

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss

SUPERIOR COURT

_____)

TRACEY CREHAN)

)

Plaintiff,)

)

v.)

)

MASSACHUSETTS BAY)

TRANSPORTATION AUTHORITY, and)

PAUL HUTCHINSON, individually)

Defendants.)

_____)

CIVIL ACTION
NO.:

12/29/2021

COMPLAINT AND JURY DEMAND

PARTIES

1. Tracey Crehan is an individual who resides in Dorchester, Suffolk County, Massachusetts.
2. The Defendant, Massachusetts Bay Transportation Authority, a/k/a/ MBTA, is a division within the Massachusetts Department of Transportation (“MassDOT”) with its principal place of business at 10 Park Plaza, Boston, MA 02128.
3. Paul Hutchison is an MBTA operator who is listed in an MBTA incident report with an address at 10 Park Plaza, Boston, MA 02128.

JURISDICTION & VENUE

4. This court has jurisdiction over the subject matter of this complaint and over the parties named herein.
5. Venue is proper and appropriate in this court because all parties either reside or have their principal place of business in Suffolk County.

FACTS COMMON TO ALL COUNTS

6. At approximately 12:00 P.M. on April 20, 2019, Plaintiff was standing on the Red Line platform when, upon information and belief, she slipped and fell onto the southbound track.
7. Shortly after Plaintiff fell onto the southbound track, Red Line train number 1806 entered South Station, upon information and belief, at an unreasonable speed.
8. Although defendant Paul Hutchinson, the operator of train number 1806, saw Plaintiff fall onto the track before the train he was operating entered the station he was unable to bring the train to a complete stop before the train struck plaintiff, because, upon information and belief, he was operating the train at a speed greater than reasonable at the time the train entered the station.
9. Upon information and belief, at the time that plaintiff was injured, there was inadequate security on the southbound Red Line track at South Station.
10. Upon information and belief, at the time that plaintiff was injured, defendant MBTA failed to maintain the southbound Red Line track at South Station, failed to maintain the braking system on train number 1806, and failed to maintain adequate warning systems on the southbound Red Line track at South Station.
11. As a result of being struck by train number 1806, Plaintiff sustained, among other injuries, multiple injuries to her ribs and spinal column, including without limitation, a fracture of her 12th thoracic vertebra, collapsed lungs, head trauma, mental health trauma and significant memory loss.
12. Pursuant to Mass. Gen. Laws, c. 258, § 4, a notice of plaintiff's claim was sent to the executive officer of defendant MBTA within two years after the date upon which plaintiff's cause of action arose. See Copy of Certified Letter dated February 16, 2021, addressed to

Steve Poftak, General Manager of the MBTA attached hereto as Exhibit “A”. To date Plaintiff has not received a response from the MBTA to her notice of claim.

COUNT I
(NEGLIGENCE – MBTA and HUTCHINSON)

13. As a direct and proximate result of the defendant Hutchinson’s negligent operation of a subway train and failure to operate Train Number 1806 at a reasonable rate of speed, plaintiff suffered serious personal injuries.
14. As a direct and proximate result of the defendant Hutchinson’s negligence, plaintiff incurred medical bills, lost wages, sustained serious injuries, suffered impaired earning capacity, suffered emotional distress, and was disabled from performing her usual activities.

COUNT II
(NEGLIGENT TRAINING– MBTA)

15. As a direct and proximate result of defendant MBTA’s failure to train defendant Hutchinson on the proper operation and reasonable speed of a subway train entering a subway station, plaintiff suffered serious personal injuries.
16. As a direct and proximate result of defendant MBTA’s negligence, plaintiff incurred medical bills, lost wages, sustained serious injuries, suffered impaired earning capacity, suffered emotional distress, and was disabled from performing her usual activities.

COUNT III
(INADEQUATE SECURITY– MBTA)

17. As a direct and proximate result of defendant MBTA’s failure to provide security on southbound Red Line track at South Station, plaintiff suffered serious personal injuries.

18. As a direct and proximate result of defendant MBTA's negligence, plaintiff incurred medical bills, lost wages, sustained serious injuries, suffered impaired earning capacity, suffered emotional distress, and was disabled from performing her usual activities.

COUNT IV
(FAILURE TO MAINTAIN PREMISES– MBTA)

19. As a direct and proximate result of defendant MBTA's failure to maintain the southbound Red Line track at South Station, plaintiff suffered serious personal injuries.

20. As a direct and proximate result of defendant MBTA's negligence, plaintiff incurred medical bills, lost wages, sustained serious injuries, suffered impaired earning capacity, suffered emotional distress, and was disabled from performing her usual activities.

COUNT V
(FAILURE TO MAINTAIN EQUIPMENT– MBTA)

21. As a direct and proximate result of defendant MBTA's failure to maintain the braking system on train number 1806, plaintiff suffered serious personal injuries.

22. As a direct and proximate result of defendant MBTA's negligence, plaintiff incurred medical bills, lost wages, sustained serious injuries, suffered impaired earning capacity, suffered emotional distress, and was disabled from performing her usual activities.

COUNT VI
(FAILURE TO MAINTAIN WARNING SYSTEMS – MBTA)

23. As a direct and proximate result of defendant MBTA's failure to maintain adequate warning systems on the southbound Red Line track at South Station, plaintiff suffered serious personal injuries.

24. As a direct and proximate result of defendant MBTA's negligence, plaintiff incurred medical bills, lost wages, sustained serious injuries, suffered impaired earning capacity, suffered emotional distress, and was disabled from performing her usual activities.

PRAYER FOR RELIEF

WHEREFORE, plaintiff prays:

- A. That judgment shall enter in her favor on Counts I and II;
- B. That the Court award damages, sufficient to fully compensate plaintiff for her loss;
- C. Plaintiff further demands judgment against each defendant jointly and/or severally, with costs and interest; and
- D. Such other and further relief as the Court may deem just and proper.

DEMAND FOR JURY TRIAL

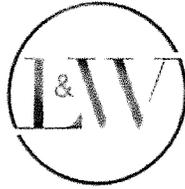
PLAINTIFF HEREBY CLAIMS A JURY TRIAL
ON ALL ISSUES SO TRIABLE.

Dated: December 28, 2021

For the Plaintiff
Tracey Crehan
By her attorneys,

/s/ Scott P. Lopez
Scott P. Lopez, BBO# 549556
splopez@lawson-weitzen.com
Stephen M. Buckley, BBO # 648487
sbuckley@lawson-weitzen.com
LAWSON & WEITZEN, LLP
88 Black Falcon Avenue, Suite 345
Boston, MA 02210
(617) 439-4990 (tel.)
(617) 439-3987 (fax)

Exhibit A



LAWSON & WEITZEN

RICHARD B. WEITZEN*
PAMELA B. BANKERT, PC*
IRA H. ZALEZNIK
VALERIE L. PAWSON, LLC
GEORGE F. HAILER, PC*
KENNETH B. GOULD
GEORGE E. CHRISTODOULOU, PC
DAVID A. RICH, LLC*
PATRICIA L. FARNSWORTH
K. SCOTT GRIGGS***
STEVEN M. BUCKLEY
KENNETH B. SKELLY**
GLENN P. FRANK*
J. MARK DICKISON**
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JEFFREY P. ALLEN
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February 16, 2021

CERTIFIED MAIL R/R/R (7011 3500 0002 1952 9942)
& FACSIMILE (617) 222-3194

Steve Poftak, General Manager
Massachusetts Bay Transportation Authority
10 Park Plaza
Boston, MA 02116

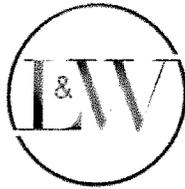
RE: Our Client: Tracey Crehan
Date of Injury: April 20, 2019

Dear Mr. Poftak:

Pursuant to Mass. Gen. Laws, c. 258, § 4, please accept this demand for fair compensation for the injuries Ms. Crehan sustained at South Station on or about April 20, 2019. Ms. Crehan was injured when she became trapped under a Red Line train at approximately 10:00 A.M. Subsequently, she remained under the train for more than two hours before she was extricated by emergency personnel and transported by ambulance to Tufts Medical Center.

As a result of this accident, Ms. Crehan sustained multiple injuries to her ribs and spinal column. She required surgery to repair a fracture to her twelfth thoracic vertebra. Also, both of her lungs collapsed. After an eight-day hospitalization at Tufts Medical Center, she was admitted to Encompass Health and Rehabilitation Hospital of Braintree on April 28, 2019, where she stayed for an additional thirteen days. As a result of the trauma she sustained, she is also experiencing mental health difficulties including significant memory loss.

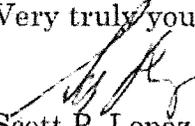
* ALSO ADMITTED IN NY
** ALSO ADMITTED IN NH
*** ONLY ADMITTED IN PA
* ALSO ADMITTED IN DC
** ALSO ADMITTED IN RI
*** ALSO ADMITTED IN RI, CT, NH



Please note that if we are unable to reach a final settlement or compromise of her claims pursuant to Mass. Gen. Laws, c. 258, § 5, it is her present intention to file a civil lawsuit against the MBTA, its agents and employees for all negligence claims she has arising out of this unfortunate accident including, without limitation, inadequate security, failure to maintain premises, failure to maintain equipment and failure to maintain warning systems. Currently, a specific request for damages is not possible because Ms. Crehan is not at a medical end.

Please do not hesitate to contact me if you have any questions or concerns at (617) 439-4990, ext. 3076.

Very truly yours,



Scott P. Lopez