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File #: 127238-04/seh

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

SUFFOLK SUPERIOR COURT
C.A. NO.:

| | |
|--------------------------------|---|
| DIANE HUYNH, |) |
| Plaintiff |) |
| |) |
| v. |) |
| |) |
| 388 LLC, 33 ABBOTSFORD STREET |) |
| REALTY TRUST, LIVE FREE OR DIE |) |
| HOLDINGS LLC and ELVIS LANZA |) |
| Defendants |) |
| |) |

COMPLAINT AND DEMAND FOR JURY TRIAL

NOW COMES the Plaintiff, Diane Huynh (hereinafter “Plaintiff”), and avers as follows:

PARTIES/JURISDICTION

1. Plaintiff, DIANE HUYNH, is an individual with a current residential address of 448 Washington Street #3, Roslindale, Suffolk County, Massachusetts
2. The Defendant, 388 LLC, is a limited liability company authorized to do business within the Commonwealth, with a principal place of business and registered agent located at 388 East 8th Street, Boston, Suffolk County Massachusetts.
3. The Defendant, 33 ABBOTSFORD STREET REALTY TRUST, (hereinafter “Abbotsford”) is a trust company authorized to do business within the Commonwealth, with a principal place of business and registered agent located at 388 East 8th Street, Boston, Suffolk County Massachusetts.
4. The Defendant, LIVE FREE OR DIE HOLDINGS LLC, (hereinafter “LFD Holdings) is a limited liability company authorized to do business within the Commonwealth, with a principal place of business and registered agent located at 388 East 8th Street, Boston, Suffolk County Massachusetts.
5. Defendant, ELVIS LANZA, is an individual with a with a current residential address of 1444 Blue Hill Avenue, Apt 104, Mattapan, Suffolk County, Massachusetts. (hereinafter “Premises”)

6. The incident which gives rise to this complaint occurred on October 21, 2021, at the premises located at 194 Harold Street, Boston, Massachusetts.
7. The Court has jurisdiction over this dispute because the plaintiff seeks damages in excess of fifty (\$50,000.00) exclusive of interest and attorney's fees.

FACTS

8. The plaintiff adopts, repeats, realleges and incorporates by reference the allegations set forth in the preceding paragraph as though they were fully set forth herein.
9. At all times material to this action, Defendant, 388 LLC, owned, controlled, and/or otherwise maintained the subject premises.
10. At all times material to this action, Defendant, Abbotsford held the subject premises in trust and otherwise had ownership and control of the premises.
11. At all times material to this action, defendant, LFD Holdings was a trustee of the Abbotsford Trust, and otherwise had ownership and control of the premises.
12. On October 21, 2021, and at all relevant times, Defendant, Elvis Lanza, was a property manager at the subject premises and was acting as the Defendants' agent/employee.
13. On October 21, 2021, Plaintiff Huynh was lawfully on the aforesaid premises, within the scope of her employment as a housing inspector for the City of Boston.
14. While on the premises to perform an inspection of a second-floor apartment, Defendants' property manager, Elvis Lanza failed to control an unleashed dog, causing it to lunge at Plaintiff and further causing her to fall down a set of interior stairs.
15. As a direct result of the failure of the owner to restrain his dog, the Plaintiff suffered severe and permanent physical and emotional injuries which required hospital and medical treatment; sustained past, present, and future pain, suffering, and mental distress which caused the Plaintiff to suffer loss of pleasure and enjoyment of life.

COUNT I

(Huynh v. 388 LLC- Strict Liability)

16. The plaintiff adopts, repeats, realleges and incorporates by reference the allegations set forth in the proceeding paragraphs as though they were fully set forth herein.
17. On October 21st, 2021, the dog owned and/or kept by or on behalf of the Defendants' lunged at the Plaintiff causing her to fall and suffer injuries of body and mind.

18. On October 21, 2021, Plaintiff was not committing a trespass or a tort, and was not teasing, tormenting, or abusing the dog.
19. As a direct and proximate result of Defendant's negligence, Plaintiff suffered significant bodily injuries, great pain of body and anguish of mind, and has been caused to incur medical expenses, loss of the enjoyment of life, and other damages.

WHEREFORE, the Plaintiff demands judgment against 388 LLC on Count I, jointly and severally, in an amount to be determined by a jury to serve as compensatory damages, plus costs, interest, reasonable attorney's fees where allowed by law, and such other and further relief as this court deems equitable and just.

COUNT II

(Huynh v. Abbotsford - Strict Liability)

20. The plaintiff adopts, repeats, realleges and incorporates by reference the allegations set forth in the proceeding paragraphs as though they were fully set forth herein.
21. On October 21st, 2021, the dog owned and/or kept by or on behalf of the Defendants' lunged at the Plaintiff causing her to fall and suffer injuries of body and mind.
22. On October 21, 2021, Plaintiff was not committing a trespass or a tort, and was not teasing, tormenting, or abusing the dog.
23. As a direct and proximate result of Defendant's negligence, Plaintiff suffered significant bodily injuries, great pain of body and anguish of mind, and has been caused to incur medical expenses, loss of the enjoyment of life, and other damages.

WHEREFORE, the Plaintiff demands judgment against 33 Abbotsford on Count II, jointly and severally, in an amount to be determined by a jury to serve as compensatory damages, plus costs, interest, reasonable attorney's fees where allowed by law, and such other and further relief as this court deems equitable and just.

COUNT III

(Huynh v. LFD Holdings - Strict Liability)

24. The plaintiff adopts, repeats, realleges and incorporates by reference the allegations set forth in the proceeding paragraphs as though they were fully set forth herein.
25. On October 21st, 2021, the dog owned and/or kept by or on behalf of the Defendants' lunged at the Plaintiff causing her to fall and suffer injuries of body and mind.
26. On October 21, 2021, Plaintiff was not committing a trespass or a tort, and was not teasing, tormenting, or abusing the dog.

27. As a direct and proximate result of Defendant's negligence, Plaintiff suffered significant bodily injuries, great pain of body and anguish of mind, and has been caused to incur medical expenses, loss of the enjoyment of life, and other damages.

WHEREFORE, the Plaintiff demands judgment against LFD Holdings on Count III, jointly and severally, in an amount to be determined by a jury to serve as compensatory damages, plus costs, interest, reasonable attorney's fees where allowed by law, and such other and further relief as this court deems equitable and just.

COUNT IV

(Huynh v. Lanza - Strict Liability)

28. The plaintiff adopts, repeats, realleges and incorporates by reference the allegations set forth in the proceeding paragraphs as though they were fully set forth herein.
29. On October 21st, 2021, the dog owned and/or kept by or on behalf of the Defendants' lunged at the Plaintiff causing her to fall and suffer injuries of body and mind.
30. On October 21, 2021, Plaintiff was not committing a trespass or a tort, and was not teasing, tormenting, or abusing the dog.
31. As a direct and proximate result of Defendant's negligence, Plaintiff suffered significant bodily injuries, great pain of body and anguish of mind, and has been caused to incur medical expenses, loss of the enjoyment of life, and other damages.

WHEREFORE, the Plaintiff demands judgment against Lanza on Count IV, jointly and severally, in an amount to be determined by a jury to serve as compensatory damages, plus costs, interest, reasonable attorney's fees where allowed by law, and such other and further relief as this court deems equitable and just.

COUNT V

(Huynh v. 388 LLC – Negligence)

32. The plaintiff adopts, repeats, realleges and incorporates by reference the allegations set forth in the proceeding paragraphs as though they were fully set forth herein.
33. At all times material hereto, the Defendant, 388 LLC, owed a duty of care to take steps which were reasonable and appropriate to prevent in view of all the circumstances, including the likelihood of injury to others, the seriousness of the injury, and the burden of avoiding the risk.

34. As the keeper of the dog, Defendant, 338 LLC and/or its employees owed the Plaintiff a duty of care to control the dog and/or prevent it from causing injury to the Plaintiff and others similarly situated.
35. At all times material hereto, the Defendant, 388 LLC and/or its agents/employees chose not to exercise due care in its handling of the dog, and it was foreseeable that failure to do so would cause harm to the Plaintiff.
36. As a direct and proximate result of Defendant's negligence, Plaintiff suffered significant bodily injuries, great pain of body and anguish of mind, and has been caused to incur medical expenses, loss of the enjoyment of life, and other damages.

WHEREFORE, the Plaintiff demands judgment against 388 LLC on Count I, jointly and severally, in an amount to be determined by a jury to serve as compensatory damages, plus costs, interest, reasonable attorney's fees where allowed by law, and such other and further relief as this court deems equitable and just.

COUNT VI

(Huynh v. 33 Abbotsford – Negligence)

37. The plaintiff adopts, repeats, realleges and incorporates by reference the allegations set forth in the proceeding paragraphs as though they were fully set forth herein.
38. At all times material hereto, the Defendant, 33 Abbotsford, owed a duty of care to take steps which were reasonable and appropriate to prevent in view of all the circumstances, including the likelihood of injury to others, the seriousness of the injury, and the burden of avoiding the risk.
39. As the keeper of the dog, Defendant, 33 Abbotsford and/or its employees owed the Plaintiff a duty of care to control the dog and/or prevent it from causing injury to the Plaintiff and others similarly situated.
40. At all times material hereto, the Defendant, 33 Abbotsford and/or its agents/employees chose not to exercise due care in its handling of the dog, and it was foreseeable that failure to do so would cause harm to the Plaintiff.
41. As a direct and proximate result of Defendant's negligence, Plaintiff suffered significant bodily injuries, great pain of body and anguish of mind, and has been caused to incur medical expenses, loss of the enjoyment of life, and other damages.

WHEREFORE, the Plaintiff demands judgment against 33 Abbotsford on Count VI, jointly and severally, in an amount to be determined by a jury to serve as compensatory damages, plus costs, interest, reasonable attorney's fees where allowed by law, and such other and further relief as this court deems equitable and just.

COUNT VII

(Huynh v. LFD Holdings – Negligence)

42. The plaintiff adopts, repeats, realleges and incorporates by reference the allegations set forth in the proceeding paragraphs as though they were fully set forth herein.
43. At all times material hereto, the Defendant, LFD Holdings, owed a duty of care to take steps which were reasonable and appropriate to prevent in view of all the circumstances, including the likelihood of injury to others, the seriousness of the injury, and the burden of avoiding the risk.
44. As the keeper of the dog, Defendant, LFD Holdings and/or its employees owed the Plaintiff a duty of care to control the dog and/or prevent it from causing injury to the Plaintiff and others similarly situated.
45. At all times material hereto, the Defendant, LFD Holdings and/or its agents/employees chose not to exercise due care in its handling of the dog, and it was foreseeable that failure to do so would cause harm to the Plaintiff.
46. As a direct and proximate result of Defendant's negligence, Plaintiff suffered significant bodily injuries, great pain of body and anguish of mind, and has been caused to incur medical expenses, loss of the enjoyment of life, and other damages.

WHEREFORE, the Plaintiff demands judgment against LFD Holdings on Count VII, jointly and severally, in an amount to be determined by a jury to serve as compensatory damages, plus costs, interest, reasonable attorney's fees where allowed by law, and such other and further relief as this court deems equitable and just.

COUNT VIII

(Huynh v. Lanza – Negligence)

47. The plaintiff adopts, repeats, realleges and incorporates by reference the allegations set forth in the proceeding paragraphs as though they were fully set forth herein.
48. At all times material hereto, the Defendant, Lanza, owed a duty of care to take steps which were reasonable and appropriate to prevent in view of all the circumstances, including the likelihood of injury to others, the seriousness of the injury, and the burden of avoiding the risk.
49. As the keeper of the dog, Defendant, Lanza owed the Plaintiff a duty of care to control the dog and/or prevent it from causing injury to the Plaintiff and others similarly situated.

50. At all times material hereto, the Defendant, Lanza chose not to exercise due care in its handling of the dog, and it was foreseeable that failure to do so would cause harm to the Plaintiff.
51. As a direct and proximate result of Defendant's negligence, Plaintiff suffered significant bodily injuries, great pain of body and anguish of mind, and has been caused to incur medical expenses, loss of the enjoyment of life, and other damages.

WHEREFORE, the Plaintiff demands judgment against Lanza on Count VIII, jointly and severally, in an amount to be determined by a jury to serve as compensatory damages, plus costs, interest, reasonable attorney's fees where allowed by law, and such other and further relief as this court deems equitable and just.

PLAINTIFF DEMANDS A TRIAL BY JURY

Respectfully submitted,
Plaintiff, by her Attorney,



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