

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

SUPERIOR COURT DEPARTMENT
CIVIL ACTION NO.:

HUAN QIANG LEI,
Plaintiff

**CIVIL COMPLAINT AND
JURY DEMAND**

v.

MASSACHUSETTS BAY
TRANSPORTATION
AUTHORITY,
Defendant

PARTIES

1. The plaintiff, Huan Qiang Lei, is an adult individual with a current place of residence at 1395 Commonwealth Avenue, #52, City of Boston, Suffolk County, Commonwealth of Massachusetts.

2. The defendant, Massachusetts Bay Transportation Authority (“MBTA”), is an independent body politic with a principal place of business at 10 Park Plaza, Room 3910, City of Boston, Suffolk County, Commonwealth of Massachusetts.

FACTUAL BACKGROUND

3. On July 30, 2021 the plaintiff was a passenger on a MBTA train car on the Green Line, B Branch, on or near Commonwealth Avenue in Boston, Massachusetts.

4. On July 30, 2021 the At approximately 6:03 P.M. the train car on which Plaintiff was a passenger was involved in a collision with a second train car, also operated by the MBTA.

5. As a result of the impact, the plaintiff was thrown violently about the interior of the train car.

6. As a result of the impact, the plaintiff sustained personal injuries, including but not limited to rib fractures and pneumothorax.

**COUNT ONE: MASSACHUSETTS TORTS CLAIMS ACT; G.L. c. 258; NEGLIGENCE;
FAILURE TO USE REASONABLE CARE**

7. The plaintiff hereby incorporates by reference the allegations contained in paragraphs 1 through 6 as though fully stated herein.

8. G.L. c.258 §1, et seq., provides for a cause of action against the Massachusetts Department of Transportation/MBTA, including its employees, agents, and representatives, for personal injuries arising from negligent conduct of omission.

9. The defendant owed the plaintiff a duty to exercise reasonable care in the operation of its train cars. By failing to keep a safe distance between train cars and by operating train cars at an unsafe speed, the defendant breached said duty.

10. As a direct and proximate result of the defendant's negligence, the plaintiff suffered personal injury and damages, including multiple, severe, and ongoing injuries to his body and mind, medical bills and expenses, pain and suffering, emotional harm and distress, and loss of income.

11. The plaintiff in no way caused or contributed to the cause of the accident or his resulting injuries.

12. Pursuant to G.L. c.258 §4, the Plaintiff duly notified the Defendant of his claim by letter of presentment, dated August 9, 2022 and received by the MBTA on August 12, 2022. See, Plaintiff's Exhibit A (presentment letter and certified mail green card).

WHEREFORE, the plaintiff, Huan Qiang Lei, hereby respectfully requests that this Court do the following:

1. Enter judgment in his favor and against the defendant;
2. Award him damages, including interest, costs, and reasonable attorney's fees;
3. Award such other relief as may appear to this Court to be just and proper.

JURY DEMAND

The Plaintiff respectfully demands trial by jury as to each issue so triable.

Respectfully Submitted,
Huan Qiang Lei,
By his Attorneys,

/s/ Ryan P. Gilday

Ryan P. Gilday, Esq.
BBO: 657596
Michael F. Mahoney, Esq.
BBO: 632967
Law Offices of Michael F. Mahoney
152 Lynnway, Unit 1G
Lynn, MA 01902
781-599-5001 – phone
781-599-9396 – fax
ryan@michaelmahoneylaw.com

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