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COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, ss.

SUPERIOR COURT
DOCKET NO. 21-1088

_____)
 CAROL M. RASH,)
)
 Plaintiff,)
)
 v.)
)
 DOUGLAS A. STEVENSON,)
)
 Defendant.)
 _____)

FILED
 IN THE OFFICE OF THE
 CLERK OF COURTS
 FOR THE COUNTY OF MIDDLESEX
 MAY 14 2021
The Hon. J. Stevenson
 CLERK

VERIFIED COMPLAINT

Parties

1. The plaintiff, Carol M. Rash ("Rash"), is a resident of Middlesex County, Massachusetts.
2. The defendant, Douglas A. Stevenson ("Stevenson"), is a resident of Carlisle, Middlesex County, Massachusetts.

Jurisdiction and Venue

3. This Court has subject matter jurisdiction pursuant to G.L. c. 212, §3.
4. Venue is appropriate in this Court insofar as both parties reside in Middlesex County.

Facts

5. Stevenson owns and resides at the property known and numbered as 271 Cross Street, Carlisle, Massachusetts ("271 Cross Street.")
6. Stevenson also owns real property known and numbered as 273 Cross Street, Carlisle, Massachusetts ("273 Cross Street.")
7. The distance between 271 Cross Street and 273 Cross Street is less than 100 feet, and two properties share a driveway.

8. Stevenson leased 273 Cross Street to Rash pursuant to a residential lease agreement.
9. Rash resided at 273 Cross Street with her two young children between April 15, 2020 and April 30, 2021, when she vacated the premises with her children.
10. On or about April 13, 2021, Rash installed a Ring security camera in the living room of 273 Cross Street that allowed her to remotely monitor activity inside her residence.
11. On April 17, 2021, while Rash was on vacation in Tennessee, she received an alert from her security camera indicating that someone was inside her house.
12. Video footage from the security camera, which she was able to view remotely, showed that a white male had entered her house, undressed, and walked around her house naked.
13. Rash immediately informed the Carlisle police that someone had entered her house, and forwarded the security video footage to the Carlisle police.
14. Officer Paul Smith of the Carlisle police department reviewed the video footage, and believed that the individual was Stevenson, whom he had known for many years.
15. Officer Stevenson telephoned Stevenson and asked him to come to the police station to discuss the incident.
16. Officer Smith interviewed Stevenson about the incident and Stevenson admitted the following facts: That he had entered the house between noon and 1:00 p.m. on April 17, 2021; that he had taken off his clothes in the master bedroom; that he masturbated on the bed; that he had then walked to the bathroom.
17. Stevenson further admitted to Officer Smith that he had masturbated in the house at least twice.
18. Stevenson further admitted to Officer Smith that he had entered the house on a prior occasion at approximately 6:45 a.m. on April 17, 2021 and on that occasion had taken a pair of Rash's underwear from the house.
19. Rash had no prior romantic relationship with Stevenson, and had neither requested nor authorized Stevenson to enter her house.
20. As a result of Stevenson's actions, Rash was placed in great fear, both for her own safety and that of her children.
21. As a result of Stevenson's actions, Rash applied for and was granted a Harassment Protection Order against Stevenson pursuant to G.L. c. 258E.

22. Due to Stevenson's actions, and in order to protect herself and her children, Rash moved out of 273 Cross Street on May 1, 2021.
23. Stevenson's actions have damaged Rash by, among other things, causing her great embarrassment, mental pain and suffering, and emotional distress; requiring her to find replacement living accommodations on short notice; interfering with her work and family life; and diminishing her quiet enjoyment of the premises at 273 Cross Street.

COUNT I
(Negligent Infliction of Emotional Distress)

24. The plaintiff repeats the allegations in paragraphs 1-23 as if specifically set forth herein.
25. Stevenson, as Rash's landlord, owed her a duty of reasonable care.
26. Stevenson breached his duty of care by taking actions that he knew or should have known would harm her.
27. Stevenson's actions have caused Rash to experience injuries, including great pain, emotional distress, fear, humiliation and embarrassment, and other damages.

COUNT II
(Breach of Covenant of Quiet Enjoyment-G.L. c. 186, §14)

28. The plaintiff repeats the allegations in paragraphs 1-27 as if specifically set forth herein.
29. Stevenson's actions have directly and/or indirectly interfered with the quiet enjoyment of 273 Cross Street by Rash and her children, in violation of G.L. c. 186, §14.
30. Stevenson's actions caused Rash to vacate the premises on short notice.
31. Stevenson's actions have caused Rash to experience injuries, including emotional distress, moving expenses, diminishment of the value of the leased premises, attorney's fees, and other consequential damages.

WHEREFORE, plaintiff demands judgment on this count against defendant in an amount sufficient to compensate her for all past, present, and future injuries and damages, suffering, and losses, in addition to costs, interest and attorney's fees.



COUNT III
(Breach of Covenant of Quiet Enjoyment-Common Law)

32. The plaintiff repeats the allegations in paragraphs 1-31 as if specifically set forth herein.
33. Rash had a common law right to quiet enjoyment of the premises at 273 Cross Street.
34. Stevenson breached the covenant of quiet enjoyment that was implicit in Rash's tenancy at 273 Cross Street.
35. Stevenson's actions have caused injuries to Rash, including emotional distress, humiliation, diminution of the value of the leased premises, attorney's fees, moving expenses, and other damages.

WHEREFORE, plaintiff demands judgment on this count against defendant in an amount sufficient to compensate her for all past, present, and future injuries and damages, suffering, and losses, in addition to costs, interest and attorney's fees.

COUNT IV
(Violation of Privacy, G.L. c. 214, §1B)

36. The plaintiff repeats the allegations in paragraphs 1-35 as if specifically set forth herein.
37. Stevenson's actions have interfered with the plaintiff's privacy.
38. Said interference was unreasonable, substantial, and serious, in violation of Rash's privacy rights under G.L. c. 214, §1B.
39. Stevenson's actions have caused Rash to experience injuries, including great pain, emotional distress, fear humiliation, and embarrassment.

WHEREFORE, Rash demands judgment on this count against defendant in an amount sufficient to compensate her for all past, present, and future injuries and damages, suffering, and losses, in addition to costs, interest and attorney's fees.

COUNT V
(Intentional Infliction of Emotional Distress)

40. The plaintiff repeats the allegations in paragraphs 1-39 as if specifically set forth herein.
41. Stevenson knew or should have known that his conduct would cause Rash to suffer emotional distress and other harm.

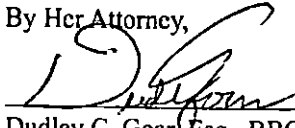
42. Stevenson's conduct was extreme and outrageous, was beyond all possible bounds of decency; and was utterly intolerable in a civilized society.
43. Stevenson's actions have caused Rash to experience injuries, including great pain, emotional distress, fear humiliation, and embarrassment.

WHEREFORE, Rash demands judgment on this count against defendant in an amount sufficient to compensate her for all past, present, and future injuries and damages, suffering, and losses, in addition to costs, interest and attorney's fees.

CLAIM TO JURY TRIAL

The plaintiff hereby demands trial by jury on all claims and issues so triable.


Plaintiff,
Carol M. Rash
By Her Attorney,


Dudley C. Goar, Esq., BBO#636689
P.O. Box 1676
Concord, MA 01742
(978) 369-1505
dudley@goar-law.com

VERIFICATION

I, Carol M. Rash, hereby state that I have read the foregoing Complaint and am familiar with the contents thereof, and that the facts set forth therein are true to the best of my knowledge.

Signed under the pains and penalties of perjury this 11th day of May, 2021.


Carol M. Rash