



### **FACTS COMMON TO ALL COUNTS**

6. For the past two years, approximately, at least 450 patients at Mass General Brigham/Salem Hospital were exposed or potentially exposed to infection of HIV and Hepatitis B and C due to the negligent administration of intravenous medications by staff of the hospital that fell beneath applicable standards of care.
7. The negligent acts of the Defendants have caused and continue to cause the Plaintiff and the putative class to suffer permanent injuries, including additional testing and extreme anxiety and emotional distress and decreased quality of life as a result of being exposed or potentially being exposed to an infection and, potentially, suffering a serious infection.
8. Specifically, the Plaintiff, Melinda Cashman was a patient of Defendants who underwent endoscopic procedure(s) at Salem Hospital sometime between June 14, 2021 and April 19, 2023 and therein was subjected to a heightened risk of exposure to these harmful life-altering and life-threatening infections, was recently notified of such by Defendants, and as a result will now have to undergo testing, screening, and evaluation in an attempt to determine whether or not she was infected, a process which can take months or even years. As a result, Plaintiff suffered and will continue to suffer severe emotional distress and mental anguish associated therewith.
9. Human immunodeficiency virus (“HIV”) is a virus that causes acquired immunodeficiency (“AIDS”) and weakens the immune system putting the patient at risk for life-threatening infections and cancers. It is extremely contagious and can be passed through sexual intercourse to another person. A delay in diagnosis and treatment significantly increases the risk of a life-threatening illness.
10. Hepatitis is a virus that can lead to chronic infection and creates a high risk of death from cirrhosis and liver cancer. It is extremely contagious and can spread through bodily fluids such as blood, saliva, vaginal fluids or semen. It can also be passed from a pregnant mother to her newborn infant.
11. Therefore, additional individuals who may have or are infected include spouses, partners, significant others and loved ones who may have had direct contact including intimate and/or sexual relations with the Plaintiff and similarly situated individuals and who may have been exposed to the blood, semen, and/or saliva of infected individuals for a period as long as two or more years. These individuals more likely than not will need to be tested for these viruses and will also undergo the extreme anxiety and emotional distress associated with the uncertainty of their health condition.
12. The Plaintiff brings this Complaint on behalf of herself and all other similarly situated individuals who received negligent care at Mass General Brigham/Salem Hospital and as well as those who are or may be infected with HIV and/or Hepatitis B or C due to the negligent care and treatment of the Defendants.

13. The putative class is so numerous that joinder of all members would be impracticable as at least 450 patients have been impacted over two years.
14. 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.
15. Common questions of law and fact exist and predominate over any questions of law or fact which may only affect individual class members.
16. The common questions of law and fact include the following: (1) whether the Defendants are liable for negligence; (2) whether the Defendants are liable for negligent infliction of emotional distress; (3) whether the corporate Defendants are liable for negligent hiring, training, supervision, and oversight.
17. 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.
18. A class action is the most efficient, expedient, economically viable, and fair way to adjudicate this matter.

**COUNT I**  
**(Negligence)**

**Massachusetts General Brigham Incorporated and Salem Hospital**

19. 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.
20. 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, Mass General Brigham/Salem Hospital, including, but not limited to, as follows:
  - a. Defendants’ negligent failure to take necessary and appropriate measures under the standards of care applicable to medical facilities to protect patients from inappropriate exposure to harmful life-altering and life-threatening infections;
  - b. Defendants’ negligent policies and procedures in violation of the standards of care applicable to administering the intravenous medications in order to protect patients from harmful life-altering and life-threatening infections;

- c. Defendants' negligent hiring, training, supervision, and oversight of individuals involved in administering the intravenous medications in order to protect patients from life-altering and life-threatening infections;
  - d. Defendants' 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. Defendants' failure to appreciate the foreseeability of the injury to the named Plaintiff and members of the putative class as a result of their conduct.
21. As a direct and proximate result of the carelessness, inattention, and negligence of the Defendants, Mass General Brigham/Salem Hospital 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 and relationships; 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 Defendants, Mass General Brigham/Salem Hospital, 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)**  
**Massachusetts General Brigham Incorporated and Salem Hospital**

22. 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.
23. 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, Mass General Brigham/Salem Hospital including, but not limited to, as follows:
- a. Defendants' negligent failure to take necessary and appropriate measures under the standards of care applicable to medical facilities to protect patients from inappropriate exposure to harmful life-altering and life-threatening infections;
  - b. Defendants' negligent policies and procedures in violation of the standards of care applicable to administering the intravenous medications in order to protect patients from harmful life-altering and life-threatening infections;
  - c. Defendants' negligent hiring, training, supervision, and oversight of individuals involved in administering the intravenous medications in order to protect patients from harmful life-altering and life-threatening infections;

- d. Defendants' 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. Defendants' failure to appreciate the foreseeability of the injury to the named Plaintiff and members of the putative class as a result of their conduct.

24. As a direct and proximate result of the negligence of the Defendants, Mass General Brigham/Salem Hospital, 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 and relationships; 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 Defendants, Mass General Brigham/Salem Hospital, in an amount that is just and appropriate to compensate them for their injuries, together with interest and costs.

**COUNT III**  
**(Negligence)**  
**John Does 1- 10**

25. 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.

26. 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 Does One Through Ten, including, but not limited to, as follows:

- a. Defendants' negligent care and treatment and failure to take necessary and appropriate measures under the standards of care applicable to health care professionals to protect patients from inappropriate exposure to harmful life-altering and life-threatening infections;
- b. Defendants' failure to follow applicable policies and procedures in violation of the standards of care applicable to administering the intravenous medications in order to protect patients from harmful life-altering and life-threatening infections;
- c. Defendants' negligent hiring, training, supervision, and oversight of individuals involved in administering the intravenous medications in order to protect patients from life-altering and life-threatening infections;
- d. Defendants' 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. Defendants' failure to appreciate the foreseeability of the injury to the named Plaintiff and members of the putative class as a result of their conduct.

27. As a direct and proximate result of the carelessness, inattention and negligence of the Defendants, John Does One Through Ten, 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 and relationships; 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 Defendants, John Does One through Ten, in an amount that is just and appropriate to compensate them for their injuries, together with interest and costs.

**COUNT IV**  
**(Negligent Infliction of Emotional Distress)**  
**John Does 1-10**

28. 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.

29. 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 Does One through Ten including, but not limited to, as follows:

- a. Defendants' negligent care and treatment and failure to take necessary and appropriate measures under the standards of care applicable to medical facilities to protect patients from inappropriate exposure to harmful life-altering and life-threatening infections;
- b. Defendants' negligent policies and procedures in violation of the standards of care applicable to administering the intravenous medications in order to protect patients from harmful life-altering and life-threatening infections;
- c. Defendants' negligent hiring, training, supervision, and oversight of individuals involved in administering the intravenous medications in order to protect patients from harmful life-altering and life-threatening infections;
- d. Defendants' 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. Defendants' failure to appreciate the foreseeability of the injury to the named Plaintiff

and members of the putative class as a result of their conduct.

30. As a direct and proximate result of the negligence of the Defendants, John Does One through Ten, 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 and relationships; 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 Defendants, John Does One through Ten, 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.

### **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 Plaintiff,  
By her attorneys,

/s/ Jeffrey N. Catalano

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