

ARMANI DOSHI Plaintiff, v. BOSTON ANIMAL CARE AND CONTROL DEPARTMENT¹, OFFICER PATTI (BADGE #113), VERIS RESIDENTIAL, and MASSACHUSETTS STATE POLICE LOGAN AIRPORT BARRACKS (TROOP F) Defendants.

2024 DEC -11 P 2:52

DEFENDANT, CITY OF BOSTON'S MEMORANDUM OF LAW IN SUPPORT OF ITS MOTION TO DISMISS

Defendant, City of Boston ("Defendant" or the "City"), submits this memorandum of law in support of its motion to dismiss. The City moves pursuant to Mass. R. Civ. P. 12(b)(5) and Mass. R. Civ. P. 12(b)(6) to have this Honorable Court dismiss the Plaintiff, Armani Doshi's, (the "Plaintiff") amended complaint against it. Plaintiff seeks damages for emotional distress, reputational harm, legal expenses, and loss of enjoyment of life for an alleged investigation that was conducted regarding the license and vaccination status of his pet dog. For the reasons set forth below, the City requests that the Court dismiss Plaintiff's amended complaint against it for improper service and for failure to state a claim.

¹ Boston Animal Care and Control Department is not a separate legal entity but rather a department within the City of Boston. See Murphy v. Town of Natick, 516 F. Supp. 2d 153, 158 (D. Mass. 2007) ("Under both Massachusetts and federal law, a suit against a municipal ... department ... is deemed to be a suit against the municipality itself.") (Alteration to original); Curran v. City of Boston, 777 F. Supp. 116, 119 (D. Mass. 1991).

I. RELEVANT FACTUAL AND PROCEDURAL BACKGROUND.²

Plaintiff brings this lawsuit for incidents regarding an alleged investigation conducted about the care and vaccination status of his pet dog. (See amended complaint, generally.) On September 11, 2024, an animal control officer, Officer Jones, visited Plaintiff's residence escorted by the Massachusetts State Police in response to a report of animal cruelty. (*Id.* at ¶ 7.) After this visit had ended, on that same day, Plaintiff went to the Boston Animal Care and Control office to allegedly clarify the investigation. (*Id.* at ¶ 10.) The Animal Control office, in an alleged evasive manner, did not provide Plaintiff with further information or disclose the source of the animal cruelty complaint. (*Id.*) Also during his visit to the Animal Control office, Plaintiff was allegedly told that the violation could be voided if he licensed his dog with the City, which Plaintiff believed to be for a financial gain through licensing fees rather than for the protection of his dog. (*Id.* at ¶¶ 11; 13.) Plaintiff allegedly had documents that showed that the dog was fully vaccinated and well cared for including, the dog's contract, registration, and medical records. (*Id.*) Plaintiff further alleges that given the legal requirement to license a dog is at six months of age, it is suspect that Animal Control arrived shortly after his dog had passed the age requirement. (*Id.* at ¶ 13.) Plaintiff further questions how Animal Control obtained his dog's information and alleges that the visit on September 11, 2024 by Animal Control was to pressure Plaintiff into licensing his dog rather than investigating claims of animal cruelty. (*Id.*) On September 24, 2024, there was a second visit to Plaintiff's residence by Officer Jones after a Veris residential employee threatened to call the police on Plaintiff for grabbing his dog by the throat. (*Id.* at ¶¶ 16; 23-24.)

² The facts contained in Plaintiff's Complaint are accepted as true for the limited purpose of this motion only.

On September 17, 2024, Plaintiff filed his complaint alleging five counts against the City of Boston and Officer Patti (badge #113). (See Docket No. 3.) On September 25, 2024, Plaintiff filed his amended complaint adding Veris Residential and Massachusetts State Police Logan Airport barracks (troop f) as defendants. (See Docket No. 4.) On October 4, 2024, Plaintiff's amended complaint was hand delivered to the City's Animal Care and Control office. (See Exhibit A.) Plaintiff's amended complaint alleges four counts against the City of Boston, including negligent and intentional infliction of emotional distress (Count 2); breach of duties under animal control law (Count 6); illegal acquisition and use of personal information (Count 7); and coercion, duress, and unjust enrichment (Count 8).

On October 10, 2024, Officer Jones removed the case to the United States District Court, District of Massachusetts. (See Docket No. 5.) On October 15, 2024, Plaintiff filed a motion to dismiss the federal claim and remand to state court. (See Docket No. 11.) On October 16, 2024, the federal court remanded the case back to state court because the Plaintiff dismissed all counts involving federal law. See Doshi v. Boston Animal Care and Control, et al., USDC Docket No. 1:24-cv-12570 at ECF 11; See also Docket No. 12.)

II. ARGUMENT.

A. The City was not properly served with plaintiff's amended complaint.

Plaintiff's amended complaint should be dismissed against the City because it was not served properly. Although Plaintiff names Boston Animal Care and Control as a Defendant in this case, Plaintiff did not actually serve the City with his original complaint or amended complaint. The City is only aware of this lawsuit because of Plaintiff's improper service of his complaint to the City's Animal Care and Control office.

Rule 12(b)(5) allows for dismissal of a complaint, where, as here, there is insufficient service of process. See also M.G.L. c. 223, s. 84 (“If in a civil action the defendant makes a motion to dismiss the action for insufficient service of process, the court may dismiss the action without prejudice . . .”). Rule 4(d) provides, in relevant part, that:

Service shall be made as follows: ... (4) Upon a county, city, town, or other political subdivision of the Commonwealth subject to suit, by delivering a copy for the summons and of the complaint to the treasurer, or the clerk thereof with the person then in charge thereof; or by mailing such copies to the treasurer or the clerk thereof by registered or certified mail.

M.G.L. c. 258 § 6 further provides that service may be on the public attorney for public employers (here, corporation counsel), or in absence of a public attorney, the executive officer. “The decision to dismiss or instead quash service under Rule 12(b)(5) rests within the discretion of the motion judge.” Ward v. McMahon, 2002 Mass. App. Div. 115 at *2 (June 25, 2002).

Here, Plaintiff served his amended complaint in hand to the City’s Animal Care and Control Department, which is located at 1010 Massachusetts Avenue. (See Exhibit A.) Plaintiff did not serve the City treasurer, City clerk, or Corporation Counsel with his amended complaint. Therefore, Plaintiff’s amended complaint should be dismissed for improper service. Further, and as discussed below, the Court should also dismiss Plaintiff’s amended complaint because Plaintiff fails to state a plausible claim against the City.

B. Plaintiff fails to state a claim against the City.

Plaintiff alleges four counts against the City: negligent and intentional infliction of emotional distress (Count 2); breach of duties under animal control law (Count 6); illegal acquisition and use of personal information (Count 7); and coercion, duress, and unjust enrichment pursuant to Chapter 93A (Count 8). All claims against the City must be dismissed because Plaintiff fails to state a claim.

1. 12(B)(6) STANDARD.

Under Mass. R. Civ. P. 12(b)(6), a party is permitted to move to dismiss a pleading that fails to state a claim upon which relief can be granted. Mass. R. Civ. P. 8(a)(1) requires a pleading to contain a “short and plain statement of the claim showing that the pleader is entitled to relief.” “While a complaint attacked by a Rule 12(b)(6) motion to dismiss does not need detailed factual allegations, a plaintiff's obligation to provide the grounds of his entitlement to relief requires more than labels and conclusions, and a formulaic recitation of the elements of a cause of action will not do.” Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555 (1955). “Nor does a complaint suffice if it tenders ‘naked assertion[s]’ devoid of ‘further factual enhancement.’” Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009) (quoting Twombly, 550 U.S. at 557). Rule 8 “does not unlock the doors of discovery for a plaintiff armed with nothing more than conclusions” and “demands more than an unadorned, the-defendant-unlawfully-harmed-me accusation.” Iqbal, 556 U.S. at 678-679. Thus, in order to survive this motion to dismiss, the facts contained in the Plaintiff’s Complaint must have “nudged their claims across the line from conceivable to plausible.” Twombly, 550 U.S. at 570. For the reasons set forth herein, Plaintiff’s amended complaint against Officer Patti must be dismissed for failure to state a claim upon which relief can be granted.

2. The City is immune from suit for intentional torts under the Massachusetts Tort Claims Act.

Plaintiff claims he suffered intentional infliction of emotional distress (Count 2). The Massachusetts Torts Claim Act (“MTCA”) provides that “[p]ublic employers shall be liable for injury or loss of property or personal injury or death caused by the negligent or wrongful act or omission of any public employee while acting within the scope of his office or employment. M.G.L. c. 258, § 2. The apparent breadth of this provision is somewhat circumscribed; exempted from coverage is any claim arising out of an intentional tort, including assault, battery, false

imprisonment, false arrest, intentional mental distress, malicious prosecution, malicious abuse of process, libel, slander, misrepresentation, deceit, invasion of privacy, interference with advantageous relations or interference with contractual relations. M.G.L. c. 258, §10(c). "In short, while a public employer will be held responsible for the negligent or wrongful acts of a public employee, a public employer cannot be held liable for the intentional conduct undertaken by a public employee acting within the scope of his or her employment when that intentional conduct causes harm to another." Sheehy v. Town of Plymouth, 948 F. Supp. 119, 122 (D. Mass 1996).

Intentional infliction of emotional distress is one of the listed causes of action that 258 § 10(c) immunizes the City. Thus, the intentional infliction of emotional distress claim must be dismissed against the City. Moreover, to the extent that Plaintiff has pleaded a claim of invasion of privacy in Count 7 of his amended complaint that claim should also be dismissed given that invasion of privacy rights is also an intentional tort listed under M.G.L. c. 258 § 10(c).

3. Plaintiff has not pled a negligent infliction of emotional distress claim and has failed to make presentment.

Plaintiff also pleads negligent infliction of emotional distress in Count 2 of his amended complaint. In order to prevail on a claim of negligent infliction of emotional distress, a plaintiff must prove: "(1) negligence; (2) emotional distress; (3) causation; (4) physical harm manifested by objective symptomatology; and (5) that a reasonable person would have suffered emotional distress under the circumstances of the case." Helfman v. Northeastern University, 485 Mass. 308, 327 (2020) (quoting Payton v. Abbott Labs, 386 Mass. 540, 557 (Mass. 1982)). When a plaintiff seeks recovery for negligent infliction of emotional distress, rather than intentional or reckless infliction of emotional distress, the plaintiff must provide evidence that they suffered physical harm. Payton, 386 Mass. at 546-547, 555. (noting this requirement will "provide reasonable safeguard against false claims.") Nasir v. Town of Foxborough, No. 19-CV-11196-DJC, 2020 WL

1027780, at *5 (D. Mass. Mar. 3, 2020). The plaintiff's physical harm must "cause or be caused by the emotional distress alleged, and the physical harm must be manifested by objective symptomatology and substantiated by expert medical testimony." Payton, 386 Mass. at 556. To some extent, emotional harm may be sufficient to sustain a negligent infliction of emotional distress claim, however, plaintiff must corroborate their mental distress claims with enough objective evidence of harm to convince a judge that their claims present a sufficient likelihood of genuineness to go to trial. Sullivan v. Bos. Gas Co., 414 Mass. 129, 136-138 (1993); see also, Rodriguez v. Cambridge Hous. Auth., 443 Mass. 697, 702 (2005) (citing Gutierrez v. Mass. Bay Trasp. Auth., 437 Mass. 396, 412 (2002)) (stating physical harm requirement was not eliminated but was expanded to allow proof of physical harm to include symptoms that are more mental than physical). To prevail, a plaintiff must show more than "mere upset, dismay, humiliation, grief and anger." Sullivan, 414 Mass. at 137.

Here, Plaintiff has not sufficiently pled the physical harm necessary for a claim of negligent infliction of emotional distress. Plaintiff alleges that he suffered "severe emotional distress" and was subjected to "humiliation, harassment, and false accusations without due cause." Plaintiff also alleges that the City caused him further emotional distress because he was met with evasiveness during his visit to Animal Control on September 11, 2024. Plaintiff's visit also allegedly lacked transparency because the Animal Control office was unable to provide him with information or disclose the source of the complaint, which caused him further emotional distress. (See amended complaint at ¶ 10.) However, these are conclusory statements, not facts of objective symptomatology. Sullivan, 414 Mass. 136-139. In alleging that Plaintiff has suffered "severe emotional distress," the amended complaint does not show more than "mere upset, dismay, humiliation, grief and anger." Id. at 137. Plaintiff does not state more than conclusory statements

of his emotional distress, which is insufficient to sustain a claim of negligent infliction of emotional distress. Polay v. McMahon, 468 Mass. 379, 388 (2014). These allegations are insufficient to survive a motion to dismiss. Id. (Finding no error in dismissal of emotional distress claim where plaintiff provided no more than conclusory statements in their complaint); See also Galiastro v. Mortgage Elec. Registration Sys., Inc., 467 Mass. 160, 174 (2014). (“Bare assertion will not suffice.”).

Furthermore, Plaintiff did not make proper presentment of his negligence claims against the City. Pursuant to M.G.L. c. 258 § 4, a claim against a public employer must be brought “within two years after the date upon which the cause of action arose.” Further, Section 4 of the MTCA requires “in the case of a city or town, presentment of a claim pursuant to this section shall be deemed sufficient if presented to any of the following: mayor, city manager, town manager, corporation counsel, city solicitor, town counsel, city clerk, town clerk, chairman of the board of selectmen, or executive secretary of the board of selectmen.” Proper presentment within the two-year period is required to allow the employer to investigate the claim’s merits, consider possible settlement options and take steps to ensure that similar claims will not be brought in the future. Murray v. Town of Hudson, 472 Mass. 376, 384 (2015). Plaintiff did not comply with the presentment requirements of M.G.L. c. 258 and does not allege in his complaint that he properly presented in accordance with M.G.L. c. 258.

4. Counts 6 and 7 do not state a private right of action.

Count 6 of Plaintiff’s amended complaint alleges breach of duties under Animal Control Law pursuant to M.G.L. c. 140, §§ 137 and 174E. These two statutes govern the registration and licensing of dogs and the chaining or tethering of dogs with potential criminal liability. Count 7 alleges illegal acquisition and use of personal information pursuant to M.G.L. c. 93H and M.G.L.

c. 214, § 1B. These two statutes listed by Plaintiff govern security breaches and equity jurisdiction, including the section pled by Plaintiff for right to privacy. Chapter 93H states that the only way for enforcement is an action by the Attorney General. Counts 6 and 7 should therefore be dismissed.

The only statute that has potential to give rise to suit would be M.G.L. c. 214, §1B because the Superior Court has jurisdiction to hear such claims. Even given that the Superior Court has jurisdiction to hear such claims, Plaintiff does not state factual assertions of how the City obtained his private information. Plaintiff rather states that he questions how Animal Control had access to his dog's information, which fails to state a claim for his right to privacy.³ These Counts must be dismissed because none of the statutes pled by Plaintiff list a private right of action.

5. The City is not liable under M.G.L. c. 93A.

Since the enactment of the MTCA, M.G.L. c. 258, it has been clear that governmental "immunity is still in effect unless consent to suit has been 'expressed by the terms of a statute, or appears by necessary implication from them.'" Bain v. Springfield, 424 Mass. 758, 763 (1997), quoting from C & M Constr. Co. v. Commonwealth, 396 Mass. 390, 392 (1985). See Morash & Sons, Inc. v. Commonwealth, 363 Mass. 612, 623 (1973) (noting desirability of limits and exceptions to governmental liability, based upon considerations of justice and public policy); Commonwealth v. ELM Med. Labs., Inc., 33 Mass. App. Ct. 71, 77-78, (1992) (observing that sovereign immunity is rooted in history and based upon sound considerations of public policy). Chapter 93A of the Massachusetts General Laws is the Massachusetts unfair competition

³ To the extent this Court finds that Plaintiff has pleaded a privacy claim, as argued above, the City would immune from suit for invasion of privacy pursuant to M.G.L. c. 258 § 10(c).

statute that prohibits the use of "unfair or deceptive acts or practices" in trade or commerce. See M.G.L. c. 93A.

"A municipality is not liable under G. L. c. 93A when it is not "acting in a business context," that is, when it is not engaged in "trade or commerce." Park Drive Towing, Inc. vs. City of Revere & others, 442 Mass. 80, 86 (2004), All Seasons Servs., Inc. v. Commissioner of Health & Hosps. of Boston, 416 Mass. 269, 271 (1993), Lantner v. Carson, 374 Mass. 606, 611 (1978). See Boston Hous. Auth. v. Howard, 427 Mass. 537, 538-539 (1998); United States Leasing Corp. v. Chicopee, supra at 232. Whether a municipality is acting in a business context depends on "the nature of the transaction, the character of the parties involved and [their] activities . . . and whether the transaction [was] motivated by business . . . reasons." Park Drive Towing, 442 Mass. at 86 (quoting Boston Hous. Authy. v. Howard, 427 Mass. 537, 538 (1998)). "Furthermore, a party is not engaging in trade or commerce as defined by G. L. c. 93A when its actions are motivated by legislative mandate." Park Drive Towing, 442 Mass. at 86; Lafayette Place Assocs. v. Boston Redevelopment Auth., 427 Mass. 509, 535 (1998), cert. denied, 525 U.S. 1177 (1999); Peabody N.E., Inc. v. Marshfield, 426 Mass. 436, 439-440 (1998). "... [I]t is well established that governmental entities are not amenable to suit under c. 93A when they have engaged in governmental activity rather than trade or commerce." M. O'Connor Contracting Inc. v. City of Brockton, 61 Mass. App. Ct. 278, 284 (2004).

Here, there are no factual assertions in the amended complaint that allege that the City's involvement was pursuant to its engagement in trade or commerce. Plaintiff's amended complaint asserts that the City, through its Animal Care and Control office, were acting in their investigatory capacity or in their capacity as a City department to have Plaintiff's dog licensed and registered

according to the state laws. Given that the City is generally immune from suit pursuant to Chapter 93A and the City was not acting in a business context, Count 8 should be dismissed against it.

III. CONCLUSION.

WHEREFORE, for the reasons stated above, the City respectfully requests that this Honorable Court allow its motion to dismiss, dismiss Plaintiff's amended complaint in its entirety, and grant such other and further relief as it deems just and proper.

Date: November 8, 2024

Respectfully submitted,

CITY OF BOSTON

By its attorney:

Adam N. Cederbaum
Corporation Counsel

/s/ Bridget I. Davidson

Bridget I. Davidson (BBO#710244)
Assistant Corporation Counsel
City of Boston Law Department
City Hall, Room 615
Boston, MA 02201
(617) 635-3238
bridget.davidson@boston.gov

CERTIFICATE OF SERVICE

I, Bridget I. Davidson, hereby certify that on November 8, 2024 a true copy of the above document was served upon the parties of record by certified mail or email at the following:

Armani Doshi
50 Lewis Street, Apt. 508
East Boston, MA 02128
(by certified mail)

Daniel Brunelli, Esq.
Counsel for Massachusetts State Police
Daniel.Brunelli@pol.state.ma.us
(served by email)

Vlaimir L. Nechev, Esq.
Counsel for Veris Residential
vnechev@slglegalgroup.com
(by email)

/s/ Bridget I. Davidson

EXHIBIT A

Summons

CIVIL DOCKET NO.

2484CV02453

Trial Court of Massachusetts
The Superior Court



CASE NAME:

John E. Powers III
Suffolk

Acting
Clerk of Courts
County

Armani Peshi
Plaintiff(s)

COURT NAME & ADDRESS:
Suffolk Superior Civil Court
Three Pemberton Square
Boston, MA. 02108

boston ma 02118 vs.

1010 Massachusetts Avenue 4th Floor
boston animal care and
control department
Defendant(s)

THIS SUMMONS IS DIRECTED TO boston animal care and control (Defendant's name)

You are being sued. The Plaintiff(s) named above has started a lawsuit against you. A copy of the Plaintiff's Complaint filed against you is attached to this Summons and the original Complaint has been filed in the Court.

YOU MUST ACT PROMPTLY TO PROTECT YOUR RIGHTS.

1. You must respond to this lawsuit in writing within 20 days.

If you do not respond, the Court may decide the case against you and award the Plaintiff everything asked for in the Complaint. You will also lose the opportunity to tell your side of the story. You must respond to this lawsuit in writing even if you expect to resolve this matter with the Plaintiff. If you need more time to respond, you may request an extension of time in writing from the Court.

2. How to Respond.

To respond to this lawsuit, you must file a written response with the Court and mail a copy to the Plaintiff's attorney (or the Plaintiff, if unrepresented). You can do this by:

a) Filing your signed original response with the Clerk's Office for Civil Business, Court (address), by mail, in person, or electronically through the web portal www.eFileMA.com If the Complaint was e-filed through that portal, AND

b) Delivering or mailing a copy of your response to the Plaintiff's attorney/Plaintiff at the following address:

3. What to include in Your Response.

An "Answer" is one type of response to a Complaint. Your Answer must state whether you agree or disagree with the fact(s) alleged in each paragraph of the Complaint. Some defenses, called affirmative defenses, must be stated in your Answer or you may lose your right to use them in Court. If you have any claims against the Plaintiff (referred to as "counterclaims") that are based on the same facts or transaction described in the Complaint, then you must include those claims in your Answer. Otherwise, you may lose your right to sue the Plaintiff about anything related to this lawsuit. If you want to have your case heard by a jury, you must specifically request a jury trial in your Court no more than 10 days after sending your Answer.

10/11/24 [Signature]
Deborah Sheriff Suffolk County

2484CV2485

Armani Doshi
Plaintiff

v.

Boston Animal Care and Control Department, Officer Patti (Badge #113), Veris Residential, and
Massachusetts State Police Logan Airport Barracks (Troop F)
Defendants

RECEIVED
SEP 25 P 12:00
JULIA SURIN
CIVIL RIGHTS
SECTION

AMENDED COMPLAINT FOR BENCH TRIAL

I. INTRODUCTION

1. Plaintiff Armani Doshi, representing themselves, brings this action against Defendants Boston Animal Care and Control Department, including Officer Patti (Badge #113), Veris Residential (property management of Portside at East Pier), and the Massachusetts State Police for violations under Massachusetts General Laws, Chapter 93A, Section 9, and 940 C.M.R. § 3.16(2), prohibiting unfair and deceptive acts, and Massachusetts General Laws, Chapter 272, Section 77, addressing false accusations of animal cruelty. These violations include improper investigation, false allegations of animal cruelty, the unlawful acquisition and use of Plaintiff's personal information, and coercive attempts to force Plaintiff into licensing their dog with the city under duress. Plaintiff seeks compensatory and punitive damages, along with injunctive relief.

2. The events giving rise to this lawsuit occurred on September 11, 2024, when Officer Patti of Animal Control, escorted by State Police, visited Plaintiff's residence and initiated an unsubstantiated investigation into the care and vaccination status of Plaintiff's German Shepherd dog, Savannah. Plaintiff alleges that the investigation was based on misleading or false information and that Officer Patti and the State Police, acting as representatives of the Animal Control office, engaged in deceptive and coercive tactics during the investigation. The actions culminated in attempts to use duress to compel Plaintiff to license their dog. On September 24, 2024, another incident occurred involving coordinated actions by the state police, Veris Residential employees, and a local resident, which constituted harassment, intimidation, and violations of Plaintiff's rights. During this incident, a Veris Residential employee sitting in a white van behind Plaintiff's apartment initiated an argument, falsely accusing Plaintiff of grabbing their dog by the throat. The employee threatened to call the police, leading to a rapid and seemingly prearranged arrival of law enforcement.

II. PARTIES

3. Plaintiff: Armani Doshi, a resident of 50 Lewis St, Apt 508, East Boston, MA 02128, owns a German Shepherd named Savannah and has provided adequate care, including timely vaccinations for the dog. Plaintiff has been subjected to unwarranted accusations and an unlawful investigation by Animal Control, the State Police, and Veris Residential, who have acted in concert to infringe upon Plaintiff's rights.

4. Defendants:

- Boston Animal Control and Officer Patti are sued in their official and individual capacities for their roles in violating Plaintiff's rights.

Boston Animal Care and control department 1010 Massachusetts
ave 4th floor Boston MA 02118

Officer Patti (badge # 113) ^{same address}

Veris residential inc 220 Broadway, suite 305 Lynnfield
MA 01940 ~~MA~~

Massachusetts state police Logan Airport barracks
(Troop F) 2 Service Rd East Boston MA 02128

- Veris Residential, the property management company of Portside at East Pier, is sued for breach of privacy, retaliation, tortious interference, and defamation.
- Massachusetts State Police are sued for constitutional violations under the Fourteenth Amendment, negligence under Massachusetts General Laws Chapter 231, Section 85, breach of duty, and negligent infliction of emotional distress.

III. JURISDICTION AND VENUE

5. Jurisdiction is proper in this Court under Massachusetts General Laws, Chapter 223, Section 2, which governs venue in civil actions, as the events giving rise to this action occurred in East Boston, Massachusetts.
6. Venue is proper in Suffolk Superior Court under Massachusetts General Laws, Chapter 223, Section 1, because the actions of the Defendants took place in this jurisdiction.

IV. FACTUAL ALLEGATIONS

7. On September 11, 2024, at approximately 10:45 a.m., Officer Patti from Animal Control, escorted by State Police, arrived at Plaintiff's residence, claiming they were responding to a report regarding allegations of animal cruelty. The source of the report was not disclosed.
8. The allegations were false. Plaintiff had complied with all required laws regarding the dog's care.
9. During the investigation, Animal Control, specifically Officer Patti and the State Police, provided conflicting information. They stated that there was video footage of abuse, but when Plaintiff requested to see this evidence, it was never provided, even after multiple requests. Plaintiff was told different things by different individuals, leading to suspicion that the investigation was baseless.
10. On September 11, 2024, at approximately 2:45 p.m., Plaintiff visited the Animal Control office to clarify the investigation. During this visit, Plaintiff was met with evasiveness from the staff, who were unwilling to provide further information or disclose the source of the complaint in a transparent manner. This lack of transparency caused further emotional distress.
11. Coercion and Duress: During the office visit, Plaintiff was informed that the violation could be voided if Plaintiff licensed the dog with the city. Plaintiff had documentation such as the dog's contract, registration, and medical records, showing the dog was fully vaccinated and well cared for. Despite this, the offer to void the violation was made, indicating that the goal was not to protect the animal but to extract financial gain through licensing fees. Plaintiff felt pressured to comply with the demand under duress, and this constitutes an unlawful act of coercion and duress as defined by Massachusetts General Laws, Chapter 265, Section 26, as it involved the use of intimidation to compel Plaintiff to act against their will.
12. Plaintiff believes that this investigation and the actions of Animal Control, specifically Officer Patti, supported by the presence of the State Police, were part of a scheme for unjust enrichment, where city officials exploit residents by making false accusations and then coercing them into licensing or other financial obligations under the threat of legal action.

13. **Suspicious Timing of Licensing Demand:** Plaintiff acknowledges the legal requirement to license their dog in Massachusetts at six months of age. However, it is highly suspect that Animal Control arrived with state police when Plaintiff's dog was nine months old, shortly after the licensing deadline had passed. Plaintiff questions how Animal Control knew the dog's age and had access to this information, raising concerns that the visit was more of a ploy to pressure Plaintiff into licensing the dog, rather than addressing any legitimate allegations. The citation handed to Plaintiff, with the offer to void it upon licensing, further demonstrates that the visit was focused on financial gain for the city. This action violates Massachusetts General Laws, Chapter 93A, Section 9, which prohibits unfair and deceptive acts, as the true motive behind the visit was not protection but financial coercion.

14. The investigation and accusations were improperly handled from the start. The refusal to provide evidence, along with conflicting and evasive statements, has left Plaintiff unable to challenge the accusations in a fair and just manner. Plaintiff believes this investigation was carried out in bad faith and without regard to proper legal procedure.

15. The events of September 11, 2024, were recorded by Plaintiff, who has video footage of the interaction with Animal Control and State Police when they came to Plaintiff's door.

Additional Allegations: September 24, 2024 Incident

16. On September 24, 2024, Plaintiff took their dog outside when a Veris Residential employee, sitting in a white van parked behind Plaintiff's apartment, accused Plaintiff of grabbing the dog by the throat. The employee yelled at Plaintiff and threatened to call the police. During this exchange, the employee interacted with a female resident on her balcony, who was recording the incident and later admitted she had no experience with handling dogs or training them.

17. The Veris Residential employee admitted to being involved in calling animal control previously. Plaintiff believes this employee obtained personal information about Plaintiff from Veris Residential and potentially shared it with others, contributing to the repeated harassment and baseless accusations.

18. The police arrived almost immediately after the Veris Residential employee's threats, including both Massport and State Police officers, suggesting a coordinated effort to intimidate Plaintiff. Massport police acknowledged that Plaintiff's dog appeared well cared for and stated that no evidence of abuse was present, while State Police intervened and repeatedly interrupted Plaintiff's attempts to explain the situation.

19. Despite showing State Police and Massport Police how Plaintiff handled the dog, demonstrating that no abuse occurred, Plaintiff was continually dismissed. The State Police Sergeant explicitly told Plaintiff that he did not care about Plaintiff's side or what Plaintiff wanted, revealing a clear bias in handling the situation.

20. During the confrontation, the female resident recording the incident admitted that she was not a dog trainer and lacked the qualifications to assess Plaintiff's actions. Despite this, State Police continued to side with her and the Veris Residential employee, refusing to listen to Plaintiff or provide any evidence of wrongdoing.

21. Veris Residential issued a no-trespass order against Plaintiff on September 12, 2024, and forwarded this notice to the third-party firm managing Plaintiff's housing voucher. This action can

jeopardize Plaintiff's housing stability if the situation continues, demonstrating a retaliatory response closely tied to the initial visit from Animal Control.

22. State Police refused to file a report despite assuring Plaintiff they would, further demonstrating negligence and a lack of proper procedure. They also shared personal information about Plaintiff with a passerby, who interjected herself into the situation, made false statements, and referenced an ankle monitor Plaintiff had worn in the past.

23. Throughout the incident, State Police exhibited dismissive and biased behavior, repeatedly cutting off Plaintiff when attempting to question Officer Patti about her actions. State Police prevented Plaintiff from engaging in meaningful dialogue with animal control, obstructing Plaintiff's right to understand the nature of the allegations and the evidence against them.

24. When Plaintiff confronted Officer Patti and asked how she had obtained Plaintiff's personal information during the initial investigation, Patti refused to answer, stating she was not going to talk about it. Patti belittled Plaintiff by insisting that the State Police and Animal Control were trying to help, despite having no answer. Despite this, Patti continued speaking down to Plaintiff as if they were incapable of properly caring for their dog.

25. State Police spoke with Officer Patti of Animal Control during the incident, and Animal Control admitted that they had no evidence of Plaintiff abusing the animal. Despite this admission, State Police and Animal Control continued to withhold information and failed to provide Plaintiff with a clear explanation of the allegations.

V. CAUSES OF ACTION

Count I: Violation of Due Process and Equal Protection (14th Amendment, U.S. Constitution and Massachusetts Constitution)

26. Plaintiff realleges and incorporates by reference all prior allegations.

27. Defendants Massachusetts State Police and Officer Patti violated Plaintiff's constitutional rights through biased investigations, failure to provide evidence, and arbitrary actions against Plaintiff.

Count II: Negligent and Intentional Infliction of Emotional Distress

28. Plaintiff realleges and incorporates by reference all prior allegations.

29. Defendants' conduct caused severe emotional distress to Plaintiff, who was subjected to humiliation, harassment, and false accusations without due cause.

Count III: Defamation (False Statements and Slander) - Against Veris Residential

30. Plaintiff realleges and incorporates by reference all prior allegations.

31. Veris Residential made false statements regarding Plaintiff's behavior and shared personal information with third parties, damaging Plaintiff's reputation.

Count IV: Breach of Privacy (M.G.L. c. 214, § 1B)

32. Plaintiff realleges and incorporates by reference all prior allegations.

33. Veris Residential unlawfully shared Plaintiff's personal information without consent, contributing to the coordinated harassment and investigation.

Count V: Retaliation and Tortious Interference with Contractual Relations

34. Plaintiff realleges and incorporates by reference all prior allegations.

35. Veris Residential issued a no-trespass order shortly after animal control's visit, disrupting Plaintiff's relationship with the housing voucher provider and placing Plaintiff's housing at risk.

Count VI: Breach of Duties under Animal Control Law (M.G.L. c. 140, §§ 137 and 174E)

36. Plaintiff realleges and incorporates by reference all prior allegations.

37. Defendants failed to follow statutory requirements by initiating an investigation based on faulty and incomplete information, failing to provide necessary evidence, and improperly handling Plaintiff's dog during the investigation.

Count VII: Illegal Acquisition and Use of Personal Information (M.G.L. c. 93H and c. 214, § 1B)

38. Plaintiff realleges and incorporates by reference all prior allegations.

39. Defendants unlawfully obtained and used Plaintiff's personal information without consent, violating Plaintiff's privacy rights under Massachusetts law.

Count VIII: Coercion, Duress, and Unjust Enrichment (M.G.L. c. 93A, § 9 and 940 C.M.R. § 3.16(2))

40. Plaintiff realleges and incorporates by reference all prior allegations.

41. Defendants' actions, including attempts to pressure Plaintiff into licensing the dog under false pretenses and threats of legal action, constitute coercion, duress, and a scheme for unjust enrichment, violating Massachusetts consumer protection laws.

VI. RELIEF SOUGHT

42. As a direct and proximate result of the actions of Defendants, Plaintiff has suffered the following damages:

- Emotional Distress: Plaintiff has suffered significant emotional distress due to the false allegations and improper handling of the investigation.
- Reputational Harm: Plaintiff's reputation has been damaged within the community, as neighbors and property management were led to believe that Plaintiff was mistreating their dog.
- Legal Expenses: Plaintiff has incurred expenses in responding to these false accusations and in preparing this legal action.
- Loss of Enjoyment of Life: Plaintiff has been unable to fully enjoy their life due to the anxiety and stress caused by the investigation.

43. Plaintiff seeks the following relief:

- Compensatory damages in the amount of \$1.5 million to cover emotional distress, reputational harm, and legal expenses.
- Punitive damages in the amount of \$1 million to punish Defendants for their willful and malicious conduct.

-
- Injunctive relief prohibiting Defendants from unlawfully obtaining or using personal information in future investigations.
 - A formal public apology from Animal Control, Officer Patti, Veris Residential, and the State Police, acknowledging their mishandling of the case and clearing Plaintiff of any wrongdoing.
 - Any other relief the Court deems just and equitable.