

9/24/21

①

COMMONWEALTH OF MASSACHUSETTS

PLYMOUTH, SS

SUPERIOR COURT DEPT

DOCKET NO. 2183CV0778

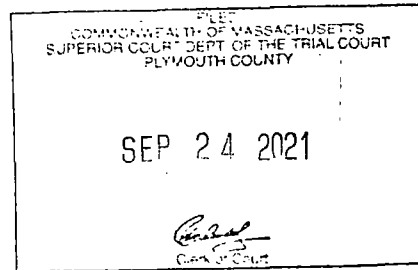
Plaintiff,

Matthew J. Donnelly

v.

Defendant,

Amazon.com, Inc. et al.



VERIFIED COMPLAINT

1. The Plaintiff, Matthew J. Donnelly, (hereinafter "Donnelly") is an individual natural person residing at 165 Nantasket Ave, Hull Massachusetts in the County of Plymouth
2. The Defendant Amazon.com, Inc. (hereinafter "Amazon") is a corporation duly organized and maintains a place of business at 410 Terry Ave N, Seattle Washington.
3. The Defendant John Doe 1 is an individual natural person whose identity is currently unknown, At all times relevant hereto John Doe 1 is/was an employee of Amazon and acting within the scope of said employment.
4. The Defendant John Doe 2 is an individual natural person and whose identity is currently unknown, At all times relevant hereto John Doe 2 is/was an employee of Amazon and acting within the scope of said employment.

FACTS

5. On September 7, 2021 Donnelly was engaged in the business of providing for hire ride share services.
6. At approximately 4:40 PM, on even date, Donnelly was parked in the parking lot of the Silver Lounge restaurant located at 412 Massachusetts 28A North Falmouth Massachusetts together with a passenger who had booked transportation with Donnelly.
7. At about the same time John Doe 1 was operating and in control of a large Amazon delivery van with a Massachusetts commercial registration number V73513. John Doe 2 occupied the passenger seat.
8. As Donnelly was starting to depart with his passenger, John Doe 1 and John Doe 2 arrived in the Amazon van stopping directly behind Donnelly's vehicle preventing Donnelly from moving/leaving.
9. Consequently, Donnelly's vehicle was now bounded by two other parked vehicles on either side; the restaurant front wall; and the Amazon van at the rear and stopped on the through way portion of the lot.
10. John Doe 1 exited the van and proceeded towards the restaurant's front door.
11. Donnelly exited his vehicle and confronted him. Donnelly informed Doe that his van was blocking Donnelly's exit and there was plenty of room in the parking lot for the van without doing so.
12. John Doe responded that Donnelly would have to "wait a couple of minutes" until the delivery was completed as he walked past Donnelly leaving the Amazon van blocking Donnelly's and only Donnelly's vehicle while the majority of the parking lot remained empty.

13. Donnelly then turned to John Die 2 who was still sitting in the passenger seat of the van with the window down. Donnelly asked John Doe 2 if he could move the van forward ten feet so Donnelly could back his car out of the parking space and leave the premises.
14. John Doe 2 refused to move the van and reiterated that Donnelly would have to wait until their business with the restaurant was concluded.
15. Approximately two to three minutes later John Doe 1 returned to the parking lot.
16. Donnelly told Doe 1 that he intended to forward a complaint to John Doe's employer.
17. John Doe 1 responded "my boss won't give a fucking shift", and the two mocked Donnelly in front of his passenger as they departed.

**COUNT I
WRONGFUL IMPRISONMENT**

18. Donnelly restates and re-alleges the facts set forth in paragraphs 1 through 17 hereinabove and incorporates the same herein by reference as if stated in full and at length.
19. John Doe 1 and John Doe 2, by use of force (to wit: a large Amazon delivery van) knowingly and intentionally restricted Donnelly's movement within a specific area of the Silver Lounge restaurant's parking lot without authority or justification.
20. As a direct and proximate result thereof, Donnelly sustained damages including but not limited loss of his personal freedom of movement and ability to conduct his business for an appreciable amount of time together with stress, anxiety, apprehension and humiliation.

COUNT II
CIVIL CONSPIRACY TO COMMIT UNLAWFUL ACT

21. Donnelly restates and re-alleges the facts set forth in paragraphs 1 through 20 hereinabove and incorporates the same herein by reference as if stated in full and at length.
22. John Doe 1 and John Doe 2 engaged in an agreement, tacit or otherwise, to restrict Donnelly's freedom of movement and/or otherwise wrongfully imprison him without authority or justification.
23. As a direct and proximate result of their illicit agreement, Donnelly sustained damages including but not limited loss of his personal freedom of movement and ability to conduct his business for an appreciable amount of time together with stress, anxiety, apprehension and humiliation.

COUNT III
AMAZON'S LIABILITY
UNDER DOCTRINE OF CAVEAT SUPERIOR

24. Donnelly restates and re-alleges the facts set forth in paragraphs 1 through 23 hereinabove and incorporate the same herein by reference as if stated in full and at length.
25. At all times relevant hereto John Doe 1 and John Doe 2 were acting within the time and scope of their employment with Amazon and while under Amazon's supervisory authority and/or otherwise were agents, servants and/or representatives of Amazon.
26. As a direct and proximate result of the unlawful acts of Amazon's agents, servants and representatives, Donnelly sustained damages including but not limited loss of his personal freedom of movement and ability to conduct his business for an appreciable amount of time together with stress, anxiety, apprehension and humiliation.

PRAYER

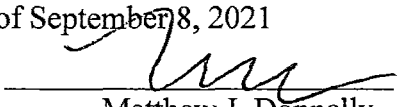
WHEREFORE, Donnelly preys this honorable court will:

- A. Find for Donnelly and enter Judgment in his favor on each of Counts set forth in this Verified Complaint;
- B. Award Donnelly damages as found by the Court as part of said Judgment;
- C. Award Donnelly his fees and cost of this action including but not limited a reasonable attorney fee, and
- D. Grant such other relief that is just and reasonable under the circumstances.

VERIFICATION

I, Matthew J. Donnelly do state and depose that I have read the factual allegations set forth in the numbered paragraph hereinabove and that the same are upon my own knowledge and belief true and accurate.


Signed under the pains and penalties of perjury this 8th day of September 8, 2021


Matthew J. Donnelly

JURY DEMAND

The Plaintiff respectfully demands trial by jury as to all issues of material facts arising out the cause of actions set forth in this Verified Complaint.

Matthew J. Donnelly, Pro Se


165 Nantasket Ave
Hull, MA 02045
(781) 626 0537

September 8, 2021