

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF
MASSACHUSETTS

Assured Testing Laboratories LLC, et al. v. PerkinElmer Health
Sciences, Inc., et al.

Assured Testing Laboratories · No. 25-12336-BEM · Decided May 13, 2026

SUMMARY

The United States District Court for the District of Massachusetts considers defendants' motions to dismiss claims arising from the alleged fraudulent marketing and sale of cannabis-testing laboratory instruments. The court dismisses the civil RICO claim for failure to plausibly plead a RICO enterprise and grants the motions to dismiss, remanding the remaining claims to state court.

CASE DETAILS

COURT	United States District Court for the District of Massachusetts
WRITING FOR THE COURT	Brian E. Murphy
JURISDICTION	United States District Court for the District of Massachusetts
DECIDED	May 13, 2026
DOCKET	25-12336-BEM
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiffs asserted federal RICO and state-law fraud, warranty, consumer-protection, and related claims in state court. After removal based on the RICO claim, Defendants moved to dismiss under Federal Rule of Civil Procedure 12(b)(6), and Plaintiffs moved for default judgment against two defaulting defendants.
STANDARD OF REVIEW	On a Rule 12(b)(6) motion, the court disregards conclusory allegations, accepts well-pleaded facts as true, draws reasonable inferences in the plaintiff's favor, and determines whether the complaint states a plausible claim for relief. Fraud-based claims must also satisfy Rule 9(b)'s heightened particularity requirement.
PRECEDENTIAL VALUE	unpublished

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QUESTIONS PRESENTED

1. Whether Plaintiffs plausibly alleged a RICO enterprise under 18 U.S.C. § 1962(c).
2. Whether the fraud-based RICO, fraudulent-inducement, Chapter 93A, and state consumer-protection claims satisfied Federal Rule of Civil Procedure 9(b).
3. Whether the non-Assured Testing Chapter 93A claims alleged deceptive conduct occurring primarily and substantially in Massachusetts.
4. Whether statutes of limitations barred specified claims and whether the discovery rule or fraudulent-concealment doctrine tolled those limitations periods.
5. Whether claims by certain plaintiffs lacking individualized factual allegations stated a claim.
6. Whether the court should grant leave to amend or remand the remaining state-law claims after dismissing the federal claim.

HOLDINGS

1. The complaint failed to plausibly allege the enterprise element of a civil RICO claim, so Count I was dismissed as to all Defendants, including the defaulting defendants.
2. The defaults of Juniper and Emerald did not bind the remaining Defendants or establish the sufficiency of the RICO allegations.
3. The specified plaintiffs failed to plead their RICO, fraudulent-inducement, Chapter 93A, and state consumer-protection claims with the particularity required by Rule 9(b).
4. All Chapter 93A claims other than those of Assured Testing Laboratories were dismissed because the complaint did not allege that the challenged conduct occurred primarily and substantially in Massachusetts.
5. Specified claims were time-barred, and the complaint did not adequately plead either delayed discovery or fraudulent concealment sufficient to toll the limitations periods.
6. Leave to amend was denied because Plaintiffs had already amended twice, had prior notice of the pleading deficiencies, and did not explain how another amendment would cure them.
7. After dismissing the federal RICO claim and adjudicating the state-law claims challenged in the motions, the court remanded the remaining state-law claims to state court.

KEY QUOTATIONS

“Here, the Court concludes that Plaintiffs have failed to sufficiently plead a RICO enterprise and thus Count I must be dismissed as to all Defendants.” (Section III.A)

“Rule 9(b) requires that ‘the pleader . . . go beyond a showing of fraud and state the time, place and content of the alleged mail and wire communications perpetrating that fraud.’” (Section III.B.1)

“In sum, “[w]hen ‘virtually all the conduct that can be said to be unfair or deceptive’ occurs outside the Commonwealth, there can be no Chapter 93A liability.”” (Section III.B.2.a)

“In this situation, where Plaintiffs have long had notice of potential deficiencies in their case through the previous motion to dismiss—let alone the current motion—and have had ample opportunities to address such deficiencies, the liberal standard of Rule 15 must give way to finality.” (Section III.D)

“The case is hereby REMANDED to state court for further proceedings.” (Section V)

FACTUAL BACKGROUND

Plaintiffs are cannabis testing laboratories and related businesses that purchased or were affected by analytical instruments and standard operating procedures marketed by PerkinElmer Health Sciences, Inc. Plaintiffs alleged that the instruments were defective and that Defendants falsely represented them as turnkey, validated, regulatory-compliant, and capable of meeting applicable testing requirements. Plaintiffs further alleged that PerkinElmer personnel knew of the deficiencies, concealed them, and continued marketing the instruments after a 2023 corporate restructuring involving New Mountain entities and PerkinElmer U.S. LLC.

PROCEDURAL HISTORY

Twenty-six plaintiffs initially filed suit in state court on January 16, 2025. After the complaint was amended to add a RICO claim and additional parties, Defendants removed the action to the District of Massachusetts on August 21, 2025. Plaintiffs filed a second amended complaint, and the PerkinElmer and New Mountain Defendants moved to dismiss. The court granted the motions, denied Plaintiffs' motions for default judgment against Juniper Analytics and Emerald Scientific, dismissed specified claims with prejudice, and remanded the remaining state-law claims to state court.

DISPOSITION

other

REMAND INSTRUCTIONS

The remaining state-law claims not dismissed in the memorandum and order are remanded to the Massachusetts state court for further proceedings.

CASES CITED

- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Grajales v. P.R. Ports Authority, 682 F.3d 40, 44 (1st Cir. 2012)
- García-Catalán v. United States, 734 F.3d 100, 102-03 (1st Cir. 2013)
- Whelden v. U.S. Bank National Association, 494 F. Supp. 3d 68, 73 (D. Mass. 2020)
- In re Colonial Mortgage Bankers Corp., 324 F.3d 12, 15 (1st Cir. 2003)
- Watterson v. Page, 987 F.2d 1, 3 (1st Cir. 1993)
- Humana Inc. v. Biogen, Inc., 126 F.4th 94, 103-04 (1st Cir. 2025)

- Kenda Corp. v. Pot O'Gold Money Leagues, Inc., 329 F.3d 216, 233, 236 (1st Cir. 2003)
- Bessette v. Avco Financial Services, Inc., 230 F.3d 439, 449 (1st Cir. 2000)
- Boyle v. United States, 556 U.S. 938, 946, 948 (2009)
- Ezell v. Lexington Insurance Co., 335 F. Supp. 3d 91, 96 (D. Mass. 2018), *aff'd*, 926 F.3d 48 (1st Cir. 2019)
- Cisneros v. Petland, Inc., 972 F.3d 1204, 1211-12 (11th Cir. 2020)
- Franco v. Selective Insurance Co., 184 F.3d 4, 9 n.3 (1st Cir. 1999)
- Ramos-Falcon v. Autoridad de Energia Electrica, 301 F.3d 1, 2 (1st Cir. 2002)
- Universitas Education, LLC v. Granderson, 98 F.4th 357, 377 (1st Cir. 2024)
- Reves v. Ernst & Young, 507 U.S. 170, 184-85 (1993)
- Crichton v. Golden Rule Insurance Co., 576 F.3d 392, 399-400 (7th Cir. 2009)
- United States v. Cianci, 378 F.3d 71, 84, 86 n.4 (1st Cir. 2004)
- Ryan v. Clemente, 901 F.2d 177, 180 (1st Cir. 1990)
- In re Pharmaceutical Industry Average Wholesale Price Litigation, 307 F. Supp. 2d 196, 205 (D. Mass. 2004)
- MyFreeMedicine.com LLC v. Alpine Investments, 2010 WL 816649, at *9 (D. Me. Mar. 4, 2010), report and recommendation adopted, 739 F. Supp. 2d 8 (D. Me. 2010)
- Liberty Mutual Insurance Co. v. Aftermath Services LLC, 2023 WL 5435878, at *3 (D. Mass. Aug. 23, 2023)
- Mear v. Sun Life Assurance Co. of Canada (U.S.)/Keyport Life Insurance Co., 2008 WL 245217, at *9 (D. Mass. Jan. 24, 2008)
- Odishelidze v. Aetna Life & Casualty Co., 853 F.2d 21, 23 (1st Cir. 1988)
- Doyle v. Hasbro, Inc., 103 F.3d 186, 194 (1st Cir. 1996)
- Mulder v. Kohl's Department Stores, Inc., 865 F.3d 17, 21-22 (1st Cir. 2017)
- N. Bridge Associates, Inc. v. Boldt, 274 F.3d 38, 43 (1st Cir. 2001)
- Parexel International LLC v. PrisymID Ltd., 2024 WL 3471930, at *6-7 (D. Mass. July 19, 2024)
- Arthur D. Little, Inc. v. Dooyang Corp., 147 F.3d 47, 52 (1st Cir. 1998)
- Sonoran Scanners, Inc. v. PerkinElmer, Inc., 585 F.3d 535, 546 (1st Cir. 2009)
- Kuwaiti Danish Computer Co. v. Digital Equipment Corp., 438 Mass. 459, 472-73 (2003)
- In re Pharmaceutical Industry Average Wholesale Price Litigation, 582 F.3d 156, 194 (1st Cir. 2009)
- Neural Magic, Inc. v. Meta Platforms, Inc., 659 F. Supp. 3d 138, 182-83 (D. Mass. 2023)
- Evergreen Partnering Group, Inc. v. Pactiv Corp., 2014 WL 304070, at *4-5 (D. Mass. Jan. 27, 2014)
- Crunchtime! Information Systems, Inc. v. Frisch's Restaurants, Inc., 768 F. Supp. 3d 183, 186 (D. Mass. 2025)
- Reicher v. Berkshire Life Insurance Co. of America, 2002 WL 31426758, at *2 (D. Mass. Oct. 29, 2002)
- HC&D, LLC v. Precision NDT & Consulting LLC, 2024 WL 4626223, at *7 (D. Mass. Oct. 30, 2024)
- Uncle Henry's, Inc. v. Plaut Consulting Co., 399 F.3d 33, 45 (1st Cir. 2005)
- Bushkin Associates, Inc. v. Raytheon Co., 393 Mass. 622 (1985)
- Davalos v. Bay Watch, Inc., 494 Mass. 548, 552 (2024)
- Magliacane v. City of Gardner, 483 Mass. 842, 851-52 (2020)

- *Shea v. Ditech Financial LLC*, 812 F. App'x 7, 10 (1st Cir. 2020)
- *Friedman v. Jablonski*, 371 Mass. 482, 485 (1976)
- *Rodriguez v. Banco Central*, 917 F.2d 664, 666 (1st Cir. 1990)
- *Lares Group, II v. Tobin*, 47 F. Supp. 2d 223, 230 (D.R.I. 1999), *aff'd*, 221 F.3d 41 (1st Cir. 2000)
- *Nemirovsky v. Daikin North America, LLC*, 488 Mass. 712, 727 (2021)
- *Epstein v. C.R. Bard, Inc.*, 460 F.3d 183, 189-90 (1st Cir. 2006)
- *J. Geils Band Employee Benefit Plan v. Smith Barney Shearson, Inc.*, 76 F.3d 1245, 1255 (1st Cir. 1996)
- *Powers v. Boston Cooper Corp.*, 926 F.2d 109, 111 (1st Cir. 1991)
- *City of Boston v. Express Scripts, Inc.*, 765 F. Supp. 3d 31, 42-43 (D. Mass. 2025), *aff'd sub nom. City of Boston v. OptumRx, Inc.*, 169 F.4th 58 (1st Cir. 2026)
- *Hewes v. Pangburn*, 162 F.4th 177, 190 (1st Cir. 2025)
- *Kirby v. Petit*, 2025 WL 2409905, at *9 (D. Mass. June 24, 2025), report and recommendation adopted sub nom. *Kirby v. Wiseman*, 2024 WL 6475951 (D. Mass. July 23, 2025)
- *Hoyos v. Telecorp Communications, Inc.*, 488 F.3d 1, 5 (1st Cir. 2007)
- *Scottsdale Insurance Co. v. United Rentals (North America), Inc.*, 977 F.3d 69, 72 (1st Cir. 2020)
- *Universal Trading & Investment Co. v. Bureau for Representing Ukrainian Interests in International & Foreign Courts*, 87 F.4th 62, 80 (1st Cir. 2023)
- *Nikitine v. Wilmington Trust Co.*, 715 F.3d 388, 390 (1st Cir. 2013)
- *United States ex rel. Flanagan v. Fresenius Medical Care Holdings, Inc.*, 142 F.4th 25, 38 (1st Cir. 2025)
- *Aponte-Torres v. University of Puerto Rico*, 445 F.3d 50, 58 (1st Cir. 2006)
- *Pension Trust v. J.Jill, Inc.*, 360 F. Supp. 3d 17, 31 n.4 (D. Mass. 2018)
- *Calderón-Serra v. Wilmington Trust Co.*, 715 F.3d 14, 20 (1st Cir. 2013)
- *Silverstrand Investments v. AMAG Pharmaceuticals, Inc.*, 707 F.3d 95, 107-08 (1st Cir. 2013)
- *Douglas v. Hirshon*, 63 F.4th 49, 58 (1st Cir. 2023)
- *Cody v. Conformis, Inc.*, 199 F. Supp. 3d 409, 421 (D. Mass. 2016)
- *Levitt v. Sonardyne, Inc.*, 2012 WL 5350037, at *2 (D. Me. Oct. 29, 2012)
- *Delgado v. Pawtucket Police Department*, 668 F.3d 42, 48 (1st Cir. 2012)
- *Roche v. John Hancock Mutual Life Insurance Co.*, 81 F.3d 249, 256-57 (1st Cir. 1996)
- *King v. Friends of Kelly Ayotte*, 860 F. Supp. 2d 118, 129 (D.N.H. 2012), *aff'd*, 2013 WL 12629523 (1st Cir. Apr. 5, 2013)
- *Disher v. Information Resources, Inc.*, 873 F.2d 136, 141 (7th Cir. 1989)
- *Rivera-Díaz v. Humana Insurance of Puerto Rico, Inc.*, 748 F.3d 387, 392 (1st Cir. 2014)
- *Carnegie-Mellon University v. Cohill*, 484 U.S. 343, 350 n.7 (1988)
- *Redondo Construction Corp. v. Izquierdo*, 662 F.3d 42, 50 (1st Cir. 2011)