

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF
MASSACHUSETTS

**Stacey Gerardi, in her capacity as Personal Representative of the
Estate of Stephanie Gerardi, Deanna Gerardi, and Two Minors v.
Police Officers Sean Murphy, David Harris, Domenic Montano, The
Saugus Police Department, Police Chief Michael Ricciardelli, and
Town of Saugus**

Gerardi · No. 24-cv-12072-MJJ · Decided January 7, 2026

SUMMARY

The court granted in part defendants' motion to compel production of Deanna Gerardi's unredacted psychotherapy records in a civil rights and negligent infliction of emotional distress action arising from the police shooting of Stephanie Gerardi. The court held that Deanna had not generally waived the psychotherapist-patient privilege by asserting emotional distress, but that plaintiffs' intentional partial disclosure waived the privilege as to relevant portions concerning substance abuse and tobacco use. References concerning an unrelated traumatic childhood event were deemed irrelevant and were not required to be disclosed.

CASE DETAILS

COURT	United States District Court for the District of Massachusetts
WRITING FOR THE COURT	Jennifer C. Boal
JURISDICTION	United States District Court for the District of Massachusetts
DECIDED	January 7, 2026
DOCKET	24-cv-12072-MJJ
DISPOSITION	other
PROCEDURAL POSTURE	Defendants moved to compel production of Plaintiff Deanna Gerardi's unredacted psychotherapy records. The court granted the motion in part after reviewing the redacted and unredacted records in camera.
PRECEDENTIAL VALUE	nonprecedential district court order

TOPICS

discovery dispute

privilege

civil procedure

section 1983

negligent infliction of emotional distress

PRACTICE AREAS

civil procedure

evidence

civil rights

torts

QUESTIONS PRESENTED

1. Whether Deanna Gerardi waived the psychotherapist-patient privilege by asserting negligent infliction of emotional distress and allegations of emotional distress and psychological trauma.
2. Whether Plaintiffs' intentional partial disclosure of psychotherapy records waived the privilege as to the redacted portions of the same communications.
3. Whether the redacted records concerning a traumatic childhood event and substance abuse were relevant and should be produced.

HOLDINGS

1. Deanna did not waive the psychotherapist-patient privilege merely by asserting negligent infliction of emotional distress and alleging emotional distress and psychological trauma because she disclaimed a clinical diagnosis and expert psychiatric testimony.
2. Plaintiffs intentionally waived the psychotherapist-patient privilege as to the unredacted portions of the psychotherapy communications disclosed to Defendants, and the privilege analysis for the redacted portions is governed by whether they concern the same subject matter and fairness requires that they be considered together.
3. The redacted references to a traumatic childhood event were irrelevant and need not be disclosed, but the references concerning substance abuse, including tobacco usage, were relevant, particularly to damages, and had to be disclosed.

KEY QUOTATIONS

“Accordingly, I find that Deanna has not waived the privilege generally by alleging more than “garden variety” emotional distress claims.” (Analysis § II)

“Even if they had, I find that these references concern relevant material, particularly to damages and should be disclosed.” (Analysis § II)

“For the foregoing reasons, I grant in part Defendants’ Motion to Compel. Plaintiffs must produce records unredacted in accordance with this order within two weeks.” (Conclusion § III)

FACTUAL BACKGROUND

On August 14, 2021, Saugus police responded to the Gerardi home after receiving a report of a suicidal individual. Officers Sean Murphy and David Harris entered the home; Stephanie Gerardi subsequently obtained a knife, and Murphy allegedly shot her three times, resulting in her death at the scene. Deanna Gerardi produced psychotherapy records in discovery, but portions concerning a traumatic childhood event and substance abuse were redacted.

PROCEDURAL HISTORY

Plaintiffs filed this federal civil-rights and related state-law action on August 12, 2024. During discovery, Plaintiffs produced nearly 300 pages of Deanna Gerardi's psychotherapy records with redactions. Defendants moved to compel the unredacted records, the parties briefed the motion, and the court held a hearing on October 14, 2025, followed by an in-camera review of the records.

DISPOSITION

other

CASES CITED

- In re Grand Jury Proceedings (Gregory P. Violette), 183 F.3d 71, 73 (1st Cir. 1999)
- Riley v. Massachusetts State Police, No. 15-14137-DJC, 2017 WL 11487867, at *3 (D. Mass. Apr. 12, 2017)
- St. John v. Napolitano, 274 F.R.D. 12, 18-19 (D.D.C. 2011)
- Cabot v. Lewis, No. CV 13-11903-FDS, 2015 WL 13648107, at *1 (D. Mass. July 8, 2015)
- Silvestri v. Smith, No. CV 14-13137-FDS, 2016 WL 778358, at *3 (D. Mass. Feb. 26, 2016)
- Sorenson v. H & R Block, Inc., 197 F.R.D. 199, 204 (2000)
- Vanderbilt v. Town of Chilmark, 174 F.R.D. 225, 226-29 (D. Mass.)
- Cavallaro v. United States, 284 F.3d 236, 246-47 (1st Cir. 2002)
- United States v. Joint Active Sys., Inc., No. CV 19-MC-91053-ADB, 2020 WL 9747574, at *5 (D. Mass. Apr. 28, 2020)