

Docketed 05/20/2026

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, ss.

**SUPERIOR COURT
CIVIL ACTION NO. 2682CV00081**

LINDSAY M. CLANCY.

Plaintiff

Case is specially assigned to Hon. Michael Doolin

v.

**JENNIFER A. TUFTS, M.D.,
ALIA GOODHEART, M.D.,
ZOBEDA M. DIAZ, M.D.,
REBECCA H. JOLLOTTA, C.N.P.,
ASTER MENTAL HEALTH INC.,
SOUTH SHORE HEALTH SYSTEM, INC.,
MCLEAN HOSPITAL, and
WOMEN & INFANTS HOSPITAL OF RHODE ISLAND,**

Defendants.

**OPPOSITION OF NON-PARTY, ELIZABETH MADVA, M.D., TO PLAINTIFF'S
SECOND MOTION TO AMEND THE COMPLAINT TO THE EXTENT IT
SEEKS TO ADD ELIZABETH MADVA AS A PARTY DEFENDANT**

NOW COMES non-party, Elizabeth Madva, M.D. [“Dr. Madva”] and hereby opposes the Motion of the Plaintiff to further amend the Complaint in this action to add Dr. Madva as a party defendant in this action.

As grounds for this Opposition, Dr. Madva states as follows:

1. The original Complaint in this action was electronically filed on January 22, 2026.
2. On January 27, 2026, the plaintiff filed a First Amended Complaint, filed as a matter of right under Mass. R. Civ. P. 15(a) because none of the original defendants had yet filed a responsive pleading. The Amended Complaint added three individuals as defendants in the case.
3. On April 14, 2026, the plaintiff filed the instant Motion to Amend the Complaint seeking, *inter alia*, to add non-party Elizabeth Madva, M.D. as a defendant.
4. The instant motion for leave to file a Second Amended Complaint initially was not served on Dr. Madva as required by Superior Court Rule 9A(b)(1)(ii) and the Court vacated the filing of the instant motion to amend the complaint. Service of the motion to amend has since been accepted by undersigned counsel who now submits this Opposition to the Plaintiff’s motion.

5. The sole basis stated in the Plaintiff's Motion as the basis for seeking to add Dr. Madva as a defendant in this action is the following statement:

"Dr. Madva was a psychiatrist who treated the plaintiff at McLean Hospital during the medical care and treatment in question. The plaintiff has cause to believe her services did not comply with the applicable standard of care."

6. The grounds stated for adding a person as a defendant in a civil action must meet the standard of pleading to survive a motion to dismiss under the principles of *Iannacchino v. Ford Motor Co.*, 451 Mass. 623, 636 (2008). Otherwise, the claims against the defendant, if allowed to be added as a defendant to the case, would be considered futile because they would be subject to an immediate motion to dismiss under Mass. R. Civ. P. 12(b)(6) if the motion to amend were allowed. *See Giul, LLC v. Shenghuo Med., LLC*, Memorandum and Order on Defendant's Motion for Judgment on the Pleadings and Plaintiff's Motion to Amend the Complaint, Suffolk Superior Court. C.A. No. 1984CV02862-BLS2, August 7, 2020 (Salinger, J.):

"Courts are not required to grant motions to amend prior complaints where 'the proposed amendment . . . is futile.'" *Johnston v. Box*, 453 Mass. 569, 583, 903 N.E.2d 1115 (2009), quoting *All Seasons Servs., Inc. v. Commissioner of Health & Hosps. of Boston*, 416 Mass. 269, 272, 620 N.E.2d 778 (1993)). A proposed amendment is futile if the new claims could not survive a motion to dismiss. *Mancuso v. Kinchla*, 60 Mass. App. Ct. 558, 572, 806 N.E.2d 427 (2004) (affirming denial of motion to amend). To survive a motion to dismiss under Mass. R. Civ. P. 12(b)(6), and thus to avoid being futile under Rule 15, a complaint must allege facts that, if true, would "plausibly suggest[] . . . an entitlement to relief." *Lopez v. Commonwealth*, 463 Mass. 696, 701, 978 N.E.2d 67 (2012), quoting *Iannacchino v. Ford Motor Co.*, 451 Mass. 623, 636, 888 N.E.2d 879 (2008), and *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 557, 127 S. Ct. 1955, 167 L. Ed. 2d 929 (2007)."

7. The bare, unsupported statement in the plaintiff's motion that "the plaintiff has cause to believe [Dr. Madva's] services did not comply with the applicable standard of care" is not sufficient to meet the *Iannacchino* standard. As the Supreme Judicial Court specifically held in *Iannacchino*, quoting and adopting the standard that had been set by the United States Supreme Court in *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 127 S. Ct. 1955, 167 L. Ed. 2d 929 (2007):

"While a complaint attacked by a . . . motion to dismiss does not need detailed factual allegations . . . a plaintiff's obligation to provide the 'grounds' of his 'entitle[ment] to relief' requires more than labels and conclusions Factual allegations must be enough to raise a right to relief above the speculative level . . . [based] on the assumption that all the allegations in the complaint are true (even if doubtful in fact)" *Id.* at 1964-1965. What is required at the pleading stage are factual "allegations plausibly suggesting (not merely consistent with)" an entitlement to relief, in order to "reflect[] the threshold requirement of [Fed. R. Civ. P.] 8(a)(2) that the 'plain statement' possess enough heft to 'sho[w] that the pleader is entitled to relief.'"

Iannacchino v. Ford Motor Co., 451 Mass. 623, 636 (2008).

8. Here, the Plaintiff has not only provided insufficient “factual allegations” to support the requested addition of Dr. Madva as a defendant, she has actually provided no factual allegations whatsoever. The statement in the motion that “the plaintiff has cause to believe Dr. Madva’s “services did not comply with the applicable standard of care” is not a factual allegation at all. It is a mere “label” or “conclusion” that the Court in *Iannacchino* made clear are not sufficient to survive a challenge under Rule 12(b)(6).

WHEREFORE, for all the foregoing reasons, the Plaintiff’s motion to further amend the Complaint insofar as it seeks to add Elizabeth Madva, M.D. as a defendant in the case, should be **DENIED**.

Respectfully submitted,
Non-party, Elizabeth Mdava, M.D.
By her attorneys,

/s/ Richard J. Riley

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Dated: May 18, 2026

CERTIFICATE OF SERVICE

I, Richard J. Riley, do hereby certify that on this 18th day of May 2026, that I caused to be served a true copy of the within document(s) by emailing a copy of same to the following counsel of record:

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/s/ Richard J. Riley

Richard J. Riley

DATED: May 18, 2026