

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS

SUPERIOR COURT
CIVIL ACTION NO. XXXXXXXX

**HIEU NGUYEN, PERSONAL
REPRESENTATIVE OF THE ESTATE OF
MINH-THI NGUYEN,**

Plaintiff,

V.

**CHARLES P. BLOUIN, INC., and MICHAEL
G. FITTS,**

Defendants

COMPLAINT

1. Plaintiff Hieu Nguyen is an individual who at all times relevant to this Complaint resides at 107 Hughes Pond Circle, Madison, Alabama.
2. Hieu Nguyen is the father of decedent Minh-Thi Nguyen and was appointed Personal Representative of her estate on August 21, 2024, by the Middlesex Probate and Family Court, Docket Number MI24P3754EA.
3. At all relevant times to this Complaint, Plaintiff's Decedent Minh-Thi Nguyen was a resident of Massachusetts, living at 54 Fayette Street, Cambridge, Middlesex County, Massachusetts.
4. Plaintiff's Decedent Minh-Thi Nguyen died in Boston, Massachusetts on June 21, 2024.
5. Defendant Charles P. Blouin, Inc. is a domestic for-profit corporation and Massachusetts business organized and registered in the Commonwealth. Its Massachusetts Business ID

Number is 041095950. Charles P. Blouin, Inc.'s principal office is located at 203 New Zealand Road, Seabrook, New Hampshire and its registered agent is McLane Middleton, Professional Association, 300 Trade Center, Suite 7000, Woburn, Massachusetts.

6. Defendant Michael G. Fitts is an individual who at all relevant times was employed by and continues to be employed by Defendant Charles P. Blouin, Inc. On information and belief, Defendant Fitts resides in Weare, New Hampshire.

JURISDICTION

7. Plaintiff incorporates all preceding and subsequent paragraphs herein.
8. On June 21, 2024, Plaintiff's Decedent Minh-Thi Nguyen was living, studying, and working at the Massachusetts Institute of Technology (MIT) in Cambridge, Middlesex County, Massachusetts.
9. On June 21, 2024, Plaintiff's Decedent Minh-Thi Nguyen was riding a bicycle in Cambridge, Middlesex County, Massachusetts when she was struck and injured by a vehicle owned and operated by Defendants.
10. As a result of her injuries, Plaintiff's Decedent Minh-Thi Nguyen died.
11. Middlesex Superior Court has proper jurisdiction to hear this action pursuant to G.L. c. 223, §1 and G.L. c. 212, §3.

FACTUAL BACKGROUND

12. Plaintiff Hieu Nguyen incorporates all preceding and subsequent paragraphs herein.
13. On or about June 21, 2024, at approximately 8:45 A.M., Plaintiff's Decedent Minh-Thi Nguyen was riding her bicycle on Hampshire Street in Cambridge, traveling southeast toward the intersection of Portland Street.

14. Plaintiff's Decedent Minh-Thi Nguyen regularly took this route to her lab at MIT, where she was a third-year physics PhD student.
15. At all times relevant hereto, Plaintiff Decedent Minh-Thi Nguyen was in her bike lane, wearing a helmet, and following the rules of the road.
16. Plaintiff's Decedent Minh-Thi Nguyen intended to go straight through the intersection of Hampshire Street and Portland Street, as she habitually did on the way to her lab.
17. At that same time and place, Defendant Fitts was operating a commercial vehicle owned by and utilized for the benefit of Defendant Charles P. Blouin, Inc.
18. As Plaintiff's Decedent Minh-Thi Nguyen approached the intersection of Hampshire Street and Portland Street, Defendant Fitts, operating Defendant Charles P. Blouin's vehicle, took a right-hand turn from Hampshire Street onto Portland Street.
19. Defendant Fitts' right-hand turn cut off Plaintiff Decedent Minh-Thi Nguyen's path of travel.
20. Plaintiff's Decedent Minh-Thi Nguyen had the right of way through the intersection.
21. Defendant Fitts did not yield the right of way to Plaintiff's Decedent Minh-Thi Nguyen.
22. Plaintiff's Decedent Minh-Thi Nguyen tried to avoid being struck by Defendants' vehicle.
23. The Defendants' vehicle struck Plaintiff's Decedent Minh-Thi Nguyen.
24. When she was struck by Defendants' vehicle, Plaintiff's Decedent Mihn-Thi Nguyen went underneath the vehicle, in between the front wheel and the rear wheels.
25. The Defendants' vehicle did not stop when Plaintiff's Decedent Mihn-Thi Nguyen went under the vehicle.
26. The Defendants' vehicle stopped when a bystander yelled and waved at Defendant Fitts.

27. Plaintiff's Decedent Mihn-Thi Nguyen was transported to Massachusetts General Hospital where she was declared deceased at 9:25 AM, June 21, 2024.

COUNT I

HIEU NGUYEN, AS PERSONAL REPRESENTATIVE OF THE ESTATE OF MINH-THI NGUYEN, v. CHARLES P. BLOUIN, INC.

Wrongful Death G.L. c. 229, § 2 et seq.

28. Plaintiff Hieu Nguyen realleges each prior paragraph as if laid out separately herein.

29. On or about June 21, 2024, Plaintiff's Decedent Minh-Thi Nguyen was struck by a vehicle owned and operated for the benefit of Defendant Charles P. Blouin, Inc., resulting in conscious pain and suffering, imminent fear of death, and her ultimate demise.

30. At the time of the impact, the vehicle was under the control and operation of Defendant Charles P. Blouin, Inc.'s employee, Defendant Fitts, who was acting in the course and scope of his employment.

31. On or about June 21, 2024, Defendant Charles P. Blouin, Inc. was negligent and/or grossly negligent when it acted without due care or regard and/or in a reckless, wanton, and willful manner by, among other things,

- a. failing to hire qualified and skilled employees, including Defendant Fitts;
- b. hiring individuals including Defendant Fitts who were unqualified or lacked appropriate skills for their roles;
- c. failing to properly train its employees including Defendant Fitts;
- d. failing to properly supervise its employees including Defendant Fitts;
- e. continuing to employ and retain individuals unqualified or unskilled for their roles;
- f. failing to protect Plaintiff's Decedent Minh-Thi Nguyen from mortal peril,

- g. failing to ensure its vehicles were equipped to safely traverse the streets of Cambridge;
 - h. and failing to ensure its vehicles were operated safely on the public roadways of the Commonwealth.
- 32. Defendant Charles P. Blouin, Inc. owed the general public, including Plaintiff's Decedent Minh-Thi Nguyen, a duty of reasonable care, including but not limited to ensuring the safe operation of its vehicles, and to ensure its employees were properly qualified, capable, and trained to use reasonable care in the operation of its vehicles.
- 33. Defendant Charles P. Blouin, Inc. breached its duty of care when it failed to its motor vehicle drivers who were qualified, skilled, and capable of exercising due care in operation of its vehicle while traveling in Cambridge, Massachusetts.
- 34. As a direct and proximate result of Defendant Charles P. Blouin, Inc.'s negligence and/or gross negligence, Plaintiff's Decedent Minh-Thi Nguyen was caused to suffer mortal fear of death, conscious pain and suffering, and ultimately to perish.
- 35. As a direct and proximate result of Defendant Charles P. Blouin, Inc.'s negligence and/or gross negligence, the next of kin of Plaintiff's Decedent Minh-Thi Nguyen are entitled to the fair monetary value of the decedent, including but not limited to compensation for the loss of reasonably expected net income, services, protection, care, assistance, society, companionship, comfort, guidance, counsel, and advice of the decedent, punitive damages, all damages recognized under law, and to the reasonable medical, funeral, and burial expenses incurred.

WHEREFORE, pursuant to G.L. c. 229 § 2 et. seq., Plaintiff Hieu Nguyen, Personal Representative of the Estate of Minh-Thi Nguyen, demands judgment against Defendant Charles

P. Blouin, Inc., in an amount to be determined by the Court to be fair and just, including interest, costs, punitive damages, all damages recognized under law, and attorney's fees as may apply.

COUNT II

**HIEU NGUYEN, PERSONAL REPRESENTATIVE OF THE ESTATE OF MINH-THI
NGUYEN, V. CHARLES P. BLOUIN, INC.**

Respondeat Superior

36. Plaintiff Hieu Nguyen realleges each prior paragraph as if laid out separately herein.
37. On or about June 21, 2024, Defendant Fitts was employed by Defendant Charles P. Blouin, Inc.
38. At the time of the motor vehicle accident giving rise to this claim, Defendant Fitts was acting in the course and scope of his employment by Defendant Charles P. Blouin, Inc.
39. Pursuant to the doctrine of *Respondeat Superior*, all negligence and/or gross negligence committed by Defendant Fitts is imputed to Defendant Charles P. Blouin, Inc.

WHEREFORE, Plaintiff Hieu Nguyen, Personal Representative of the Estate of Minh-Thi Nguyen, demands judgment against Defendant Charles P. Blouin, Inc. in an amount to be determined by the Court to be fair and just, including interest, costs, punitive damages, all damages recognized under law, and attorney's fees as may apply.

COUNT III

**HIEU NGUYEN, PERSONAL REPRESENTATIVE OF THE ESTATE OF MINH-THI
NGUYEN, V. MICHAEL G. FITTS**

Wrongful Death, G.L. 229, § 2, et. seq.

40. Plaintiff Hieu Nguyen realleges each prior paragraph as if laid out separately herein.
41. At all times relevant hereto, Defendant Fitts owed a duty of reasonable care to the general public, including Plaintiff's Decedent Minh-Thi Nguyen, to safely operate vehicles within his control.

42. Defendant Michael G. Fitts breached his duty of care when he failed to use reasonable care to safely operate the vehicle owned by his employer, Defendant Charles P. Blouin, Inc., while on Hampshire Street in Cambridge, Massachusetts.
43. Defendant Fitts breached his duty of care when the vehicle he was operating struck Plaintiff's Decedent Minh-Thi Nguyen, causing injuries resulting in her death.
44. Defendant Fitts was negligent and/or grossly negligent when he acted without due care or regard and/or in a reckless, wanton, and willful manner by, among other things, striking Plaintiff's Decedent Minh-Thi Nguyen with a vehicle, failing to protect Plaintiff Decedent Minh-Thi Nguyen from mortal peril, and failing to ensure safe operation of the vehicle owned by his employer, Defendant Charles P. Blouin, Inc.
45. As a direct and proximate result of Defendant Fitts' negligence and/or gross negligence, Plaintiff's Decedent Minh-Thi Nguyen was caused to suffer mortal fear of death, conscious pain and suffering, and ultimately to perish.
46. As a direct and proximate result of Defendant Michael G. Fitts' negligence and/or gross negligence, the next of kin of Plaintiff Decedent Minh-Thi Nguyen are entitled to the fair monetary value of the decedent, including but not limited to compensation for the loss of reasonably expected net income, services, protection, care, assistance, society, companionship, comfort, guidance, counsel, and advice of the decedent, punitive damages, all damages recognized under law, and to the reasonable medical, funeral, and burial expenses incurred.

Wherefore, Plaintiff Hieu Nguyen, Personal Representative of the Estate of Minh-Thi Nguyen, demands judgment against Defendant Michael G. Fitts in an amount to be determined by the

Court to be fair and just, including interest, costs, punitive damages, all damages recognized under law, and attorney's fees as may apply.

PLAINTIFF DEMANDS TRIAL BY JURY AS TO ALL COUNTS

Respectfully Submitted,
Plaintiff Hieu Nguyen, Personal Representative of
the Estate of Minh-Thi Nguyen,
By Counsel for Plaintiff:

/s/ Matthieu J. Parenteau

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DATE: February 26, 2025