

ER

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

SUPERIOR COURT

LAURA CAPPELLO,

Plaintiff,

v.

DERRICK J. TODD, M.D., CHARLES
RIVER MEDICAL ASSOCIATES, P.C.,
BRIGHAM AND WOMEN'S FAULKNER
HOSPITAL, INC., and THE BRIGHAM
AND WOMEN'S HOSPITAL, INC.,

Defendants.

CIVIL ACTION
NO.:

COMPLAINT AND JURY DEMAND

Introduction

For years, Dr. Derrick J. Todd, in his role as Chief of Rheumatology at the Brigham and Women's Rheumatology Center at Faulkner Hospital and as a provider at Charles River Medical Associates, P.C. and Brigham and Women's Hospital, engaged in the serial and repeated sexual abuse of dozens of his female patients, including the Plaintiff, Laura Cappello. Over the course of approximately ten months, from September 2022 through July 2023, Dr. Todd performed at least twelve medically unnecessary, unwarranted, and non-indicated pelvic exams and at least one medically unnecessary, unwarranted, and non-indicated breast exam on Ms. Cappello. Throughout that period of abuse Dr. Todd communicated inappropriately with Ms. Cappello by e-mail and other means, including text message. At least two of the instances of abuse occurred after Brigham and Women's Hospital opened an investigation into Dr. Todd's conduct—indicating the brazen disregard with which Dr. Todd operated and the culture of indifference at

Charles River Medical Associates, Brigham and Women's Hospital, and Brigham and Women's Faulkner Hospital that provided him the unfettered ability to sexually abuse his patients. This is an action against the Defendants for their wrongful conduct in allowing that to happen.

Parties

1. The Plaintiff, Laura Cappello ("Cappello"), is an individual who at all times relevant hereto resided in Stoneham, County of Middlesex, Commonwealth of Massachusetts.
2. The Defendant, Derrick J. Todd, M.D. ("Dr. Todd"), is an individual who at all times relevant hereto resided in Wayland, County of Middlesex, Commonwealth of Massachusetts.
3. At all times relevant hereto until September 2023, Dr. Todd was a physician licensed to practice medicine in the Commonwealth of Massachusetts.
4. At all times relevant hereto, Dr. Todd held himself out to the Plaintiff and to the general public as being experienced and qualified as a physician, generally and in the specialties of rheumatology and internal medicine.
5. The Defendant, Charles River Medical Associates, P.C. ("Charles River Medical Associates"), is a professional corporation organized under the laws of the Commonwealth of Massachusetts, which at all times relevant hereto maintained a principal place of business in Framingham, County of Middlesex, Commonwealth of Massachusetts. Charles River Medical Associates, P.C. owns and operates a multispecialty care practice across more than thirty locations in eleven Metrowest communities in Massachusetts.
6. At all times relevant hereto, the Defendant, Charles River Medical Associates, held out Dr. Todd as one of its practicing physicians. At all times relevant hereto, upon information and belief, Dr. Todd was an employee and/or agent of Charles River Medical Associates.
7. The Defendant, Brigham and Women's Faulkner Hospital, Inc. ("BWH Faulkner"), is a corporation organized under the laws of the Commonwealth of Massachusetts, which at all times relevant hereto maintained a principal place of business in Boston, County of Suffolk, Commonwealth of Massachusetts. Brigham and Women's Faulkner Hospital, Inc. owns and operates Brigham and Women's Faulkner Hospital located at 1153 Centre Street in Boston, Massachusetts.
8. At all times relevant hereto, the Defendant, BWH Faulkner, held out Dr. Todd as one of its practicing physicians. At all times relevant hereto, upon information and belief, Dr. Todd was an employee and/or agent of BWH Faulkner.

9. The Defendant, The Brigham and Women's Hospital, Inc. ("BWH"), is a corporation organized under the laws of the Commonwealth of Massachusetts, which at all times relevant hereto maintained a principal place of business in Boston, County of Suffolk, Commonwealth of Massachusetts. The Brigham and Women's Hospital, Inc. owns and operates Brigham and Women's Hospital located at 75 Francis Street in Boston, Massachusetts.
10. At all times relevant hereto, the Defendant, BWH, held out Dr. Todd as one of its practicing physicians. At all times relevant hereto, upon information and belief, Dr. Todd was an employee and/or agent of BWH.

Facts

11. This case arises out of Dr. Todd's serial and repeated sexual abuse of the Plaintiff during approximately thirteen medical appointments over the course of ten months.
12. Between December 2010 and September 2011 and again between April 2022 and July 2023, the Plaintiff submitted herself to the care and treatment of Dr. Todd at Charles River Medical Associates in Framingham, Massachusetts, Brigham & Womens' Hospital and BWH Faulkner for the purposes of care for rheumatology-related chronic illnesses.
13. A physician-patient relationship existed between Dr. Todd and the Plaintiff between December 2010 and September 2011 and again between April 2022 and July 2023.
14. On September 1, 2011, the Plaintiff saw Dr. Todd at BWH for a routine rheumatology consult. At that appointment, Dr. Todd performed a medically unnecessary, unwarranted, and non-indicated breast examination on the Plaintiff.
15. On September 26, 2022, the Plaintiff saw Dr. Todd at BWH Faulkner for a routine rheumatology follow-up appointment. At that appointment, Dr. Todd performed a medically unnecessary, unwarranted, and non-indicated pelvic examination on the Plaintiff.
16. On September 26, 2022, after the first medically unnecessary, unwarranted, and non-indicated pelvic examination Dr. Todd performed on the Plaintiff, Dr. Todd inappropriately sent an e-mail to the Plaintiff at 9:30 p.m. directing her to a "Go Ask Alice!" an online Q&A column regarding a condition known as "pelvic congestion." In his e-mail, Dr. Todd directed the Plaintiff specifically to a portion of the column that discussed relief from "pelvic congestion" by orgasm. Throughout his "treatment" of the Plaintiff, Dr. Todd repeatedly and regularly referenced orgasm as the best treatment for the Plaintiff's conditions and referred to this column.
17. On October 26, 2022, the Plaintiff saw Dr. Todd at Charles River Medical Associates' Framingham location for what was supposed to be a routine rheumatology follow-up appointment. At that appointment, Dr. Todd performed another medically unnecessary, unwarranted, and non-indicated pelvic examination on the Plaintiff.

18. On December 5, 2022, the Plaintiff saw Dr. Todd at BWH Faulkner for what was supposed to be routine rheumatology follow-up appointment. At that appointment, Dr. Todd performed another medically unnecessary, unwarranted, and non-indicated pelvic examination on the Plaintiff.
19. On December 12, 2022, Dr. Todd sent an e-mail to the Plaintiff inquiring about her menstrual cycle and whether she would be menstruating at her next visit. Dr. Todd regularly scheduled Plaintiff's appointments around her menstrual cycle to ensure that she would not be menstruating during her appointments with him.
20. On December 14, 2022, the Plaintiff saw Dr. Todd at Charles River Medical Associates' Framingham location for what was supposed to be a routine rheumatology follow-up appointment. At that appointment, Dr. Todd performed another medically unnecessary, unwarranted, and non-indicated pelvic examination.
21. On January 9, 2023, the Plaintiff saw Dr. Todd at BWH Faulkner for what was supposed to be a routine rheumatology follow-up appointment. At that appointment, Dr. Todd performed another medically unnecessary, unwarranted, and non-indicated pelvic examination on the Plaintiff.
22. On February 13, 2023, the Plaintiff saw Dr. Todd at BWH Faulkner for what was supposed to be a routine rheumatology follow-up appointment. At that appointment, Dr. Todd performed another medically unnecessary, unwarranted, and non-indicated pelvic examination on the Plaintiff.
23. On March 16, 2023, the Plaintiff saw Dr. Todd at BWH for what was supposed to be a routine rheumatology follow-up appointment. At that appointment, Dr. Todd performed another medically unnecessary, unwarranted, and non-indicated pelvic examination on the Plaintiff.
24. On March 27, 2023, the Plaintiff saw Dr. Todd at BWH Faulkner for what was supposed to be a routine rheumatology follow-up appointment. At that appointment, Dr. Todd performed another medically unnecessary, unwarranted, and non-indicated pelvic examination on the Plaintiff. Dr. Todd also performed a medically unnecessary, unwarranted, and non-indicated breast examination on the Plaintiff.
25. On April 10, 2023 the Plaintiff saw Dr. Todd at BWH Faulkner for what was supposed to be a routine rheumatology follow-up appointment. At that appointment, Dr. Todd performed another medically unnecessary, unwarranted, and non-indicated pelvic examination on the Plaintiff.
26. On April 24, 2023, the Plaintiff saw Dr. Todd at BWH Faulkner for what was supposed to be a routine rheumatology follow-up appointment. At that appointment, Dr. Todd performed another medically unnecessary, unwarranted, and non-indicated pelvic examination on the Plaintiff.

27. On May 18, 2023, the Plaintiff saw Dr. Todd at BWH for what was supposed to be a routine rheumatology follow-up appointment. At that appointment, Dr. Todd performed another medically unnecessary, unwarranted, and non-indicated breast examination on the Plaintiff.
28. On May 24, 2023, the Plaintiff saw Dr. Todd at Charles River Medical Associates' Framingham location for what was supposed to be a routine rheumatology follow-up appointment. At that appointment, Dr. Todd performed another medically unnecessary, unwarranted, and non-indicated pelvic examination on the Plaintiff.
29. On July 19, 2023, the Plaintiff saw Dr. Todd at Charles River Medical Associates' Framingham location for what was supposed to be a routine rheumatology follow-up appointment. At that appointment, Dr. Todd performed another medically unnecessary, unwarranted, and non-indicated pelvic examination on the Plaintiff.
30. Over the course of approximately ten months, from at least September 26, 2022 through July 19, 2023, Dr. Todd performed at least twelve medically unnecessary, unwarranted, and non-indicated pelvic examinations and at least one medically unnecessary, unwarranted, and non-indicated breast examination on the Plaintiff. These examinations were conducted in a sexual and exploitive nature and accompanied by sexual commentary. Throughout this time period, Dr. Todd also inappropriately communicated with the Plaintiff by e-mail, text message, and other means in an exploitative nature. Dr. Todd "groomed" the Plaintiff.
31. Over the course of approximately ten months, from at least September 26, 2022 through July 19, 2023, Dr. Todd performed at least twelve medically unnecessary, unwarranted, and non-indicated pelvic examinations and at least one medically unnecessary, unwarranted, and non-indicated breast examination on the Plaintiff in the course of his employment with or as an agent or servant of Charles River Medical Associates, BWH Faulkner, and/or BWH.
32. Charles River Medical Associates, BWH Faulkner, and BWH were negligent in their operation, management, control, and supervision of their medical practices and facilities in that they failed to have the appropriate safeguards in place; failed to follow their own policies, procedures, rules, and/or regulations; failed to train and supervise their agents, servants, and/or employees; and negligently retained and hired Dr. Todd, leading to Dr. Todd's unfettered ability to abuse and exploit the Plaintiff. Upon information and belief, dozens of other women have alleged that Dr. Todd abused them in a manner similar to the Plaintiff.
33. As a direct and proximate result of Dr. Todd's negligence and repeated sexual abuse and exploitation of the Plaintiff, the Plaintiff has suffered severe emotional distress and was otherwise injured.

34. As a direct and proximate result of Charles River Medical Associates', BWH Faulkner's, and BWH's negligence, the Plaintiff has suffered severe emotional distress and was otherwise injured.

COUNT I
NEGLIGENCE

Laura Cappello v. Derrick J. Todd, M.D.

35. The Plaintiff repeats and incorporates by reference herein the allegations contained in paragraphs one through thirty-four.

36. In 2011 and over the course of approximately ten months, from at least September 26, 2022 through July 19, 2023, Derrick J. Todd, M.D. failed to exercise due care in his treatment of the Plaintiff and failed to meet the standards of care applicable to physicians practicing rheumatology and internal medicine in ways which include but are not limited to the following:

- a. Derrick J. Todd, M.D. performed at least twelve medically unnecessary, unwarranted, and non-indicated pelvic examinations and at least one medically unnecessary, unwarranted, and non-indicated breast examination on the Plaintiff;
- b. Derrick J. Todd, M.D.'s misrepresentations to the Plaintiff that he was knowledgeable, skillful, and competent to accurately assess, review, recognize, diagnose, and treat Plaintiff's conditions; and
- c. Failure to exercise the same degree of skill, training, and care as is possessed by average qualified members of the medical profession practicing rheumatology and internal medicine, taking into account the advantages in the profession.

37. This is an action for negligence against the Defendant, Derrick J. Todd, M.D..

38. As a direct and proximate result of Derrick J. Todd, M.D.'s negligence, carelessness, and unskillfulness, the Plaintiff underwent several medically unnecessary, unwarranted, and non-indicated medical examinations in a sexual nature, resulting in severe emotional distress and other injuries.

WHEREFORE, the Plaintiff, Laura Cappello, requests that this Court enter judgment in her favor against the Defendant, Derrick J. Todd, M.D., and award her damages to compensate her for her injuries, together with interest and costs.

COUNT II
BATTERY

Laura Cappello v. Derrick J. Todd, M.D.

39. The Plaintiff repeats and incorporates by reference herein the allegations contained in paragraphs one through thirty-eight.

40. In 2011 and over the course of approximately ten months, from at least September 26, 2022 through July 19, 2023, Derrick J. Todd, M.D. performed at least twelve medically unnecessary, unwarranted, and non-indicated pelvic examinations and at least one medically unnecessary, unwarranted, and at least one non-indicated breast examination on the Plaintiff. These examinations were intentional and constituted a non-consensual touching of the Plaintiff.

41. This is an action for battery against the Defendant, Derrick J. Todd, M.D.

42. As a direct and proximate result of Derrick J. Todd, M.D.'s battery of the Plaintiff, Plaintiff underwent several medically unnecessary, unwarranted, and non-indicated medical examinations in a sexual nature, resulting in severe emotional distress and other injuries.

WHEREFORE, the Plaintiff, Laura Cappello, requests that this Court enter judgment in her favor against the Defendant, Derrick J. Todd, M.D., and award her damages to compensate her for her injuries, together with interest and costs.

COUNT III
NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS
Laura Cappello v. Derrick J. Todd, M.D.

43. The Plaintiff repeats and incorporates by reference herein the allegations contained in paragraphs one through forty-two.

44. As a result of the Defendant, Derrick J. Todd, M.D.'s negligent conduct and other exploitative behavior as described above, the Plaintiff has suffered severe emotional distress and physical harm.

45. This is an action for negligent infliction of emotional distress against the Defendant, Derrick J. Todd, M.D.

46. As a direct and proximate result of Derrick J. Todd, M.D.'s negligent conduct, the Plaintiff underwent several medically unnecessary, unwarranted, and non-indicated medical examinations in a sexual nature, resulting in severe emotional distress and other injuries.

WHEREFORE, the Plaintiff, Laura Cappello, requests that this Court enter judgment in her favor against the Defendant, Derrick J. Todd, M.D., and award her damages to compensate her for her injuries, together with interest and costs.

COUNT IV
INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS
Laura Cappello v. Derrick J. Todd, M.D.

47. The Plaintiff repeats and incorporates by reference herein the allegations contained in paragraphs one through forty-six.
48. As a result of the Defendant, Derrick J. Todd, M.D.'s intentional conduct and other exploitative behavior as described above, the Plaintiff has suffered severe emotional distress and physical harm.
49. This is an action for negligent infliction of emotional distress against the Defendant, Derrick J. Todd, M.D.
50. As a direct and proximate result of Derrick J. Todd, M.D.'s intentional conduct, the Plaintiff underwent several medically unnecessary, unwarranted, and non-indicated medical examinations in a sexual nature, resulting in severe emotional distress and other injuries.

WHEREFORE, the Plaintiff, Laura Cappello, requests that this Court enter judgment in her favor against the Defendant, Derrick J. Todd, M.D., and award her damages to compensate her for her injuries, together with interest and costs.

COUNT V
NEGLIGENCE
Laura Cappello v. Charles River Medical Associates, P.C.

51. The Plaintiff repeats and incorporates by reference herein the allegations contained in paragraphs one through fifty.
52. Charles River Medical Associates, P.C. was negligent in its operation, management, control, and supervision of its medical practice and facilities in that it failed to have the appropriate safeguards in place; failed to follow its own policies, procedures, rules, and/or regulations; failed to train and supervise its agents, servants, and/or employees; and negligently retained and hired Dr. Todd, leading to Dr. Todd's unfettered ability to abuse and exploit the Plaintiff.
53. Charles River Medical Associates, P.C. is also vicariously negligent for Dr. Todd's negligent conduct that occurred in the scope of his employment with or as an agent of Charles River Medical Associates, P.C.
54. This is an action for negligence against the Defendant, Charles River Medical Associates, P.C.
55. As a direct and proximate result of Charles River Medical Associates, P.C.'s negligence, the Plaintiff underwent several medically unnecessary, unwarranted, and non-indicated

medical examinations in a sexual nature, resulting in severe emotional distress and other injuries.

WHEREFORE, the Plaintiff, Laura Cappello, requests that this Court enter judgment in her favor against the Defendant, Charles River Medical Associates, P.C., and award her damages to compensate her for her injuries, together with interest and costs.

COUNT VI
NEGLIGENT INFLECTION OF EMOTIONAL DISTRESS
Laura Cappello v. Charles River Medical Associates, P.C.

56. The Plaintiff repeats and incorporates by reference herein the allegations contained in paragraphs one through fifty-five.
57. As a result of the Defendant, Charles River Medical Associates, P.C.'s, negligent conduct and the negligent conduct of its agents, servants, employees, or those for whose conduct the Defendant was responsible as described above, the Plaintiff has suffered severe emotional distress and physical harm.
58. This is an action for negligent infliction of emotional distress against the Defendant, Charles River Medical Associates, P.C.
59. As a direct and proximate result of the Defendant, Charles River Medical Associates, P.C.'s negligent conduct and the negligent conduct of its agents, servants, employees, or those for whose conduct the Defendant was responsible, the Plaintiff underwent several medically unnecessary, unwarranted, and non-indicated medical examinations in a sexual nature, resulting in severe emotional distress and other injuries.

WHEREFORE, the Plaintiff, Laura Cappello, requests that this Court enter judgment in her favor against the Defendant, Charles River Medical Associates, P.C., and award her damages to compensate her for her injuries, together with interest and costs.

COUNT VII
NEGLIGENCE
Laura Cappello v. Brigham and Women's Faulkner Hospital, Inc.

60. The Plaintiff repeats and incorporates by reference herein the allegations contained in paragraphs one through fifty-nine.
61. Brigham and Women's Faulkner Hospital, Inc. was negligent in its operation, management, control, and supervision of its medical practice and facilities in that it failed to have the appropriate safeguards in place; failed to follow its own policies, procedures, rules, and/or regulations; failed to train and supervise its agents, servants, and/or employees; and negligently retained and hired Dr. Todd, leading to Dr. Todd's unfettered ability to abuse and exploit the Plaintiff.

62. Brigham and Women's Faulkner Hospital, Inc. is also vicariously negligent for Dr. Todd's negligent conduct that occurred in the scope of his employment with or as an agent of Brigham and Women's Faulkner Hospital, Inc..
63. This is an action for negligence against the Defendant, Brigham and Women's Faulkner Hospital, Inc.
64. As a direct and proximate result of Brigham and Women's Faulkner Hospital, Inc.'s negligence, the Plaintiff underwent several medically unnecessary, unwarranted, and non-indicated medical examinations in a sexual nature, resulting in severe emotional distress and other injuries.

WHEREFORE, the Plaintiff, Laura Cappello, requests that this Court enter judgment in her favor against the Defendant, Brigham and Women's Faulkner Hospital, Inc., and award her damages to compensate her for her injuries, together with interest and costs.

COUNT VIII
NEGLIGENT INFLECTION OF EMOTIONAL DISTRESS
Laura Cappello v. Brigham and Women's Faulkner Hospital, Inc.

65. The Plaintiff repeats and incorporates by reference herein the allegations contained in paragraphs one through sixty-four.
66. As a result of the Defendant, Brigham and Women's Faulkner Hospital, Inc.'s negligent conduct and the negligent conduct of its agents, servants, employees, or those for whose conduct the Defendant was responsible as described above, the Plaintiff has suffered severe emotional distress and physical harm.
67. This is an action for negligent infliction of emotional distress against the Defendant, Brigham and Women's Faulkner Hospital, Inc.
68. As a direct and proximate result of the Defendant, Brigham and Women's Faulkner Hospital, Inc's, negligent conduct and the negligent conduct of its agents, servants, employees, or those for whose conduct the Defendant was responsible, the Plaintiff underwent several medically unnecessary, unwarranted, and non-indicated medical examinations in a sexual nature, resulting in severe emotional distress and other injuries.

WHEREFORE, the Plaintiff, Laura Cappello, requests that this Court enter judgment in her favor against the Defendant, Brigham and Women's Faulkner Hospital, Inc., and award her damages to compensate her for her injuries, together with interest and costs.

COUNT IX
NEGLIGENCE

Laura Cappello v. The Brigham and Women's Hospital, Inc.

69. The Plaintiff repeats and incorporates by reference herein the allegations contained in paragraphs one through sixty-eight.
70. The Brigham and Women's Hospital, Inc. was negligent in its operation, management, control, and supervision of its medical practice and facilities in that it failed to have the appropriate safeguards in place; failed to follow its own policies, procedures, rules, and/or regulations; failed to train and supervise its agents, servants, and/or employees; and negligently retained and hired Dr. Todd, leading to Dr. Todd's unfettered ability to abuse and exploit the Plaintiff.
71. The Brigham and Women's Hospital, Inc. is also vicariously negligent for Dr. Todd's negligent conduct that occurred in the scope of his employment with or as an agent of The Brigham and Women's Hospital, Inc.
72. This is an action for negligence against the Defendant, The Brigham and Women's Hospital, Inc.
73. As a direct and proximate result of The Brigham and Women's Hospital, Inc.'s negligence, the Plaintiff underwent several medically unnecessary, unwarranted, and non-indicated medical examinations in a sexual nature, resulting in severe emotional distress and other injuries.

WHEREFORE, the Plaintiff, Laura Cappello, requests that this Court enter judgment in her favor against the Defendant, The Brigham and Women's Hospital, Inc., and award her damages to compensate her for her injuries, together with interest and costs.

COUNT X
NEGLIGENT INFLECTION OF EMOTIONAL DISTRESS
Laura Cappello v. The Brigham and Women's Hospital, Inc.

74. The Plaintiff repeats and incorporates by reference herein the allegations contained in paragraphs one through seventy-three.
75. As a result of the Defendant, The Brigham and Women's Hospital, Inc.'s, negligent conduct and the negligent conduct of its agents, servants, employees, or those for whose conduct the Defendant was responsible as described above, the Plaintiff has suffered severe emotional distress and physical harm.
76. This is an action for negligent infliction of emotional distress against the Defendant, The Brigham and Women's Hospital, Inc.

77. As a direct and proximate result of the Defendant, The Brigham and Women's Hospital, Inc's, negligent conduct and the negligent conduct of its agents, servants, employees, or those for whose conduct the Defendant was responsible, the Plaintiff underwent several medically unnecessary, unwarranted, and non-indicated medical examinations in a sexual nature, resulting in severe emotional distress and other injuries.

WHEREFORE, the Plaintiff, Laura Cappello, requests that this Court enter judgment in her favor against the Defendant, The Brigham and Women's Hospital, Inc., and award her damages to compensate her for her injuries, together with interest and costs.

**THE PLAINTIFF DEMANDS A TRIAL BY JURY ON ALL ISSUES AS RAISED
IN HER COMPLAINT.**

The Plaintiff,
Laura Cappello,
By her attorneys,

/s/ Patrick T. Jones

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