

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

SUPERIOR COURT DEPARTMENT
OF THE TRIAL COURT

HILARY CLEMMER, PERSONAL)
REPRESENTATIVE OF THE ESTATE)
OF GEORGE L. CLEMMER, II, kg)
Plaintiff)

v.) C.A. No.

K-TOWN DISPOSAL, LLC and JOHN DOE,)
Defendants)

COMPLAINT AND DEMAND FOR JURY TRIAL

The Parties

1. Plaintiff, Hilary Clemmer, is the personal representative of the estate of George L. Clemmer, II. She resides in Dell, County of Beaverhead, State of Montana.

2. Defendant, K-Town Disposal, LLC, is a foreign limited liability company with a principal place of business located at One Delaware Drive, Salem, New Hampshire. At all material times, K-Town Disposal, LLC was doing business in the Commonwealth of Massachusetts.

3. Defendant, John Doe, is an individual who was at all times material hereto an agent, servant, and/or employee of Defendant K-Town Disposal, LLC.

THE FACTS

4. On or about July 13, 2022, plaintiff's decedent, George L. Clemmer, II, was riding his bicycle on Massachusetts Avenue, a public way in Boston, Massachusetts, when he was struck by a vehicle turning right at the intersection of Massachusetts Avenue and Huntington Avenue.

5. The vehicle which struck Mr. Clemmer was operated by John Doe.

6. On information and belief, at all times relevant to the incident described herein, John Doe was a servant, employee, or agent of the defendant, K-Town Disposal, LLC, who was acting in the course of his employment for defendant K-Town Disposal, LLC, which is vicariously liable for his negligence.

7. The vehicle operated by John Doe was owned and/or controlled by the defendant, K-Town Disposal, LLC.

8. As a result of the collision, Mr. Clemmer was dragged down Huntington Avenue, during which time he suffered grievous physical and emotional injuries.

9. As a result of the collision, Mr. Clemmer suffered severe bodily injuries.

10. After dragging Mr. Clemmer down Huntington Avenue, John Doe stopped the truck. John Doe then backed his truck up, running over Mr. Clemmer.

11. As a result of the truck backing up over him, Mr. Clemmer suffered further bodily injuries which led to his death.

12. The two collisions described in the preceding paragraphs were caused by the carelessness and negligence of the defendant, John Doe.

13. The two collisions described in the preceding paragraphs were caused by the gross negligence of the defendant, John Doe.

14. Defendant K-Town Disposal, LLC, is vicariously liable for the gross negligence of defendant John Doe, its servant, agent or employee.

15. As a result of the incident described above, prior to his death and while he was in a conscious condition, plaintiff's decedent, George L. Clemmer, II, was caused to suffer severe physical pain and mental anguish, expenses were incurred for his medical care and attention, and he suffered a loss of earning capacity.

CAUSES OF ACTION

(Each Cause of Action Specifically Incorporates by Reference
All of Those Paragraphs Previously Set Forth)

First Cause of Action

16. This is an action by the plaintiff, Hilary Clemmer, Personal Representative of the Estate of George L. Clemmer, II, against defendant, K-Town Disposal, LLC, for negligence resulting in damages suffered by George L. Clemmer, II, prior to his death, including but not limited to severe bodily injuries, conscious pain and suffering, loss of earning capacity, and medical expenses.

Second Cause of Action

17. This is an action by the plaintiff, Hilary Clemmer, Personal Representative of the Estate of George L. Clemmer, II, against defendant K-Town Disposal, LLC, for negligence resulting in the wrongful death of George L. Clemmer, II, for the use and benefit of the next of kin of said decedent in accordance with the provisions of G.L. c. 229, as applicable, at the times material herein.

Third Cause of Action

18. This is an action by the plaintiff, Hilary Clemmer, Personal Representative of the Estate of George L. Clemmer, II, against defendant K-Town Disposal, LLC for punitive damages in causing the wrongful death of George L. Clemmer, II by gross negligence in accordance with the provisions of G.L. c. 229, as applicable, at the times material herein.

Fourth Cause of Action

19. This is an action by the plaintiff, Hilary Clemmer, Personal Representative of the Estate of George L. Clemmer, II, against defendant John Doe for negligence resulting in damages suffered by George L. Clemmer, II, prior to his death, including but not limited to severe bodily injuries, conscious pain and suffering, loss of earning capacity, and medical expenses.

Fifth Cause of Action

20. This is an action by the plaintiff, Hilary Clemmer, Personal Representative of the Estate of George L. Clemmer, II, against defendant John Doe for negligence resulting in the wrongful death of George L. Clemmer, II, for the use and benefit of the next of kin of said decedent in accordance with the provisions of G.L. c. 229, as applicable, at the times material herein.

Sixth Cause of Action

21. This is an action by the plaintiff, Hilary Clemmer, Personal Representative of the Estate of George L. Clemmer, II, against defendant John Doe for punitive damages in causing the wrongful death of George L. Clemmer, II, by gross negligence in accordance with the provisions of G.L. c. 229, as applicable, at the time material herein.

DEMANDS FOR RELIEF

A. The plaintiff, Hilary Clemmer, Personal Representative of the Estate of George L. Clemmer, II, demands judgment against defendants K-Town Disposal, LLC and John Doe, jointly and severally, in the amount of the compensatory

damages and punitive damages, together with interest and costs as permitted by law, as to the First, Second, Third and Fourth, Fifth, and Sixth Causes of Action.

JURY DEMAND

Plaintiff claims a trial by jury.

Plaintiff, Hilary Clemmer,
Personal Representative of the Estate of
George L. Clemmer, II,
By Her Attorneys

/s/ David W. White, Jr.

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Dated: March 28, 2024