

COMMONWEALTH OF MASSACHUSETTS

ESSEX, ss.

SUPERIOR COURT DEPARTMENT  
CIVIL ACTION NO.:

227CV00972-D

DYLAN ABOURJEILI,

Plaintiff,

v.

RIVER BAR LLC,

Defendant.

10/12/2022

RECEIVED

**VERIFIED COMPLAINT  
AND DEMAND FOR JURY TRIAL.**

**INTRODUCTION**

Plaintiff Dylan Abourjeili (“Plaintiff” or “Abourjeili”) filed this action against Defendant River Bar LLC (“Defendant” or “River Bar”) because its defamation and bad faith acts and omissions, amounting to unfair and deceptive business practice, in violation of law, have caused Plaintiff significant harm; the facts of which form the basis for the claims brought forth against Defendant, as detailed herein.

**PARTIES**

1. Plaintiff Dylan Abourjeili is an individual residing at 172 Pleasant Street, Methuen, Massachusetts 01844.
2. Defendant River Bar LLC is a domestic limited liability company with its address located at 661 Assembly Row, Somerville, Massachusetts 02145.

### **JURISDICTION AND VENUE**

3. The Massachusetts Superior Court has jurisdiction over this action pursuant to G.L. c. 223A, § 3 and G.L. c. 214, § 1. The amount in controversy exceeds Fifty Thousand Dollars (\$50,000), exclusive of preinterest and costs. Venue in this forum is proper pursuant to G.L. c. 223, § 1.

### **FACTS**

4. On July 11, 2022, Plaintiff Dylan Abourjeili, along with his long term girlfriend and friends, went to River Bar, a full service restaurant and bar owned and operated by Defendant and located at 661 Assembly Row, Somerville, MA 02145 for dinner and drinks.

5. The hostess sat Abourjeili and his company, and informed them that a server would be with them promptly.

6. After approximately fifteen minutes of waiting, a server appeared, who was later identified as "Sabrina".

7. The service at the River Bar was poor, the server, Sabrina, had a very poor attitude, made Plaintiff and his company feel unwelcome and burdensome, and gave them dirty looks throughout their time at River Bar. Sabrina would deliver the items Plaintiff and his company ordered by placing them at the end of the table all together and immediately leaving, which caused confusion as to which items each person ordered. In addition, the service was delayed, and no effort was made to adequately provide services even comparable to the standards of the restaurant/bar industry.

8. Throughout the entire duration Plaintiff was at River Bar, he had only one single interaction with the server Sabrina, which was when she asked him for his initial order. Abourjeili respectfully requested a "Captain and Coke." Sabrina responded in an aggressive

manner, stating "There isn't any Captain Morgan! There's only Bacardi." Abourjeili responded that Bacardi was fine; and this single interaction was the entirety of Abourjeili's interactions with the server Sabrina at River Bar.

9. Abourjeili posts reviews about various establishments he patrons through Google, a known platform for consumers to publish reviews, and has been doing so over the past five (5) years. Within the five (5) years Plaintiff has been publishing such reviews, he has published approximately fifteen (15) reviews on Google. Of these reviews, approximately ten (10) have been five (5) star reviews.

10. Many of Plaintiff's friends, business associates, and others have commented on his reviews of these establishments, and many have contacted him regarding his experiences in these various establishments.

11. Plaintiff's reviews appear on his online profile, and are open to view by the public.

12. As a result of Plaintiff's poor experience at River Bar, he and his friends left, and Plaintiff published a one (1) out of Five (5) star review on google reviews, stating:

"Place is a disgrace. Limited drinks at night. Waitress Sabrina had a big attitude; no smile. Don't know how she got the job. When we asked the bartender for her name and stated she was rude, she responded "don't take it personal". Wont be back. Bad vibes for real. We had a table of 8 by the way."

13. River Bar responded to Plaintiff's honest review by stating:

"Dylan, our servers are there to do their job, not to flirt with you. Not appreciating your rude sexist comments is not an attitude. I'm sorry you won't be back but I do hope you treat the female staff at other establishments with more respect."

14. Attached as Exhibit A to Plaintiff's Complaint are the Plaintiff and Defendant's respective publications.

15. In fact, Abourjeili was not flirting with anyone at River Bar.

16. In fact, Abourjeili never made rude or sexist comments to anyone at River Bar.

17. In fact, Abourjeili treated everyone at River Bar with respect.

18. In fact, Abourjeili is not a sexist.

19. River Bar has a history of insulting, and questioning the honesty of those who post negative reviews. Upon information and belief, River Bar does so in order to deter the public from exercising their first amendment right to publish truthful but negative reviews about its establishment. Attached as Exhibit B are merely some of River Bar's responses to its consumer's reviews on Google.<sup>1</sup>

20. Upon information and belief, River Bar published false statements about Plaintiff in order to discredit his true account of his experience at River Bar, and dissuade others from publishing similar reviews, for fear of being labeled a sexist, rude, flirtatious, or a misogynist.

21. Plaintiff is a business owner, and a lifelong resident of the Commonwealth of Massachusetts, with strong family, business, religious, and social ties to the community.

22. Defendant's publication has caused Plaintiff significant harm to his reputation within the community.

23. Plaintiff served Defendant with a M.G.L. c. 93A Demand on July 26, 2022, whereby Plaintiff informed Defendant that the publication was defamatory, and demanded that it be removed, along with a demand for monetary compensation for the damage said defamatory publication caused. To date, Defendant has not responded to the 93A Demand, and has not removed the defamatory publication.

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<sup>1</sup> The responses provided in Exhibit B is not an exhaustive showing of Defendant's responses to its consumers; there are additional responses by Defendant not included, but which Plaintiff reserves the right to bring forth at trial.

24. Defendant's defamatory publication remains on Google Reviews under River Bar and Plaintiff's accounts as of the date of this complaint.

25. Defendant continues to cause Plaintiff significant reputational harm as a result of the defamatory publication.

**COUNT I**  
**DEFAMATION**

26. Plaintiff reincorporates by reference the preceding paragraphs of the Complaint as though fully set forth herein.

27. Defendant published false statements, which it knew were false, in order to harm the reputation of the Plaintiff.

28. Defendant published a false statement proclaiming that Plaintiff was rude to its staff.

29. Defendant published a false statement proclaiming that Plaintiff was flirting with their staff.

30. Defendant published a false statement proclaiming that Plaintiff is disrespectful to women.

31. Defendant's publication alleges that Plaintiff is a misogynist, flirting with female staff at River Bar and being disrespectful and "sexist" toward women.

32. Defendant's publication labels Plaintiff a "sexist", suggesting that it is in his nature and character to flirt with women against their will and treat women with disrespect; even stating that Defendant may do the same to other female staff at other establishments.

33. Defendant knew that the statements in its publication were false, yet published them anyway with the intent to harm Plaintiff's reputation, so that his review would be discredited or disregarded by the public.

34. Defendant's intentional publication of the false statements was done with the purpose of harming Plaintiff's reputation, in order to diminish the credibility of his own true account of his experience at River Bar, so that the public would discredit Plaintiff, while alleviating the negative impact on Defendant.

35. Defendant knowingly published the false statements about Plaintiff with the intent to harm his reputation.

36. Defendant perpetrated the tortious acts against Plaintiff with intent, in a deceptive, unfair, and egregious scheme. Rather than face the consequences of a negative and truthful review of its own failures in its prior dealings with Plaintiff, Defendant instead disingenuously plotted to circumvent the consequences by attacking the Plaintiff's character with the intent to harm his reputation to discredit his true account of events.

37. As a result of the Defendant's intentional acts, the Plaintiff has been questioned, ridiculed, reprimanded, and insulted by individuals who have taken the Defendant's false representations as true.

38. By publishing its false statements in such a widely circulated public forum, Defendant intended to spread contempt, hatred, scorn, and ridicule against Plaintiff, to diminish any possible consequences of his true and honest review.

39. As a result of the Defendant's intentional acts, the Plaintiff's name and reputation have been severely and irreparably tarnished; with business associates, family, friends, and acquaintances now questioning his character, cutting ties with him, and/or withdrawing from interactions with him.

40. Defendant published the false and defamatory statements with the knowledge that the statements were false, and with reckless disregard as to the falsity of the statements, in order

to serve its own unfair and deceptive means to discredit Plaintiff's true account in his publication- to bolster its own reputation by damaging Plaintiff's reputation.

41. Defendant's defamation has caused Plaintiff significant harm, in an amount of damages to be determined and awarded at trial.

## COUNT II

### 93A

42. Plaintiff reincorporates by reference the preceding paragraphs of the Complaint as though fully set forth herein.

43. Defendant operates a restaurant and bar within the Commonwealth.

44. It is commonplace that patrons of establishments such as River Bar write reviews for public awareness about their individual experiences at such establishments.

45. River Bar is aware that its patrons may publish reviews about their experiences and the quality of products and services offered.

46. River Bar publishes responses to many of its customer reviews, which exceeds five hundred (500) reviews on Google.

47. Individuals who patron Defendant's establishment do so under the assumption that they have the right to exercise their free speech and publish truthful and accurate reviews of said establishment. Individuals should not do so with the fear of being defamed or labeled a "sexist".

48. Plaintiff published a true account of his experience at River Bar on Google, an online platform where many reviews are published about River Bar and similar establishments.

49. In response, River Bar published a false statements, claiming that Plaintiff is a sexist.

50. River Bar published false statements claiming that Plaintiff was rude to their staff.

51. River Bar published false statements claiming that Plaintiff was flirting with their staff.

52. River Bar published false statements claiming that Plaintiff is disrespectful to women.

53. River Bar's publication paints Plaintiff into being a misogynist, flirting with female staff at River Bar and being disrespectful and "sexist" toward women.

54. River Bar knew that the statements in its publication were false, yet published them anyway with the intent to harm Plaintiff's reputation, so that his review would be discredited or disregarded by the public.

55. Consumers at restaurants and bars within the Commonwealth patron establishments such as River Bar with the expectation that they are free to publish reviews on Google and other forums detailing truthful accounts of their experiences for the public to observe and consider. River Bar operates its business with the knowledge and expectation that consumers may publish reviews about their experiences at its establishment.

56. Plaintiff published a true and honest account of his experience at River Bar. Rather than respond truthfully, River Bar instead chose to defame Plaintiff and attack his character in order to discredit his true account of his experience at River Bar. In doing so, River Bar's actions constituted unfair and deceptive business practice, by attacking the very character of its own consumer and harming his reputation, in order to bolster its own reputation and circumvent any consequences of its own failures in business practice.

57. Consumers at River Bar are free to publish truthful reviews about their experience, and should do so without the possibility of being insulted, labeled, or defamed by



River Bar. Defendant's acts have also been perpetrated in order to dissuade consumers such as the Plaintiff from publishing honest reviews, which amounts to additional unfair and deceptive business practice.

58. Defendant's knowingly unfair and deceptive acts, perpetrated in violation of M.G.L. c. 93A, has caused the Plaintiff to suffer damages in an amount to be determined at trial, with treble damages and attorneys fees being warranted due to Defendant's knowledge and intent to perpetrate said acts, and Defendant's intentional failure to respond to Plaintiff's 93A Demand.

### **REQUEST FOR RELIEF**

WHEREFORE, Plaintiff respectfully requests that this Honorable Court grant him judgment against the Defendant:

1. Ordering that Defendant permanently remove its defamatory publication regarding Plaintiff on Google and any other forum;
2. So that Defendant be permanently restrained and enjoined:
  - (a) from re-posting, publishing, disseminating, distributing, or otherwise providing access to the Defamatory publication in any form;
  - (b) from publishing, posting, reposting, referencing, or making any further representations regarding the Plaintiff;
3. Enter judgement for Plaintiff on all Counts of this Complaint;
4. Award Plaintiff damages sustained through the acts of the Defendant, ascertained so far as possible; and
5. Treble said damages due to Defendant's knowing and intentional acts in violation of M.G.L. c. 93A, and award Plaintiff's attorney's fees;

6. Grant such other and further relief as this Honorable Court deems just and proper.

**JURY DEMAND**

Plaintiff demands a trial by jury on all counts.

Respectfully submitted,  
THE PLAINTIFF  
Dylan Abourjeili,  
By his counsel,

September 14, 2022

/s/ Anthony Bistany

Anthony Bistany, BBO # 691850  
LAW OFFICES OF ANTHONY BISTANY  
10 Main Street, Suite L12  
Andover, MA, 01810  
Tel: 978-902-0661  
Email: tonybistany@gmail.com

**VERIFICATION**

I, Dylan Abourjeili, do hereby declare that I have read the foregoing Verified Complaint and know the contents thereof. The same is true to my knowledge except to those matters that are alleged on information and belief; as to those matters, I believe them to be true.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on this 30 day of September, 2022.



Dylan Abourjeili

# **EXHIBIT A**

9/13/22, 2:48 PM

riverbar - Google Search

### River Bar

661 Assembly Row, Somerville, MA

Show reviews

4.0

552 reviews



Dylan A

12 reviews · 2 photos

an hour ago · NEW

Place is a disgrace. Limited drinks at night. Waitress Sabina had a big attitude, no smile. Don't know how she got the job. When we asked the bartender for her name and stated she was rude, she responded "don't take it personal". Won't be back. Bad vibes for real. We had a table of 8 by the way.

5

Response from the owner · a month ago

Dylan, our servers are there to do their job, not to flirt with you. Not appreciating your rude sexist comments is not an attitude. I'm sorry you won't be back but I do hope you treat the female staff at other establishments with more respect.



Matt Hughes

Local Guide · 56 reviews

[https://www.google.com/search?q=riverbar&rlz=1C5CHFA\\_cnUS878US878&biw=1344&bih=664&xsrf=ALiCzKZ41WpOxQvW8KUqGb-8X1vLPq7A%3A166...](https://www.google.com/search?q=riverbar&rlz=1C5CHFA_cnUS878US878&biw=1344&bih=664&xsrf=ALiCzKZ41WpOxQvW8KUqGb-8X1vLPq7A%3A166...) 2/2

**EXHIBIT B**

9/13/22, 3:07 PM

riverbar - Google Search

### River Bar

681 Assembly Row, Somerville, MA

4.0 552 reviews

3

**Jesse Agosto**  
2 reviews  
2 months ago

Went to eat but, we were returned away by owner stating they are closed. I asked why he stated they open at 5pm instead of 4pm as stated in website & they started serving other ppl came in. I asked is it because I am a minority you dont serve Veterans or teachers & he hung up phone. If you come here I guess to have to qualify. We werent good enough apparently to eat here so we openly got discriminated against...

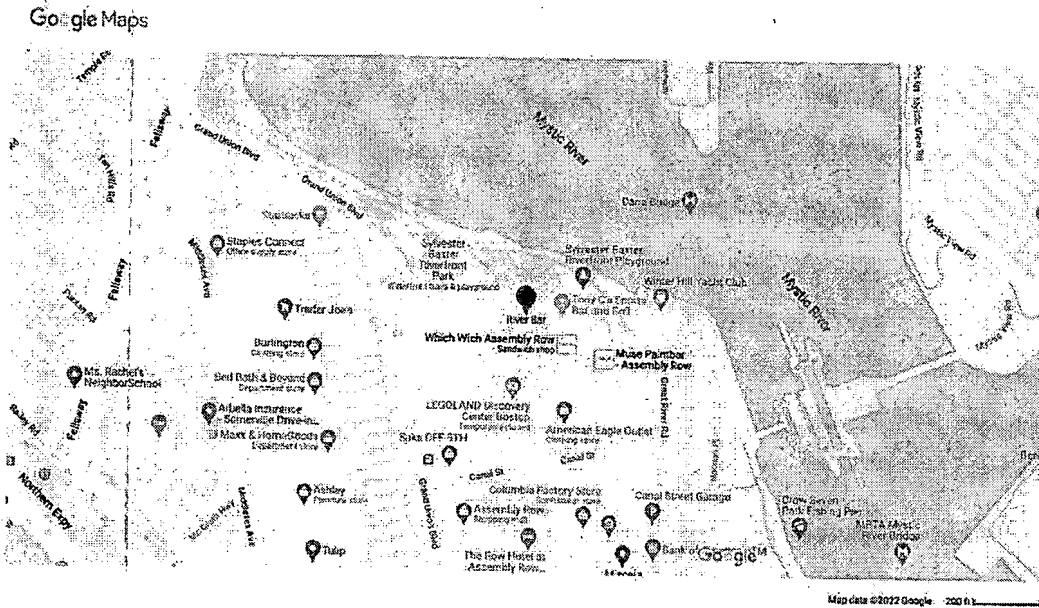
4

**Response from the owner** 2 months ago  
Jesse, this is ridiculous and completely untrue. I hope you find a constructive way to deal with whatever issues you are dealing with in life that would drive you to say such foolish things.

[https://www.google.com/search?q=riverbar&rlz=1C5CHFA\\_enUS878US878&sxsrf=ALiCzsae7cr08VsCu\\_24fVt9RRHUmFgEg%3A1663892598815&ei=dscpY9D...](https://www.google.com/search?q=riverbar&rlz=1C5CHFA_enUS878US878&sxsrf=ALiCzsae7cr08VsCu_24fVt9RRHUmFgEg%3A1663892598815&ei=dscpY9D...) 1/2

9/13/22, 3:15 PM

Google Maps



Google Maps

**River Bar**  
 Bar · \$\$  
 Assembly Square  
 PLACE DETAILS

**D** Diane Sheppard

1 year ago

Asked for indoor seating today was told they are in last phase of covid restrictions eat us outside! and then sat numerous patrons inside! Pretty sure I had the wrong color skin! Won't be returning! Advise you all to avoid Riverbar they are prejudicial  
 And now there response is an out right lie. The hostess most definitely said they would not sit us inside due to being in the last phase of covid restrictions. Needless to say WE WILL NOT PATRONIZE the RIVERBAR! Nobody in my party did any apologizing.....we were all offended!

3 Share

**Response from the owner** 1 year ago

Diane, this is ridiculous, offensive and a bold faced lie. Might I suggest you check with your companions, the one who asked to sit outside and later apologized for your behavior! Not sure what skin color you are referring to as I recall you, your companions, myself and the host are all of similar background. The world isn't out to get you Diane, sometimes it's just you.

<https://www.google.com/maps/reviews/@42.3956999,-71.0794628,17z/data=!3m1!1e4!1m4!1m4!1m4!1m4!1m4!1sChZDSUhNMGM9nS0VlQ0FnSURxeFBDbEhREAEI...> 1/1

9/13/22, 3:11 PM

riverbar - Google Search

### River Bar

681 Assembly Row, Somerville, MA

4.0 552 reviews

**F** Lett  
Local Guide · 62 reviews · 8 photos  
10 months ago

It was a really sad situation. This bar seems so interesting and as a resident here in assembly I was eager to try out another great venue in walking distance of where I reside. Unfortunately the server seemed to be nervous and the service showed clearly that she wasn't interested in serving me. So unfortunate as the atmosphere is gorgeous and per the menu it's enough for a socialite. I was given warm water to drink and a water bottle that wasn't up to speed with what everyone else had. I also sat for 15min before she decided to serve me! Ended up going to Earl's where the servers care and that's why it's always packed, good food, great atmosphere and friendly servers.

3

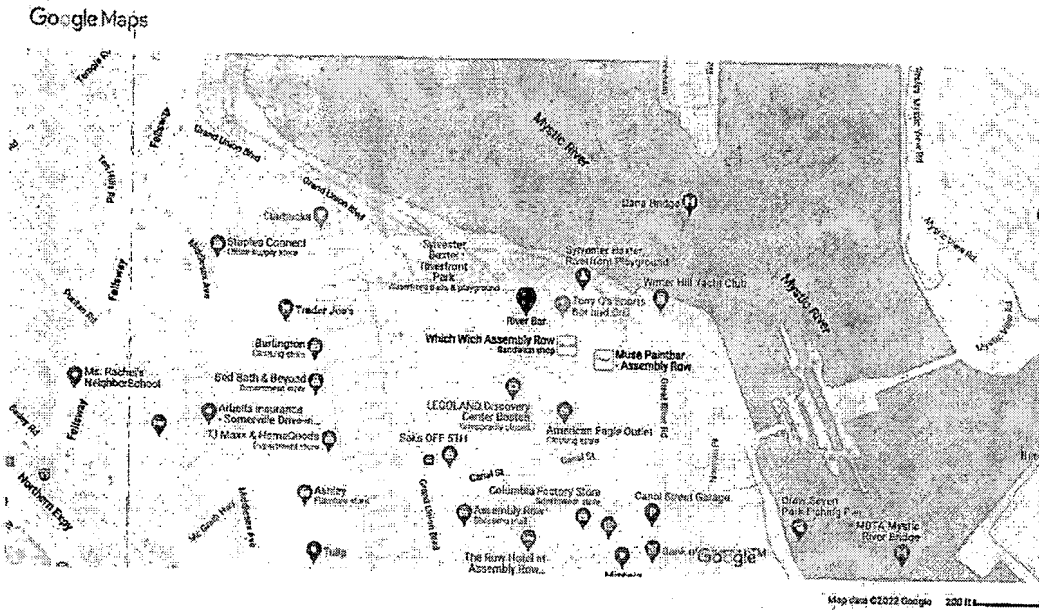
Response from the owner, 10 months ago  
I'm sorry, F. I hope you found better water bottles at Earl's.

[https://www.google.com/search?q=riverbar&rlz=1C5CHFA\\_enUS878US878&ssrf=ALiCzsaec7cr08VsCu\\_24IVk9RbLmnPgEg%3A1663092598815&ej=dsqY9D...](https://www.google.com/search?q=riverbar&rlz=1C5CHFA_enUS878US878&ssrf=ALiCzsaec7cr08VsCu_24IVk9RbLmnPgEg%3A1663092598815&ej=dsqY9D...) 2/2



9/13/22, 3:19 PM

Google Maps



Google Maps

**River Bar**  
 Bar · \$\$  
 Assembly Square  
 PLACE DETAILS

**L** Louise McNulty

10 months ago  
 Would not recommend at all. Server and bartender didn't care at all about accommodating us. Do urself a favor and go to Earls across the street.

2 [Share](#)

**Response from the owner:** 10 months ago  
 Its really a shame that given the current climate of the restaurant industry and all we've been through in the last year that you waste your time and ours by posting fake negative reviews in which you try to steer people away. Just to be clear, this is a false, foolish and a sad attempt to hurt small business and promote your own well being.

<https://www.google.com/maps/reviews/@42.3956999,-71.0794628,17z/data=!3m1!4e1!4m5!1m4!3m3!1sChZDSUuNMG9nS0VJQ0F6SUNHM1ozZjI3EAEI...> 1/1


9/13/22, 3:01 PM

riverbar - Google Search


### River Bar

661 Assembly Row, Somerville, MA

4.0 552 reviews


 **Xavier Gibson**  
1 review  
a month ago

Absolutely and most definitely RACIST. NOT FOR POC. Good to know the north shore is just as 'liberal' as the Deep South. Spent 20 minutes staring at the bartender who literally refused to even give me a half glance. I went to check on my car for another 5 minutes when I came back my sister still hadn't even been spoken to by anyone. Then when I return, the bartender tells us "oh yeah we did last call". Mind you, she had just served the group of 4 white men on the other side of the bar. And the cherry on top was my sister said SHE'S NEVER BEEN ABLE TO GET A DRINK OR FOOD HERE.

 5

**Response from the owner** 8 months ago

Xavier, not sure what or when you are referring too. Pretty sure this did not happen at our establishment.

 **Ana Macedo**

[https://www.google.com/search?q=riverbar&rlz=1C5CHEA\\_enUS878US878&sxsrf=ALiCzsue7crf08VsCu\\_24fVb9RrhUmnFgEg%3A1663092598815&ei=dscgY9D...](https://www.google.com/search?q=riverbar&rlz=1C5CHEA_enUS878US878&sxsrf=ALiCzsue7crf08VsCu_24fVb9RrhUmnFgEg%3A1663092598815&ei=dscgY9D...) 1/2



CIVIL ACTION COVER SHEET

22mc00970-D

COUNTY

<b>Plaintiff</b> Dylan Abourjeili	<b>Defendant:</b> River Bar LLC
<b>ADDRESS:</b> 172 Pleasant Street, Methuen, MA 01844	<b>ADDRESS:</b> 661 Assembly Row, Somerville, MA 02145
<b>Plaintiff Attorney:</b> Anthony Bistany, Esq.	<b>Defendant Attorney:</b>
<b>ADDRESS:</b> 10 Main Street, Suite L12, Andover, MA 10810	<b>ADDRESS:</b>
<b>BBO:</b> 691850	<b>BBO:</b>

10/12/2022

RECEIVED

TYPE OF ACTION AND TRACK DESIGNATION (see instructions section below)

<b>CODE NO.</b> B15	<b>TYPE OF ACTION (specify)</b> Defamation	<b>TRACK</b> A	<b>HAS A JURY CLAIM BEEN MADE?</b> <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
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\*If "Other" please describe:

<b>Is there a claim under G.L. c. 93A?</b> <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<b>Is there a class action under Mass. R. Civ. P. 23?</b> <input type="checkbox"/> YES <input type="checkbox"/> NO
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STATEMENT OF DAMAGES PURSUANT TO G.L. c. 212, § 3A

The following is a full, itemized and detailed statement of the facts on which the undersigned plaintiff or plaintiff's counsel relies to determine money damages. For this form, disregard double or treble damage claims; indicate single damages only.

TORT CLAIMS

A. Documented medical expenses to date

- Total hospital expenses \_\_\_\_\_
- Total doctor expenses \_\_\_\_\_
- Total chiropractic expenses \_\_\_\_\_
- Total physical therapy expenses \_\_\_\_\_
- Total other expenses (describe below) \_\_\_\_\_ \$250,000.00

Subtotal (1-5): \$250,000.00

B. Documented lost wages and compensation to date \_\_\_\_\_

C. Documented property damages to date \_\_\_\_\_

D. Reasonably anticipated future medical and hospital expenses \_\_\_\_\_

E. Reasonably anticipated lost wages \_\_\_\_\_

F. Other documented items of damages (describe below) \_\_\_\_\_

TOTAL (A-F): \$250,000.00

G. Briefly describe plaintiff's injury, including the nature and extent of injury:

Damage to Plaintiff's Reputation

CONTRACT CLAIMS

This action includes a claim involving collection of a debt incurred pursuant to a revolving credit agreement. Mass. R. Civ. P. 8.1(a).

Item #	Detailed Description of Each Claim	Amount
1.	Defamation	
2.	Unfair and Deceptive Business Practices in Violation of M.G.L. c. 93A	
Total		

Signature of Attorney/Unrepresented Plaintiff: X Anthony Bistany Date: October 12, 2022

RELATED ACTIONS: Please provide the case number, case name, and county of any related actions pending in the Superior Court.

**CERTIFICATION PURSUANT TO SJC RULE 1:18**

I hereby certify that I have complied with requirements of Rule 5 of the Supreme Judicial Court Uniform Rules on Dispute Resolution (SJC Rule 1:18) requiring that I provide my clients with information about court-connected dispute resolution services and discuss with them the advantages and disadvantages of the various methods of dispute resolution.

Signature of Attorney/Unrepresented Plaintiff: X Anthony Bistany

Date: October 12, 2022