

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

SUPERIOR COURT DEPARTMENT
Civil Action No.

JOHN BOZEK on behalf of himself and all
others similarly situated,

Plaintiffs,

vs.

PRESIDENT & FELLOWS OF HARVARD
COLLEGE and CEDRIC LODGE,

Defendants.

CLASS ACTION COMPLAINT AND DEMAND FOR JURY TRIAL

Plaintiff brings this class action on behalf of himself and all other similarly situated individuals whose deceased family members' bodies were placed into the custody of Harvard Medical School for the furtherance of medical and scientific study, and which bodies were then unlawfully disturbed, viewed, dissected, and/or sold to third parties by the (now former) manager of the Harvard Medical School morgue Cedric Lodge. Plaintiff and the putative class seek monetary damages for the severe emotional distress caused by said conduct. Defendants treated numerous similarly situated individuals in the unlawful manners described herein.

The law recognizes that human beings are entitled to be treated with decency and dignity after death including by not having their bodies mishandled, viewed, dismembered, and/or sold by those entrusted with them. Families who lose loved ones find solace in temporarily entrusting the bodies of their loved ones to an institution such as Harvard Medical School with the goal of furthering academic and medical research. The actions of the Harvard Medical School morgue manager in mishandling and selling the body parts of cadavers donated to the school was a reprehensible tragedy that should have never happened.

PARTIES

1. Plaintiff is an individual residing at 90 Florida Road, Tewksbury, Massachusetts.
2. Defendant President & Fellows of Harvard College (“Harvard”) is a Massachusetts corporation with a principal office at Harvard University, Massachusetts Hall, Cambridge, Massachusetts.
3. Harvard owns and operates the Harvard Medical School (“HMS”) as a Massachusetts private educational institution located at 25 Shattuck Street, Boston, Suffolk County, Massachusetts.
4. Defendant Cedric Lodge is an individual residing in Goffstown, New Hampshire.
5. At all times relevant, Harvard and HMS owned, operated, controlled, managed, supervised, and/or staffed the HMS and its morgue (“HMS morgue”) located at 25 Shattuck Street, Suffolk County, Boston, Massachusetts.
6. At all times relevant, Harvard and HMS employed defendant Cedric Lodge as the manager of the HMS morgue.

JURISDICTION AND VENUE

7. This Court has jurisdiction over this matter pursuant to M.G.L. c. 223A, sec. 2 and c. 212, sec. 3.
8. Venue is proper in this court because the complained of conduct occurred at the HMS morgue in Suffolk County.

FACTUAL ALLEGATIONS

9. Harvard and HMS utilize human cadavers in the regular course of teaching students and advancing the scientific and medical understanding of the human body.
10. Cadavers are voluntarily donated to Harvard and HMS by individuals who complete an agreement with HMS through its Anatomical Gifts Program.
11. When HMS is finished using the cadavers, the donor’s remains are typically cremated and returned to the donor’s family or laid to rest in a cemetery maintained for that purpose.

12. Harvard and HMS maintained an onsite morgue facility where donated cadavers were stored until they were used for education, teaching, or research purposes, and again when the HMS was finished with the cadaver to await its final disposition.
13. Harvard and HMS documented the identities of donated cadavers and maintained a database for tracking purposes.
14. While in the course of his employment as manager of the HMS morgue, defendant Cedric Lodge had access to the HMS morgue and to the donated cadavers stored therein.
15. While in the course of his employment as manager of the HMS morgue, defendant Cedric Lodge unlawfully and negligently disturbed, mishandled, displayed, dissected, and/or sold hundreds of parts of donated cadavers that had been entrusted to Harvard and HMS for medical research and anatomical study.
16. While in the course of his employment as manager of the HMS morgue, defendant Cedric Lodge unlawfully and negligently used his access to the HMS morgue to allow unauthorized third parties to enter the HMS morgue to view donated cadavers and select which ones to purchase parts of.
17. While in the course of his employment as manager of the HMS morgue, defendant Cedric Lodge then sold parts of donated cadavers to third parties in person and online and then shipped them to various buyers in the United States.
18. Upon information and belief, these deplorable acts occurred at the HMS morgue for several years, from at least 2018 and continuing until March 2023 and were brought to light in the public media on June 13, 2023.
19. Harvard and HMS owed a duty of care to the families of those who donated their bodies and entrusted them to the custody of Harvard and HMS to take reasonable measures to ensure that the cadavers

were properly handled and maintained for their intended purpose of scientific study and not mishandled, viewed by unauthorized third parties, dissected, and/or sold to third parties.

20. Therein Harvard and HMS also owed a duty of care to hire, train, supervise, and retain a qualified and trustworthy manager of the HMS morgue.
21. Harvard and HMS breached its duty of care and was negligent when it failed to take reasonable steps in the hiring, training, supervision, and retention of defendant Cedric Lodge as the HMS morgue manager who was responsible for the safe and proper custody of the subject cadavers.
22. Harvard's negligence caused and continues to cause Plaintiff and the putative class to suffer severe emotional distress.
23. Plaintiff is the biological son of Adele Mazzone who died on February 5, 2019.
24. Prior to her death, Adele Mazzone arranged with Harvard and HMS to temporarily donate her body to Harvard and HMS to further the study of science and medicine.
25. Adele Mazzone's deceased body was delivered to Harvard and HMS shortly after her death.
26. Upon information and belief, the body of Adele Mazzone was one of the many donated cadavers mishandled at the HMS morgue by Defendant Cedric Lodge as described above.
27. The purported ashes of Adele Mazzone were delivered to her next of kin and surviving family in or around April 2021.
28. Plaintiff brings this class action on behalf of himself and all other similarly situated individuals whose family members donated and entrusted their deceased bodies into Harvard's custody for medical research and academic study and whose cadavers were then mishandled, dissected, and/or sold by the HMS morgue manager, Defendant Cedric Lodge.

29. The class shall be defined as: All individuals whose family members donated their deceased bodies to Harvard and HMS for medical research and academic study and whose cadavers were mishandled, dissected, and/or sold by the HMS morgue manager, Defendant Cedric Lodge.
30. The putative class is so numerous that joinder of all members would be impracticable, as it likely includes the family members of 350-400 donated cadavers.
31. Plaintiff's claims are typical of the claims of other members of the putative class, as all members of the class have been similarly affected by defendants' wrongful acts and practices as described herein.
32. Plaintiff will fairly and adequately protect the interests of the class and is represented by counsel experienced in complex litigation and with the necessary resources to manage and prosecute this case.
33. Common questions of law and fact exist and predominate over any questions of law or fact which may affect only individual Class members.
34. Common questions of law and fact include whether defendants are liable for (a) negligence; (b) breach of fiduciary duty; (c) negligent infliction of emotional distress, and/or (c) violations of M.G.L. c. 93A (reserved at this time) and whether the class is entitled to declaratory orders.
35. A class action is superior to other available methods for the fair and efficient adjudication of this controversy, since:
 - a. The financial harm suffered by individual class members is such that it would be economically unfeasible for them to individually litigate their claims;
 - b. The factual and legal issues common to all class members far outweigh any individual questions;
 - c. The prosecution of separate lawsuits by individual class members would entail the risk of inconsistent and conflicting adjudications;

- d. Class members are identifiable through Harvard's business records; and
- e. There will be no unusual or extraordinary management difficulties in administering this case as a class action.

36. A class action will foster economies of time, effort, and expense to ensure uniformity of decisions, presenting the most efficient manner of adjudicating the claims set forth herein.

COUNT I
NEGLIGENCE - HARVARD

37. Plaintiff repeats and re-alleges the allegations set forth above.
38. Harvard owed a duty of care to the families who entrusted it with custody of their loved one's deceased bodies by taking reasonable measures to ensure that the cadavers were properly handled and maintained for their intended purpose of scientific study and not improperly mishandled, dissected, and/or sold to third parties.
39. Harvard breached its custodial duty of care and was negligent when it failed to take reasonable steps to ensure that the cadavers were properly handled and maintained for their intended purpose of scientific study and not improperly mishandled, dissected, and/or sold to third parties.
40. Harvard also owed a duty of care to take reasonable steps in the hiring, training, supervision, and retain its HMS morgue manager.
41. Harvard breached its duty of care and was negligent when it failed to take reasonable steps in the hiring, training, supervision, and retention of defendant Cedric Lodge as the HMS morgue manager who was responsible for the safe and proper custody of the subject cadavers.
42. Harvard's negligent acts and omissions also violated Massachusetts law that prohibits the desecration of a deceased person's body under M.G.L. c. 113, §§ 1-5 which imposes a statutory duty to preserve the rights and dignity of a decedent's cadaver when a medical school takes custody of same for scientific and academic purposes.

43. In order for Harvard to receive a decedent's body for medical research, it was required to ensure (1) that the cadaver would only be used for the promotion of anatomical science in a way that would "not outrage public feeling", and (2) that after using the decedent's body for medical research, the body will either be returned to the family or the remains will be "decently buried or cremated".
44. Family members of the decedents are entitled to the right to bury their loved ones in a manner imbued in decency.
45. When families of deceased are denied that right when the bodies of their loved ones were dismembered, mishandled, and sold to third parties, they are entitled to compensation for the severe emotional distress caused as a result of this inexcusable negligence and tortious interference with a dead body.
46. Massachusetts law recognizes that "emotional distress is the natural and proximate result of knowing that the remains of a deceased family member have not been preserved as the family desired." Kelly v. Brigham & Women's Hosp., 51 Mass. App. Ct. 297, 307 (2001).
47. As a direct and proximate result of the foregoing negligent acts and omissions, Harvard caused Plaintiff and the putative class to suffer severe emotional distress.

WHEREFORE, Plaintiff and the putative class respectfully request that judgment enter against Harvard for damages, costs, and interest.

COUNT II
BREACH OF FIDUCIARY DUTY - HARVARD

48. Plaintiff repeats and re-alleges the allegations set forth above.
49. Harvard owed a fiduciary duty to Plaintiff and all similarly situated class members with respect to the custody and handling of the bodies in its custody for academic, scientific, and/or medical research.

50. Harvard breached its fiduciary duty by allowing the deceased bodies in its custody to be mishandled, dissected, and sold to third parties.

51. As a direct and proximate result of the foregoing breach of fiduciary duty, Harvard has caused Plaintiff and the putative class to suffer and to continue to suffer severe emotional distress.

WHEREFORE, Plaintiff and the putative class respectfully request that judgment enter against Harvard for damages, costs, and interest.

COUNT III
RESPONDEAT SUPERIOR LIABILITY – HARVARD

52. Plaintiff repeats and re-alleges the allegations set forth above.

53. Defendant Cedric Lodge was at all times relevant acting within the scope of his employment as an agent, servant, or employee of Harvard when he negligently and unlawfully dissected and sold body parts from human cadavers at the HMS morgue.

54. Harvard is vicariously liable for said employee's negligent acts and omissions committed while in the course of his employment at the HMS morgue under the doctrine of *respondeat superior*.

55. As a direct and proximate result, Plaintiff and the putative class have suffered and to continue to suffer severe emotional distress.

WHEREFORE, Plaintiff and the putative class respectfully request that judgment enter against Harvard for damages, costs, and interest.

COUNT IV
NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS – HARVARD

56. Plaintiff repeats and re-alleges the allegations set forth above.

57. Harvard owed a duty of care to the families who entrusted it with custody of their loved one's deceased bodies by taking reasonable measures to ensure that the cadavers were properly handled

and maintained for their intended purpose of scientific study and not improperly mishandled, dissected, and/or sold to third parties.

58. Massachusetts law recognizes that “emotional distress is the natural and proximate result of knowing that the remains of a deceased family member have not been preserved as the family desired.” Kelly v. Brigham & Women's Hosp., 51 Mass. App. Ct. 297, 307 (2001).

59. As a direct and proximate result of Harvard’s negligence and breach of fiduciary duties, Plaintiff and the putative class have suffered and continue to suffer severe emotional distress.

WHEREFORE, Plaintiff and the putative class respectfully request that judgment enter against Harvard for damages, costs, and interest.

COUNT V
VIOLATIONS OF M.G.L. c. 93A - HARVARD

[RESERVED]

COUNT VI
NEGLIGENCE – CEDRIC LODGE

60. Plaintiff repeats and re-alleges the allegations set forth above.

61. As manager of the HMS morgue, Defendant Cedric Lodge owed a duty of care to the families who entrusted Harvard with custody of their loved one’s deceased bodies by taking reasonable measures to ensure that the cadavers were properly handled and maintained for their intended purpose of scientific study and not improperly mishandled, dissected, and/or sold to third parties.

62. Defendant Cedric Lodge breached his duty of care and was negligent when he failed to take reasonable steps to ensure that the cadavers were properly handled and maintained for their intended purpose of scientific study and when he unlawfully mishandled, dissected, and/or sold them to third parties.

63. As a direct and proximate result, Plaintiff and the putative class have suffered and to continue to suffer severe emotional distress.

WHEREFORE, Plaintiff and the putative class respectfully request that judgment enter against Defendant Cedric Lodge for damages, costs, and interest.

COUNT VII
NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS –
CEDRIC LODGE

64. Plaintiff repeats and re-alleges the allegations set forth above.

65. Defendant Cedric Lodge owed a duty of care to the families who entrusted HMS with custody of their loved one's deceased bodies by taking reasonable measures to ensure that the cadavers were properly handled and maintained for their intended purpose of scientific study and not improperly mishandled, dissected, and/or sold to third parties.

66. Massachusetts law recognizes that "emotional distress is the natural and proximate result of knowing that the remains of a deceased family member have not been preserved as the family desired." Kelly v. Brigham & Women's Hosp., 51 Mass. App. Ct. 297, 307 (2001).

67. As a direct and proximate result of Defendant Cedric Lodge's negligence and breach of fiduciary duties, Plaintiff and the putative class have suffered and continue to suffer severe emotional distress.

WHEREFORE, Plaintiff and the putative class respectfully request that judgment enter against Harvard for damages, costs, and interest.

COUNT VIII
DECLARATORY JUDGMENT

68. There exists an actual controversy as to whether Harvard committed the foregoing unlawful and tortious acts and omissions and caused compensable harm and damages to Plaintiff and the putative class.

69. The class is entitled to declaratory orders, *inter alia*, that Harvard:

- a) Be enjoined from dissecting, mishandling, and/or selling any part of any donated cadaver in its custody;
- b) Preserve all evidence relevant to the unauthorized dissecting, viewing, mishandling, and/or selling any part of any cadaver in its custody;
- c) Establish a fund sufficient to compensate the Plaintiff and the putative class for their severe emotional distress damages; and/or
- d) To cease and desist from continuing the unlawful practices which are the subject matter of this action.

PRAYERS FOR RELIEF

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

- A. An order certifying the putative class with 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
- G. An order entering all the relief requested in plaintiff's declaratory judgment request.

JURY DEMAND

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

On behalf of the Plaintiff and similarly situated members of the
putative class,

KECHES LAW GROUP, P.C.

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