

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

SUPERIOR COURT
CIVIL ACTION NO.:

NICHOLAS GAUVIN,)
 Plaintiff)
))
v.)
))
PAUL HALLORAN,)
 Defendant)
_____))

COMPLAINT AND JURY DEMAND FOR JURY TRIAL

THE PARTIES

1. The Plaintiff, Nicholas Gauvin (hereinafter “Plaintiff”), is an individual who resides at 650 Ocean Avenue, Unit 445, Revere, MA 02151.
2. The Defendant, Paul Halloran (hereinafter “Defendant”), is an individual who resides at 215 Merrimac Street, #3, Newburyport, MA 01950.

FACTS

3. On or about February 20, 2022, the Plaintiff was officiating a U.S. Premier Hockey League game between the South Shore Kings and the Wilkes-Barre/Scranton Knights at the Foxboro Sports Center.
4. On or about February 20, 2022, the Defendant, Paul Halloran, a player on the South Shore Kings, collided with the Plaintiff on the boards. The Plaintiff initially thought the collision was unintentional as he was near an opposing player. However, immediately after the collision the Defendant delivered a cross check to the Plaintiff’s head/neck area, and said “get the fuck out of the way.”
5. The Plaintiff immediately stopped play, skated to center ice to create distance between himself and the Defendant, and attempted to eject the Defendant from the game. At this time, another referee attempted to intercept and restrain the Defendant; however, he broke free, skated towards the Plaintiff, and punched the Plaintiff in the face. This caused the Plaintiff to fall backwards onto the ice, striking his head, neck, and back on the ice. Another referee eventually removed the Defendant from the ice.

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6. In addition to being witnessed by spectators, video footage from the aforementioned incident was widely shared across television news outlets and social media, subjecting the Plaintiff to online embarrassment, harassment, and ridicule.

7. As a result of the aforementioned occurrence, the Plaintiff sustained personal injuries, including but not limited to a concussion, acute stress disorder, Post-Traumatic Stress Disorder (PTSD) with associated symptoms, neck and back injuries.

8. Criminal assault and battery charges were brought against the Defendant with respect to the aforementioned incident following an investigation by the Foxboro Police Department. The criminal complaint against the Defendant was terminated following an entry of Nolle Prosequi by the Commonwealth. *Commonwealth v. Paul K. Halloran*, Docket No. 2257CR001149, Wrentham District Court.

COUNT I: Negligence

9. The Plaintiff repeats and reavers all of the allegations contained in paragraphs one through eight of this Complaint as if re-written and re-alleged herein.

10. Every actor has a duty to exercise reasonable care to avoid physical harm to others.

11. On February 20, 2022, the Defendant breached this duty of care owed to the Plaintiff when he struck the Plaintiff, causing the Plaintiff to fall onto the ice.

12. As the direct and proximate result of the negligence of the Defendant, the Plaintiff was seriously injured, suffered great pain of body and mind and was obliged to expend monies for medical care.

COUNT II: Assault (Civil)

13. The Plaintiff repeats and reavers all of the allegations contained in paragraphs one through twelve of this Complaint as if re-written and re-alleged herein.

14. On February 20, 2022, the Defendant put the Plaintiff in apprehension of immediate physical harm by skating towards him and striking him with his fists, causing the Plaintiff to fall onto the ice.

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15. The Defendant acted with intent to cause a harmful or offensive contact, or to cause immediate apprehension of such contact, or with knowledge that such apprehension was substantially certain to result.

16. As a direct and proximate result, the Plaintiff was seriously injured, suffered great pain of body and mind and was obliged to expend monies for medical care.

COUNT III: Battery (Civil)

17. The Plaintiff repeats and reavers all of the allegations contained in paragraphs one through sixteen of this Complaint as if re-written and re-alleged herein.

18. On February 20, 2022, the Defendant intentionally struck the Plaintiff's person with his fists.

19. On that date, the Defendant acted voluntarily, without provocation, and without the Plaintiff's consent.

20. As a direct and proximate result of the harmful touching by the Defendant, the Plaintiff was seriously injured, suffered great pain of body and mind and was obliged to expend monies for medical care.

COUNT IV: Intentional Infliction of Emotional Distress

21. The Plaintiff repeats and reavers all of the allegations contained in paragraphs one through twenty of this Complaint as if re-written and re-alleged herein.

22. On February 20, 2022, the Defendant acted in an extreme and outrageous manner by striking the Plaintiff without warning or provocation.

23. On that date, the Defendant engaged in conduct that exceeds all possible bounds of decency, and is utterly intolerable in a civilized community.

24. On that date, the Defendant acted with the intention of inflicting emotional distress, or in a manner that he knew or should have known would likely cause emotional distress.

25. As a direct and proximate result of the Defendant's extreme and outrageous conduct, the Plaintiff suffered severe emotional distress of a nature that no reasonable person could be expected to endure, as a result of which the Plaintiff has developed acute stress disorder and PTSD with associated symptoms,.

COUNT V: Negligent Infliction of Emotional Distress

26. The Plaintiff repeats and reavers all of the allegations contained in paragraphs one through twenty-five of this Complaint as if re-written and re-alleged herein.
27. On February 20, 2022, the Defendant owed the Plaintiff a duty to exercise reasonable care to avoid causing the Plaintiff undue emotional distress.
28. On that date, the Defendant breached this duty of care owed to the Plaintiff when he struck the Plaintiff, causing the Plaintiff to fall onto the ice.
29. As the direct and proximate result of the negligence of the Defendant, the Plaintiff suffered severe emotional distress, manifested by acute stress disorder and PTSD with associated symptoms.
30. A reasonable person would have suffered emotional distress under the same or similar circumstances.

WHEREFORE, the Plaintiff demands judgment against the Defendant in an amount sufficient and proper to compensate her for her losses, plus interest, attorneys' fees and the cost of this action.

THE PLAINTIFF DEMANDS A TRIAL BY JURY ON ALL ISSUES PRESENTED.

Respectfully submitted,

For the Plaintiff, NICHOLAS GAUVIN

By his Attorneys,

COLUCCI, COLUCCI & MARCUS, P.C.

/s/ Darin M. Colucci

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