

COMMONWEALTH OF MASSACHUSETTS

PLYMOUTH, ss.

SUPERIOR COURT
DEPARTMENT OF THE TRIAL COURT

KERI HENDRICKS,
Plaintiff

v.

LAUREN NEWMAN,
TIM NEWMAN, and
RTK FLOORING, INC.,
Defendants

Civil No. _____

Complaint and Jury Demand

Introduction

Plaintiff Keri Hendricks brings this Complaint seeking compensation from defendants Lauren Newman, Tim Newman, and RTK Flooring, Inc. for assault, battery, intentional infliction of emotional distress, negligent infliction of emotional distress, and violation of her civil rights.

Parties

1. Plaintiff Keri Hendricks (“Hendricks” or “Plaintiff”) is an individual who, at all times relevant to this Complaint, has resided in Plymouth County in the Commonwealth of Massachusetts.

2. Defendant Lauren Newman (“L Newman”) is an individual who, at all times relevant to this complaint, has resided in Plymouth County in the Commonwealth of Massachusetts.

3. Defendant Tim Newman (“T Newman”) is an individual who, at all times relevant to this complaint, has resided in Plymouth County in the Commonwealth of Massachusetts.

4. Defendant Tim Newman as RTK Flooring Inc. (“RTK”) is a corporation organized under the laws of the Commonwealth of Massachusetts with a principle place of business at 196 Bournehurst Drive, Plymouth, Massachusetts. Defendants L Newman and T Newman officers and/or directors of RTK. On information and belief, L Newman and T Newman are the owners of RTK. (collectively, L Newman, T Newman, and RTK are referred to as “Defendants”).

5. At all times relevant to this complaint, L Newman and T Newman were acting individually and as officers and/or owners of RTK. They are sued in their individual and representative capacities.

Jurisdiction and Venue

6. This Court has subject matter jurisdiction over this matter pursuant to M.G.L. c. 223A, § 2 as Hendricks, L Newman and T Newman maintain residences within the Commonwealth of Massachusetts and RTK is organized under the laws of, and maintains its principal place of business in, the Commonwealth.

7. Venue is proper in Plymouth County pursuant to M.G.L. c. 223, §§ 1 and § 8.

Facts

8. In or about the afternoon of July 31, 2022, in the parking lot of the Stop & Shop on Cranberry Highway in Wareham, Massachusetts, Hendricks sat in her car with her seven year-old daughter and waited for her son to come out of the market. Hendricks is disabled and her vehicle has a handicap plaque. A red pickup truck with MA commercial registration S47399 (which is expired) and a business name on the side, “RTK Flooring Inc,” stopped behind Hendricks and the occupants started yelling at her to move her car.

9. The truck is registered to Elite Hardwood Flooring, Inc., a dissolved Massachusetts Corporation located at 196 Bournehurst Drive, Plymouth, Massachusetts, the same address as L Newman, T Newman, and RTK. L Newman and T Newman are listed as officers of Elite Hardwood Flooring, Inc.

10. The truck bore the name, logo, telephone number, and email address for RTK: "RTK Flooring, Inc, Quality Hardwood Flooring, 508-776-1731, floorguy74@comcast.net." See Exhibit 1 hereto.

11. The truck was driven by L Newman. T Newman was a passenger. Both appeared to be white. Children were also in the truck.

12. Hendricks, who is African American, got out of the car and calmly explained that she was trying to enter an address in her GPS and her son was in the store.

13. L Newman immediately began yelling racial slurs at Hendricks. Among other things, L Newman called Hendricks an "ugly fucking monkey nigger bitch," a "black nigger monkey bitch," a "black monkey bitch," and yelled that she hates "niggers." L Newman spat at Hendricks.

14. L Newman threatened Hendricks with physical violence, yelling that she would run Hendricks over and would ram Hendricks' car with the truck, which is a dangerous weapon if used in the manner L Newman intended.

15. Hendricks told L Newman not to ram the car because her seven year-old daughter was inside. L Newman said, among other things, "fuck your monkey nigger child, you bitch," and "I don't give a fuck about your nigger monkey kid," and said that "all niggers are worthless," that Hendricks' car was ugly, and that Hendricks was a "broke ass nigger."

16. Acting in concert with L Newman, T Newman also hurled racial insults at Hendricks. T Newman said “move your car you dumb monkey nigger” and told her to “shut the fuck up.” T Newman used the words “nigger” and “bitch” numerous times.

17. Hendricks asked the Newmans to stop speaking like that because it is hurtful. They both continued to call her a “fucking monkey black nigger bitch.”

18. T Newman repeatedly told L Newman to “run this dumb nigger over” and put his hand on the steering wheel at one point as if to steer the truck into Hendricks’ car.

19. L Newman repeatedly put the truck in reverse, backed up, and then pulled forward coming very close to Hendricks’ car in a way that caused Hendricks and witnesses who were watching to believe that L Newman was preparing to do what she said she would do - ram Hendricks’ car as her seven-year-old daughter sat inside.

20. The Newmans drove off after witnesses said that they were calling the police and started taking pictures of the truck. Pictures the witnesses took of the truck are attached as Exhibit 2.

21. Two witnesses subsequently posted about the incident on the RTK Flooring Facebook page. Each witness confirmed in their posts that the occupants of the red RTK Flooring Inc. truck both threatened Hendricks with violence and repeatedly uttered a barrage of disgusting racial insults. One witness wrote that truck occupants “threatened a woman and called her racist names/slurs” and the other wrote “I just watched someone in one of your trucks call a woman racist names and threatened to run her over.” That witness also posted a picture of the red truck bearing MA registration S47339. The facebook posting by the witnesses are attached as Exhibit 3.

22. The foregoing conduct was engaged in by L Newman and T Newman as individuals and as officers and/or owners of RTK. RTK is liable for the tortious conduct of L Newman and T Newman.

Count One
Assault

23. Plaintiff incorporates the foregoing paragraphs as if fully restated herein.

24. By their concerted actions, Defendants both threatened and attempted to use physical force against Hendricks and her seven year-old daughter.

25. Defendants engaged in objectively menacing behavior with the intent to put Hendricks in fear of immediate bodily harm to her and her daughter.

26. Defendants' words, together with their actions, put Hendricks in reasonable apprehension of an imminent harmful or offensive contact with her and her daughter.

27. Defendants threatening words accompanied by objectively menacing gestures created an imminent apprehension of harmful contact.

Count Two
Battery

28. Plaintiff incorporates the foregoing paragraphs as if fully restated herein.

29. L Newman intended to cause harmful or offensive contact with Hendricks by spitting at her.

30. L Newman's spit hit Hendricks person, causing harmful or offensive or offensive contact.

Count Three
Intentional Infliction of Emotional Distress

31. Plaintiff incorporates the foregoing paragraphs as if fully restated herein.

32. By their individual and concerted actions, Defendants intended to inflict emotional distress or knew or should have known that emotional distress was the likely result of their conduct.

33. Defendants' conduct was extreme and outrageous, was beyond all possible bounds of decency, and was utterly intolerable in a civilized community.

34. Defendants conduct has caused Hendricks emotional distress.

35. Hendricks' emotional distress is severe and of a nature that no reasonable person could be expected to endure.

Count Four
Negligent Infliction of Emotional Distress

36. Plaintiff incorporates the foregoing paragraphs as if fully restated herein.

37. Acting in concert, Defendants negligently inflicted emotional distress.

38. As a result of Defendants' conduct, Hendricks has suffered emotional distress.

39. As a result of the emotional distress inflicted by Defendants, Hendricks has suffered physical harm manifested by objective symptomatology.

40. A reasonable person would have suffered emotional distress under the circumstances to which Defendants subjected Hendricks.

41. Defendants owed Hendricks a duty of civility, a duty of respect, a duty of equal treatment, and a duty not to put Hendricks in fear of physical violence.

Count Five
Interference With Civil Rights in Violation
of 18 U.S.C. § 1983 and M.G.L. c. 12, § 11

42. Plaintiff incorporates the foregoing paragraphs as if fully restated herein.

43. Acting in concert, Defendants interfered with or attempted to interfere with the constitutional rights of Hendricks and her daughter to personal security, to travel freely in their community, to shop at private business open to the public, and to be free from racial insults and threats of violence. Defendants interfered with Hendricks' constitutional rights, which are guaranteed to all persons regardless of race, because she is African American.

44. Acting in concert, Defendants interfered with or attempted to interfere with the constitutional rights of Hendricks and her daughter by use of threats, intimidation, or coercion.

45. Acting in concert, Defendants threatened Hendricks by intentionally exerting pressure to make Hendricks fearful or apprehensive of injury of harm.

46. Acting in concert, Defendants intimidated Hendricks by putting her in fear for the purpose of compelling her to leave the parking lot.

47. By their individual and concerted conduct, Defendants coerced Hendricks by applying such force as to constrain her to leave the parking lot against her will, which she would not otherwise have done at that point absent Defendants' coercion.

48. As a result of Defendants' interference with Hendricks' constitutional rights, Hendricks has suffered humiliation, embarrassment, degradation, indignity, discomfort, fear for her safety and the safety of her child, and emotional distress.

Relief Requested

WHEREFORE, Plaintiff requests that the court:

1. Enter Judgment in Plaintiff's favor on all counts and award Plaintiff compensation for her harm;
2. Award full attorneys' fees and costs pursuant to 42 U.S.C. § 1988 and M.G.L. c. 12, § 11I; and
3. Grant such other and further relief as the court deems just and proper.

Jury Demand

Plaintiff demands a jury trial on all claims so triable.

KERI HENDRICKS

By her attorney,

/s/ *E. Peter Parker*

E. Peter Parker

B.B.O. #552720

Law Office of E. Peter Parker

The Wheelhouse at Bradford Mill

Concord, MA 01742

(617) 742-9099

peter@parkerslaw.com

August 4, 2022

Exhibit One



Exhibit Two



M

Michael The Witness >



Text Message

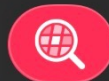






Exhibit Three



 **Call Now**



 Call Now

 Like

 Message



 117 total likes

 118 Total follows

[Privacy](#) · [Terms](#) · [Advertising](#) · [Ad Choices](#) · [Cookies](#) · [More](#) · Meta © 2022

Public posts at RTK Flooring



July 31 at 7:20 PM · 🌐

I hope this is isn't representative of the people you hire. These people in a truck with your branding all over the side just threatened a woman and called her racist names/slurs over a traffic argument in a Wareham parking lot.

Willing to believe this isn't what you want representing you as a company. Please do the right thing and investigate.



Comment

Share



July 31 at 3:44 PM · 🌐

I just watched someone in one of your trucks call a woman racist names and threaten to run her over. Hopefully this isn't indicative of everyone you hire. Surely you recognize the plate

Like

Comment

Share