

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

SUPERIOR COURT DEPARTMENT  
CIVIL ACTION NO.

AMY WOJDAG, AS PERSONAL  
REPRESENTATIVE OF THE ESTATE OF  
MICHAEL WOJDAG, AMY WOJDAG  
(INDIVIDUALLY), AND AMY WOJDAG  
AS PARENT AND NEXT FRIEND OF  
RYAN WOJDAG, A MINOR,  
Plaintiff

V.

HEDWEENS QUETANT,  
Defendant

PLAINTIFF'S COMPLAINT AND  
CLAIM FOR JURY TRIAL

**PARTIES**

1. The Plaintiff, Amy Wojdag, is the duly appointed Personal Representative of the Estate of Michael Wojdag, and is a resident of Hanson, Massachusetts. *See* Ex. 1.
2. Amy Wojdag is also a Plaintiff in this action who seeks recovery for her own personal injuries.
3. Amy Wojdag is additionally the Mother and Next Friend of Ryan Wojdag, who seeks recovery in this action for Ryan Wojdag's personal injuries.
4. The Defendant, Hedweens Quetat, was at all times a resident of Roslindale, City of Boston, Suffolk County, Massachusetts.

**FACTS**

5. The Plaintiff repeats and realleges all prior paragraphs as if expressly rewritten.
6. On or about, February 19, 2023, Michael Wojdag operated his vehicle- a Chevrolet Tahoe- on a public way- Route 93 South- in Braintree, Massachusetts.
7. On or about, February 19, 2023, the Defendant, Hedweens Quetat, operated a vehicle on a public way- Route 93 South- in Braintree, Massachusetts.
8. While driving south on Route 93 on February 19, 2023, Hedweens Quetat was racing another, yet unidentified driver.

9. While driving south on Route 93 South, Quetat struck the vehicle operated by Michael Wojdag, and caused it to overturn.
10. Michael Wojdag was killed in the collision.
11. Amy Wojdag and Ryan Wojdag were seriously injured in the collision.
12. At all material times hereto, the Plaintiff's decedent and the Plaintiffs were in the exercise of due care.
13. As a direct and proximate result of the Defendant's negligence and carelessness, the Plaintiff's decedent was caused severe conscious physical and mental pain and suffering, incurred medical expenses, was deprived of a chance at survival, and further, the Plaintiff's decedent was killed.
14. As a direct and proximate result of the Defendant's negligence, Amy Wojdag and Ryan Wojdag suffered personal injuries, incurred lost wages, suffered emotional distress, and incurred medical bills in excess of Two Thousand Dollars (\$2,000.00)

Count One  
Wrongful Death Negligence  
Estate of Wojdag v. Quetat

15. The Plaintiff repeats and realleges all prior paragraphs as if expressly rewritten.
16. The Defendant, Hedweens Quetat, owed a duty of reasonable care in the operation of a motor vehicle to all people, including the Plaintiff's Decedent, Michael Wojdag.
17. Hedweens Quetat breached that duty of care when he raced another vehicle and struck the vehicle operated by Michael Wojdag.
18. Additionally, Hedweens Quetat needlessly endangered Michael Wojdag and all other drivers on the road by failing to:
  - a. Drive at a safe speed;
  - b. Bring a vehicle to a safe stop;
  - c. See what was there to be seen;
  - d. Yield to other cars on the road;
  - e. Obey traffic controls;
  - f. Take proper evasive action;
  - g. Yield while entering a roadway;
  - h. Refrain from vehicle racing in violation of MGL c. 90, § 17B;
  - i. Avoid other vehicles on the road; and,
  - j. Maintain control of a vehicle.

19. As a direct and proximate result of the Defendant's negligence and carelessness, the Plaintiff's decedent was caused severe conscious physical and mental pain and suffering, incurred medical expenses, was deprived of a chance at survival, and further, the Plaintiff's decedent was killed.

WHEREFORE, the Plaintiff demands judgment against the Defendant, jointly and severally with all other defendants herein, in an amount that the finder of fact deems fair and just, plus costs, interest and the reasonable funeral and burial expenses incurred.

Count Two  
Wrongful Death Punitive Damages  
Estate of Wojdag v. Quetat

20. The Plaintiff repeats and re-alleges all prior paragraphs as though more fully set forth herein.
21. Quetat's conduct was willful, wanton, reckless and/or grossly negligent.
22. As a direct and proximate result of Quetat's negligence and carelessness, the Plaintiff's decedent was caused severe conscious physical and mental pain and suffering, incurred medical expenses, was deprived of a chance at survival, and further, the Plaintiff's decedent was killed.

WHEREFORE, the Plaintiff demands judgment against the Defendant, jointly and severally with all other defendants herein, in an amount that the finder of fact deems fair and just, plus punitive damages, costs, interest and the reasonable funeral and burial expenses incurred.

Count Three  
Wrongful Death Conscious Pain and Suffering  
Estate of Wojdag v. Quetat

23. The Plaintiff repeats and re-alleges all prior paragraphs as though more fully set forth herein.
24. As a direct and proximate result of the careless and negligent conduct set forth above, the Plaintiff's decedent suffered conscious pain and suffering.

WHEREFORE, the Plaintiff demands judgment against the Defendant, jointly and severally with all other defendants herein, in an amount that the finder of fact deems fair and just, plus punitive damages, costs, interest and the reasonable funeral and burial expenses incurred.

Count Four  
Amy Wojdag v. Quetat  
Negligence

25. The Plaintiff repeats and realleges all prior paragraphs as if expressly rewritten.
26. The Defendant, Hedweens Quetat, owed a duty of reasonable care in the operation of a motor vehicle to all people, including the Plaintiff, Amy Wojdag.
27. Hedweens Quetat breached that duty of care when he raced another vehicle and struck the vehicle in which Amy Wojdag was riding.
28. Additionally, Hedweens Quetat needlessly endangered Amy Wojdag and all other drivers on the road by failing to:
  - a. Drive at a safe speed;
  - b. Bring a vehicle to a safe stop;
  - c. See what was there to be seen;
  - d. Yield to other cars on the road;
  - e. Obey traffic controls;
  - f. Take proper evasive action;
  - g. Yield while entering a roadway;
  - h. Refrain from vehicle racing in violation of MGL c. 90, § 17B;
  - i. Avoid other vehicles on the road; and,
  - j. Maintain control of a vehicle.
29. As a direct and proximate result of the negligence of Hedweens Quetat, the Plaintiff, Amy Wojdag, suffered personal injuries; lost wages; suffered an impairment of earning capacity; incurred medical expenses in excess of \$2,000 and; continues to suffer conscious pain and suffering.

WHEREFORE, the Plaintiff, Amy Wojdag, requests that judgment be entered against the Defendant, jointly and severely with all the Defendants herein, in an amount to fully and adequately compensate for his damages, plus costs and interest thereon.

Count Five  
Amy Wojdag, as Parent and Next Friend of Ryan Wojdag v. Quetat  
Negligence

30. The Plaintiff repeats and realleges all prior paragraphs as if expressly rewritten.
31. The Defendant, Hedweens Quetat, owed a duty of reasonable care in the operation of a motor vehicle to all people, including the minor Plaintiff, Ryan Wojdag.

32. Hedweens Quetat breached that duty of care when he raced another vehicle and struck the vehicle in which Ryan Wojdag was riding.
33. Additionally, Hedweens Quetat needlessly endangered Ryan Wojdag and all other drivers on the road by failing to:
  - k. Drive at a safe speed;
  - l. Bring a vehicle to a safe stop;
  - m. See what was there to be seen;
  - n. Yield to other cars on the road;
  - o. Obey traffic controls;
  - p. Take proper evasive action;
  - q. Yield while entering a roadway;
  - r. Refrain from vehicle racing in violation of MGL c. 90, § 17B;
  - s. Avoid other vehicles on the road; and,
  - t. Maintain control of a vehicle.
34. As a direct and proximate result of the negligence of Hedweens Quetat, the minor Plaintiff, Ryan Wojdag, suffered personal injuries; lost wages; suffered an impairment of earning capacity; incurred medical expenses in excess of \$2,000 and; continues to suffer conscious pain and suffering.

WHEREFORE, the Plaintiff, Amy Wojdag, as Parent and Next Friend of Ryan Wojdag, requests that judgment be entered against the Defendant, jointly and severely with all the Defendants herein, in an amount to fully and adequately compensate for his damages, plus costs and interest thereon.

JURY CLAIM

The Plaintiffs claims a trial by jury of all issues presented in this action.

The Plaintiff,  
By counsel,

A handwritten signature in black ink, appearing to read "Thomas E. Flaws". The signature is stylized and cursive, with a large, prominent initial "T" and "F".

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Thomas E. Flaws, Esq.  
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# Ex. 1

<b>LETTERS OF AUTHORITY FOR PERSONAL REPRESENTATIVE</b>	Docket No: PL23P0666EA	Commonwealth of Massachusetts The Trial Court Probate and Family Court
Estate of: Michael E. Wojdag  Date of Death: <u>02/19/2023</u>	Plymouth Probate and Family Court 52 Obery Street Suite 1130 Plymouth, MA 02360 (508)747-6204	

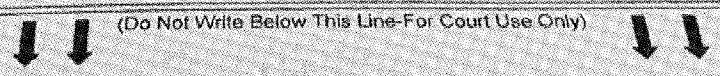
To  
**Amy J Wojdag**  
 78 Thayer Drive  
 Hanson, MA 02341

You have been appointed and qualified as Personal Representative in  Supervised  Unsupervised  
 administration of this estate on June 02, 2023  
 (date)

These letters are proof of your authority to act pursuant to G. L. c. 190B, except for the following restrictions if any:

Pursuant to G. L. c. 190B, § 3-108(4), the Personal Representative shall have no right to possess estate assets as provided in § 3-709 beyond that necessary to confirm title thereto in the successors to the estate and claims, other than expenses of administration, if any, shall not be paid.

The Personal Representative was appointed before March 31, 2012 as Executor or Administrator of the estate.



(Do Not Write Below This Line-For Court Use Only)

**CERTIFICATION**

I certify that it appears by the records of this Court that said appointment remains in full force and effect. IN TESTIMONY WHEREOF I have hereunto set my hand and affixed the seal of said Court.

Date June 2, 2023

*Matthew J McDonough*  
 Matthew J McDonough, Register of Probate