

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

SUFFOLK SUPERIOR COURT  
CIVIL ACTION NO.:

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GLENN WILDER, JEANINE CUNNINGHAM, )  
 JEANETTE SMALL, JOANNE GIBSON, )  
 JENNIFER COLCLASURE, )  
 MARSHALL JOLOTTA, )  
 PAMELA BISHOP and CYNTHIA KELLEY, )  
 individually and on behalf of )  
 all similarly situated persons, )  
  
 Plaintiffs, )  
  
 v. )  
  
 PRESIDENT & FELLOW OF HARVARD )  
 COLLEGE a/k/a Harvard College, and )  
 CARL J. SHAPIRO INSTITUTE )  
 FOR EDUCATION AND RESEARCH AT )  
 HARVARD MEDICAL SCHOOL AND BETH )  
 ISRAEL DEACONESS MEDICAL CENTER, )  
 INC., a/k/a Harvard Medical School, )  
  
 Defendants. )

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**CLASS ACTION COMPLAINT AND DEMAND FOR JURY TRIAL**

This case arises out of an unthinkable, unconscionable breach of trust by an institution that holds itself out as the very pinnacle of excellence, Harvard. The families of Glenn Wilder, Sr., Marshall Jolotta and Joseph Gagne, along with hundreds of other families, generously entrusted the remains of their loved ones, per their wishes, to Defendants in the hope and expectation that this final act of service and kindness could help others by training a new generation of doctors, and by supporting the opportunity for new medical and scientific discoveries and a greater understanding of human life, anatomy and disease.

Defendants solicited and accepted these incredibly dear, precious, selfless gifts and undertook the solemn, important responsibility of making sure the gifted remains were treated, at all times, lawfully and with the utmost dignity and respect. However, to their absolute shock and horror, the families who placed this deep trust in Defendants have learned that, instead of caring properly for and protecting the remains entrusted to them, Defendants abandoned them in a facility that was a place of freakish desecration, where, according to the indictments, criminals were allowed to roam and pick over loved ones' remains for bits like trinkets at a flea market. To date, Defendants have accepted no responsibility for the horrors that befell the remains placed under Defendants' care or for the devastation to the families who trusted Harvard with their loved ones. Instead, in a gross understatement of its gravity, Defendants have publicly (and in letters to the impacted families) called the horrific discoveries, "troubling news." *See* <https://meded.hms.harvard.edu/anatomical-gift-program>.

These remains were not mere "cadavers" to which no respect was owed. They were the last physical remnants of beloved fathers, mothers, children, grandparents, sisters, wives. The traumatized and heartbroken families of Mr. Wilder, Mr. Jolotta and Mr. Gagne bring this suit, on behalf of themselves and all the families touched by this tragedy, because their trust in Defendants was shattered. They bring this suit out of respect to their desecrated loved ones and to right the grievous wrongs that befell them. These families seek justice, accountability and to shine a light on a despicable tragedy in the hopes that no other family will ever have to endure such horror.

### **PARTIES**

1. Glenn Wilder is an individual residing in Plymouth County, Massachusetts. He is the surviving son of Glenn Wilder, Sr., who passed away on June 1, 2019. Because of his mother's (his father's widow's) health and age, Glenn was designated by his father to carry out Mr. Wilder,

Sr.'s wishes regarding the final disposition of his remains – that they be entrusted to Defendants for the greater good.

2. Jeanine Cunningham is an individual residing in Essex County, Commonwealth of Massachusetts. Ms. Cunningham, Jeanette Small, Joanne Gibson, Jennifer Colclasure and Marshall Jolotta are the children and next of kin of Marshall Jolotta, who was a widower at the time of his death. Mr. Jolotta passed away on November 25, 2017, and, in accordance with his wishes, his remains were entrusted by his children to Defendants in order to help others.

3. Pamela Bishop is an individual residing in Westford, Massachusetts. She and her sister, Cynthia Kelley are the surviving daughters and next of kin of her father, Joseph Gagne, who passed away on June 4, 2018. Their mother, Mr. Gagne's wife, has also passed away. Pamela was designated by her father to carry out his wishes regarding the final disposition of his remains – that they be entrusted to Defendants for the betterment of all.

4. Defendant President & Fellows of Harvard College a/k/a "Harvard College" is a Massachusetts private education institution located at 25 Shattuck Street, Boston, Suffolk County, Massachusetts, that does business under the name "Harvard College."

5. The Defendant Carl J. Shapiro Institute for Education and Research at Harvard Medical School and Beth Israel Deaconess Medical Center, Inc. a/k/a "Harvard Medical Center" is a Massachusetts nonprofit corporation located at 330 Brookline Ave. Boston, Suffolk County, Massachusetts.

6. Defendants are herein collectively referred to as "Harvard."

#### **JURISDICTION AND VENUE**

7. This Court has jurisdiction over this matter pursuant to M.G.L. c. 223A, sec. 2 and c. 212, sec. 3.

8. Venue is proper in this Court because the misconduct complained of occurred in Suffolk County, Massachusetts.

### **FACTUAL ALLEGATIONS**

9. Harvard solicits and accepts the remains of departed loved ones for its “Anatomical Gift Program.” In seeking these extraordinary gifts, Harvard espouses that, “The study of the human body is an indispensable component of medical and dental education and research, enabling the advancement of medical and dental science and therapy.” *See* <https://meded.hms.harvard.edu/anatomical-gift-program>.

10. Regarding the Medical School for which it solicits anatomical gifts, Harvard represents itself as the leader in medical education, one that sets “the standard of excellence in medical education,” and which will enable students to, “alleviate human pain and suffering.” In its promotional materials, Harvard also announces that, “To study medicine at Harvard is to prepare to play a leading role” in the “quest to improve the human condition.” Harvard claims that, “For over two centuries, Harvard Medical School has excelled not only in teaching the practice of medicine but also in bringing out the best in those who practice it,” providing students the opportunity to, “find their calling, and discover how they can change the fabric of medicine, science and society.” *See* <https://meded.hms.harvard.edu/admissions-who-we-are>.

11. In asking for and accepting the sole care, custody, sheltering and protection of the final remains of families’ loved ones, Harvard undertook the responsibility to provide a safe place that would ensure the remains were treated at all times lawfully and with the utmost respect and dignity.

12. Every individual who made this selfless, final gift for the betterment of others was a beloved person – someone who had lived and breathed, walked on this Earth, laughed, loved and

cried, hugged their loved ones and, ultimately, tried to make the world a better place by entrusting their remains to Harvard.

13. Every individual who made this selfless, final gift to Harvard left behind family and friends who grieved the loss and tried to find some peace in knowing that they had honored the wishes of their loved one to try to help others through the anatomical gift, and in knowing that they had entrusted the remains to a place, Harvard, that would protect and shelter the remains, and always care for the remains with the utmost dignity and respect.

14. As Massachusetts has recognized for well more than a century,

There is a duty imposed by the universal feelings of mankind to be discharged by someone towards the dead,—a duty, and we may also say a right, to protect from violation...

*Burney v. Children's Hosp in Boston*, 47 NE 401 (Mass. 1897).

15. In a complete breach of this duty and the deep trust that Harvard sought out and accepted, for, at the very least, more than five years (from 2018 until March 7, 2023 per the indictment), remains that were in the sole custody and care of and had been entrusted to Harvard were desecrated and looted, dismembered and sold for grotesque art and unknown gratifications. *See* Ex. 1.

16. The remains, which had been gifted to Harvard, were desecrated because the many failures of the Harvard to provide a safe place for the sheltering of the remains, and Harvard's lax policies and procedures and substandard screening, selecting, training and supervision of its staff.

17. The perpetrator of these criminal acts was selected, approved by, and placed into a control position of the morgue by Harvard.

18. Harvard made the choice to expose hundreds of unprotected, entirely vulnerable remains, including the remains of Glenn Wilder, Sr., Marshall Jolotta and Joseph Gagne, to this predator

without performing reasonable, appropriate background checks, screening or reference checks, and without putting in place appropriate and reasonable supervision and monitoring.

19. Harvard made the choice to expose hundreds of unprotected, entirely vulnerable remains, including the remains of Glenn Wilder, Sr., Marshall Jolotta and Joseph Gagne, to to this predator without enacting and/or without enforcing reasonable and appropriate policies and procedures and training necessary to safeguard the remains of loved ones entrusted to Harvard.

20. These families and their loved ones placed the deepest trust in Harvard. That trust was shattered.

21. Because of the choices Harvard made about its selection, training and supervision of its staff, instead of a solemn, dignified place of respect and learning, the Harvard morgue was a haven for predators – a place where one could abuse the unprotected remains of loved ones in the worst possible way without any fear of detection or prevention.

22. Harvard's decades-long employee – the perpetrator - has been charged criminally, and will be dealt with through the criminal justice system.

23. It was Harvard that placed and maintained the perpetrator in control over the beloved, and extraordinarily vulnerable remains that were entrusted to Harvard.

24. For years, Harvard provided the perpetrator with unfettered access to the remains that had been generously and lovingly donated, including the remains of Glenn Wilder, Sr., Marshall Jolotta and Joseph Gagne, and did so while maintaining inadequate and/or unenforced policies, insufficient training and supervision, and an unsafe facility.

25. In fact, according to Harvard, this perpetrator began work in the Harvard morgue on February 6, 1995. See <https://hms.harvard.edu/news-events/anatomical-gift-program->

resources/frequently-asked-question. It is presently unknown what horrors took place under his control in the decades before law enforcement authorities became aware of his grotesque misdeeds.

26. At all relevant times, the perpetrator of the desecration and abuse of remains gifted to Harvard was the employee of Harvard, with unparalleled and unprecedented access to and control over the remains precisely due to this employment.

27. Harvard asked for and undertook the exclusive custody, care and protection of the remains entrusted to it, including the remains of Glenn Wilder, Sr., Marshall Jolotta and Joseph Gagne.

28. Harvard volunteered to and did undertake to provide a safe, respectful, lawful place for the remains entrusted to it, including the remains of Glenn Wilder, Sr., Marshall Jolotta and Joseph Gagne. to be protected and cared for while used for education and research.

29. The families of the loved ones' remains entrusted to Harvard, including the families of Glenn Wilder, Sr., Marshall Jolotta and Joseph Gagne, relied upon Harvard to do so.

30. At all relevant times, it was feasible for Harvard to properly screen and perform background and reference checks on the perpetrator before placing him in charge of otherwise unprotected remains, to require that he be appropriately trained, monitored and supervised and to enact policies necessary to safeguard the remains entrusted to Harvard.

31. Sadly, the desecration of remains by criminals and the need to guard against this defilement, as well as the significant and traumatic harm any such misdeeds causes to the families left behind, is and was well-known and reasonably foreseeably to Harvard.

32. Glenn Wilder, Sr. was a life-long resident of Scituate, Massachusetts and he and his beloved wife, Claire, were members of St. Luke's Episcopal Church from the moment the Church broke ground in 1963. Glenn, Sr. was a Korean War vet, who ultimately went to work for and then ran the family tire and auto repair business that his own father and uncle had started.

33. Glenn and Claire taught their two children, Glenn and Laurie, the importance of hard work and of giving back to the community.

34. Because of his commitment to helping others, Glenn Wilder, Sr., made the decision to entrust his remains to Harvard after his death. As he was dying of lung cancer, Glenn, Sr. told the family that, through his gift, he hoped he could save someone else from the kind of suffering he was enduring. Glenn, Sr. believed that Harvard was “the bastion of excellence,” and that Defendants would treat his remains with the utmost respect, while maximizing the educational, medical and scientific benefit his remains could bestow.

35. Sadly, Mr. Wilder, Sr. passed away on June 1, 2019. Per his wishes, Mr. Wilder’s grieving son contacted Harvard to arrange the donation of his remains. Harvard took possession of the remains and held them for nearly two years, after which Harvard returned what it claimed to be the cremated remains of Mr. Wilder, Sr. to his son. Per Glenn, Sr.’s wishes, those remains sit in the garage office of the family business - so that Glenn, Jr. could still go to work with his dad every day.

36. Mr. Wilder and his family understood and expected that Harvard would use the utmost care, respect, and professionalism in handling, caring for and protecting his remains.

37. In June of 2023, they were shocked and devastated to learn that this trust had been utterly shattered. Instead of resting in a place of learning, dignity and respect, Mr. Wilder, Sr.’s remains were among those abandoned in and subjected to a horror house of desecration and disrespect at Harvard, and left in the unsupervised and unrestricted hands of a criminal who used the remains for personal gain and without regard to the person the remains had been in life or the family who still loved, missed and grieved him.



38. Marshall Jolotta was a life-long resident of Massachusetts, who left high school to serve in the Navy. He ultimately got his GED and became an LPN, as well as a skilled diesel mechanic. Marshall was also a life-long, avid fisherman. He worked hard to raise his family of five children and made sure that, even when money was tight, they never went without. Mr. Jolotta would work a full, hard day and then get out on the water to catch fish or shellfish for dinner, and he found time to scrap parts to build bicycles and even stilts for his children.

39. Mr. Jolotta taught his children the value of hard work and of service.

40. Because of his strong belief in helping others where you can, Mr. Jolotta wanted to entrust his remains after death to science. He felt that, through this generous gift, he could help others, and he wanted to help make young doctors better. Mr. Jolotta asked his oldest daughter, Jeanine, to research available programs and, based on her results, decided that his remains should be gifted to Harvard. He chose Harvard in part based on Harvard's outstanding reputation, often joking with some pride that he was going to be the first in his family to go to Harvard. Even though his dear wife did not like the idea of Mr. Jolotta's planned, generous gift to Harvard, he insisted. He wanted to do whatever he could to help others.

41. Sadly, Mr. Jolotta passed away on November 25, 2017. Per his wishes, Mr. Jolotta's grieving daughter Jeanine contacted Harvard to arrange the donation of his remains. Harvard took possession of the remains and held them for nearly two years, after which Harvard returned what it claimed to be the cremated remains of Mr. Jolotta. Per Marshall's wishes, those remains were comingled with his beloved wife's cremated remains and scattered on family property, so that they could rest in peace together.

42. Mr. Jolotta and his family understood and expected that Harvard would use the utmost care, respect and professionalism in handling, caring for and protecting his remains.

43. In June of 2023, the family was heartbroken and deeply traumatized to learn that this trust had been utterly shattered. Instead of resting in a place of learning, dignity and respect, Mr. Jolotta's remains were among those abandoned in and subjected to a horror house of desecration and disrespect at Harvard and left in the unsupervised and unrestricted hands of a criminal who used the remains for personal gain and without regard to the person the remains had been in life or the family who still loved, missed and grieved him.

44. Joseph Gagne was a life-long Bay Stater. He was an active member of the Holy Family of Nazareth Church, who often participated in the service with readings. He worked as a plumber and served as President of the local union. He was married to his beloved wife, now deceased, for nearly seventy (70) years and was a very protective, loving father to his children.

45. Mr. Gagne taught his children to be strong, work hard and live right. He impressed on them the importance of making the right decisions in life, and of living a life of compassion, doing what you can for others.

46. Because of his deep belief in compassion and helping others, Mr. Gagne wanted his remains entrusted to Harvard upon his death. It was important to him that he be able, with this last, generous act, to help new doctors, to be part of educating medical students and to provide what help he could for the good of all. Mr. Gagne designated his daughter Pamela Bishop as the person to carry out his wishes.

47. Sadly, Mr. Gagne passed away on June 4, 2018. Per his wishes, Mr. Gagne's grieving daughter Pamela contacted Harvard to arrange the donation of his remains. Harvard took possession of the remains and held them for about a year, after which Harvard returned what it claimed to be the cremated remains of Mr. Gagne. Those remains now rest on the mantel in his daughter's, Cynthia Kelley's, house.

48. Mr. Gagne and his family understood and expected that Harvard would use the utmost care, respect, and professionalism in handling, caring for and protecting his remains.

49. In June of 2023, the family was horrified to learn that this trust had been utterly shattered. Instead of resting in a place of learning, dignity and respect, Mr. Gagne's remains were among those abandoned in and subjected to a horror house of desecration and disrespect at Harvard and left in the unsupervised and unrestricted hands of a criminal who used the remains for personal gain and without regard to the person the remains had been in life or the family who still loved, missed and grieved him.

### **CLASS ACTION ALLEGATIONS**

50. Pursuant to Rule 23 of the Massachusetts Rules of Civil Procedure, the named plaintiffs (hereinafter "The Families") seek equitable relief and damages on behalf of themselves and all other families of decedents whose remains were gifted to Harvard. This action alleges breach of fiduciary duty, reckless and negligent tortious interference with remains, negligence, reckless and negligent infliction of emotional distress, and unjust enrichment.

51. Because of the exceptional public importance of this case, the need for timely answers to grieving families, and the need to ensure that the statute of limitations is tolled for families, some of whom are elderly, who are grappling with unthinkable and devastating discoveries, the Families request that the Court provisionally certify this class action as soon as practicable.

52. This action is brought pursuant to the applicable provisions of Rule 23 of the Massachusetts Rules of Civil Procedure on behalf of a class defined as:

All those who are next of kin or person designated by the decedent to handle the disposition of the remains of any decedent<sup>1</sup> entrusted to Harvard's Anatomical Gift Program from January 1, 2018, through March 7, 2023.

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<sup>1</sup> Next of kin or person designated by the decedent to handle the disposition of the remains for purposes of this class is defined pursuant to *O'Dea v. Mitchell*, 213 N.E.2d 870

53. Excluded from the class are Defendants, including any parent, subsidiary, affiliate or controlled person of these entities and their officers, directors, agents, employees, and members of their immediate families; and the judicial officers to whom this case is assigned, their staff, and the members of their immediate families.

54. The class is so numerous that individual joinder of all its members is impracticable.

55. The identities of the class members for purposes of class notice may be readily obtained from Defendants' and public records.

56. This case presents important, core common issues of law and fact relating to the conduct, duty and resulting liability of Defendants.

57. The claims of the Families are typical of the claims of the class. The Families and the class members have been subjected to the same unlawful behavior of Defendants, giving rise to common legal and equitable claims.

58. The Families will fairly and adequately represent and protect the interests of the class, and none have any interests that are averse to the interests of the class.

59. The Families have retained counsel who are competent and experienced in class actions and complex litigation, including in cases involving the desecration and mishandling of remains.

60. The common issues of law and fact in this case predominate over issues affecting only individual class members.

61. A class action approach is superior to other available methods for the fair and efficient adjudication of this dispute.

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(Mass 1966); *see also Carter-Galica v. Town of Warren*, 926 N.E.2d 1201 (Mass Ct App 2010).

62. A class action is superior because common questions of law and fact predominate over any questions that may affect only individual members of the class and there would be significant economies to the courts and the parties in litigating the common issues on a class wide basis rather than in repetitive individual trials. A class action approach is also superior in this matter because hundreds of individual lawsuits would unnecessarily burden the courts, multiply the costs of litigation, and could impede the ability of some class members to receive any compensation at all should the funds available to satisfy individual claims be exhausted. A class approach would consolidate these matters and create fewer management difficulties because it would provide the benefits of unitary adjudication, judicial economy, economies of scale and comprehensive supervision by a single court.

63. Class certification is also appropriate because this Court can designate particular claims or issues for class wide treatment and/or may designate one or more subclasses if necessary.

**COUNT I: EQUITABLE (INJUNCTIVE AND/OR DECLARATORY) RELIEF**

64. Plaintiffs repeat, reallege, and incorporate by reference as if set forth hereto in their entirety Paragraphs 50 through 63 of this Complaint.

65. The Families and the members of the class, and their loved ones, entrusted the remains to Harvard for sheltering, protection, care and, ultimately, disposition.

66. The remains were improperly and unlawfully handled, abused and desecrated while in Defendants' exclusive possession and control, without the authorization, knowledge, permission, consent or ratification of the Families or the class members.

67. While in Defendants' sole custody and control, the remains were not afforded individual, respectful and dignified protection, sheltering and care.

68. The Families and the class members are charged by law, by their own moral obligations and ethical duties and by natural sentiments to accomplish the final wishes of their loved ones regarding the gift and use of and the final disposition of their remains, as requested by the decedents, and in keeping with public sensibilities and the law. At all times the decedents' remains must be treated with the utmost dignity and respect.

69. No adequate remedy at law exists to address the desecration of the decedents' remains and, due to Defendants' actions, there may be no way to undo the injustices that have been done.

70. Worse, many family members who entrusted their departed loved ones to Defendants may never be able to learn the exact fate of their loved ones' remains, left only with the knowledge that the remains were abandoned by Defendants into the hands of a criminal predator who sought only personal gain and demonstrated an utter lack of professionalism or respect for the departed.

71. Accordingly, The Families, on behalf of themselves and the class, request equitable relief, including the following:

- (a) A judicial determination and declaration of the rights of Families and the class and the responsibilities of Defendants with respect to the remains that are the subject of this action;
- (b) That Defendants disclose to The Families and the class, insofar as is possible, the details of the use and treatment of the remains entrusted to Harvard while the remains were in Harvard's custody and care, and the ultimate fate of those remains;
- (c) That Defendants be enjoined to cease and desist all mishandling, and desecration of remains, and all inadequate or ineffectual policies and procedures regarding the remains entrusted to it, including those related to screening, hiring, supervising, monitoring, and training employees and those regarding records-keeping, supervision, monitoring and control of remains entrusted to it; and
- (d) That Defendants be determined and declared to be financially responsible for the costs and expenses of determining the treatment and fate of all remains and retrieving all remains, and parts of remains, entrusted to Harvard, and of accomplishing any and all dignified and respectful disposition of the decedents' remains as may be possible.

**COUNT II: BREACH OF FIDUCIARY DUTY**

72. Plaintiffs repeat, reallege, and incorporate by reference as if set forth hereto in their entirety Paragraphs 50 through 71 of this Complaint.

73. Defendants sought and undertook a position of special trust and confidence with the Families and the class members when Harvard solicited and accepted the remains for its Anatomical Gift Program.

74. The Families and the class members, and their departed loved ones, placed special trust, faith and confidence in Defendants and in Defendants' judgment, including the utmost faith that the remains would at all times be protected, sheltered, cared for, honored and treated lawfully, with dignity and respect.

75. Defendants were aware of and, in fact, solicited this special trust, faith and confidence from the Families and the class members, and their decedents.

76. Thus, Defendants had fiduciary relationships with the Families and the class members.

77. Defendants were under a duty to exercise the utmost good faith and due diligence, and to act with due regard for the best interests of the Families and the class in protecting, sheltering, caring for and disposing of the remains.

78. Defendants breached their fiduciary duties to the Families and the class as described herein.

79. As a direct and proximate result of Defendants' breach of fiduciary duty, the Families and the class have suffered and continue to suffer injury and damages, including serious and severe emotional distress.

**COUNT III:  
TORTIOUS INTERFERENCE WITH REMAINS**

80. Plaintiffs repeat, reallege, and incorporate by reference as if set forth hereto in their entirety Paragraphs 50 through 79 of this Complaint.

81. The Families and the class, as the decedents' next of kin and/or designee of the decedent, had or have a personal quasi-property right to control the handling and disposition of the remains of their loved ones.

82. The Families and the class expressed their wishes to Defendants regarding the manner in which the remains were to be sheltered, handled, protected and ultimately disposed of.

83. Defendants had the opportunity and responsibility to comply with the Families' and the class member's expressed wishes.

84. Defendants were or should have been aware of the well-known, serious, substantial, and devastating risk of individuals, with criminal intent, seeking profit and/or disgusting gratification from the remains of those who have passed away.

85. As described herein, Defendants interfered with the remains entrusted to Harvard.

86. Defendants also interfered with the rights and responsibilities of the Families and the class to carry out the wishes of and effect the proper handling and disposition of their departed loved ones' remains with utmost dignity, in accordance with the law and their wishes, requests and beliefs.

87. As described above and in the criminal indictment, the depravity at Harvard's morgue continued unchecked for years.

88. Harvard's conduct was in gross deviation from the standard of care that a reasonable organization would exercise under all of the circumstances.

89. Furthermore, while Harvard would not have intended that its failures would result in the desecration and defiling of remains in such a gruesome way, the decisions and choices that Harvard made with respect to the morgue, its policies and procedures, and its screening, hiring, supervising, training and monitoring of employees, were entirely intentional.



90. Defendants' interfered with the remains and caused, contributed to, and/or aided and abetted their desecration, including but not limited to by failing to enact and enforce appropriate policies and procedures to protect remains entrusted to them, by failing to supervise, monitor and assure the proper care and protection of the remains, and by abandoning the remains in the hands of a criminal, who lacked the qualifications, training, sensitivity, experience and integrity required to handle the remains properly and by Defendants' negligent failure to control, monitor, supervise and investigate the actions of its employee.

91. Defendants precluded the Families and the class from exercising their rights and performing their responsibilities of appropriately handling, caring for and disposing of the remains of their loved ones.

92. As a direct, known, foreseeable and proximate result of Harvard's negligence and its reckless disregard of the consequences, as well as Harvard's intentional choices described herein, the remains entrusted to it were molested, abused and defiled, and the families of Glenn Wilder, Sr., Marshall Jolotta and Joseph Gagne, as well as all other members of the class, reasonably and expectedly suffered serious injury including serious and severe emotional distress.

**COUNT IV. NEGLIGENCE AND**  
**NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS**

93. Plaintiffs repeat, reallege, and incorporate by reference as if set forth hereto in their entirety Paragraphs 50 through 92 of this Complaint.

94. At all material times, Defendants owed a duty to use reasonable care to prevent foreseeable harm to the Families and to the members of the class.

95. Specifically, Harvard owed a duty to use the reasonable care of those who solicit and accept remains to protect against and avoid the foreseeable risk of wrong doers committing desecration and mishandling of human remains.

96. The risk of misconduct, abuse, and desecration of remains by those who have been entrusted with remains is, sadly, well known, has long been publicized, and is reasonably foreseeable.

97. Defendants also owed a duty to the Families and the class to act with the ordinary care of a reasonable professional in the field with respect to all aspects of the services promised including, but not limited to the screening, hiring, retention, training, management and supervision of all employees, and the care and precautions taken in handling, sheltering, and ultimately disposing of remains.

98. Defendants negligently failed to discharge these duties.

99. Defendants failed to exercise reasonable care in its morgue operations and failed to exercise reasonable care in its custody, protection and care of the remains entrusted to Harvard.

100. Further, Defendants' failures were in reckless disregard of the terrible consequences.

101. Defendants knew or should have known that emotional distress was the likely result of its failures.

102. As a proximate cause of Defendants' negligence, the Families and the class members have suffered damages, including but not limited to serious and severe emotional distress.

#### **COUNT V: UNJUST ENRICHMENT**

103. Plaintiffs repeat, reallege, and incorporate by reference as if set forth hereto in their entirety Paragraphs 50 through 102 of this Complaint.

104. The Families and the class members conferred a uniquely precious, solemn and meaningful benefit upon Defendants, which Defendants received - the remains of their departed loved ones.

105. Defendants have been and will continue to be unjustly enriched at the expense of the Families and the members of the class by accepting these remains but not protecting and sheltering them as promised, and instead allowing and facilitating mistreatment that was outrageous, unauthorized, unlawful and egregious.

106. It would be inequitable to permit Defendants to retain the benefits they have wrongfully gained through these actions, which they accordingly hold in constructive trust for, and must be ordered to restore to, the Families and the class.

#### **DEMAND FOR JURY TRIAL**

A jury trial is demanded.

#### **PRAYER FOR RELIEF**

WHEREFORE, the Families, individually and on behalf of the class, request the following relief:

- (a) Certification of this action as a class action, appointment of the Families as class representatives and undersigned counsel as class counsel, and designation of any appropriate subclasses, for any or all claims and issues, under the applicable class action provisions;
- (b) An award of equitable, injunctive and declaratory relief described herein, including a judicial determination of the rights and responsibilities of the parties regarding the remains that are the subject to this action;
- (c) An award of compensatory damages in an amount deemed appropriate by the trier of fact;
- (d) An award of prejudgment and post-judgment interest;

- (e) An award of costs, including but not limited to discretionary costs, attorneys' fees and expenses incurred in pursuing this case;
- (f) Any other and further equitable relief this Court deems just and proper; and
- (g) Any other and further relief to which they may be entitled at law or in equity.

Respectfully Submitted,  
The Plaintiffs,

By their attorneys,

*/s/ Garrett D. Lee, Esq.*

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*/s/ Ryan D. Lang, Esq.*

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Dated: June 28, 2023

# Exhibit 1

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA	:	CR. NO. 4:23-CR-159
	:	
v.	:	
	:	(Chief Judge Brann)
CEDRIC LODGE,	:	
KATRINA MACLEAN,	:	
JOSHUA TAYLOR and	:	
DENISE LODGE,	:	
Defendants.	:	

INDICTMENT

THE GRAND JURY CHARGES:

COUNT 1  
18 U.S.C. § 371  
(Conspiracy)

FILED  
SCRANTON

JUN 13 2023

PER JKC  
DEPUTY CLERK

I. Background

At times material to the Indictment:

A. Relevant Individuals and Entities

1. Harvard Medical School (“HMS”), located in Boston

Massachusetts, was the graduate medical school of Harvard University,  
a private, non-profit educational institution.

2. CEDRIC LODGE resided in Goffstown, New Hampshire,  
and was employed by Harvard Medical School as the Morgue Manager.

3. DENISE LODGE was married to CEDRIC LODGE and resided in Goffstown, New Hampshire.

4. KATRINA MACLEAN resided in Salem, Massachusetts.

5. Kat's Creepy Creations was a studio and store located in Peabody, Massachusetts, and owned and operated by KATRINA MACLEAN.

6. JOSHUA TAYLOR resided in West Lawn, Pennsylvania.

7. Jeremy Pauley resided in Enola, Pennsylvania, and Bloomsburg, Pennsylvania, both within the Middle District of Pennsylvania.

**B. Harvard Medical School Morgue Operations**

8. HMS utilizes human cadavers in the regular course of teaching its students.

9. Cadavers are voluntarily donated by individuals who complete an agreement with HMS through the Anatomical Gifts Program.

10. When HMS is finished using the donated cadavers, the donor's remains are typically cremated at a crematorium in Roslindale,

Massachusetts, and are either returned to the donor's family or laid to rest in a cemetery in Tewksbury, Massachusetts, maintained for that purpose.

11. Donors may have elected to specify the final disposition of their remains as part of their donation agreement. If a donor specified that their remains should be returned to their next of kin after cremation, HMS turned over the donor's cremains to the specified family member.

12. Harvard Medical School maintained an onsite morgue facility where donated cadavers were stored until they were used for education, teaching, or research purposes, and again when the school was finished with the cadaver to await final disposition.

13. Harvard Medical School documented the identities of donated cadavers and maintained a database and records associated with each cadaver. HMS assigned each donated body an identification number and identification tags were affixed to the body and the bag in which it was stored. In preparation for final disposition, Harvard Medical School employees, including the Morgue Manager, confirmed



the identity of each cadaver prior to cremation by viewing any identifying marks, if still visible, and assigned identification number.

14. Employees of Harvard Medical School are not permitted to remove, keep, or sell any human remains, in whole or in part, belonging to a donated cadaver.

## II. The Conspiracy and its Objects

15. From in or about 2018, the exact date being unknown to the Grand Jury, and continuing thereafter until on or about March 7, 2023, in the Middle District of Pennsylvania, and elsewhere, the defendants,

**CEDRIC LODGE,  
KATRINA MACLEAN,  
JOSHUA TAYLOR, and  
DENISE LODGE,**

knowingly, intentionally, and willfully conspired, combined, confederated, and agreed with Jeremy Pauley and other persons both known and unknown to the Grand Jury, to unlawfully transport, transmit, and transfer, and cause to be transported, transmitted, and transferred in interstate commerce from Boston, Massachusetts to New Hampshire and Pennsylvania, stolen goods, wares and merchandise, that is, human remains, of the value of \$5,000 or more, knowing the

same to have been stolen, converted, and taken by fraud, in violation of Title 18, United States Code, Section 2314.

16. The object of the conspiracy was for the conspirators to profit from the interstate shipment, purchase, and sale of stolen human remains.

### III. Manner and Means

The object of the conspiracy was accomplished, in part, by the following manner and means:

17. CEDRIC LODGE was employed as Morgue Manager at Harvard Medical School and, as such, had access to the morgue and the donated cadavers stored in the morgue.

18. At times, CEDRIC LODGE stole dissected portions of donated cadavers, including, for example, heads, brains, skin, bones, and other human remains, without the knowledge or permission of HMS, and removed those remains from the morgue in Massachusetts and transported them to his residence in New Hampshire.

19. CEDRIC LODGE and DENISE LODGE communicated with others, including KATRINA MACLEAN and JOSHUA TAYLOR,

through internet social media websites and cellular telephones regarding the sale of stolen human remains.

20. CEDRIC LODGE and DENISE LODGE sold stolen human remains to KATRINA MACLEAN, JOSHUA TAYLOR, and others, and sometimes shipped those remains through the United States Postal Service to Pennsylvania and elsewhere.

21. At times, CEDRIC LODGE used his access to the morgue to allow KATRINA MACLEAN, JOSHUA TAYLOR, and others to enter the morgue and choose what remains to purchase, after which, CEDRIC LODGE, KATRINA MACLEAN, or JOSHUA TAYLOR would remove the stolen remains and transport them elsewhere.

22. KATRINA MACLEAN sold human remains stolen in this manner to buyers in multiple states, including Jeremy Pauley, in the Middle District of Pennsylvania, and shipped or transported the stolen human remains to those buyers. MACLEAN also stored and sold stolen remains at Kat's Creepy Creations.

23. JOSHUA TAYLOR bought and caused stolen human remains to be shipped to him in Pennsylvania from New Hampshire,

transported stolen human remains from Massachusetts to Pennsylvania, and sold and shipped stolen human remains to buyers, including Jeremy Pauley, in the Middle District of Pennsylvania.

#### IV. Overt Acts

In furtherance of the conspiracy and to effect the objects of the conspiracy, the following overt acts, among others, were committed in the Middle District of Pennsylvania and elsewhere:

24. On multiple occasions in 2018 and 2019, including on or about April 15, 2019, DENISE LODGE communicated with Individual 1, who resided in Montgomery, Pennsylvania, in the Middle District of Pennsylvania, and agreed to sell him human remains stolen from Harvard Medical School by CEDRIC LODGE. DENISE LODGE shipped the stolen human remains from Manchester, New Hampshire, to Montgomery, Pennsylvania, in a package bearing tracking number ending 3423 03.

25. In or about October 2020, KATRINA MACLEAN agreed to purchase two dissected faces for \$600 from CEDRIC LODGE, and they

agreed to meet at 1:00 p.m. on or about October 28, 2020, at the Harvard Medical School morgue to conduct the transaction.

26. In or about June and July 2021, KATRINA MACLEAN, in Massachusetts, shipped human skin to Jeremy Pauley, in Pennsylvania, and engaged his services to tan the skin to create leather. On or about July 31, 2021, Pauley sent a photograph of the leather and Maclean agreed to provide Pauley with human skin in lieu of monetary payment. KATRINA MACLEAN then contacted CEDRIC LODGE and inquired about obtaining human skin to send to “the dude I sent the chest piece to tan.” CEDRIC LODGE agreed to look for skin at HMS for Maclean to send to Pauley.

27. On or about August 15, 2021, Jeremy Pauley shipped the tanned human skin from the Middle District of Pennsylvania to KATRINA MACLEAN, in Massachusetts.

28. On or about September 20, 2021, Maclean shipped human skin from Massachusetts to Jeremy Pauley in the Middle District of Pennsylvania, in payment for his services. A few days later, Maclean

contacted Pauley to confirm the shipment arrived because she “wanted to make sure it got to you and I don’t expect agents at my door.”

29. Between on or about September 3, 2018, through July 12, 2021, JOSHUA TAYLOR transferred 39 electronic payments to PayPal account Twiam@yahoo.com, operated by DENISE LODGE, totaling \$37,355.56, in payment for human remains stolen by CEDRIC LODGE from Harvard Medical School. For example, on May 19, 2019, Taylor sent DENISE LODGE \$1,000 with a memo that read, “head number 7.” On November 20, 2020, Taylor sent DENISE LODGE \$200 with a memo that read, “braiiiiiiins.”

30. On or about October 19, 2021, Jeremy Pauley transferred \$8,800 in United States currency to KATRINA MACLEAN via PayPal in payment for stolen human remains.

31. Jeremy Pauley transferred 25 payments totaling \$40,049.04 in United States currency to JOSHUA TAYLOR via PayPal, including \$3,500 on April 1, 2021, \$8,250 on October 7, 2021, and \$9,000 on January 13, 2022.

All in violation of Title 18, United States Code, Section 371.

THE GRAND JURY FURTHER CHARGES:

**COUNT 2**

18 U.S.C. §§ 2314, 2

(Interstate Transport of Stolen Goods, Aid and Abet)

From in or about 2018 through on or about August 16, 2022,  
within the Middle District of Pennsylvania and elsewhere, the  
defendant,

**CEDRIC LODGE,**

did unlawfully transport, transmit, and transfer in interstate  
commerce, and did aid, abet, induce, and procure the transportation,  
transmission, and transfer of, stolen goods, wares, and merchandise,  
that is, human remains, of the value of \$5,000 or more, knowing the  
same to have been stolen, converted, and taken by fraud.

In violation of Title 18, United States Code, Sections 2314 and 2.

THE GRAND JURY FURTHER CHARGES:

**COUNT 3**

18 U.S.C. §§ 2314, 2

(Interstate Transport of Stolen Goods, Aid and Abet)

From on or about July 22, 2021, through on or about October 19, 2021, within the Middle District of Pennsylvania and elsewhere, the defendant,

**KATRINA MACLEAN,**

did unlawfully transport, transmit, and transfer in interstate commerce, and did aid, abet, induce, and procure the transportation, transmission, and transfer of, stolen goods, wares, and merchandise, that is, human remains, of the value of \$5,000 or more, knowing the same to have been stolen, converted, and taken by fraud.

In violation of Title 18, United States Code, Sections 2314 and 2.



THE GRAND JURY FURTHER CHARGES:

**COUNT 4**

18 U.S.C. §§ 2314, 2

(Interstate Transport of Stolen Goods, Aid and Abet)

From in or about September 2018 through in or about July 2021,  
within the Middle District of Pennsylvania and elsewhere, the  
defendant,

**JOSHUA TAYLOR,**

did unlawfully transport, transmit, and transfer in interstate  
commerce, and did aid, abet, induce, and procure the transportation,  
transmission, and transfer of, stolen goods, wares, and merchandise,  
that is, human remains, of the value of \$5,000 or more, knowing the  
same to have been stolen, converted, and taken by fraud.

In violation of Title 18, United States Code, Sections 2314 and 2.

THE GRAND JURY FURTHER CHARGES:

**COUNT 5**

18 U.S.C. §§ 2314, 2

(Interstate Transport of Stolen Goods, Aid and Abet)

From in or about 2018 through on or about March 13, 2020, within the Middle District of Pennsylvania and elsewhere, the defendant,

**DENISE LODGE,**

did unlawfully transport, transmit, and transfer in interstate commerce, and did aid, abet, induce, and procure the transportation, transmission, and transfer of, stolen goods, wares, and merchandise, that is, human remains, of the value of \$5,000 or more, knowing the same to have been stolen, converted, and taken by fraud

In violation of Title 18, United States Code, Sections 2314 and 2.

## FORFEITURE ALLEGATION

The allegations contained in Counts 1 through 5 of this Indictment are hereby realleged and incorporated by reference for the purpose of alleging forfeiture pursuant to Title 18, United States Code, Section 981(a)(1)(C), and Title 28, United States Code, Section 2461.

Upon conviction of the offenses in violation of Title 18, United States Code, Section 371, and Title 18, United States Code, Section 2314, the defendants,

**CEDRIC LODGE,  
KATRINA MACLEAN,  
JOSHUA TAYLOR, and  
DENISE LODGE,**

shall forfeit to the United States of America, pursuant to Title 18, United States Code, Section 981(a)(1)(C), and Title 28, United States Code, Section 2461(c), any property, real or personal, which constitutes or is derived from proceeds traceable to the offense.

If any of the property described above, as a result of any act or omission of the defendant:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third

party;

- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty,

the United States of America shall be entitled to forfeiture of substitute property pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2461(c).

All pursuant to Title 18, United States Code, Section 981(a)(1)(C), and Title 28, United States Code, Section 2461(c).

A TRUE BILL

GERARD M. KARAM  
United States Attorney

  
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SEAN A. CAMONI  
Assistant United States Attorney

  
FOREPERSON

6-13-23  
Date

- (e) An award of costs, including but not limited to discretionary costs, attorneys' fees and expenses incurred in pursuing this case;
- (f) Any other and further equitable relief this Court deems just and proper; and
- (g) Any other and further relief to which they may be entitled at law or in equity.

Respectfully Submitted,  
The Plaintiffs,

By their attorneys,

*/s/ Garrett D. Lee, Esq.*

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Dated: June 28, 2023