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COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss

SUPERIOR COURT DEPARTMENT CIVIL ACTION NO:

AVA HARLOW,

Plaintiff.

v.

MASSACHUSETTS BAY TRANSPORTATION AUTHORITY,

Defendant.

COMPLAINT AND DEMAND FOR JURY TRIAL

- 1. The Plaintiff, Ava Harlow, resides at 1 Whitcher Court, Amesbury, Essex County, Massachusetts.
- 2. The Defendant, Massachusetts Bay Transportation Authority ("MBTA"), is an independent public authority with a principal place of business at 10 Park Plaza, Suite 5610, Boston, Suffolk County, Massachusetts. At all times material hereto, MBTA was a carrier of passengers for hire.
- 3. On January 27, 2023, Ava Harlow was a passenger on MBTA's Green Line, disembarking on the westbound side of Boston University Central Station.
- 4. Ava Harlow was in close proximity to the train, knocking on a window of the train to try to get some friends' attention. While she was so engaged, the operator started the train. This caused her to lose her balance and fall underneath the train, where she became trapped. As a result of falling underneath the train and being struck by it, Ms. Harlow suffered extensive severe injuries.
- 5. Ms. Harlow's injuries were caused by the carelessness and negligence of the MBTA employees in starting the train and pulling away before she was safely clear of the train and failing to promptly stop the train before she was injured, including, but not limited to, the failure of the operators of both the lead and trailer trolleys to make necessary observations and take necessary precautions to prevent the train from starting until Ms. Harlow was clear of the train.

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6. As a result of the Defendant's negligence, the Plaintiff, Ava Harlow, was seriously injured, was prevented from transacting her business, suffered great pain of body and mind, and incurred expenses for medical attention and hospitalization.

7. On May 2, 2024, counsel mailed a presentment letter pursuant to Mass. Gen. Laws c. 258, §4 (copy attached as *Exhibit A*). All conditions precedent to this action have been performed or have occurred.

WHEREFORE, the Plaintiff, Ava Harlow, demands judgment against the Defendant,

Massachusetts Bay Transportation Authority, in an amount that is fair together with interest and
costs.

PLAINTIFF DEMANDS A TRIAL BY JURY.

Respectfully submitted,

AVA HARLOW By counsel,

1st J. Michael Conley

J. Michael Conley BBO #094090 Kenney & Conley, P.C. 100 Grandview Road, Suite 218 P.O. Box 859139 Braintree, MA 02185-9139 781-848-9891 michael@kenneyconley.com

Isl Jonathan A. Karon

Jonathan A. Karon BBO #549450 Karon Law LLC 10 High Street, Suite 401 Boston, MA 02110 617-405-3200 jakaron@karonlaw.net

DATED: December 6, 2024

EXHIBIT A

Date Filed 12/6/2024 9:57 AM Superior Court - Suffolk Docket Number

KARON LAW, LLC 10 HIGH STREET, SUITE 401 BOSTON, MA 02110

(617) 405-3200 jakaron@karonlaw.net

CERTIFIED MAIL RETURN RECEIPT REQUESTED

May 2, 2024

Phillip Eng General Manager and CEO Massachusetts Bay Transportation Authority 10 Park Plaza, Suite 5610 Boston, MA 02116

Monica Tibbits-Nutt Secretary and CEO Mass DOT 10 Park Plaza, Suite 4160 Boston, MA 02116 Meredith Slesinger Rail and Transit Administrator Mass DOT 10 Park Plaza, Suite 4160 Boston, MA 02116

Andrea Joy Campbell Attorney General 1 Ashburton Place 20th Floor Boston, MA 02108

Re: Presentment of Claim for injuries sustained by Ava Harlow on January 27, 2023

Dear Mr. Eng, Ms. Slesinger, Secretary Tibbits-Nuit and Attorney General Campbell:

This letter constitutes presentment, pursuant to Mass. Gen. Laws Ch. 258 § 4, of Ava Harlow's claim against the Massachusetts Bay Transportation Authority (MBTA) for severe personal injuries she sustained on January 27, 2023 when she was trapped under and struck by a westbound MBTA green line train on the B line in the vicinity of the Boston University Central stop. My office represents Ms. Harlow with respect to her claim.

Ava Harlow was injured at between approximately 11:20 and 11:27 p.m. Ava was a passenger on the train and exited at the BU Central stop. She was knocking on a window of the train to try to get some friends' attention. While she was so engaged, the operator started the train. This caused Ava to lose her balance and fall underneath the train, where she became trapped. As a result of falling underneath the train and being struck by it, Ava suffered extensive severe injuries, including traumatic below the knee amputation of her left leg, skull fractures, fractured left femur, fractured right humerus, fractured right elbow, pubic fracture, vertebral fractures and subsequent development of a pulmonary embolism. She has required extensive treatment, including extended hospitalization, multiple surgeries and a left leg prosthesis. Ava was twenty years old at the time she was injured and is facing a lifetime bearing the burdens of the effects of these injuries. She has already incurred substantial medical expenses totaling over

\$1,228,623.60 and will require extensive further medical treatment for the rest of her life.

Ava Harlow's injuries were caused by the carelessness and negligence of the MBTA employees in starting the train and pulling away before she was safely clear of the train and failing to promptly stop the train before she was injured, including, but not limited to, the failure of the Operators of both the lead and trailer trolleys to make necessary observations and take necessary precautions to prevent the train from starting until Ms. Harlow was clear of the train.

As of today, the MBTA has wrongfully withheld numerous requested public records in its possession pertaining to the happening of this incident, including a video of the incident, which was reviewed by an investigating MBTA Transit Police Officer. Nonetheless, even the information uncovered so far makes it clear that Ava Harlow's injuries were due to the MBTA's carelessness and negligence. Given the catastrophic, life altering, nature of those injuries, Ava Harlow demands Twenty Million Dollars (\$20,000,000) in settlement of her claims against the MBTA for those injuries.

I look forward to your response.

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Very truly yours,

Jonathan A. Karon

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CERTIFIED MAIL RETURN RECEIPT NO. 9589 0710 5270 0429 9350 96 (Meredith Slesinger)

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CERTIFIED MAIL RETURN RECEIPT NO. 9589 0710 5270 0429 9351 57 (Andrea Joy Campbell)

cc: all recipients by regular mail

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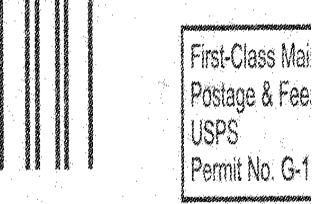
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