

**COMMONWEALTH OF MASSACHUSETTS**  
**MIDDLESEX, SS** **SUPRIOR COURT**  
**C.A. NO.**

YU-FEN LIU

PLAINTIFF

v.

TUFTS MEDICAL CENTER INC,  
JENNIFER JANE DOE, individually and as  
a Nurse at Tufts Medical Center, Emergency Dept.  
PATRICE STEWART, individually and as a RN at Tufts  
Medical Center, Emergency Dept.  
MICHAEL WISER, MD, individually and as an Internal  
Medicine Resident at Tufts Medical Center, Emergency Dept.  
JAMES M STEPHEN, MD, individually and as a  
Medicine Physician at Tufts Medical Center, Emergency Dept,  
SARA ZELMAN, MD, individually and as a  
Resident Physician at Tufts Medical Center.  
PETER OSTROW, MD, individually and as a  
Medicine Physician at Tufts Medical Center  
JONATHAN WEINSTOCK, MD, individually and as a  
Medicine Physician at Tufts Medical Center, Cardiac Dept.  
JANE DOES (2), individually and as Radiologists at  
Tufts Medical Center,  
NEIL HALIN, DO, individually and as Radiologists at  
Tufts Medical Center,  
LEAH I KAPLAN, MD, individually and as an  
Internal Medicine Resident and at Tufts Medical Center,  
ARHANT RAO, MD, individually and as an  
Internal Medicine Resident at Tufts Medical Center,  
LINDA A COTTER, RN, individually and as  
a Registered Nurse at Tufts Medical Center,  
NORA BOSTEELS, RN, individually and as  
a Registered Nurse at Tufts Medical Center,  
DANIEL AUGUSTADT, MD, individually and as a  
Psychiatry Resident at Tufts Medical Center, and  
JOHN DOE ANTHONY and JOHN DOES (1-4), individually  
and as security officers at Tufts Medical Center

DEFENDANTS

**RECEIVED**

11/22/2022

HG

## COMPLAINT AND DEMAND FOR TRIAL BY JURY

This is a civil action for patient rights violations and personal injury damages sustained by Plaintiff Yu-Fen Liu.

### THE PARTIES

1. At all times mentioned herein, Plaintiff Yu-fen Liu was and is a Massachusetts resident with a residence at 200 Swanston St, Winchester, MA 01890.
2. At all times mentioned herein, upon information and belief, Plaintiff was a patient at TMC Emergency Department and at TMC Cardiac Inpatient Department from November 24, 2019 to November 25, 2019.
3. At all times mentioned herein, upon information and belief, Defendant TUFTS MEDICAL CENTER INC (“TMC”) was and is a Massachusetts corporation, a provider of health care, and at all relevant times with a principal business address at 800 Washington St, Boston, MA 02111.
4. At all times mentioned herein, upon information and belief, Defendant JENNIFER JANE DOE (being fictitious name whose true identity is presently unknown) was and is a Registered Nurse at Tufts Medical Center, Emergency Department.
5. At all times mentioned herein, upon information and belief, Defendant PATRICE STEWART was and is a Registered Nurse at Tufts Medical Center, Emergency Department.
6. At all times mentioned herein, upon information and belief, Defendant MICHAEL WISER, M.D. was and is an Internal Medicine Resident at Tufts Medical Center, Emergency Department.

7. At all times mentioned herein, upon information and belief, Defendant JAMES M STEPHEN, M.D. was and is a Medicine Physician at Tufts Medical Center, Emergency Department.

8. At all times mentioned herein, upon information and belief, Defendant PETER OSTROW, M.D. was and is a Medicine Physician at Tufts Medical Center.

9. At all times mentioned herein, upon information and belief, Defendant JONATHAN WEINSTOCK, M.D. was and is a Medicine Physician at Tufts Medical Center, Cardiac Dept.

10. At all times mentioned herein, upon information and belief, Defendant SARA ZELMAN, MD, was and is a Resident Physician at Tufts Medical Center.

11. At all times mentioned herein, upon information and belief, Defendants JANE DOES (2) (being fictitious name whose true identities are presently unknown) were and are radiologists at Tufts Medical Center.

12. At all times mentioned herein, upon information and belief, Defendants NEIL HALIN, DO individually and as Radiologists at Tufts Medical Center

13. At all times mentioned herein, upon information and belief, Defendant LEAH I KAPLAN, M.D. was and is an Internal Medicine Resident at TMC, Cardiac Department.

14. At all times mentioned herein, upon information and belief, Defendant ARHANT RAO, M.D. was and is an Internal Medicine Resident at TMC, Cardiac Department.

15. At all times mentioned herein, upon information and belief, Defendant LINDA A COTTER, RN was and is a Registered Nurse at TMC, Cardiac Department.

16. At all times mentioned herein, upon information and belief, Defendant NORA BOSLEELS, RN was and is a Registered Nurse at TMC, Cardiac Department.

17. At all times mentioned herein, upon information and belief, Defendant DAN AUGUSTADT, M.D. was and is a Psychiatry Resident at TMC.

18. At all times mentioned herein, upon information and belief, Defendant JOHN DOE Anthony, and JOHN DOES 1-4 (being fictitious names whose identities are presently unknown) were and are security officers at TMC.

### **JURISDICTION AND VENUE**

19. Jurisdiction is properly conferred by G.L. c. 212, § 4 and c. 223A, §§ 2 and 3.

20. Venue is proper under G.L. c. 223, §§ 1 and 8.

### **STATEMENT OF FACTS**

21. On Sunday November 24, 2019, at approximately 9-10 am, Plaintiff felt a sharp back pain below her right shoulder that radiated to her ear. She walked-in to Tufts Medical Center Emergency Department at 860 Washington St, Boston, MA 02111. The following statements describe the events in chronic order after Plaintiff checked herself into the Emergency Department of TMC.

22. On information and belief, Plaintiff was assigned a patient ID bracelet and assigned to waiting room 4. Defendant Jennifer Jane Doe, a white and affluent lady, entered the room and introduced herself as Jennifer and Plaintiff's nurse

23. On information and belief, Jennifer communicated with Plaintiff with the help of a Mandarin interpreter from time to time.

24. On information and belief, with the help of the Mandarin Interpreter, Jennifer inquired Plaintiff's symptoms and measured her body temperature and blood pressures and gave Plaintiff two pills of Aspirin. With the intake of the Aspirin, Plaintiff felt better and asked to leave.

25. On information and belief, Jennifer then told Plaintiff that she needed additional rest and some nutritional infusion and placed IV infusion gauge catheters on both the left arm and the right arm of Plaintiff and started to infuse a bag of liquid through the left arm gauge catheter, she told Plaintiff that the liquid was for relaxing, and it would only take one hour.

26. On information and belief, several minutes later, Jennifer injected a small bottle of unknown liquid into the infusion bag without telling Plaintiff what the liquid was. Several minutes after the injection, Plaintiff felt her heart suddenly contracted as if someone was squeezing her heart very hard, she could not breath. Plaintiff thought she was going to die, she screamed out loudly for “help me, help me” for several minutes and no one came.

27. About 10 minutes later, when plaintiff’s heart began to relax, Jennifer entered the room, Plaintiff asked for the help of the interpreter and inquired Jennifer why her heart suddenly felt like she was dying after her injection of the little bottle. Jennifer did not answer. She gave the Plaintiff one pill from a small brown bottle, Plaintiff felt better after intaking the pill.

28. Five minutes later, Jennifer gave the Plaintiff another such pill, Plaintiff was alert and inquired whether it would not be healthy to take another pill within such short time interval. Jennifer assured her that it was no problem.

29. On information and belief, about 30 minutes later, Plaintiff was totally relaxed and felt good and ready to leave again, and a male Indian-look doctor came in told her that he was going to measure her heart’s ECG. He measured the ECG and told her that ECG was good.

30. On information and belief, around 1 pm, a young doctor with a round head and bloodshot eyes came in and told Plaintiff that he was her doctor, he told Plaintiff that she

needed to be admitted into the hospital for further observation because of the heart problem, he asked Plaintiff to sign some hospital papers without any interpreter presence.

31. On information and belief, when Plaintiff's son visited Plaintiff around 3 pm, three medical students walked into Plaintiff's room and went through all of Plaintiff's belongings and had Plaintiff's son to take home with him all of Plaintiff's clothes, shoes, jewelry, and her purse. Plaintiff was only allowed to keep her phone with her.

32. On information and belief, when Plaintiff was placed onto a wheel to be transferred to inpatient department, Jennifer told Plaintiff that she was going to have some CT tests in the following 3 days. Plaintiff immediately protested with her broken English that she just had CT tests in Tufts medical center two weeks ago, she did not want to stay for CT tests, she had to take care of her son who was a minor and she knew that CT tests should not be taken too often. But Jennifer left her room without responding to her.

33. On information and belief, around 7 pm, November 24, 2019, Plaintiff was wheeled from the Emergency Center to room 6036-1, 6<sup>th</sup> floor of the Inpatient Department, North Building at 830 Washington St, Boston.

34. Upon arrival, Defendant Linda Cotter greeted Plaintiff and introduced herself to be the registered nurse in charge of Plaintiff, she told Plaintiff that she would check out at 6 am in the morning, which puzzled the Plaintiff that the hospital just had all her belongs taken away by her son, why then had her check out at 6 am in the morning when there would be nobody around to help her. She asked to change the check out time to be after 9 am, Linda was adamant that she be out at 6 am.

35. Plaintiff did not inquire further and was happy to be able to finally order some food to eat after the entire day without any food.

36. On information and belief, Linda then told Plaintiff that she was going to get a CT scan that evening.

37. Knowing that she just had a CT scan about two weeks ago and frequent CT scan would harm the body, Plaintiff protested with her broken English and told Linda that she said no to do another CT scan so soon. Linda would not yield, Plaintiff then asked for a translator, Linda told her that no translator was available.

38. On information and belief, around 8 to 8:20 pm, Linda pushed a cart into Plaintiff's room, and asked Plaintiff to raise her hospital pajama. Not knowing what this was for, Plaintiff followed the command and raised her hospital pajama, in flash seconds, Linda suddenly injected syringe with an around 1.5-inch needle unto Plaintiff's stomach and finished an injection of a thumb-size tube of unknown liquid in 1 or 2 seconds.

39. Immediately a hot melting excruciating pain attacked Plaintiff's lower abdominal region as if everything inside were melted into one piece, Plaintiff immediately cried out and fell to her bed and could not sit up. Linda then told her to get ready for CT scan and left the room without telling Plaintiff what that injection on the stomach was, even after Plaintiff demanded a translator to explain, the response was no translator available.

40. On information and belief, Plaintiff was then immediately wheelchaired downstairs into the CT room in the basement of the building. Plaintiff did CT test before she knew the CT room was located at the 4<sup>th</sup> floor, not in the basement.

41. The CT room did not have lights on, two middle-aged women in the CT room, one white woman and one black woman with unknown identity (Defendant with fictitious name Jane Does) were in the room.

42. Upon plaintiff's arrival, Defendant Jane Does immediately injected two syringes of unknown liquids into the IV-gauge catheters on Plaintiff left arm, pushed Plaintiff into a cylinder of the machine. Upon entering into the machine, Plaintiff instantly felt her hair stand up and her body heated up.

43. A couple of minutes later, the two women pulled Plaintiff out and quickly injected another two syringes of liquid into Plaintiff's right arm and quickly pushed her into the machine. Plaintiff felt a fire was burning her body this time and her body felt expanded like a balloon, and she began to scream.

44. Not responding to her screaming, the two women pulled her out, quickly injected another two syringes of liquid into her left arm and pushed her into the machine again. Once in the machine, Plaintiff felt her body was going to explode, she screamed for help. This felt unlike any of her previous CT scans.

45. The two women pulled her out, not responding to Plaintiff's screaming for help, they continued to prepare to inject Plaintiff's right arm. Plaintiff in agonizing pain, rolled herself down from the bed to the ground, threatening to sue them if they did not stop. The two women then stopped. Plaintiff felt the hospital was not safe to stay for the evening, the CT scans did not feel like the CT scan she took before.

46. On information and belief, around 9:15 pm, Plaintiff was wheelchaired upstairs. Back to the 6<sup>th</sup> floor, Defendant Nora Bosteels and Dr. Leah Kaplan came to visit Plaintiff, Nora asked Plaintiff how she felt, Dr. Kaplan introduced herself as Plaintiff's pharmacist.

47. Plaintiff asked for a translator so that she could explain how she felt, Nora told her no translator was available. Plaintiff offered to call her uber driver friend Charlie Chow to come to hospital to be the translator. Nora agreed.



48. On information and belief, Charlie Chow arrived at the hospital within 10-15 minutes, and he translated Plaintiff's feeling that she felt that it was not safe to do more CT testing and that she wanted to be discharged immediately, and she was willing to be responsible for any consequences of the discharge.

49. On information and belief, instantly Plaintiff's room was full of people, Linda said no, Dr. Kaplan was present telling Plaintiff that if she left the hospital she could die on the street, and Dr. Arhant Rao stood at the door, blocking the way out, and there were two other hospital helpers sitting at the door.

50. On information and belief, after Plaintiff insisted that she would rather die at home than stay in the hospital. Around 9:30 to 10 pm, psychiatrist Dr. Daniel Augustadt came.

51. On information and belief, Dr. Augustadt repeatedly asked Plaintiff two questions why she wanted to leave and whether she knew that if she left the hospital she would die anytime. A Mandarin interpreter phone service was engaged, and the interpreter translated what Dr. Augustadt said. The same statements were repeated many times for over 1.5 hours as Plaintiff demanded and explained and begged to be discharged because she had a minor child at home needing her care.

52. On information and belief, the Plaintiff was then told that the first interpreter was not good and cannot be trusted. The phone service of another Mandarin interpreter was engaged, the same questions of whether Plaintiff knew if she left the hospital she would die anytime and why she wanted to leave, for another 1.5 hours as Plaintiff argued her reasons to be discharged. Out of despair Plaintiff plainly told the people in the room that she felt that if she stayed in the hospital she would die.

53. On information and belief, around 12:40 am, Dr. Augustadt finally agreed that Plaintiff could leave if she signed the leave against medical advice paper. Plaintiff signed the paper, Dr. Augustadt let plaintiff and her uber driver walk out of the room.

54. On information and belief, Dr. Augustadt and Dr. Rao then chatted outside the Plaintiff's patient room, after Plaintiff hearing Dr. Augustadt screamed loudly "oh my God", three times, Dr. Augustadt immediately changed his mind and told Plaintiff that she could not leave. But Plaintiff and her uber driver Charlie already were outside her patient room.

55. Refusing to go back, Plaintiff and her uber driver raced to the elevator area. People from the entire 6<sup>th</sup> floor began to chase after them.

56. On information and belief, Plaintiff, seeing people coming closer her, desperately needing to distract them, Plaintiff grabbed the yellow caution sign and began to hit her own head, which startled the people coming after her.

57. At their instant of pause and hesitation, the elevator arrived, Plaintiff and her uber driver quickly ran into the elevator which took them to the first floor, and Plaintiff and her uber driver were able to run out the hospital's semicircle Atrium door unto Bennet St. It was around 1:10 am, November 25, 2019.

58. On information and belief, with only a hospital pajama and socks, Plaintiff was frozen outside the hospital. About 7-8 people were surrounding over. In the darkness, Plaintiff felt that she was a fugitive, and her life was in imminent danger, she froze and could not move.

59. Immediately 4-6 security guards surrounded Plaintiff, one came to her rear side and knocked the back of her knees, Plaintiff's legs bent, and she abruptly fell to the ground on

her bottom and could not get up. Four to six security guards immediately crowded up and held her on the ground.

60. On information and belief, someone pushed a wheelchair over, Plaintiff was placed on the wheelchair and she could not move, the security guards wheeled plaintiff back to the 6<sup>th</sup> floor into another room, Plaintiff was placed on a bed, guarded by 4 security guards with one sitting outside the room.

61. On information and belief, Defendant Nora Bosteels brought a restraining rope attempted to restrain Plaintiff to the bed, the security guards told her that it was unnecessary because 5ft 3” Plaintiff was communicating with them calmly and the security guards were 6 feet strong men.

62. On information and belief, a female security guard questioned Plaintiff in English while told Plaintiff that Mandarin Interpreter from China could not be trusted and they must wait for a Mandarin interpreter named Vincent from Vietnam to come to the hospital to translate in person.

63. On information and belief, around 3:15 am, the Vietnamese Mandarin interpreter arrived, plaintiff was placed into a conference room, with the presence of Defendant Nora, Defendant security guard Anthony, Defendant psychiatrist Daniel, Defendant Pharmacist Leah, Plaintiff was told that it was normal to add drug and to have uncomfortable physical reactions even death, and it was normal for defendants to catch running away patients.

64. At around 3:20 am, November 25, 2019, Plaintiff was asked to sign again the Against Medical Advice paper and was finally allowed to leave the hospital.

65. On information and belief, in the darkness of the morning of November 25, 2019, outside the Tufts hospital building, on the street, with a hospital pajama and socks, no shoes,

Plaintiff was so afraid that the hospital would change its mind again, she begged the Mandarin interpreter to accompany her until her uber driver's arrival.

66. The next day, November 26, 2019, Plaintiff entire back, face and mouth were swollen (**Exhibit 1**), but she did not dare to go back to Tufts Medical Center, she went to Boston Medica Center, and she did not dare to stay in the hospital for further observation.

67. On information and belief, the injection on her lower abdomen caused excruciating pain and no doctors have dared to prescribe any medicine not even pain killers for not knowing what was injected.

68. On information and belief, two years after the abdomen injection, lower abdomen was still bruised (**Exhibit 2**), Plaintiff has been in constant abdominal pain, mesenteric panniculitis may have been caused and developed.

69. Plaintiff used to trust Tufts doctors, her primary doctors and routine physical exams were all conducted in Tufts, she now has been in constant fear for her life by Tufts doctors, she could not dare to go to any hospital. She felt that Tufts may have hired people to stalk her and listened and recorded her phone conversations.

## **COUNT I**

### **MEDICAL FRAUD**

#### **Against All Defendants**

70. The plaintiff realleges the allegations contained in the foregoing paragraphs and incorporate those allegations by reference as if fully restated herein.

71. Plaintiff was assigned MRN 2256001, with account number 198115703. **Exhibit 3**, but the medical record of Plaintiff obtained from Defendant Dr. Weinstock on Oct. 8, 2021 was MRN 2870892, account number 198115703, Adm DTime was 11/24/2019, 10: 25.

**Exhibit 4.**

72. The medical report of Plaintiff obtained on December 10, 2021, from Sharecare Health Data Services, LLC indicates the Attention doctor was Ostrow, Peter, MRN 2870892 account number 210957430, Adm DTime was 03/17/2021. **Exhibit 5.**

73. The medical record of plaintiff obtained from Emergency Department shows massive time shifting, massive deletions and massive changes of the record. **Exhibit 6.**

74. The contents of Plaintiff's medical reports from TMC do not match Plaintiff's medical history.

75. 105 Mass. Reg. 140.302(B) requires that “**(B)**Each patient shall have a single integrated record, except mental health, dental, substance use disorder, and, upon approval of the Commissioner, other records, may be filed separately, provided there is an effective cross-referencing system.”

76. It is no coincidence that Plaintiff's medical records from both Emergency Department and the Inpatient Department show inconsistency in basic record keeping.

77. Defendants intended to defraud Plaintiff's health information and Plaintiff's medical records from Tufts cannot be trusted, and Plaintiff health have suffered and will continue to suffer for which Defendants are each liable to plaintiff.

WHEREFORE, the plaintiff prays that, after trial, a judgment be entered in her favor and against defendants, that damages be awarded to the plaintiff in an amount to be determined at trial, plus interest, and costs.

**COUNT II**

**ASSAULT**

**Against Defendants TMC, LEAH I KAPLAN, MD, ARHANT RAO, MD, LINDA A COTTER, RN, NORA BOSTEELS, RN, DANIEL AUGUSTADT, MD, JOHN DOE ANTHONY and JOHN DOES (1-4)**

78. The plaintiff realleges the allegations contained in the foregoing paragraphs and incorporate those allegations by reference as if fully restated herein.

79. Defendants repeatedly threatened Plaintiff that if she left the hospital, she could die for continuous 5.5 to 6 hours, from 10 pm November 24, 2019 to 3:20 am November 25, 2019.

80. Plaintiff is traumatized and has suffered and will continue to suffer for which Defendants are each liable to plaintiff.

WHEREFORE, the plaintiff prays that, after trial, a judgment be entered in her favor and against defendants, that damages be awarded to the plaintiff in an amount to be determined at trial, plus interest, and costs.

**COUNT III**

**FALSE IMPRISONMENT**

**Against Defendants TMC, JENNIFER JANE DOE, LEAH I KAPLAN, MD, ARHANT RAO, MD, LINDA A COTTER, RN, NORA BOSTEELS, RN, DANIEL AUGUSTADT, MD, JOHN DOE ANTHONY and JOHN DOES (1-4)**

81. The plaintiff realleges the allegations contained in the foregoing paragraphs and incorporate those allegations by reference as if fully restated herein.

82. Defendants falsely restricted and captured Plaintiff illegally in her room against her will from 6 pm, November 24, 2019 to 3:20 am November 25, 2019. **Exhibit 7.**

83. Patients not adjudicated incompetent have a constitutional right to refuse treatment. *Rogers v. Okin*, 478 F. Supp. 1342, 1380-1389 (D. Mass. 1979).

84. "No person shall be deemed to be incompetent to manage his affairs, to contract, to hold professional or occupational or vehicle operators licenses or to make a will solely by reason of his admission or commitment in any capacity to the treatment or care of the department or to any public or private facility." G.L.c. 123, § 25, inserted by St. 1970, c. 888, § 4. See 104 Code Mass. Regs. §3.10 (2) (6) (1978).

85. The right of an individual "to manage his own person" necessarily encompasses the right to make basic decisions with respect to "taking care of himself," *Fazio v. Fazio*, 375 Mass. 394, 403 (1978), including decisions relating to the maintenance of physical and mental health. The "right to make treatment decisions is an essential element of the patient's general right to manage his affairs. See *Rogers v. Commissioner of Department of Mental Health*, 390 Mass 489, 496 (Mass 1983).

86. The question of "competency" rests in court's authority, not in medical doctor. *Id.* 504.

87. Thus, Defendants falsely imprisoned Plaintiff by capturing her and forcing her to stay in the hospital room for 10 hours.

88. Plaintiff has been traumatized by this extreme torturous imprisonment against her will, particularly when she regarded the hospital as imminent life threatening, and Plaintiff has suffered great distress and body injury and will continue to suffer for which Defendants are each liable to plaintiff.

WHEREFORE, the plaintiff prays that, after trial, a judgment be entered in her favor and against defendants, that damages be awarded to the plaintiff in an amount to be determined at trial, plus interest, and costs.

**COUNT IV**

**BATTERY**

**Against Defendants TMC, JENNIFER JANE DOE, JANE DOES (2),  
LINDA A COTTER, RN, JOHN DOE ANTHONY and JOHN DOES  
(1-4)**

89. The plaintiff realleges the allegations contained in the foregoing paragraphs and incorporate those allegations by reference as if fully restated herein.

90. Without consent, JENNIFER JANE DOE in Emergency Department, infused unknown drug into Plaintiff's body that caused immediate heart dysfunction.

91. Under Plaintiff's protesting, Linda A Cotter subjected Plaintiff to CT scan, and injected a syringe into the plaintiff's abdomen.

92. Under Plaintiff's protesting, JANE DOES (2) in radiology subjected Plaintiff to unusually CT scan procedures, with multiple repeated injections and scanning.

93. Under Plaintiff's protesting and against Plaintiff's will, security guards JOHN DOE ANTHONY and JOHN DOES (1-4) knelt on top of Plaintiff and captured Plaintiff outside Tufts hospital and brought her back into the hospital room and violated her freedom to move and her body integrity, and fractured her bottom spine bone and caused permanent lumbago pain.



94. General Laws c. 111, § 70E, as amended by St. 1979, c. 720, enumerates certain patients' rights. Among them are the rights "to refuse to be examined, observed, or treated by students or any other facility staff without jeopardizing access to psychiatric, psychological, or other medical care" and "to informed consent to the extent provided by law."

95. Plaintiff has suffered great pain and health injury as a result of Defendants' numerous violations, will continue to suffer for which Defendants are each liable to plaintiff.

WHEREFORE, the plaintiff prays that, after trial, a judgment be entered in her favor and against defendants, that damages be awarded to the plaintiff in an amount to be determined at trial, plus interest, and costs.

**COUNT V**

**NEGLIGENCE**

**Against all defendants**

96. The plaintiff realleges the allegations contained in the foregoing paragraphs and incorporate those allegations by reference as if fully restated herein.

97. All defendants respectively provided health services in connection with each's employment and training in TMC.

98. All defendants respectively had a duty of care to the Plaintiff and her wellbeing.

99. The medical services Plaintiff received from November 24 to November 25, 2019 were solely performed from medical students without any supervision from any licensed physicians.

100. During the 10-hour torturous false imprisonment, there was no report to a supervising physician; there was a willful omission of supervision by licensed physicians.

101. Plaintiff's experience was foreseeable, there was a failure of its professional duty on every level in DMC.

102. Plaintiff has suffered great pain and health injury as a result of Defendants' gross negligence, Plaintiff will continue to suffer for which Defendants are each liable to plaintiff.

WHEREFORE, the plaintiff prays that, after trial, a judgment be entered in her favor and against defendants, that damages be awarded to the plaintiff in an amount to be determined at trial, plus interest, and costs.

**COUNT VI**  
**BIASED-RELATED CIVIL RIGHTS VIOLATION**

**Against all defendants**

103. The plaintiff realleges the allegations contained in the foregoing paragraphs and incorporate those allegations by reference as if fully restated herein.

104. Defendants repeatedly refused to provide a Mandarin interpreter in order for the Plaintiff to have an informed consent or to understand Plaintiff's complaint during treatment.

105. Defendants repeatedly alleged that Mandaring interpreter from China cannot be trusted.

106. General Laws c. 111, § 70E, as amended by St. 1979, c. 720, enumerates certain patients' rights. Among them are the rights "to refuse to be examined, observed, or treated by students or any other facility staff without jeopardizing access to psychiatric,

psychological, or other medical care" and "to informed consent to the extent provided by law."

107. "Every competent adult has a right 'to forego treatment, or even cure, if it entails what for him are intolerable consequences or risks however unwise his sense of values may be in the eyes of the medical profession.'" *Harnish v. Children's Hosp. Medical Center*, 387 Mass. 152, 154 (1982).

108. This right has constitutional and common law origins, which protect each person's "strong interest in being free from nonconsensual invasion of his bodily integrity." *Rogers v. Commissioner of Department of Mental Health*, supra at 498.


109. At the result of Defendants' bias against providing an interpreter for Plaintiff to understand the treatment, and Defendants' bias against Mandarin interpreter from China, Plaintiff has suffered additional pain and health injury, and will continue to suffer for which Defendants are each liable to plaintiff.

WHEREFORE, the plaintiff prays that, after trial, a judgment be entered in her favor and against defendants, that damages be awarded to the plaintiff in an amount to be determined at trial, plus interest, and costs.

#### **JURY DEMAND**

Defendants demand a jury trial on all of the foregoing claims.

Attorneys for the Defendant  
Yu-fen Chen



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