

# EXHIBIT 1



COMMONWEALTH OF MASSACHUSETTS  
 HAMPSHIRE COUNTY  
 Docket Report

1680CV00118

Murphy, VMD, Guardian of Kathleen M.Murphy, Patricia. A. et al vs. Cremins, RN, Janet et al

<b>CASE TYPE:</b>	Torts	<b>FILE DATE:</b>	07/29/2016
<b>ACTION CODE:</b>	B06	<b>CASE TRACK:</b>	A - Average
<b>DESCRIPTION:</b>	Malpractice - Medical / Wrongful Death		
<b>CASE DISPOSITION DATE</b>	11/14/2016	<b>CASE STATUS:</b>	Open
<b>CASE DISPOSITION:</b>	Active	<b>STATUS DATE :</b>	07/29/2016
<b>CASE JUDGE:</b>	Carey, Richard J	<b>CASE SESSION:</b>	Civil A

**LINKED CASE**

DCM TRACK		
Tickler Description	Due Date	Completion Date
Service	10/31/2016	
Rule 12/19/20 Served By	11/29/2016	
Answer	11/29/2016	
Rule 12/19/20 Filed By	12/29/2016	
Rule 12/19/20 Heard By	01/30/2017	
Rule 15 Served By	09/25/2017	
Rule 15 Heard By	10/25/2017	
Rule 15 Filed By	10/25/2017	
Discovery	07/23/2018	
Rule 56 Served By	08/21/2018	
Rule 56 Filed By	09/20/2018	
Final Pre-Trial Conference	01/18/2019	
Judgment	08/01/2019	

PARTIES	



COMMONWEALTH OF MASSACHUSETTS  
 HAMPSHIRE COUNTY  
 Docket Report

<p><b>Plaintiff</b>                  Murphy, Guardian of Kathleen M. Murphy, Kevin F</p>	<p>Frank Edward Bonanni                  Attorney Thomas J. Frain                  Attorney Thomas J. Frain                  563 Main Street                  Bolton, MA 01740                  Work Phone (978) 779-0749                  Added Date: 08/01/2016</p> <p>Charles Alexander Hahn                  Massachusetts Bar                  655 Centre Street                  P.O. Box 168                  Boston, MA 02130                  Work Phone (617) 477-4097                  Added Date: 08/01/2016</p> <p>Thomas J Frain                  Frain and Associates                  Frain and Associates                  563 Main Street                  Bolton, MA 01740                  Work Phone (978) 779-0749                  Added Date: 08/01/2016</p>	<p>566806</p> <p>634133</p> <p>567089</p>
<p><b>Plaintiff</b>                  Murphy, VMD, Guardian of Kathleen M. Murphy,                  Patricia. A.</p>	<p>Frank Edward Bonanni                  Attorney Thomas J. Frain                  Attorney Thomas J. Frain                  563 Main Street                  Bolton, MA 01740                  Work Phone (978) 779-0749                  Added Date: 08/01/2016</p> <p>Charles Alexander Hahn                  Massachusetts Bar                  655 Centre Street                  P.O. Box 168                  Boston, MA 02130                  Work Phone (617) 477-4097                  Added Date: 08/01/2016</p> <p>Thomas J Frain                  Frain and Associates                  Frain and Associates                  563 Main Street                  Bolton, MA 01740                  Work Phone (978) 779-0749                  Added Date: 08/01/2016</p>	<p>566806</p> <p>634133</p> <p>567089</p>



COMMONWEALTH OF MASSACHUSETTS  
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<p><b>Defendant</b>                  Cremins, RN, Janet</p>	<p>Robert J Murphy                  Murphy &amp; Riley, P.C.                  Murphy &amp; Riley, P.C.                  101 Summer Street                  Boston, MA 02110                  Work Phone (617) 423-3700                  Added Date: 11/14/2016</p>	<p>363760</p>
<p><b>Defendant</b>                  Kuhn, Ph.D., Claire</p>	<p>Robert J Murphy                  Murphy &amp; Riley, P.C.                  Murphy &amp; Riley, P.C.                  101 Summer Street                  Boston, MA 02110                  Work Phone (617) 423-3700                  Added Date: 11/14/2016</p>	<p>363760</p>
<p><b>Other interested party</b>                  Clionsky, Ph.D., Mitchell                  155 Maple Street                  Suite 203                  Springfield, MA 01105</p> <p><b>Other interested party</b>                  Welch, Esq., Margo                  143 Main Street                  Northampton, MA 01060</p>	<p>Scott D. Kuhn                  Law Office of Scott Kuhn                  Law Office of Scott Kuhn                  149 Cambridge Street                  Cambridge, MA 02141                  Work Phone (617) 876-6780                  Added Date: 11/28/2016</p>	<p>689094</p>

PARTY CHARGES					
#	Offense Date/ Charge	Code	Town	Disposition	Disposition Date

EVENTS				
Date	Session	Event	Result	Resulting Judge
01/20/2017	Civil A	Malpractice Tribunal		



**COMMONWEALTH OF MASSACHUSETTS  
HAMPSHIRE COUNTY  
Docket Report**

FINANCIAL DETAILS					
Date	Fees/Fines/Costs	Assessed	Paid	Dismissed	Balance
07/29/2016	Civil Filing Fee (per Plaintiff) Receipt: 2294 Date: 08/01/2016	240.00	240.00	0.00	0.00
07/29/2016	Civil Security Fee (G.L. c. 262, § 4A) Receipt: 2294 Date: 08/01/2016	20.00	20.00	0.00	0.00
07/29/2016	Civil Surcharge (G.L. c. 262, § 4C) Receipt: 2294 Date: 08/01/2016	15.00	15.00	0.00	0.00
07/29/2016	Fee for Blank Summons or Writ (except Writ of Habeas Corpus) MGL 262 sec 4b Receipt: 2294 Date: 08/01/2016	10.00	10.00	0.00	0.00
<b>Total</b>		<b>285.00</b>	<b>285.00</b>	<b>0.00</b>	<b>0.00</b>

Deposit Account(s) Summary	Received	Applied	Checks Paid	Balance
<b>Total</b>				



COMMONWEALTH OF MASSACHUSETTS  
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Docket Report

INFORMATIONAL DOCKET ENTRIES			
Date	Ref	Description	Judge
07/29/2016		Attorney appearance On this date Thomas J Frain, Esq. added for Plaintiff Dr. Patricia A Murphy	
07/29/2016	1	Original civil complaint filed.	
07/29/2016		Attorney appearance On this date Frank Edward Bonanni, Esq. added for Plaintiff Dr. Patricia A Murphy Individually and as Guardian for Kathleen M Murphy	
07/29/2016		Attorney appearance On this date Charles Alexander Hahn, Esq. added for Plaintiff Dr. Patricia A Murphy	
07/29/2016	2	Civil action cover sheet filed.	
07/29/2016		Attorney appearance On this date Frank Edward Bonanni, Esq. added for Plaintiff Kevin F Murphy Individually and as Guardian for Kathleen M Murphy	
07/29/2016		Attorney appearance On this date Thomas J Frain, Esq. added for Plaintiff Kevin F Murphy	
07/29/2016		Demand for jury trial entered.	
07/29/2016		Attorney appearance On this date Charles Alexander Hahn, Esq. added for Plaintiff Kevin F Murphy	
07/29/2016		Case assigned to: DCM Track A - Average was added on 07/29/2016	
10/25/2016	3	Service Returned for Defendant Cremins, RN, Janet: Service made at last and usual;	
10/25/2016	4	Service Returned for Defendant Kuhn, Ph.D., Claire: Service made at last and usual;	
11/01/2016	5	Received from Defendant Kuhn, Ph.D., Claire: Answer to original complaint;	
11/14/2016		Attorney appearance On this date Robert J Murphy, Esq. added for Defendant Claire Kuhn, Ph.D.	
11/14/2016	6	Received from Defendant Cremins, RN, Janet: Answer to original complaint; with jury demand	
11/14/2016		Attorney appearance On this date Robert J Murphy, Esq. added for Defendant Janet Cremins, RN	
11/28/2016	7	Attorney appearance On this date Scott D. Kuhn, Esq. added for Defendant Claire Kuhn, Ph.D.	
11/30/2016	8	ORDER for medical malpractice tribunal for Other, with Hon. Mark D Mason presiding, Mitchell Clionsky, Ph.D and Margo Welch, Esq. Order mailed to all parties.	Carey

COMMONWEALTH OF MASSACHUSETTS

HAMPSHIRE, SS.

SUPERIOR COURT  
Civil Action No.

<p>PATRICIA A. MURPHY, VMD and KEVIN F. MURPHY,</p> <p>As they are the Guardians of Kathleen M. Murphy,</p> <p>Plaintiffs,</p> <p>-v-</p> <p>JANET CREMINS, RN and CLAIRE KUHN, Ph.D</p> <p>Defendants</p>
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HAMPSHIRE SUPERIOR COURT

JUL 29 2016

HARRY JEKANOWSKI, JR.  
CLERK / MAGISTRATE

COMPLAINT AND JURY DEMAND

INTRODUCTION

1. This is an action for medical malpractice, pursuant to Mass. Gen. L. c. 231 § 60B, as well as civil rights violations, pursuant to Mass. Gen. L. c. 12 § 11I, against two providers of health care employed by ServiceNet, Inc. ("ServiceNet"), a corporate provider of residential services to intellectually disabled persons in the Commonwealth of Massachusetts.

2. The action is brought on behalf of Kathleen M. Murphy ("Ms. Murphy"), an adult female with severe intellectual disabilities. Her intellectual functioning is at roughly the level of a six-year-old, and she is unable to adequately communicate her medical needs, making her all the more vulnerable to abuse, neglect, and medical malpractice.

3. This action charges Janet Cremins ("Nurse Cremins"), a registered nurse employed by ServiceNet and licensed by the Commonwealth, with malpractice based on, without limitation, her admitted failure to monitor and treat Ms. Murphy's extremely high blood pressure readings, including readings so high as to indicate a hypertensive emergency. This flagrant negligence caused Ms. Murphy great medical harm, including potentially serious damage to her vasculature and organs, as well as diminished life expectancy.

4. This action also seeks relief for psychological malpractice against Claire Kuhn, Ph.D. ("Dr. Kuhn"), a licensed psychologist charged with providing behavioral and psychological care for Ms. Murphy. Under Dr. Kuhn's care, Ms. Murphy was in a grave state of behavioral and psychological crisis, causing her to engage in purposeful incontinence as a means of demonstrating her untreated psychological suffering to ServiceNet employees, including direct care workers. Among other things, Ms. Murphy smeared her feces on the walls of her room as a means of seeking help and attention, and was then left to lie in her own waste by ServiceNet employees including direct care workers. Dr. Kuhn, who deliberately disregarded Ms. Murphy's suffering, was in gross dereliction of her duties to monitor and treat Ms. Murphy's behavioral and psychological needs, which caused Ms. Murphy severe physical and emotional harm.

5. Dr. Kuhn's conduct amounted to willful indifference that interfered with Ms. Murphy's Constitutional right to bodily integrity, with the result that Ms. Murphy remained confined in a hazardous environment where her Constitutional and statutory rights were being violated. Dr. Kuhn is therefore also charged with intimidation and



coercion that interfered with Ms. Murphy's rights within the meaning of Mass. Gen. L. c. 12 § 11H.

### PARTIES

6. Kathleen M. Murphy ("Ms. Murphy"), on whose behalf this suit is brought, is a 63-year-old female with severe intellectual disabilities and is a resident of the Commonwealth of Massachusetts.

7. Plaintiff Patricia A. Murphy, VMD ("Dr. Patricia Murphy") is a lawfully appointed guardian of Kathleen Murphy, and is a resident of the State of North Carolina.

8. Plaintiff Kevin F. Murphy ("Kevin Murphy") is a lawfully appointed guardian of Kathleen Murphy, and is a resident of the Commonwealth of Massachusetts. (Dr. Patricia Murphy and Kevin Murphy are referred to collectively as "the Guardians.")

9. Defendant Janet Cremins, RN ("Nurse Cremins"), upon information and belief, is duly licensed as a registered nurse by the Commonwealth of Massachusetts and is a resident of the Commonwealth of Massachusetts.

10. Upon information and belief, at all relevant times Nurse Cremins was an employee and/or an independent contractor of ServiceNet.

11. Defendant Claire Kuhn, Ph.D. ("Dr. Kuhn") is, upon information and belief, a psychologist licensed by the Commonwealth of Massachusetts.

12. Upon information and belief, at all relevant times Dr. Kuhn was an employee and/or an independent contractor of ServiceNet.

### JURISDICTION AND VENUE

13. This Court has jurisdiction over this matter pursuant to Mass. Gen. L. c. 231 §60B, and venue is proper in Hampshire County pursuant to Mass. Gen. L. c. 223A §8 as ServiceNet has a principal place of business in Northampton, MA.

### FACTUAL AVERMENTS

14. Ms. Murphy suffers from severe intellectual disabilities.

15. Her intellectual functioning is at roughly the level of a six-year-old.

16. In 1995, her I.Q. was recorded as 48.

17. She can communicate verbally at a basic level but cannot read and cannot care for herself, requiring assistance with many of the activities of daily living.

18. Ms. Murphy formerly resided at a group home owned and operated by ServiceNet, first at Lynch Drive in Holyoke, MA and then at Jacob Street in Chicopee, MA. (The Chicopee group home is referred to herein as "the Group Home"). Overall, she resided at a ServiceNet group home from February 2009 through February 2014.

19. Ms. Murphy lived at the Group Home with three other female residents. Nurse Cremins was responsible for the nursing care of these individuals, including Ms. Murphy, and Dr. Kuhn was responsible for their psychological and behavioral care including treatment plans.

20. Dr. Patricia Murphy has reviewed various documents concerning Ms. Murphy's care maintained as business records by ServiceNet in the ordinary course of business. These include shift notes, weekly data sheets, weekly activities logs, medication administration records, and other documents relating to Ms. Murphy's treatment and care at the Group Home.

21. The documents reviewed by Dr. Patricia Murphy demonstrate that, without limitation, Nurse Cremins and Dr. Kuhn committed acts of negligence constituting malpractice in the provision of nursing and psychological care, respectively, and that Ms. Murphy suffered severe physical and emotional harm thereby.

22. Other facts relevant to this matter, as set forth below, further demonstrate that Nurse Cremins and Dr. Kuhn committed acts of negligence constituting malpractice in the provision of nursing and psychological care, respectively, and that Ms. Murphy suffered severe physical and emotional harm thereby.

**I. Conduct of Nurse Cremins Towards Ms. Murphy.**

23. Nurse Cremins' duties for ServiceNet, at all times relevant to this matter, required her to provide nursing care for residents of the Group Home, including Ms. Murphy.

24. Nurse Cremins' duties also required her to monitor the health and behavior of residents of the Group Home, including Ms. Murphy.

25. Nurse Cremins' duties included, without limitation, monitoring and reviewing blood pressure readings taken for Ms. Murphy by ServiceNet employees, including the direct care workers.

26. Again without limitation, Nurse Cremins' duties required her to undertake periodic review of the medical records of residents of the Group Home, including Ms. Murphy.

27. Nurse Cremins' duties also required her to take appropriate steps to arrange for appropriate medical care for residents of the Group Home, including Ms.

Murphy. These duties also included recommending appropriate diets for the residents based on their individual medical conditions.

28. Nurse Cremins negligently failed to perform these duties, resulting in severe harm to Ms. Murphy.

29. Without limitation, Nurse Cremins negligently or recklessly failed to treat Ms. Murphy for dangerously high blood pressure; failed to report high blood pressure readings to the appropriate persons, including Ms. Murphy's Guardians; and failed to arrange for additional appropriate treatment for Ms. Murphy.

30. Without limitation, documents maintained by ServiceNet in the ordinary course of business establish that Nurse Cremins failed to treat Ms. Murphy for consistent and dangerously high blood pressure that endured over more than a year, including a full-blown "hypertensive crisis" that presented a risk of death.

31. Without limitation, Nurse Cremins failed to monitor and review Ms. Murphy's blood pressure readings, with the result that Ms. Murphy's dangerously high blood pressure went untreated.

32. For example, on July 31, 2013, readings taken by ServiceNet direct care workers showed Ms. Murphy's blood pressure to be 186/128. This reading is set forth in the data sheet attached hereto as Exhibit A, which was maintained by ServiceNet in the ordinary course of business, and reflects that Ms. Murphy's systolic pressure was 186 and her diastolic pressure was 128.

33. The systolic pressure is the measure of when the heart contracts and pushes blood through the vessels. The diastolic pressure is when the heart relaxes.

34. Considering Ms. Murphy's family history of stroke and heart attack and the fact that Ms. Murphy was already taking Lipitor (generic: atorvastatin) for high cholesterol (which also leaves her at high risk for stroke and heart attack), blood pressure this high could have led to her death or permanent disability.

35. Additionally, this chronic high blood pressure that was left untreated for an extended period of time had the tendency to cause permanent damage to Ms. Murphy's vasculature, heart, brain and/or kidneys which could lead to additional serious problems in the future, including decreased life expectancy.

36. According to the standards followed by the American Heart Association (AHA), a blood pressure reading of 186/128 indicates a "hypertensive emergency" requiring immediate medical treatment to avoid serious harm. (Information from the website of the American Heart Association setting forth these standards and protocols based on extensive clinical research is attached hereto as Exhibit B.)

37. The AHA states that "hypertensive emergency exists when blood pressure reaches levels that are damaging organs. Hypertensive emergencies generally occur at blood pressure levels exceeding 180 systolic OR 120 diastolic, but can occur at even lower levels in patients whose blood pressure had not been previously high."

38. In sum, Ms. Murphy's blood pressure readings on July 31, 2013 met not only one but two independent criteria for a "hypertensive emergency."

39. The shift notes and other documents maintained by ServiceNet further demonstrate that, in addition to the aforementioned hypertensive crisis, Ms. Murphy's weekly blood pressure readings had consistently been dangerously high for over a year.

40. Without limitation, Ms. Murphy's weekly blood pressure readings demonstrate that over a period of more than one year, she was regularly in a state of either Stage 1 or Stage 2 Hypertension as defined by the AHA.

41. The AHA recommends that people with three readings above 140/90 should be examined by a physician and placed on medications to lower the blood pressure to avoid damage to the body.

42. On a great number of occasions, Ms. Murphy's readings exceeded this AHA threshold, without any action being taken by Nurse Cremins.

43. Using February through July 2013 as an example, Ms. Murphy had 23 weekly blood pressure readings during that 26-week period; 21 of the 23 readings were above 140/90, and many were substantially higher, including one reading that rose above the level of a hypertensive crisis.

44. Despite her access to Ms. Murphy's records, her obligation to review these records, and her obligation to treat Ms. Murphy, Nurse Cremins did nothing whatsoever to address Ms. Murphy's condition. Nurse Cremins did not provide any adequate treatment for Ms. Murphy, did not arrange for any adequate treatment, and did not adequately report any of this information to Ms. Murphy's primary care physicians, nor to her Guardians.

45. As a result of these and other negligent acts by Nurse Cremins, Ms. Murphy has suffered and continues to suffer physical and emotional harm.

46. In the context of a federal court lawsuit by Ms. Murphy's Guardians concerning violations of Ms. Murphy's civil rights, Nurse Cremins submitted to a deposition. At this deposition, Nurse Cremins openly admitted her medical errors in,

without limitation, failing to ascertain that Ms. Murphy was suffering from high blood pressure.

47. At her aforementioned deposition, Nurse Cremins further admitted her medical errors in, without limitation, failing to take appropriate action to treat Ms. Murphy's high blood pressure.

**II. Conduct of Dr. Kuhn Towards Ms. Murphy.**

**A. Dr. Kuhn's Psychological Malpractice.**

48. Dr. Kuhn is licensed to practice as a psychologist by the Commonwealth of Massachusetts.

49. Upon information and belief, Dr. Kuhn's is currently employed by the Department of Developmental services as a "Clinical Director/ Psychologist IV."

50. Upon information and belief, at all times when Ms. Murphy was a resident of the Group Home, Dr. Kuhn's title at ServiceNet was "Chief Clinical Director."

51. Irrespective of title, at all times relevant to this matter, Dr. Kuhn was the senior ServiceNet clinician charged with overseeing, monitoring, and treating the needs of residents of the Group Home, including Ms. Murphy. Without limitation, Dr. Kuhn's duties required her to monitor the behavior and psychological needs of Ms. Murphy; review data concerning the behavioral and psychological needs of Ms. Murphy; and provide for adequate behavioral and psychological treatment for Ms. Murphy, including treatment plans.

52. The Guardians have learned, via their review of shift notes created contemporaneously by ServiceNet direct care workers and maintained by ServiceNet in

the ordinary course of business, that Ms. Murphy was suffering severe neglect at the Group Home, including physical and psychological distress caused by Dr. Kuhn.

53. For example, shift notes demonstrate that at numerous points throughout 2013, Ms. Murphy was in a grave state of behavioral and medical distress. Ms. Murphy frequently urinated and defecated on herself and smeared feces on the walls of her room, all in an effort to get the attention of staff who were ignoring her physical and emotional suffering.

54. For example, the shift notes of July 29, 2013, 11 p.m. state that “KM was in her room laying on her bed, full of BM and was wet from head to toe.” (Upon information and belief, “BM” refers to “bowel movement.”)

55. Further, as demonstrated by the shift notes dated 7 a.m. of July 30, 2013, Ms. Murphy was lying in a bed full of urine. She also indicated to staff that, according to the notes, “her head was spinning and her stomach hurt her.”

56. Ms. Murphy was also essentially confined in the home, receiving minimal outside stimulation.

57. For example, the shift notes directly quote Ms. Murphy as calling the Group Home “an abuse house” and stating that she was engaging in purposeful incontinence because “I don’t get a [day] program.”

58. A “day program” would have allowed Ms. Murphy to undertake daily activities outside of the home.

59. Dr. Kuhn, among her many acts of deliberate indifference to Ms. Murphy’s psychological well-being, failed to recommend or take any action to have Ms.



Murphy enrolled in a day program, or to experience reasonable time outside of the Group Home.

60. Again without limitation, the shift notes quote Ms. Murphy as stating that she was urinating on herself “because I’m mad,” demonstrating that she was engaged in purposeful incontinence to draw attention to the neglect of her physical and psychological needs.

61. In sum, during Ms. Murphy’s residency with ServiceNet, she was in an ongoing state of behavioral and psychological crisis that caused her to engage in purposeful incontinence and other self-injurious behavior, as well as caused severe emotional distress that manifested itself physically by contributing to her high blood pressure.

62. Dr. Kuhn negligently and with deliberate indifference to her duties failed to monitor Ms. Murphy’s behavioral and psychological health, thus causing Ms. Murphy to suffer physical and emotional distress, which manifested itself in purposeful incontinence and other self-injurious behavior, as well as contributing to her high blood pressure.

63. Without limitation, Dr. Kuhn negligently failed to take reasonable steps to review available data concerning Ms. Murphy’s behavioral and psychological health, including shift notes created by direct care workers, thus causing Ms. Murphy to suffer physical and emotional distress.

64. Again without limitation, Dr. Kuhn, despite receiving reports from other ServiceNet personnel concerning problems with Ms. Murphy’s behavioral and psychological health, negligently and with deliberate indifference to her duties failed to

take reasonable steps to treat Ms. Murphy or to arrange for appropriate treatment for Ms. Murphy, thus causing her to suffer physical and emotional distress.

65. Dr. Kuhn also regularly received data concerning, without limitation, Ms. Murphy's rampant incontinence. Despite receiving this data, Dr. Kuhn negligently and with deliberate indifference to her duties failed to take reasonable steps to treat Ms. Murphy or to arrange for appropriate treatment for Ms. Murphy, thus causing Ms. Murphy to suffer physical and emotional distress.

66. Dr. Kuhn also received reports from officials of DDS concerning problems with Ms. Murphy's behavioral and psychological health. Dr. Kuhn again negligently and with deliberate indifference to her duties failed to take reasonable steps to treat Ms. Murphy or to arrange for appropriate treatment for Ms. Murphy, thus causing Ms. Murphy to suffer physical and emotional distress.

67. Without limitation, Dr. Kuhn was notified that Ms. Murphy was in such a state of behavioral distress that she was smearing her own feces on the walls of her room the Group Home.

68. In fact, Dr. Kuhn was aware that Ms. Murphy wiping her feces on the walls was a common occurrence, but did nothing at all to address Ms. Murphy's psychological and behavioral distress.

69. Other specific instances of Ms. Murphy's psychological and behavioral suffering were brought to Dr. Kuhn's attention, including shift notes documenting Ms. Murphy's distress. Again, Dr. Kuhn did nothing whatsoever to address Ms. Murphy's psychological and behavioral distress.

70. Without limitation, Dr. Kuhn was notified by DDS officials that Ms. Murphy was manifesting other signs of behavioral and psychological distress, such as breaking her own eyeglasses within a week of receiving new ones. She broke dozens of pair of eyeglasses out of frustration and often went weeks at a time without her necessary eyewear while waiting for them to be repaired or replaced.

71. Despite being so notified, Dr. Kuhn failed to take any reasonable steps to address Ms. Murphy's psychological and behavioral suffering, and in fact did nothing at all to treat or care for Ms. Murphy.

72. Again without limitation, Dr. Kuhn's failure to monitor and treat Ms. Murphy resulted in Ms. Murphy receiving an inappropriate and excessive regime of psychotropic drugs. As a result, Ms. Murphy experienced severe side effects, causing her further physical and emotional harm.

73. Dr. Kuhn's conduct as described more fully above constituted malpractice in the provision of psychological care, and Ms. Murphy suffered severe harm as a result.

74. Dr. Kuhn's conduct as described more fully above also constituted deliberate indifference and/or willful disregard of Ms. Murphy's right to bodily integrity as guaranteed by the 14<sup>th</sup> Amendment of the United States Constitution and the analogous provisions of the Massachusetts Declaration of Rights. Her conduct therefore interfered with Ms. Murphy's rights by means of intimidation and coercion within the meaning of the Massachusetts Civil Rights Act, Mass. Gen. L. c. 12 § 11H.

75. As a result of Dr. Kuhn's deliberate indifference and/or willful disregard of Ms. Murphy's Constitutional rights, and her interference with Ms. Murphy's rights by

means of intimidation and coercion, Ms. Murphy suffered violations of her Constitutional right to bodily integrity as described more fully herein.

76. As a result of Dr. Kuhn's violations of her Constitutional rights, Ms. Murphy suffered severe physical and emotional distress.

**COUNT I**  
**(Nursing Malpractice Against Janet Cremins)**

77. Plaintiffs restate and reincorporate by reference each and every allegation stated in paragraphs 1-76 above.

78. Nurse Cremins is a "provider of health care" within the meaning of Mass. Gen. L. c. 231 § 60B.

79. As set forth in more detail above, Nurse Cremins was negligent in her care and treatment of Ms. Murphy in that she failed to care for and treat Ms. Murphy in accordance with the standard of care and skill required of and ordinarily exercised by the average qualified licensed registered nurse in Massachusetts.

80. As set forth in more detail above, Nurse Cremins was negligent in monitoring and treating Ms. Murphy's chronically high blood pressure, including readings indicating a hypertensive emergency.

81. As a direct and or proximate result of the negligence of Nurse Cremins, Ms. Murphy has suffered injuries and harm including, without limitation, damage to her vasculature system, heart and kidneys, and a likelihood of diminished life expectancy.

**COUNT II**  
**(Psychological Malpractice Against Claire Kuhn, Ph.D.)**

82. Plaintiffs restate and reincorporate by reference each and every allegation stated in paragraphs 1-81 above.

83. Dr. Kuhn is a “provider of health care” within the meaning of Mass. Gen. L. c. 231 § 60B.

84. As set forth in more detail above, Dr. Kuhn failed to care for and treat Ms. Murphy in accordance with the standard of care and skill required of and ordinarily exercised by the average qualified psychologist in Massachusetts.

85. As described more fully above, Dr. Kuhn was negligent in, without limitation, monitoring the behavior and psychological needs of Ms. Murphy; reviewing data concerning the behavioral and psychological needs of Ms. Murphy; and providing for adequate behavioral and psychological treatment for Ms. Murphy.

86. As a direct and proximate result of the negligence of Dr. Kuhn, Ms. Murphy experienced tremendous physical and emotional suffering, as set forth more fully above.

**COUNT III**  
**(Violations of Mass. Gen. L. c. 12 § 11I Against Claire Kuhn, Ph.D.)**

87. Plaintiffs restate and reincorporate by reference each and every allegation stated in paragraphs 1-86 above.

88. Mass. Gen. L. c. 12, § 11I, the Massachusetts Civil Rights Act, provides that “[a]ny person whose exercise or enjoyment of rights secured by the constitution or laws of the United States, or of rights secured by the constitution or laws of the commonwealth, has been interfered with, or attempted to be interfered with, as described

in section 11H, may institute and prosecute in his own name and on his own behalf a civil action for injunctive and other appropriate equitable relief as provided for in said section, including the award of compensatory money damages.”

89. The abuse and neglect Ms. Murphy suffered at the Group Home violated her right to bodily integrity as guaranteed by the 14<sup>th</sup> Amendment of the U.S. Constitution as well the analogous provisions of Massachusetts Declaration of Rights.

90. As set forth in more detail above, Dr. Kuhn’s conduct rose to the level of deliberate and willful indifference to Ms. Murphy’s Constitutional right to bodily integrity.

91. Dr. Kuhn’s willful and deliberate indifference to Ms. Murphy’s Constitutional rights interfered with those rights by means of intimidation and coercion.

92. As a result of Dr. Kuhn’s violations of Ms. Murphy’s civil rights, Ms. Murphy suffered tremendous physical and emotional harm, as set forth in more detail above.

**WHEREFORE**, Plaintiffs respectfully request that this Court:

- a. Enter an award of damages against Janet Cremins based on her malpractice in the provision of nursing care;
- b. Enter an award of damages against Claire Kuhn, Ph.D. based on her malpractice in the provision of psychological care;
- c. Enter an award of compensatory damages, as well as attorneys’ fees, against Claire Kuhn, Ph.D. pursuant to the Massachusetts Civil Rights Act, or any other available provision of law; and
- d. Award the Plaintiffs such other relief as this Court deems just, equitable and appropriate.