COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss. **SUPERIOR COURT**
CIVIL ACTION
No. 2284CV01449-BLS-1

DR. DAVID M. SABATINI

vs.

DR. KRISTIN A. KNOUSE & others[1]

MEMORANDUM OF DECISION AND ORDER ON DEFENDANTS' MOTIONS FOR SUMMARY JUDGMENT

The plaintiff, Dr. David Sabatini ("Sabatini"), was a faculty member of the defendant Whitehead Institute for Biomedical Research ("Whitehead"). In 2021, Sabatini resigned following an independent investigation into the culture of his laboratory ("lab"), which concluded that he had violated Whitehead's sexual harassment policy. During the investigation, Whitehead Fellow and defendant Dr. Kristin A. Knouse ("Knouse") told investigators that she had had a nonconsensual romantic relationship with Sabatini. The First Amended Complaint ("FAC") seeks damages for defamation, other related torts, and violations of G.L c. 151B; it also names as an additional defendant Whitehead's director, Dr. Ruth Lehmann ("Lehmann"). The matter is presently before the court on the defendants' motions for summary judgment.[2] After consideration of the parties' submissions, and a hearing on September 18, 2025, the motion by Whitehead and Lehmann is **ALLOWED** and the motion by Knouse is **ALLOWED** in part and **DENIED** in part.

BACKGROUND

The summary judgment record sets forth the following facts, with further facts reserved for later discussion.

[1] Dr. Ruth Lehmann and Whitehead Institute for Biomedical Research.
[2] No motion for summary judgment was filed concerning Knouse's counterclaims against Sabatini.

Whitehead is an independent non-profit research institute, affiliated with the Massachusetts Institute of Technology ("MIT"), that focuses on basic biomedical research. Whitehead is governed by a Board of Directors, which appoints MIT faculty to lead research laboratories and serve as Whitehead "members." In July 2020, Lehmann became the director of Whitehead. Whitehead also has a fellowship program for post-doctoral candidates, wherein each fellow operates their own lab at Whitehead while receiving support and mentorship from Whitehead and its members. Whitehead operates with financial support from other private and government entities, through which its members and fellows receive funding, including the National Institutes of Health ("NIH") and the Howard Hughes Medical Institute ("HHMI"). In the world of academic research science, and for the purpose of grant-writing, those who operate their own labs, including at Whitehead, are known as "Principle Investigators" ("PIs"). They may also be known as lead scientists.

In 2002, Sabatini became a faculty member in the MIT biology department and was appointed a Whitehead member. In 2008, he received the position of HHMI Investigator, which provided ongoing funding for his lab. Upon that appointment, Sabatini became an HHMI employee. Sabatini's lab at Whitehead also received grant funds from the NIH and other sources. Beginning in 2017, Sabatini received a stipend from Whitehead for service as an Associate Director, which is an "executive role." In 2018, he was appointed Director of the Whitehead Fellows Program. Sabatini also held positions at MIT's Broad Institute and Koch Institute for Integrative Cancer Research and was an American Cancer Society Research Professor. He is a member of the National Academy of Sciences, has received multiple prestigious scientific awards, and has hundreds of publications.

Over his twenty-five years at Whitehead, Sabatini had one of the largest labs at the institute. He supervised about thirty to forty administrative and research staff, including

graduate students and post-doctoral candidates. As is typical in the scientific world, he also provided support and mentorship to his current and former graduate students and post-doctoral candidates through recommendation letters, support in obtaining publications and research funding, and generally through the use of his scientific professional network to help them advance their careers. As further discussed below, Sabatini resigned from Whitehead on August 20, 2021.

In 2010, Knouse began a joint M.D./Ph.D. program at Harvard and MIT. In 2012, she met Sabatini when she began her graduate studies at MIT. That same year, she began her thesis work at Whitehead in the laboratory of Angelika Amon ("Amon"). Sabatini was on Knouse's thesis committee; he was also friends with Amon. In 2017, Knouse completed her Ph.D., and on May 25, 2018, she received her medical degree and diploma from the Harvard-MIT program. In 2017, with Sabatini's support, she was named a Whitehead Fellow. In 2018, she began working at Whitehead and also received an NIH Early Independence award, which provided funding to her lab. In 2019, Sabatini agreed to be Knouse's mentor for the Whitehead fellowship program. In June 2021, Knouse resigned from Whitehead and became an assistant professor in the MIT biology department and a faculty member of MIT's Koch Institute.

In August 2018, Whitehead issued updated employment policies on sexual harassment, employment of family/household members, and consensual sexual and romantic relationships. The Policy On Respect and Against Harassment ("Sexual Harassment Policy") defines sexual harassment as:

> any unwelcome sexual conduct on the job, including sexual advances, requests for sexual favors, and/or other verbal or physical conduct of a sexual nature when:
>
> - Submission to, acceptance of, or rejection of such advances, requests or conduct is made either explicitly or implicitly a term of employment or as a basis for employment decisions.

- Such advances, requests or conduct have the purpose or effect of unreasonably interfering with an individual's work performance and/or creating an intimidating, hostile, humiliating or offensive work environment.

The Sexual Harassment Policy also includes the following non-exhaustive examples of sexual harassment:

- Unwelcome sexual advances, whether or not they involve physical touching, sexual assault, or coerced sexual acts;
- Requests for sexual favors in exchange for actual or promised job benefits such as a favorable review, salary increases, promotions, increased benefits or continued employment;
- Unwelcome sexual flirtation, repeated advances or propositions or requests for sexual activity or dates;
- Asking about another's or discussing one's own sexual activities, fantasies, preferences, or history;
- Written or verbal sexual abuse or sexual references about sexual conduct;
- Suggestive or sexually insulting comments, epithets or jokes or name-calling;
- Turning discussions at work or in the academic environment to sexual topics; and
- Making offensive sounds such as "cat calls" or "wolf whistles." JA 240-241.

The Employment of Family/Household Members policy states that:

> Without exception, employees should not initiate, participate in, nor seek to influence decisions involving the hiring, retention, promotion, work assignment, salary, or related issues, of a member of their immediate family or household, or a close personal relation. JA 243.

Finally, the Consensual Sexual and Romantic Relationships policy prohibits

> consensual sexual or romantic relationships between co-workers or members of the community (paid or unpaid) with unequal power or authority between the individuals. JA 244.

At all relevant times, MIT and HHMI had similar policies. Sabatini received copies of the above quoted Whitehead policies by email, and does not dispute that his failure to adhere to them could result in discipline, up to and including termination of his employment. Sabatini concedes the same is true of MIT's and HHMI's policies.

In 2016, Knouse began socializing with Sabatini and Sabatini lab members, including organizing and attending after-hours whiskey tastings. In April 2018, while attending a

conference in Washington, D.C., Sabatini and Knouse began a sexual relationship. From that point until January 2020, Sabatini and Knouse had multiple sexual encounters. Some of these occurred at a Whitehead retreat and others in the Whitehead building. They also sent each other explicitly sexual text messages. Although Sabatini initiated some sexual encounters, and Knouse others, the parties dispute whether the sexual relationship was consensual, and whether Knouse felt pressured, coerced, or forced into having a sexual relationship with Sabatini. In early 2020, after Knouse had spoken to Sabatini over the last several months about having a more committed relationship, Sabatini communicated to Knouse that he needed space, was exploring a relationship with another woman, and wanted to remain friends.

In the summer of 2020, shortly after Lehmann arrived at Whitehead, she commissioned Jones Diversity, an outside consultant, to perform an anonymous diversity, equity, and inclusion survey at Whitehead, which was distributed to participants in December 2020. In January 2021, two former members of the Sabatini lab, Heather Keyes and Nora Kory, complained to Whitehead about Sabatini. In October 2020, Knouse also privately informed Lehmann that she had concerns about the climate at Whitehead, although the details and extent of her disclosure to Lehmann are disputed.

In March 2021, Jones Diversity informed Whitehead that the Sabatini lab was specifically named in the anonymous survey as fostering a sexualized culture and retaliatory environment. On March 26, 2021, two Whitehead Board members met with Sabatini to advise him of the Whitehead Board's decision to conduct an investigation into the culture of his lab. A letter of the same date likewise informed Sabatini that the survey and "other sources" had raised concerns about "offensive language on a variety of dimensions," and that an investigation into the "culture in your laboratory" would be forthcoming. When Sabatini inquired further in an email to Lehmann, she responded that "the information we have suggest a lab environment that

makes individuals feel uncomfortable due to frequent conversations that are sexual in nature and statements that anyone who complains will be ruined." JA 1791.

In late March 2021, Whitehead hired the law firm of Hinckley, Allen & Snyder LLP ("HAS") to perform the investigation ("Investigation"). Over the following several weeks, investigators from HAS interviewed Sabatini, Sabatini lab members, and Knouse, and gathered copious documentary evidence. During her interviews, Knouse disclosed to HAS her sexual relationship with Sabatini. When investigators asked Sabatini about the relationship, he initially denied it, but ultimately conceded. At all times, however, Sabatini maintained that the relationship was consensual, and a June 9, 2021, letter from his attorney to Whitehead's attorney asserted that Knouse had fabricated her claims against him because he had rejected her romantically. The documentary evidence investigators reviewed included text messages between Knouse and Sabatini concerning their sexual encounters and relationship. Other documentary evidence included emails and messaging among Sabatini lab members, and to and from Sabatini.

While the Investigation was ongoing, by letter dated May 14, 2021, HHMI advised Sabatini that it was cooperating with the Investigation, and that it understood that "the allegations include sexual misconduct, sexual harassment, retaliatory and inappropriate comments or behavior by you specifically, and other inappropriate comments by members of your laboratory that allegedly violate one or more of Whitehead's policies." On August 13, 2021, HAS issued to Whitehead a confidential, 128-page report (exclusive of appendixes) detailing the results of its Investigation ("HAS Report"). All names in the HAS Report were anonymized, with the exception of Sabatini.

In brief, the executive summary of the HAS Report concluded that Sabatini: was not credible; violated Whitehead's directive not to interfere in the investigation; created a lab culture that undermined Whitehead rules and procedures; caused fear of retaliation and discouraged

outside reporting of complaints; violated the Whitehead sexual harassment policy by engaging in sexist and sexualized discussions with lab members; leveraged his status to facilitate a secret sexual relationship with an individual (now known to be Knouse), which violated the Employment of Family/Household Members Policy and the Consensual Sexual and Romantic Relationships Policy; and failed to properly address the sexually harassing comments and actions of a visiting postdoc. Several corroborative text messages, emails, and internal lab communications (Slack channel excerpts) were included in the HAS Report. The HAS Report did not opine on whether Knouse and Sabatini's relationship was consensual, as it deemed that fact to be outside of its investigatory mandate. The HAS Report also noted Sabatini's view that Knouse "was motivated to make allegations against him because she is a scorned lover seeking revenge." JA 136. Whitehead thereafter shared the HAS Report with HHMI and MIT.

On August 19, 2021, Sabatini received a copy of the HAS Report. The same day, HHMI's president, Erin O'Shea ("O'Shea"), advised Sabatini that she had invited him to a meeting at 1:00 P.M. on August 20, 2021. The electronic meeting invitation listed Sabatini, O'Shea, Lehmann, and representatives from both Whitehead and HHMI's human resources departments as participants in the meeting. On August 20, 2021, before the scheduled meeting, Sabatini emailed Lehmann a short notice of his resignation, which she accepted in an emailed reply. On the same day, HHMI informed Sabatini by letter that his employment and appointment as an HHMI Investigator were being terminated for cause effectively immediately. Lehmann thereafter informed the Whitehead community in writing of Sabatini's departure, which came "on the heels" of the Investigation finding "that Dr. Sabatini violated the Institute's policies on sexual harassment among other Whitehead policies unrelated to research misconduct." JA 6691. The communication was widely circulated in the media.

On October 20, 2021, Sabatini commenced this action. Following the partial allowance of the defendants' Rule 12(b)(6) motions to dismiss, see Docket No. 74 ("Rule 12 Decision"), and as further discussed below, claims remain against Knouse for: defamation (Count 1); tortious interference with prospective business relations (Counts 3 and 7); and intentional and negligent infliction of emotional distress (Counts 5 and 6). An alleged violation of G.L. c. 151B (Count 9) also remains against Knouse for hostile environment sexual harassment, and Whitehead and Lehmann for gender discrimination.[3]

STANDARD OF REVIEW

To prevail on a motion for summary judgment, the moving party bears the burden of "show[ing] that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law" based on the undisputed facts. Mass. R. Civ. P. 56(c). See *Augat, Inc.* v. *Liberty Mut. Ins. Co.*, 410 Mass. 117, 120 (1991). In considering a motion for summary judgment, the court views the evidence and draws all reasonable inferences in the light most favorable to the nonmoving party. *Currier* v. *National Bd. of Med. Examiners*, 462 Mass. 1, 11 (2012).

DISCUSSION

I. Defamation (Count 1)

Sabatini's defamation claim against Knouse requires proof that: (a) she made a false oral or written statement, of or concerning Sabatini, to a third party; (b) the statement could damage Sabatini's reputation in the community; (c) Knouse was at fault in making the statement; and (d) the statement either caused Sabatini economic loss or is actionable without proof of economic

[3] The Appeals Court affirmed the partial allowance of the parties' Rule 12(b)(6) motions to dismiss, including the dismissal of Knouse's counterclaim under G.L. c. 214, § 1C. See *Sabatini* v. *Knouse*, 105 Mass. App. Ct. 174 (2025). Further appellate review was later granted solely limited to that claim, i.e. "to the issue of whether a claim under G.L. c. 214, § 1C, for sexual harassment in the educational context must be brought against the educational institution and not against an individual." 496 Mass. 1103 (2025).

loss. *Kelleher v. Lowell Gen. Hosp.*, 98 Mass. App. Ct. 49, 52 (2020), citing *Ravnikar* v. *Bogojavlensky*, 438 Mass. 627, 629-30 (2003); *Van Liew* v. *Eliopoulos*, 92 Mass. App. Ct. 114, 120 (2017). "The element of publication is satisfied where the defamatory communication is transmitted to even one person other than the plaintiff." *Phelan* v. *May Dep't Stores Co.*, 443 Mass. 52, 56 (2004). "[S]tatements that charge the plaintiff with a crime" are among those that are actionable without proof of economic loss. *Ravnikar*, 438 Mass. at 630. See *Shafir* v. *Steele*, 431 Mass. 365, 373 (2000) ("imputation of a crime is defamatory per se").

To be defamatory, a statement must state or imply a fact, susceptible of proof as to its truth or falsity, rather than merely convey a subjective opinion. *Scholz v. Delp*, 473 Mass. 242, 250 (2015); *Kelleher*, 98 Mass. App. Ct. at 53; *Downey* v. *Chutehall Const. Co.*, 86 Mass. App. Ct. 660, 663-664 (2014). If a statement reasonably can be understood as either fact or opinion, it remains a question of fact for the jury. *Scholz*, 473 Mass. at 250. "Whether a statement is of actual fact must be evaluated in light of what an objectively reasonable person would have understood, hearing the statement in the context in which it is made, including the make-up of the audience." *Kelleher*, 98 Mass. App. Ct. at 53.

If a plaintiff is a public figure, or a limited public figure, he must additionally prove that the defendant acted with "actual malice." *Stone v. Essex County Newspapers, Inc.*, 367 Mass. 849, 866-867 (1975). Actual malice is proven by clear and convincing evidence that the defamatory falsehood was published with knowledge that it was false or with reckless disregard of whether it was false. *Id.* at 867, 870. See *New York Times Co. v. Sullivan*, 376 U.S. 254, 279-280 (1964).

Sabatini claims that Knouse made a multitude of defamatory statements to several different groups and individuals. For the purposes of this motion, the statements can be broken

down into two general subject matter categories.[4] The first involves statements that Sabatini "assaulted" Knouse, is a "rapist," is comparable to public figures such as Harvey "Weinstein" or Jeffrey "Epstein," and is a "dangerous predator" who "grooms" the subordinate women in his lab. The second group of statements expresses Knouse's feeling that she was "abused," was "coerced" or "manipulated" into having a relationship with Sabatini, and only acted enthusiastically in the relationship to keep Sabatini happy. The recipients of both categories of statements include Knouse's Whitehead colleagues and friends, whom she frequently messaged, Whitehead administrators, and HAS investigators.

Applying the above legal framework to the first category of statements, they reasonably could be understood to state as a matter of provable truth or falsity that based on Knouse's personal knowledge of Sabatini and their relationship, he committed some level of sexual crime against her (rape and/or assault), and has a history of sexually harassing the subordinate women in his lab.[5] Where the consensual nature of Knouse's and Sabatini's sexual relationship is highly disputed, no more is required to overcome a motion for summary judgment. In addition, because some of the alleged statements impute the commission of a crime, Sabatini needs no proof of economic harm to proceed as to those statements. See, e.g., *Watson* v. *NY Doe 1*, 439 F. Supp. 3d 152, 163 (S.D.N.Y. 2020) ("If proven to be false, [defendant's] two statements accusing the plaintiff of raping her, made to the . . . human resources department [and her social media

[4] Given the sheer volume of allegedly defamatory statements asserted, and because summary judgement is denied as to a subset thereof, the court declines to examine them individually.

[5] For example, on March 6, 2021, Knouse messaged the graduate student in her lab, in the context of discussing working at MIT, "perhaps i should've fought more to get clear advocates on board earlier but whoops i was too busy going out of my way to find lawyers so i can make sure my rapist doesn't try to sabotage my career." JA 4843. On May 24, 2021, she messaged a Whitehead faculty member: "If [Sabatini] remains, that effectively says 'hey if you have enough Nature papers, go harass and assault any and all subordinates, in the rare event they survive and dare go through the subsequent hell of coming forward, all that happens is you have to sit through an annoying investigation that you're free to meddle in and then all goes back to normal.'" JA 4872.

followers] would constitute . . . defamation per se"); *Goldman* v. *Reddington*, 417 F. Supp. 3d 163, 173 (E.D.N.Y. 2019); *Franco* v. *Diaz*, 51 F. Supp. 3d 235, 244-245 (E.D.N.Y. 2014).

Knouse counters that, understood in context, she only stated her nonactionable opinion — albeit with florid language, rhetorical hyperbole, and insults — that the relationship felt coerced and unwelcome because Sabatini leveraged his power to take advantage of her and other women. See *Fleming* v. *Benzaquin*, 390 Mass. 175, 181 (1983); *Tech Plus, Inc*. v. *Ansel*, 59 Mass. App. Ct. 12, 23 (2003), citing *Ward* v. *Zelikovsky*, 136 N.J. 516, 538 (1994) ("vulgar name-calling" not actionable under defamation laws [citation omitted]). Although Knouse may ultimately prevail at trial, where she employed objective words like "rape" and "assault," the statements reasonably could be viewed either way. Thus, the issue is one of fact for the jury. See *Downey*, 86 Mass. App. Ct. at 663 (distinction between fact and opinion "is often subtle and difficult, particularly at the summary judgment stage").

Turning by contrast to the second category of statements, they center on Knouse's subjective feelings about Sabatini's conduct (that she felt abused by the relationship) and her use of unflattering, but not potentially criminal, labels (i.e., Sabatini manipulated her, engaged in gaslighting, etc.).[6] These characterizations of Sabatini are, indeed, matters of personal opinion that are not susceptible to proof as either true or false, and are therefore not actionable. See *Kelleher*, 98 Mass. App. Ct. at 53 (statements that "that express a 'subjective view,' are not statements of actual fact"). Therefore, summary judgment is appropriate as to any of the statements that fall into this category.

[6] For example, Knouse wrote to Amon by email on October 26, 2020: "Why the hell is David [Sabatini] on the search committee for the new Koch director?! I can't get away from him no matter how hard I try. Being stuck here next to him at [Whitehead] it's a daily painful reminder of being completely abused and exploited. It eats me alive. I can't take it." JA 4665.

Finally, Knouse maintains that she is entitled to summary judgment because her statements to Whitehead and HAS investigators are conditionally privileged, and because Sabatini cannot meet the higher standard of actual malice required for limited public figures.

On the issue of conditional privilege, as the court already explained, see Rule 12 Decision at 16-17, to the extent that it applies here to a subset of the statements at issue, Knouse would lose the privilege if she is determined to have: "(1) acted out of malice, (2) kn[own] the information was false, (3) had no reason to believe the information to be true, (4) acted in reckless disregard of the truth . . . , or (5) published the information unnecessarily, unreasonably, or excessively." *Downey*, 86 Mass. App. Ct. at 667. Given the extent of Knouse's publications, and her clear hostility toward Sabatini as evidenced by her stated intent to have him "fired and also publicly outted so that he can't get a job anywhere," JA 5116, and where the truth or falsity of her statements are within her personal knowledge and are in dispute, resolution of this issue remains for the fact finder.

Similarly, on the limited public figure issue, even if the court agrees with Knouse that Sabatini is such a figure based on his scientific notoriety and the media coverage of his termination and this litigation, for the same reasons already stated, genuine disputes remain about whether she acted with actual malice so as to meet the heightened standard required. *Stone*, 367 Mass. at 867. Under these circumstances, where trial is required in any event, the court declines to reach this issue as well.

In sum, Knouse's motion for summary judgment on Count 1 is **ALLOWED** with respect to any statement characterizing Sabatini's conduct in terms of Knouse's subjective, non-provable opinion, consistent with the court's guidance, *supra*, but is otherwise **DENIED**.

II. Tortious Interference (Counts 3 and 7)

To prevail on a claim of tortious interference with a contract or advantageous relations, a plaintiff must establish that: (1) he had a contract or prospective business relations with a third party; (2) the defendant knowingly induced the third party to break that relationship; (3) the defendant's interference, in addition to being intentional, was improper in motive or means; and (4) the plaintiff was harmed by the defendant's actions. *Psy-Ed Corp. v. Klein*, 459 Mass. 697, 715-716 (2011); *Shafir v. Steele*, 431 Mass. 365, 370 n.10 (2000). A plaintiff proves improper motive by showing that the defendant had a malignant intent unrelated to a legitimate purpose, beyond a mere personal dislike. *King v. Driscoll*, 418 Mass. 576, 587 (1994); *Brewster Wallcovering Co. v. Blue Mountain Wallcoverings, Inc.*, 68 Mass. App. Ct. 582, 608 (2007).

Sabatini's tortious interference claims stem from Knouse's statements to Whitehead, HHMI, and MIT (Count 3), and New York University ("NYU") (Count 7), which he asserts caused him to lose present and prospective employment. In his opposition brief, Sabatini focuses on his lost opportunity with NYU, and also raises Knouse's interference with potential positions at biotech start-up The Column Group/Atavistic and Memorial Sloan Kettering Cancer Center. Opp. Br. 29-30. Knouse moves for summary judgment on the ground that none of her individual statements could have been the cause of these institutions' refusal to employ Sabatini. She also argues that the information she shared was for a legitimate purpose. Upon review, Sabatini's case is thin, but survives summary judgment.

The record contains evidence that Sabatini had current employment agreements with Whitehead, MIT, and HHMI, and at least some prospective employment opportunities. It also establishes that Knouse communicated with some or all of these institutions in an effort to prevent Sabatini's employment. However, genuine disputes of fact remain about whether her communications were in furtherance of a legitimate purpose. Facially, Knouse sought to prevent

Sabatini from committing future sexual harassment. However, given the dispute about the nature of their relationship, an inferred purpose could also be spiteful retaliation, or some combination of the two. Turning to causation, Sabatini's case is equally circumstantial. He points to no direct evidence in the record establishing that it was Knouse's communications, separate from the full results of the HAS Report and subsequent media coverage, that directly caused or at the least influenced the institutions in question to part ways with him. Nevertheless, where trial is required on a portion of Sabatini's defamation claim in any event, these closely related claims may also go forward. The motion for summary judgment on Counts 3 and 7 is **DENIED**.

III. Emotional Distress (Counts 5 and 6)

Counts 5 and 6 of the FAC allege intentional and negligent infliction of emotional distress against Knouse. In its Rule 12 Decision, the court limited the scope of these claims to actionable distress arising solely from statements Knouse made outside the scope of her employment. *Id*. at 22. Sabatini argues that Knouse's July 1, 2021, interview with HAS investigators and certain communications she made to other Whitehead and MIT employees are actionable because they took place after she resigned from Whitehead. I disagree, as these communications were "actions taken with respect to Whitehead and MIT," and their ongoing investigations of Sabatini. *Id*. Moreover, Knouse remained an MIT employee even after she resigned from Whitehead.

Apart from these statements, Sabatini identifies no other specific statements Knouse made with an intent to cause him emotional distress, or in a negligent manner. Rather, in response to Knouse's argument that private text messages to friends cannot form the basis of such claims, he summarily contends that Knouse's friends acted on the texts, and that "the message Knouse imparted to her friends (most of whom were not Whitehead employees) also made its way into the Report and into the Twittersphere after Sabatini was sacked." Opp. Br. 28.

Sabatini offers no further explanation or legal argument tied to the elements of these claims. Under these circumstances, the claims necessarily fail.[7] Accordingly, Knouse's motion for summary judgment on Counts 5 and 6 is **ALLOWED**.

IV. Violation of G.L. c. 151B (Count 9)

A. Knouse

Sabatini alleges that Knouse's text messages seeking to rekindle their romantic relationship created a hostile work environment in violation of c. 151B. FAC, ¶ 375. The record establishes that these text messages were sent no later than January 2020. To state a timely claim under G.L. c. 151B, a complaint must first be filed with the Massachusetts Commission Against Discrimination ("MCAD") "within 300 days" after the alleged discriminatory act. G.L. c. 151B, §5. See *Dunn* v. *Langevin*, 492 Mass. 374, 377 (2023). Sabatini filed his MCAD complaint in May 2022. JA 2149. He accordingly concedes that he must allege actionable conduct occurring on or after July 17, 2021, to anchor his earlier claims under the continuing violations doctrine. Opp. Br. 31. See *Cuddyer* v. *Stop & Shop Supermarket Co*., 434 Mass. 521, 533-534 (2001).

Sabatini asserts that the HAS Report's release in August 2021, when he learned that his discrimination complaints against her were not being taken seriously, and his "effective termination" the same month, suffice as actionable later conduct. He concludes, with no further explanation, that because "Knouse's retaliatory campaign continued long after July 17, he may litigate the entire course of events." Sabatini Br. 31. However, even assuming later retaliatory conduct could revive a stale hostile work environment claim, Sabatini's retaliation claim against Knouse was dismissed for failure to state a claim. See Rule 12 Decision. He has not sought to

[7] It is also highly doubtful that private text messages sent to unrelated third parties, in the absence of some reckless behavior, duty owed, or other circumstances not present here, can form the basis of an intentional or negligent infliction of emotional distress claim. See *Conley* v. *Romeri*, 60 Mass. App. Ct. 799, 801 (2004) (plaintiff failed to state negligent infliction claim where romantic partners had no duty of honesty with each other); *Rivera* v. *Thurston Foods, Inc*., 933 F. Supp. 2d 330, 343 (D. Conn. 2013) (summary judgment granted on intentional infliction claim based on private text message accidently leaked to plaintiff).

revive that claim, which the court concluded failed on the facts alleged. See *id*. at 24-25. In the absence of any actionable claim within the limitations period, Sabatini's hostile work environment claim is untimely. Moreover, it was Whitehead, not Knouse, that had the authority to investigate any complaint he made and terminate his employment. Sabatini's attempt to frame the issue in terms of equitable tolling fails for the same reasons.

In sum, where Sabatini fails to establish that Knouse engaged in any actionable conduct during the limitations period, her motion for summary judgment on Count 9, alleging violation of G.L. c. 151B, is **ALLOWED**.

B. Whitehead and Lehmann

With regard to Whitehead and Lehmann, Sabatini alleges that they committed differential treatment/gender discrimination against him, as evidenced by their crediting Knouse and responding to her complaints about him, but ignoring his analogous complaints and revelations about her conduct. To prove a claim of gender discrimination under G.L. c. 151B, an employee must demonstrate: (1) membership in a protected class; (2) harm from an adverse employment action; (3) discriminatory animus; and (4) a causal relationship between the animus and the adverse action. *Bulwer* v. *Mount Auburn Hosp*., 473 Mass. 672, 680 (2016). There are two distinct paths available to a plaintiff to prove the third and fourth elements of discrimination so as to survive a motion for summary judgment: direct evidence or circumstantial evidence. *Id*. at 680-681. The latter employs the familiar three-stage, burden-shifting paradigm first set out in *McDonnell Douglas Corp*. v. *Green*, 411 U.S. 792, 802-805 (1973). *Id*. Where Sabatini's theory relies on circumstantial evidence, the court may move directly to the three-stage framework.[8]

[8] Sabatini's cursory arguments about direct evidence and sex stereotyping require little discussion. That Whitehead did not investigate his complaints about Knouse is not direct proof that it harbored gender-based discriminatory intent against him. Likewise, to the extent that Lehmann sought to fire Sabatini, which she denied in her deposition,

The first of the three stages requires the plaintiff to prove a prima facie case of discrimination, i.e. that he: (1) is a member of a class protected by G.L. c. 151B; (2) performed his job at an acceptable level; and (3) was terminated or subject to an adverse employment action. *Verdrager* v. *Mintz, Levin, Cohn, Ferris, Glovsky & Popeo, PC*, 474 Mass. 382, 396-397 (2016). If the plaintiff establishes a prima facie case, the burden of production shifts in the second stage to the defendant to "articulat[e] a legitimate, nondiscriminatory reason for its . . . decision." *Blare* v. *Husky Injection Molding Sys. Boston, Inc*., 419 Mass. 437, 441 (1995). If the defendant satisfies that burden, the burden of production shifts back in the third stage to the plaintiff to produce evidence that the "articulated justification is not true but a pretext." *Id*. at 443. "Because Massachusetts is a pretext only jurisdiction," a plaintiff may survive summary judgment by producing evidence that the defendant's facially proper reasons for its action were not genuine, "even if that evidence does not show directly that the true reasons were, in fact, discriminatory." *Verdrager*, 474 Mass. at 397 (citation omitted). See *Bulwer*, 473 Mass. at 682; *Matthews* v. *Ocean Spray Cranberries, Inc*., 426 Mass. 122, 129 (1997).

Here, assuming without deciding that Sabatini has established a prima facie case of gender-based discrimination, Whitehead and Lehmann meet their second stage burden.[9] They assert that any action taken was as a result of an independent investigation establishing that Sabatini had violated multiple policies, including the Sexual Harassment Policy and Romantic

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the record does not establish that any such intent was focused on his status as a man, as opposed being a response to his engaging in misconduct. On the issue of sex stereotyping, where the HAS Report's conclusion that introverted female Sabatini lab members had disproportionately negative experiences was based on responses from lab members, it was not a generalized assumption about all females in science. Finally, to the extent Sabatini argues that Whitehead is liable for failure to remediate Knouse's harassment against him, she voluntarily left Whitehead during the Investigation, not long after he made his complaints about her. As such, there was nothing for Whitehead to remediate at that point.

[9] The court does not opine whether Sabatini could meet his initial burden of establishing that he is in a protected class, and suffered an adverse employment action even though he resigned from Whitehead prior to being terminated or receiving other disciplinary action.

and Consensual Relationships Policy. The burden then shifts to Sabatini to produce evidence of pretext masking a discriminatory intent.

Sabatini argues that discrimination is evident through Knouse's receipt of preferential treatment as a female comparator. In support, Sabatini cites his complaints to investigators and Whitehead that she also engaged in offensive, crude, and sexual banter, had a sexual relationship with him, and texted him about their romantic relationship in a harassing manner, despite his telling her to stop. It is undisputed that Whitehead did not take disciplinary action against Knouse, or investigate Sabatini's complaints about her. However, I disagree that Knouse is an apt comparator for purposes of establishing discrimination.

In disparate treatment cases, a plaintiff may meet their third stage burden by presenting evidence that a similarly situated co-worker who was not a member of the protected class was treated more favorably. *Verdrager*, 474 Mass. at 398. Relevant factors in determining whether an individual is an apt comparator include job performance, qualifications, conduct, and the seriousness of the offense. *Matthews*, 426 Mass. at 130. The comparator must be similar "in all relevant aspects . . . . Exact correlation is neither likely nor necessary, but the cases must be fair congeners. In other words, apples should be compared to apples." *Downey* v. *Johnson*, 104 Mass. App. Ct. 361, 376 (2024) (citation omitted).

Here, Knouse and Sabatini were not similarly situated in terms of seniority, position, or authority within Whitehead. Sabatini was an internationally recognized executive level faculty member running one of the largest labs at Whitehead and had been there for twenty years. Knouse was a graduate student and then a Fellow, with one graduate student in her lab that was under the technical supervision of Sabatini. Even though they both were PIs, any similarity in their position and stature within the organization ended there. That Whitehead would view Sabatini as a supervisor/superior and Knouse as a subordinate/mentee is reasonable given

Sabatini's level of power, authority, and seniority. Indeed, Sabatini admitted as much in his deposition, testifying that, although he viewed Knouse as a "peer," he had "more power relative to her, if you want to put it in that term." Sabatini Dep. 564, JA 1479.

Logistically speaking, the two are also inapposite in terms of their employment status and ability to be investigated. Lehmann testified that Knouse likewise violated Whitehead policies, but no investigation was possible because she left Whitehead during the Investigation. Lehmann Dep. 414.

Another differentiating point is that Knouse was not the subject of complaints prior to the Investigation. Moreover, Sabatini's complaints about her arose after Knouse and others had complained about him. The presence and timing of complaints can be "a valid distinguishing factor" for a potential comparator. *Hawn* v. *Executive Jet Mgt., Inc*., 615 F.3d 1151, 1160 (9th Cir. 2010), citing cases. See *id*. at 1160-1161 (affirming summary judgment for employer where "plaintiffs' reports of inappropriate conduct by female employees were made only in the context of the independent investigation by an outsider"). See also *Redmon* v. *YMCA of Metro. Washington*, 417 F. Supp. 3d 99, 103-104 (D.D.C. 2019) (plaintiff male lifeguard had no comparators where there were no "supervisors with previous complaints against them who were treated more favorably," even though female subordinates also engaged in inappropriate behavior).

In the absence of Knouse as a comparator, Sabatini turns to the ineptitude and bias of the Investigation as evidencing discrimination, which he supports with an expert report. Sabatini argues the entire process was compromised by Whitehead and the investigators improperly viewing and crediting Knouse as a victim and its "star witness," while prejudging him a perpetrator of sexual harassment. The argument stems from Sabatini's view that Knouse, motived by her animus against him, essentially controlled and directed the process to her desired

outcome of getting him fired. She allegedly accomplished this purpose by spreading falsehoods about their relationship, spreading other rumors, and conspiring with others, which prompted the complaints against him, and in turn biased Whitehead, the investigators, and the Investigation. The argument is similar to the "cat's paw" theory of discrimination, although Sabatini does not employ that terminology, in that Knouse used others, including Lehmann, Whitehead, and the Investigation for an illicit purpose. See *Adams* v. *Schneider Elec. USA*, 492 Mass. 271, 285 (2023) (cat's paw theory of liability occurs where corporate decision-maker is used as a "pawn" or "dupe" to accomplish the unlawful discriminatory purpose of a subordinate employee [citation omitted]).

On the record here, however, this theory likewise fails where Lehmann and Whitehead's employment actions were based on evidence independent from any improper bias. See *Mole* v. *University of Mass.*, 442 Mass. 582, 598-600 (2004) ("independent decision to take adverse action breaks the causal connection" between another's discriminatory animus and the adverse action); *Staub* v. *Proctor Hosp.*, 562 U.S. 411, 420-421 (2011) (while an independent investigation does not necessarily insulate a defendant from liability, it does where it "results in an adverse action for reasons unrelated to [a subordinate employee's] original biased action"); *Lobato* v. *New Mexico Env't Dep't*, 733 F.3d 1283, 1294 (10th Cir. 2013) ("if the employer independently verifies the facts and does not rely on the biased source—then there is no subordinate bias liability").

Assuming for the sake of argument that the pre-Investigation complaints against Sabatini originated from Knouse's conspiracy against him, Lehmann makes clear in her deposition testimony that she hired a reputable, outside law firm so that there would be no question that the investigation was independent. Lehman Dep. 393-95, JA 6206. She further testified that she focused on the corroborating documentary proof — contemporaneous text messages, emails, and

Slack channel messages — produced during the Investigation that were "independent of the oral statements." Lehman Dep. 104-105, 616-617, JA 6133-34, 6262. Many of these documents are included within the HAS Report. She likened her focus on supporting data to the scientific method of inquiry. *Id.*[10] Sabatini does not dispute the authenticity of the documentary evidence gathered, or indeed that he had a sexual relationship with Knouse. He also does not dispute the several admissions he made about his conduct during the Investigation, or offer any serious factual rebuttal apart from the issue of consent as to his sexual relationship with Knouse.

Where this undisputed evidence supports the reasonable conclusion that Sabatini violated multiple Whitehead policies and directives— including engaging in inappropriate sexual conversations, lying to investigators about his relationship with Knouse, interfering in the Investigation by having inappropriate conversations with his subordinates, allowing a visiting post-doc to harass women in the lab, and having a sexual relationship with Knouse while in a position of power and authority over her scientific career — the chain of causation between any improper animus motivating Knouse and any adverse employment action was broken.[11] In other words, Lehmann made up her own mind about Sabatini, independent from any improper influence. Moreover, even subtracting from the HAS Report Sabatini's relationship with Knouse, the other remaining misconduct, which is independent from that relationship, is sufficient to support adverse employment action. See *Jones* v. *St. Jude Med. S.C., Inc*., 504 F. App'x 473, 477-478 (6th Cir. 2012) ("When an employer offers more than one independent, legitimate, non-discriminatory reason for an adverse employment action, even if one is found to

[10] Lehmann testified about the importance of corroborative documentary evidence in her responses to questions asked about table listing all such evidence, which she sent, at some unspecified time, to MIT. The table does not appear to be in the record.

[11] It is not the court's role to determine whether Sabatini violated the policies at issue. Rather, the only relevant issue is whether Lehmann and Whitehead reasonably could have concluded, based on the facts before them, that he had violated the policies. *Matthews*, 426 Mass. at 129. On the facts here, their conclusion that violations had occurred, consistent with the HAS Report, is eminently reasonable.

be pretextual but at least one other is not, the defendant employer is still entitled to summary judgment").

A failure of causation on these facts also finds support in Federal case law.[12] See *Jones* v. *Target Corp*., 792 F. App'x 54, 56-57 (2d Cir. 2019) (independent investigation insulated employer from liability); *Jordan* v. *Dillon Cos.*, 618 F. App'x 926, 930 (10th Cir. 2015) ("No reasonable juror could conclude from the evidence that [supervisor] blindly relied on [biased source] in his investigation or decision to terminate [plaintiff]"); *Romans* v. *Michigan Dep't of Human Servs*., 668 F.3d 826, 836-837 (6th Cir. 2012) (no liability where office conducted independent investigation including seven witness interviews and found a violation of four work rules — only one relying on the biased party's report — each of which would have supported termination); *Dudley* v. *New York*, 2020 WL 3791848, at *12 (S.D.N.Y. 2020) (summary judgment allowed where "non-negligent[ ] and [ ] good faith investigation took place" [citation omitted]).

Sabatini's due process arguments do not overcome this conclusion. The key inquiry in a disparate treatment case is whether the employer made a decision based on a good faith, reasonable view of credible evidence, as opposed to being motivated by discrimination. *Matthews*, 426 Mass. at 129. This standard does not require the process to be "optimal," or leave "no stone unturned." *Jenkins* v. *Catholic Health Initiatives*, 2015 WL 4464497, at *5 (D. Colo. 2015) (citation omitted). See *Loyd* v. *Saint Joseph Mercy Oakland*, 766 F.3d 580, 591 (6th Cir. 2014). It does not even require that all facts found by the employer be true or correct. See *McPherson* v. *New York City Dep't of Educ*., 457 F.3d 211, 216 (2d Cir. 2006) (in employment

[12] "In interpreting G.L. c. 151B, we may look to case law construing the analogous Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e-2(a)(1)." *Yee* v. *Massachusetts State Police*, 481 Mass. 290, 298 (2019). See, e.g., *Adams*, 492 Mass. at 286-287.

discrimination cases "we are decidedly not interested in the truth of the allegations against plaintiff. We are interested in what *motivated* the employer" [citation omitted, emphasis in original]).

Here, investigators interviewed Sabatini three times, on topics including the climate of his lab and his relationship with Knouse. He was also represented by an attorney, who was in contact with investigators and informed them of Sabatini's view that Knouse was a biased instigator of the complaints against him. The HAS Report addresses and rebuts Sabatini's concern. Although the investigators may not have asked him about each discreet incident that appeared in the HAS Report, the Investigation spanned months, Sabatini knew what it was about, and he had a real opportunity to present his version of the facts. He also resigned before his scheduled August 20 meeting with Whitehead and HHMI leadership, at which he could have presented a rebuttal to the HAS Report, or asked for more time to properly respond.

On these facts, while certainly not perfect, as Sabatini's expert report documents, the Investigation was no sham. It gathered sufficient evidence to allow Lehmann and Whitehead to draw an independent conclusion that Sabatini had violated Whitehead policies based on his own admitted conduct and contemporaneous documentary evidence. Sabatini does not argue, or establish through the record, that a different or better investigation would change these essential facts, including that he had a sexual relationship with Knouse, a person reasonably viewed as having less "power or authority" than he did under the Consensual Sexual and Romantic Relationships Policy. See *Waters* v. *Drake*, 222 F. Supp. 3d 582, 604 (S.D. Ohio 2016) ("[plaintiff] has not demonstrated that the investigation was such a sham that one could conclude that it was pretext for discriminatory animus"). Contrast *Vasquez* v. *Empress Ambulance Serv., Inc*., 835 F.3d 267, 275 (2d Cir. 2016) (third stage burden met where investigation was not independent and relied solely on biased source).

Nevertheless, even accepting Sabatini's premise that a bias against him existed, he would still fail. Although it is clear from the record that Knouse harbored animus against Sabatini, encouraged others to complain about him, and wanted him to get fired, Sabatini points to nothing in the record establishing that she harbored an animus against all men, rather than an animus personal to him, or against those that engage in sexual misconduct. Indeed, there is no evidence in the record of gender-based animus towards him or any of the other many male Whitehead faculty, either from Knouse or Lehmann. See *Colbert* v. *Choate Health Mgmt. Inc*., 56 Mass. App. Ct. 1104, 2002 WL 31375516, at *1 (2002) (Unpublished Decision) (where plaintiff was terminated for misconduct and poor job performance, his "conclusory allegation, otherwise unsupported in the record, that the defendants acted out of 'political correctness' because he was male and the charges against him had been asserted by women" did not create triable issue of fact); *Waters*, 222 F. Supp. 3d at 604-605 (university band director, who knowingly allowed sexualized climate in program to persist, not terminated based on gender animus). See also *Campbell* v. *National Fuel Gas Distribution Corp*., 252 F. Supp. 3d 205, 216 (W.D.N.Y. 2017) (plaintiff's gender-based claim not actionable where employee targeted her only because he "did not like her"), S.C., 723 F. App'x 74 (2d Cir. 2018); *Brogan* v. *La Salle Univ*., 70 F. Supp. 2d 556, 565 (E.D. Pa. 1999) (evidence did not support that professor was targeted for investigation because he was a man), aff'd, 229 F.3d 1137 (3d Cir. 2000). That Lehmann and others had expressed a general desire to improve the culture at Whitehead to be more inclusive likewise betrays no ill intent toward men, particularly when that intent was expressed prior to the complaints and Investigation. See generally *Diemert* v. *Seattle,* 776 F. Supp. 3d 922, 939 (W.D. Wash. 2025) (DEI initiatives are not "inherently racist").

In sum, where Sabatini has no apt comparator, Whitehead conducted a sufficiently independent investigation, and the record is devoid of any properly defined gender-based

animus, he fails to meet his third stage burden of showing pretext. Sabatini impermissibly seeks to have the court "be a vehicle for judicial second-guessing of business decisions," and to transform the court into a "personnel manager[]" because he is unhappy about the outcome of an investigation that was focused on his conduct. *Bryant* v. *Compass Grp. USA Inc*., 413 F.3d 471, 478 (5th Cir. 2005) (citation omitted). See *Downey*, 104 Mass. App. Ct. at 374 ("Liability under G. L. c. 151B does not lie for flawed business judgment, investigative shortcomings, and personnel mistakes"); *Matthews*, 426 Mass. at 134 ("Chapter 151B does not grant relief to a plaintiff who has been discharged unfairly, even by the most irrational of managers, unless the facts and circumstances indicate that discriminatory animus was the reason for the decision" [citation omitted]). Whitehead and Lehmann's motion for summary judgment on Count 9 is **ALLOWED**.

ORDER

For the foregoing reasons, Knouse's motion for summary judgment is **ALLOWED** on the portion of Count 1 concerning statements of personal opinion, as discussed, on Counts 5 and 6, alleging intentional and negligent infliction of emotional distress, and on Count 9, alleging violation of G.L. c. 151B. In all other respects, the motion is **DENIED**, meaning that Sabatini's claims against Knouse for defamation and tortious interference may proceed to trial. Whitehead and Lehmann's motion for summary judgment on Sabatini's claim for gender discrimination, the only remaining claim against Whitehead and Lehmann, is **ALLOWED**.

So ordered.

Dated: November 3, 2025

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Christopher K. Barry-Smith
Justice of the Superior Court