

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

SUPERIOR COURT DEPARTMENT

MARIANNE DiTRANI,

Plaintiff,

v.

**DERRICK J. TODD, THE BRIGHAM and
WOMEN’S HOSPITAL, INC., BRIGHAM
and WOMEN’S FAULKNER HOSPITAL,
MASS GENERAL BRIGHAM
COMMUNITY PHYSICIANS, INC., and
CHARLES RIVER MEDICAL
ASSOCIATES, P.C.,**

Defendants.

PLAINTIFF’S COMPLAINT AND DEMAND FOR TRIAL BY JURY

Plaintiff, Marianne DiTrani, by and through her counsel, brings this action for sexual battery and various counts related to negligence, against Defendants Derrick J. Todd, The Brigham and Women’s Hospital, Inc., Brigham and Women’s Faulkner Hospital, Mass General Brigham Community Physicians, Inc. and Charles River Medical Associates, P.C.

INTRODUCTION

1. This action seeks to vindicate the rights of Plaintiff who was sexually exploited, abused, harassed, and molested at the hands of serial sexual predator Defendant Derrick J. Todd (hereinafter “Defendant Todd”) while she was a patient at The Brigham and Women’s Hospital, Inc., Brigham and Women’s Faulkner Hospital, and Mass General Brigham Community Physicians, Inc, and Charles River Medical Associates, P.C. (hereinafter “Brigham and Women’s Defendants”).

2. While treating with Defendant Todd at Brigham and Women's Defendants' medical facilities, Brigham and Women's Defendants, their agents, servants, employees, medical staff, other doctors, and supervisors, repeatedly and actively concealed, conspired, and enabled, the sexual exploitations and abuse being committed by Defendant Todd. During which time Defendant Todd used his position of trust and authority to commit acts of sexual violence, sexual exploitation, and serial abuse of Plaintiff on numerous occasions by engaging in deviant sexual acts that included, but are not limited to: grooming Plaintiff for sexual exploitation and sexual abuse; making sexually inappropriate remarks and deviant statements to Plaintiff; coercing Plaintiff to strip naked in front of him alone in the examination room; groping and fondling of Plaintiff's breasts for no medical purpose during phony and medically unnecessary breast exams; touching and fondling Plaintiff's genitalia for no medical purpose; digitally penetrating Plaintiff's vagina for no medical purpose during the performance of phony, and medically unnecessary vaginal examinations and PAP smears.

3. Despite the fact that medical staff, chaperones, nurses, supervisors, administrators, doctors, and other hospital personnel were aware of the sexual exploitation and abuse being perpetrated by Defendant Todd, Brigham and Women's Defendants, their medical facilities, offices, clinics, and their agents, servants, and/or employees, actively and deliberately – and inexplicably – concealed Defendant Todd's sexual abuse and continued to grant Defendant Todd unfettered access to vulnerable, unsuspecting female patients at Brigham and Women's Defendants' medical facilities, all in deceitful and disdainful attempt to protect Brigham and Women's Defendants reputations, their status amongst other medical institutions, and their own corporate and financial interests.

PARTIES

4. PLAINTIFF MARIANNE DiTRANI is currently a resident of the state of Massachusetts. At all times relevant here, she was a resident of Middlesex County in the Commonwealth of Massachusetts and the State of California.

5. DEFENDANT DERRICK J. TODD is a resident of Wayland, Massachusetts and practiced medicine during the relevant times with the Brigham and Women's Hospital Defendants.

6. DEFENDANT BRIGHAM and WOMEN'S HOSPITAL INC. is incorporated in the Commonwealth of Massachusetts and has its principal place of business at 75 Francis Street Boston, Massachusetts.

7. DEFENDANT BRIGHAM and WOMEN'S FAULKNER HOSPITAL INC. is incorporated in the Commonwealth of Massachusetts and has its principal place of business at 1153 Centre Street, Boston, Massachusetts.

8. DEFENDANT MASS GENERAL BRIGHAM COMMUNITY PHYSICIANS, INC. is incorporated in the Commonwealth of Massachusetts and has its principal place of business at 800 Boylston Street, Boston, Massachusetts.

9. DEFENDANT CHARLES RIVER MEDICAL ASSOCIATES, P.C., is incorporated in the Commonwealth of Massachusetts and has its principal place of business at 600 Worcester Rd., #303, Framingham, Massachusetts.

10. Paragraphs 6 through 9 above will be referred to as the "Brigham and Women's Defendants."

JURISDICTION AND VENUE

11. This Court has jurisdiction over the subject matter of this action pursuant to G.L. c. 212, § 4. This Court has personal jurisdiction over the Defendants pursuant to G.L. c. 223A, §§ 2 and 3.

12. Venue is proper in Suffolk County pursuant to G.L. c. 223, § 8 (2) and (4) because Defendants' principal place of business is in, and because tortious conduct described herein took place in, Suffolk County.

13. The amount of this claim exceeds Fifty Thousand Dollars (\$50,000.00) and thus venue is proper in the Superior Court of Massachusetts, Suffolk County.

FACTUAL ALLEGATIONS

14. At the outset, the relationship between doctor and patient are inherently imbalanced.

15. The knowledge, skills and training required of the doctor to appropriately treat the patient places the doctor, like Defendant Todd here, in position of power.

16. The patient, like Plaintiff here, on the other hand, enters the medical treatment from a position of vulnerability due to the illness and suffering that brings them to the physician.

17. Like in any doctor-patient relationship, Defendant Todd held a position of authority over Plaintiff because he was responsible for her medical, and by default, Plaintiff was in a less powerful position.

18. Under these circumstances, Plaintiff, like most patients, trusted Dr. Todd to help address her medical conditions, placing him in the power of delivering her care and treatment, and

by the very nature of the doctor-patient relationship, she was required to divulge information that Plaintiff normally would not share with others.

19. Plaintiff was a rheumatology patient of Brigham and Women's Defendants and their agent, servant, and/or employee Defendant Todd, during which time Plaintiff was serially sexually exploited and abused by Defendant Todd – who was enabled by the acts and omissions of Brigham and Women's Defendants.

20. Plaintiff suffers from multiple debilitating medical conditions for which she was desperate for relief and that require specialized care and treatment, including care and treatment from a rheumatologist.

21. In November 2022, Defendant Todd sent Plaintiff a text message to her mobile phone suggesting that Plaintiff had been recommended to initiate care with him. Defendant Todd asked Plaintiff if she could call him to personally set up an appointment.

22. In response, Plaintiff researched Defendant Todd and learned that he specializes in the treatment of one of Plaintiff's medical conditions and that he also accepted MassHealth. Based upon Defendant Todd's credentials and his employment with the Brigham and Women's Defendants, Plaintiff agreed to see Defendant Todd for her care and treatment, and she scheduled her first appointment directly with Defendant Todd per his request.

23. Plaintiff first saw Defendant Todd in November 2022 at Defendant Charles River Medical Associates medical offices in Framingham for what was supposed to be rheumatology related care and treatment. However, beginning with this first visit, Defendant Todd began subjecting her to a course of predatory grooming, boundary violating, mental, emotional, and physical sexual abuse that was masked by his position of power and authority over Plaintiff in dire need of treatment.

24. At the first visit in November 2022, Defendant Todd asked Plaintiff a series of inappropriate, invasive, and exploitative questions about her appearance, sexual history, and sexual activity.

25. At the first visit in November 2022, Defendant Todd coerced Plaintiff to disrobe in front of him, alone in the examination room. Defendant Todd then, unbeknownst to Plaintiff, performed a medically unnecessary, unwarranted, non-indicated breast examination on Plaintiff. Upon reflection, the breast examination was done in a deviant and sexual manner wherein he groped and fondled Plaintiff's breasts and nipples for his own prurient, deviant, sexual gratification.

26. At the first visit in November 2022, Defendant Todd, unbeknownst to Plaintiff, performed a medically unnecessary, unwarranted, non-indicated gynecological examination on Plaintiff. Upon reflection, the gynecological examination was done in a deviant and sexual manner wherein he touched and rubbed Plaintiff's external genitalia while making sexualized comments to Plaintiff. Defendant Todd then digitally penetrated Plaintiff in a sexual manner while continuing to make sexualized comments to Plaintiff under the guise of medically necessary treatment.

27. The entire gynecological examination was conducted without the instruments normally used in a gynecological examination, and was done for Defendant Todd's own prurient, deviant, sexual gratification, yet represented to be necessary to Plaintiff's care and treatment.

28. During the entire first visit with Defendant Todd, he was alone in the room with Plaintiff. Defendant Todd used his position of trust and authority bestowed upon him by Brigham and Women's Defendants, to sexually exploit and abuse Plaintiff.

29. Defendant Todd told Plaintiff that she needed to continue to see him regularly in person. Plaintiff, desperate for relief from her debilitating medical conditions and trusting that

Defendant Todd was trying to treat her conditions, was unknowingly groomed by Defendant Todd and dutifully returned to Brigham and Women's Defendants' offices for multiple follow up visits in December 2022 and January 2023.

30. Defendant Todd would often ask Plaintiff to visit him at Brigham and Women's Defendants' medical offices early in the morning before regular office hours, or in the early evening as his last patient of the day.

31. After Plaintiff's first appointment with Defendant Todd, he began to speak with Plaintiff on the phone frequently, often times daily, and often times outside of office hours including weekends.

32. Defendant Todd also sent frequent personal text messages to Plaintiff that were inappropriate and often not related to Plaintiff's medical care. The discussions during these calls and text exchanges were designed to groom Plaintiff and Defendant Todd also lead her to believe that her medical conditions required frequent continued office visits with him.

33. Defendant Todd was confronted by Plaintiff in December 2022 where she asked him in an email why he performed a Pap smear at their last visit. Defendant Todd set up a call with Plaintiff to reassure her that the breast and gynecological examinations performed by Defendant Todd were part of his care and treatment.

34. During each follow up visit with Defendant Todd in December 2022 and January 2023, Defendant Todd asked Plaintiff inappropriate sexual questions, made sexualized comments, performed sexualized breast examinations, and performed sexualized gynecological examinations that included digital penetration, all under the guise of medical treatment.

35. In January 2023, Plaintiff moved back to California for a job opportunity.

36. Defendant Todd inappropriately treated Plaintiff remotely while she was in California from his offices in Massachusetts, including prescribing medication. Defendant Todd also continued to frequently engage with Plaintiff through phone calls and text messages.

37. In June 2023, Plaintiff returned to Massachusetts after being pressured to do so by Defendant Todd. She saw Defendant Todd in his offices in Framingham multiple times after her June return.

38. Like all the other office visits, during these visits in June and July 2023, Defendant Todd asked Plaintiff inappropriate sexual questions, made sexualized comments, performed sexualized breast examinations, and performed sexualized gynecological examinations that included digital penetration, all under the guise of necessary medical treatment.

39. Defendant Todd was aware of the cognitive dissonance that his patients – who he was sexually abusing – would experience with regard to their inability to come to grips with the unfathomable idea that their own medical doctor was sexually exploiting and abusing them.

40. Defendant Todd used this knowledge and his own training and experience to his advantage while leveraging his position of status and authority bestowed on him by the Brigham and Women's Defendants to further his scheme to sexually abuse and exploit as many women as possible under the guise of performing medical procedures.

41. As a result, Defendant Todd was enabled to sexually abuse countless female patients of the Brigham and Women's Defendants in a serial fashion, while carrying out his deviant sexual desires.

42. Upon information and belief, Brigham and Women's Defendants were aware of Defendant Todd's proclivities to exploit and abuse female patients.

43. The Brigham and Women's Defendants knew and/or should have known that Defendant Todd had a proclivity to abuse his patients, yet they ignored the warning signs, failed to supervise Defendant Todd, failed to properly train and supervise their staff, and violated the duties they owed to their patients.

44. The Brigham and Women's Defendants stood by silently as Defendant Todd sexually exploited and abused Plaintiff who reasonably believed Defendant Todd was conducting legitimate medical treatment while he was grooming, groping, fondling, penetrating, and sexually assaulting Plaintiff.

45. Plaintiff now understands that Defendant Todd was, in fact, sexually exploiting and assaulting her.

46. The Brigham and Women's Defendants ignored warning signs and actively concealed the sexually exploitative behavior and abuse being perpetrated by Defendant Todd and continue to allow Defendant Todd unfettered access to Plaintiff and their patient populations.

47. The Brigham and Women's Defendants violated their own Patient Bill of Rights when treating Plaintiff, including, but not limited to a "right to personal dignity."

48. Finally, on July 31, 2023, Defendant Todd was terminated from Brigham and Women's Hospital after an internal investigation forced the Brigham and Women's Defendants to act.

49. On September 5, 2023, Defendant Todd signed a voluntary agreement to not practice medicine.

50. Since his termination and agreement to not practice medicine, Defendant Todd has continued to contact and harass Plaintiff by phone and through text messages as recently as September 29, 2023.

Vicarious Liability

51. Plaintiff incorporates by reference the foregoing paragraphs as if set forth here in their entirety.

52. The conduct and omissions detailed herein were committed by employees and/or agents of the Brigham and Women's Defendants.

53. Defendant Todd was their employee and/or agent were acting within the scope of his employment or agency.

54. At all times relevant, the Brigham and Women's Defendants had the ability to control the conduct of the employees and/or agents in the course of their employment and/or agency.

55. As such the Brigham and Women's Defendants are vicariously liable for the wrongful acts and omissions of their employee and/or agent that caused Plaintiff pain, suffering, mental anguish, unnecessary medical care and expenses, lost wages, lost future wages, loss of future earning capacity, and was otherwise injured and damaged.

COUNT I

Negligence – Defendant Todd

56. The Plaintiff re-alleges and incorporates by reference herein all of the allegations contained in paragraphs above and further alleges as follows:

57. At all relevant times, Defendant Todd owed to Plaintiff a duty to exercise that degree of care, skill and judgment ordinarily expected of a reasonably competent healthcare provider in the specialty of pain management acting in the same or similar circumstances and not to engage in inappropriate physical contact with his patients to include Plaintiff.

58. Defendant Todd was negligent in the treatment of Plaintiff. These breaches include, but are not limited to, the following:

- a. negligently failing to maintain an appropriate doctor-patient relationship;
- b. attempting to exploit the therapeutic relationship with the Plaintiff for personal gain;
- c. inappropriately examining and touching the Plaintiff;
- d. engaging in inappropriate physical acts of intimacy with the Plaintiff that went beyond what was necessary for the proper performance of medical services;
- e. negligently and carelessly violating professional and ethical boundaries;
- f. failing to have a chaperone present during his examination and treatment of the Plaintiff; and
- g. being otherwise negligent and careless.

59. As a direct and proximate result of the negligent and careless acts and omissions of Defendant Todd, the Plaintiff experienced pain, suffering, mental anguish, unnecessary medical care and expenses, lost wages, lost future wages, loss of future earning capacity, and was otherwise injured and damaged.

COUNT II

Battery - Defendant Todd

60. The Plaintiff re-alleges and incorporates by reference herein all of the allegations contained in paragraphs above and further alleges as follows:

61. The conduct and actions of Defendant Todd including the sexual assault and battery of Plaintiff constitutes an intentional and offensive touching of Plaintiff to which Plaintiff did not consent.

62. The conduct and actions of Defendant Todd including the sexual assault and battery of Plaintiff were neither medically indicated nor clinically justifiable.

63. The intentional, nonconsensual touching of Plaintiff by Defendant Todd was highly offensive to Plaintiff's reasonable sense of dignity.

64. As a direct and proximate result of the intentional acts of Defendant Todd, the Plaintiff experienced pain, suffering, mental anguish, physical injury, unnecessary medical care and expenses, lost wages, lost future wages, loss of future earning capacity, and was otherwise injured and damaged.

COUNT III

Negligent Infliction of Emotional Distress - Defendant Todd

65. The Plaintiff re-alleges and incorporates by reference herein all of the allegations contained in paragraphs above and further alleges as follows:

66. Defendant Todd's conduct in sexually assaulting and battering Plaintiff was negligent in his disregard for the high degree of probability that Plaintiff would suffer emotional distress as a result.

67. Defendant Todd's conduct in sexually assaulting and battering Plaintiff caused her foreseeable harm, pain and suffering.

68. Defendant Todd's conduct and actions were the direct and proximate cause of severe emotional distress to Plaintiff.

69. As a direct and proximate result of the intentional acts of Defendant Todd, the Plaintiff experienced pain, suffering, severe mental anguish, physical injury, unnecessary medical care and expenses, lost wages, lost future wages, loss of future earning capacity, and was otherwise injured and damaged.

COUNT IV

Battery – Brigham and Women's Defendants

70. The Plaintiff re-alleges and incorporates by reference herein all of the allegations contained in paragraphs above and further alleges as follows:

71. The conduct and actions of Brigham and Women's Defendants acting by and through its employee/agents, including, but not limited to, Defendant Todd who inappropriately touched the Plaintiff constitutes an intentional and offensive touching of Plaintiff to which Plaintiff did not consent.

72. The conduct and actions of Brigham and Women's Defendants acting by and through its employee/agents, including, but not limited to, Defendant Todd was neither medically indicated nor clinically justifiable.

73. The intentional, nonconsensual touching of Plaintiff by Brigham and Women's Defendants acting by and through its employee/agents, including, but not limited to, Defendant Todd was highly offensive to Plaintiff's reasonable sense of dignity.

74. As a direct and proximate result of these negligent acts and omissions of Brigham and Women's Defendants acting by and through its employee/agents, including, but not limited to, Defendant Todd, the Plaintiff experienced pain, suffering, mental anguish, physical injury, unnecessary medical care and expenses, lost wages, lost future wages, loss of future earning capacity, and was otherwise injured and damaged.

COUNT V

Negligent Infliction of Emotional Distress - Brigham and Women's Defendants

75. The Plaintiff re-alleges and incorporates by reference herein all of the allegations contained in paragraphs above and further alleges as follows:

76. Brigham and Women's Defendants' conduct by and through its employee/agents, including, but not limited to, Defendant Todd, who sexually assaulted and battered the Plaintiff, was negligent and in disregard for the high degree of probability that Plaintiff would suffer emotional distress as a result.

77. Brigham and Women's Defendants' conduct in acting by and through its employee/agents, including, but not limited to, Defendant Todd, resulted in foreseeable harm to the Plaintiff.

78. Brigham and Women's Defendants' conduct and actions in acting by and through its employee/agents, including, but not limited to, Defendant Todd were the direct and proximate cause of severe emotional distress to Plaintiff.

79. As a direct and proximate result of these negligent acts and omissions of Brigham and Women's Defendants acting by and through its employee/agents, including, but not limited to, Defendant Todd, the Plaintiff experienced pain, suffering, severe mental anguish, physical injury, unnecessary medical care and expenses, lost wages, lost future wages, loss of future earning capacity, and was otherwise injured and damaged.

COUNT VII

Negligent Hiring, Supervision, Credentialing, and Retention - Brigham and Women's Defendants

80. The Plaintiff re-alleges and incorporates by reference herein all of the allegations contained in paragraphs above and further alleges as follows:

81. As of November 2022, Brigham and Women's Defendants knew or reasonably should have known of Defendant Todd's propensities to sexually batter, threaten, harm, assault, and otherwise mentally, physically, and emotionally injure female patients.

82. As of November 2022, Brigham and Women's Defendants knew that Defendant Todd was being placed in a position of employment where he would have unfettered access to vulnerable female patients without direct supervision, oversight, or monitoring.

83. Brigham and Women's Defendants had a duty of care to Plaintiff, as well as to other female patients when hiring, retaining, supervising, and evaluating its prospective employees,

including Defendant Todd, to timely, adequately, and appropriately investigate, heed, and act on all reasonable suggestions and information that Defendant Todd had the propensity to, and/or had actually, inappropriately touched female patients in the course and scope of his employment for Brigham and Women's Defendants.

84. Brigham and Women's Defendants had a duty of care to Plaintiff, as well as to other female patients, to prohibit Defendant Todd from privately interacting with Plaintiff as well as with other female patients, given Defendant Todd's propensity to sexually batter, threaten, harm, assault, and otherwise mentally, physically, and emotionally injure female patients.

85. Upon information and belief, Defendant Todd engaged in unlawful sexual battery of numerous female patients while employed by Brigham and Women's Defendants before his physical contact with the Plaintiff in November 2022.

86. Defendant Todd used his position as a Brigham and Women's Defendants physician to gain access to vulnerable female patients and to assault and commit sexual battery against Plaintiff and other women.

87. Brigham and Women's Defendants knew, or should have known, that Defendant Todd had committed sexual battery against other female patients prior to November 2022, while employed by Brigham and Women's Defendants and that Defendant Todd had a propensity to assault and commit sexual battery against female patients and to otherwise physically threaten, harm, and injure such patients.

88. Brigham and Women's Defendants continued to permit Defendant Todd's unfettered access to vulnerable female patients without a chaperone or other close personal supervision.

89. Brigham and Women's Defendants failed to investigate the claims that Defendant Todd had assaulted, battered, and otherwise inappropriately touched female patients prior to November 2022.

90. Brigham and Women's Defendants had a duty of care to Plaintiff, as well as to other female patients, to protect Plaintiff and its female patients and to otherwise ensure the safety of its female patients, including Plaintiff, from being assaulted and battered by Brigham and Women's Defendants' employees and/or agent, including Defendant Todd.

91. Assaults and sexual batteries of the sort suffered by Plaintiff were entirely preventable had Brigham and Women's Defendants timely, adequately, and appropriately investigated the complaints made regarding Defendant Todd's inappropriate contact with other patients prior to November 2022 and intervened by prohibiting Defendant Todd's continuing unfettered and unsupervised access to vulnerable female patients, including Plaintiff.

92. In breach of its duty of care, Brigham and Women's Defendants negligently retained Defendant Todd when they knew, or should have known, of Defendant Todd's propensity to sexually assault, batter, and otherwise harm and injure vulnerable female patients, including Plaintiff.

93. In breach of its duty of care, Brigham and Women's Defendants was also negligent in supervising Defendant Todd by:

- a. failing to engage a chaperone for nearly all of Defendant Todd's examinations of Plaintiff and Defendant Todd's other patients;
- b. failing to require Defendant Todd's to engage a chaperone for all examinations; and
- c. allowing Defendant Todd to continue to examine and treat female patients in private and without a chaperone after being provided notice that Defendant Todd was inappropriately touching patients.

94. The additional negligent and careless acts and omissions of the Brigham and

Women's Defendants, include, but are not limited to:

- a. Failing to establish reasonable criteria for the granting of, withdrawal, or reduction of clinical privileges;
- b. Failing to exercise reasonable care to ensure that the duty of accountability of physicians at the Brigham and Women's Defendants facility for medical care rendered to patients at their facilities;
- c. Failing to exercise reasonable care to detect when actions or behavior of a medical staff member are detrimental to patient care or general safety;
- d. Failing to exercise reasonable care to detect that actions or behavior of a medical staff member demonstrate noncompliance with Medical Center or Medical Staff Bylaws, Rules and Regulations or Policies and Procedures, Patient Bill of Rights, and State Law;
- e. Failing to exercise reasonable care to detect that actions or behavior of a medical staff member are disruptive to Brigham and Women's Defendants' operation;
- f. Failing to exercise reasonable care to detect that actions or behavior of a medical staff member, in particular Defendant Todd, are unprofessional, unethical or illegal;
- g. Failing to exercise appropriate and reasonable care in appointing and/or reappointing Defendant Todd as a member of the Brigham and Women's Defendants' Staff;
- h. Failing to exercise appropriate and reasonable care in granting medical privileges to Defendant Todd to perform unsupervised/unchaperoned physical examinations of Brigham and Women's Defendants' patients, including the Plaintiff; and
- i. Being otherwise careless and negligent.

95. As the employer/principal responsible for the actions of its employees/agents including but not limited to Defendant Todd; Brigham and Women's Defendants negligent hiring, negligent retention, negligent supervision, and negligent credentialing of Defendant Todd was a proximate cause of the Plaintiff's pain, suffering, severe mental anguish, physical injury, unnecessary medical care and expenses, lost wages, lost future wages, loss of future earning capacity, and other injuries and damages.

COUNT VIII

Failure to Comply with Massachusetts' Informed Consent Law - All Defendants

96. The Plaintiff re-alleges and incorporates by reference herein all of the allegations contained in paragraphs above and further alleges as follows:

97. The Defendants, Defendant Todd, and Brigham and Women's Defendants, individually and through their real, apparent and/or ostensible agents, servants and/or employees, specifically including Defendant Todd, owed to the Plaintiff, the duty to appropriately notify the Plaintiff of the nature of the procedure, the benefits of the procedure, the probability of success of the procedure, the proposed alternatives to the proposed procedure, and the risks of the procedure in order to obtain the Plaintiff's informed consent to her plan of care, physical examination by Defendant Todd, and/or treatment.

98. The Defendants, Defendant Todd and Brigham and Women's Defendants, individually and through their real, apparent and/or ostensible agents, servants and/or employees, to specifically include Defendant Todd, failed to appropriately obtain Plaintiff's informed consent for the plan of care and physical examination by Defendant Todd, including, but not limited to, Defendant Todd grooming, groping, fondling, penetrating, and sexually assaulting Plaintiff

99. As the direct and proximate result of the failure by the Defendants Defendant Todd, and Brigham and Women's Defendants, individually and through their real, apparent and/or ostensible agents, servants and/or employees, to specifically include Defendant Todd, to obtain Plaintiff's informed consent, Plaintiff, experienced pain, suffering, severe mental anguish, physical injury, unnecessary medical care and expenses, lost wages, lost future wages, loss of future earning capacity, and other injuries and damages.

PRAYER FOR RELIEF

WHEREFORE: Plaintiff Ms. DiTrani, requests judgment against Defendants individually and jointly, for damages for all injuries and losses recoverable, including but not limited to:

- A) Pain and suffering;
- B) Future treatment expenses;
- C) Attorney fees;
- D) All recoverable costs of this action and all legally recoverable interest; and
- E) Any other relief which the Court deems just and proper.

DEMAND FOR JURY TRIAL

Plaintiff demands trial by jury on all claims so triable.

Dated: October 10, 2023

Respectfully submitted,

/s/ Paula S. Bliss

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