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COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS

SUPERIOR COURT
CA NO.:

RICCARDO SERVIZIO, RONDA SERVIZIO,
BARRY RAYMOND, DONALD RAYMOND,
and ROSE MARIE RAYMOND
Plaintiffs

v.

PRESIDENT & FELLOWS OF HARVARD
COLLEGE and CEDRIC LODGE,

Defendants

COMPLAINT

Parties

1. The Plaintiff, Ricardo Servizio, resides at 5 Patriot Lane, Georgetown, MA and is the son of Robin A. Bansfield.
2. The Plaintiff, Ronda Servizio, resides at 654 Salem Street, Groveland, MA and is the daughter of Robin A. Bansfield.
3. The Plaintiff, Barry Raymond, is a resident of East Hampstead, NH and is the brother of Robin A. Bansfield.
4. The Plaintiff, Donald Raymond, is a resident of Lynn, MA and is the brother of Robin A. Bansfield.
5. The Plaintiff, Rose Marie Raymond, is a resident of Danvers, MA and is the sister of Robin A. Bansfield.
6. The Defendant, President & Fellows of Harvard College (“Harvard”) is a Massachusetts corporation with a principal place of business at Harvard University, Cambridge, Massachusetts.
7. Harvard owns, operates, and controls Harvard Medical School (“HMS”), which is a private educational institution located within Suffolk County at 25 Shattuck Street, Boston, Massachusetts.

8. 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.
9. At all times relevant, Cedric Lodge was an employee of Harvard as Morgue Manager and was a resident of Goffstown, New Hampshire. He was hired by Harvard in 1995 and was employed by them through March 2023.

Jurisdiction and Venue

10. The Court has jurisdiction over the parties and subject matter of this complaint pursuant to M.G.L. c. 23A, § 2 and c. 212, § 3.
11. Venue is proper as the conduct occurred at the Harvard Morgue located at 25 Shattuck Street, Boston, MA 02115.

Facts

12. The Plaintiffs adopt and reallege the statements made in the above paragraphs as though fully set forth herein.
13. Robin A. Bansfield died on August 13, 2021. Her departing wish was for her body to be donated to Harvard Medical School for the advancement of medical education and research for the benefit of others.
14. Between approximately 2017 and 2023, Defendant Lodge was an agent, servant, and/or employee of the Harvard Medical School and specifically worked at the Harvard Morgue.
15. During Lodge's employment with Harvard, he managed and processed human cadavers for educational purposes at Harvard.
16. Typically, Harvard 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.
17. While in the course and scope of his employment, Lodge negligently dissected, sold, displayed, and otherwise mishandled hundreds of body parts.
18. While working at the Harvard Morgue, Lodge allowed visitors to enter the HMS morgue property, view body parts, and purchase those parts.
19. 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.

20. While in the course of his employment as morgue manager, Mr. Lodge negligently disturbed, dissected, viewed, and sold body parts entrusted to Harvard from at least 2018 to March 2023.
21. Harvard failed to provide any oversight or supervision at the morgue, allowing Lodge to show, dismember, and sell body parts of deceased donors, like Robin A. Bansfield.
22. Harvard acted in bad faith when they failed to supervise, train, and provide any effective form of oversight over their employee, Mr. Lodge. Mr. Lodge was allowed to show, dismember, and sell body parts of deceased donors, like Robin A. Bansfield.
23. Harvard and Harvard Medical School acted in bad faith when they failed to supervise the actions of their employee over the course of years. Harvard employed, hired, retained, and compensated Mr. Lodge to manage their morgue. His work took place at the physical facility of Harvard Medical School. His actions to manage and work with the donated bodies were within his scope of employment. His actions to dissect the donated bodies were within the authority conferred upon him.
24. In June 2023, the Plaintiffs received a letter from Harvard indicating that their mother and sister, Robin A. Bansfield, may have been impacted, meaning that body parts of hers may have been sold by agents, servants, and/or employees of Harvard.
25. As a direct and proximate result of the conduct complained of herein, the Plaintiffs suffered severe emotional pain and distress as a result of the impression that their mother and sister's body was desecrated.

COUNT I

Tortious Interference with Human Remains v. Harvard and Lodge

26. The Plaintiffs adopt and reallege the statements made in the above paragraphs as though fully set forth herein.
27. Robin Ann Bansfield's children and siblings have a right to possession and burial of Robin Ann Bansfield's remains in accordance with their wishes.
28. Defendant Harvard had the sole responsibility and obligation to ensure that the remains were cared for in accordance Massachusetts law, the wishes of Ms. Bansfield and her family.
29. Upon information and belief, Mr. Lodge disturbed, dissected, mutilated, and sold cadavers, including Robin A. Bansfield's body parts.
30. Defendant Harvard neglected their duty and obligation to the family by allowing defendant morgue manager Cedric L. Lodge to disturb, dissect, mutilate, view and sell Robin Ann Bansfield's body parts.

31. Defendant Harvard did interfere with the remains of Robin Ann Bansfield that were entrusted to them, in direct violation of M.G.L. c. 212, § 1-5 which states that the body entrusted to Harvard shall only be used for the promotion of anatomical science in such manner as to not outrage public feeling prior to a decent burial or cremation.
32. Defendant Harvard's conduct by intentionally allowing Defendant Cedric L. Lodge to have unfettered access to the morgue for years without enforcement of any policies and procedures was a gross deviation from the standard of care that a reasonable facility would exercise under all circumstances.
33. Defendant Harvard's conduct by intentionally allowing Defendant Cedric L. Lodge to have unfettered access to the morgue for years without properly screening, hiring, training, supervising, and monitoring its employees was a gross deviation from the standard of care that a reasonable facility would exercise under all circumstances.
34. Defendant Harvard's conduct of allowing Defendant Cedric L. Lodge to have unfettered access to the morgue for years without enforcement of any policies and procedures and without properly screening, hiring, training, supervising, and monitoring its employees, did interfere with the remains of Robin Ann Bansfield and caused, contributed to, and aided to the disturbing, dissection, mutilation, viewing and sale of her body parts.
35. As a direct, known, foreseeable and proximate result of defendant Harvard's conduct, the Plaintiffs suffered and continue to suffer from severe emotional distress.
36. "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 and Women's Hospital, 51 Mass. App. Ct. 297, 307 (2001).

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

COUNT II
Negligence v. Harvard

37. The Plaintiffs adopt and reallege the statements made in the above paragraphs as though fully set forth herein.
38. 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.
39. 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.
40. As a direct and proximate result of the Defendant's negligent acts of omissions, the Plaintiffs suffered severe emotional distress.

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

COUNT III
Negligent Infliction of Emotional Distress v. Harvard

41. The Plaintiffs adopt and reallege the statements made in the above paragraphs as though fully set forth herein.
42. 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.
43. 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 Defendants, jointly and severally, in an amount to fully and adequately compensate them for their damages, plus costs and interest thereon.

COUNT IV
Respondent Superior v. Harvard

44. The Plaintiffs adopt and reallege the statements made in the above paragraphs as though fully set forth herein.
45. At all times relevant Defendant Cedric L. Lodge was an employee, servant and/or agent of Defendant Harvard acting in his official capacity when Lodge negligently and unlawfully dissected, viewed, dismembered, sold, removed, and generally mishandled the body parts, including heads, brains, skin and bones of cadavers donated and entrusted to the school at the Harvard Medical School morgue.
46. Defendant Harvard, through employee Cedric L. Lodge's negligence and unlawful actions, is vicariously liable for its negligence in hiring, training, and supervising Defendant Lodge.
47. As a direct, known, foreseeable and proximate result of Defendant Harvard's conduct, the Plaintiffs suffered and continue to suffer from severe emotional distress.

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

COUNT V
Negligence v. Lodge

48. The Plaintiffs adopt and reallege the statements made in the above paragraphs as though fully set forth herein.

49. 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;
- 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.

50. The Defendant negligently and carelessly breached his duty of reasonable care to the families who entrusted Harvard with custody of their family members' deceased bodies. Specifically, Lodge 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. 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.

51. 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 Defendants, jointly and severally, in an amount to fully and adequately compensate them for their damages, plus costs and interest thereon.

COUNT VI

Negligent Infliction of Emotional Distress v. Lodge

52. The Plaintiffs adopt and reallege the statements made in the above paragraphs as though fully set forth herein.

53. 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;

- 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.

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

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

THE PLAINTIFFS REQUEST A TRIAL BY JURY.

Respectfully,

The Plaintiffs,
By their attorney,

/s/ Mark A. Cashman
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