

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

SUPERIOR COURT DEPARTMENT
CIVIL ACTION NO.

IRENE RAY, DARLENE LYNCH, PAULA
PELTONOVICH, AND NICHOLAS
PICHOWICZ

Plaintiffs

V.

PRESIDENT & FELLOWS OF HARVARD
COLLEGE and CEDRIC LODGE

Defendants

PLAINTIFFS' COMPLAINT WITH
JURY CLAIM

PARTIES

1. The Plaintiff, Irene Ray, is a resident of New Hampshire and is the daughter of Nicholas Pichowicz.
2. The Plaintiff, Darlene Lynch, is a resident of New Hampshire and is the daughter of Nicholas Pichowicz.
3. The Plaintiff, Paula Peltonovich, is a resident of New Hampshire and is the daughter of Nicholas Pichowicz.
4. The Plaintiff, Nicholas Pichowicz, is a resident of New Hampshire and is the son of Nicholas Pichowicz.
5. The Defendant, President & Fellows of Harvard College ["Harvard"] is a Massachusetts corporation with a principle place of business at Harvard University, Cambridge, Massachusetts.
6. Harvard, owns, operates, and controls Harvard Medical School ["Harvard Medical"], which is a private educational institution located within Suffolk County at 25 Shattuck Street, Boston, Massachusetts.
7. At all times relevant, Harvard and Harvard Medical owned, operated, and otherwise controlled the Harvard Medical School Morgue ["Harvard Morgue"] at 25 Shattuck Street, Boston, Massachusetts.
8. At all times relevant, Cedric Lodge was a resident of Goffstown, New Hampshire.

FACTS

9. The Plaintiffs repeat and reallege all prior paragraphs as if expressly rewritten.
10. Between approximately 2017 and 2023, the Defendant, Lodge, was an agent, servant, and/or employee of the Defendant, Harvard, and worked at Harvard Medical and specifically at the Harvard Morgue.
11. During Lodge's employment with Harvard, Harvard and Harvard Medical utilized human cadavers for educational purposes with students at Harvard Medical.
12. The cadavers utilized by Harvard were donated by living people who agreed to donate their bodies for research purposes after death.
13. Typically, Harvard Medical would use the cadavers with students, and then cremate the donors remains and return them to the family or bury them pursuant to the family's wishes.
14. While working for Harvard and at the Harvard Morgue, Lodge had access to the cadavers.
15. While in the course and scope of his employment, Lodge negligently and unlawfully dissected, sold, displayed, and otherwise mishandled hundreds of body parts.
16. While working at the Harvard Morgue, Lodge allowed unauthorized third parties to enter the morgue, view body parts, and purchase those parts.
17. Additionally, while working at the Harvard Morgue and through his access to cadavers at the Harvard Morgue, Lodge solicited buyers online and shipped body parts across the country to the buyers.
18. In June, 2023, the Plaintiffs received a letter from Harvard indicating that their father, Nicholas Pichowicz may have been impacted, meaning that body parts of his may have been sold by agents, servants, and/or employees of Harvard.
19. As a direct and proximate result of the conduct complained of herein, the Plaintiffs suffered severe emotional distress, including nightmares, inability to sleep, and flashbacks.

COUNT ONE

Negligence v. Harvard

20. The Plaintiffs repeat and reallege all prior paragraphs as if expressly rewritten.
21. The Defendant, Harvard, owed a duty of reasonable care to the families who entrusted it with custody of their family members' deceased bodies. Specifically, Harvard had a duty

to:

- a. take reasonable steps to ensure bodies were handled lawfully, reasonably, and pursuant to the wishes of donors;
 - b. ensure those bodies were not mishandled;
 - c. ensure bodies were not sold unlawfully to third parties;
 - d. supervise employees to ensure those employees were performing job functions properly and pursuant to applicable law;
 - e. hire, train, supervise, and properly retain or terminate employees, including but not limited to Lodge; and,
 - f. follow the requirements of MGL c. 113, § 1-5, which requires medical schools to preserve cadavers in an appropriate fashion after those medical schools have taken possession of them.
22. Harvard negligently and carelessly breached its duty of reasonable care to the families who entrusted it with custody of their family members' deceased bodies. Among other things, Harvard failed to:
- a. take reasonable steps to ensure bodies were handled lawfully, reasonably, and pursuant to the wishes of donors;
 - b. ensure those bodies were not mishandled;
 - c. ensure bodies were not sold unlawfully to third parties;
 - d. supervise employees to ensure those employees were performing job functions properly and pursuant to applicable law;
 - e. hire, train, supervise, and properly retain or terminate employees, including but not limited to Lodge; and,
 - f. follow the requirements of MGL c. 113, § 1-5, which requires medical schools to preserve cadavers in an appropriate fashion after those medical schools have taken possession of them.
23. As a direct and proximate result of the Defendant's negligent acts and omissions, the Plaintiffs suffered severe emotional distress.

WHEREFORE, the Plaintiffs request that judgment be entered against the Defendant, jointly and severally, in an amount to fully and adequately compensate her for their damages, plus costs and interest thereon.

COUNT TWO

Negligent Infliction of Emotional Distress v. Harvard

24. The Plaintiffs repeat and reallege all prior paragraphs as if expressly rewritten.
25. The Defendant, Harvard, owed a duty of reasonable care to the families who entrusted it with custody of their family members' deceased bodies. Specifically, Harvard had a duty to:

- a. take reasonable steps to ensure bodies were handled lawfully, reasonably, and pursuant to the wishes of donors;
- b. ensure those bodies were not mishandled;
- c. ensure bodies were not sold unlawfully to third parties;
- d. supervise employees to ensure those employees were performing job functions properly and pursuant to applicable law;
- e. hire, train, supervise, and properly retain or terminate employees, including but not limited to Lodge; and,
- f. follow the requirements of MGL c. 113, § 1-5, which requires medical schools to preserve cadavers in an appropriate fashion after those medical schools have taken possession of them.

26. As a direct and proximate result of Harvard's breach of duty, as further detailed herein, the Plaintiffs suffered emotional distress, with objective symptomatology.

WHEREFORE, the Plaintiffs request that judgment be entered against the Defendant, jointly and severally, in an amount to fully and adequately compensate her for their damages, plus costs and interest thereon.

COUNT THREE
Negligence v. Lodge

27. The Plaintiffs repeat and reallege all prior paragraphs as if expressly rewritten.
28. The Defendant, Lodge, owed a duty of reasonable care to the families who entrusted Harvard with custody of their family members' deceased bodies. Specifically, Lodge had a duty to:
- a. take reasonable steps to ensure bodies were handled lawfully, reasonably, and pursuant to the wishes of donors;
 - b. ensure those bodies were not mishandled;
 - c. ensure bodies were not sold unlawfully to third parties; and,
 - d. follow the requirements of MGL c. 113, § 1-5, which requires medical schools to preserve cadavers in an appropriate fashion after those medical schools have taken possession of them.
29. The Defendant negligently and carelessly breached its duty of reasonable care to the families who entrusted it with custody of their family members' deceased bodies. Among other things, Harvard failed to:
- a. take reasonable steps to ensure bodies were handled lawfully, reasonably, and pursuant to the wishes of donors;
 - b. ensure those bodies were not mishandled;
 - c. ensure bodies were not sold unlawfully to third parties; and,
 - d. follow the requirements of MGL c. 113, § 1-5, which requires medical schools to preserve cadavers in an appropriate fashion after those medical schools have

taken possession of them.

30. As a direct and proximate result of the Defendant's negligent acts and omissions, the Plaintiffs suffered severe emotional distress.

WHEREFORE, the Plaintiffs request that judgment be entered against the Defendant, jointly and severally, in an amount to fully and adequately compensate her for their damages, plus costs and interest thereon.

COUNT FOUR

Negligent Infliction of Emotional Distress v. Lodge

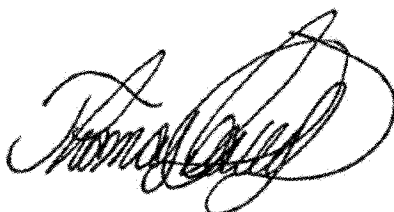
31. The Plaintiffs repeat and reallege all prior paragraphs as if expressly rewritten.
32. The Defendant, Lodge, owed a duty of reasonable care to the families who entrusted Harvard with custody of their family members' deceased bodies. Specifically, Lodge had a duty to:
- a. take reasonable steps to ensure bodies were handled lawfully, reasonably, and pursuant to the wishes of donors;
 - b. ensure those bodies were not mishandled;
 - c. ensure bodies were not sold unlawfully to third parties; and,
 - d. follow the requirements of MGL c. 113, § 1-5, which requires medical schools to preserve cadavers in an appropriate fashion after those medical schools have taken possession of them.
33. As a direct and proximate result of Lodge's breach of duty, as further detailed herein, the Plaintiffs suffered emotional distress, with objective symptomatology.

WHEREFORE, the Plaintiffs request that judgment be entered against the Defendant, jointly and severally, in an amount to fully and adequately compensate her for their damages, plus costs and interest thereon.

JURY CLAIM

The Plaintiffs demand a trial by jury of all issues presented in this action.

Respectfully Submitted,
The Plaintiffs,
By their attorney,

A handwritten signature in black ink, appearing to read "Thomas E. Flaws", written in a cursive style.

Thomas E. Flaws, Esq.
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