

E-FILED

COMMONWEALTH OF MASSACHUSETTS

WORCESTER, SS.

SUPERIOR COURT
CIVIL ACTION NO. 21-85-CV-0570C

PATRICK MCQUADE,

Plaintiff,

v.

UMASS MEMORIAL HEALTH SYSTEM,
INC.; UMass MEMORIAL MEDICAL
CENTER, INC.; ELISABETH ANDREW;
GENNIFER CLARK; and DARLENE SPRATT,

Defendants.

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JOINT PRE-TRIAL MEMORANDUM

(1) STATEMENT OF UNCONTESTED FACTS

1. The Plaintiff, Patrick McQuade ("Mr. McQuade") has been licensed as a Registered Nurse since 2001.
2. From or about 2007 to February 2021, Mr. McQuade was employed by UMass Memorial Medical Center, Inc. in Worcester, MA ("UMass Memorial"). For the majority of his employment, Mr. McQuade worked in an intensive care unit ("ICU").
3. Elizabeth Andrews ("Andrews"), Gennifer Clark ("Clark"), Darlene Spratt ("Spratt") (collectively, the "Nurse Defendants") all are or were employed as Registered Nurses by UMass Memorial.
4. In the summer of 2020, two positions at UMass Memorial's Heart Vascular Interventional Lab, commonly known as the Cath lab ("Cath lab"), opened.

5. Mr. McQuade and Ms. Andrews, among several other nurses, both applied for a Cath lab position.
6. On February 9, 2021, Mr. McQuade's employment with UMass Memorial was terminated.

(2) **PLAINTIFF'S STATEMENT OF THE CASE**

Plaintiff Patrick McQuade expects the evidence to show the following:

Mr. McQuade brings expects the evidence to show that he suffered severe reputational, financial, and emotional damages due to Defendants' sustained campaign of defamation and intentional infliction of emotional distress, which he ultimately moved roughly 1,000 miles to escape.

A. Mr. McQuade and Andrews both Apply for An Open Position in Heart Vascular Interventional Lab.

In the summer of 2020, a position at UMass Memorial's Heart Vascular Interventional Lab commonly known as the Cath lab opened. Mr. McQuade and Andrews both applied for the Cath lab position. Ms. Andrews was awarded the Cath lab position. Once Mr. McQuade learned that Ms. Andrews was awarded the Cath lab position, he reached out to his union representatives for advice. Mr. McQuade's Massachusetts Nurses Association ("MNA") union representatives, Julia Toth ("Ms. Toth") and Ric Spezzaferro ("Mr. Spezzaferro") both advised that Mr. McQuade should file a grievance because he had seniority over Andrews, and had the requisite experience to work in the Cath lab.

Ultimately, on September 11, 2020, Mr. McQuade was successful in his grievance and was awarded the Cath lab position. This, in turn, caused Andrews to leave the Cath lab position and return to her previous position in the float pool. Andrews was angry that she had to return to the float pool. Andrews desperately wanted to stay in the Cath lab and filed her own counter grievance

that was eventually denied at the “step 3” stage by UMass Memorial. Therefore, the only way Andrews could be able to return to the Cath lab would be if a position opened by resignation or otherwise, including the resignation of Mr. McQuade.

B. The Nurse Defendants Begin Their Slander campaign against Mr. McQuade.

The Nurse Defendants are all friends and would frequently socialize outside of work together. Mr. McQuade expects the evidence will show that, the Nurse Defendants did the unthinkable, and started a vile, and frankly evil slander campaign against Mr. McQuade, in an effort to have him resign from the Cath lab, so the Nurse Defendants could all work together again.¹ Specifically, the Nurse Defendants began spreading defamatory rumors around UMass Memorial that stated Mr. McQuade abused his wife and child and had an open DCF investigation against him. Further, Clark stated that Mr. McQuade “created a farm in [his] back yard in order to lure in children as [his] prey.”

The abhorrent slander became widespread throughout UMass Memorial. Indeed, nurses Spezzaferro, Angela Champagne (“Champagne”) Tom Goodell (“Goodell”), and Mr. McQuade himself all testified the above defamatory rumors were widespread amongst nurses and doctors. Because Andrews was in the float pool, the defamation was easily spread as she “floated” from unit-to-unit slandering Mr. McQuade. To be sure, the defamatory rumors negatively affected Mr. McQuade’s reputation, as multiple nurse employees and Mr. McQuade have testified.

C. Mr. McQuade learns of the Defamation and Complains to UMass Memorial.

¹Q: “Okay. And the allegations concerning Mr. McQuade were a child abuse and spousal abuse. By spousal abuse, specifically, did you mean that he hit his wife?” Mr. Spezzaferro: “I think the way it was put to me was that he hits his wife.”

Q: “Were you aware of any statements circulating around the hospital relating to Mr. McQuade and child abuse?”
Ms. Baer: Objection. Ms. O’Rourke: Yes.” ... Ms. O’Rourke: “Basically that there are statements being made by Ms. Andrews, and Ms. Clark, and Ms. Spratt while -- about Patrick’s child being taken away by DCF and the alleged child abuse.”

In or about late October 2020, Mr. McQuade was shocked to hear from Champagne that other UMass Memorial doctors and nurses believed Mr. McQuade was a domestic abuser. Specifically, Mr. McQuade learned from Ms. Champagne that the Nurse Defendants were making statements to others that Mr. McQuade was the subject of a pending before the DCF, accusing him of abusing his wife and child. Stunned, Mr. McQuade reached out to Michelle O'Rourke ("Ms. O'Rourke"), and Director of Critical Care and Christine Hiza ("Ms. Hiza"), HR Business Partner, about the invention and propagation of these vile rumors concerning him.

At the behest of Ms. O'Rourke, Mr. McQuade reached out to Ms. Hiza about the detestable defamation. Mr. McQuade was understandably very upset and disturbed because of the defamation, and informed Ms. Hiza he wanted to sell his house because of the slander.

**D. Ms. Champagne Complains to HR About Mr. McQuade Being Defamed;
UMass Memorial Instructs the Nurse Defendants to Not Speak About Mr.
McQuade as Part of an Investigation.**

The rampant defamation became so widespread that Ms. Champagne, took a huge professional risk and decided she needed to go to HR. Accordingly, Ms. Hiza met with Ms. Champagne and Mr. Spezzaferro on the afternoon of November 19, 2020. Ms. Hiza took contemporaneous notes of the meeting, as part of the regular course of her job, that stated, in pertinent part, the following:

Liz [Andrews] said fuck him – he took my job – he's big and scary
He's [Mr. McQuade] lazy a hard piece of shit
He's [Mr. McQuade] abusive and knows how to use guns
DSS [DCF] case – abusive daughter – he's abusive
Yeah, she keeps -- about this within 7ICU. They are her friends.
Character assassination
She [Andrews] was on 3ICU all weekend carrying on about Patrick.

After the meeting with Ms. Champagne, fully aware of the extent of the defamation, Ms. Hiza and other UMass Memorial HR staff investigated the defamation. Eventually UMass

Memorial HR staff and Ms. Hiza met with the Nurse Defendants. Aware of the slander campaign, UMass Memorial, during work hours, instructed each Nurse Defendant to stop the defamation. Importantly, after the investigation, Ms. Hiza and UMass Memorial HR could not conclude that defamation was **not** occurring.

E. Mr. McQuade is Terminated and later found Not Guilty in a Criminal Matter Involving the Nurse Defendants' Friend.

After UMass Memorial investigates the defamation, Mr. McQuade returned to work, with reassurance from Hiza. However, the damage to his reputation was already done. Mr. McQuade was still being treated disparately because of the malicious slander campaign. Mr. McQuade had already planned on moving out of the Commonwealth, with his house on the market, when UMass terminated him for alleged sexual misconduct against another nurse, Julie McCarthy ("McCarthy") who was friends with the Nurse Defendants. UMass Memorial had a written investigatory report when it terminated Mr. McQuade. In the written report Mr. McQuade complained that he believed he was retaliated against by McCarthy because of the defamation.

McCarthy also brought criminal charges against Mr. McQuade. At trial, Mr. McQuade was found **not guilty** of a sexually related felony against McCarthy.

DEFENDANTS' STATEMENT OF THE CASE:

Defendants respectfully submit that Mr. McQuade has no admissible evidence that will show that he was the subject of *any* defamatory statements by *any* of the Nurse Defendants. Specifically, Plaintiff has no admissible evidence to prove: when the alleged defamatory statements were made, how the alleged defamatory statements were made, where the alleged defamatory statements were made, or to whom the alleged defamatory statements were

made. Moreover, Plaintiff has waived on what he has alleged to be the contents of the allegedly defamatory statements.

The reason for Plaintiff's lack of evidence is clear: no statements were made. Rather, Plaintiff – who was mentally “spiraling” in 2020 – was the one who told multiple people working for UMass Memorial that there were defamatory statements said about him (i.e., *he* was the one that spread stories of the alleged defamatory statements). Not one person can or will testify that they heard any of the Nurse Defendants make any statement about Plaintiff. After Plaintiff brought his accusations to UMass Memorial's Human Resources, the allegations were promptly investigated and not substantiated.

The evidence will show that Plaintiff's employment was terminated because he sexually assaulted a nurse (not one of the Nurse Defendants) and was criminally charged and convicted for the conduct. Plaintiff's relocated by his own choice after he was criminally charged, which is unrelated to Plaintiff's claims of defamation and intentional infliction of emotional distress.

(3) AGREED SUGGESTED DESCRIPTION OF THE CASE TO BE READ TO THE JURY DURING IMPANELMENT

This case involves a dispute brought by the plaintiff, Patrick McQuade, against his former employer, UMass Memorial, and three of his former colleagues, Elizabeth Andrews, Gennifer Clark, and Darlene Spratt. The plaintiff alleges that, during his employment with UMass Memorial, Ms. Clark, Ms. Andrews, and Ms. Spratt made defamatory statements about him, that, he asserts, caused him damages. Ms. Clark, Ms. Andrews, and Ms. Spratt each deny that they made any defamatory statements about plaintiff or that they have caused him any damages, and maintain that they are not liable to him in any way. UMass Memorial denies that its employees made defamatory statements about plaintiff.

(4) STATEMENT OF SIGNIFIGANT LEGAL ISSUES

Plaintiff's Position:

Plaintiff states he will move in *limine* on evidentiary issues of hearsay.

Defendants' Position:

Defendants submit that Plaintiff's claims are based entirely upon inadmissible hearsay and totem pole hearsay and that Plaintiff has no admissible evidence upon which he can support his claims. Defendants will file Motions in Limine regarding the hearsay to fully alert the Court of the issue prior to trial.

(5) PLAINTIFF'S WITNESS LIST

1. Patrick McQuade
2. Elizabeth Andrews, 8 Stony Brook Dr, Sturbridge, MA
3. Gennifer Clark, Venice, Florida
4. Darlene Spratt, Holland, MA
5. Angela Champagne, Dudley, MA
6. Riccardo Spezzaferro, 52 Parallel Street, 5 Harwich, MA.
7. Michelle O'Rourke, Holden, MA
8. Christine Hiza
9. Tom Goodell, Attleboro, MA
10. Justin May, 3 Townsend Road, Acton, MA
11. Kimberly Foustoukos, Charlton, MA
12. Daniel Winokur, Rutland, MA
13. Julia Toth, 55 Lake Ave., Worcester MA
14. Lindsey E. Bazzone, Worcester, MA
15. Rachel Colleti, Shrewsbury, MA
16. Michelle Fernald, Northborough, MA
17. Sue Maddalena, Shrewsbury, MA
18. Peter Lancette, Charlton, MA
19. Gabriel Mireles, Sommerville, MA
20. Kyle T. Halligan, Holden, MA
21. Jonathan Kroll, Wachusett Public Schools
22. Keeper of Records, Wachusett Public Schools
23. Keeper of Records, UMass Memorial Medical Center, Inc.
24. Keeper of Records, Massachusetts Department of Children & Families
25. Various other Keepers of the Records, if, and as necessary
26. Rebuttal witnesses not reasonably foreseen.

DEFENDANT'S WITNESS LIST

1. In addition to all of the witnesses Plaintiff has identified, Defendants anticipate calling the following witnesses:
 - a. Charles Borgstrom
 - b. Ratchadaporn McQuade
 - c. Bekka Rowell
 - d. Julie McCarthy
 - e. Kelly Allyn
 - f. Kimberly Blouin
 - g. Katina Theodorou
 - h. Myles Johnson
2. Rebuttal witnesses not reasonably foreseen.

(6) PLAINTIFF'S EXPERT WITNESS

Plaintiff  not expect to call an expert witness.

DEFENDANTS' EXPERT WITNESS

Defendant does not expect to call an expert witness, unless a rebuttal expert witness is required.

(7) ESTIMATED LENGTH OF TRIAL

The Court has scheduled a jury trial for November 3, 2025. The parties respectfully submit that it is likely they will need approximately ten (10) to fifteen (15) half-days of trial.

(8) SPECIAL OR LIQUIDATED DAMAGES ALLEGED

Mr. McQuade seeks significant damages for *per se* defamation (slander), that resulted in him moving out of Massachusetts. To the extent the defamation is not considered *per se*, Mr. McQuade will be able to prove special damages for the defamation, as he was monetarily harmed because he was forced to sell his home and was terminated. He also seeks emotional distress damages for his reputational harm. Mr. McQuade expects the jury to award him in excess of \$1,000,000.00.

Defendants deny that Mr. McQuade is entitled to any of the damages he seeks.

(9) CERTIFICATION

The parties hereby certify that they have discussed settlement with their clients and that no settlement can be had at this time.

(10) CASE-SPECIFIC MANAGEMENT UNDER SUP. CT. R. 20(h)-(i)

As of the date today's date, the parties have not consulted about the provisions for case-specific management under Superior Court Rule 20.

Respectfully submitted, PATRICK MCQUADE By their attorneys, <i>/s/Shaun M. Khan</i> Keith L. Sachs (BBO #634025) Shaun M. Khan (BBO #681080) DDSK LAW LLC 900 Cummings Center, Suite 210U Beverly, MA 01915 978-338-6620 skhan@ddsklaw.com	Respectfully submitted, UMASS MEMORIAL HEALTH CARE, INC.; UMASS MEMORIAL MEDICAL CENTER, INC.; ELISABETH ANDREW; GENNIFER CLARK; and DARLENE SPRATT By their attorneys, <i>/s/ Amanda Marie Baer</i> Amanda Marie Baer, BBO #681386 Brian M. Casaceli, BBO #690580 Mirick, O'Connell, DeMallie & Lougee, LLP 1800 West Park Drive, Suite 400 Westborough, MA 01581-3926 Phone: (508) 898-1501 Fax: (508) 983-6264
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Dated: August 19, 2025