

RETURN DATE: APRIL 7, 2009 : SUPERIOR COURT
JOSE VASQUEZ, ADMINISTRATOR OF THE :
ESTATE OF PEDRO VASQUEZ : J.D. OF NEW LONDON
VS. : AT NEW LONDON
HUNTER'S AMBULANCE SERVICE, INC.; :
GROTON ESTATES, LLC; and MCR PROPERTY :
MANAGEMENT, INC.; : MARCH 16, 2009

COMPLAINT

FIRST COUNT: (*Wrongful Death Action Against Hunter's Ambulance Service, Inc.*)

1. On March 12, 2009, the Plaintiff, Jose Vasquez, a resident of Groton, CT, was appointed the Administrator of the Estate Pedro Vasquez by the Probate Court for the District of Groton, and he brings this action pursuant to Connecticut General Statutes § 52-555 for the death of Plaintiff's decedent, Pedro Vasquez.

2. At all times pertinent hereto, under the terms of a written lease, the Plaintiff and the Plaintiff's decedent lived in an apartment at 54 Nathan Hale Road in Groton, CT, in the complex known as Groton Estates.

3. The Defendant, Groton Estates, LLC, is the owner of the apartment complex known as Groton Estates.

4. The Defendant, MCR Property Management, Inc. is a property management company that controls, operates, and/or oversees the Groton Estates apartment complex.

5. The premises at 54 Nathan Hale Road in Groton, CT, including the paved walkway and concrete steps leading up to the front entrance, were owned, controlled, operated, maintained, and or inspected by Groton Estates, LLC.

6. The premises at 54 Nathan Hale Road in Groton, CT, including the paved walkway and concrete steps leading up to the front entrance, were owned, controlled, operated, maintained, and or inspected by MCR Property Management, Inc.

7. On and for many years prior to January 14, 2009, the Plaintiff's decedent was disabled and spent most of his time in a wheelchair.

8. On and prior to January 14, 2009, the Plaintiff's decedent was a dialysis patient who was regularly transported to and from his dialysis treatments by Hunter's Ambulance Services, Inc.

9. Hunter's Ambulance Services, Inc. is an ambulance and transportation company that holds itself out as knowledgeable and experienced in medical transportation.

10. On January 14, 2009, two employees of Hunter's Ambulance Services, Inc. brought the Plaintiff's decedent to and from his dialysis treatment in a wheelchair van as they had done numerous times in the past.

11. On January 14, 2009, while two employees of Hunter's Ambulance Services, Inc. were attempting to carry the Plaintiff's decedent in his wheelchair up the front steps into the apartment building, one of the ambulance attendants was caused to slip, trip or otherwise lose his footing on or near the bottom of the front stairs, causing the wheelchair to drop such that the Plaintiff's decedent's head forcefully struck a concrete step, resulting in the injuries further described below and his death on January 16, 2009.

12. Said injuries and the resulting death of Mr. Vasquez were caused by the negligence of the Defendant Hunter's Ambulance Services, Inc., its agents, servants, and/or employees, in one or more of the following ways in that it/they:

- (a) dropped the Plaintiff's decedent's wheelchair, causing his head to strike the concrete step with great force and trauma;
- (b) failed to keep the decedent's wheelchair under proper control when moving him up the stairs;
- (c) failed to keep a proper lookout as to where they were walking and to be aware of their surroundings;
- (d) failed to use a stair chair in order to safely move the Plaintiff's decedent up the stairs;
- (e) failed to use a stair chair when they knew that it was specifically designed for carrying chair-bound patients safely up or down stairs;
- (f) attempted to carry the decedent into the building while in his own wheelchair, when it was unsafe to do so;
- (g) failed to use a portable ramp or similar device to facilitate the safe movement of the wheelchair up the stairs;

- (h) failed to have or implement a policy regarding the use of stair chairs for carrying chair-bound patients up stairs;
- (i) failed to adhere to its own policy regarding safe movement of patients up stairs;
- (j) failed to properly train its drivers and attendants in safe patient carrying methods, procedures and/or techniques.

13. As a result of the negligence and carelessness of the Defendant, Hunter's Ambulance Services, Inc., its agents, servants, and/or employees, the Plaintiff's decedent suffered injuries including but not limited to a severe traumatic brain injury, brain hemorrhage, massive internal bleeding, lacerated scalp, all of which caused him excruciating physical and mental pain and suffering until causing his premature death on January 16, 2009.

14. At the time of his death, Mr. Vasquez, age 75, was a loving father, grandfather and friend to many. His death destroyed his ability to carry out life's activities, including the ability to enjoy his life and the company of his family and friends, resulting in substantial loss and damage to his estate.

15. As a result of his injuries and death, Mr. Vasquez's estate incurred medical bills and expenses for his funeral and related final expenses.

SECOND COUNT: (*Wrongful Death Action Against Defendant Groton Estates, LLC*)

1-11. Paragraphs 1 through 11 inclusive of the First Count are made Paragraphs 1 through 11 of this the Second Count as if fully stated herein.

12. The premises at 54 Nathan Hale Road were not handicapped accessible.

13. For many years prior to January 14, 2009, the Plaintiff requested that the apartment complex provide or allow a wheelchair ramp for the benefit of the Plaintiff's decedent.

14. The Defendant repeatedly denied the Plaintiff's request for a wheelchair ramp.

15. The Defendant repeatedly discouraged the Plaintiff in his requests for a wheelchair ramp and represented that a ramp was not allowed and would not be approved even if the Plaintiff built it at his own expense.

16. Said injuries and the resulting death of Mr. Vasquez were caused by the negligence of the Defendant Groton Estates, LLC, its agents, servants, and/or employees, in one or more of the following ways in that it/they:

- a. Violated the Connecticut State Building Code § 1014.6.2 by having or allowing variation of more than 3/16 of an inch between risers on the stairs;
- b. Violated the Connecticut State Building Code § 1014.6.2 by not providing dimensional uniformity of treads and risers on the stairs;
- c. Violated the Connecticut State Building Code § 1014.7 by failing to provide proper guards and handrails on the stairs;
- d. Violated the Connecticut State Building Code § 1021.2 by failing to provide a guard at least 42 inches high;
- e. Violated the Connecticut State Building Code § 1014.7 by failing to have intermediate handrails so that all portions of the width of the stairs were within 30 inches of a handrail;
- f. Violated the Connecticut State Building Code § 1022.2.4 by failing to provide a functional handrail of the proper dimensions;
- g. Provided front steps with variations in the sizes of treads and risers;
- h. Provided front steps with handrails that were spaced too far apart;
- i. Failed to provide stairs with functional handrails within 30 inches of any point on the stairs;
- j. Provided front steps with guards and handrails that were too low;

- k. Failed to provide functional handrails;
- l. Failed to provide a safe set of front steps;
- m. Failed to discover or remedy the dangerous condition of the front steps;
- n. Failed to provide or allow a wheelchair ramp;
- o. Violated the Connecticut Fair Housing Act, Conn. Gen. Stat. § 46a-64b, by denying or discouraging the construction of a wheelchair ramp;
- p. Violated the Connecticut Discriminatory Housing Practice Act, Conn. Gen. Stat. § 46a-64c, by denying or discouraging the construction of a wheelchair ramp;
- q. repeatedly denied the plaintiff's requests for a handicapped access ramp;
- r. repeatedly discouraged the plaintiff's requests for a ramp and represented that it was not allowed on the premises;
- s. Failed to clear the walk of sand;
- t. Failed to inspect the front walk and steps;
- u. Failed to discover or remedy slippery conditions on the walk and front steps;
- v. Failed to bring the apartment units into compliance with the above sections of the Building Code when they were required to do so;
- w. Caused or allowed conditions to exist on the walk and stairs that would contribute to a fall.

17. As a result of the negligence and carelessness of the Defendant, Groton Estates, LLC, its agents, servants and/or employees, the Plaintiff's decedent suffered injuries including but not limited to a severe traumatic brain injury, brain hemorrhage, massive internal bleeding, lacerated scalp, all of which caused him excruciating physical and mental pain and suffering until causing his premature death on January 16, 2009.

18. At the time of his death, Mr. Vasquez, age 75, was a loving father, grandfather and friend to many. His death destroyed his ability to carry out life's activities, including the ability to enjoy his life and the company of his family and friends, resulting in substantial loss and damage to his estate.

19. As a result of his injuries and death, Mr. Vasquez's estate incurred medical bills and expenses for his funeral and related final expenses.

THIRD COUNT: *(Wrongful Death Action Against Defendant MCR Property Management, Inc.)*

1-15. Paragraphs 1 through 15 inclusive of the Second Count are made Paragraphs 1 through 15 of this Third Count as if fully stated herein.

16. Said injuries and the resulting death of Mr. Vasquez were caused by the negligence of the Defendant MCR Property Management, Inc., its agents, servants, and/or employees, in one or more of the following ways in that it/they:

- a. Violated the Connecticut State Building Code § 1014.6.2 by having or allowing variation of more than 3/16 of an inch between risers on the stairs;
- b. Violated the Connecticut State Building Code § 1014.6.2 by not providing dimensional uniformity of treads and risers on the stairs;
- c. Violated the Connecticut State Building Code § 1014.7 by failing to provide proper guards and handrails on the stairs;
- d. Violated the Connecticut State Building Code § 1021.2 by failing to provide a guard at least 42 inches high;
- e. Violated the Connecticut State Building Code § 1014.7 by failing to have intermediate handrails so that all portions of the width of the stairs were within 30 inches of a handrail;
- f. Violated the Connecticut State Building Code § 1022.2.4 by failing to provide a functional handrail of the proper dimensions;
- g. Provided front steps with variations in the sizes of treads and risers;
- h. Provided front steps with handrails that were spaced too far apart;

- i. Failed to provide stairs with functional handrails within 30 inches of any point on the stairs;
- j. Provided front steps with guards and handrails that were too low;
- k. Failed to provide functional handrails;
- l. Failed to provide a safe set of front steps;
- m. Failed to discover or remedy the dangerous condition of the front steps;
- n. Failed to provide or allow a wheelchair ramp;
- o. Violated the Connecticut Fair Housing Act, Conn. Gen. Stat. § 46a-64b, by denying or discouraging the construction of a wheelchair ramp;
- p. Violated the Connecticut Discriminatory Housing Practice Act, Conn. Gen. Stat. § 46a-64c, by denying or discouraging the construction of a wheelchair ramp;
- q. repeatedly denied the plaintiff's requests for a handicapped access ramp;
- r. repeatedly discouraged the plaintiff's requests for a ramp and represented that it was not allowed on the premises;
- s. Failed to clear the walk of sand;
- t. Failed to inspect the front walk and steps;
- u. Failed to discover or remedy slippery conditions on the walk and front steps;
- v. Failed to bring the apartment units into compliance with the above sections of the Building Code when they were required to do so;
- w. Caused or allowed conditions to exist on the walk and stairs that would contribute to a fall.

17. As a result of the negligence and carelessness of the Defendant, MCR Property Management, Inc., its agents, servants and/or employees, the Plaintiff's decedent suffered injuries including but not limited to a severe traumatic brain injury, brain hemorrhage, massive internal bleeding, lacerated scalp, all of which caused him excruciating physical and mental pain and suffering until causing his premature death on January 16, 2009.

18. At the time of his death, Mr. Vasquez, age 75, was a loving father, grandfather and friend to many. His death destroyed his ability to carry out life's activities, including the ability to enjoy his life and the company of his family and friends, resulting in substantial loss and damage to his estate.

19. As a result of his injuries and death, Mr. Vasquez's estate incurred medical bills and expenses for his funeral and related final expenses.

WHEREFORE, the Plaintiffs pray for relief as follows:

1. Fair, just and reasonable money damages.

THE PLAINTIFF,

By _____
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STATEMENT OF AMOUNT IN DEMAND

The amount in demand is greater than Fifteen Thousand and No/100 (\$15,000.00) Dollars, exclusive of interest and costs, pursuant to Section 52-91 of the Connecticut General Statutes.

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