

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, SS.

SUPERIOR COURT DEPARTMENT
OF THE TRIAL COURT

LYNN ROY, AS PERSONAL
REPRESENTATIVE OF THE ESTATE OF
CONRAD H. ROY, III,

Plaintiff

CIVIL ACTION #:

v.

MICHELLE CARTER

Defendant

COMPLAINT AND DEMAND FOR JURY TRIAL

Parties

1. The Plaintiff, Lynn Roy, is a resident of Fairhaven, Bristol County, Massachusetts, who brings this action as Administrator of the Estate of Conrad H. Roy, III, her deceased son. Lynn Roy, was appointed Personal Representative of the Estate of Conrad H. Roy, III, on April 25, 2014, by the Plymouth County Probate and Family Court, Docket No. PL17P0789EA.
2. The Defendant, Michelle Carter, is a resident of Plainville, Norfolk County, Massachusetts.

The Facts

3. The Plaintiff's decedent, Conrad H. Roy, III, and the Defendant, Michelle Carter had been involved in a relationship since 2011. Ms. Carter knew that Mr. Roy had a history of attempted suicides and was being treated for mental health issues including severe depression.
4. During the months and weeks prior to his death, Conrad H. Roy, III, exchanged communications with the Defendant, Michelle Carter, in which Ms. Carter encouraged Mr. Roy to kill himself and chastised him for delaying the act.
5. In a communication prior to his death, Ms. Carter specifically instructed Mr. Roy to use a generator to create the poisonous environment and told him to commit the act using his truck when everyone was asleep.

6. On or about July 13, 2014, Mr. Roy parked his vehicle in the K-Mart Parking lot in Fairhaven, Massachusetts. He turned on a gas generator inside the vehicle and the vehicle began to fill with poisonous carbon monoxide.
7. On or about July 13, 2014, while the generator continued to run and the vehicle filled with poisonous carbon monoxide, Ms. Carter, exchanged phone calls and text messages with Mr. Roy and encouraged him to kill himself.
8. On July 13, 2014, while the generator was still running in the vehicle, Mr. Roy exited the vehicle because he was scared. Despite understanding the dangerous conditions inside the vehicle, Ms. Carter ordered Mr. Roy to get back into the vehicle.
9. At the above-described time and place, the Michelle Carter carelessly and negligently, and/or with gross negligence, and/or with willful, wanton and/or reckless conduct acted as follows:
 - a. Provided instruction and assistance to the decedent regarding how to go about killing himself;
 - b. Encouraged the decedent, whom she knew had a history of suicide attempts and psychological issues, to kill himself;
 - c. Ordered the decedent to return to a situation she knew, or should have known, posed a significant risk of death; and,
 - d. Failed to act when she knew, or should have known, that her conduct had caused, or contributed to cause, a situation that posed a significant risk of death to the decedent.
10. As a direct and proximate result of the negligence and carelessness of the Defendant, Michelle Carter, and/or her gross negligence, and/or her willful, wanton and/or reckless conduct, the Plaintiff's decedent, Conrad H. Roy, III, suffered severe personal injuries, great conscious pain and suffering of body and mind and ultimately death.

CAUSES OF ACTION

(Each Cause of Action specifically incorporates each paragraph previously set forth above.)

First Cause of Action

11. This is an action by the Plaintiff, Lynn Roy, as the Personal Representative of the Estate of Conrad H. Roy, III, against the Defendant, Michelle Carter, pursuant to the Massachusetts Wrongful Death Statute, M.G.L. c. 229 § 1, et. seq., for damages caused by the Defendant's negligence and/or wanton and reckless conduct resulting in the death of Conrad H. Roy. III.

Second Cause of Action

12. This is an action by the Plaintiff, Lynn Roy as the Personal Representative of the Estate of Conrad H. Roy, III, against the Defendant, Michelle Carter, pursuant to the Massachusetts Wrongful Death Statute, M.G.L. c. 229, §1, et seq., for conscious pain and suffering of Conrad H. Roy, III.

Third Cause of Action

13. This is an action by the Plaintiff, Lynn Roy as the Personal Representative of the Estate of Conrad H. Roy, III, against the Defendant, Michelle Carter, pursuant to the Massachusetts Wrongful Death Statute, M.G.L. c. 229 § 1, et. seq., for punitive damages due to the Defendant's willful, wanton, reckless and/or grossly negligent conduct resulting in the death of Conrad H. Roy, III.

Demand for Relief

14. The Plaintiff, Lynn Roy, as the Personal Representative of the Estate of Conrad H. Roy, III, demands judgment against the Defendant, Michelle Carter, in such an amount as this Honorable Court deems mete and just, with interest and costs, as to the First, Second and Third Causes of Action.

Claim for Trial by Jury

15. The Plaintiff claims a trial by jury to all issues raised in this Complaint.

The Plaintiff,
By her Attorneys,
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