

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

SUPERIOR COURT DEPT.
C.A. No. _____

MARK ANTHONY PRATT, II,)
and WILLIAM SMITH,)
Plaintiffs,)
)
v.)
)
TRUSTEES OF BOSTON UNIVERSITY, and)
SUFFOLK CONSTRUCTION COMPANY,)
Defendants.)

3/8/2022

COMPLAINT AND DEMAND FOR JURY TRIAL

NOW COMES the Plaintiffs, Mark Anthony Pratt II (“Mr. Pratt”), and William Smith (“Mr. Smith”) (collectively, the “Plaintiffs”), and hereby respectfully submits to this Honorable Court his Complaint and Demand for Jury Trial against Defendants, Trustees of Boston University (“BU”) and Suffolk Construction Company (“Suffolk”) (collectively, the “Defendants”).

PARTIES

1. The Plaintiff, Mark Anthony Pratt II, is an individual who resides at 152 West Lothar St, Apt. #1, Carlisle, Pennsylvania 17013.
2. The Plaintiff, William Smith, is a resident of the Commonwealth of Massachusetts and maintains a residence at 81 Atlantic Avenue, Hull, Massachusetts 02045.
3. The Defendant, Trustees of Boston University, upon information and belief, is a not-for-profit corporation with its principal office located at One Silber Way, Boston, Massachusetts 02215.

4. The Defendant, Suffolk Construction Company, upon information and belief, is a for-profit corporation with its principal office located at 65 Allerton St, Boston, Massachusetts 02119.

JURISDICTION AND VENUE

5. Subject matter jurisdiction in this action is appropriate, as the Superior Court Department of the Massachusetts Trial Courts has original jurisdiction of civil actions for money damages, and there is no reasonable likelihood that recovery by the Plaintiff will be less than or equal to \$50,000, pursuant to M.G.L. c. 212, § 3 and the Supreme Judicial Court Order regarding the amount-in-controversy requirement under M.G.L. c. 218, § 19 and M.G.L. c. 212, § 3.

6. Personal jurisdiction in this action is appropriate as to BU, as the Court may exercise personal jurisdiction over a person, including “any [] legal or commercial entity, whether or not a citizen or domiciliary of this commonwealth and whether or not organized under the laws of this commonwealth,” pursuant to G.L. c. 223A, § 1.

7. Personal jurisdiction in this action is appropriate as to Suffolk Construction, as the Court may exercise personal jurisdiction over a person, including a “corporation... or any other legal or commercial entity, whether or not a citizen or domiciliary of this commonwealth and whether or not organized under the laws of this commonwealth,” pursuant to G.L. c. 223A, § 1.

8. Venue in this action is appropriate because “if any one of the parties thereto lives in the commonwealth, [the action shall] be brought in the county where one of them lives or has his usual place of business,” pursuant to M.G.L. c. 223, § (1). Suffolk County is an

appropriate venue because one or more of the Defendants maintain their principal office in Suffolk County, and because the incident occurred in Suffolk County.

FACTS

9. Upon information and belief, the Defendant, Trustees of Boston University, was at all times relevant hereto the owner of property located at 645-665 Commonwealth Avenue, Boston, Massachusetts 02215 (the “work site”). This is the location of the Center for Computing & Data Sciences, a Boston University building (the “BU Building”).

10. Upon information and belief, the Defendant, Suffolk Construction Company, was at all times relevant hereto the general contractor for the construction of the BU Building located at 645-665 Commonwealth Avenue, Boston, Massachusetts 02215.

11. On May 14, 2021, as the frame of the BU Building was being constructed with metal beams, one of the vertical beams fell and started a “domino effect” of knocking down additional beams, including the beams that Mr. Pratt and Mr. Smith were working on.

12. Mr. Pratt and Mr. Smith were working at elevation on an upper-level of the frame of the BU Building when the beams upon which they were stationed were collided into by the falling beams, causing them to fall to the ground below. The location where they were working, was collapsed on by the subsequently falling of the beams.

13. As a result, Mr. Pratt and Mr. Smith, suffered serious and debilitating physical and emotional injuries, the extent to which is yet to be determined.

COUNT I – NEGLIGENCE
(Mark Pratt Against Defendant Trustees of Boston University)

14. Mr. Pratt repeats, restates, realleges and incorporates by reference the preceding paragraphs as if fully set forth herein.

15. As owner of the property upon which the incident occurred, BU had a duty of care to keep the premises safe and free from hazardous conditions.

16. By permitting, allowing, or otherwise condoning the inadequate safety standards at the construction site, BU breached that duty.

17. BU's breach of duty directly and proximately caused Mr. Pratt to sustain serious and ongoing injuries and damages, the extent of which is yet to be determined.

COUNT II – NEGLIGENCE
(Mark Pratt Against Defendant Suffolk Construction Company)

18. Mr. Pratt repeats, restates, realleges and incorporates by reference the preceding paragraphs as if fully set forth herein.

19. As the general contractor for the construction of the property upon which the incident occurred, Suffolk had a duty of care to keep the premises safe and free from hazardous conditions.

20. By permitting, allowing, or otherwise condoning the inadequate safety standards at the construction site, Suffolk breached that duty.

21. Suffolk's breach of duty directly and proximately caused Mr. Pratt to sustain serious and ongoing injuries and damages, the extent of which is yet to be determined.

COUNT III – NEGLIGENCE
(William Smith Against Defendant Trustees of Boston University)

22. Mr. Smith repeats, restates, realleges and incorporates by reference the preceding paragraphs as if fully set forth herein.

23. As owner of the property upon which the incident occurred, BU had a duty of care to keep the premises safe and free from hazardous conditions.

24. By permitting, allowing, or otherwise condoning the inadequate safety standards at the construction site, BU breached that duty.

25. BU's breach of duty directly and proximately caused Mr. Smith to sustain serious and ongoing injuries and damages, the extent of which is yet to be determined.

COUNT IV – NEGLIGENCE
(William Smith Against Defendant Suffolk Construction Company)

26. Mr. Smith repeats, restates, realleges and incorporates by reference the preceding paragraphs as if fully set forth herein.

27. As the general contractor for the construction of the property upon which the incident occurred, Suffolk had a duty of care to keep the premises safe and free from hazardous conditions.

28. By permitting, allowing, or otherwise condoning the inadequate safety standards at the construction site, Suffolk breached that duty.

29. Suffolk's breach of duty directly and proximately caused Mr. Smith to sustain serious and ongoing injuries and damages, the extent of which is yet to be determined.

WHEREFORE, the Plaintiffs, Mark Anthony Pratt, II, and William Smith demands judgement against all defendants on all counts, that damages be awarded, and the Plaintiffs be awarded same to the fullest extent allowed by law, along with costs, interest, and reasonable attorney's fees.

DEMAND FOR JURY TRIAL

The Plaintiff demands a trial by jury on all counts and on all issues so triable.

The Plaintiffs,
Mark Anthony Pratt, II and William Smith,
By their Attorneys,

Andy Abraham

Andrew M. Abraham, Esq., BBO# 631167
Harrison L. Lebov, Esq., BBO# 699305
KECHES LAW GROUP, P.C.
2 Granite Avenue, Suite 400
Milton, Massachusetts 02186
Tel: (508) 738-5681
aabraham@kecheslaw.com
hlebov@kecheslaw.com

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