

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, ss.

SUPERIOR COURT DEPT.
CA. No.

MOUHAB Z. RIZKALLAH, DDS, MSD,)
Plaintiff)

v.)

ALEXANDER P. JANOFF and)
EMILY THOMPSON,)
Defendants)

RECEIVED

3/9/2022 HG

1. Mouhab Z. Rizkallah, DDS, MSD (“Dr. Rizkallah”) is a natural person residing in Winchester, Middlesex County, Massachusetts.

2. Alexander P. Janoff is a natural person residing in Somerville, Massachusetts, and is represented by Attorney Evan Fray-Witzer, of Ciampa Fray-Witzer LLP, with an address at 20 Park Plaza, Suite 505, Boston, MA 02116. Janoff is the editor in chief of the Tufts Daily, which is the Tufts University student newspaper.

3. Emily Thompson is a natural person residing in Somerville, Massachusetts, and is represented by Attorney Evan Fray-Witzer of Ciampa Fray-Witzer LLP, with an address at 20 Park Plaza, Suite 505, Boston, MA 02116. Thompson is the deputy news editor of the Tufts Daily.

4. Dr. Rizkallah is in the business of developing and renting commercial and residential real estate, doing business under the name LaCourt Realty LLC.

5. Dr. Rizkallah also owns an orthodontic practice doing business as The Braces Place (“Braces Place”), with a principal place of business at 30 College Avenue in Somerville.

6. On February 3, 2022, about fifteen people claiming to be members of the LaCourt Tenants Union stood outside the business premises of Braces Place holding signs, making speeches and chanting.

7. Dr. Rizkallah and his managers recognized only one of the people at the demonstration to be a tenant of LaCourt.

8. Thompson attended the demonstration and, before writing it up for the Tufts Daily, asked Dr. Rizkallah for a comment.

9. Despite being asked by Emily Thompson to allow an oral interview, Dr. Rizkallah insisted that he would only make comments and answer questions in writing, because he wanted to protect himself against inaccuracies. Dr. Rizkallah submitted his comments to Thompson in writing via email. (Email, attached as Exhibit A.)

10. On February 11, 2022, the Tufts Daily published Thompson's story (attached as Exhibit B), which contained several inaccuracies.

11. Thompson attributed certain quotes to one "Michael M." No one named Michael M. spoke at the meeting. The quoted statements were, on information and belief, those of Thane Hale of the Greater Boston Tenants Union, who is not a LaCourt tenant.

12. More significantly, Thompson also quoted Dr. Rizkallah inaccurately. In his email, he had written, "Outside my office there were about 15 people protesting, only one of whom we recognized as our tenant."

13. Rather than quoting Dr. Rizkallah accurately, Thomson wrote, "Rizkallah repeatedly claimed the people protesting were members of the Greater Boston Tenants Union and not LaCourt tenants. Maria, a LaCourt tenant who participated in the protest, said she looked into the union after experiencing maintenance issues in her building...."

14. By falsely stating that Dr. Rizkallah said none of the protestors were his tenants, and by following that statement immediately with a quote from the LaCourt tenant Dr. Rizkallah acknowledged was present, Thompson deliberately and falsely suggested that Dr. Rizkallah was lying.

15. Dr. Rizkallah pointed out the error to Thompson and Janoff. Janoff admitted that Dr. Rizkallah had indeed written that he recognized one of the protestors as a LaCourt tenant, and that Thompson's article was inaccurate.

16. Despite already being harmed by the published innuendo that he was lying, Dr. Rizkallah merely requested an immediate corrective change from "Rizkallah repeatedly claimed the people protesting were members of the Greater Boston Tenants Union and *not LaCourt tenants*" to "Rizkallah repeatedly claimed the people protesting were members of the Greater Boston Tenants Union *and only recognized one as a LaCourt Tenant.*"

17. While he admitted that the statement was inaccurate, Janoff did not correct the inaccuracy, and it still exists in its original harmful form.

18. Rizkallah repeatedly sent Janoff and Thompson requests to correct the inaccuracy on Friday (February 11, 2022) and Saturday (February 12, 2022), and Sunday (February 13, 2022), indicating that it was emotionally harming him, and that it would be rebroadcast daily in the first few days of its publication.

19. The article was indeed rebroadcast on Saturday and Sunday on rebroadcasting networks, such as "News Flash."

20. Janoff and Thompson willfully chose to continue publishing a printed and digital statement that they knew was incorrect, they knew was defamatory, and they knew was harming Dr. Rizkallah.

21. The digital article has been shared on various websites to mock Dr. Rizkallah.
22. The incorrect statement is still visible online as of the filing of this complaint.

COUNT I
Defamation

23. Defendants published statements regarding Dr. Rizkallah that could damage his reputation in the community.
24. The statements were false or were made with indifference to their truth or falsity.
25. Defendants published statements of opinion that imply the existence of actual facts.
26. The statements were made with actual malice.
27. The statements caused economic loss or are actionable without economic loss.

COUNT II
Negligent Infliction of Emotional Distress

28. Defendants negligently inflicted emotional distress upon Dr. Rizkallah.
29. Defendants' conduct caused emotional distress, including symptoms.
30. A reasonable person in the position of Dr. Rizkallah would have suffered emotional distress.

COUNT III
Invasion of Privacy

31. Defendants unreasonably invaded Dr. Rizkallah's privacy.
32. Defendants intruded upon Dr. Rizkallah's seclusion.
33. Defendants gave unreasonable publicity to Dr. Rizkallah's private life.
34. Defendants placed Dr. Rizkallah in a false light.
35. The invasion of privacy would be highly offensive to a reasonable person.
36. Defendants acted with reckless disregard to the falsity of the publicized matters.

DEMAND FOR RELIEF

Plaintiffs request the following relief:

1. Monetary damages sufficient to compensate plaintiffs for the harm defendants have caused;
2. Injunctive relief, preventing defendants from further carrying out their threats;
- and
3. Such other and further relief as justice requires.

Respectfully submitted,

MOUHAB Z. RIZKALLAH, DDS
MSD CAGS
By his attorneys,

/s/ Emilie L. Grossman
Emilie Grossman (BBO 676239)
ROSEN & GOYAL, P.C.
204 Andover St., Ste. 402
Andover, MA 01810
978-474-0100
egrossman@rosengoyal.com

Dated: March 9, 2022

EXHIBIT A

[REDACTED]

[REDACTED]

[REDACTED]
From: **Mouhab Rizkallah** <mouhabrizkallah@gmail.com>
Date: Mon, Feb 7, 2022 at 6:47 PM
Subject: Re: The Tufts Daily follow-up questions
To: Thompson, Emily K <Emily.Thompson636250@tufts.edu>

Good Afternoon Emily,

LaCourt Realty has about 3000 tenants in this area.
Outside my office there were about 15 people protesting, only one of whom we recognized as our tenant.
See attached excerpt from the group's "Disorientation Guide" from the so called "tenant union" and look at **Spice Level 6 (showing up at children's schools?)**.
Look at Spice level 7 - showing up at the Landlord's office (that is what they did to me last Thursday, and the Greater Boston Tenants union showed up to help, as described in the document).
Emily, the people at that protest **were GBTU members**, not LaCourt tenants.

Emily, I have provided you with documentation that the leader of the LaCourt Tenant Union (Michael Ventura) is a **long-standing criminal** that broke into, and occupied a LaCourt luxury apartment, until the Somerville Police ousted him. Michael Ventura has organized the so called "LaCourt tenant's union," and has misled numerous tenants into believing **"other"** LaCourt tenants have problems and need support.
I could put you in touch with **real** tenants that have attended the so called "tenant's union" meetings, and then contacted LaCourt afterwards to tell us it is a criminal enterprise focused on propaganda, and they don't really have a problem that LaCourt is responsible to correct. They just make nonsensical demands and baseless accusations that LaCourt tenants think are foolish.

In reality, "Michael Ventura's Tenant Union" is not a LaCourt tenant union at all, and Michael Ventura **is not a tenant of LaCourt at all**.
The "Michael Ventura Tenant Union" is a mixture of criminals and good tenants who are **unaware** of what is really going on."

The basic premise of "Michael Ventura's Tenant Union" is that housing is a right, and no one should profit from it - They repeatedly stated this at their protest. For better or for worse, the law of supply and demand makes affluent University areas such as Davis Square cost more, just as Tufts University costs more than a state school.

ANSWERS TO YOUR QUESTIONS ARE BELOW:

1. LaCourt is not perfect, but we are a very good company, serving 3000 tenants with high end apartments.

We have 24-hour on-call staff that either fix heat or immediately supply portable heat until parts can be obtained.

LaCourt has 8 full-time plumbers, 4 full-time electricians, 3 full-time maintenance men, and a dedicated administrative staff.

There isn't a single rental company in this area that could say the same.

The suggestion that LaCourt is anything other than responsible is propaganda by Michael Ventura's criminal ring.

2. LaCourt is not the Landlord for everyone.

For example, we do not want tenants that fail their agreements, as Ms Brosh did, that then blame LaCourt for their own failures.

Ms. Brosh is an adult that made a contractual commitment that she failed to honor, and that failure caused harm.

In Ms. Brosh's case, she originally did NOT want to renew her lease, and so LaCourt put her apartment on the market.

After finding a tenant ready to rent Ms Brosh's apartment, Ms. Brosh requested to allow her to stay in her apartment and renew her lease (despite her original declination).

LaCourt wanted to help Ms. Brosh, and so LaCourt allowed her to renew her lease (despite having another tenant wanting the space at a higher rent)

Then just before the start date of the lease, she wanted to abandon her signed renewal agreement, because her roommates "changed their minds" and she could not afford it alone.

LaCourt tried to re-rent the space (as required by State Law) for Ms. Brosh, but no tenants were interested in the space, because the rental season was weak that late in the rental season.

The fact remains that any court will agree that Ms. Brosh failed the agreement - LaCourt honored the agreement.

"Michael Ventura's Tenant Union" nonsensically wants to hold LaCourt responsible for Ms. Brosh's failure.

3. LaCourt did NOT raise rents during the Pandemic.

It is true that **before** the Pandemic, certain tenants renewed their lease at a **higher rent**. Those increases **came into effect** during the Pandemic, **but were not created during the pandemic**.

It is false that **during** the Pandemic, LaCourt raised rents. LaCourt did not raise rents during the pandemic (with the exception of only **two** under-occupied apartments, where we agreed to rent a multi-bedroom unit at a severely reduced price because the tenant said they could not find roommates during COVID. When roommates became available, we increased rents because more rooms were filled. And if tenants did not want to add roommates, but were occupying the bedroom as a study, their rents increased).

Of course, the "Michael Ventura Tenant Union" twists this truth for propaganda value.

4. LaCourt is not willing to work with the "Michael Ventura Tenant Union"

LaCourt originally was open to speaking with the tenant union at first, because we wanted to

understand if there were problems that we were unaware of.

It became quickly clear that there were **no problems**,

I am attaching here a zoom meeting we had with the tenant union....we thought it went well, but Lacourt was later informed by tenants that attended the union meetings that this group (Michael Ventura and Thane) are a hostile group with baseless complaints.

The disorientation guide "Outright Hostility" section makes that pretty clear.

We have stopped interacting with this hostile group, and most tenants resent them as pretending to represent tenants.

5. Below is a link to the Zoom meeting LaCourt had with the tenant union (at the time that some tenants believed a problem existed).

 [zoom_0.mp4](#)

Please watch the entire meeting and you will see that LaCourt welcomed the tenant union to work within the Massachusetts laws and the culture of LaCourt (which we believe is one of the best Landlord cultures in the area).

Please also note that at the meeting, the union admitted that its public statements about LaCourt were inferring that LaCourt is actually doing something wrong.....but actually there is no existing problem at all.

They apologized for those inferences, but Michael Ventura has gone rather rogue and continues those inferences. Individuals in that very zoom meeting have exited the tenant union because of Michael Ventura's improper public statements. They did not want to be associated with the "union" because they knew they were at risk of a defamation lawsuit for the false public statements.

And in fact, **we decided to file a defamation lawsuit this week against Mr. Ventura**, based on our recordings of last Thursday's public protest false statements.

6. I would also invite you to read a little bit more about me (see link below)

<https://thesomervilleneewsweekly.blog/2021/03/04/dr-mouhab-rizkallah-is-my-hero/comment-page-1/>

I am a serious healthcare advocate for children, and I attack primarily MassHealth (which is defended by the Attorney General of Massachusetts), and I have won **every time I sue them**. (I have now sued them four times and won four times to increase coverage for kids).

But it puts a target on my back when you give them black eyes in court, and they have retaliated.

The Attorney General is now suing me because my "treatments take too long," but her own data shows that I am exactly at average treatment times across the state.

Based on her false claims, I have sued the Attorney General for defamation, and she is now trying to act like she was just stating her "opinion" and not facts (she is trying to wiggle out of her false media claims).

I am sure I will win my defamation claim, since what she said publicly about me is false and **my entire profession supports me**. (I would be happy to send you affidavits from leaders in the field to show you all the support).

Of course, this is not about the Attorney General issues that I am winning, but Michael Ventura wants to have a field day with the Attorney General issues, while the reality is that I am **the biggest advocate that exists today for children needing orthodontics**....my track

record of legal wins and impacts to expand orthodontic coverage for kids is clear (no one in history has accomplished more on that).

Emily, I will continue to battle for underprivileged kids....until the day I die (and propagandists can do whatever they want with their innuendo).

All that to say, please be thoughtful with any writings on me.
Feel free to ask any followup questions Emily, and best of luck in your studies at Tufts (what a great school).

Best,

Mouhab Z. Rizkallah

Confidentiality Notice:

This email is intended for use by the entity to whom it is addressed. If you received this information in error, please notify the sender and immediately permanently destroy the contents received.

On Mon, Feb 7, 2022 at 12:36 PM Thompson, Emily K <Emily.Thompson636250@tufts.edu> wrote:

Hello Mr. Rizkallah,

This is Emily Thompson on the Tufts Daily. We communicated briefly this past Thursday about the protests outside of your dental office. I just have a few questions at the bottom of this email about LaCourt Realty and your response to the claims made by the Tenant Union so that we can include your perspective in the article we're writing of the event. My deadline for this piece is Wednesday, so I would appreciate it if you were able to respond before Wednesday evening. Thank you so much, let me know if you have any questions.

How would you prefer your name be printed and what pronouns do you use?

What is your response to tenants and organizers holding protesting your business and outside of your dental practice?

Do you have a statement in response to the LaCourt Tenant's union calling for LaCourt Realty to "withdraw its lawsuit against Alona Brosh and immediately cease all activities intended to collect "unpaid rent" from Ms. Brosh?

Do you have a statement in response to the claim that LaCourt reality continued to raise rents throughout the pandemic? Is this true, and if so could you explain why?

Do you have a response to claims that LaCourt has left tenants without working heat and hot water?

Have you been in communication with the organizers and tenant union? If yes, what has that process looked like? Are there any points you have agreed on and changed because of negotiations?

Did someone in your dental office call the police on the protestors?

How much property do you own in Somerville?

Is there any other information or statement you'd like to share with me that could help contribute to the article?

Best,
Emily Thompson
The Tufts Daily