of mind; have been and will continue to be unable to pursue normal activities; have sustained and will continue to sustain medical bills resulting from their injuries; have required and will require significant medical/mental health treatment; and their abilities to enjoy their lives have been adversely affected.

WHEREFORE, the named Plaintiff and members of the putative class, pray judgment against the defendant, Derrick Todd, M.D., in an amount that is just and appropriate to compensate them for their injuries, together with interest and costs.

COUNT IV (Sexual Assault and Battery: Derrick Todd, M.D.)

95. The plaintiff repeats and reavers fully herein the allegations contained in Paragraphs in the "Parties" and "Facts Common to all Counts" section of this complaint as if each were set forth here in their entirety.

96. The injuries sustained by the named Plaintiff and members of the putative class are the direct and proximate result of the deliberate actions of the defendant, Derrick Todd, M.D., including, but not limited to, as follows:

- a. Defendant's harmful and offensive touching, including sexual assault, under the auspices of providing medical care; and
- b. defendant's performance of inappropriate bodily examinations;

97. As a direct and proximate result of the extreme and outrageous conduct of the defendant, the named Plaintiff and members of the putative class, were caused and will be caused to sustain severe and permanent personal injuries; have suffered and will continue to suffer great pain of body and anguish of mind; have been and will continue to be unable to pursue normal activities; have sustained and will continue to sustain medical bills resulting from their injuries; have required and will require significant medical/mental health treatment; and their abilities to enjoy their lives have been adversely affected.

WHEREFORE, the named Plaintiff and members of the putative class, pray judgment against the defendant, Derrick Todd, M.D., in an amount that is just and appropriate to compensate them for their injuries, together with interest and costs.

COUNT V (Violations of M.G.L. c. 93A: Derrick Todd, M.D.)

Reserved.

COUNT VI (Negligence: Charles River Medical Associates, P.C.)

98. The plaintiff repeats and reavers fully herein the allegations contained in Paragraphs in the “Parties” and “Facts Common to all Counts” section of this complaint as if each were set forth here in their entirety.
99. The injuries sustained by the named Plaintiff and members of the putative class are the direct and proximate result of the negligence of the defendant, Charles River Medical Associates, P.C., including, but not limited to, as follows:
- a. defendant’s negligent failure to keep patients free from inappropriate bodily examinations of patients by Dr. Derrick Todd, the unauthorized practice of gynecological medicine by Dr. Derrick Todd, and the sexual assault of patients under the auspices of providing medical care by Dr. Derrick Todd; and
 - b. defendant’s negligent behavior in hiring, training, supervising, managing, oversight, and retainment of Derrick Todd, M.D.
100. As a direct and proximate result of the carelessness, inattention and negligence of the defendant, the named Plaintiff and members of the putative class, were caused and will be caused to sustain severe and permanent personal injuries, including sexual assault; have suffered and will continue to suffer great pain of body and anguish of mind; have been and will continue to be unable to pursue normal activities; have sustained and will continue to sustain medical bills resulting from their injuries; have required and will require significant medical/mental health treatment; and their abilities to enjoy their lives have been adversely affected.

WHEREFORE, the named Plaintiff and members of the putative class, pray judgment against the defendant, Charles River Medical Associates, P.C., in an amount that is just and appropriate to compensate them for their injuries, together with interest and costs.

COUNT VII (Negligent Infliction of Emotional Distress: Charles River Medical Associates, P.C.)

101. The plaintiff repeats and reavers fully herein the allegations contained in Paragraphs in the “Parties” and “Facts Common to all Counts” section of this complaint as if each were set forth here in their entirety.

102. The emotional distress sustained by the named Plaintiff and members of the putative class is the direct and proximate result of the negligence of the defendant, Charles River Medical Associates, P.C., including, but not limited to, as follows:

- a. defendant's negligent failure to keep patients free from inappropriate bodily examinations of patients by Dr. Derrick Todd, the unauthorized practice of gynecological medicine by Dr. Derrick Todd, and the sexual assault of patients under the auspices of providing medical care by Dr. Derrick Todd;
- b. defendant's negligent behavior in hiring, training, supervising, managing, oversight, and retainment of Derrick Todd, M.D.;
- c. defendant's failure to appreciate that reasonable persons under the circumstances of the named Plaintiff and members of the putative class would likely suffer emotional distress; and
- d. defendant's failure to appreciate the foreseeability of the injury to the named Plaintiff and members of the putative class as a result of its conduct.

103. As a direct and proximate result of the negligence of the defendant, the named Plaintiff and members of the putative class were caused and will be caused to sustain severe and permanent emotional distress; have suffered and will continue to suffer great pain of body and anguish of mind; have been and will continue to be unable to pursue normal activities; have sustained and will continue to sustain medical bills resulting from their injuries; have required and will require significant medical/mental health treatment; and their abilities to enjoy their lives have been adversely affected.

WHEREFORE, the named Plaintiff and members of the putative class, pray judgment against the defendant, Charles River Medical Associates, P.C., in an amount that is just and appropriate to compensate them for their injuries, together with interest and costs.

COUNT VIII (Negligence: The Brigham and Women's Hospital, Inc.)

104. The plaintiff repeats and reavers fully herein the allegations contained in Paragraphs in the "Parties" and "Facts Common to all Counts" section of this complaint as if each were set forth here in their entirety.

105. The injuries sustained by the named Plaintiff and members of the putative class are the direct and proximate result of the negligence of the defendant, The Brigham and Women's Hospital, Inc., including, but not limited to, as follows:

- a. defendant's negligent failure to keep patients free from inappropriate bodily examinations of patients by Dr. Derrick Todd, the unauthorized practice of gynecological medicine by Dr. Derrick Todd, and the sexual assault of patients under the auspices of providing medical care by Dr. Derrick Todd; and

- b. defendant's negligent behavior in hiring, training, supervising, managing, oversight, and retainment of Derrick Todd, M.D.

106. As a direct and proximate result of the carelessness, inattention and negligence of the defendant, the named Plaintiff and members of the putative class, were caused and will be caused to sustain severe and permanent personal injuries, including sexual assault; have suffered and will continue to suffer great pain of body and anguish of mind; have been and will continue to be unable to pursue normal activities; have sustained and will continue to sustain medical bills resulting from their injuries; have required and will require significant medical/mental health treatment; and their abilities to enjoy their lives have been adversely affected.

WHEREFORE, the named Plaintiff and members of the putative class, pray judgment against the defendant, The Brigham and Women's Hospital, Inc., in an amount that is just and appropriate to compensate them for their injuries, together with interest and costs.

COUNT IX (Negligent Infliction of Emotional Distress: The Brigham and Women's Hospital, Inc.)

107. The plaintiff repeats and reavers fully herein the allegations contained in Paragraphs in the "Parties" and "Facts Common to all Counts" section of this complaint as if each were set forth here in their entirety.

108. The emotional distress sustained by the named Plaintiff and members of the putative class is the direct and proximate result of the negligence of the defendant, The Brigham and Women's Hospital, Inc., including, but not limited to, as follows:

- a. defendant's negligent failure to keep patients free from inappropriate bodily examinations of patients by Dr. Derrick Todd, the unauthorized practice of gynecological medicine by Dr. Derrick Todd, and the sexual assault of patients under the auspices of providing medical care by Dr. Derrick Todd;
- b. defendant's negligent behavior in hiring, training, supervising, managing, oversight, and retainment of Derrick Todd, M.D.;
- c. defendant's failure to appreciate that reasonable persons under the circumstances of the named Plaintiff and members of the putative class would likely suffer emotional distress; and
- d. defendant's failure to appreciate the foreseeability of the injury to the named Plaintiff and members of the putative class as a result of its conduct.

109. As a direct and proximate result of the negligence of the defendant, the named Plaintiff and members of the putative class were caused and will be caused to sustain severe and permanent emotional distress; have suffered and will continue to suffer great pain of body and anguish of mind; have been and will continue to be unable to pursue normal activities; have sustained and will continue to sustain medical bills resulting from their injuries; have required and will require

significant medical/mental health treatment; and their abilities to enjoy their lives have been adversely affected.

WHEREFORE, the named Plaintiff and members of the putative class, pray judgment against the defendant, The Brigham and Women's Hospital, Inc., in an amount that is just and appropriate to compensate them for their injuries, together with interest and costs.

COUNT X (Negligence: Brigham and Women's Faulkner Hospital, Inc.)

110. The plaintiff repeats and reavers fully herein the allegations contained in Paragraphs in the "Parties" and "Facts Common to all Counts" section of this complaint as if each were set forth here in their entirety.
111. The injuries sustained by the named Plaintiff and members of the putative class are the direct and proximate result of the negligence of the defendant, Brigham and Women's Faulkner Hospital, Inc., including, but not limited to, as follows:
- a. defendant's negligent failure to keep patients free from inappropriate bodily examinations of patients by Dr. Derrick Todd, the unauthorized practice of gynecological medicine by Dr. Derrick Todd, and the sexual assault of patients under the auspices of providing medical care by Dr. Derrick Todd; and
 - b. defendant's negligent behavior in hiring, training, supervising, managing, oversight, and retainment of Derrick Todd, M.D.
112. As a direct and proximate result of the carelessness, inattention and negligence of the defendant, the named Plaintiff and members of the putative class, were caused and will be caused to sustain severe and permanent personal injuries, including sexual assault; have suffered and will continue to suffer great pain of body and anguish of mind; have been and will continue to be unable to pursue normal activities; have sustained and will continue to sustain medical bills resulting from their injuries; have required and will require significant medical/mental health treatment; and their abilities to enjoy their lives have been adversely affected.

WHEREFORE, the named Plaintiff and members of the putative class, pray judgment against the defendant, Brigham and Women's Faulkner Hospital, Inc., in an amount that is just and appropriate to compensate them for their injuries, together with interest and costs.

COUNT XI (Negligent Infliction of Emotional Distress: Brigham and Women's Faulkner Hospital, Inc.)

113. The plaintiff repeats and reavers fully herein the allegations contained in Paragraphs in the "Parties" and "Facts Common to all Counts" section of this complaint as if each were set forth here in their entirety.

114. The emotional distress sustained by the named Plaintiff and members of the putative class is the direct and proximate result of the negligence of the defendant, Brigham and Women's Faulkner Hospital, Inc., including, but not limited to, as follows:

- a. defendant's negligent failure to keep patients free from inappropriate bodily examinations of patients by Dr. Derrick Todd, the unauthorized practice of gynecological medicine by Dr. Derrick Todd, and the sexual assault of patients under the auspices of providing medical care by Dr. Derrick Todd;
- b. defendant's negligent behavior in hiring, training, supervising, managing, oversight, and retainment of Derrick Todd, M.D.;
- c. defendant's failure to appreciate that reasonable persons under the circumstances of the named Plaintiff and members of the putative class would likely suffer emotional distress; and
- d. defendant's failure to appreciate the foreseeability of the injury to the named Plaintiff and members of the putative class as a result of its conduct.

115. As a direct and proximate result of the negligence of the defendant, the named Plaintiff and members of the putative class were caused and will be caused to sustain severe and permanent emotional distress; have suffered and will continue to suffer great pain of body and anguish of mind; have been and will continue to be unable to pursue normal activities; have sustained and will continue to sustain medical bills resulting from their injuries; have required and will require significant medical/mental health treatment; and their abilities to enjoy their lives have been adversely affected.

WHEREFORE, the named Plaintiff and members of the putative class, pray judgment against the defendant, Brigham and Women's Faulkner Hospital, Inc., in an amount that is just and appropriate to compensate them for their injuries, together with interest and costs.

COUNT XII (Negligence: Brigham and Women's Physicians Organization, Inc.)

116. The plaintiff repeats and reavers fully herein the allegations contained in Paragraphs in the "Parties" and "Facts Common to all Counts" section of this complaint as if each were set forth here in their entirety.

117. The injuries sustained by the named Plaintiff and members of the putative class are the direct and proximate result of the negligence of the defendant, Brigham and Women's Physicians Organization, Inc., including, but not limited to, as follows:

- a. defendant's negligent failure to keep patients free from inappropriate bodily examinations of patients by Dr. Derrick Todd, the unauthorized practice of gynecological medicine by Dr. Derrick Todd, and the sexual assault of patients under the auspices of providing medical care by Dr. Derrick Todd; and

- b. defendant's negligent behavior in hiring, training, supervising, managing, oversight, and retainment of Derrick Todd, M.D.

118. As a direct and proximate result of the carelessness, inattention and negligence of the defendant, the named Plaintiff and members of the putative class, were caused and will be caused to sustain severe and permanent personal injuries, including sexual assault; have suffered and will continue to suffer great pain of body and anguish of mind; have been and will continue to be unable to pursue normal activities; have sustained and will continue to sustain medical bills resulting from their injuries; have required and will require significant medical/mental health treatment; and their abilities to enjoy their lives have been adversely affected.

WHEREFORE, the named Plaintiff and members of the putative class, pray judgment against the defendant, Brigham and Women's Physicians Organization, Inc., in an amount that is just and appropriate to compensate them for their injuries, together with interest and costs.

COUNT XIII (Negligent Infliction of Emotional Distress: Brigham and Women's Physicians Organization, Inc.)

119. The plaintiff repeats and reavers fully herein the allegations contained in Paragraphs in the "Parties" and "Facts Common to all Counts" section of this complaint as if each were set forth here in their entirety.

120. The emotional distress sustained by the named Plaintiff and members of the putative class is the direct and proximate result of the negligence of the defendant, Brigham and Women's Physicians Organization, Inc., including, but not limited to, as follows:

- a. defendant's negligent failure to keep patients free from inappropriate bodily examinations of patients by Dr. Derrick Todd, the unauthorized practice of gynecological medicine by Dr. Derrick Todd, and the sexual assault of patients under the auspices of providing medical care by Dr. Derrick Todd;
- b. defendant's negligent behavior in hiring, training, supervising, managing, oversight, and retainment of Derrick Todd, M.D.;
- c. defendant's failure to appreciate that reasonable persons under the circumstances of the named Plaintiff and members of the putative class would likely suffer emotional distress; and
- d. defendant's failure to appreciate the foreseeability of the injury to the named Plaintiff and members of the putative class as a result of its conduct.

121. As a direct and proximate result of the negligence of the defendant, the named Plaintiff and members of the putative class were caused and will be caused to sustain severe and permanent emotional distress; have suffered and will continue to suffer great pain of body and anguish of mind; have been and will continue to be unable to pursue normal activities; have sustained and will continue to sustain medical bills resulting from their injuries; have required and will require

significant medical/mental health treatment; and their abilities to enjoy their lives have been adversely affected.

WHEREFORE, the named Plaintiff and members of the putative class, pray judgment against the defendant, Brigham and Women's Physicians Organization, Inc., in an amount that is just and appropriate to compensate them for their injuries, together with interest and costs.

COUNT XIV (Negligence: Mass General Brigham Community Physicians, Inc.)

122. The plaintiff repeats and reavers fully herein the allegations contained in Paragraphs in the "Parties" and "Facts Common to all Counts" section of this complaint as if each were set forth here in their entirety.
123. The injuries sustained by the named Plaintiff and members of the putative class are the direct and proximate result of the negligence of the defendant, Mass General Brigham Community Physicians, Inc., including, but not limited to, as follows:
 - a. defendant's negligent failure to keep patients free from inappropriate bodily examinations of patients by Dr. Derrick Todd, the unauthorized practice of gynecological medicine by Dr. Derrick Todd, and the sexual assault of patients under the auspices of providing medical care by Dr. Derrick Todd; and
 - b. defendant's negligent behavior in hiring, training, supervising, managing, oversight, and retainment of Derrick Todd, M.D.
124. As a direct and proximate result of the carelessness, inattention and negligence of the defendant, the named Plaintiff and members of the putative class, were caused and will be caused to sustain severe and permanent personal injuries, including sexual assault; have suffered and will continue to suffer great pain of body and anguish of mind; have been and will continue to be unable to pursue normal activities; have sustained and will continue to sustain medical bills resulting from their injuries; have required and will require significant medical/mental health treatment; and their abilities to enjoy their lives have been adversely affected.

WHEREFORE, the named Plaintiff and members of the putative class, pray judgment against the defendant, Mass General Brigham Community Physicians, Inc., in an amount that is just and appropriate to compensate them for their injuries, together with interest and costs.

COUNT XV (Negligent Infliction of Emotional Distress: Mass General Brigham Community Physicians, Inc.)

125. The plaintiff repeats and reavers fully herein the allegations contained in Paragraphs in the "Parties" and "Facts Common to all Counts" section of this complaint as if each were set forth here in their entirety.

126. The emotional distress sustained by the named Plaintiff and members of the putative class is the direct and proximate result of the negligence of the defendant, Mass General Brigham Community Physicians, Inc., including, but not limited to, as follows:

- a. defendant's negligent failure to keep patients free from inappropriate bodily examinations of patients by Dr. Derrick Todd, the unauthorized practice of gynecological medicine by Dr. Derrick Todd, and the sexual assault of patients under the auspices of providing medical care by Dr. Derrick Todd;
- b. defendant's negligent behavior in hiring, training, supervising, managing, oversight, and retainment of Derrick Todd, M.D.;
- c. defendant's failure to appreciate that reasonable persons under the circumstances of the named Plaintiff and members of the putative class would likely suffer emotional distress; and
- d. defendant's failure to appreciate the foreseeability of the injury to the named Plaintiff and members of the putative class as a result of its conduct.

127. As a direct and proximate result of the negligence of the defendant, the named Plaintiff and members of the putative class were caused and will be caused to sustain severe and permanent emotional distress; have suffered and will continue to suffer great pain of body and anguish of mind; have been and will continue to be unable to pursue normal activities; have sustained and will continue to sustain medical bills resulting from their injuries; have required and will require significant medical/mental health treatment; and their abilities to enjoy their lives have been adversely affected.

WHEREFORE, the named Plaintiff and members of the putative class, pray judgment against the defendant, Mass General Brigham Community Physicians, Inc., in an amount that is just and appropriate to compensate them for their injuries, together with interest and costs.

COUNT XVI (Negligence: Mass General Brigham Incorporated)

128. The plaintiff repeats and reavers fully herein the allegations contained in Paragraphs in the "Parties" and "Facts Common to all Counts" section of this complaint as if each were set forth here in their entirety.

129. The injuries sustained by the named Plaintiff and members of the putative class are the direct and proximate result of the negligence of the defendant, Mass General Brigham Incorporated, including, but not limited to, as follows:

- a. defendant's negligent failure to keep patients free from inappropriate bodily examinations of patients by Dr. Derrick Todd, the unauthorized practice of gynecological medicine by Dr. Derrick Todd, and the sexual assault of patients under the auspices of providing medical care by Dr. Derrick Todd; and

- b. defendant's negligent behavior in hiring, training, supervising, managing, oversight, and retainment of Derrick Todd, M.D.

130. As a direct and proximate result of the carelessness, inattention and negligence of the defendant, the named Plaintiff and members of the putative class, were caused and will be caused to sustain severe and permanent personal injuries, including sexual assault; have suffered and will continue to suffer great pain of body and anguish of mind; have been and will continue to be unable to pursue normal activities; have sustained and will continue to sustain medical bills resulting from their injuries; have required and will require significant medical/mental health treatment; and their abilities to enjoy their lives have been adversely affected.

WHEREFORE, the named Plaintiff and members of the putative class, pray judgment against the defendant, Mass General Brigham Incorporated, in an amount that is just and appropriate to compensate them for their injuries, together with interest and costs.

COUNT XVII (Negligent Infliction of Emotional Distress: Mass General Brigham Incorporated)

131. The plaintiff repeats and reavers fully herein the allegations contained in Paragraphs in the "Parties" and "Facts Common to all Counts" section of this complaint as if each were set forth here in their entirety.

132. The emotional distress sustained by the named Plaintiff and members of the putative class is the direct and proximate result of the negligence of the defendant, Mass General Brigham Incorporated, including, but not limited to, as follows:

- a. defendant's negligent failure to keep patients free from inappropriate bodily examinations of patients by Dr. Derrick Todd, the unauthorized practice of gynecological medicine by Dr. Derrick Todd, and the sexual assault of patients under the auspices of providing medical care by Dr. Derrick Todd;
- b. defendant's negligent behavior in hiring, training, supervising, managing, oversight, and retainment of Derrick Todd, M.D.;
- c. defendant's failure to appreciate that reasonable persons under the circumstances of the named Plaintiff and members of the putative class would likely suffer emotional distress; and
- d. defendant's failure to appreciate the foreseeability of the injury to the named Plaintiff and members of the putative class as a result of its conduct.

133. As a direct and proximate result of the negligence of the defendant, the named Plaintiff and members of the putative class were caused and will be caused to sustain severe and permanent emotional distress; have suffered and will continue to suffer great pain of body and anguish of mind; have been and will continue to be unable to pursue normal activities; have sustained and will continue to sustain medical bills resulting from their injuries; have required and will require

significant medical/mental health treatment; and their abilities to enjoy their lives have been adversely affected.

WHEREFORE, the named Plaintiff and members of the putative class, pray judgment against the defendant, Mass General Brigham Incorporated, in an amount that is just and appropriate to compensate them for their injuries, together with interest and costs.

COUNT XVIII (Negligence: Joseph Harrington, M.D.)

134. The plaintiff repeats and reavers fully herein the allegations contained in Paragraphs in the “Parties” and “Facts Common to all Counts” section of this complaint as if each were set forth here in their entirety.
135. The injuries sustained by the named Plaintiff and members of the putative class are the direct and proximate result of the negligence of the defendant, Joseph Harrington, M.D., including, but not limited to, as follows:
 - a. defendant’s negligent failure to keep patients free from inappropriate bodily examinations of patients by Dr. Derrick Todd, the unauthorized practice of gynecological medicine by Dr. Derrick Todd, and the sexual assault of patients under the auspices of providing medical care by Dr. Derrick Todd; and
 - b. defendant’s negligent behavior in hiring, training, supervising, managing, oversight, and retainment of Derrick Todd, M.D.
136. As a direct and proximate result of the carelessness, inattention and negligence of the defendant, the named Plaintiff and members of the putative class, were caused and will be caused to sustain severe and permanent personal injuries, including sexual assault; have suffered and will continue to suffer great pain of body and anguish of mind; have been and will continue to be unable to pursue normal activities; have sustained and will continue to sustain medical bills resulting from their injuries; have required and will require significant medical/mental health treatment; and their abilities to enjoy their lives have been adversely affected.

WHEREFORE, the named Plaintiff and members of the putative class, pray judgment against the defendant, Joseph Harrington, M.D., in an amount that is just and appropriate to compensate them for their injuries, together with interest and costs.

COUNT XIX (Negligent Infliction of Emotional Distress: Joseph Harrington, M.D.)

137. The plaintiff repeats and reavers fully herein the allegations contained in Paragraphs in the “Parties” and “Facts Common to all Counts” section of this complaint as if each were set forth here in their entirety.
138. The emotional distress sustained by the named Plaintiff and members of the putative class is the direct and proximate result of the negligence of the defendant, Joseph Harrington, M.D., including, but not limited to, as follows:

- a. defendant's negligent failure to keep patients free from inappropriate bodily examinations of patients by Dr. Derrick Todd, the unauthorized practice of gynecological medicine by Dr. Derrick Todd, and the sexual assault of patients under the auspices of providing medical care by Dr. Derrick Todd;
- b. defendant's negligent behavior in hiring, training, supervising, managing, oversight, and retainment of Derrick Todd, M.D.;
- c. defendant's failure to appreciate that reasonable persons under the circumstances of the named Plaintiff and members of the putative class would likely suffer emotional distress; and
- d. defendant's failure to appreciate the foreseeability of the injury to the named Plaintiff and members of the putative class as a result of its conduct.

139. As a direct and proximate result of the negligence of the defendant, the named Plaintiff and members of the putative class were caused and will be caused to sustain severe and permanent emotional distress; have suffered and will continue to suffer great pain of body and anguish of mind; have been and will continue to be unable to pursue normal activities; have sustained and will continue to sustain medical bills resulting from their injuries; have required and will require significant medical/mental health treatment; and their abilities to enjoy their lives have been adversely affected.

WHEREFORE, the named Plaintiff and members of the putative class, pray judgment against the defendant, Joseph Harrington, M.D., in an amount that is just and appropriate to compensate them for their injuries, together with interest and costs.

COUNT XX (Negligence: Vinay Kumar, M.D.)

140. The plaintiff repeats and reavers fully herein the allegations contained in Paragraphs in the "Parties" and "Facts Common to all Counts" section of this complaint as if each were set forth here in their entirety.

141. The injuries sustained by the named Plaintiff and members of the putative class are the direct and proximate result of the negligence of the defendant, Vinay Kumar, M.D., including, but not limited to, as follows:

- a. defendant's negligent failure to keep patients free from inappropriate bodily examinations of patients by Dr. Derrick Todd, the unauthorized practice of gynecological medicine by Dr. Derrick Todd, and the sexual assault of patients under the auspices of providing medical care by Dr. Derrick Todd; and
- b. defendant's negligent behavior in hiring, training, supervising, managing, oversight, and retainment of Derrick Todd, M.D.

142. As a direct and proximate result of the carelessness, inattention and negligence of the defendant, the named Plaintiff and members of the putative class, were caused and will be caused to sustain severe and permanent personal injuries, including sexual assault; have suffered and will continue to suffer great pain of body and anguish of mind; have been and will continue to be unable to pursue normal activities; have sustained and will continue to sustain medical bills resulting from their injuries; have required and will require significant medical/mental health treatment; and their abilities to enjoy their lives have been adversely affected.

WHEREFORE, the named Plaintiff and members of the putative class, pray judgment against the defendant, Vinay Kumar, M.D., in an amount that is just and appropriate to compensate them for their injuries, together with interest and costs.

COUNT XXI (Negligent Infliction of Emotional Distress: Vinay Kumar, M.D.)

143. The plaintiff repeats and reavers fully herein the allegations contained in Paragraphs in the “Parties” and “Facts Common to all Counts” section of this complaint as if each were set forth here in their entirety.

144. The emotional distress sustained by the named Plaintiff and members of the putative class is the direct and proximate result of the negligence of the defendant, Joseph Harrington, M.D., including, but not limited to, as follows:

- a. defendant’s negligent failure to keep patients free from inappropriate bodily examinations of patients by Dr. Derrick Todd, the unauthorized practice of gynecological medicine by Dr. Derrick Todd, and the sexual assault of patients under the auspices of providing medical care by Dr. Derrick Todd;
- b. defendant’s negligent behavior in hiring, training, supervising, managing, oversight, and retainment of Derrick Todd, M.D.;
- c. defendant’s failure to appreciate that reasonable persons under the circumstances of the named Plaintiff and members of the putative class would likely suffer emotional distress; and
- d. defendant’s failure to appreciate the foreseeability of the injury to the named Plaintiff and members of the putative class as a result of its conduct.

145. As a direct and proximate result of the negligence of the defendant, the named Plaintiff and members of the putative class were caused and will be caused to sustain severe and permanent emotional distress; have suffered and will continue to suffer great pain of body and anguish of mind; have been and will continue to be unable to pursue normal activities; have sustained and will continue to sustain medical bills resulting from their injuries; have required and will require significant medical/mental health treatment; and their abilities to enjoy their lives have been adversely affected.

WHEREFORE, the named Plaintiff and members of the putative class, pray judgment against the defendant, Vinay Kumar, M.D., in an amount that is just and appropriate to compensate them for their injuries, together with interest and costs.

COUNT XXII (Negligence: Paige Meisheid, M.D.)

146. The plaintiff repeats and reavers fully herein the allegations contained in Paragraphs in the “Parties” and “Facts Common to all Counts” section of this complaint as if each were set forth here in their entirety.
147. The injuries sustained by the named Plaintiff and members of the putative class are the direct and proximate result of the negligence of the defendant, Paige Meisheid, M.D., including, but not limited to, as follows:
- a. defendant’s negligent failure to keep patients free from inappropriate bodily examinations of patients by Dr. Derrick Todd, the unauthorized practice of gynecological medicine by Dr. Derrick Todd, and the sexual assault of patients under the auspices of providing medical care by Dr. Derrick Todd; and
 - b. defendant’s negligent behavior in hiring, training, supervising, managing, oversight, and retainment of Derrick Todd, M.D.
148. As a direct and proximate result of the carelessness, inattention and negligence of the defendant, the named Plaintiff and members of the putative class, were caused and will be caused to sustain severe and permanent personal injuries, including sexual assault; have suffered and will continue to suffer great pain of body and anguish of mind; have been and will continue to be unable to pursue normal activities; have sustained and will continue to sustain medical bills resulting from their injuries; have required and will require significant medical/mental health treatment; and their abilities to enjoy their lives have been adversely affected.

WHEREFORE, the named Plaintiff and members of the putative class, pray judgment against the defendant, Paige Meisheid, M.D., in an amount that is just and appropriate to compensate them for their injuries, together with interest and costs.

COUNT XXIII (Negligent Infliction of Emotional Distress: Paige Meisheid, M.D.)

149. The plaintiff repeats and reavers fully herein the allegations contained in Paragraphs in the “Parties” and “Facts Common to all Counts” section of this complaint as if each were set forth here in their entirety.
150. The emotional distress sustained by the named Plaintiff and members of the putative class is the direct and proximate result of the negligence of the defendant, Joseph Harrington, M.D., including, but not limited to, as follows:
- a. defendant’s negligent failure to keep patients free from inappropriate bodily examinations of patients by Dr. Derrick Todd, the unauthorized practice of

gynecological medicine by Dr. Derrick Todd, and the sexual assault of patients under the auspices of providing medical care by Dr. Derrick Todd;

- b. defendant's negligent behavior in hiring, training, supervising, managing, oversight, and retainment of Derrick Todd, M.D.;
- c. defendant's failure to appreciate that reasonable persons under the circumstances of the named Plaintiff and members of the putative class would likely suffer emotional distress; and
- d. defendant's failure to appreciate the foreseeability of the injury to the named Plaintiff and members of the putative class as a result of its conduct.

151. As a direct and proximate result of the negligence of the defendant, the named Plaintiff and members of the putative class were caused and will be caused to sustain severe and permanent emotional distress; have suffered and will continue to suffer great pain of body and anguish of mind; have been and will continue to be unable to pursue normal activities; have sustained and will continue to sustain medical bills resulting from their injuries; have required and will require significant medical/mental health treatment; and their abilities to enjoy their lives have been adversely affected.

WHEREFORE, the named Plaintiff and members of the putative class, pray judgment against the defendant, Paige Meisheid, M.D., in an amount that is just and appropriate to compensate them for their injuries, together with interest and costs.

COUNT XXIV (Negligence: Douglas Gronda, M.D.)

152. The plaintiff repeats and reavers fully herein the allegations contained in Paragraphs in the "Parties" and "Facts Common to all Counts" section of this complaint as if each were set forth here in their entirety.

153. The injuries sustained by the named Plaintiff and members of the putative class are the direct and proximate result of the negligence of the defendant, Douglas Gronda, M.D., including, but not limited to, as follows:

- a. defendant's negligent failure to keep patients free from inappropriate bodily examinations of patients by Dr. Derrick Todd, the unauthorized practice of gynecological medicine by Dr. Derrick Todd, and the sexual assault of patients under the auspices of providing medical care by Dr. Derrick Todd; and
- b. defendant's negligent behavior in hiring, training, supervising, managing, oversight, and retainment of Derrick Todd, M.D.

154. As a direct and proximate result of the carelessness, inattention and negligence of the defendant, the named Plaintiff and members of the putative class, were caused and will be caused to sustain severe and permanent personal injuries, including sexual assault; have suffered and will

continue to suffer great pain of body and anguish of mind; have been and will continue to be unable to pursue normal activities; have sustained and will continue to sustain medical bills resulting from their injuries; have required and will require significant medical/mental health treatment; and their abilities to enjoy their lives have been adversely affected.

WHEREFORE, the named Plaintiff and members of the putative class, pray judgment against the defendant, Douglas Gronda, M.D., in an amount that is just and appropriate to compensate them for their injuries, together with interest and costs.

COUNT XXV (Negligent Infliction of Emotional Distress: Douglas Gronda, M.D.)

155. The plaintiff repeats and reavers fully herein the allegations contained in Paragraphs in the “Parties” and “Facts Common to all Counts” section of this complaint as if each were set forth here in their entirety.

156. The emotional distress sustained by the named Plaintiff and members of the putative class is the direct and proximate result of the negligence of the defendant, Joseph Harrington, M.D., including, but not limited to, as follows:

- a. defendant’s negligent failure to keep patients free from inappropriate bodily examinations of patients by Dr. Derrick Todd, the unauthorized practice of gynecological medicine by Dr. Derrick Todd, and the sexual assault of patients under the auspices of providing medical care by Dr. Derrick Todd;
- b. defendant’s negligent behavior in hiring, training, supervising, managing, oversight, and retainment of Derrick Todd, M.D.;
- c. defendant’s failure to appreciate that reasonable persons under the circumstances of the named Plaintiff and members of the putative class would likely suffer emotional distress; and
- d. defendant’s failure to appreciate the foreseeability of the injury to the named Plaintiff and members of the putative class as a result of its conduct.

157. As a direct and proximate result of the negligence of the defendant, the named Plaintiff and members of the putative class were caused and will be caused to sustain severe and permanent emotional distress; have suffered and will continue to suffer great pain of body and anguish of mind; have been and will continue to be unable to pursue normal activities; have sustained and will continue to sustain medical bills resulting from their injuries; have required and will require significant medical/mental health treatment; and their abilities to enjoy their lives have been adversely affected.

WHEREFORE, the named Plaintiff and members of the putative class, pray judgment against the defendant, Douglas Gronda, M.D., in an amount that is just and appropriate to compensate them for their injuries, together with interest and costs.

COUNT XXVI (Negligence: John/Jane Does #1-10)

158. The plaintiff repeats and reavers fully herein the allegations contained in Paragraphs in the “Parties” and “Facts Common to all Counts” section of this complaint as if each were set forth here in their entirety.
159. The injuries sustained by the named Plaintiff and members of the putative class are the direct and proximate result of the negligence of the defendants, John/Jane Does #1-10, including, but not limited to, as follows:
- a. defendants’ negligent failure to keep patients free from inappropriate bodily examinations of patients by Dr. Derrick Todd, the unauthorized practice of gynecological medicine by Dr. Derrick Todd, and the sexual assault of patients under the auspices of providing medical care by Dr. Derrick Todd;
 - b. defendants’ negligent behavior in hiring, training, supervising, managing, oversight, and retainment of Derrick Todd, M.D.; and
 - c. defendants’ negligent credentialing of Derrick Todd, M.D. for the performance of gynecological care.
160. As a direct and proximate result of the carelessness, inattention and negligence of the defendant, the named Plaintiff and members of the putative class, were caused and will be caused to sustain severe and permanent personal injuries, including sexual assault; have suffered and will continue to suffer great pain of body and anguish of mind; have been and will continue to be unable to pursue normal activities; have sustained and will continue to sustain medical bills resulting from their injuries; have required and will require significant medical/mental health treatment; and their abilities to enjoy their lives have been adversely affected.

WHEREFORE, the named Plaintiff and members of the putative class, pray judgment against the defendant, John/Jane Does #1-10, in an amount that is just and appropriate to compensate them for their injuries, together with interest and costs.

COUNT XXVII (Negligent Infliction of Emotional Distress: John/Jane Does #1-10)

161. The plaintiff repeats and reavers fully herein the allegations contained in Paragraphs in the “Parties” and “Facts Common to all Counts” section of this complaint as if each were set forth here in their entirety.
162. The emotional distress sustained by the named Plaintiff and members of the putative class is the direct and proximate result of the negligence of the defendants, John/Jane Does #1-10, including, but not limited to, as follows:
- a. defendants’ negligent failure to keep patients free from inappropriate bodily examinations of patients by Dr. Derrick Todd, the unauthorized practice of

gynecological medicine by Dr. Derrick Todd, and the sexual assault of patients under the auspices of providing medical care by Dr. Derrick Todd;

- b. defendants' negligent behavior in hiring, training, supervising, managing, oversight, and retainment of Derrick Todd, M.D.;
- c. defendants' negligent credentialing of Derrick Todd, M.D. for the performance of gynecological care;
- d. defendant's failure to appreciate that reasonable persons under the circumstances of the named Plaintiff and members of the putative class would likely suffer emotional distress; and
- e. defendant's failure to appreciate the foreseeability of the injury to the named Plaintiff and members of the putative class as a result of its conduct.

163. As a direct and proximate result of the negligence of the defendant, the named Plaintiff and members of the putative class were caused and will be caused to sustain severe and permanent emotional distress; have suffered and will continue to suffer great pain of body and anguish of mind; have been and will continue to be unable to pursue normal activities; have sustained and will continue to sustain medical bills resulting from their injuries; have required and will require significant medical/mental health treatment; and their abilities to enjoy their lives have been adversely affected.

WHEREFORE, the named Plaintiff and members of the putative class, pray judgment against the defendant, John/Jane Does #1-10, in an amount that is just and appropriate to compensate them for their injuries, together with interest and costs.

PRAYERS FOR RELIEF

WHEREFORE, Plaintiff and the putative class respectfully demand judgment against Defendants as follows:

- A. An order certifying the putative class with the Plaintiff as its representative;
- B. An order appointing below signed counsel as legal representative of the putative class;
- C. An order determining that defendants are liable for damages caused by the unlawful and tortious acts and omissions described above;
- D. An order awarding the class damages, together with interest, costs, and reasonable attorneys' fees as applicable;
- E. An order enjoining Defendants from continuing the unlawful practices which are the subject matter of this action;

- F. An order awarding the class any further relief as may be just and appropriate;
and

JURY DEMAND

Plaintiff on behalf of herself and all other similarly situated putative class members hereby demands
trial by jury on all counts so triable by a jury.

Respectfully submitted,
The Plaintiffs,
By their attorney,

/s/ Jonathan D. Sweet
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