

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

JEFFREY BOUDREAU,)	
as Personal Representative of)	
the Estate of Wendy Boudreau,)	
)	
Plaintiff,)	Case No. _____
)	
v.)	
)	
SHAW’S SUPERMARKETS, INC.,)	
)	
Defendant)	

COMPLAINT AND DEMAND FOR JURY TRIAL

Plaintiff Jeffrey Boudreau, by and through undersigned counsel, hereby complains against Defendant Shaw’s Supermarkets, Inc. as follows:

INTRODUCTION

1. This wrongful death action alleges negligent security on the part of Defendant Shaw’s Supermarkets, Inc., resulting in the murder of Plaintiff’s wife, Wendy Boudreau, on August 19, 2015.

THE PARTIES

2. Plaintiff Jeffrey Boudreau (“Mr. Boudreau”) is an individual residing in the City of Saco, County of York, and State of Maine.

3. Mr. Boudreau is the duly appointed Personal Representative of the Estate of Wendy Boudreau, his wife.

4. Defendant Shaw's Supermarkets, Inc. ("Shaw's") is a foreign corporation with a principal place of business in West Bridgewater, Massachusetts, which operates multiple grocery stores throughout New England, including the one located at 4 Scamman Street in Saco, Maine.

JURISDICTION AND VENUE

5. Venue is proper in this Court because the personal injuries alleged herein occurred in the County of York and State of Maine.

6. The Court has diversity jurisdiction over this case pursuant to 28 U.S.C. § 1332 because the parties are completely diverse and the matter in controversy exceeds \$75,000.00.

STATEMENT OF FACTS

7. In the past 25 years, multiple locations of Shaw's Supermarkets throughout New England have been the scene of various types of crimes against customers.

8. As such, the stabbing death of Wendy Boudreau on August 19, 2015 in the Saco, Maine Shaw's Supermarket was entirely foreseeable to Shaw's based on a pattern of violent crimes against customers, only some of which are outlined below.

9. In May of 1991, a 52-year-old armored truck guard was shot and killed in the Shaw's parking lot located in Worcester, Massachusetts, while carrying out bags of money from the store in the scope of his employment.

10. In May of 1991, Patrick Tracy robbed the Saco, Maine location of Shaw's at gunpoint.

11. In July of 1996, a man was allegedly robbed in the parking lot of Shaw's located in Fall River, Massachusetts.

12. In May of 1997, an employee of the Shaw's located in Scarborough, Maine named Virginia Jackson disappeared after working a shift at Shaw's on Mother's Day; Ms.

Jackson's assailants had allegedly carjacked and murdered her, leaving her badly beaten body to be found in the woods nearby.

13. In June of 2002, a convicted sex offender allegedly assaulted a woman in an aisle of the Shaw's located in Woonsocket, Rhode Island, by following her throughout the store and licking her feet.

14. In July of 2003, a 70-year-old woman was allegedly carjacked in the parking lot of a Shaw's located on Broad Street in Manchester, CT; when a bystander came to her rescue, both victims were dragged 530 feet by the carjacker in the Shaw's parking lot.

15. In May of 2008, two men allegedly entered the Shaw's located in Mansfield, Massachusetts and demanded to collect a drug debt from a cashier, threatening to stab employees who came to her rescue.

16. In March of 2010, a man was arrested and charged with assaulting a police officer in the parking lot of the Shaw's located on Lexington Street in Waltham, Massachusetts.

17. In July of 2010, a 27-year-old man was accused of sexually assaulting a woman inside the Shaw's located in Cohasset, Massachusetts.

18. In September of 2010, the Shaw's located at Trader's Way in Salem, Massachusetts was allegedly robbed and several employees were held hostage at gunpoint.

19. In October of 2010, a homeless man allegedly kicked and beat another man until he was unconscious in the parking lot of the Shaw's located in Gloucester, Massachusetts.

20. In January of 2011, a man claiming to have a gun allegedly robbed the South Portland, Maine location of Shaw's.

21. In March of 2011, the Shaw's located in Barrington, Rhode Island had to be evacuated and shut down for the evening due to a bomb threat.

22. In January of 2012, a young couple was allegedly robbed and assaulted in the parking lot of the Shaw's located in Wiscasset, Maine.

23. In July of 2012, a man crashed his car into the front of the Shaw's located in Saco, Maine, narrowly avoiding customers as it stopped near the checkout counter.

24. In July of 2012, a man allegedly robbed the Shaw's located in Ellsworth, Maine, claiming to have a gun.

25. In December of 2012, two men allegedly beat and robbed another man in the parking lot of the Shaw's located on Nashua Street in Milford, New Hampshire.

26. In June of 2013, a 77-year-old woman was allegedly assaulted and robbed in the parking lot of Shaw's in Berlin, Vermont.

27. In September of 2013, in the parking lot of the Shaw's located in North Hampton, Massachusetts, a man allegedly attempted to kidnap, rob and car jack a woman in the parking lot using a box cutter and threatening, "give me a ride to Maine or I will cut you."

28. In November of 2013, a man allegedly robbed the pharmacy of the Shaw's located in Augusta, Maine.

29. In February of 2014, a Brockton woman was arrested after allegedly assaulting her child inside the Shaw's located on Belmont Street.

30. In April of 2014, hundreds of Oxycontin pills were stolen during a robbery of the Shaw's located in Ellsworth, Maine.

31. In September of 2014, a service desk employee of the Shaw's located at Webster Square Plaza in Worcester, Massachusetts was robbed after being threatened with bodily harm.

32. In September of 2014, an unidentified man allegedly assaulted the pharmacist and robbed the Shaw's located in Berlin, Vermont, stealing a large amount of prescription drugs from the pharmacy.

33. In November of 2014, a one-year-old child was allegedly kidnapped from the Shaw's parking lot on Belmont Street in Brockton, Massachusetts.

34. In April of 2015, an unidentified man allegedly fled on foot from the Shaw's located on Border Street in East Boston after sexually assaulted a young girl under the age of 14 inside the supermarket.

35. In April of 2015, a man walked up to the service desk at Shaw's in Westbrook, Maine, allegedly told the clerk he was carrying a gun, and proceeded to rob the store.

36. In November of 2015, at the Shaw's located in Bath, Maine, a woman was accidentally shot in the head and killed while attempting to buy a gun out of a car in the parking lot.

37. Shaw's employs security supervisors and asset/loss prevention specialists, as well as Close Circuit Television monitoring, all of which are supposed to observe customers throughout the store, monitor for shoplifters, detect and report unsafe conditions, and ensure the physical security of each store.

38. On August 19, 2015, at the Shaw's located in Saco, Maine, Connor S. MacCalister f/k/a Tanisha Hopkins (hereinafter "MacCalister") followed Wendy Boudreau into the store from the parking lot.

39. MacCalister lived in the Saco community, was a frequent customer of this Shaw's location, and was known to store employees.

40. MacCalister stalked Mrs. Boudreau throughout the store from the parking lot, until they reached the ice cream aisle, where MacCalister slit Mrs. Boudreau's throat with a knife.

41. Mrs. Boudreau was transported by rescue personnel to the emergency department of Southern Maine Health Care (SMHC), where she ultimately died as a result of injuries she sustained in the stabbing.

COUNT I – WRONGFUL DEATH
18-A M.R.S. § 2-804

42. Plaintiff repeats the allegations contained in Paragraphs 1 through 41 of his Complaint as if fully set forth herein.

43. At all times herein relevant, Shaw's owed a duty of care to protect its patrons from foreseeable risks of harm on its premises, including violent crime.

44. Shaw's breached that duty by failing to adequately monitor its premises or use existing security measures to protect Shaw's patrons such as Wendy Boudreau from foreseeable risks of harm.

45. Shaw's further breached the duty it owed to patrons by negligently supervising its employees who were responsible for the safety and security of Shaw's patrons such as Wendy Boudreau.

46. As a direct and proximate result of Shaw's breach of its duty of care, its employees failed to notice that Connor MacCalister followed Wendy Boudreau into and around the store from the parking lot on August 19, 2015, intending to harm her.

47. As a direct and proximate result of Shaw's breach of its duty of care, Connor MacCalister attacked and murdered Mrs. Boudreau on August 19, 2015 inside the store.

48. Because MacCalister had frequented this Shaw's location before, and in light of the history of violent crimes at Shaw's locations outlined above, Shaw's acted with reckless disregard and/or indifference to the safety of its customers such as Wendy Boudreau in its failure to properly monitor and secure the store.

49. Plaintiff Jeffrey Boudreau, as the Personal Representative of the Estate of Wendy Boudreau, has suffered damages including without limitation lost enjoyment of life, medical expenses, funeral and/or burial expenses, loss of comfort, society and companionship, and other economic damages.

WHEREFORE, Plaintiff Jeffrey Boudreau requests that the Court enter judgment in his favor and against Shaw's Supermarkets, Inc., and award damages to the Plaintiff for his loss of consortium, medical expenses and reasonable funeral/burial expenses related to his wife's wrongful death, and economic damages, along with punitive damages.

COUNT II – CONSCIOUS PAIN AND SUFFERING
18-A M.R.S. § 2-804(c)

50. Plaintiff repeats the allegations contained in Paragraphs 1 through 49 of his Complaint as if fully set forth herein.

51. As a direct and proximate result of Shaw's breach of its duty of care, Connor MacCalister stabbed Wendy Boudreau on August 19, 2015 inside the Saco store.

52. Mrs. Boudreau lay injured and bleeding in the store before rescue personnel arrived and took her to SMHC, where she later died.

53. Wendy Boudreau experienced conscious pain and suffering between the moment that Connor MacCalister stabbed her at Shaw's and the moment of her death at SMHC on August 19, 2015.

WHEREFORE, Plaintiff Jeffrey Boudreau requests that the Court enter judgment in his favor and against Shaw's Supermarkets, Inc., and award damages to Plaintiff for the conscious pain and suffering of Wendy Boudreau.

JURY TRIAL DEMAND

Plaintiff Jeffrey Boudreau, as Personal Representative of the Estate of Wendy Boudreau, hereby demands a jury trial on all matters so triable under the laws and Constitution of the United States and the State of Maine.

Dated: July 10, 2017

/s/ Laura H. White

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