

ER

**COMMONWEALTH OF MASSACHUSETTS**

SUFFOLK, ss.

SUFFOLK SUPERIOR COURT  
CIVIL ACTION NO.:

_____	)
MELVIN GROSS	)
	)
Plaintiff,	)
	)
v.	)
	)
STAMATOS FAMILY PROPERTIES	)
LLC; and STAMATOS PROPERTY	)
MANAGEMENT CORP.	)
	)
Defendants.	)
_____	)

**COMPLAINT AND DEMAND FOR JURY TRIAL**

Now comes the Plaintiff, Melvin Gross, by and through his counsel, Morgan & Morgan, and complaining of Defendants Stamatoss Family Properties, LLC and Stamatoss Property Management Corp., stating as follows:

**PARTIES**

1. The Plaintiff, Melvin Gross, is an individual currently residing in Boston, Suffolk County, Commonwealth of Massachusetts.
2. Defendant, Stamatoss Family Properties, LLC, is a Massachusetts domestic limited liability company with a principal place of business at 619 Centre Street, Jamaica Plain, Suffolk County, Commonwealth of Massachusetts.
3. Defendant, Stamatoss Property Management Corp., is a Massachusetts domestic corporation with a principal place of business at 619 Centre Street, Jamaica Plain, Suffolk County, Commonwealth of Massachusetts.

**JURISDICTION AND VENUE**

4. The Superior Court is a trial court of general jurisdiction for the Commonwealth of Massachusetts. The Court has original jurisdiction of all civil actions, exception those of which other courts have exclusive original jurisdiction. Notably, the Superior Court has exclusive jurisdiction of civil actions over \$50,000 and matters where the parties are seeking equitable relief. See G. L. c. 212, § 3. Venue is proper under G. L. c. 223 § 1.

5. Upon information and belief, both Defendant's principal place of business was 619 Centre Street, Jamaica Plain, Suffolk County, Commonwealth of Massachusetts at all times relevant to this Complaint.

### **GENERAL ALLEGATIONS**

6. Plaintiff incorporates by reference all preceding paragraphs of this Complaint.

7. At all times material hereto, Defendants owned, leased, managed, controlled, occupied, possessed, maintained, used and/or had the right to control and/or maintain the real property and improvements located at 1601 Blue Hill Avenue, Mattapan, Massachusetts 02126 (the "Premises").

8. On or about January 1, 2023, Plaintiff was lawfully on the Premises.

9. On or about January 1, 2023, the Plaintiff, while at all material times in the exercise of due care, was shot during a criminal attack at the Premises.

### **COUNT I – NEGLIGENT SECURITY AGAINST STAMATOS FAMILY PROPERTIES LLC**

10. The Plaintiff repeats and realleges the allegations set forth in all preceding paragraphs of this Complaint as though specifically stated herein.

11. At the times relevant to this Complaint, Defendant owed Plaintiff a duty to protect him from a foreseeable criminal attack.

12. At all times material hereto, Defendant, through their principals, agents, servants, employees, and/or representatives, were negligent and careless as to the Plaintiff in one or more of the following ways:

- a. In failing to provide adequate security at the Premises.
- b. In failing to maintain the Premises in a safe and proper condition for the Plaintiff.
- c. In failing to input property security safeguards to prevent the Plaintiff from coming in contact with an active shooter during a criminal attack.

13. The Defendant's acts and/or omissions constitute a breach of the duty of due care owed to the Plaintiff.

14. As a direct and proximate result of the Defendant's breach of duty of due care, and of the Defendant's negligence and carelessness, the Plaintiff has suffered, conscious pain and suffering, and bodily injury along with other compensable harms and losses.

**COUNT II – NEGLIGENT SECURITY AGAINST STAMATOS PROPERTY  
MANAGEMENT CORP**

15. The Plaintiff repeats and realleges the allegations set forth in all preceding paragraphs of this Complaint as though specifically stated herein.

16. At the times relevant to this Complaint, Defendant owed Plaintiff a duty to protect him from a foreseeable criminal attack.

17. At all times material hereto, Defendant, through their principals, agents, servants, employees, and/or representatives, were negligent and careless as to the Plaintiff in one or more of the following ways:

- a. In failing to provide adequate security at the Premises.

b. In failing to maintain the Premises in a safe and proper condition for the Plaintiff.

c. In failing to input property security safeguards to prevent the Plaintiff from coming in contact with an active shooter during a criminal attack.

18. The Defendant's acts and/or omissions constitute a breach of the duty of due care owed to the Plaintiff.

19. As a direct and proximate result of the Defendant's breach of duty of due care, and of the Defendant's negligence and carelessness, the Plaintiff has suffered, conscious pain and suffering, and bodily injury along with other compensable harms and losses.

**COUNT III – NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS AGAINST  
STAMATOS PROPERTY MANAGEMENT CORP**

20. The Plaintiff repeats and realleges the allegations set forth in all preceding paragraphs of this Complaint as though specifically stated herein.

21. As a result of Defendant's negligent failure to provide adequate security at the Premises, Plaintiff has suffered emotional distress.

22. As a direct and proximate result of the Defendant's negligence and carelessness, the Plaintiff has suffered, emotional pain and suffering, and bodily injury along with other compensable harms and losses.

23. A reasonable person would have suffered emotional distress under the circumstances of this case.

**COUNT IV – NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS AGAINST  
STAMATOS FAMILY PROPERTIES LLC**

24. The Plaintiff repeats and realleges the allegations set forth in all preceding paragraphs of this Complaint as though specifically stated herein.

25. As a result of Defendant's negligent failure to provide adequate security at the Premises, Plaintiff has suffered emotional distress.

26. As a direct and proximate result of the Defendant's negligence and carelessness, the Plaintiff has suffered, emotional pain and suffering, and bodily injury along with other compensable harms and losses.

27. A reasonable person would have suffered emotional distress under the circumstances of this case.

**JURY DEMAND**

The Plaintiff hereby claims his right to a trial by jury of all claims so triable asserted at any time, and of all defenses asserted at any time by any current or future-named defendants.

**PRAYER FOR RELIEF**

WHEREFORE, the Plaintiff prays for judgment against the Defendant in an amount that is greater than \$50,000 and fair together, with interest and costs, and any additional amount this Court deems just and fair.

Respectfully submitted,  
Plaintiff, Melvin Gross  
By her attorney,

Dated: April 18, 2024

/s/ Nicholas A. Brown \_\_\_\_\_  
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