

STATE OF RHODE ISLAND
PROVIDENCE, SC.

SUPERIOR COURT

ERIKA HANSEN *and* REID HANSEN, :
individually and as parents and next friends :
of their minor children, C.H., S.H., :
and M.H., :

Plaintiffs, :

v. :

C.A. No.:

BRADY SULLIVAN HARRIS MILL, LLC, :
BRADY SULLIVAN PROPERTIES, LLC, :
JOHN DOES 1-5, JANE DOES 1-5, *and* :
XYZ CORPORATIONS 1-5, :

Defendants. :

COMPLAINT

Now come Plaintiffs, Erika Hansen and Reid Hansen, individually and as parents and next friends of their minor children, C.H., S.H., and M.H., by and through their undersigned counsel, and complain as follows:

PARTIES

1. Plaintiff Erika Hansen (hereinafter “Mrs. Hansen”) is a resident of Riverside in the State of Rhode Island.
2. Plaintiff Reid Hansen (hereinafter “Mr. Hansen”) is a resident of Riverside in the State of Rhode Island.
3. Plaintiffs C.H., S.H., and M.H. (hereinafter collectively the “minor children”) are minor children, are the biological children of Mrs. Hansen and Mr. Hansen, and are residents of Riverside in the State of Rhode Island.

4. Upon information and belief, Defendant Brady Sullivan Harris Mill, LLC (hereinafter “BSHM”) is a domestic limited liability company doing business in the State of Rhode Island with a principal office at 670 N. Commercial Street, Manchester, NH 03101.
5. Upon information and belief, Defendant Brady Sullivan Properties, LLC (hereinafter “Brady Sullivan”) is a domestic limited liability company doing business in the State of Rhode Island with a principal office at 670 N. Commercial Street, Suite 300, Manchester, NH 03131.
6. Defendants John Does 1-5, Jane Roes 1-5, and XYZ Corporations 1-5 (hereinafter collectively the “additional defendants”) are individuals or other legal entities, whose identities are currently unknown but who are believed to exist.
7. Upon information and belief, the negligence of the additional defendants contributed to Plaintiffs’ injuries as alleged herein. Accordingly, Plaintiffs request leave of this Court to more specifically identify these defendants as that information becomes available.

JURISDICTION

8. The amount in controversy in the above-captioned action is sufficient for this Court to have exclusive original jurisdiction pursuant to R.I.G.L. §8-2-14.
9. This is the proper venue for the above-captioned action.

FACTUAL BACKGROUND

10. The above-captioned action arises out of personal injuries suffered by Plaintiffs due to the neglect and reckless disregard by all Defendants.
11. BSHM, Brady Sullivan, and the additional defendants (hereinafter collectively “Defendants”) own, operate, manage, maintain, supervise, and/or are otherwise

responsible for a residential property called the Harris Mill Lofts located at 618 Main Street in Coventry, Rhode Island (hereinafter the “Mill”).

12. Plaintiffs formerly occupied unit 3-318 of the Mill.
13. Prior to moving in to their apartment at the Mill, Plaintiffs were in good health.
14. Plaintiffs initially moved into their apartment at the Mill in or about May, 2015.
15. Shortly after moving in to the apartment at the Mill, Mr. Hansen began experiencing a severe deterioration in his health.
16. Mr. Hansen’s symptoms included respiratory infections, bronchitis, pneumonia, sinus infections, and uncontrollable asthma which has required multiple inhalers to suppress.
17. Shortly after moving in to the apartment at the Mill, Mrs. Hansen began experiencing a severe deterioration in her health.
18. Mrs. Hansen’s symptoms included frequent sinus infections, bronchitis, pneumonia, migraines, repeated nosebleeds, irritated eyes and nostrils, and ultimately costochondritis.
19. During their tenancy in the apartment at the Mill, the minor children experienced severe respiratory distress and other health problems.
20. The minor children’s symptoms included throat infections, swollen tonsils, respiratory infections, and respiratory distress.
21. On one occasion, S.H. was hospitalized with severe respiratory problems, along with a resulting high fever and dehydration.
22. On a subsequent occasion, S.H. was rushed to the emergency room with similar symptoms.
23. M.H. regularly experienced allergy-like symptoms while in the apartment.
24. During their tenancy Plaintiffs noticed mold under their kitchen sink.

25. During their tenancy Plaintiffs regularly encountered an odor in their bathroom.
26. Plaintiffs also noticed an infestation of small, black gnats in and around the kitchen sink in the apartment, as well as their bathroom.
27. Plaintiffs noticed a leak in their roof, which caused water to run down their walls and pool up behind the paint.
28. Plaintiffs complained of these issues to Defendants and Defendants employees/agents, but little was done to remedy the issues.
29. During their tenancy, Plaintiffs regularly struggled with the symptoms listed above and worsening health.
30. During their tenancy, Plaintiffs' care providers were unable to pinpoint the cause of Plaintiffs' symptoms.
31. Upon information and belief, Plaintiffs' symptoms are consistent with exposure to mold and other toxins.
32. Upon information and belief, Plaintiffs' health problems were caused by their exposure to mold and other toxins in the apartment at the Mill.
33. Additionally, Plaintiffs discovered the original hardwood flooring of the Mill was popping up in large sections, causing the nails to protrude.
34. The flooring, specifically large chunks of wood and wood filler, also broke off in large pieces.
35. On one occasion, C.H. suffered two cuts on her foot and had several splinters from the flooring.
36. In December, 2016, Mr. Hansen was hospitalized for ten (10) days with a severe foot infection.

37. During his hospitalization, Mr. Hansen's medical providers debrided his foot, whereupon they discovered multiple metal shards and metallic dust in Mr. Hansen's foot.
38. Mr. Hansen was questioned as to the presence of the metal shards and dust, and as to whether he worked in an industrial facility.
39. Mr. Hansen is a certified financial planner.
40. To Plaintiffs' knowledge, Mr. Hansen was not exposed to any environment with the presence of metal shards and dust other than his apartment, where the nails and flooring remained a constant problem.
41. Plaintiffs repeatedly complained of the flooring to Defendant and Defendant's employees/agents during their tenancy.
42. In response to Plaintiffs' complaints, Defendants and Defendants' agents/employees told Plaintiffs that other residents had the same flooring, and that other residents had not complained of similar problems.
43. As Defendants and Defendants' agents/employees refused to remedy the issue, Plaintiffs were forced to regularly attempt to hammer the old nails and boards back down every few weeks.
44. Plaintiffs were also forced to address this issue by excessively sweeping throughout the apartment to ensure no further splinters, nails, or flooring pieces were left around to injure themselves or the minor children.
45. Plaintiffs' lease ended in January, 2018, and the family immediately moved out of the Mill.
46. Following their departure, the respiratory illnesses for Plaintiffs have continued.

47. After their departure from the Mill, Mr. Hansen still suffers severe asthma and combats constant respiratory problems.

48. Mrs. Hansen continues to experience sinus infections, irritation of her eyes and nostrils, costochondritis, and constant respiratory problems.

49. The minor children have also continued to require care for respiratory problems.

COUNT I: NEGLIGENCE
(All Plaintiffs against All Defendants)

50. Plaintiffs incorporate and reallege paragraphs 1-49 as if restated herein.

51. Defendants had a duty to provide Plaintiffs with housing free of any hazardous conditions.

52. Defendants had a duty to investigate and correct any hazardous conditions in accordance with the Rhode Island General Laws.

53. Plaintiffs repeatedly made Defendants aware of hazardous and dangerous conditions which existed in and immediately around Plaintiffs' apartment throughout their rental of said premises.

54. Defendants knew or should have known of the dangerous conditions in which they placed Plaintiffs.

55. Upon information and belief, Defendants were also informed of the dangerous and hazardous conditions in the buildings by other tenants of the Mill.

56. Defendants failed to provide Plaintiffs housing that was free of hazardous conditions.

57. As a result of Defendants' negligence Plaintiffs have suffered extreme and irreparable harm.

COUNT II: NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS
(Mr. Hansen and Mrs. Hansen against All Defendants)

58. Plaintiffs incorporate and reallege paragraphs 1-57 as if restated herein.
59. Defendants acted recklessly and with complete disregard for the safety of the Plaintiffs.
60. Defendants engaged in shoddy workmanship by constructing Plaintiffs' unit without any mold remediation or prevention (subflooring, vapor barriers, etc.)
61. No mold remediation was performed in response to repeated reports by Plaintiffs.
62. Upon information and belief, improper cleanup or lack of cleanup of the building prior to Defendants' renovation of the Mill has resulted in multiple hazardous waterborne and/or airborne pathogens remaining present in Plaintiffs' former apartment.
63. As a result of Defendants' negligence, Plaintiffs have suffered extreme and permanent bodily injuries.
64. As a result of Defendants' negligence, Plaintiffs have suffered severe emotional distress, culminating in multiple physical symptoms for which Plaintiffs have received treatment.
65. But for the negligent acts of Defendants, Plaintiffs would not have suffered said injuries.

COUNT III: CIVIL LIABILITY FOR VIOLATION OF THE
RHODE ISLAND GENERAL LAWS
(All Plaintiffs against All Defendants)

66. Plaintiffs incorporate and reallege paragraphs 1-65 as if restated herein.
67. Defendants have violated RIGL 11-5-2.2 by committing a battery against Plaintiffs.
68. Plaintiffs have suffered harm at the hands of the Defendants through their actions and inactions.
69. Defendants' actions are the direct and proximate cause of the injuries that have been sustained by Plaintiffs.
70. Defendants have failed to comply with the Rhode Island Landlord Tenant Statutes.

71. As a result of the Defendants' willful and wanton conduct, Plaintiffs suffered extreme and permanent injuries.

COUNT IV: VIOLATION OF THE RHODE ISLAND LANDLORD TENANT ACT
(All Plaintiffs v. All Defendants)

72. Plaintiffs incorporate and reallege paragraphs 1-71 as if restated herein.

73. Pursuant to the Rhode Island Landlord Tenant Act, Defendants were required to notice Plaintiffs of any housing code violation within thirty (30) days following notice.

74. On April 27th, 2017, the Town of Coventry sent BHSM a Notice of Unsafe Condition Pursuant to 23-27.3-124.1 and Order, Unsafe Condition Due to Mold.

75. Defendants were notified of housing code violations by the Town of Coventry.

76. Defendants failed to notice Plaintiffs of the violations within thirty (30) days.

77. As a result of the Defendants' willful and wanton disregard of the statutes, Plaintiffs have suffered extreme and permanent injuries.

COUNT V: PUNITIVE DAMAGES
(All Plaintiffs v. All Defendants)

78. Plaintiffs incorporate and reallege paragraphs 1-77 as if restated herein.

79. Defendants' actions were grossly negligent.

80. Defendants have been cited for the same or similar infractions listed in this complaint on numerous occasions.

81. Defendants will continue their egregious behavior unless this Court awards punitive damages to deter this behavior and to protect others who may fall prey to Defendants.

WHEREFORE, Plaintiffs pray for the following relief:

1. That the Court find the Defendants liable on all counts;
2. That the Court award the Plaintiffs \$3,000,000 in compensatory damages;
3. That the Court impose punitive against Defendants in the amount of \$10,000,000
4. Any and all other relief that this Court deems meet and just.

PLAINTIFFS HEREBY DEMAND TRIAL BY A JURY.

Respectfully submitted,

Plaintiffs,
ERIKA HANSEN and REID HANSEN,
individually and as parents and next friends
of their minor children, C.H., S.H.,
and M.H.,
By their Attorneys,

/s/ Daniel Calabro, Jr.
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