

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS

SUFFOLK SUPERIOR COURT
CIVIL ACTION NO.

22-2587

HILARY KULUNIS, AS THE PERSONAL
REPRESENTATIVE OF THE ESTATE OF
RANDALL J. KULUNIS,

Plaintiff,

vs.

533 CAMBRIDGE STREET CONDOMINIUM,
R. BROWN PARTNERS, INC. AND STANLEY
ELEVATOR, INC.,

Defendants.

SUFFOLK SUPERIOR COURT
CIVIL CLERK'S OFFICE
2022 NOV 14 P 12:00
MICHAEL JOSEPH DONOVAN
CLERK / MAGISTRATE

COMPLAINT AND DEMAND FOR JURY TRIAL

PARTIES

1. Hilary Kulunis, as Administrator (hereafter "Plaintiff") is the duly appointed Administrator of the Estate of Randall J. Kulunis (hereafter "Plaintiff's Decedent", or "Decedent"). Plaintiff was appointed as Personal Representative of the Decedent's Estate by Suffolk County Probate Court on March 8, 2022, Docket No.: 22P0060.
2. 533 Cambridge Street Condominium (hereafter "Defendant Property Owner") is a Trust and lawful owner of the property and building located at 533 Cambridge Street, Boston, Massachusetts, 02134. Nicholas Heras, Jr. of 470 Washington Street, Brighton, MA 02135 is the duly appointed Trustee of 533 Cambridge Street Condominium trust.
3. R. Brown Partners, Inc. (hereafter "Defendant Property Manager") is a duly organized corporation doing business in the Commonwealth of Massachusetts with a Principal Office located at 1640 Beacon Street, Brookline, Massachusetts 02146.
4. Stanley Elevator Company, Inc. (hereafter "Defendant Stanley") is a New Hampshire Corporation with a principal office located at 9 Henry Clay Drive, Merrimack, New Hampshire 03054. Defendant Stanley transacts business in Massachusetts with a registered agent of CT Corporation System, 155 Federal Street, Suite 700, Boston Massachusetts 02110.

FACTS

5. Plaintiff repeats, realleges and incorporates fully herein by reference all prior paragraphs of this complaint as if again set forth herein in full.
6. On or about May 27, 2020, Decedent was a resident of the condominiums located at 533 Cambridge Street, Boston, Massachusetts (hereafter "Premises").
7. On or about May 27, 2020, Decedent resided in a condominium located on the second floor of the Premises.
8. On or about May 27, 2020, Decedent was lawfully on the second floor of the Premises.
9. On or about May 27, 2020, Defendant Property Owner owned the Premises located at 533 Cambridge Street, Boston, Massachusetts.
10. On or about May 27, 2020, Defendant Property Manager was the property manager of the Premises located at 533 Cambridge Street, Boston, Massachusetts.
11. On or about May 27, 2020, Defendant Stanley was hired and contractually required to maintain the elevator(s) located within the Premises located at 533 Cambridge Street, Boston, Massachusetts.
12. On or about May 27, 2020, while on the second floor of the Premises Decedent suffered a medical emergency.
13. On or about May 27, 2020, Decedent required emergency medical services.
14. Emergency medical services ("EMS") were dispatched to the Premises for Decedent.
15. Boston Fire Department ("Boston Fire") was dispatched to the Premises for Decedent.
16. On or about May 27, 2020, EMS was transporting Decedent from the condominium unit, located on the second floor of the Premises via the elevator(s) located inside the Premises.
17. In the process of descending from the second floor, the elevator became stuck with EMS and Decedent inside.
18. At the time that the elevator was stuck between floors at the premises, Decedent required medical assistance.
19. Decedent and EMS were trapped inside the elevator for an extended period of time in excess of 20 minutes.

20. Decedent and EMS were trapped inside the elevator for an extended period of time in excess of 30 minutes.
21. Decedent and EMS were trapped inside the elevator for an extended period of time.
22. Boston Fire was required to break open the elevator doors to extract EMS and Decedent from the stuck elevator.
23. Once freed from the elevator, EMS transported Decedent to St. Elizabeth's Medical Center, located less than one (1) mile from the Premises.
24. At all times relevant to this complaint, Defendant Stanley was responsible for the maintenance and service of the elevator(s) located on the Premises.
25. Defendant Property Owner owed all individuals lawfully on the Premises a duty to ensure that the elevator was safely and properly functioning.
26. Defendant Property Manager owed all individuals lawfully on the Premises a duty to ensure that the elevator was safely and properly functioning.
27. Defendant Stanley owed all individuals lawfully on the Premises a duty to ensure that the elevator was safely and properly functioning.
28. Defendant Property Owner owed Decedent a duty to ensure that the elevator was safely and properly functioning while Decedent was at the Premises.
29. Defendant Property Manager owed Decedent a duty to ensure that the elevator was safely and properly functioning while Decedent was at the Premises.
30. Defendant Stanley owed Decedent a duty to ensure that the elevator was safely and properly functioning while Decedent was at the Premises.
31. All Defendants failed to maintain the elevator located in the Premises in a safe and reasonable condition.
32. All Defendants failed to prevent use of the unsuitable elevator.
33. Defendant Property Owner owed all individuals lawfully on the Premises a duty to warn that the elevator was not safely and/or properly functioning.
34. Defendant Property Manager owed all individuals lawfully on the Premises a duty to warn that the elevator was not safe and/or properly functioning.
35. Defendant Stanley owed all individuals lawfully on the Premises a duty to warn that the elevator was not safe and/or properly functioning.

36. Defendant Property Owner owed Decedent a duty to warn that the elevator was not safe and/or properly functioning while Decedent was at the Premises on the date of the subject incident.
37. Defendant Property Manager owed Decedent a duty to warn that the elevator was not safe and/or properly functioning while Decedent was at the Premises on the date of the subject incident.
38. Defendant Stanley owed Decedent a duty to warn that the elevator was not safe and/or properly functioning while Decedent was at the Premises on the date of the subject incident.
39. All Defendants failed to warn those on the Premises on the date of the subject incident that the elevator was broken and/or not functioning properly.
40. All Defendants failed to warn Decedent on the date of the subject incident that the elevator was broken and/or not functioning properly.
41. At all material times, Defendant Property Owner was in control of the Premises, and more specifically in control of the elevator located within the Premises, as they were the owners of the Premises and responsible for hiring Defendant R. Brown Partners to manage the Premises and Defendant Stanley to maintain the elevator on the Premises.
42. At all material times, Defendant Property Manager was in control of the Premises and more specifically in control of the elevator located within the Premises as they were responsible for maintenance of the Premises and maintaining safe conditions for the tenants of the Premises, including, ensuring that the elevator on the Premises were safe for use, as well as preventing use of elevator when they were not safe for use.
43. At all material times, Defendants owed a duty of reasonable care to Decedent.
44. At all material times, Defendants owed a duty to the Decedent to keep the Premises (including the elevator) safe and free from defects and dangerous conditions.
45. On or about May 27, 2020, Defendants were negligent for failing to maintain a safe and properly functioning elevator.
46. On or about May 27, 2020, Defendants were grossly negligent for failing to maintain a safe and properly functioning elevator.
47. On or about May 27, 2020, Defendants were grossly negligent for failing to warn Decedent that the elevator was not functioning properly.
48. As a result of Defendants' negligence, Decedent was delayed in receiving medical care.
49. As a result of Defendants' negligence, Decedent was unable to get to the hospital.

50. As a result of Defendants' negligence, Decedent was not able to receive the appropriate medical treatment.
51. As a result of Defendants' negligence, Decedent was not able to receive the appropriate medical treatment, resulting in Decedent's death.
52. As a result of Defendants' negligence, Decedent was delayed in receiving necessary medical care, resulting in his death.
53. As a result of Defendants' negligence, Decedent was not able to receive life saving medical treatment.
54. As a result of Defendants' gross negligence, Decedent was delayed in receiving necessary medical care, resulting in his death.
55. As a result of Defendants' negligence, Decedent's surviving children have been deprived of the care, protection, consideration, companionship, aid and society of their father.
56. As a result of Defendants' gross negligence, Decedent's surviving children have been deprived of the care, protection, consideration, companionship, aid and society of their father.
57. The death of Decedent was a direct and proximate cause of Defendants' failure to maintain a safe Premises and properly functioning elevator.
58. The death of Decedent was a direct and proximate cause of Defendants' failure to warn Decedent that the elevator was not safe and/or functioning properly.
59. The death of Decedent was a direct and proximate result of the unreasonably dangerous condition of the Premises' elevator and Defendants' failure to warn.
60. As alleged herein, Defendants breached a duty of care owed to the Decedent.
61. After being freed from the elevator at the Premises, Decedent was transported to St. Elizabeth's Medical Center.
62. Decedent died on May 28, 2020 at St. Elizabeth's Medical Center.
63. Decedent died due to the negligence of Defendants.
64. Decedent died due to the gross negligence of Defendants.
65. Defendants are jointly and severally liable for the subject incident, Decedent's death and Plaintiffs' damages.

COUNT I- NEGLIGENCE RESULTING IN WRONGFUL DEATH
Hilary Kulunis, as the Personal Representative of the Estate of Randall J. Kulunis
v. 533 Cambridge Street Condominium

66. Plaintiff repeats, realleges and incorporates fully herein by reference all prior paragraphs of this complaint.
67. On or about May 27, 2020 Defendant Property Owner was in control of the Premises located at 533 Cambridge Street, Boston, Massachusetts.
68. On or about May 27, 2020, Decedent resided and/or was present at the Premises.
69. On or about May 27, 2020, Decedent was undergoing a medical emergency that required emergency medical services while at the Premises.
70. On or about May 27, 2020, Decedent was undergoing a medical emergency that required emergency transportation to a hospital.
71. On or about May 27, 2020, Decedent was undergoing a medical emergency that required immediate care.
72. On or about May 27, 2020, EMS was attempting to transport Decedent on a stretcher from the second floor unit to the Ambulance via the elevator on the premises.
73. On or about May 27, 2020, Decedent and EMS were stuck in the elevator on the Premises because the elevator was not properly working and/or functioning.
74. On or about May 27, 2020, Decedent's necessary medical care was delayed due to the stalled elevator.
75. On or about May 27, 2022, Decedent's necessary medical care was delayed due to the defective elevator.
76. On or about May 27, 2022, Decedent's necessary medical care was delayed due to the negligently maintained elevator.
77. Defendant Property Owner failed to warn decedent and/or those lawfully on the Premises that the elevator was defective and not safely functioning.
78. As a direct and proximate result of the negligence of the Defendant Property Owner, Plaintiff's Decedent endured significant conscious pain and suffering before his expiration and death. The Plaintiff Administrator suffered damages, including, but not limited to, pecuniary and statutory damages, and is entitled to compensation for punitive damages.

WHEREFORE, per MGL. c. 229, Plaintiff, Hilary Kulunis as the Personal Representative of the Estate of Randall J. Kulunis demands judgment for damages in an amount to be determined at trial for the above described conscious pain and suffering and wrongful death, plus interest and costs, including but not limited to pecuniary damages and statutory damages, and the services, protection, care assistance, society, comfort, companionship, guidance, counsel and advice of the decedent to the persons entitled to the damages recovered, as well as compensation for punitive and exemplary damages, reasonable attorney's fees, and such other and further relief as this Court deems just.

COUNT II- NEGLIGENCE RESULTING IN WRONGFUL DEATH
Hilary Kulunis as the Personal Representative of the Estate
of Randall J. Kulunis v. R. Brown Partners, Inc.

79. Plaintiff repeats, realleges and incorporates fully herein by reference all prior paragraphs of this complaint as if again set forth herein in full.
80. On or about May 27, 2020 Defendant Property Manager was responsible for maintenance and oversight of the Premises located at 533 Cambridge Street, Boston, Massachusetts.
81. On or about May 27, 2022, Decedent's necessary medical care was delayed due to the defective elevator.
82. On or about May 27, 2022, Decedent's necessary medical care was delayed due to the negligently maintained elevator.
83. Defendant Property Manager failed to warn decedent and/or those lawfully on the Premises that the elevator was defective and not safely functioning.
84. As a direct and proximate result of the negligence of the Defendant Property Manager, which led to the death of Plaintiff's Decedent, Plaintiff's Decedent endured significant conscious pain and suffering before his expiration and death. The Plaintiff Administrator suffered damages, including, but not limited to, pecuniary and statutory damages, and is entitled to compensation for punitive damages.

WHEREFORE, per MGL. c. 229, Plaintiff, Hilary Kulunis as the Personal Representative of the Estate of Randall J. Kulunis demands judgment for damages in an amount to be determined at trial for the above described conscious pain and suffering and wrongful death, plus interest and costs, including but not limited to pecuniary damages and statutory damages, and the services, protection, care assistance, society, comfort, companionship, guidance, counsel and advice of the decedent to the persons entitled to the damages recovered, as well as compensation for punitive and exemplary damages, reasonable attorney's fees, and such other and further relief as this Court deems just.

COUNT III- NEGLIGENCE RESULTING IN WRONGFUL DEATH
Hilary Kulunis as the Personal Representative of the Estate
of Randall J. Kulunis v. Stanley Elevator, Inc.

85. Plaintiff repeats, realleges and incorporates fully herein by reference all prior paragraphs of this complaint as if again set forth herein in full.
86. On or about May 27, 2020 Defendant Stanley was responsible for maintenance of the elevator(s) on the Premises located at 533 Cambridge Street, Boston, Massachusetts.
87. On or about May 27, 2022, Decedent's necessary medical care was delayed due to the defective elevator.
88. On or about May 27, 2022, Decedent's necessary medical care was delayed due to the negligently maintained elevator.
89. Defendant Stanley failed to warn decedent and/or those lawfully on the Premises that the elevator was defective and not safely functioning.
90. As a direct and proximate result of the negligence of the Defendant Stanley, which led to the death of Plaintiff's Decedent, Plaintiff's Decedent endured significant conscious pain and suffering before his expiration and death. The Plaintiff Administrator suffered damages, including, but not limited to, pecuniary and statutory damages, and is entitled to compensation for punitive damages.

WHEREFORE, per MGL. c. 229, Plaintiff, Hilary Kulunis as the Personal Representative of the Estate of Randall J. Kulunis demands judgment for damages in an amount to be determined at trial for the above described conscious pain and suffering and wrongful death, plus interest and costs, including but not limited to pecuniary damages and statutory damages, and the services, protection, care assistance, society, comfort, companionship, guidance, counsel and advice of the decedent to the persons entitled to the damages recovered, as well as compensation for punitive and exemplary damages, reasonable attorney's fees, and such other and further relief as this Court deems just.

COUNT IV- GROSS NEGLIGENCE RESULTING IN WRONGFUL DEATH
Hilary Kulunis as the Personal Representative of the Estate of Randall J. Kulunis
v. 533 Cambridge Street Condominium,

91. Plaintiff repeats, realleges and incorporates fully herein by reference all prior paragraphs of this complaint as if again set forth herein in full.
92. On or about May 27, 2022, Decedent's necessary medical care was delayed due to the defective and/or unsafe elevator at the Premises.

93. On or about May 27, 2022, Decedent's necessary medical care was delayed due to the negligently maintained elevator.
94. Defendant Property Owner's conduct surpassed mere negligence and rose to the level of gross negligence.
95. As a direct and proximate result of the gross negligence of Defendant Property Owner, which led to the death of Plaintiff's Decedent, Plaintiff's Decedent endured significant conscious pain and suffering before his expiration and death. The Plaintiff Administrator suffered damages, including, but not limited to, pecuniary and statutory damages, and is entitled to compensation for punitive damages.

WHEREFORE, per MGL. c. 229, Plaintiff, Hilary Kulunis as the Personal Representative of the Estate of Randall J. Kulunis demands judgment for damages in an amount to be determined at trial for the above described conscious pain and suffering and wrongful death, plus interest and costs, including but not limited to pecuniary damages and statutory damages, and the services, protection, care assistance, society, comfort, companionship, guidance, counsel and advice of the decedent to the persons entitled to the damages recovered, as well as compensation for punitive and exemplary damages, reasonable attorney's fees, and such other and further relief as this Court deems just.

COUNT V- GROSS NEGLIGENCE RESULTING IN WRONGFUL DEATH
Hilary Kulunis as the Personal Representative of the Estate
of Randall J. Kulunis v. R. Brown Partners, Inc.

96. Plaintiff repeats, realleges and incorporates fully herein by reference all prior paragraphs of this complaint as if again set forth herein in full.
97. On or about May 27, 2022, Decedent's necessary medical care was delayed due to the defective elevator.
98. On or about May 27, 2022, Decedent's necessary medical care was delayed due to the negligently maintained elevator.
99. Defendant Property Manager's conduct surpassed mere negligence and rose to the level of gross negligence.
100. As a direct and proximate result of the gross negligence of Defendant R. Brown Partners, which led to the death of Plaintiff's Decedent, Plaintiff's Decedent endured significant conscious pain and suffering before his expiration and death. The Plaintiff Administrator suffered damages, including, but not limited to, pecuniary and statutory damages, and is entitled to compensation for punitive damages.

WHEREFORE, per MGL. c. 229, Plaintiff, Hilary Kulunis as the Personal Representative of the Estate of Randall J. Kulunis demands judgment for damages in an amount to be determined at trial for the above described conscious pain and suffering and wrongful

death, plus interest and costs, including but not limited to pecuniary damages and statutory damages, and the services, protection, care assistance, society, comfort, companionship, guidance, counsel and advice of the decedent to the persons entitled to the damages recovered, as well as compensation for punitive and exemplary damages, reasonable attorney's fees, and such other and further relief as this Court deems just.

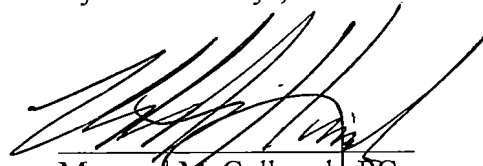
COUNT VI- GROSS NEGLIGENCE RESULTING IN WRONGFUL DEATH
Hilary Kulunis as the Personal Representative of the Estate
of Randall J. Kulunis v. Stanley Elevator, Inc.

101. Plaintiff repeats, realleges and incorporates fully herein by reference all prior paragraphs of this complaint as if again set forth herein in full.
102. On or about May 27, 2022, Decedent's necessary medical care was delayed due to the defective elevator.
103. On or about May 27, 2022, Decedent's necessary medical care was delayed due to the negligently maintained elevator.
104. Defendant Stanley's conduct surpassed mere negligence and rose to the level of gross negligence.
105. As a direct and proximate result of the gross negligence of Defendant Stanley, which led to the death of Plaintiff's Decedent; Plaintiff's Decedent endured significant conscious pain and suffering before her expiration and death. The Plaintiff Administrator suffered damages, including, but not limited to, pecuniary and statutory damages, and is entitled to compensation for punitive damages.

WHEREFORE, per MGL. c. 229, Plaintiff, Hilary Kulunis as the Personal Representative of the Estate of Randall J. Kulunis demands judgment for damages in an amount to be determined at trial for the above described conscious pain and suffering and wrongful death, plus interest and costs, including but not limited to pecuniary damages and statutory damages, and the services, protection, care assistance, society, comfort, companionship, guidance, counsel and advice of the decedent to the persons entitled to the damages recovered, as well as compensation for punitive and exemplary damages, reasonable attorney's fees, and such other and further relief as this Court deems just.

PLAINTIFF DEMANDS A TRIAL BY JURY ON ALL COUNTS

Respectfully Submitted,
The Plaintiff,
By her Attorneys,



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