

ER

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

SUPERIOR COURT  
DEPARTMENT OF THE TRIAL COURT  
C.A.

_____	)
SHLOMO NOGINSKI,	)
Plaintiff	)
	)
v.	)
	)
KHALED AWAD	)
Defendants.	)
_____	)

**COMPLAINT AND REQUEST FOR JURY TRIAL**

**I. PARTIES**

1. Plaintiff Shlomo Noginski (“Plaintiff” or “Rabbi Noginski”) is an individual residing in Boston, Massachusetts.
2. Defendant Khaled Awad, (“Defendant” or Mr. Awad”) upon information and belief, is an individual who is currently civilly committed to Bridgewater State Hospital in Bridgewater, Massachusetts pursuant to M.G.L. c. 123, sec. 16(b).

**II. JURISDICTION AND VENUE**

3. Plaintiff is a resident of Boston, Massachusetts, County of Suffolk.
4. Defendant has been held without bail since July 1, 2021 by The Commonwealth of Massachusetts, and is currently being held at Bridgewater State Hospital, Bridgewater, Massachusetts, County of Plymouth.
5. Accordingly, jurisdiction of the Suffolk County Superior Court is properly

invoked.

### **III. FACTS COMMON TO ALL COUNTS**

6. On or about July 1, 2021, while standing outside of the Shaloh House Jewish Day School in Brighton where he taught, Plaintiff was approached by Defendant, who was brandishing a gun.

7. Plaintiff is a Rabbi of the Jewish Faith, and was wearing attire that identified him as Jewish.

8. At that time and place, Mr. Awad demanded the keys to Rabbi Noginski's van, which Rabbi Noginski gave to him.

9. Mr. Awad, still brandishing his gun, then walked Rabbi Noginski to the van, and demanded that he get inside.

10. Rabbi Noginski at this point feared that Mr. Awad planned to kill him, and not simply to steal the van. He also feared for the lives of the students who were inside the building.

11. In order to divert Mr. Awad from the school, Rabbi Noginski began to run away from Mr. Awad, who pursued him.

12. Mr. Awad caught up to Rabbi Noginski and in broad daylight began to attack him.

13. In an assault that lasted over a number of minutes, Mr. Awad stabbed Rabbi Noginski eight times, causing serious bodily injuries.

14. As a result of the Defendant's conduct, Rabbi Noginski sustained medical treatment, medical bills, lost earning capacity, scarring and disfigurement, pain and suffering, physical impairment, and emotional damages.

15. Upon information and belief, Mr. Awad has and had expressed animosity towards Jews and people of the Jewish Faith prior to the assault.

**COUNT I (ASSAULT AND BATTERY)**

16. Plaintiff incorporates paragraphs 1-15 above by reference as if set forth in full herein.

17. Defendant's conduct constitutes an unlawful assault and battery upon the person of the Plaintiff.

18. As a result of the foregoing assault and battery, Plaintiff has sustained damages in the form of medical treatment, medical bills, lost earning capacity, scarring and disfigurement, pain and suffering, physical impairment, and emotional damages.

**COUNT II (FALSE IMPRISONMENT)**

19. Plaintiff incorporates paragraphs 1-15 above by reference as if set forth in full herein.

20. As set forth in paragraphs 8 and 9, Mr. Awad's conduct intentionally and unlawfully placed a restraint upon Plaintiff through the threat of force and intimidation.

21. As a result of the foregoing false imprisonment, plaintiff suffered emotional damages and sustained medical expenses.

**COUNT III (INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS)**

22. Plaintiff incorporates paragraphs 1-15 above by reference as if set forth in full herein.

23. As will be demonstrated at trial, the outrageous actions taken by Defendant were intentionally designed to cause mental distress to the Plaintiff, which they did.

24. As a result of the foregoing outrageous actions of the Defendant, plaintiff suffered emotional damages and sustained medical expenses.

**COUNT IV (CIVIL RIGHTS VIOLATION PURSUANT TO M.G.L. c. 12,  
SECTIONS 11H AND 11I.)**

25. Plaintiff incorporates paragraphs 1-15 above by reference as if set forth in full herein.

26. As will be demonstrated at trial, the outrageous actions taken by Defendant were intentionally designed to cause physical harm, emotional distress, and intimidation to Rabbi Noginski because of his religion, and did so, all in violation of the Massachusetts Civil Rights Act.

27. As a result of the foregoing actions of the Defendant, Plaintiff has sustained damages in the form of medical treatment, medical bills, lost earning capacity, scarring and disfigurement, pain and suffering, physical impairment, and emotional damages.

**REQUEST FOR RELIEF**

WHEREFORE, the Plaintiff respectfully requests that the Court enter judgment in his favor and against the Defendant, on all counts stated above, including:

1. Ordering the Defendants to pay actual and punitive damages to Plaintiff;
2. Ordering the Defendants to pay both pre- and post-judgment interest on any amounts awarded;
3. Ordering the Defendants to pay attorneys' fees and costs of suit; and
4. Ordering such other and further relief as may be just and proper.

**THE PLAINTIFFS REQUEST A TRIAL BY JURY  
ON ALL ISSUES AND COUNTS**

Dated: June 28, 2024

Respectfully submitted on behalf of  
Shlomo Noginski  
By his attorneys,

/s Jeffrey A. Denner

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