

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

RODERICK CARTER,)
)
Plaintiff,)
)
v.)
)
LAFARGE NORTH AMERICA, INC.,)
)
Defendant.)
)

NOTICE OF REMOVAL

TO: THE CHIEF JUDGE AND JUDGES OF THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MASSACHUSETTS

LaFarge North America, Inc. (“LaFarge”) files this Notice of Removal of the above-captioned action from Suffolk Superior Court, Suffolk County, Commonwealth of Massachusetts, to the United States District Court for the District of Massachusetts. In support of its Notice of Removal, Lafarge states the following:

1. As it appears from Civil Action No. 09-4111E on file in the Suffolk Superior Court, Plaintiff filed a Complaint on September 25, 2009. A copy of the Complaint (with Civil Action Cover Sheet) are attached hereto as Exhibit 1.
2. LaFarge became aware of the Complaint and Civil Action Cover Sheet in this action on or about October 6, 2009.
3. According to the Complaint, this is a negligence case in which the plaintiff claims he sustained serious personal injury, including future medical monitoring, as the result of alleged inhalation of certain airborne particulates.

4. The amount in controversy, exclusive of interest and costs, exceeds \$75,000.00.

5. The plaintiff is a resident of Quincy, Massachusetts.

6. LaFarge is a Maryland corporation with its principal place of business in Herndon, Virginia.

7. Jurisdiction is founded on diversity of citizenship between the parties pursuant to 28 U.S.C. § 1332. The amount in controversy, given Plaintiff's alleged damages, exceeds \$75,000.00.

9. This Notice of Removal is being filed within the time period required by 28 U.S.C. § 1446(b).

10. This Notice of Removal was served on counsel of record via regular mail on October 20, 2009 pursuant to 28 U.S.C. § 1446(d).

11. A true and correct copy of this Notice of Removal was filed via regular mail on October 20, 2009 with the Clerk of the Suffolk Superior Court.

WHEREFORE, LaFarge prays for removal of the above-captioned matter from the Suffolk Superior Court, Suffolk County, Commonwealth of Massachusetts, to the United States District Court for the District of Massachusetts.

LAFARGE NORTH AMERICA, INC.,

By their Attorneys,

CAMPBELL CAMPBELL EDWARDS
& CONROY, P.C.

/s/ Mark J. Hoover

Brian P. Voke (BBO # 544327)

Mark J. Hoover (BBO # 564473)

One Constitution Plaza

Boston, MA 02129

(617) 241-3000

CERTIFICATE OF SERVICE

I hereby certify that I served a copy of the above document upon counsel for all parties by mail on October 20, 2009.

/s/ Mark J. Hoover

Mark J. Hoover

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

1. Title of case (name of first party on each side only) Roderick Carter v. LaFarge North America, Inc.

2. Category in which the case belongs based upon the numbered nature of suit code listed on the civil cover sheet. (See local rule 40.1(a)(1)).

- I. 160, 410, 470, 535, R.23, REGARDLESS OF NATURE OF SUIT.
- II. 195, 196, 368, 400, 440, 441-446, 540, 550, 555, 625, 710, 720, 730, 740, 790, 791, 820*, 830*, 840*, 850, 890, 892-894, 895, 950. *Also complete AO 120 or AO 121 for patent, trademark or copyright cases
- III. 110, 120, 130, 140, 151, 190, 210, 230, 240, 245, 290, 310, 315, 320, 330, 340, 345, 350, 355, 360, 362, 365, 370, 371, 380, 385, 450, 891.
- IV. 220, 422, 423, 430, 460, 462, 463, 465, 480, 490, 510, 530, 610, 620, 630, 640, 650, 660, 690, 810, 861-865, 870, 871, 875, 900.
- V. 150, 152, 153.

3. Title and number, if any, of related cases. (See local rule 40.1(g)). If more than one prior related case has been filed in this district please indicate the title and number of the first filed case in this court.

1:09-CV-11732

4. Has a prior action between the same parties and based on the same claim ever been filed in this court?

YES NO

5. Does the complaint in this case question the constitutionality of an act of congress affecting the public interest? (See 28 USC §2403)

YES NO

If so, is the U.S.A. or an officer, agent or employee of the U.S. a party?

YES NO

6. Is this case required to be heard and determined by a district court of three judges pursuant to title 28 USC §2284?

YES NO

7. Do all of the parties in this action, excluding governmental agencies of the united states and the Commonwealth of Massachusetts ("governmental agencies"), residing in Massachusetts reside in the same division? - (See Local Rule 40.1(d)).

YES NO

A. If yes, in which division do all of the non-governmental parties reside?

Eastern Division Central Division Western Division

B. If no, in which division do the majority of the plaintiffs or the only parties, excluding governmental agencies, residing in Massachusetts reside?

Eastern Division Central Division Western Division

8. If filing a Notice of Removal - are there any motions pending in the state court requiring the attention of this Court? (If yes, submit a separate sheet identifying the motions)

YES NO

(PLEASE TYPE OR PRINT)

ATTORNEY'S NAME Mark Hoover - Campbell Campbell Edwards & Conroy

ADDRESS One Constitution Plaza, Boston, MA 02129

TELEPHONE NO. (617) 241-3000

JS 44 (Rev. 12/07)

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

<p>I. (a) PLAINTIFFS Roderick Carter</p> <p>(b) County of Residence of First Listed Plaintiff <u>Norfolk</u> (EXCEPT IN U.S. PLAINTIFF CASES)</p> <p>(c) Attorney's (Firm Name, Address, and Telephone Number) <u>617-445-2555</u> <u>John Weagle, 70 Warren St., Roxbury, MA 02119</u></p>	<p>DEFENDANTS Lafarge North America, Inc.</p> <p>County of Residence of First Listed Defendant _____ (IN U.S. PLAINTIFF CASES ONLY)</p> <p>NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.</p> <p>Attorneys (If Known) <u>617-241-3000</u> <u>Brian Voke, Campbell Campbell Edwards & Conroy, One Constitution Pl., Boston, MA 02129</u></p>
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<p>II. BASIS OF JURISDICTION (Place an "X" in One Box Only)</p> <p><input type="checkbox"/> 1 U.S. Government Plaintiff</p> <p><input type="checkbox"/> 2 U.S. Government Defendant</p> <p><input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)</p> <p><input checked="" type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)</p>	<p>III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant) (For Diversity Cases Only)</p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td></td> <td>PTF</td> <td>DEF</td> <td></td> <td>PTF</td> <td>DEF</td> </tr> <tr> <td>Citizen of This State</td> <td><input checked="" type="checkbox"/> 1</td> <td><input type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business In This State</td> <td><input type="checkbox"/> 4</td> <td><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td><input type="checkbox"/> 2</td> <td><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business In Another State</td> <td><input type="checkbox"/> 5</td> <td><input checked="" type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td><input type="checkbox"/> 3</td> <td><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td><input type="checkbox"/> 6</td> <td><input type="checkbox"/> 6</td> </tr> </table>		PTF	DEF		PTF	DEF	Citizen of This State	<input checked="" type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input checked="" type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
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Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6																				

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input checked="" type="checkbox"/> 360 Other Personal Injury PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition		

V. ORIGIN (Place an "X" in One Box Only)

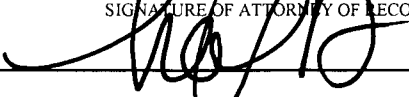
1 Original Proceeding 2 Removed from State Court 3 Remanded from Appellate Court 4 Reinstated or Reopened 5 Transferred from another district (specify) 6 Multidistrict Litigation 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
28 USC Sec 1332

Brief description of cause:
Removal of matter from State Court

VII. REQUESTED IN COMPLAINT: CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 DEMAND \$ 900,000 CHECK YES only if demanded in complaint:
 JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY (See instructions): JUDGE Woodlock DOCKET NUMBER 1:09-CV-11732

DATE 10/20/2009 SIGNATURE OF ATTORNEY OF RECORD 

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

CIVIL ACTION COVER SHEET

State of Massachusetts Superior Court Department County: SUFFOLK



109-4711E

PLAINTIFF(S)

RODERICK CARTEK

DEFENDANT(S)

LAFARGE NORTH AMERICA, INC

ATTORNEY, FIRM NAME, ADDRESS AND TELEPHONE 017-445-2555 Law Offices of John Weagle 70 Warren Street, Ste. 11

ATTORNEY (if known)

Board of Bar Overseers number: 550239 Roxbury, MA 02119

Origin code and track designation

Place an x in one box only:

- 1. F01 Original Complaint (checked)
2. F02 Removal to Sup.Ct. C.231,s.104 (Before trial) (F)
3. F03 Retransfer to Sup.Ct. C.231,s.102C (X)
4. F04 District Court Appeal C.231, s.97 & 104 (After trial) (X)
5. F05 Reactivated after rescript; relief from judgment/Order (Mass.R.Civ.P. 60) (X)
6. E10 Summary Process Appeal (X)

TYPE OF ACTION AND TRACK DESIGNATION (See reverse side) CODE NO. TYPE OF ACTION (specify) TRACK IS THIS A JURY CASE?

B04 NEGLIGENCE/OTHER (F) (checked) Yes () No

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

TORT CLAIMS

(Attach additional sheets as necessary)

- A. Documented medical expenses to date: 1. Total hospital expenses \$ 4,273.36 2. Total Doctor expenses \$ 414.00 3. Total chiropractic expenses \$ 4. Total physical therapy expenses \$ 5. Total other expenses (describe) \$ Subtotal \$ B. Documented lost wages and compensation to date \$ C. Documented property damages to date \$ D. Reasonably anticipated future medical and hospital expenses \$ 300,000.00 E. Reasonably anticipated lost wages \$ F. Other documented items of damages (describe) \$ G. Brief description of plaintiff's injury, including nature and extent of injury (describe) PLAINTIFF WAS EXPOSED TO TOXIC AIRBORNE CARCINOGEN - BERYLLIUM AS A RESULT OF AN EXPLOSION AT DEFENDANT'S PLANT. TOTAL \$ 304,687.36

CONTRACT CLAIMS

(Attach additional sheets as necessary)

Provide a detailed description of claim(s):

TOTAL \$

PLEASE IDENTIFY, BY CASE NUMBER, NAME AND COUNTY, ANY RELATED ACTION PENDING IN THE SUPERIOR COURT DEPARTMENT

"I hereby certify that I have complied with the 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."

Signature of Attorney of Record

DATE: 9/25/09



COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS

SUFFOLK SUPERIOR COURT

C.A. #

09-4111 E

RODERICK CARTER

Plaintiff

VS.

LAFARGE NORTH AMERICA, INC.

Defendant

SUFFOLK SUPERIOR COURT
CIVIL CLERK'S OFFICE
2009 SEP 25 PM 12:26
MICHAEL JOSEPH DONOVAN
CLERK/MAGISTRATE

COMPLAINT & JURY DEMAND

PARTIES

1. The Plaintiff, **Roderick Carter**, is a citizen of the Commonwealth of Massachusetts, and resides in the Town of Quincy, Norfolk County.
2. The defendant, LaFarge North America, Inc. ("LaFarge"), is a duly organized manufacturer and supplier of cement, aggregates, concrete and other building material, having a principal corporate office at 12950 Worldgate Drive, Herndon, Virginia. LaFarge operates a production facility at the so-called Boston Cement Terminal, 285 Medford Street, Boston, Massachusetts.

FACTUAL ALLEGATIONS

those established under 29 C.F.R. 1910.120. (10 C.F.R. 850.33).

10. 10 C.F.R. 850.34 adopts the findings of the IARC AND ACGIH that classify Beryllium as a known human carcinogen.
11. 10 C.F.R. 850.34 requires responsible employers to establish and implement a medical surveillance program for all Beryllium associated workers.
12. Beryllium associated workers pursuant to the Code's final ruling are defined as any worker who is exposed or was exposed or potentially exposed to airborne concentrations of Beryllium at the Department of Energy.
13. 10 C.F.R. 850.34(B)(1)(vi) requires responsible employers to provide a Beryllium Lymphocyte Proliferation Test (BLPT) as part of a baseline evaluation.
14. 10 C.F.R. 850.38(C) requires responsible employers to label with appropriate hazard warnings all containers of Beryllium, Beryllium compounds, or Beryllium-contaminated clothing, equipment, waste, scrap, or debris to ensure that individuals who come in contact with the containers are aware of their contents and the need to implement special handling

precautions. It further specifies that the label bear the following warning:

"DANGER CONTAMINATED WITH BERYLLIUM DO NOT REMOVE DUST BY BLOWING OR SHAKING CANCER AND LUNG HAZARD"

15. G.L.c. 21E, and its various subsections was promulgated as a comprehensive scheme pertaining to liability, damages, and costs pertaining to parties who release or caused to be discharged hazardous materials into the environment that pose a risk to the health, safety, and welfare of the public.

16. The discharge of Beryllium, and other contaminants into the environment on September 28th, 2006, in Charlestown by Lafarge is a violation of that statute. A standard of strict liability is imposed on those who violate this statute.

COUNT I-NEGLIGENCE

17. The Plaintiff herein incorporates the statements and allegations contained in paragraphs 1-16

18. As a result of the negligence of the release of the Beryllium contaminated pollutant dust that was discharged into the environment as a direct and proximate result of the Defendant's negligence and failure to abide by Federal, State, and Local

ordinances pertaining to the handling and management of its product and machinery, the Plaintiff, **Roderick Carter** was caused to sustain serious and severe physical injuries to his body because of exposure to Beryllium contaminated dust, which were manifested by symptoms of severe respiratory distress, shortness of breath, nausea, burning sensation and irritation in the eye, ear, nose and throat, and conjunctivitis that most likely resulted in an injury known as Acute Chemical Pneumonitis, associated with Beryllium exposure.

19. As a result of inhaling/ingesting/or otherwise physically coming into contact with Beryllium contaminated dust, the Plaintiff has incurred permanent and serious injuries that will require lifetime medical treatment and monitoring.
20. As a result of inhaling/ingesting/or otherwise physically coming into contact with Beryllium contaminated dust, the Plaintiff has incurred \$4273.36 in reasonable and necessary medical expenses that are currently known in relation to treatment for his injuries sustained in this incident.
21. As a result of inhaling/ingesting/or otherwise physically coming into contact with Beryllium

contaminated dust, the Plaintiff reasonably expects to incur ongoing lifetime medical expenses for treatment of his injuries that would include but not be limited to extensive diagnostic studies, rehabilitative therapy, medication, and psychiatric therapy on an ongoing basis, which he reasonably expects to well exceed \$300,000.00.

22. As a result of the suddenness of the explosion, and the ensuing panic and confusion, combined with the physical injury and pain, and later being informed that he had been exposed to pollutants that were potentially life threatening, **Roderick Carter** was caused to sustain severe emotional distress, that was manifested by ongoing headaches and difficulty sleeping.

23. As a result of sustaining physical injury relating to physical contact with Beryllium contaminated dust, the Plaintiff experiences ongoing fear and mental anguish that his physical condition shall deteriorate into chronic Beryllium disease, which he knows is fatal.

COUNT II- STRICT LIABILITY

24. The Plaintiff herein incorporates the statements and allegations contained in paragraphs 1-23.

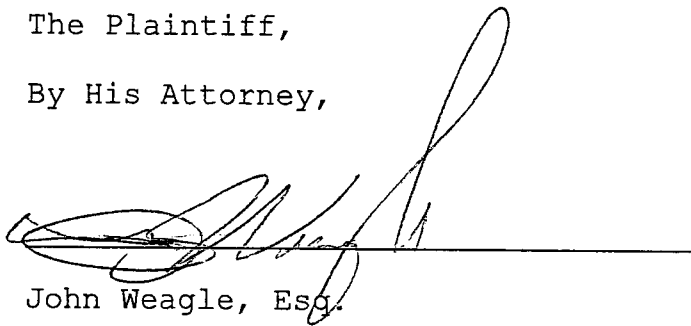
25. As a result of the Defendant's violations of Federal, State, and Local statutes and regulations particularly G.L.c. 21E, the Defendant is strictly liable for its acts stemming from this incident.

PRAYERS FOR RELIEF

1. Plaintiff, **Roderick Carter** demands relief in the amount of \$300,000.00 for physical injuries sustained in this accident and for reasonably foreseeable future physical illness that he will incur.
2. Plaintiff, **Roderick Carter** demands relief in the amount of \$300,000.00 for medical expenses already incurred, and for reasonable foreseeable necessary future medical expenses to be incurred including but not limited to treatment for lifetime medical monitoring for beryllium exposure.
3. Plaintiff, **Roderick Carter** demands relief in the amount of \$300,000.00 for emotional distress immediately incurred after the accident occurred, and for ongoing emotional distress for fear and mental anguish of susceptibility that his current physical illness related to Beryllium exposure shall deteriorate into chronic Beryllium disease, which is fatal, and for which there is no known cure.

4. The Plaintiff demands that the Defendant pay for his costs and attorney's fees reasonably incurred that result from this incident, including but not limited to all statutorily applicable remedies for costs that are available to him.
5. The Plaintiff demands the application of prejudgment interest as permitted by law.
6. The Plaintiff requests that this court afford such other relief it deems just and proper.

The Plaintiff,
By His Attorney,

A handwritten signature in black ink, appearing to read "John Weagle", is written over a horizontal line. The signature is stylized and cursive.

John Weagle, Esq.

BBO# 556239

70 Warren Street

Suite 11

Roxbury, MA 02119

617-445-2555

Date: 9/25/09