

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX COUNTY SUPERIOR COURT

Plaintiff:

BO SHANG,

10 McCafferty Way

Burlington, MA 01803

v.

Defendants:

1. GEJING DENG

10 McCafferty Way

Burlington, MA 01803

2. FU SHANG

10 McCafferty Way

Burlington, MA 01803

INTRODUCTION

1 This is a civil action brought by Plaintiff, Bo Shang (“Plaintiff”), against Defendants, identified herein as Gejing Deng and Fu Shang (“Defendants”), arising out of Defendants’ alleged false report to the Burlington Police Department on or about February 8, 2025, regarding Plaintiff’s pretrial release conditions. Plaintiff seeks damages and injunctive relief, including protective orders, for Defendants’ conduct pursuant to G.L. c. 231 (see, e.g., G.L. c. 231, § 1 et seq.), and generally recognized common law torts in Massachusetts (see *Stone v. Essex County Newspapers, Inc.*, 367 Mass. 849 (1975); *Ravnikar v. Bogojavlensky*, 438 Mass. 627 (2003); and related case law).

PARTIES

2 Plaintiff, Bo Shang, is an individual residing at 10 McCafferty Way, Burlington, Massachusetts 01803.

3 Upon information and belief, Defendant, Gejing Deng, is an individual who resides in Massachusetts at the same address.

4 Upon information and belief, Defendant, Fu Shang, is an individual who resides in Massachusetts at the same address.

JURISDICTION AND VENUE

5 This Court has subject matter jurisdiction over this action because the amount in controversy exceeds the jurisdictional minimum of this Court. See G.L. c. 212, § 3; see also G.L. c. 214 (equitable jurisdiction) and G.L. c. 231, § 2.

6 Venue is proper in Middlesex County pursuant to G.L. c. 223 because the events at issue occurred in Burlington, Massachusetts, which is located in Middlesex County, and because Defendants' actions caused injury to Plaintiff in Middlesex County (see G.L. c. 223, § 1 et seq.; Nixon v. Littleton, 341 Mass. 611 (1961) for venue considerations).

STATEMENT OF FACTS

7 Plaintiff was previously under certain pretrial release conditions and was no longer required to see a therapist, identified only as "Frank," whom Plaintiff is suing for malpractice in the Middlesex Superior Court, alleging 4+ years of misdiagnosed schizophrenia resulting in substantial harm, including unemployment and pain and suffering (see G.L. c. 231, § 60B regarding medical malpractice tribunal procedures).

8 On or about February 8, 2025, Defendants called the Burlington Police Department and falsely informed the police that Plaintiff was in violation of a pretrial release condition by not attending therapy with "Frank" (see G.L. c. 268, §§ 1–6 regarding perjury and false reports; also see G.L. c. 269, § 13A for false reports to police in certain contexts).

9 Defendants knew or should have known that Plaintiff's pretrial release conditions did not

require continued therapy with “Frank,” and that calling the police based on this false claim would subject Plaintiff to humiliation, emotional distress, and potential adverse legal consequences (see G.L. c. 231, §§ 92–93 governing certain aspects of defamation and false statements; Noonan v. Staples, Inc., 556 F.3d 20, 25 (1st Cir. 2009) discussing Massachusetts defamation standards; Jones v. Taibbi, 400 Mass. 786, 791–92 (1987) regarding falsity and harm).

10 Defendants’ false statements to law enforcement were malicious and intended to harm Plaintiff’s reputation, undermine Plaintiff’s ongoing malpractice lawsuit, and disrupt Plaintiff’s daily life (see Mass. R. Civ. P. 11(b) as to pleadings not made for improper purpose; see also Correllas v. Viveiros, 410 Mass. 314 (1991) regarding malicious prosecution/abuse of process considerations; Appleby v. Daily Hampshire Gazette, 395 Mass. 32, 37–38 (1985) regarding defamatory intent).

11 As a direct and proximate result of Defendants’ actions, Plaintiff has suffered damages including, but not limited to, emotional distress, fear, reputational harm, additional legal expenses, and other consequential losses (see G.L. c. 231, § 6F regarding frivolous claims and costs; see also Draghetti v. Chmielewski, 416 Mass. 808 (1994) discussing defamation-related harm and proof of damages; Hazen v. Att’y Gen., 97 Mass. App. Ct. 205, 209 (2020) regarding proof of reputational injury).

COUNT I – DEFAMATION

12 Plaintiff realleges and incorporates by reference all preceding paragraphs as if fully set forth herein.

13 Defendants published false statements regarding Plaintiff’s compliance with his pretrial release conditions to third parties, specifically the Burlington Police Department (see Yohe v. Nugent, 321 F.3d 35, 40–41 (1st Cir. 2003) regarding publication to third parties; Reilly v. Associated Press, 59 Mass. App. Ct. 764, 770 (2003) discussing publication).

14 These statements were false and defamatory, as they portrayed Plaintiff as violating legal conditions when, in fact, Plaintiff was under no such obligation (see Jones v. Taibbi, 400 Mass. 786, 790 (1987), defining defamatory statements; King v. Globe Newspaper Co., 400 Mass. 705, 709 (1987) discussing defamatory meaning).

15 Defendants acted negligently, recklessly, or with actual malice in making such statements.
See *Stone v. Essex County Newspapers, Inc.*, 367 Mass. 849, 851–52 (1975) (setting forth standard of fault in defamation actions); *Ravnikar v. Bogojavlensky*, 438 Mass. 627, 629 (2003) (reciting elements of defamation in Massachusetts); *Hazen v. Att’y Gen.*, 97 Mass. App. Ct. 205, 209 n.5 (2020) (further clarifying fault and damages); *New York Times Co. v. Sullivan*, 376 U.S. 254 (1964) (defining actual malice in constitutional context).

16 As a direct and proximate result of these defamatory statements, Plaintiff suffered harm including injury to reputation, emotional distress, humiliation, and other losses. See *G.L. c. 231, § 92* (addressing certain damages issues in defamation); *Sindi v. El-Moslimany*, 896 F.3d 1, 15 (1st Cir. 2018) (discussing reputational harm); *Shaari v. Harvard Univ.*, 90 Mass. App. Ct. 80, 91 (2016) (regarding damages in defamation).

COUNT II – INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

17 Plaintiff realleges and incorporates by reference all preceding paragraphs as if fully set forth herein.

18 Defendants’ conduct, including falsely reporting Plaintiff to law enforcement for a violation of nonexistent therapy requirements, was extreme and outrageous. See *Agis v. Howard Johnson Co.*, 371 Mass. 140, 144–45 (1976) (defining extreme and outrageous conduct); *Nancy P. v. D’Amato*, 401 Mass. 516, 521 (1988) (recognizing severity in emotional distress claims); *Sena v. Commonwealth*, 417 Mass. 250, 263–64 (1994) (applying the standard).

19 Defendants intended to cause emotional distress or knew, or should have known, that such conduct would likely result in severe emotional distress to Plaintiff (see *Doyle v. Hasbro, Inc.*, 103 F.3d 186, 195 (1st Cir. 1996) discussing intent and foreseeability of distress; *Conway v. Smerling*, 37 Mass. App. Ct. 1, 8–9 (1994) regarding intent).

20 As a direct and proximate result of Defendants’ conduct, Plaintiff has experienced severe emotional distress, resulting in damages. See *Wright v. Shriners Hosp. for Crippled Children*, 412 Mass. 469, 473–74 (1992) (discussing severe emotional distress); *Payton v. Abbott Labs*, 386 Mass. 540, 555 (1982) (elements of emotional distress and required proof); *Polay v. McMahon*, 468 Mass. 379, 385 (2014) (addressing severity of distress).

COUNT III – ABUSE OF PROCESS (Alternatively, Malicious Prosecution)

21 Plaintiff realleges and incorporates by reference all preceding paragraphs as if fully set forth
herein.

22 Defendants used the legal or law enforcement process (calling the police under false pretenses)
for an improper and malicious purpose, intending to harm or harass Plaintiff. See Fishman v.
Brooks, 396 Mass. 643, 649–52 (1986) (examining abuse of process and malicious
prosecution); Jones v. Brockton Pub. Mkts., Inc., 369 Mass. 387, 389 (1975) (same);
Correllas v. Viveiros, 410 Mass. 314 (1991) (discussing misuse of legal process);
Kelley v. LaForce, 288 F.3d 1, 10–11 (1st Cir. 2002) (describing elements of abuse of process).

23 The use of such process was not justified by any legitimate cause or reason (see Kelley v.
LaForce, 288 F.3d 1, 10–11 (1st Cir. 2002) discussing improper purpose in abuse of
process; Lorusso v. Bloom, 321 Mass. 9, 11 (1947) regarding lack of probable cause).

24 As a direct and proximate result, Plaintiff has incurred damages including emotional distress,
legal fees, and other related harms. See Chervin v. Travelers Ins. Co., 448 Mass. 95, 111–12
(2006) (noting damages available for misuse of process); Wynne v. Rosen, 391 Mass. 797
(1984) (discussing requisite elements for malicious prosecution/abuse of process).

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Court enter judgment in favor of Plaintiff
and grant the following relief:

A. Compensatory damages in an amount to be determined at trial (see G.L. c. 231, §§ 85–85R
for general personal injury and tort damages guidance; Haddad v. Gonzalez, 410 Mass. 855
(1991) regarding compensatory damages; White v. Moss, 464 Mass. 64, 82 (2013) for
valuation);

B. Punitive damages, where allowed by law (see G.L. c. 231, § 85K for certain limitations;
International Fid. Ins. Co. v. Wilson, 387 Mass. 841, 856–57 (1983) discussing punitive
damages availability; Bain v. Cont'l Title Holding Co., 419 Mass. 140, 151–52 (1994));

C Costs, disbursements, and reasonable attorney's fees as allowed by law (see G.L. c. 231,
§ 6F; Fabre v. Walton, 441 Mass. 9, 10–11 (2004) regarding attorney fees in certain
circumstances);

D Issuance of protective orders as described herein or as the Court deems appropriate (see G.L.

181 c. 209A, c. 258E, and other applicable provisions if relevant to restraining or harassment
182 prevention orders; C.O. v. M.M., 442 Mass. 648, 655–56 (2004));
183 E. Such other and further relief as the Court deems just and proper.

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185 **JURY DEMAND**

186 Plaintiff demands a trial by jury on all issues so triable.

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188 Respectfully submitted,

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191 _____
192 Plaintiff, Bo Shang

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194 Date: _____

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196 Address: 10 McCafferty Way
197 Burlington, MA 01803