

SUFFOLK, SS.

COMMONWEALTH OF MASSACHUSETTS

SUPERIOR COURT
DEPARTMENT OF
THE TRIAL COURT

CHRISTOPHER LALIN AND KELVIN
LALIN, CO-PERSONAL
REPRESENTATIVES OF THE
ESTATE OF ROBINSON LALIN
GUILTY;

Plaintiffs,

MASSACHUSETTS BAY
TRANSPORTATION AUTHORITY,

Defendant.

23-00520 E

JOHN E. POWERS III
ACTING CLERK MAGISTRATE
2023 MAR -1 P 12:02
SUFFOLK SUPERIOR COURT
CIVIL CLERK'S OFFICE

COMPLAINT

The Parties

1. The plaintiff, Christopher Lalin, Co-Personal Representative of the Estate of Robinson Lalin Guity, resides at 615 North Emory Street, Wilmington, County of New Hanover, State of North Carolina.

2. The plaintiff, Kelvin Lalin, Co-Personal Representative of the Estate of Robinson Lalin Guity, resides at 121 Glendale Street, Apt. 1, Everett, County of Middlesex, Commonwealth of Massachusetts.

3. The defendant, Massachusetts Bay Transportation Authority, is a body corporate and politic established under the laws of the Commonwealth of Massachusetts, and at all material times was a common carrier, transporting members of the public, with the usual place of business at 10 Park Plaza, Boston, County of Suffolk, Commonwealth of Massachusetts.

The Facts

4. On or about, April 10, 2022, at the Broadway MBTA Station in Boston, MA, while he was lawfully on the premises and in the exercise of due care, plaintiffs' decedent Robinson Lalin Guity ("Mr. Lalin"), was dragged to his death by a Red Line subway train owned and operated by the defendant Massachusetts Bay Transportation Authority ("MBTA").

5. The incident and Mr. Lalin's death as described in the preceding paragraph were caused by the carelessness and negligence of the defendant MBTA, its agents, servants, and/or employees.

6. The incident and Mr. Lalin's death as aforesaid occurred when Mr. Lalin's arm became trapped in the doors of the subway car he was exiting. The operator of the train, an agent and/or employee of the defendant, then negligently, wilfully, wantonly, and/or recklessly failed to confirm the platform and subway doors were clear of passengers before pulling the train away from the station, while dragging him to his death. Upon information and belief, these failures were in direct violation of MBTA policies and procedures, including but not limited to "careful observation that no person is entering or leaving the car by any door, before closing the same"... "by leaning out beyond the side of the car to see that no one is in a position to be struck by closing doors."

7. The carelessness, negligence, and/or wilful, wanton, or reckless conduct of the defendant MBTA in causing the incident and Mr. Lalin's death as aforesaid included failing to properly inspect, maintain, repair, and monitor the subway cars and station, including the door and alarm systems of the cars; failing to timely replace and

upgrade subway cars and take unsafe cars out of service so that the cars and trains were safe for use by the public, including Mr. Lalin; failing to monitor the station and platform to ensure that doors were closed and that all customers were free of the doors before moving the train; and failing to keep a look out and stop the train as Mr. Lalin was being trapped and dragged, and before he was injured and killed. The above acts and omissions were careless, negligent, wilful, wanton, and/or reckless, and constituted violations of MBTA's legal duties of care as well as its own written policies and procedures.

8. Prior to his death, and while he was being trapped and dragged to his death by the MBTA train, Mr. Lalin's body was damaged and dismembered, and he experienced great pain of body and anguish of mind resulting in his conscious pain and suffering prior to his death.

9. Mr. Lalin's death resulted in economic damages, including medical and funeral expenses, lost wages, and lost earning capacity.

10. Mr. Lalin left surviving him next of kin, including two children, Christopher Lalin and Ariana Lalin.

11. All notices necessary by law have been given to the MBTA, and the MBTA has failed to respond in any fashion.

Causes of Action

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

First Cause of Action

12. This is an action by plaintiffs, Christopher Lalin and Kelvin Lalin as Co-Personal Representatives of the Estate of Robinson Lalin Guity, against the defendant, Massachusetts Bay Transportation Authority, for negligence resulting in damages suffered by the plaintiffs' decedent, Robinson Lalin Guity, prior to his death, including conscious pain and suffering and pecuniary damages.

Second Cause of Action

13. This is an action by the plaintiffs, Christopher Lalin and Kelvin Lalin, as Personal Representatives of the Estate of Robinson Lalin Guity, against the defendant, Massachusetts Bay Transportation Authority, for wilful, wanton, and/or reckless conduct resulting in damages suffered by the plaintiffs' decedent, Robinson Lalin Guity, prior to his death, including conscious pain and suffering and pecuniary damages.

Third Cause of Action

14. This is an action by the plaintiffs, Christopher Lalin and Kelvin Lalin, as Personal Representatives of the Estate of Robinson Lalin Guity, against the defendant, Massachusetts Bay Transportation Authority, for negligence in causing the death of plaintiffs' decedent Robinson Lalin Guity, for the use and benefit of the next of kin of said decedent, in accordance with the provisions of Massachusetts General Laws, Chapter 229, as amended and applicable at the time material herein.

Fourth Cause of Action

15. This is an action by the plaintiffs, Christopher Lalin and Kelvin Lalin, as Personal Representatives of the Estate of Robinson Lalin Guity, against the defendant, Massachusetts Bay Transportation Authority, for wilful, wanton, and/or reckless conduct

in causing the death of plaintiffs' decedent Robinson Lalin Guity, for the use and benefit of the next of kin of said decedent, in accordance with the provisions of Massachusetts General Laws, Chapter 229, as amended and applicable at the time material herein.

Demands for Relief

16. The plaintiffs, Christopher Lalin and Kelvin Lalin as Co-Personal Representatives of the Estate of Robinson Lalin Guity, demand judgment against the defendant, Massachusetts Bay Transportation Authority, in the amount of damages, together with interest and costs, as to the First Cause of Action.

17. The plaintiffs, Christopher Lalin and Kelvin Lalin as Co-Personal Representatives of the Estate of Robinson Lalin Guity, demand judgment against the defendant, Massachusetts Bay Transportation Authority, in the amount of damages, together with interest and costs, as to the Second Cause of Action.

18. The plaintiffs, Christopher Lalin and Kelvin Lalin as Co-Personal Representatives of the Estate of Robinson Lalin Guity, demand judgment against the defendant, Massachusetts Bay Transportation Authority, in the amount of damages, together with interest and costs, as to the Third Cause of Action.

19. The plaintiffs, Christopher Lalin and Kelvin Lalin as Co-Personal Representatives of the Estate of Robinson Lalin Guity, demand judgment against the defendant, Massachusetts Bay Transportation Authority, in the amount of damages, together with interest and costs, as to the Fourth Cause of Action.

Jury Claim

20. The plaintiffs, Christopher Lalin and Kelvin Lalin as Co-Personal Representatives of the Estate of Robinson Lalin Guity, claim a trial by jury.

PLAINTIFFS,

By Their Attorneys,

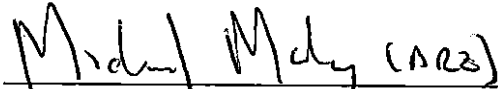
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Date: March 1, 2023

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