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Hon. Conrad J. Bletzer
(1929-2019)

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July 8, 2021

Jeremy Cohen, Esq.
Boston Dog Lawyers LLC
450 B Paradise Road #289
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JCohen@bostondoglawyers.com
SENT VIA EMAIL and First-Class Mail

Re: Cease and Desist Letter to Margorie Ruggieri

Dear Attorney Cohen,

Please be advised that this office represents Falco K9 LLC and Tyler Falconer (hereinafter "Falco K9" and "Mr. Falconer"). I was informed that you represent Margorie Ruggieri (hereinafter "Ms. Ruggieri") of 3 Olive St., Plymouth, MA. Please notify me if this is not accurate, so that I may direct this letter to Ms. Ruggieri directly. This letter is being served as notice that your client's actions toward and regarding Tyle Falconer, Falco K9 LLC, and its employees constitute (1) intentional interference with advantageous business relationships; (2) intentional misrepresentation and deceit; (3) defamation; (4) intentional or reckless infliction of emotional distress; (6) negligent infliction of emotional distress; and (6) Invasion of Privacy. This is a cease-and-desist letter. If your client continues to engage in this activity or refuses to take action and correct the damages she has intentionally inflicted on my client, this office will file suit against your client to obtain an injunction preventing her from engaging in these activities and for monetary damages to compensate my client for the damage she has caused.

Ms. Ruggieri has and continues to make baseless claims and allegations of animal abuse and neglect against Mr. Falconer, Falco K9, and its employees pursuant to her five-month-old Great Dane, Gulliver's (hereinafter "Gulliver"), participation in Falco K9's Board & Train program in May 2021. For weeks, Ms. Ruggieri has peddled a false narrative to the public about Mr. Falconer, Falco K9, and the care Gulliver received while at Falco K9. What began with veiled threats from Ms. Ruggieri has since turned into her concerted, and intentional attempt to destroy my client's business, professional life, and personal life as the means to accomplish what she describes as her "mission in life" to get "justice for Gulliver."

Before addressing the extreme and outrageous actions taken by Ms. Ruggieri in her efforts to destroy Mr. Falconer's business and reputation as a business owner, dedicated community member, firefighter, and dog lover, we will first discuss Gulliver, his health conditions, and how he was cared for during his time with Falco K9.

A. GULLIVER'S HEALTH & STAY AT FALCO K9

Ms. Ruggieri entered into a contract with Falco K9 on April 14, 2021, for the Board & Train of her five-month-old Great Dane, Gulliver. Gulliver began his Board & Train on May 2, 2021. Lindsey Taylor ("Ms. Taylor") was Gulliver's assigned trainer and began communication with Ms. Ruggieri the morning of Gulliver's start date at Falco K9 via text message.

Diarrhea (colitis) and weight loss

Gulliver was underweight when he began his stay at Falco K9. During Gulliver's stay, he began to suffer from diarrhea and the weight loss that can often follow when a dog is suffering from diarrhea. The medical term for this is Colitis. Colitis refers to inflammation of the colon and is most commonly used to describe diarrhea or loose stools associated with the large bowel in dogs.¹ Stress colitis is one of the leading causes of large bowel diarrhea in all dogs. Like humans, dogs can suffer from stress-related illnesses based on a change in surroundings and interactions. Gulliver was five months old at the time he entered Falco K9's care in May. As COVID 19 was still very much affecting the daily lives of humans and animals alike, Gulliver probably had minimal experience in social situations over the five months of his life.

Leading pet experts have and continue to advise pet owners of the risks and adverse health effects that the COVID 19 Pandemic is having on animals, who are very much affected in similar ways to humans.² There are many possible reasons a dog may feel stress while outside his typical home environment. COVID 19, Gulliver's age, Gulliver's Breed – a Great Dane which can be quite skittish if not properly socialized with humans and other dogs from an early age – are all factors that can be attributed to Gulliver experiencing stress and anxiety while being cared for at Falco K9. Stress in pets can manifest in many ways. Here, Gulliver's manifested in one of the more common and noticeable to humans, colitis (diarrhea.)

On May 12th Ms. Ruggieri was notified of Gulliver's diarrhea and potential weight loss by Ms. Taylor via text message, which stated the following:

"if he continues to have diarrhea none of the extra food or things that we give him to help him gain weight will sit well. You are also more than welcome to pick him up tomorrow... Take him to the vet or make sure that things are good at home! If you take him home we can continue training once he feels better with another week free of charge or we can continue through one on ones whether I will either come to you or you guys

¹ Malcolm Weir, DVM, MSc, MPH & Ernest Ward, DVM, *Colitis in Dogs*. Veterinary Centers of America, Inc. <https://vcahospitals.com/know-your-pet/colitis-in-dogs>

² See Monique Feyrecilde, BA, LVT, VTS (Behavior) *Preventing Separation Distress During and After the Covid 19 Pandemic*. Veterinary Centers of America, Inc. <https://vcahospitals.com/know-your-pet/preventing-separation-distress-during-and-after-the-covid-19-pandemic>

can travel halfway and we can make some good progress that way! Either way, I care a lot about this pup and want to make sure he's alright."

At this time, Ms. Ruggieri elected to have Gulliver remain in the care of Falco K9. Ms. Taylor and Ms. Ruggieri discussed steps Falco K9 would take to help combat Gulliver's diarrhea and weight. On May 12, Ms. Taylor and Falco K9 had begun adding anti-diarrheal medicine and a powdered supplement, Vertex, to Gulliver's food. Ms. Taylor and Falco K9 also began to add pumpkin and cooked rice to Gulliver's food to further assist with Gulliver's diarrhea, upset stomach and to assist in weight gain.

During his stay at Falco K9, Gulliver's diet consisted entirely of the food supplied by Ms. Ruggieri and treats used by Falco K9. Falco K9 compared the ingredients of the treats to the food supplied for Gulliver, which consisted of similar ingredients, eliminating an allergy to the treats as a potential cause for his diarrhea. This was communicated directly to Ms. Ruggieri by Ms. Taylor via text message on May 12. On May 13, Ms. Ruggieri asked Ms. Taylor to check which food she sent with Gulliver. Specifically, Ms. Ruggieri requested Ms. Taylor check to make sure Ms. Ruggieri did not provide Falco K9 chicken/rice canned food, because "I meant to not send that ... thinking chicken allergy but not sure at all." Ms. Taylor confirmed Gulliver was being fed Purina Pro Plan Adult Sensitive Skin and Stomach Salmon & Rice Formula Dry Dog Food and Purina Pro Plan Focus Adult Classic Sensitive Skin & Stomach Salmon & Rice Canned Dog Food.

Despite what Ms. Ruggieri represented to Falco K9 and the public, it appears Gulliver had suffered from various diet sensitivities, evidence first, in what Ms. Ruggieri presented as a potential allergy to chicken and based on his "sensitive skin and stomach" branded dog food. Ms. Ruggieri's continuous claims that Gulliver had no issues or diet sensitivity and had "perfect health" before his time at Falco K9, is patently false.

After confirming that Ms. Ruggieri had not mistakenly provided Falco K9 with food that Gulliver may be allergic to, Ms. Taylor informed Ms. Ruggieri that Gulliver's Sensitive Skin and Stomach Dry Dog food and Sensitive Skin & Stomach Canned dog food was running low. Ms. Taylor offered to purchase more dog food for Gulliver and Ms. Ruggieri, which Ms. Ruggieri accepted. A photograph of the food purchased for Gulliver was sent to Ms. Ruggieri as confirmation of said purchase. During this time, Falco K9 continued to feed Gulliver his Sensitive Skin & Stomach Salmon & Rice Formula Dry and Canned dog food with anti-diarrheal medicine, Vertex supplement, pumpkin, and cooked rice.

Ms. Taylor engaged in regular correspondence with your client during Gulliver's stay at Falco K9. On May 19, Ms. Taylor informed Ms. Ruggieri that despite Falco K9's efforts to supplement Gulliver's food with carbohydrates, pumpkin, anti-diarrheal medicine, and weight gain supplement powder, Vertex, Gulliver was still suffering from diarrhea, which continued to thwart efforts to increase his weight. Ms. Taylor expressed her concern for the weight loss and diarrhea at that time. That day, May 19, Ms. Ruggieri elected to pick Gulliver up from Falco K9.

In the days and weeks that followed, discussed in detail below, Ms. Ruggieri began to publish false claims, assertions, and stories accusing and alleging Mr. Falconer, Falco K9 and its employees abused Gulliver and committed crimes among countless other false, extremely hurtful, and serious assertions and claims. These allegations included specific claims that Gulliver contracted several

medical conditions, ailments, and harms while in Falco K9's care, all far beyond and outside Gulliver's colitis/diarrhea. Ms. Ruggieri made countless representations as to Gulliver's health and medical diagnoses, which for the sake of brevity, we address a few of the more severe allegations below.

Sores

Ms. Ruggieri continues to falsely allege that Gulliver was abused at Falco K9. She has made reference to and shared photos of a sore on Gulliver's body, which was not present when he left Falco K9's care on May 19th. Prior to Gulliver's leaving Falco K9's care, he was provided a complete wash and bath by a Falco K9 employee. This Falco K9 employee, who wishes to remain anonymous as she fears a public attack against her by Ms. Ruggieri, attests that there were no open sores, wounds, abrasions, or cuts anywhere on Gulliver's body at the time he left Falco K9's care on May 19.

Ear Infection & Eye Discharge

At some point following his stay, Gulliver was seen by a vet regarding his diarrhea. During the examination, the Veterinarian also discovered Gulliver had a double ear infection. Ms. Ruggieri claims the Ear Infections and Eye Discharge were due to the care Falco K9 provided to Gulliver, which is false. Being a Great Dane, Gulliver is predisposed to ear infections as "dogs with long, heavy ears seem to be predisposed to chronic ear infections that can ultimately lead to otitis interna."³ Otitis Interna is the medical term for an ear infection in dogs.

The canine ear canal is more vertical than a human, making dogs more prone to ear infections. Ear infections are typically caused by a build up of yeast, bacteria, or both. An ear infection in a dog is related to factors that may predispose a particular animal to an ear infection, rather than it being contracted or the result of a dog being in a particular environment. Factors that may predispose a dog to ear infections include moisture, thyroid disease, autoimmune disorders, and/or allergies. Allergies, specifically, "lead to ear disease in about 50 percent of dogs with allergic skin disease and 80 percent of dogs with food sensitivities."⁴ Some dogs show no ear infection symptoms aside from a buildup of wax and discharge in the ear canal.⁵

Ms. Ruggieri has refused to allow Mr. Falconer access to the medical records or provide any basis for her false allegations and claims that Gulliver's ear infections resulted from the care received by Gulliver at Falco K9. Falco K9 did not cause the ear infection.

³ Ryan Llera, BSc, DVM; Robin Downing, DVM, CVPP, CCRP, DAAPM, *Inner Ear Infection in Dogs*. Veterinary Centers of America, Inc. <https://vcahospitals.com/know-your-pet/inner-ear-infection-otitis-interna-in-dogs>

⁴ Racine, Elizabeth, DVM, *Dog Ear Infections: Symptoms, Causes, Treatment and Prevention*. American Kennel Club. <https://www.akc.org/expert-advice/health/dog-ear-infections/>

⁵ Id.

Urinary Tract Infection ("UTI")

Like ear infections, some dogs are asymptomatic despite having a urinary tract infection (UTI).⁶ According to an expert at American Kennel Club, "in these instances, your veterinarian might discover the infection while testing for other things."⁷ Most dogs get UTIs when normal skin and gastrointestinal (GI) tract flora get past the urinary tract's defenses. These bacteria then colonize the urinary tract, leading to an infection. E. coli is the most common bacterial cause of UTIs, but several bacteria can cause infections. UTIs have an increased rate of occurrence in dogs with other health problems, such as chronic kidney disease and Cushing's disease.

A UTI may also come about due to a weakened immune system. A weakened immune system is a common result where a dog is suffering from stress due to a changed environment or circumstance. There is no evidence to suggest that anything done by Falco K9 led to a UTI.

Ms. Ruggieri has refused to allow Mr. Falconer access to the medical records or provide any basis for her false allegations related to the above. Rather, Ms. Ruggieri is publicly and privately publishing statements asserting that Mr. Falconer, Falco K9, and its employees abused Gulliver, are criminals, animal abusers, guilty of crimes to which she has no facts or basis besides the story she created and subsequently changes, adds to, and retracts aspects of on countless occasions.

Gulliver suffered from colitis likely due to stress while being cared for at Falco K9. This caused diarrhea and some weight loss. Mr. Falconer offered to pay Gulliver's medical expenses as it related to the treatment for his diarrhea and weight loss, which is discussed in further detail below. While Ms. Ruggieri took advantage of Mr. Falconer's kindness, financially, she simultaneously worked to destroy Mr. Falconer's business, reputation, and mental peace of mind, giving rise to actionable claims against her. We address each below.

B. BACKGROUND & FACTS OF MS. RUGGIERI'S ACTIONS GIVING RISE TO CLAIMS

Ms. Ruggieri's actions toward and regarding Tyle Falconer, Falco K9 LLC, and its employees constitute (1) intentional interference with advantageous business relationships; (2) intentional misrepresentation and deceit; (3) defamation; (4) intentional or reckless infliction of emotional distress; (6) negligent infliction of emotional distress; and (6) Invasion of Privacy.

On May 19, following her conversation with Ms. Taylor, Ms. Ruggieri picked Gulliver up from Falco K9 and brought him to Angell Animal Medical Center to be seen by a vet due to his persistent diarrhea. That evening, at 11:09 p.m. she sent the first of what would soon become hundreds of threatening messages regarding Gulliver and Falco K9. Her initial email on the evening of May 19 included an invoice from Angell Medical Center and the following, stated in full:

⁶ Burke, Anna. *Expert Advice: UTI Symptoms or Something Worse?* American Kennel Club. <https://www.akc.org/expert-advice/health/noticing-dog-uti-symptoms-could-be-something-more/>

⁷ Id.

"Gulliver is pretty sick this is the first bill I expect Falco to pay quickly and I will follow up with my primary vet. Angell documented many abusive results of his 2 week stay . I'm not a nice person I will file criminal charges if I don't have full medical reimbursement for the harm to my puppy under Falco care. Please send this up the chain of command to the owner and if he chooses to ignore me further and I don't hear from him by Monday I will go up my own chain of command and resolve this another way."⁸

Less than 12 hours later, sometime before 10:24 A.M., Ms. Ruggieri published her first public statements regarding the matter on Falco K9's Business Profile on Facebook, which read as follows:

May 20, 2021, 10:24:30 AM
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What don't you recommend about Falco K9?

I left my 5 month old Great Dane puppy Gulliver with Falco for a 2 week board and train . My dog was completely healthy when dropped off weighing in at 75 pounds and not a mark on him . He had recently been to my primary vet and checked out in perfect health before drop off. I picked him up yesterday and he is very very sick brought him to angell hospital and is being treated for giardia but more disturbing is the total lack of care given to my dog under Falco he lost 12 pounds in 2 weeks...he was filthy filthy dirty sores all over his body double ear infections had to get an iv...and not one person there would explain to me how this happened ...the owner never returned my calls...I sent him the medical bill which I expect him to pay along with follow up appointments...no response. I'm told the owner is former military and things are done by chain of command . He has even trained police dogs and has friends but let me be clear my puppy was harmed under your care and you have not shown any concern or even returned my 5 messages. This is a crime and I hope you are held responsible and nobody helps you get away with this. I will be posting a new bad review everyday that you don't respond to me to work this out and multiply that by at least 100 more people who know me and Gulliver . I've contacted animal cruelty police. Do yourself a favor and accept your fault immediately before this escalates

This initial post reflects the hundreds that would follow, including blatant falsities, misrepresentations, baseless allegations, and accusations of criminal behavior. To reiterate the timeline relevant here, Ms. Ruggieri's email to Falco K9 where she alleges animal abuse, threatens to file criminal charges, makes other veiled threats, and describes herself as "not a nice person" was sent at 11:09 p.m on the evening of May 19.

Her public statement on Falco K9's Business Account was posted the following morning, sometime before 10:24 A.M., in which she claims Gulliver was being treated for Giardia, which was not true. She misrepresents the sequence and timeline of the situation to claim that Mr. Falconer did not respond to her email where she sent Gulliver's medical bills. At that time, Mr. Falconer had not yet been informed of the email Ms. Ruggieri sent the previous evening. Once he was made aware of the email and the bills, he offered and did pay them. Ms. Ruggieri threatened

⁸ The quotes in this letter were copied verbatim and not corrected for grammatical or spelling purposes.

criminal action to gain an advantage in a civil matter. Your client's message here is clear, pay me or I will destroy you and your business. This is extortion.

It remains unclear why Ms. Ruggieri felt it necessary to disclose she was not a nice person, assume she would be ignored by Falco K9, and layer her initial contact to Falco K9 with several threats.

Despite Ms. Ruggieri's assumption that Mr. Falconer would not contact her, he immediately reached out to her once he was notified of her email and Gulliver's treatment at Angell Animal Medical Center. During his initial conversation with Ms. Ruggieri, Mr. Falconer expressed his care and concern for Gulliver. In good faith, he offered to pay for Gulliver's veterinary treatment related to the diarrhea Falco K9 was unable to resolve during Gulliver's stay at their facility.

Over the next several days, Ms. Ruggieri continued to post negative statements publicly online, while also barraging Mr. Falconer privately over text messages. Mr. Falconer made several payments to Ms. Ruggieri between May 20 and May 28. Mr. Falconer's first payment to Ms. Ruggieri was on May 20th for the \$535 invoice from Angell Animal Medical Center. He also reimbursed her \$96 after being sent a receipt from Market Basket, a second veterinary invoice for over \$600, \$89 for antibiotics, \$139.28 for dog food, and another final payment of \$160.28.

Ms. Ruggieri's response to Mr. Falconer's continued efforts to be forthcoming, to provide aid to her and Gulliver to ensure Gulliver's was able to be properly evaluated by medical professional was met with continuous threatening messages, false remarks, and egregious allegations by Ms. Ruggieri. The sheer number of private and public statements and messages from Ms. Ruggieri over the May 20-28 time period, in and of itself, was outrageous. Coupling this with the content of them, which was harassing, threatening, and false, both directly to Mr. Falconer and publicly online, only made her actions more extreme and outrageous.

From May 20 – 28, Mr. Falconer made six payments to Ms. Ruggieri for Gulliver's treatment with no questions asked. Mr. Falconer then received another demand for payment with an invoice for over \$4,500. This is when Mr. Falconer began to realize that the bills appeared to have no end, that the amount far exceeded veterinary treatment related to diarrhea, and that his good faith offer to pay for Gulliver's veterinary treatment may never have been similarly respected, in anything that could be considered good-faith, by Ms. Ruggieri.

When sent the invoice for over \$4,500 of additional veterinary bills, Mr. Falconer reasonably inquired as to what Gulliver's new veterinary costs were for and requested Ms. Ruggieri send him the medical records and veterinarian notes regarding Gulliver's treatments so that he could better understand what Gulliver was being treated for. Mr. Falconer also inquired if Ms. Ruggieri's veterinary bills were also being paid by an insurance policy for Gulliver.

Ms. Ruggieri never sent the records, never responded to the questions regarding insurance or what Gulliver was being treated for, and instead escalated her previously mentioned malicious, harassing behavior publicly online in an intentional, concerted effort to destroy Mr. Falconer's business, his professional and personal reputations, and general well being. Ms. Ruggieri's refusal to respond to Mr. Falconer's reasonable inquiries regarding the medical records, treatment, insurance, and bills was met with the following response by Ms. Ruggieri:

"Tyler don't worry about your business I doubt you will keep it when I'm done with you. How dare you try to turn this on me! Next level was your choice but will cost you much more than Gulliver's medical bills . . ."

Private statements

The private messages between Ms. Ruggieri and Mr. Falconer, if nothing, shed light onto Ms. Ruggieri's malicious intent to spread false accusations and defame Mr. Falconer personally and professionally and destroy his business. In the first string of what would become countless harassing private messages to Mr. Falconer, Ms. Ruggieri, presumably by accident, sent screenshots of Mr. Falconer's private Facebook page to Mr. Falconer. Increasingly concerned by Ms. Ruggieri's public and private behavior, Mr. Falconer responded as follows:

"I'm very glad to see him eating and in good spirits. I am however a bit concerned why the previous two screenshots were sent to me of my personal Facebook account and a screenshot of my fiancé who is expecting our first child. I'm very glad to see Gulliver is eating and in good spirits. Refunds, food, and vet bills are being taken care of and I am handling things within Falco to ensure this never happens again."

Ms. Ruggieri's response to Mr. Falconer's continued efforts to be forthcoming, to provide aid to her and Gulliver, and ensure the health of Gulliver was again met with lies, scattered remarks and threats and new allegations by Ms. Ruggieri.

"I actually didn't check your personal fb and somebody sent this to me... mentioning calling the station about this nightmare. I totally told them please don't do that they won't please don't do that and they won't that's not my point here".⁹

Ms. Ruggieri contradicts herself by indicating, "I was sending the info to Police and sent it to you by accident." In the same message, Ms. Ruggieri, baselessly and for reasons that remain unclear, begins to accuse Mr. Falconer of being violent. Specifically, she states, "I don't wish to speak to any news stations I did tell the police what people have said and told them I was afraid you would be violent if this brings your wife into this."

Ms. Ruggieri continued to disparage Mr. Falconer and Falco K9 publicly while sending harassing messages privately. The harassing communication to Mr. Falconer was, again, layered with threats and include the following:

"You didn't respond so I guess we are moving to next level. I gave you every opportunity to explain."

"Thank you its out of my hands now and there is WAY too much evidence against you at this point . Shame on you! I am the least of your worries. You should not have harmed my dog and now others are coming forward."

⁹ The screenshot photographs sent to Mr. Falconer from Ms. Ruggieri were taken by somebody logged into a Facebook account with the name "Margie" which indicates yet another lie by Ms. Ruggieri and her repeated behavior of misrepresenting the truth as it relates to the matter at hand.

“Tyler will you be paying this bill? I need to know if we are going to next level. I did not leak the email that went to ch 4 but I advised everyone to not speak to media and I haven't done that as you were paying Gulliver's vet bills when that stops I will continue to expose you to anyone who will listen. I have informed you every step of this process and I leave it up to you to decide. If you don't respond within 24 hours The truth will come out. This is not a threat this is a choice for you to make. Gulliver is still very sick and I strongly suggest you pay for his recovery.”

Following this escalation, Mr. Falconer ceased communication with Ms. Ruggieri stating,

“Hi Marjorie, It appears that we cannot have a reasonable conversation. At no point was your dog ever neglected nor abused under our care. I will send the Venmo now for your recent vet bill.”

At this point, Mr. Falconer, unable to manage the volatile, false, harassing communication both privately and publicly from Ms. Ruggieri, retained this office for representation and informed Ms. Ruggieri of that fact.

Ms. Ruggieri's response to this was to unleash another round of private and public allegations, threats, and false claims. These include explicit threats to destroy Mr. Falconer's business, personal and professional reputations, and inflict harm in any way possible.

As of the morning of July 8, Ms. Ruggieri has again sent Mr. Falconer threats over text message. Ms. Ruggieri's latest threat reading, in its entirety:

“Tyler send out another mass email with a correction about the case being closed or I will go to next level with that. Here I am telling you in advance what I will do and its YOUR CHOICE but we both know it's a lie. My part can all end if you take responsibility for Gulliver. I'm just getting started so think carefully and you might save your business. I don't want to do an interview but I'm prepared to if retraction doesn't go out by Saturday 7/10/21. I will then contact media.”

Public Statements

The public statements, posts, and comments by Ms. Ruggieri follow the same timeline and narrative as what was privately communicate from Ms. Ruggieri to Mr. Falconer.

From May 20, Ms. Ruggieri has undertaken a concerted effort to publish false claims and allegations on all Falco K9 business pages and began a campaign to elicit others to publish negative reviews on Falco K9's business pages based solely on her false representation of the care Gulliver received at Falco K9.

Dozens if not hundreds of statements were posted to Falco K9's business pages based on Ms. Ruggieri's false claims. Ms. Ruggieri elicited support by the continuous publication of these libelous, malicious statements against Mr. Falconer and Falco K9. Those she was able to convince her false claims were true, began to share and publicly post about Ms. Ruggieri's false claims and allegations on their social media accounts, as well as on Falco K9's various public online business pages including Google Reviews, Facebook, and Yelp. Ms. Ruggieri herself also undertook the additional effort to harass and spam comments of those giving positive accounts of their experience at Falco K9.

Additional public statements from Ms. Ruggieri and others include the following:

“If you want your dog tortured, and possibly killed, feel free to contact these lunatics.

“Tyler is an animal abuser”

“Stay far away! Animal abusers”

In response to a photo of a dog on Falco K9’s page: “Oh so you didn’t kill this dog how nice of you”

“Please Do your animals a favor and keep away from this place all they do is neglect the animals that are brought to them and take people money.. Tyler has multiple animal abuse charges on him”

“To Some of Tyler’s positive followers. Would you let your dog get to this condition? Seriously stop writing good reviews to protect him.... If your review is not current or you were just asked to write something to keep his ratings. Why are you denying Gulliver justice ?”

“I am so disgusted with this “training facility” and all of its staff! . . . WHAT ARE YOU HORRIBLE PEOPLE DOING?! STAY AWAY IF YOU DON’T WANT YOUR PUPPY BEYOND TRAUMATIZED”

“OMG Tyler should be jailed!!! This is Obsecene. How can you run a business like this? It’s your responsibility as a business owner to take care of the entire process, not put it on someone else. This is animal cruelty and Falco K9 needs to be shut down!!!!”

“Friend of mines dog went there and there were CLEAR SIGNS of abuse and neglect. . . Shame on you people for calling your abuse “training” karma is a b*tch

“You are a criminal and should be shut down. I will post this review on every social media platform available and also I’ve suggested Gulliver’s owners contact Channel 5 WCVB to investigate you. I highly doubt it’ll happen though due to your fiancé being their traffic girl. Might be a conflict of interest. I wonder if she knows you’re an animal abuser? #justiceforgulliver”

“You should be shut down and arrested for animal abuse and neglect”

In addition to publishing false statements on Falco K9’s various business websites (Yelp, Google, etc), on the South Boston Community Bulletin Board (Facebook), on her own Public Facebook page, under positive reviews and comments by those showing support for or positive experiences at Falco K9, Ms. Ruggieri also utilized competitor businesses Facebook Business pages and platforms in her malicious campaign to destroy Mr. Falconer’s business. This began on May 20th when your client elicited and used Black Wolf Kennel’s Facebook Business page to publish the false allegations that Falco K9 and Tyler Falconer were guilty of animal abuse, neglect, and criminal behavior.

On July 6, a Facebook account for “Gulliver Ruggieri” began actively posting and further disseminating the lies Ms. Ruggieri has and continues to publish from her personal (human) profile. For all intents and purposes, we assume you would not object to the proposition that it is in fact your client, Ms. Ruggieri, who operates and utilizes this account. Gulliver’s recent activity

since becoming active on July 6, has been to boost, reshare, and republish another round of the falsities Ms. Ruggieri has exhaustively shared and disseminated.

It is worth mentioning that Ms. Ruggieri's public attacks were not exclusive to Mr. Falconer and his business. Ms. Ruggieri also began to include the names of other Falco K9 personnel. This includes public comments by Ms. Ruggieri accusing Gulliver's trainer, Ms. Lindsey Taylor, of being an animal abuser: "go to review page and you will see text messages I had with Lindsey Gulliver's abuser (I mean trainer)."

Ms. Ruggieri also began to publish accounts as to Tyler's mental health, including publicly posting a comment stating, "Tyler might need some psychiatric help but that doesn't excuse neglect/abuse to anyone/anything. The numbers are too big for this to end well for him."

Mr. Falconer is, in fact, suffering from severe mental anguish and suffering, distress and anxiety due to the extreme and outrageous conduct of your client.

Explicit threats

As a means of summary, the following statements are just some of the examples of the direct and explicit threats made by Ms. Ruggieri, evidencing her intentional and malicious actions in the advancement of her "mission" to get "justice for Gulliver" by destroying Mr. Falconer's business, his personal and professional reputations and inflict unfathomable pain and suffering on Mr. Falconer and his family.

"I'm not a nice person I will file criminal charges if I don't have full medical reimbursement for the harm to my puppy under Falco care. Please send this up the chain of command to the owner and if he chooses to ignore me further and I don't hear from him by Monday I will go up my own chain of command and resolve this another way."

"Next level was your choice but will cost you much more than Gulliver's medical bills . . ."

"I will continue to expose you to anyone who will listen. I have informed you every step of this process and I leave it up to you to decide. If you don't respond within 24 hours The truth will come out."

"Next level will include all the stress you have caused"

"If you want me to speak to ch 4 Cheryl Fiandaca who called I can put everything on the record but I was being kind."

"contact officer in charge with your experience the more he has the easier it will be to shut him down"

"So here we go. I'm sure it will be a long ride. Buckle up."

"Tyler don't worry about your business I doubt you will keep it when I'm done with you."

"...so I now have a lawyer and hope to put Falco out of business...."

"I'm just getting started so think carefully and you might save your business."

C. LEGAL CLAIMS

Your client is liable for her actions and conduct, which she continues to engage in, and which constitute: (1) intentional interference with advantageous business relationships; (2) intentional misrepresentation and deceit; (3) defamation; (4) intentional or reckless infliction of emotional distress; (6) negligent infliction of emotional distress; and (6) Invasion of Privacy.

(1) INTENTIONAL INTERFERENCE WITH ADVANTAGEOUS BUSINESS RELATIONSHIPS

Ms. Ruggieri's conduct constitutes intentional interference with advantageous business relationships. The purpose of the claim was established over a hundred years ago:

Every one has the right to enjoy the fruits and advantage of his own enterprise, industry, skill and credit. He has no right to be protected against competition; but he has a right to be free from malicious and wanton interference, disturbance or annoyance. Walker v. Cronin, 107 Mass. 555, 564-65 (1871).

The modern claim of intentional interference with advantageous business relations requires proof of four elements: (i) the plaintiff had a business relationship or contemplated contract for economic benefit with a third party; (ii) the defendant knew of the business relationship or prospective business relationship; (iii) the defendant's interference was intentional and involved improper motives and means; and (iv) the plaintiff was harmed by the defendant's actions. Adcom Prods., Inc. V. Konica Bus Machs. USA, Inc., 41 Mass. App. Ct. 101 (1996).

The plaintiff must prove that the defendant's improper actions caused it to sustain damage. Id. at 104. "The damages for which the recovery may be had is not the loss of the value of the actual contracts by reason of their nonfulfillment, but the loss of advantages, either of property or of personal benefit, which, but for such interference, the plaintiff would have been able to attain or enjoy." Walker v. Cronin, 107 Mass. 555, 564-65 (1871); see also Ratner v. Noble, 35 Mass. App. Ct. 137 (1993).

Damages from emotional distress are also recoverable by a plaintiff. In Ratner v. Noble, 35 Mass. App. Ct. 137 (1993), the defendant had sent anonymous mailings intended to discredit the plaintiff and that harmed her professional reputation. However, she did not lose her job and did not sustain any pecuniary loss from the defendant's conduct. She pursued damages for emotional distress, and the Appeals Court responded as follows:

There is authority for the proposition that noneconomic damages, such as damages for emotional distress, may be recovered on a count of intentional interference with business relationships. . . . Nevertheless, it is clear, under decided cases, that the essence of the tort is damage to a business relationship or contemplated contract of economic benefit. . . . [R]ecovery for emotional distress is not allowed unless the elements of the tort are made out: i.e., actual damage to an economic relationship or prospective relationship.

Ratner v. Noble, 35 Mass. App. Ct. at 138 (citations omitted). Thus, if the plaintiff had indeed sustained some economic harm, she would have been entitled to recover for her emotional distress.

(2) INTENTIONAL MISREPRESENTATION AND DECEIT/EXTORTION

In an action for intentional misrepresentation, a plaintiff must prove "that the defendant made a false representation of material fact with knowledge of its falsity for the purpose of inducing the plaintiff to act thereon, and that the plaintiff relied on such representation as true and acted on it to his damage." Barrett Assocs., Inc. v. Aronson, 346 Mass. 150, 152 (1963) (quoting Kilroy v. Barron, 326 Mass. 464, 465 (1950)).

The plaintiff in a misrepresentation action need not prove that the maker knew that the statement was false. Powell v. Rasmussen, 355 Mass. 117, 118 (1969); Zimmerman v. Kent, 31 Mass. App. Ct. 72, 81 (1991); see Acushnet Fed. Credit Union v. Roderick, 26 Mass. App. Ct. 604, 605 n.1 (1988) (knowledge of falsity not required where accurate facts reasonably available to speaker). The speaker need not know that the statement is false if the truth is reasonably susceptible of actual knowledge; that is, "if, through a modicum of diligence, accurate facts are available to the speaker." Acushnet Fed. Credit Union v. Roderick, 26 Mass. App. Ct. at 605 n.1. Where the plaintiff proves "a statement made, as of the party's own knowledge, which is false, provided the thing stated is not merely a matter of opinion, estimate, or judgment, but is susceptible of actual knowledge[,] . . . it is not necessary to make any further proof of an actual intent to deceive." Snyder v. Sperry & Hutchinson Co., 368 Mass. 433, 444 (1975) (quoting Powell v. Rasmussen, 355 Mass. 117, 118 (1969)). In some circumstances, incomplete statements may constitute actionable fraud. Copley Place Assocs., LLC v. Téllez-Bortoni, 91 Mass. App. Ct. 186, 188 (2017) (citing Greenleaf Arms Realty Trust I, LLC v. New Boston Fund, Inc., 81 Mass. App. Ct. 282, 291-92 (2012)).

(3) DEFAMATION (LIBEL/SLANDER)

To establish a defamation claim, a plaintiff must prove four elements: (i) the defendant made a false statement to a third party, (ii) of or concerning the plaintiff, (iii) that was capable of damaging the plaintiff's reputation in the community and that caused the plaintiff economic loss or is actionable without proof of economic loss, and (iv) the defendant was at fault. Ravnikar v. Bogojavlensky, 438 Mass. 627, 629-630 (2003).

Libel is written defamation. Slander is defamation in oral form. See Draghetti v. Chmielewski, 416 Mass. 808, 813 n.4 (1994). The elements of each type of defamation are the same. Ms. Ruggieri is liable for both.

A statement is defamatory if it discredits the plaintiff or holds the plaintiff up to scorn, hatred, ridicule, or contempt in the minds of any considerable and respectable segment of the community. See Amrak Prods., Inc. v. Morton, 410 F.3d 69, 72 (1st Cir. 2005); King v. Globe Newspaper Co., 400 Mass. 705, 718 (1987); Stone v. Essex County Newspapers, Inc., 367 Mass. 849, 853 (1975).

“[O]ne who repeats or otherwise republishes defamatory matter is subject to liability as if he had originally published it.” Restatement (Second) of Torts § 578 (1981). See Appleby v. Daily Hampshire Gazette, 395 Mass. 32, 36 (1985). In the eyes of the law, “[t]ale-bearers are as bad as the tale-makers.” Butcher v. Univ. of Mass., 483 Mass. 742, 747 (2019).

“Damages in a defamation case are limited to actual damages, which are compensatory for the wrong that has been done.” Draghetti v. Chmielewski, 416 Mass. 808, 815 (1994). These damages include “not only out-of-pocket expenses, but also harm inflicted by impairment of reputation and standing in the community, personal humiliation, and mental anguish and suffering.” Id. at 815-816, citing Stone v. Essex County Newspapers, 367 Mass. at 861. When there is evidence of mental suffering, “the plaintiff is entitled to recover for the ‘distress and anxiety which may have been the natural result of the legal wrong.’” Shafir v. Steele, 431 Mass. 365, 373(2000), quoting Markham v. Russell, 94 Mass. 573 (1866).

(4) INTENTIONAL OR RECKLESS INFLICTION OF EMOTIONAL DISTRESS

To prevail on a claim for intentional or reckless infliction of emotional distress, the plaintiff must establish: (i) the actor intended to inflict emotional distress, or knew or should have known that emotional distress was the likely result of his or her conduct; (ii) the conduct was "extreme and outrageous," was "beyond all possible bounds of decency," (iii) the actions of the defendant were the cause of the plaintiff's distress; and (iv) the emotional distress sustained by the plaintiff was "severe" and of a nature "that no reasonable man could be expected to endure it." Agis v. Howard Johnson Co., 371 Mass. 140, 144-45 (1976) (citations omitted).

"[P]ublication both online and in print of [the plaintiff's] photographs alongside allegations that he was surreptitiously photographing women on campus was 'so outrageous in character, and so extreme in degree, as to go beyond all possible bounds of decency, and to be regarded as atrocious, and utterly intolerable in a civilized community.'" Butcher v. Univ. of Mass., 94 Mass. App. Ct. 33, 42-43 (2018) (quoting Restatement (Second) of Torts § 46 cmt. d (1965)).

(5) NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS

To prevail on a claim of negligent infliction of emotional distress, a plaintiff must establish: (i) the defendant was negligent; (ii) the plaintiff suffered emotional distress; (iii) the plaintiff's emotional distress was caused by the defendant's negligence; (iv) the plaintiff's emotional distress was evidenced by physical harm manifested by objective symptomology; and (v) a reasonable person would have suffered emotional distress under the circumstances of the case. Rodriguez v. Cambridge Hous. Auth., 443 Mass. 697, 701 (2005) (quoting Payton v. Abbott Labs, 386 Mass. 540, 557 (1982)).

(6) INVASION OF PRIVACY

The Restatement (Second) of Torts § 652E (1977) states that one who gives publicity to a matter concerning another that places the other before the public in a false light is subject to liability to the other for invasion of his privacy, if (i) the false light in which the other was placed would be highly offensive to a reasonable person, and (ii) the actor had knowledge of or acted in reckless disregard as to the falsity of the publicized matter and the false light in which the other would be placed.

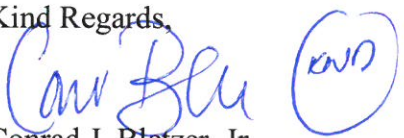
CONCLUSION

Mr. Falconer and his team at Falco K9 work to ensure each dog has a pleasant and beneficial experience while being cared for at Falco K9. Unfortunately, despite the policies and procedures in place at Falco K9 to prevent it, it is unavoidable that some dogs do get sick during their stay at Falco K9. Both Mr. Falconer and Falco K9 were concerned and cared for Gulliver. Good faith effort to help Ms. Ruggieri financially by paying Gulliver's veterinary bills and attempts to communicate their mutual intent to assist in getting Gulliver treated for his ailments were met with hostility that quickly escalated to Ms. Ruggieri's choice to defame, interfere with Falco K9's business and head a campaign to harm and destroy Falco K9's business and Mr. Falconer's reputation both professionally and personally, inflicting emotion distress on Mr. Falconer, his family, and the employees of Falco K9.

Please take this letter as an initial notice that the actions of Ms. Ruggieri constitute : (1) intentional interference with advantageous business relationships; (2) intentional misrepresentation and deceit; (3) defamation; (4) intentional or reckless infliction of emotional distress; (6) negligent infliction of emotional distress; and (6) Invasion of Privacy. This letter is being sent as notice that if your client continues to engage in this activity or refuses to take action and correct the damages she has intentionally inflicted on my client, this office will file suit against your client to obtain an injunction preventing her from engaging in these activities and for monetary damages to compensate my client for the damage she has caused.

Thank you for your attention to this matter. I await your response.

Kind Regards,


Conrad J. Bletzer, Jr.