

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

SUPERIOR COURT

SUSANNAH LYLE ALLEN,

Plaintiff,

vs.

MASSACHUSETTS BAY TRANSPORTATION
AUTHORITY,

Defendant.

CIVIL ACTION

NO.

5/20/2021

COMPLAINT AND DEMAND FOR TRIAL BY JURY

THE PARTIES

1. Plaintiff, Susannah Lyle Allen, resides at 16 Armstrong Street, Jamaica Plain, County of Suffolk, Commonwealth of Massachusetts.
2. Defendant, Massachusetts Bay Transportation Authority ("MBTA"), has its usual place of business at 10 Park Plaza, Boston, County of Suffolk, Commonwealth of Massachusetts.

FACTS

3. On or about the evening of June 29, 2018, Defendant MBTA, by and through its agents, servants and/or employees, provided public transportation via the Orange Line subway.
4. On or about the evening of June 29, 2018, Plaintiff, Susannah Lyle Allen, was a passenger on Defendant MBTA's Orange Line subway train, heading outbound towards Forest Hills Station.
5. Plaintiff Susannah Lyle Allen, properly, lawfully and in the exercise of due care, disembarked from the Orange Line subway car at the Massachusetts Avenue Station, an MBTA transit station, to allow other passengers in the crowded subway car to exit, with the intention of reentering the subway car afterwards to proceed to her stop.
6. As Plaintiff stepped from the subway car towards the platform at the Massachusetts Avenue Station (the "Premises"), her left leg fell to nearly hip depth into the space between the car and the platform. A protruding piece of metal or hard plastic from the platform edge sliced deep into Plaintiff's leg, pinning the leg in place, causing her to suffer severe personal injuries.

7. Plaintiff was unable to remove her leg from the space between the train and the platform protrusion on her own and remained trapped for several extremely painful and deeply anxious minutes before other passengers, with no assistance from any of the MBTA personnel present, rocked the subway car away from the platform, allowing Plaintiff's leg to be pulled free from the protrusion pinning her to the side of the platform.
8. At all relevant times, Defendant MBTA owned, operated, directed, maintained and/or controlled the subway car and the Premises.
9. At all relevant times, Defendant was a common carrier pursuant to Massachusetts law, as Defendant furnishes transportation to any and all members of the public who desire such service. As a common carrier, Defendant is held to the highest affirmative duty to protect Plaintiff and other riders from harm.
10. Defendant was responsible for instituting and/or enforcing sufficient policies, procedures, protocols, warnings and/or other safeguards in order to ensure the safety of passengers utilizing its transportation service, including to protect and warn against the dangers of both a passenger's leg slipping between the train and station platform and also it becoming pinned by protruding defects in the platform edge whenever boarding, disembarking and/or stepping into or out of the train.
11. Defendant breached its duty of care by negligently failing to institute and/or enforce sufficient policies, procedures, protocols, warnings and/or other safeguards to ensure passenger safety.
12. Defendant negligently designed, installed, inspected, repaired and/or maintained the platform such that the spacing between it and its Orange Line train was unreasonably large and, furthermore, contained defects in its edging, creating a dangerous condition for passengers entering and exiting the train.
13. Defendant owed a duty of care to its lawful passengers to properly design, install, inspect, maintain and/or repair the platform edge to ensure it was free from any such protruding defects, and knew or should have known of and repaired and/or warned of the dangerous defect.
14. Defendant breached its duty of care by negligently failing to design, install, inspect, maintain and/or repair the platform edge to ensure it was free from any such protruding defects, thus allowing it to remain in a dangerous and unsafe condition.
15. The driver of the MBTA train, acting as Defendant's employee and agent, also negligently failed to stop and position the train at the correct portion of the track, resulting in an unusually large spacing between the train and the track platform. Drivers are trained and instructed as to where the train must come to a stop to ensure the safety of passengers boarding and disembarking the train, and failure to stop at the appropriate point of the station constitutes a breach of Defendant's duty of care.

16. As a direct and proximate result of Defendant MBTA's negligence, Ms. Allen was entrapped by the platform protrusion at the Premises, causing her to suffer severe injury to her left leg.
17. Plaintiff served her Notice of Presentment and Demand under M.G.L. c. 258 upon the MBTA. More than six months have since elapsed without any response whatsoever from the MBTA, which, under c. 258, is deemed a denial of Plaintiff's demand.

COUNT I
(Negligence)

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18. Plaintiff repeats and re-alleges paragraphs 1 through 17 as if fully set forth herein.
19. Defendant owned, operated, maintained, directed and/or controlled its public transportation services, including the Orange Line subway, and the adjacent station platform located at the Premises.
20. Defendant, as a common carrier, owed Plaintiff and the general public the highest duty of care under the circumstances to provide safe means and methods of transportation for its passengers.
21. Defendant breached its duty of care by failing to design, install, inspect, maintain and/or repair the platform edge to ensure it was free from any hidden protruding defects, and by failing to institute and/or enforce sufficient policies, procedures, protocols, warnings and other safeguards to provide for the safety of its passengers when embarking and disembarking from the subway as described herein.
22. As a direct and proximate result of Defendant's negligence, Plaintiff suffered severe personal injuries, endured substantial physical and emotional pain and incurred substantial medical and non-medical expenses.

WHEREFORE, the Plaintiff, Susannah Lyle Allen, respectfully demands judgment against Defendant, Massachusetts Bay Transportation Authority, in a full, fair and just amount, together with interest and costs.

PLAINTIFFS' DEMAND FOR TRIAL BY JURY AND VOIR DIRE

PLAINTIFF RESPECTFULLY DEMANDS A TRIAL BY JURY ON EACH CLAIM ASSERTED, AND ON EACH DEFENSE SO TRIABLE AND PLAINTIFF FURTHER REQUESTS THE OPPORTUNITY FOR ATTORNEY-CONDUCTED VOIR DIRE.

The Plaintiff,

By Her Attorneys,

MEEHAN, BOYLE, BLACK & BOGDANOW, P.C.

Two handwritten signatures in black ink. The first signature is on the left and the second is on the right.

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