

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, ss.

SUPERIOR COURT DEPARTMENT

WENDELL TANG, M.D.,
as Representative of the Estate of
LUKE TANG,

Plaintiff,

v.

PRESIDENT AND FELLOWS OF HARVARD
COLLEGE, CATHERINE R. SHAPIRO, CAITLIN
CASEY, Ph.D., MELANIE NORTHROP, MSW,
LICSW, & DAVID ABRAMSON, M.D.,

Defendants.

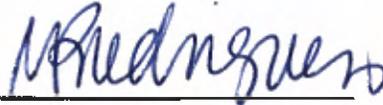
CIVIL ACTION No. 18-2603

DEFENDANTS' MOTION TO DISMISS COMPLAINT AND JURY DEMAND

Pursuant to Mass. R. Civ. P. 12, President and Fellows of Harvard College, Catherine R. Shapiro, and Caitlin Casey, Ph.D. (collectively, "Defendants") hereby move the Court to dismiss Plaintiff Wendell Tang's ("Plaintiff" or "Dr. Tang") complaint and jury demand. In light of the SJC's decision in *Dzung Duy Nguyen*, Plaintiff's negligence claims (Counts I, III, and V) fail to adequately plead any breach of the duty of reasonable care by Defendants or causal connection between any alleged breach of the duty of reasonable care and the death of Luke Tang. Additionally, Plaintiff's claims for punitive damages (Counts II, IV, and VI) cannot succeed, as the allegations in the complaint are insufficient to establish negligence, let alone reckless and/or grossly negligent conduct. Accordingly, Plaintiff's allegations against Defendants do not state a claim upon which relief may be granted, and Mass. R. Civ. P. 12(b)(6) requires that the case against them be dismissed.

In further support of its motion, Defendants rely upon their Memorandum of Law in Support of Motion to Dismiss Complaint and Jury Demand, filed herewith.

Respectfully submitted,



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College, Catherine R. Shapiro, and Caitlin Casey,
Ph.D.*

Dated: January 16, 2019

CERTIFICATE OF SERVICE

I, Madeleine K. Rodriguez, certify that on January 16, 2019, a true copy of the above document was served upon plaintiff Wendell Tang by U.S. Mail and email:

David W. Heinlein (dheinlein@hbmhlaw.com)
284 Union Avenue
Framingham, MA 01702



Madeleine K. Rodriguez