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COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

SUPERIOR COURT
CIVIL ACTION NO.

2484 CV 1583 G

MASSACHUSETTS DEPARTMENT OF TRANSPORTATION, Plaintiff)
V.)
DOVE TRANSPORTATION, LLC Defendant)

JOHN E. FORENSIS III
 ACTING CLERK MAGISTRATE
 2024 JUN 14 A 11:55
 SUFFOLK SUPERIOR COURT
 CIVIL CLERK'S OFFICE

COMPLAINT AND JURY DEMAND

PARTIES

1. Plaintiff, Massachusetts Department of Transportation ("MassDOT"), is an executive office of the Commonwealth of Massachusetts located in Boston, County of Suffolk, Commonwealth of Massachusetts.
2. Defendant, Dove Transportation, LLC ("Dove"), is an Alabama corporation with a usual place of business in Lincoln, Alabama.

FACTS COMMON TO ALL COUNTS

3. On July 19, 2021, a tractor-trailer operated by Curtis Henry ("Henry") and owned, controlled by, and registered to Dove was traveling on Interstate 93 southbound in Medford, Massachusetts.
4. At the same time and place, the defendant's tractor-trailer was transporting a metal tank.
5. As the defendant's tractor trailer passed under the second overpass of Roosevelt Circle, the metal tank struck the underside of the overpass bridge.
6. The collision occurred because the trailer and tank exceeded the height limit of the overpass bridge.

7. The impact of the collision caused substantial damage to the support beams of the bridge.
8. The aforementioned bridge is owned by MassDOT.
9. Prior to the collision, Dove applied for and received a permit from MassDOT to operate the tractor-trailer with its cargo on certain Massachusetts roadways. However, the permit did not authorize the tractor-trailer to travel on Interstate 93 south. In addition, the permit required that the defendant find a suitable detour for all bridges having insufficient clearance.

COUNT I

Massachusetts Department of Transportation v. Dove Transportation, LLC
Negligence

10. MassDOT repeats, re-alleges and incorporates all preceding paragraphs as if set forth herein.
11. At all relevant times, Henry was operating the vehicle for the benefit of defendant, Dove.
12. At all relevant times, Henry was an agent, servant, employee, within the scope of his authority and/or employment, and/or otherwise under the direction and control of Dove.
13. Dove owed MassDOT a duty of care while its vehicle was operating on Massachusetts roadways and consistent with the proper transaction of Dove's business.
14. Dove vicariously and/or independently breached its duty of care owed to MassDOT on the date of the alleged incident.
15. As a direct and proximate result, MassDOT was caused to sustain substantial property damage.

WHEREFORE, plaintiff, Massachusetts Department of Transportation, demands judgment against defendant, Dove Transportation, LLC, granting the plaintiff damages, costs,

interest, and any other relief which this Court deems just and proper.

JURY DEMAND

Plaintiff, Massachusetts Department of Transportation, demands a trial by jury as to all issues and claims.

Respectfully Submitted,

Plaintiff
MASSACHUSETTS DEPARTMENT OF
TRANSPORTATION

By its Attorneys

ANDREA JOY CAMPBELL
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/s/ Patrick J. Johnston

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