

FILED & RECORDED  
2022 JAN 10 AM 6:48  
NORFOLK, SS:2 COUNTY  
CLERK OF  
NORFOLK COUNTY

COMMONWEALTH OF MASSACHUSETTS

SUPERIOR COURT  
CIVIL ACTION NO.: 22B2CV0017

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RICHARD BOEHLER and )  
 LAURA BOEHLER, as Parents and Next )  
 Friends of JOHN BOEHLER, a minor, )  
 )  
 PLAINTIFFS )  
 VS. )  
 )  
 MARK VONNEGUT, M.D., P.C., )  
 SHANNON TORRES, N.P., and )  
 MV PEDIATRICS, )  
 )  
 DEFENDANTS )

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**JOINT PETITION FOR APPROVAL OF MINOR SETTLEMENT  
PURSUANT TO M.G.L. C. 231, § 140C 1/2**

Pursuant to the provisions of Mass. Gen. Laws Ch. 231 §140C 1/2, the parties jointly move for approval of this minor’s lawsuit in the sum of \$375,000.00.

In support of this Petition, the parties submit that:

1. Plaintiffs, Laura Boehler and Richard Boehler, are the parents and next of friends of the minor child, John Boehler, date of birth: April 10, 2010.
2. Plaintiffs are residents of Milton, Norfolk County, Massachusetts.
3. Defendants, Mark Vonnegut, M.D., P.C., Shannon Torres, acting individually and/or in their capacity as a doctor, nurse, servant, and/or agent are employees of Defendant, MV Pediatrics.
4. Defendant, MV Pediatrics is a medical facility, with a place of business in Quincy, Norfolk County, Massachusetts.

5. This case involves allegations of the improper medication changes provided to a minor child, John Boehler, who suffered from panic attacks, audible and visual hallucinations, anxiety, acute psychosis, delirium, and serotonin syndrome.
6. In February, 2020, defendant, Shannon Torres, NP, advised the parents that their son should be taken off his current medication (Guanfacine), a medication that he had been on for months.
7. Typically, when Guanfacine is discontinued, the patient should slowly be weaned off the medication, otherwise serious and harmful effects can occur. In this case, when John's Guanfacine was abruptly discontinued, the plaintiff alleged he suffered significant psychological harm together with the suffering caused to his parents. The child's condition has improved significantly.
8. The case was settled prior to the commencement of a civil suit on or about October 1, 2021.
9. This proposed settlement has been reached as a result of an agreement between the Plaintiffs and the Defendants' insurer during Mediation. The Plaintiff was represented by counsel in these settlement negotiations.
10. Counsel for the Plaintiffs and Plaintiff have agreed that the gross settlement of \$375,000, will be distributed as follows, pending the court's review and approval.

Attorney Fees	\$132,500.00
Expenses –Attached as Exhibit “A”	\$5,238.58.00
Richard and Laura Boehler, as parents and next friend of John Boehler	\$237,267.42

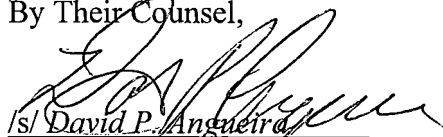
11. All parties believe the proposed settlement to be a fair and reasonable settlement of this claim.

12. Mr. Boehler and Mrs. Laura Boehler, parents of the minor plaintiff, and next friends of kin, will safeguard the settlement funds for the sole benefit of minor, John Boehler, and will hold same in a Custodial Account through fidelity in the amount of \$140,000, in his name and for his benefit. The remaining portion of the net settlement amount (\$97,267.42) will be utilized to replace a depleted savings account, due to the extensive previous medical bills, as well as assist with future medical expenses. Please see Account Information attached hereto as Exhibit B.

**WHEREFORE**, the parties jointly move for this Honorable Court to approve the minor settlement of \$375,000.00.

Respectfully Submitted,

The Plaintiffs  
By Their Counsel,



/s/ David P. Angueira  
David P. Angueira, Esq. BBO #019610  
Swartz & Swartz, P.C.  
10 Marshall St  
Boston, MA 02108  
(617) 742-1900

The Defendants,  
By Their Counsel,


/s/ Daniel W. Wu  
Daniel Wu, Esq. BBO #706793  
Adler, Cohen, Harvey, Wakeman,  
Guekguezian, LLP  
75 Federal Street, 10<sup>th</sup> Fl  
Boston, MA 02110  
(617) 423-6674

**CERTIFICATE OF SERVICE**

I, David P. Angueira, Esq., do hereby certify that I have sent a copy of the forgoing documents upon the defendant by sending the same via first class mail and email to all counsel, to wit:

A. Bernard Guekguezian, Esq.  
Daniel W. Wu, Esq.  
Adler, Cohen, Harvey, Wakeman,  
Guekguezian, LLP  
75 Federal Street  
Boston, MA 02110  
BGuekguezian@adlercohen.com  
dwu@adlercohen.com

Date: December 1~~5~~<sup>4</sup>, 2021

  
/s/ David P. Angueira  
David P. Angueira, Esq.

# Exhibit

A

**Swartz & Swartz, PC**  
**Client Expense Report**  
All Transactions

	<u>Memo</u>	<u>Amount</u>
<b>EXPERTS</b>		
	Expert Retainer	5,400.00
	Leftover Retainer from Dr. Donald Sherak	<u>(1,674.00)</u>
Total EXPERTS		3,726.00
<b>MEDIATION</b>		
	Mediation Services	<u>1,500.00</u>
Total MEDIATION		1,500.00
<b>POSTAGE</b>		
		<u>5.33</u>
Total POSTAGE		5.33
<b>PRINTING/COPIEF</b>		
		<u>7.25</u>
Total PRINTING/COPIEF		<u>7.25</u>
<b>TOTAL</b>		<u><u>5,238.58</u></u>

**Exhibit**

**B**



**New Account Profile**

December 02, 2021

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BLRQVPBBBKNT

RICHARD J BOEHLER  
77 CHURCH ST  
MILTON MA 02186-5505

Online	Fidelity.com
FAST® Automated Telephone	800-544-5555
Customer Service	800-544-6666

**Account Ownership**

<b>Minor</b> John Anthony Boehler	<b>Social Security Nbr</b> On File	<b>Date of Birth</b> On File	<b>Country of Tax Residence</b> UNITED STATES
<b>Mailing Address</b> 77 Church St Milton, MA 02186	<b>Evening Phone</b> *	<b>Day Phone</b> 617-835-0776	
<b>Permanent Mailing Address</b> Same As Mailing	<b>Occupation</b> Refused	<b>Affiliation</b> None	
<b>Custodian</b> Richard J Boehler	<b>Social Security Nbr</b> On File	<b>Date of Birth</b> On File	<b>Country of Tax Residence</b> UNITED STATES
<b>Mailing Address</b> 77 Church St Milton, MA 02186	<b>Evening Phone</b> *	<b>Day Phone</b> 617-835-0776	
<b>Permanent Mailing Address</b> Same As Mailing	<b>Occupation</b> Consulting	<b>Affiliation</b> None	

**Account Setup**

**Account Information**

<b>Account Number</b>	<b>Z05-983658</b>
<b>Type of Ownership</b>	UTMA
<b>Dividends and Capital Gains</b>	Direct all security distributions and interest payments to the Cash Settlement Option indicated below
<b>Cash Settlement Option</b>	Fidelity Cash
<b>Options</b>	If applied and approved, effective within 5 business days.
<b>Checkwriting</b>	If elected, you will normally receive your checkbook within 2 weeks.
<b>Transfers Between Your Bank and Fidelity</b>	If you applied for Bank Wire or Electronic Funds Transfer, then the feature will be effective within 10 business days.
<b>Annual Income</b>	Not asked
<b>Net Worth</b>	Not asked
<b>Liquid Net Worth</b>	Not asked
<b>Tax Bracket</b>	Not asked
<b>** Investment Objective</b>	Undecided
<b>Account Mailing Address</b>	77 CHURCH ST MILTON, MA 02186-5505

\*\* Investment objective definitions are provided on the last page of this letter.



## New Account Profile

December 02, 2021

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Please review your account and customer information. If any changes are needed or any information is missing (indicated as "\*\*"), call us at the Customer Service number above or visit us at Fidelity.com. Please note: to protect your privacy, certain information on your New Account Profile is shown as "On File".

As a general matter, Fidelity does not assign representatives to customer accounts. All properly completed account applications have been approved/accepted by a registered principal.

Please note that in certain circumstances, such as when Fidelity determines you reside outside the United States, the Cash Settlement Option noted above will not receive securities distributions and interest payments. Please refer to the Customer Agreement for further details.

### INVESTMENT OBJECTIVE DEFINITIONS

**Short Term:** You seek to preserve your capital and can accept the lowest returns in exchange for price stability.

**Conservative:** You seek to minimize fluctuations in market values by taking an income-oriented approach with some potential for capital appreciation (minimum required for writing covered call options).

**Balanced:** You seek the potential for capital appreciation and some growth and can withstand moderate fluctuations in market value.

**Growth:** You have a preference for growth and can withstand significant fluctuations in market value.

**Aggressive Growth:** You seek aggressive growth and can tolerate wide fluctuations in market values, especially over the short term.

**Most Aggressive:** You seek very aggressive growth and can tolerate very wide fluctuations in market values, especially over the short term (required for options strategies other than writing covered call options).