

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS

SUPERIOR COURT
DOCKET NO. 22-2626 H

SARAH SACUTO,
INDIVIDUALLY, AS THE
AUTHORIZED PERSONAL
REPRESENTATIVE OF THE
ESTATE OF DAVID JONES
AND AS THE PARENT AND
NEXT FRIEND OF HER MINOR
CHILDREN, OLIVIA JONES,
ANNE JONES AND THOMAS
JONES,

Plaintiffs,

v.

MASSACHUSETTS BAY
TRANSPORTATION AUTHORITY)
And The MASSACHUSETTS)
DEPARTMENT OF)
TRANSPORTATION,)

Defendants.

SUFFOLK SUPERIOR COURT
CIVIL CLERK'S OFFICE
2022 NOV 17 A 11: 22
MICHAEL JOSEPH DONOVAN
CLERK / MAGISTRATE

COMPLAINT AND JURY DEMAND

I. Parties

1. The plaintiff, Sarah Sacuto, is the duly authorized personal representative of the estate of her late husband, Professor David Jones, and the mother of their minor children, Olivia Jones, Anne Jones and Thomas Jones. She resides at 74 Cheever Street, Milton, Massachusetts. She brings this action (i) in her individual capacity as well as, (ii) on behalf of her late husband's estate; and, (iii) on behalf of her minor children.

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2. The defendant, the Massachusetts Bay Transportation Authority, (hereinafter referred to as the “MBTA”), is a body politic organized under the laws of the Commonwealth of Massachusetts, who maintains a principal place of business located at 10 Park Plaza, Boston, Suffolk County, Massachusetts.
3. The defendant, the Massachusetts Department of Transportation, (hereinafter referred to as the “DOT”), is an agency of the Commonwealth of Massachusetts, with its principal place of business located at 10 Park Plaza, Boston, Suffolk County, Massachusetts.

II. Facts

4. On or about September 11, 2021, the plaintiff’s decedent, David Jones, was lawfully upon the premises owned, maintained, operated and/or controlled by the defendants, (commonly known as the JFK/UMass train station access stairway and hereinafter referred to simply as the “subject staircase”).
5. On the aforesaid date, (and at all times material thereto), the plaintiffs’ decedent, was in the exercise of due care while accessing the “subject staircase.”
6. Over the course of years that preceded the aforesaid date, the defendants, by their neglect, had allowed the “subject staircase” to degrade and fall into disrepair thereby causing it to be a danger to the public.
7. On the aforesaid date, and for decades preceding the aforesaid date, the defendants had an affirmative duty to maintain the “subject staircase” in a safe condition.
8. On the aforesaid date, and for years preceding the aforesaid date, the defendants failed to maintain the “subject staircase” in a safe condition.

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9. On the aforesaid date, and for years preceding the aforesaid date, the defendants had an obligation to properly warn the public of any known dangers associated with the "subject staircase."
10. On the aforesaid date, and for years preceding the aforesaid date, the defendants failed to properly warn the public of known dangers associated with the "subject staircase."
11. As of the aforesaid date, and for years preceding the aforesaid date, the defendants failed to take reasonable and adequate measures to prevent the public from accessing the "subject staircase" due to its dangerous and compromised condition.
12. As of the aforesaid date, and for years preceding the aforesaid date, the defendants failed to follow their own policies, practices and procedures which called for any and all access points that lead directly to the danger that necessitated the condemnation of the "subject staircase", to be made wholly and entirely inaccessible.
13. As of the aforesaid date, and for years preceding the aforesaid date, the defendants failed to follow their own policies, practices and procedures which called for the posting of signage at and around the "subject staircase" that intended to adequately warn the general public of the potential dangers associated with a staircase that was so dilapidated that it necessitated condemnation.
14. As a result of the defendants' individual and collective negligence, by and through its employees, agents, and/or representatives, the plaintiffs' decedent was unwittingly both encouraged and permitted to access the dangers associated with the "subject staircase" and, as a direct and proximate result, caused to fall, sustain injury, suffer and death.

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15. Immediately after the incident that took David Jones's life, the defendants posted various warning signs and made the access point utilized by David Jones completely inaccessible, just as they were obligated to do from the moment the "subject staircase" was deemed, by the defendants, as too dangerous to be used by the general public.

Count I - MBTA

(Wrongful Death-Estate of David Jones)

16. The plaintiff, Sarah Sacuto, Personal Representative of the Estate of David Jones, repeats and reavers all of the allegations contained in paragraphs one through fifteen above, as if expressly rewritten and set forth herein.
17. This action is brought to recover for David Jones's wrongful death and for the benefit of his next of kin.
18. At all times relevant to this complaint, the defendant, MBTA, owed a duty of care to David Jones.
19. At all times relevant to this complaint, the defendant, the MBTA was negligent thereby causing David Jones's premature and wrongful death.
20. David Jones's wrongful death and the damage to his estate were the direct and proximate result of the carelessness, recklessness and negligence of the defendant, MBTA.

WHEREFORE, the plaintiff, Sarah Sacuto, Personal Representative of the Estate of David Jones, prays judgment against the defendant, Massachusetts Bay

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Transportation Authority, for the above-described wrongful death and damage to the estate, together with interest and costs.

Count II – MBTA

(Conscious Pain and Suffering-Estate of David Jones)

21. The plaintiff, Sarah Sacuto, Personal Representative of the Estate of David Jones, repeats and reavers all of the allegations contained in paragraphs one through twenty above, as if expressly rewritten and set forth herein.
22. This action is brought to recover for the conscious pain and suffering of the plaintiff's decedent, David Jones.
23. As the direct and proximate result of the carelessness, recklessness and negligence of the defendant, MBTA, the plaintiff's decedent, David Jones, was caused to suffer consciously up to and until the time of his premature and wrongful death.

WHEREFORE, the plaintiff, Sarah Sacuto, Personal Representative of the Estate of David Jones, prays judgment against the defendant, Massachusetts Bay Transportation Authority, for the above-described conscious pain and suffering, wrongful death and damage to the estate, together with interest and costs.

Count III – MBTA

(Negligence-Estate of David Jones)

24. The plaintiff, Sarah Sacuto, Personal Representative of the Estate of David Jones, repeats and reavers all of the allegations contained in paragraphs one through twenty-three above, as if expressly rewritten and set forth herein.
25. This action is brought to recover for the negligence of the defendants and for the benefit of David Jones's next of kin.

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26. At all times relevant to this complaint, the defendants acted recklessly and negligently thereby causing injury and death to the plaintiffs' decedent.

WHEREFORE, the plaintiff, Sarah Sacuto, Personal Representative of the Estate of David Jones, prays judgment against the defendant, Massachusetts Bay Transportation Authority, for the above-described negligence and damage to the estate, together with interest and costs.

Count IV – DEPARTMENT OF TRANSPORTATION

(Wrongful Death-Estate of David Jones)

27. The plaintiff, Sarah Sacuto, Personal Representative of the Estate of David Jones, repeats and reavers all of the allegations contained in paragraphs one through twenty-six above, as if expressly rewritten and set forth herein.

28. This action is brought to recover for the wrongful death of David Jones and for the benefit of his next of kin.

29. At all times relevant to this complaint, the defendant, DOT, owed a duty of care to David Jones.

30. At all times relevant to this complaint, the defendant, DOT was negligent thereby causing David Jones's premature and wrongful death.

31. David Jones's wrongful death and the damage to his estate were the direct and proximate result of the carelessness, recklessness and negligence of the defendant, DOT.

WHEREFORE, the plaintiff, Sarah Sacuto, Personal Representative of the Estate of David Jones, prays judgment against the defendant, Massachusetts

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Department of Transportation, for the above-described wrongful death and damage to the estate, together with interest and costs.

Count V – DEPARTMENT OF TRANSPORTATION

(Conscious Pain and Suffering-Estate of David Jones)

32. The plaintiff, Sarah Sacuto, Personal Representative of the Estate of David Jones, repeats and reavers all of the allegations contained in paragraphs one through thirty-one above, as if expressly rewritten and set forth herein.
33. This action is brought to recover for the conscious pain and suffering of the plaintiff's decedent, David Jones.
34. As the direct and proximate result of the carelessness, recklessness and negligence of the defendant, DOT, the plaintiff's decedent, David Jones, was caused to suffer consciously up to and until his time of premature and wrongful death.

WHEREFORE, the plaintiff, Sarah Sacuto, Personal Representative of the Estate of David Jones, prays judgment against the defendant, Massachusetts Department of Transportation, for the above-described wrongful death and damage to the estate, together with interest and costs.

Count VI-DEPARTMENT OF TRANSPORTATION

(Negligence-Estate of David Jones)

35. The plaintiff, Sarah Sacuto, Personal Representative of the Estate of David Jones, repeats and reavers all of the allegations contained in paragraphs one through thirty-four above, as if expressly rewritten and set forth herein.
36. This action is brought to recover for the negligence of the defendants and for the benefit of David Jones's next of kin.

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37. At all times relevant to this complaint, the defendants acted recklessly and negligently thereby causing injury and death to the plaintiffs' decedent.

WHEREFORE, the plaintiff, Sarah Sacuto, Personal Representative of the Estate of David Jones, prays judgment against the defendant, Massachusetts Department of Transportation, for the above-described negligence and damage to the estate, together with interest and costs.

Count VII – MASSACHUSETTS BAY TRANSPORTATION AUTHORITY

(Loss of Consortium-Sarah Sacuto)

38. The plaintiff, Sarah Sacuto, Individually, repeats and reavers all of the allegations contained in paragraphs one through thirty-seven, above, as if expressly rewritten and set forth herein.

39. This action is brought by the plaintiff to recover for loss of consortium due to the premature and wrongful death of her husband, David Jones.

40. As the direct and proximate result of the carelessness, recklessness and negligence of the defendant, MBTA, the plaintiff, Sarah Sacuto, was caused to suffer a loss of consortium due to the premature and wrongful death of her husband, David Jones.

WHEREFORE, the plaintiff, Sarah Sacuto, Individually, prays judgment against the defendant, Massachusetts Bay Transportation Authority, for the above-described damages, together with interest and costs.

Count VIII – DEPARTMENT OF TRANSPORTATION

(Loss of Consortium-Sarah Sacuto)

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41. The plaintiff, Sarah Sacuto, Individually, repeats and reavers all of the allegations contained in paragraphs one through forty, above, as if expressly rewritten and set forth herein.
42. This action is brought by the plaintiff to recover for loss of consortium due to the premature and wrongful death of her husband, David Jones.
43. As the direct and proximate result of the carelessness, recklessness and negligence of the defendant, DOT, the plaintiff, Sarah Sacuto, was caused to suffer a loss of consortium due to the premature death of her husband, David Jones.

WHEREFORE, the plaintiff, Sarah Sacuto, Individually, prays judgment against the defendant, Massachusetts Department of Transportation, for the above-described damages, together with interest and costs.

Count IX – MASSACHUSETTS BAY TRANSPORTATION AUTHORITY

(Loss of Consortium-Olivia Jones)

44. The plaintiff, Sarah Sacuto, As Mother and Next Friend of Olivia Jones, a Minor, repeats and reavers all of the allegations contained in paragraphs one through forty-three above, as if expressly rewritten and set forth herein.
45. This action is brought by the plaintiff to recover for loss of consortium on behalf of Olivia Jones, a minor, due to the premature and wrongful death of her late father, David Jones.
46. As the direct and proximate result of the carelessness, recklessness and negligence of the defendant, MBTA, the minor plaintiff, Olivia Jones, was caused to suffer a loss of consortium due to the premature and wrongful death of her father, David Jones.

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WHEREFORE, the plaintiff, Sarah Sacuto, as Mother and Next Friend of Olivia Jones, a Minor, prays judgment against the defendant, Massachusetts Bay Transportation Authority, for the above-described damages, together with interest and costs.

Count X – DEPARTMENT OF TRANSPORTATION

(Loss of Consortium-Olivia Jones)

47. The plaintiff, Sarah Sacuto, as Mother and Next Friend of Olivia Jones, a Minor, repeats and reavers all of the allegations contained in paragraphs one through forty-six above, as if expressly rewritten and set forth herein.
48. This action is brought to recover for loss of consortium on behalf of Olivia Jones, a minor, due to the premature and wrongful death of her late father, David Jones.
49. As the direct and proximate result of the carelessness, recklessness and negligence of the defendant, DOT, the minor plaintiff, Olivia Jones, was caused to suffer a loss of consortium due to the premature and wrongful death of her late father, David Jones.

WHEREFORE, the plaintiff, Sarah Sacuto, as Mother and Next Friend of Olivia Jones, a Minor, prays judgment against the defendant, Massachusetts Department of Transportation, for the above-described damages, together with interest and costs.

Count XI – MASSACHUSETTS BAY TRANSPORTATION AUTHORITY

(Loss of Consortium-Anne Jones)

50. The plaintiff, Sarah Sacuto, As Mother and Next Friend of Anne Jones, a Minor, repeats and reavers all of the allegations contained in paragraphs one through forty-nine above, as if expressly rewritten and set forth herein.

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51. This action is brought to recover for loss of consortium on behalf of Anne Jones, a minor, due to the premature and wrongful death of her late father, David Jones.

52. As the direct and proximate result of the carelessness, recklessness and negligence of the defendant, MBTA, the minor plaintiff, Anne Jones, was caused to suffer a loss of consortium due to the premature and wrongful death of her late father, David Jones.

WHEREFORE, the plaintiff, Sarah Sacuto, as Mother and Next Friend of Anne Jones, a Minor, prays judgment against the defendant, Massachusetts Bay Transportation Authority, for the above-described damages, together with interest and costs.

Count XII – DEPARTMENT OF TRANSPORTATION

(Loss of Consortium-Anne Jones)

53. The plaintiff, Sarah Sacuto, as Mother and Next Friend of Anne Jones, a Minor, repeats and reavers all of the allegations contained in paragraphs one through fifty-two above, as if expressly rewritten and set forth herein.

54. This action is brought to recover for loss of consortium on behalf of Anne Jones, a minor, due to the premature and wrongful death of her late father, David Jones.

55. As the direct and proximate result of the carelessness, recklessness and negligence of the defendant, DOT, the minor plaintiff, Anne Jones, was caused to suffer a loss of consortium due to the premature and wrongful death of her late father, David Jones.

WHEREFORE, the plaintiff, Sarah Sacuto, as Mother and Next Friend of Anne Jones, a Minor, prays judgment against the defendant, Massachusetts Department of Transportation, for the above-described damages, together with interest and costs.

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Count XIII – MASSACHUSETTS BAY TRANSPORTATION AUTHORITY

(Loss of Consortium-Thomas Jones)

56. The plaintiff, Sarah Sacuto, As Mother and Next Friend of Thomas Jones, a Minor, repeats and reavers all of the allegations contained in paragraphs one through fifty-five above, as if expressly rewritten and set forth herein.
57. This action is brought to recover for loss of consortium on behalf of Thomas Jones, a minor, due to the premature and wrongful death of his late father, David Jones.
58. As the direct and proximate result of the carelessness, recklessness and negligence of the defendant, MBTA, the minor plaintiff, Thomas Jones, was caused to suffer a loss of consortium due to the premature and wrongful death of his late father, David Jones.

WHEREFORE, the plaintiff, Sarah Sacuto, as Mother and Next Friend of Thomas Jones, a Minor, prays judgment against the defendant, Massachusetts Bay Transportation Authority, for the above-described damages, together with interest and costs.

Count XIV – DEPARTMENT OF TRANSPORTATION

(Loss of Consortium-Thomas Jones)

59. The plaintiff, Sarah Sacuto, as Mother and Next Friend of Thomas Jones, a Minor, repeats and reavers all of the allegations contained in paragraphs one through fifty-eight above, as if expressly rewritten and set forth herein.
60. This action is brought to recover for loss of consortium on behalf of Thomas Jones, a Minor, due to the premature and wrongful death of his late father, David Jones.

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61. As the direct and proximate result of the carelessness, recklessness and negligence of the defendant, DOT, the minor plaintiff, Thomas Jones, was caused to suffer a loss of consortium due to the premature and wrongful death of his late father, David Jones.

WHEREFORE, the plaintiff, Sarah Sacuto, as Mother and Next Friend of Thomas Jones, a Minor, prays judgment against the defendant, Massachusetts Department of Transportation, for the above-described damages, together with interest and costs.

PLAINTIFFS CLAIM TRIAL BY JURY.

Respectfully submitted,

For The Plaintiffs,

By Their Attorneys,

/s/ *Darin Colucci*

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Dated: November 17, 2022

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