PROVIDENCE/BRISTOL COUNTY SUPERIOR COURT

SC DOCKET SHEET

CASE NO. PC-2017-5466

JEFFREY MASTROBUONO	§	Location:	**Providence/Bristol County Superior Court**
v.	§		
BRADY SULLIVAN HARRIS MILL, LLC,BRADY SULLIVAN PROPERTIES, LLC	§	Filed on:	**11/15/2017**
	§		

CASE INFORMATION

Case Type: **Personal Injury**

Case Status: **11/15/2017 Unassigned**

Case Flags: **Claim for Jury Trial**

DATE — CASE ASSIGNMENT

Current Case Assignment

Case Number	PC-2017-5466
Court	Providence/Bristol County Superior Court
Date Assigned	11/15/2017

PARTY INFORMATION

		Lead Attorneys
Plaintiff	**MASTROBUONO, JEFFREY**	**CALABRO, DANIEL, Jr.** *Retained* 4012030470(W)
Defendant	**BRADY SULLIVAN HARRIS MILL, LLC**	**ARMATO, STEPHEN T** *Retained* 6172175500 x000(W)
	BRADY SULLIVAN PROPERTIES, LLC	**ARMATO, STEPHEN T** *Retained* 6172175500 x000(W)

DATE — EVENTS & ORDERS OF THE COURT

EVENTS

01/09/2018 Entry of Appearance
Entry of Appearance of Brady Sullivan Properties, LLC

01/09/2018 Entry of Appearance
Entry of Appearance of Stephen T. Armato on behalf of Brady Sullivan Properties LLC

01/09/2018 Entry of Appearance
Entry of Appearance of Brian D. Fishman on behalf of Brady Sullivan Harris Mill, LLC

01/09/2018 Entry of Appearance
Entry of Appearance of Stephen T. Armato on behalf of Defendant Brady Sullivan Harris Mill, LLC

01/05/2018 Answer Filed
Answer of Defendant Brady Sullivan Harris Mills, LLC

01/05/2018 Answer Filed
Answer of Defendant Brady Sullivan Properties, LLC

01/05/2018 Claim of Jury Trial Filed
Jury Demand of Defendant Brady Sullivan Harris Mills, LLC

01/05/2018 Claim of Jury Trial Filed

SC DOCKET SHEET

CASE NO. PC-2017-5466

	Jury Demand of Defendant Brady Sullivan Properties, LLC
11/15/2017	Summons
11/15/2017	Complaint Filed *Complaint*

Case Number: PC-2017-5466
Filed in Providence/Bristol County Superior Court
Submitted: 11/15/2017 10:55:47 AM
Envelope: 1288855
Reviewer: Lynn G.

STATE OF RHODE ISLAND
PROVIDENCE, SC.

SUPERIOR COURT

JEFFREY MASTROBUONO, Plaintiff,	:	
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 comes Plaintiff, Jeffrey Mastrobuono, ("Plaintiff") by and through his undersigned counsel, and complains as follows:

PARTIES

1. Plaintiff is a resident of the State of Rhode Island.
2. 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.
3. Upon information and belief, Defendant Brady Sullivan Properties, LLC (hereainfter "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.
4. 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.

Case Number: PC-2017-5466
Filed in Providence/Bristol County Superior Court
Submitted: 11/15/2017 10:55:47 AM
Envelope: 1288855
Reviewer: Lynn G.

5. Upon information and belief, the negligence of the additional defendants contributed to Plaintiff's injuries as alleged herein. Accordingly, Plaintiff requests leave of this Court to more specifically identify these defendants as that information becomes available.

JURISDICTION

6. 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.
7. This is the proper venue for the above-captioned action.

FACTUAL BACKGROUND

8. The above-captioned action arises out of personal injuries suffered by Plaintiff due to the neglect and reckless disregard by all Defendants.
9. 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 Loft located at 618 Main Street in Coventry, Rhode Island (hereinafter the "Mill").
10. Plaintiff formerly occupied unit 3-201 of the Mill.
11. Prior to his tenancy, Plaintiff was scheduled to move into the property on April 12, 2016.
12. Two days before his move-in date, Plaintiff was contacted by the on-site property manager and was advised that a flood had damaged the entire 2,700 square feet of hardwood flooring in unit 3-201 and that Plaintiff's move in date was to be pushed back for two weeks until April 26, 2016.
13. Defendants advised that as a result of the flood, significant damage had occurred and all of the hardwood floors in unit 3-201 needed to be replaced.
14. Plaintiff subsequently move into the apartment on April 26, 2016.

Case Number: PC-2017-5466
Filed in Providence/Bristol County Superior Court
Submitted: 11/15/2017 10:55:47 AM
Envelope: 1288855
Reviewer: Lynn G.

15. Approximately one month after moving in, Plaintiff noticed that the hardwood floors in his unit began to warp and cup resulting in an unsightly and dangerous condition.
16. Plaintiff immediately advised Defendants of the defects in the hardwood floors.
17. Plaintiff was later advised by the maintenance manager, prior to Plaintiff vacating the premises, that there was a history of water infiltration in his unit.
18. Upon speaking to maintenance personnel, Plaintiff was advised that this situation was a result of the flood that had occurred in the apartment.
19. Plaintiff continually advised Defendants of the situation with the apartment yet they never did anything to repair the problem.
20. Approximately two months after moving into the apartment, Plaintiff began to feel ill.
21. Plaintiff experienced severe breathing difficulties as well as chronic pneumonia and sinus infections.
22. Plaintiff's mother, who spent countless hours at the apartment, has also experienced problems such as nosebleeds and severe rashes, both of which required medical attention.
23. As a result of his illnesses, Plaintiff was required to seek medical attention on approximately fifty (50) different occasions during his tenancy at the apartment due to chronic pneumonia and chronic sinus infections.
24. During the winter of 2017, Plaintiff was diagnosed with irreversible and incurable interstitial lung disease as a result of the chronic pneumonia and hypersensitivity pneumonitis which Plaintiff suffered due to extended exposure to airborne mold toxins.
25. Plaintiff ultimately lost his job and was unable to find further gainful employment due to the airborne mold pathogens found in Plaintiff's blood and resulting illnesses.

Case Number: PC-2017-5466
Filed in Providence/Bristol County Superior Court
Submitted: 11/15/2017 10:55:47 AM
Envelope: 1288855
Reviewer: Lynn G.

26. In or around March, 2017, Plaintiff's adjacent neighbor reported to the Defendants a large mold growth in her bedroom covering areas of her floor and wall as well as some of her furniture.
27. The neighbor's room that contained this mold condition abuts one of Plaintiff's spare bedrooms.
28. Plaintiff was advised by Defendant that maintenance staff as well as in house workers and a remediation assessment company would be coming to evaluate the mold conditions in each of the apartments.
29. Contractors were brought in to remediate the mold problems and completed their work on or about March 6, 2017.
30. Immediately after rectifying the mold situation in the adjacent apartment, Defendants began to contact Plaintiff and advised that they needed to get into his unit to check for mold.
31. Defendants and their mold remediation company entered the Plaintiff's apartment and began to remove portions of the floors to investigate any potential mold problem.
32. Defendants and their mold remediation company found evidence of fruiting mold and saturation beneath the closet floors and rotted, soaking wet floor joist as well as saturated concrete.
33. Defendants removed portions of the hardwood floors and covered the holes with plywood.
34. Defendant later advised Plaintiff that his spare bedroom would need to be demolished, the mold problem would need to be remediated, and the bedroom would then need to be rebuilt.

35. Defendants advised that this process would take approximately one week to complete.

36. Defendants asked if Plaintiff wanted to move out during the construction.

37. At no time did Defendants advise that Plaintiff's continued occupancy of the apartment could be severely detrimental to his health.

38. Plaintiff later received a report from the mold remediation company advising that the entire unit needed to be gutted, remediated and rebuilt.

39. Through their work, Defendants found that the mold was actually migrating from Plaintiff's apartment into adjacent apartments.

40. Defendants also discovered that the mold situation in Plaintiff's apartment was far worse than any other apartment.

41. Plaintiff was initially told by Defendants that the water had been seeping through the bricks in the adjacent apartment.

42. Plaintiff later contacted the neighbor in said apartment who confirmed that this was untrue.

43. When Plaintiff asked the maintenance manager why he was told that water had been seeping through from the adjacent apartment, Plaintiff was told that the management had instructed the maintenance manager to lie.

44. On February 1st, 2017, Plaintiff received an email of "Letter of Intent to Renew Lease".

45. On March 14th, 2017, Plaintiff received an email of the renewal lease.

46. On March 21st, 2017, one week later, after Defendant realized the mold severity in Plaintiff's apartment, Plaintiff received a letter of non-renewal of lease.

47. The March 21 letter indicated that Plaintiff was required to vacate the premises by June 22nd, 2017.

48. Plaintiff immediately contacted the property manager and inquired why, after just sending him his renewal lease one week ago, they were now saying that his lease would not be renewed.
49. Defendant advised that it was because Plaintiff's mother lived in the apartment and she was not listed on the lease.
50. Defendants have never sent Plaintiff a notice of a violation of his lease.
51. One week later Plaintiff was contacted by the Defendants and advised that as a result of the conditions that they found in his apartment, they would not be allowing him to renew his lease.
52. On or about March 6, 2017, Plaintiff's pulmonologist opined that as a result of his irreversible disease and due to the extreme physical trauma that it was causing the Plaintiff, Plaintiff would no longer be able to be gainfully employed.
53. Prior to these injuries Plaintiff had been gainfully employed and operated a very successful business.
54. On or about May 16, 2017, Plaintiff's pulmonologist supplied him with the results of an abnormal CT scan of his chest, abnormal pulmonary function test, and a hypersensitivity pneumonitis blood panel.
55. Through the battery of tests, Plaintiff's doctor found that Plaintiff's illnesses and symptoms were resultant from airborne mold pathogens and related antibodies in his system.
56. The blood tests also showed that the antibodies for proteins found in various mold and pigeon droppings that were present in the blood of the Plaintiff were a result of breathing in airborne mold fungi spores as well as, but not limited to, bird droppings, feces, spores

and fungi.

57. Patient's tests additionally indicated that there were other mold pathogens resulting from rotting wood mold.

58. Plaintiff does not now, nor has he ever, owned or lived with any birds.

59. On or about April 25th, 2017 Plaintiff hired a hardwood specialist to come in and evaluate the damage in the home.

60. The specialist removed the plywood that had been screwed down in his spare bedroom closet that abuts his neighbor's bedroom where Defendant removed the hardwood so as to cover the mold and water deteriorated saturated sub-floor, joists, and saturated concrete.

61. Upon removing the plywood, the hardwood specialist found enormous areas of fruiting mold, wet and deteriorating wood and floor joists, and large amounts of water and moisture.

62. The specialist then removed a piece of bamboo flooring in another room which was directly below the HVAC duct work and found similar disgusting and dangerous conditions as found the bedroom, including areas of black, white, and green mold as well as a completely saturated subfloor.

63. Plaintiff next hired a mold testing company to come in and evaluate the conditions.

64. The mold testing company found and reported all on audio/video that the sub-flooring was entirely deteriorated and was wet to the touch.

65. The mold testing inspector found visible microbial growth and fruiting bodies were observed and growing around the exposed framing.

66. The inspector continued to observe black, yellow, and pink microbials on the exposed framing of the floor that Plaintiff had the hardwood specialist cut out.

Case Number: PC-2017-5466
Filed in Providence/Bristol County Superior Court
Submitted: 11/15/2017 10:55:47 AM
Envelope: 1288855
Reviewer: Lynn G.

67. Immediately upon learning of this, Plaintiff contacted the Town Manager from the Town of Coventry.

68. The Town immediately sent the Building Inspector to the home of the Plaintiff.

69. Upon viewing the conditions that existed in the home of the Plaintiff, the Building Inspector stated that the unit was going to be condemned immediately as it violated local codes and ordinances due to mold and was unsafe for human occupancy.

70. Plaintiff later learned that the Town contacted the Defendants and told them that they should immediately evacuate the Plaintiff from the location.

71. Defendant refused to comply with the instructions of the Building Inspector.

72. 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.

73. The Town notified BSHM and Brady Sullivan that the dwelling was deemed unsafe for occupancy and dangerous to human life and a mitigation plan, as part of the code violation, was to be presented to the Town of Coventry.

74. Plaintiff also learned that Defendants refused comply with the directions of the Town to condemn and evacuate the premises as instructed.

75. In or around March of 2017, prior to the departure of the Plaintiff, Defendants acknowledged the existence of the conditions that existed in Plaintiff's apartment and contacted a contractor for a quote.

76. Defendant has recently hired a contractor to remediate the problems which existed in Plaintiff's apartment.

77. Defendant hired a contractor to demolish and rebuild Plaintiff's former unit.

Case Number: PC-2017-5466
Filed in Providence/Bristol County Superior Court
Submitted: 11/15/2017 10:55:47 AM
Envelope: 1288855
Reviewer: Lynn G.

78. As part of the demolition process, contractors were required to remove hazardous waste for Plaintiff's former apartment.

79. As part of the demolition and rebuild, Defendants were required to perform water extraction and remediation.

80. As a direct result of their noncompliance, Plaintiff's exposure to these life-threatening conditions continued.

COUNT I: NEGLIGENCE

81. Plaintiff incorporates and realleges paragraphs 1-80 as if restated herein.

82. Defendants knew or should have known of the dangerous conditions in which it placed Plaintiff.

83. Defendants had a duty to provide Plaintiff with housing replete of any hazardous conditions.

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

85. Defendants were made aware of hazardous and dangerous conditions which existed in Plaintiff's apartment prior to his rental of said premises.

86. Defendants had a duty to correct any conditions and provide Plaintiff with safe housing.

87. Defendants failed to provide Plaintiff housing that was free of hazardous conditions.

88. As a result of Defendants' negligence Plaintiff has suffered extreme and irreparable harm.

COUNT II: NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS

89. Plaintiff incorporates and realleges paragraphs 1-88 as if restated herein.

90. Defendants acted recklessly and with complete disregard for the safety of the Plaintiff.

Case Number: PC-2017-5466
Filed in Providence/Bristol County Superior Court
Submitted: 11/15/2017 10:55:47 AM
Envelope: 1288855
Reviewer: Lynn G.

91. Defendants engaged in shoddy workmanship by placing new hardwoods over a wet sub-floor without any mold remediation or new sub-floor, vapor barrier, etc.

92. No mold remediation was done after the pre-move-in flood.

93. Moisture levels were reported to be high right down to the soaking wet concrete under the subflooring a year after the pre-move-in flood, as the mold specialist and Town of Coventry building inspector observed.

94. Defendants had knowledge of waterborne contamination in the basement of the building, also pre-original renovation.

95. The fire marshal had stated that the entire building was flooded due to fire department water infiltration in response to a 2011 arson in the building.

96. Defendants, in an article in the Coventry Patch, admitted knowledge of the arson in Harris Mill.

97. The original pre-renovation waterborne contamination is supported by the "ASTM Phase I Environmental Site Assessment" done by Williamson Environmental LLC, as ordered by the Town of Coventry planning board in early 2013, commissioned on April 9th, 2013, prepared for BHSM, showed several feet of standing water settling in the basement of building 3.

98. No mold remediation was done at that time either.

99. Improper or lack of cleanup is also exhibited by the pigeon droppings guano feces found as part of the mold contamination assessment, and blood pathogen testing results.

100. The pathogen 'Pigeon Droppings IgG' was one of various proteins found in the Plaintiff's Hypersensitivity Pneumonitis bloodwork panel. The mold fungi spores found by the mold testing companies testing results are the same as those found in the

Case Number: PC-2017-5466
Filed in Providence/Bristol County Superior Court
Submitted: 11/15/2017 10:55:47 AM
Envelope: 1288855
Reviewer: Lynn G.

Hypersensitivity Pneumonitis bloodwork panel results of Plaintiff are also a result of the gross negligence of the Defendants.

101. The contamination in the apartment unit was so severe that normal remediation could not be completed, after Plaintiff gave up tenancy.

102. Neighborhood eyewitnesses have observed and photographed that since Plaintiff gave up his tenancy, on-site staff and executives began entering his former apartment from the Broad Street private entranceway to unit 3-201 with masks on.

103. Hazardous material teams have been entering the apartment to do work in full hazardous material gear from head to toe.

104. Plaintiff has also become aware that the contamination was so severe that the entire lower level of his former apartment had to be gutted, including but not limited to new sheetrock.

105. The toxic, hazardous materials removed from the apartment were put into a special dumpster.

106. Cement trucks were brought in to lay new concrete flooring, as the concrete below the flooring was saturated and toxic mold was observed by the town building inspector, mold specialist, and hardwood specialist all on audio/video.

107. As a result of Defendants' negligence, Plaintiff has suffered extreme and permanent bodily injuries.

108. As a result of Defendant's negligence, Plaintiff has suffered severe emotional distress, culminating in multiple physical symptoms for which Plaintiff has received treatment.

Case Number: PC-2017-5466
Filed in Providence/Bristol County Superior Court
Submitted: 11/15/2017 10:55:47 AM
Envelope: 1288855
Reviewer: Lynn G.

109. But for the negligent acts of Defendants, Plaintiff would not have suffered said injuries.

COUNT III: VIOLATION OF THE TOXIC SUBSTANCES CONTROL ACT (TSCA, THE RESIDENTIAL LEAD-BASED PAINT HAZARD REDUCTION ACT, THE RENOVATION, REPAIR AND PAINTING RULE (RRP RULE), 40 C.F.R. PART 745, SUBPART E, AND THE LEAD-BASED PAINT DISCLOSURE RULE, 40 C.F.R. PART 745, SUBPART FEPA

110. Plaintiff incorporates and realleges paragraphs 1-109.

111. Defendants have failed to comply with the Federal Statute regarding lead disclosures.

112. Defendants have failed to provide tenants with copies of the lead handbook as required by law.

113. Defendants have forged Plaintiff's signature on several documents that were purportedly given to the Plaintiff yet he had never received them.

114. Upon information and belief, Defendants provided these forged documents to the Housing Resources Commission and/or the EPA in an attempt to show compliance with the statute.

115. Defendants violated the lead laws and subjected him to hazardous lead dust and lead chipping paint to over 5,000 parts per million.

116. On January 26, 2017, Defendants contracted with a lead inspector who purported to inspect Plaintiff's residence.

117. Defendants' lead inspector fabricated and falsified the results or their lead inspection.

118. Subsequent to the Defendants' alleged lead "inspection" Plaintiff hired his own lead inspector.

Case Number: PC-2017-5466
Filed in Providence/Bristol County Superior Court
Submitted: 11/15/2017 10:55:47 AM
Envelope: 1288855
Reviewer: Lynn G.

119. After completion of the lead inspection, Plaintiff was later provided with the results of said inspection.

120. Plaintiff's independent inspection results revealed that the lead levels in Plaintiff's apartment were unsafe.

121. Defendants have already been cited on numerous occasions for the same exact infraction for which they are accused of here.

COUNT IV: CIVIL LIABILITY FOR VIOLATION OF THE RHODE ISLAND GENERAL LAWS

122. Plaintiff incorporates and realleges paragraphs 1-121 as if restated herein.

123. Defendants have violated RIGL 11-5-2.2 by committing a battery against Plaintiff.

124. Plaintiff has suffered harm at the hands of the Defendants through their actions and inactions.

125. Defendants' actions are the direct and proximate cause of the injuries that have been sustained by the Plaintiff.

126. Defendants have failed to comply with the Rhode Island Landlord Tenant Statutes.

127. As a result of the Defendant's willful and wanton conduct, Plaintiff suffered extreme and permanent injuries.

COUNT V: VIOLATION OF THE RHODE ISLAND LANDLORD TENANT ACT

128. Plaintiff incorporates and realleges paragraphs 1-127 as if restated herein.

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

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

Case Number: PC-2017-5466
Filed in Providence/Bristol County Superior Court
Submitted: 11/15/2017 10:55:47 AM
Envelope: 1288855
Reviewer: Lynn G.

131. Defendants were notified of housing violations yet they failed to notice Plaintiff.

132. As a result of the Defendants' willful and wanton disregard of the statutes, Plaintiff has suffered extreme and permanent injuries.

COUNT VI: PUNITIVE DAMAGES

133. Plaintiff incorporates and realleges paragraphs 1-132 as if restated herein.

134. Defendants' actions were grossly negligent.

135. Defendants have been cited for these same infractions listed on numerous occasions.

136. 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, Plaintiff prays for the following relief:

1. That the Court find the Defendant liable on all counts;
2. That the Court award the Plaintiff $10,000,000 in compensatory damages;
3. That the Court impose punitive against the Defedant in the amount of $50,000,000
4. Any and all other relief that this Court deems meet and just.

Respectfully submitted,

Plaintiff,
JEFFREY MASTROBUONO,
By his Attorney,

/s/ Daniel Calabro, Jr.
Daniel Calabro, Jr., Esq. (#7850)
6145 Post Road, Unit 6
North Kingstown, RI 02852
T: (401) 203-0473
F: (888) 461-1955
CalabroLaw@gmail.com

Case Number: PC-2017-5466
Filed in Providence/Bristol County Superior Court
Submitted: 1/5/2018 2:27:20 PM
Envelope: 1354612
Reviewer: Alexa G.

STATE OF RHODE ISLAND

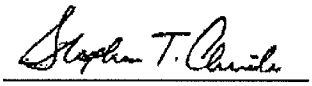
PROVIDENCE, SC. SUPERIOR COURT

JEFFREY MASTROBUONO Plaintiff	)	
v.	)	C.A. NO. 17-5466
BRADY SULLIVAN HARRIS MILL, LLC, BRADY SULLIVAN PROPERTIES, LLC, JOHN DOES 1-5, JANE DOES 1-5, and XYZ CORPORATIONS 1-5 Defendants.	)	

DEFENDANT BRADY SULLIVAN PROPERTIES, LLC'S JURY TRIAL DEMAND

Defendants Brady Sullivan Properties, LLC demand trial by jury on all issues brought by or against them in this action.

Respectfully submitted,
Defendant,
Brady Sullivan Properties, LLC,
By its Counsel,

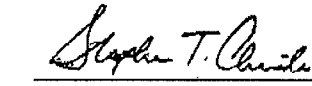


Stephen T. Armato (#6395)
Brian D. Fishman (#9681)
CETRULO LLP
Two Seaport Lane
Boston, MA 02210
Telephone (617) 217-5500
Telecopier (617) 217-5200
sarmato@cetllp.com

Dated: January 5, 2018

CERTIFICATE OF SERVICE

I hereby certify that I served a true copy of this Jury Demand on January 5, 2018 via First-Class Mail on all counsel of record.



Stephen T. Armato

Case Number: PC-2017-5466
Filed in Providence/Bristol County Superior Court
Submitted: 1/5/2018 2:32:33 PM
Envelope: 1354631
Reviewer: Alexa G.

STATE OF RHODE ISLAND

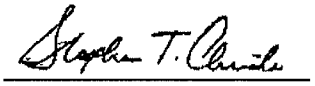
PROVIDENCE, SC. SUPERIOR COURT

JEFFREY MASTROBUONO Plaintiff v. BRADY SULLIVAN HARRIS MILL, LLC, BRADY SULLIVAN PROPERTIES, LLC, JOHN DOES 1-5, JANE DOES 1-5, and XYZ CORPORATIONS 1-5 Defendants.	C.A. NO. 17-5466

DEFENDANT BRADY SULLIVAN HARRIS MILL, LLC'S JURY TRIAL DEMAND

Defendants Brady Sullivan Harris Mill, LLC demand trial by jury on all issues brought by or against them in this action.

Respectfully submitted,
Defendants,
Brady Sullivan Harris Mill, LLC,
By its Counsel,



Stephen T. Armato (#6395)
Brian D. Fishman (#9681)
CETRULO LLP
Two Seaport Lane
Boston, MA 02210
Telephone (617) 217-5500
Telecopier (617) 217-5200
sarmato@cetllp.com

Dated: January 5, 2018

CERTIFICATE OF SERVICE

I hereby certify that I served a true copy of this Jury Demand on January 5, 2018 via First-Class Mail on all counsel of record.

Stephen T. Armato

Case Number: PC-2017-5466
Filed in Providence/Bristol County Superior Court
Submitted: 1/5/2018 2:24:42 PM
Envelope: 1354599
Reviewer: Lynn G.

STATE OF RHODE ISLAND

PROVIDENCE, SC. SUPERIOR COURT

JEFFREY MASTROBUONO Plaintiff	)	
v.	)	C.A. NO. 17-5466
BRADY SULLIVAN HARRIS MILL, LLC, BRADY SULLIVAN PROPERTIES, LLC, JOHN DOES 1-5, JANE DOES 1-5, and XYZ CORPORATIONS 1-5 Defendants.	)	

DEFENDANT BRADY SULLIVAN PROPERTIES, LLC'S ANSWER AND AFFIRMATIVE DEFENSES

Pursuant to Rhode Island R. Civ. P. 8(b), Defendant Brady Sullivan Properties, LLC (hereinafter "Brady"), hereby answer the Plaintiff's Complaint as follows:

PARTIES

1. Upon information and belief, Brady admits the allegations contained within Paragraph 1 of the Complaint.

2. Brady admits the allegations contained in Paragraph 2 of the Complaint.

3. Brady admits the allegations contained in Paragraph 3 of the Complaint.

4. Brady states that Paragraph 4 of the Complaint contains assertions requiring neither admission nor denial.

5. Brady denies the allegations contained in Paragraph 5 of the Complaint insofar as they relate to Brady.

JURISDICTION

6. Brady admits the allegations contained in Paragraph 6 of the Complaint.

7. Brady admits the allegations contained in Paragraph 7 of the Complaint.

FACTUAL BACKGROUND

8. Brady denies the allegations contained in Paragraph 8 of the Complaint.

9. Brady admits the allegations contained in Paragraph 9 of the Complaint.

Case Number: PC-2017-5466
Filed in Providence/Bristol County Superior Court
Submitted: 1/5/2018 2:24:42 PM
Envelope: 1354599
Reviewer: Lynn G.

10. Brady admits the allegations contained in Paragraph 10 of the Complaint.

11. Brady denies the allegations contained in Paragraph 11 of the Complaint.

12. Brady denies the allegations contained in Paragraph 12 of the Complaint.

13. Brady denies the allegations contained in Paragraph 13 of the Complaint.

14. Brady is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 14 of the Complaint, and therefore denies the same.

15. Brady is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 15 of the Complaint, and therefore denies the same.

16. Brady denies the allegations contained in Paragraph 16 of the Complaint.

17. Brady denies the allegations contained in Paragraph 17 of the Complaint.

18. Brady denies the allegations contained in Paragraph 18 of the Complaint.

19. Brady denies the allegations contained in Paragraph 19 of the Complaint.

20. Brady is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 20 of the Complaint, and therefore denies the same.

21. Brady is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 21 of the Complaint, and therefore denies the same.

22. Brady is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 22 of the Complaint, and therefore denies the same.

23. Brady is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 23 of the Complaint, and therefore denies the same.

24. Brady is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 24 of the Complaint, and therefore denies the same.

25. Brady is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 25 of the Complaint, and therefore denies the same.

26. Brady denies the allegations contained in Paragraph 26 of the Complaint.

27. Brady denies the allegations contained in Paragraph 27 of the Complaint.

28. Brady denies the allegations contained in Paragraph 28 of the Complaint.

29. Brady is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 29 of the Complaint, and therefore denies the same.

30. Brady denies the allegations contained in Paragraph 30 of the Complaint.

Case Number: PC-2017-5466
Filed in Providence/Bristol County Superior Court
Submitted: 1/5/2018 2:24:42 PM
Envelope: 1354599
Reviewer: Lynn G.

31. Brady denies the allegations contained in Paragraph 31 of the Complaint.

32. Brady denies the allegations contained in Paragraph 32 of the Complaint.

33. Brady denies the allegations contained in Paragraph 33 of the Complaint.

34. Brady denies the allegations contained in Paragraph 34 of the Complaint.

35. Brady denies the allegations contained in Paragraph 35 of the Complaint.

36. Brady denies the allegations contained in Paragraph 36 of the Complaint.

37. Brady admits the allegations contained in Paragraph 37 of the Complaint, to the extent that the condition of the apartment was not believed to be harmful to the health of the Plaintiff.

38. Brady is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 38 of the Complaint, and therefore denies the same.

39. Brady denies the allegations contained in Paragraph 39 of the Complaint.

40. Brady denies the allegations contained in Paragraph 40 of the Complaint.

41. Brady denies the allegations contained in Paragraph 41 of the Complaint.

42. Brady is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 42 of the Complaint, and therefore denies the same.

43. Brady denies the allegations contained in Paragraph 43 of the Complaint.

44. Brady admits the allegations contained in Paragraph 44 of the Complaint.

45. Brady admits the allegations contained in Paragraph 45 of the Complaint.

46. Brady denies the allegations contained in Paragraph 46 of the Complaint, to the extent that the letter of non-renewal was due to mold.

47. Brady admits the allegations contained in Paragraph 47 of the Complaint.

48. Brady denies the allegations contained in Paragraph 48 of the Complaint.

49. Brady denies the allegations contained in Paragraph 49 of the Complaint.

50. Brady denies the allegations contained in Paragraph 50 of the Complaint.

51. Brady denies the allegations contained in Paragraph 51 of the Complaint.

52. Brady is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 52 of the Complaint, and therefore denies the same.

Case Number: PC-2017-5466
Filed in Providence/Bristol County Superior Court
Submitted: 1/5/2018 2:24:42 PM
Envelope: 1354599
Reviewer: Lynn G.

53. Brady is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 53 of the Complaint, and therefore denies the same.

54. Brady is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 54 of the Complaint, and therefore denies the same.

55. Brady is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 55 of the Complaint, and therefore denies the same.

56. Brady is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 56 of the Complaint, and therefore denies the same.

57. Brady is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 57 of the Complaint, and therefore denies the same.

58. Brady is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 58 of the Complaint, and therefore denies the same.

59. Brady is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 59 of the Complaint, and therefore denies the same.

60. Brady denies the allegations contained in Paragraph 60 of the Complaint, to the extent that Brady removed hardwood so as to cover mold and water deteriorated floor.

61. Brady is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 61 of the Complaint, and therefore denies the same.

62. Brady denies the allegations contained in Paragraph 62 of the Complaint.

63. Brady is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 63 of the Complaint, and therefore denies the same.

64. Brady denies the allegations contained in Paragraph 64 of the Complaint, to the extent that the sub-flooring was entirely deteriorated and wet to the touch.

65. Brady denies the allegations contained in Paragraph 65 of the Complaint to the extent that the apartment contained visible microbial growth and fruiting bodies.

66. Brady denies the allegations contained in Paragraph 66 of the Complaint to the extent that black, yellow, and pink microbials were present.

67. Brady is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 67 of the Complaint, and therefore denies the same.

68. Brady is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 68 of the Complaint, and therefore denies the same.

69. Brady denies the allegations contained in Paragraph 69 of the Complaint.

70. Brady denies the allegations contained in Paragraph 70 of the Complaint.

Case Number: PC-2017-5466
Filed in Providence/Bristol County Superior Court
Submitted: 1/5/2018 2:24:42 PM
Envelope: 1354599
Reviewer: Lynn G.

71. Brady denies the allegations contained in Paragraph 71 of the Complaint.

72. Brady denies the allegations contained in Paragraph 72 of the Complaint.

73. Brady denies the allegations contained in Paragraph 73 of the Complaint.

74. Brady denies the allegations contained in Paragraph 74 of the Complaint.

75. Brady denies the allegations contained in Paragraph 75 of the Complaint.

76. Brady denies the allegations contained in Paragraph 76 of the Complaint.

77. Brady denies the allegations contained in Paragraph 77 of the Complaint.

78. Brady denies the allegations contained in Paragraph 78 of the Complaint.

79. Brady denies the allegations contained in Paragraph 79 of the Complaint.

80. Brady denies the allegations contained in Paragraph 80 of the Complaint.

COUNT I: NEGLIGENCE

81. Brady repeats and re-alleges its responses to Paragraphs 1-80 of the Complaint, as if fully set forth herein.

82. The allegations contained within Paragraph 82 of the Complaint contain legal conclusions to which no response is required. To the extent a response is required, denied.

83. The allegations contained within Paragraph 83 of the Complaint contain legal conclusions to which no response is required. To the extent a response is required, denied.

84. The allegations contained within Paragraph 84 of the Complaint contain legal conclusions to which no response is required. To the extent a response is required, denied.

85. Brady denies the allegations contained in Paragraph 85 of the Complaint.

86. The allegations contained within Paragraph 86 of the Complaint contain legal conclusions to which no response is required. To the extent a response is required, denied.

87. Brady denies the allegations contained in Paragraph 87 of the Complaint.

88. Brady denies the allegations contained in Paragraph 88 of the Complaint.

COUNT II: NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS

89. Brady repeats and re-alleges its responses to Paragraphs 1-88 of the Complaint, as if fully set forth herein.

Case Number: PC-2017-5466
Filed in Providence/Bristol County Superior Court
Submitted: 1/5/2018 2:24:42 PM
Envelope: 1354599
Reviewer: Lynn G.

90. Brady denies the allegations contained in Paragraph 90 of the Complaint.

91. Brady denies the allegations contained in Paragraph 91 of the Complaint.

92. Brady denies the allegations contained in Paragraph 92 of the Complaint.

93. Brady denies the allegations contained in Paragraph 93 of the Complaint.

94. Brady denies the allegations contained in Paragraph 94 of the Complaint.

95. Brady is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 95 of the Complaint, and therefore denies the same.

96. Brady denies the allegations contained in Paragraph 96 of the Complaint.

97. Brady is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 97 of the Complaint, and therefore denies the same.

98. Brady denies the allegations contained in Paragraph 98 of the Complaint.

99. Brady denies the allegations contained in Paragraph 99 of the Complaint.

100. The allegations contained within Paragraph 100 of the Complaint contain legal conclusions to which no response is required. To the extent a response is required, denied.

101. The allegations contained within Paragraph 101 of the Complaint contain legal conclusions to which no response is required. To the extent a response is required, denied.

102. Brady is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 102 of the Complaint, and therefore denies the same.

103. Brady denies the allegations contained in Paragraph 103 of the Complaint.

104. Brady denies the allegations contained in Paragraph 104 of the Complaint.

105. Brady denies the allegations contained in Paragraph 105 of the Complaint.

106. Brady denies the allegations contained in Paragraph 106 of the Complaint.

107. The allegations contained within Paragraph 107 of the Complaint contain legal conclusions to which no response is required. To the extent a response is required, denied.

108. The allegations contained within Paragraph 108 of the Complaint contain legal conclusions to which no response is required. To the extent a response is required, denied.

Case Number: PC-2017-5466
Filed in Providence/Bristol County Superior Court
Submitted: 1/5/2018 2:24:42 PM
Envelope: 1354599
Reviewer: Lynn G.

109. The allegations contained within Paragraph 109 of the Complaint contain legal conclusions to which no response is required. To the extent a response is required, denied.

COUNT III: VIOLATION OF THE TOXIC SUBSTANCES CONTROL ACT (TSCA, THE RESIDENTIAL LEAD-BASED PAINT HAZARD REDUCTION ACT, THE RENOVATION, REPAIR AND PAINTING RULE (RRP RULE), 40 C.F.R. PART 745, SUBPART E, AND THE LEAD-BASED PAINT DISCLOSURE RULE, 40 C.F.R. PART 745, SUBPART FEPA

110. Brady repeats and re-alleges its responses to Paragraphs 1-109 of the Complaint, as if fully set forth herein.

111. The allegations contained within Paragraph 111 of the Complaint contain legal conclusions to which no response is required. To the extent a response is required, denied.

112. The allegations contained within Paragraph 112 of the Complaint contain legal conclusions to which no response is required. To the extent a response is required, denied.

113. Brady denies the allegations contained in Paragraph 113 of the Complaint.

114. Brady denies the allegations contained in Paragraph 114 of the Complaint.

115. The allegations contained within Paragraph 115 of the Complaint contain legal conclusions to which no response is required. To the extent a response is required, denied.

116. Brady denies the allegations contained in Paragraph 116 of the Complaint.

117. Brady denies the allegations contained in Paragraph 117 of the Complaint.

118. Brady is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 118 of the Complaint, and therefore denies the same.

119. Brady is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 119 of the Complaint, and therefore denies the same.

120. Brady is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 120 of the Complaint, and therefore denies the same.

121. Brady denies the allegations contained in Paragraph 121 of the Complaint.

COUNT IV: CIVIL LIABILITY FOR THE VIOLATION OF THE RHODE ISLAND GENERAL LAWS

122. Brady repeats and re-alleges its responses to Paragraphs 1-121 of the Complaint, as if fully set forth herein.

Case Number: PC-2017-5466
Filed in Providence/Bristol County Superior Court
Submitted: 1/5/2018 2:24:42 PM
Envelope: 1354599
Reviewer: Lynn G.

123. The allegations contained within Paragraph 123 of the Complaint contain legal conclusions to which no response is required. To the extent a response is required, denied.

124. Brady denies the allegations contained in Paragraph 124 of the Complaint.

125. The allegations contained within Paragraph 125 of the Complaint contain legal conclusions to which no response is required. To the extent a response is required, denied.

126. The allegations contained within Paragraph 126 of the Complaint contain legal conclusions to which no response is required. To the extent a response is required, denied.

127. The allegations contained within Paragraph 127 of the Complaint contain legal conclusions to which no response is required. To the extent a response is required, denied.

COUNT V: VIOLATION OF THE RHODE ISLAND LANDLORD TENANT ACT

128. Brady repeats and re-alleges its responses to Paragraphs 1-127 of the Complaint, as if fully set forth herein.

129. Brady denies the allegations contained in Paragraph 129 of the Complaint.

130. The allegations contained within Paragraph 130 of the Complaint contain legal conclusions to which no response is required. To the extent a response is required, denied.

131. Brady denies the allegations contained in Paragraph 131 of the Complaint.

132. The allegations contained within Paragraph 132 of the Complaint contain legal conclusions to which no response is required. To the extent a response is required, denied.

COUNT VI: PUNITIVE DAMAGES

133. Brady repeats and re-alleges its responses to Paragraphs 1-132 of the Complaint, as if fully set forth herein.

134. The allegations contained within Paragraph 134 of the Complaint contain legal conclusions to which no response is required. To the extent a response is required, denied.

135. Brady denies the allegations contained in Paragraph 135 of the Complaint.

136. The allegations contained within Paragraph 136 of the Complaint contain legal conclusions to which no response is required. To the extent a response is required, denied.

Case Number: PC-2017-5466
Filed in Providence/Bristol County Superior Court
Submitted: 1/5/2018 2:24:42 PM
Envelope: 1354599
Reviewer: Lynn G.

AFFIRMATIVE DEFENSES

First Affirmative Defense

The Complaint fails to state a cause of action against the Defendant upon which relief can be based.

Second Affirmative Defense

To the extent that Plaintiff suffered an injury as alleged, such injury was not caused by any act or omission on the part of the Defendant.

Third Affirmative Defense

To the extent that Plaintiff sustained an injury as alleged, such injury was caused in whole or in part by Plaintiff's own negligence and Plaintiff is therefore barred from recovery.

Fourth Affirmative Defense

To the extent that Plaintiff sustained an injury as alleged, such injury was caused in whole or in part by the acts or omissions of a third-party, over whom this defendant exercised no control and for whom he is not liable.

Fifth Affirmative Defense

To the extent that Plaintiff sustained an injury as alleged, such injury was caused by an open and obvious condition.

Sixth Affirmative Defense

Defendant exercised reasonable care under the circumstances.

Seventh Affirmative Defense

Defendant reserves the right to discover and assert any additional affirmative defenses which may be developed as the case progresses.

Eighth Affirmative Defense

Plaintiff's claims are barred by the Statute of Repose.

Case Number: PC-2017-5466
Filed in Providence/Bristol County Superior Court
Submitted: 1/5/2018 2:24:42 PM
Envelope: 1354599
Reviewer: Lynn G.

Respectfully submitted,
Defendant,
Brady Sullivan Properties, LLC,
By their Counsel,

Stephen T. Armato (#6395)
Brian D. Fishman (#9681)
CETRULO LLP
Two Seaport Lane
Boston, MA 02210
Telephone (617) 217-5500
Telecopier (617) 217-5200
sarmato@cetllp.com

Dated: January 5, 2018

CERTIFICATE OF SERVICE

I hereby certify that I served a true copy of this Answer on January 5, 2018 via First-Class Mail on all counsel of record.

Stephen T. Armato

Case Number: PC-2017-5466
Filed in Providence/Bristol County Superior Court
Submitted: 1/5/2018 2:30:08 PM
Envelope: 1354622
Reviewer: Lynn G.

STATE OF RHODE ISLAND

PROVIDENCE, SC. SUPERIOR COURT

JEFFREY MASTROBUONO, Plaintiff,	)	
v.	)	C.A. NO. 17-5466
BRADY SULLIVAN HARRIS MILL, LLC, BRADY SULLIVAN PROPERTIES, LLC, JOHN DOES 1-5, JANE DOES 1-5, and XYZ CORPORATIONS 1-5 Defendants.	)	

DEFENDANT BRADY SULLIVAN HARRIS MILL, LLC'S ANSWER AND AFFIRMATIVE DEFENSES

Pursuant to Rhode Island R. Civ. P. 8(b), Defendant Brady Sullivan Harris Mill, LLC (hereinafter "Brady"), hereby answer the Plaintiff's Complaint as follows:

PARTIES

1. Upon information and belief, Brady admits the allegations contained within Paragraph 1 of the Complaint.

2. Brady admits the allegations contained in Paragraph 2 of the Complaint.

3. Brady admits the allegations contained in Paragraph 3 of the Complaint.

4. Brady states that Paragraph 4 of the Complaint contains assertions requiring neither admission nor denial.

5. Brady denies the allegations contained in Paragraph 5 of the Complaint insofar as they relate to Brady.

JURISDICTION

6. Brady admits the allegations contained in Paragraph 6 of the Complaint.

7. Brady admits the allegations contained in Paragraph 7 of the Complaint.

FACTUAL BACKGROUND

8. Brady denies the allegations contained in Paragraph 8 of the Complaint.

9. Brady admits the allegations contained in Paragraph 9 of the Complaint.

Case Number: PC-2017-5466
Filed in Providence/Bristol County Superior Court
Submitted: 1/5/2018 2:30:08 PM
Envelope: 1354622
Reviewer: Lynn G.

10. Brady admits the allegations contained in Paragraph 10 of the Complaint.

11. Brady denies the allegations contained in Paragraph 11 of the Complaint.

12. Brady denies the allegations contained in Paragraph 12 of the Complaint.

13. Brady denies the allegations contained in Paragraph 13 of the Complaint.

14. Brady is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 14 of the Complaint, and therefore denies the same.

15. Brady is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 15 of the Complaint, and therefore denies the same.

16. Brady denies the allegations contained in Paragraph 16 of the Complaint.

17. Brady denies the allegations contained in Paragraph 17 of the Complaint.

18. Brady denies the allegations contained in Paragraph 18 of the Complaint.

19. Brady denies the allegations contained in Paragraph 19 of the Complaint.

20. Brady is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 20 of the Complaint, and therefore denies the same.

21. Brady is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 21 of the Complaint, and therefore denies the same.

22. Brady is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 22 of the Complaint, and therefore denies the same.

23. Brady is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 23 of the Complaint, and therefore denies the same.

24. Brady is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 24 of the Complaint, and therefore denies the same.

25. Brady is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 25 of the Complaint, and therefore denies the same.

26. Brady denies the allegations contained in Paragraph 26 of the Complaint.

27. Brady denies the allegations contained in Paragraph 27 of the Complaint.

28. Brady denies the allegations contained in Paragraph 28 of the Complaint.

29. Brady is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 29 of the Complaint, and therefore denies the same.

30. Brady denies the allegations contained in Paragraph 30 of the Complaint.

Case Number: PC-2017-5466
Filed in Providence/Bristol County Superior Court
Submitted: 1/5/2018 2:30:08 PM
Envelope: 1354622
Reviewer: Lynn G.

31. Brady denies the allegations contained in Paragraph 31 of the Complaint.

32. Brady denies the allegations contained in Paragraph 32 of the Complaint.

33. Brady denies the allegations contained in Paragraph 33 of the Complaint.

34. Brady denies the allegations contained in Paragraph 34 of the Complaint.

35. Brady denies the allegations contained in Paragraph 35 of the Complaint.

36. Brady denies the allegations contained in Paragraph 36 of the Complaint.

37. Brady admits the allegations contained in Paragraph 37 of the Complaint, to the extent that the condition of the apartment was not believed to be harmful to the health of the Plaintiff.

38. Brady is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 38 of the Complaint, and therefore denies the same.

39. Brady denies the allegations contained in Paragraph 39 of the Complaint.

40. Brady denies the allegations contained in Paragraph 40 of the Complaint.

41. Brady denies the allegations contained in Paragraph 41 of the Complaint.

42. Brady is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 42 of the Complaint, and therefore denies the same.

43. Brady denies the allegations contained in Paragraph 43 of the Complaint.

44. Brady admits the allegations contained in Paragraph 44 of the Complaint.

45. Brady admits the allegations contained in Paragraph 45 of the Complaint.

46. Brady denies the allegations contained in Paragraph 46 of the Complaint, to the extent that the letter of non-renewal was due to mold.

47. Brady admits the allegations contained in Paragraph 47 of the Complaint.

48. Brady denies the allegations contained in Paragraph 48 of the Complaint.

49. Brady denies the allegations contained in Paragraph 49 of the Complaint.

50. Brady denies the allegations contained in Paragraph 50 of the Complaint.

51. Brady denies the allegations contained in Paragraph 51 of the Complaint.

52. Brady is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 52 of the Complaint, and therefore denies the same.

Case Number: PC-2017-5466
Filed in Providence/Bristol County Superior Court
Submitted: 1/5/2018 2:30:08 PM
Envelope: 1354622
Reviewer: Lynn G.

53. Brady is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 53 of the Complaint, and therefore denies the same.

54. Brady is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 54 of the Complaint, and therefore denies the same.

55. Brady is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 55 of the Complaint, and therefore denies the same.

56. Brady is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 56 of the Complaint, and therefore denies the same.

57. Brady is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 57 of the Complaint, and therefore denies the same.

58. Brady is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 58 of the Complaint, and therefore denies the same.

59. Brady is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 59 of the Complaint, and therefore denies the same.

60. Brady denies the allegations contained in Paragraph 60 of the Complaint, to the extent that Brady removed hardwood so as to cover mold and water deteriorated floor.

61. Brady is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 61 of the Complaint, and therefore denies the same.

62. Brady denies the allegations contained in Paragraph 62 of the Complaint.

63. Brady is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 63 of the Complaint, and therefore denies the same.

64. Brady denies the allegations contained in Paragraph 64 of the Complaint, to the extent that the sub-flooring was entirely deteriorated and wet to the touch.

65. Brady denies the allegations contained in Paragraph 65 of the Complaint to the extent that the apartment contained visible microbial growth and fruiting bodies.

66. Brady denies the allegations contained in Paragraph 66 of the Complaint to the extent that black, yellow, and pink microbials were present.

67. Brady is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 67 of the Complaint, and therefore denies the same.

68. Brady is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 68 of the Complaint, and therefore denies the same.

69. Brady denies the allegations contained in Paragraph 69 of the Complaint.

70. Brady denies the allegations contained in Paragraph 70 of the Complaint.

Case Number: PC-2017-5466
Filed in Providence/Bristol County Superior Court
Submitted: 1/5/2018 2:30:08 PM
Envelope: 1354622
Reviewer: Lynn G.

71. Brady denies the allegations contained in Paragraph 71 of the Complaint.

72. Brady denies the allegations contained in Paragraph 72 of the Complaint.

73. Brady denies the allegations contained in Paragraph 73 of the Complaint.

74. Brady denies the allegations contained in Paragraph 74 of the Complaint.

75. Brady denies the allegations contained in Paragraph 75 of the Complaint.

76. Brady denies the allegations contained in Paragraph 76 of the Complaint.

77. Brady denies the allegations contained in Paragraph 77 of the Complaint.

78. Brady denies the allegations contained in Paragraph 78 of the Complaint.

79. Brady denies the allegations contained in Paragraph 79 of the Complaint.

80. Brady denies the allegations contained in Paragraph 80 of the Complaint.

COUNT I: NEGLIGENCE

81. Brady repeats and re-alleges its responses to Paragraphs 1-80 of the Complaint, as if fully set forth herein.

82. The allegations contained within Paragraph 82 of the Complaint contain legal conclusions to which no response is required. To the extent a response is required, denied.

83. The allegations contained within Paragraph 83 of the Complaint contain legal conclusions to which no response is required. To the extent a response is required, denied.

84. The allegations contained within Paragraph 84 of the Complaint contain legal conclusions to which no response is required. To the extent a response is required, denied.

85. Brady denies the allegations contained in Paragraph 85 of the Complaint.

86. The allegations contained within Paragraph 86 of the Complaint contain legal conclusions to which no response is required. To the extent a response is required, denied.

87. Brady denies the allegations contained in Paragraph 87 of the Complaint.

88. Brady denies the allegations contained in Paragraph 88 of the Complaint.

COUNT II: NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS

89. Brady repeats and re-alleges its responses to Paragraphs 1-88 of the Complaint, as if fully set forth herein.

Case Number: PC-2017-5466
Filed in Providence/Bristol County Superior Court
Submitted: 1/5/2018 2:30:08 PM
Envelope: 1354622
Reviewer: Lynn G.

90. Brady denies the allegations contained in Paragraph 90 of the Complaint.

91. Brady denies the allegations contained in Paragraph 91 of the Complaint.

92. Brady denies the allegations contained in Paragraph 92 of the Complaint.

93. Brady denies the allegations contained in Paragraph 93 of the Complaint.

94. Brady denies the allegations contained in Paragraph 94 of the Complaint.

95. Brady is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 95 of the Complaint, and therefore denies the same.

96. Brady denies the allegations contained in Paragraph 96 of the Complaint.

97. Brady is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 97 of the Complaint, and therefore denies the same.

98. Brady denies the allegations contained in Paragraph 98 of the Complaint.

99. Brady denies the allegations contained in Paragraph 99 of the Complaint.

100. The allegations contained within Paragraph 100 of the Complaint contain legal conclusions to which no response is required. To the extent a response is required, denied.

101. The allegations contained within Paragraph 101 of the Complaint contain legal conclusions to which no response is required. To the extent a response is required, denied.

102. Brady is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 102 of the Complaint, and therefore denies the same.

103. Brady denies the allegations contained in Paragraph 103 of the Complaint.

104. Brady denies the allegations contained in Paragraph 104 of the Complaint.

105. Brady denies the allegations contained in Paragraph 105 of the Complaint.

106. Brady denies the allegations contained in Paragraph 106 of the Complaint.

107. The allegations contained within Paragraph 107 of the Complaint contain legal conclusions to which no response is required. To the extent a response is required, denied.

108. The allegations contained within Paragraph 108 of the Complaint contain legal conclusions to which no response is required. To the extent a response is required, denied.

Case Number: PC-2017-5466
Filed in Providence/Bristol County Superior Court
Submitted: 1/5/2018 2:30:08 PM
Envelope: 1354622
Reviewer: Lynn G.

109. The allegations contained within Paragraph 109 of the Complaint contain legal conclusions to which no response is required. To the extent a response is required, denied.

COUNT III: VIOLATION OF THE TOXIC SUBSTANCES CONTROL ACT (TSCA, THE RESIDENTIAL LEAD-BASED PAINT HAZARD REDUCTION ACT, THE RENOVATION, REPAIR AND PAINTING RULE (RRP RULE), 40 C.F.R. PART 745, SUBPART E, AND THE LEAD-BASED PAINT DISCLOSURE RULE, 40 C.F.R. PART 745, SUBPART FEPA

110. Brady repeats and re-alleges its responses to Paragraphs 1-109 of the Complaint, as if fully set forth herein.

111. The allegations contained within Paragraph 111 of the Complaint contain legal conclusions to which no response is required. To the extent a response is required, denied.

112. The allegations contained within Paragraph 112 of the Complaint contain legal conclusions to which no response is required. To the extent a response is required, denied.

113. Brady denies the allegations contained in Paragraph 113 of the Complaint.

114. Brady denies the allegations contained in Paragraph 114 of the Complaint.

115. The allegations contained within Paragraph 115 of the Complaint contain legal conclusions to which no response is required. To the extent a response is required, denied.

116. Brady denies the allegations contained in Paragraph 116 of the Complaint.

117. Brady denies the allegations contained in Paragraph 117 of the Complaint.

118. Brady is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 118 of the Complaint, and therefore denies the same.

119. Brady is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 119 of the Complaint, and therefore denies the same.

120. Brady is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 120 of the Complaint, and therefore denies the same.

121. Brady denies the allegations contained in Paragraph 121 of the Complaint.

COUNT IV: CIVIL LIABILITY FOR THE VIOLATION OF THE RHODE ISLAND GENERAL LAWS

122. Brady repeats and re-alleges its responses to Paragraphs 1-121 of the Complaint, as if fully set forth herein.

Case Number: PC-2017-5466
Filed in Providence/Bristol County Superior Court
Submitted: 1/5/2018 2:30:08 PM
Envelope: 1354622
Reviewer: Lynn G.

123. The allegations contained within Paragraph 123 of the Complaint contain legal conclusions to which no response is required. To the extent a response is required, denied.

124. Brady denies the allegations contained in Paragraph 124 of the Complaint.

125. The allegations contained within Paragraph 125 of the Complaint contain legal conclusions to which no response is required. To the extent a response is required, denied.

126. The allegations contained within Paragraph 126 of the Complaint contain legal conclusions to which no response is required. To the extent a response is required, denied.

127. The allegations contained within Paragraph 127 of the Complaint contain legal conclusions to which no response is required. To the extent a response is required, denied.

COUNT V: VIOLATION OF THE RHODE ISLAND LANDLORD TENANT ACT

128. Brady repeats and re-alleges its responses to Paragraphs 1-127 of the Complaint, as if fully set forth herein.

129. Brady denies the allegations contained in Paragraph 129 of the Complaint.

130. The allegations contained within Paragraph 130 of the Complaint contain legal conclusions to which no response is required. To the extent a response is required, denied.

131. Brady denies the allegations contained in Paragraph 131 of the Complaint.

132. The allegations contained within Paragraph 132 of the Complaint contain legal conclusions to which no response is required. To the extent a response is required, denied.

COUNT VI: PUNITIVE DAMAGES

133. Brady repeats and re-alleges its responses to Paragraphs 1-132 of the Complaint, as if fully set forth herein.

134. The allegations contained within Paragraph 134 of the Complaint contain legal conclusions to which no response is required. To the extent a response is required, denied.

135. Brady denies the allegations contained in Paragraph 135 of the Complaint.

136. The allegations contained within Paragraph 136 of the Complaint contain legal conclusions to which no response is required. To the extent a response is required, denied.

Case Number: PC-2017-5466
Filed in Providence/Bristol County Superior Court
Submitted: 1/5/2018 2:30:08 PM
Envelope: 1354622
Reviewer: Lynn G.

AFFIRMATIVE DEFENSES

First Affirmative Defense

The Complaint fails to state a cause of action against the Defendant upon which relief can be based.

Second Affirmative Defense

To the extent that Plaintiff suffered an injury as alleged, such injury was not caused by any act or omission on the part of the Defendant.

Third Affirmative Defense

To the extent that Plaintiff sustained an injury as alleged, such injury was caused in whole or in part by Plaintiff's own negligence and Plaintiff is therefore barred from recovery.

Fourth Affirmative Defense

To the extent that Plaintiff sustained an injury as alleged, such injury was caused in whole or in part by the acts or omissions of a third-party, over whom this defendant exercised no control and for whom he is not liable.

Fifth Affirmative Defense

To the extent that Plaintiff sustained an injury as alleged, such injury was caused by an open and obvious condition.

Sixth Affirmative Defense

Defendant exercised reasonable care under the circumstances.

Seventh Affirmative Defense

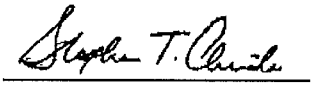
Defendant reserves the right to discover and assert any additional affirmative defenses which may be developed as the case progresses.

Eighth Affirmative Defense

Plaintiff's claims are barred by the Statute of Repose.

Case Number: PC-2017-5466
Filed in Providence/Bristol County Superior Court
Submitted: 1/5/2018 2:30:08 PM
Envelope: 1354622
Reviewer: Lynn G.

Respectfully submitted,
Defendant,
Brady Sullivan Harris Mill, LLC,
By their Counsel,



Stephen T. Armato (#6395)
Brian D. Fishman (#9681)
CETRULO LLP
Two Seaport Lane
Boston, MA 02210
Telephone (617) 217-5500
Telecopier (617) 217-5200
sarmato@cetllp.com

Dated: January 5, 2018

CERTIFICATE OF SERVICE

I hereby certify that I served a true copy of this Answer on January 5, 2018 via First-Class Mail on all counsel of record.

Stephen T. Armato

Case Number: PC-2017-5466
Filed in Providence/Bristol County Superior Court
Submitted: 1/9/2018 3:46:32 PM
Envelope: 1359588
Reviewer: Alexa G.

STATE OF RHODE ISLAND
PROVIDENCE, SC.

SUPERIOR COURT

JEFFREY MASTROBUONO, Plaintiff vs. BRADY SULLIVAN HARRIS MILL LLC, et al. Defendants	CIVIL ACTION NO.: PC-2017-5466

ENTRY OF APPEARANCE

Please enter the appearance of the CETRULO LLP attorney **Stephen T. Armato** on behalf of Brady Sullivan Harris Mill, LLC.

Defendant,
Brady Sullivan Harris Mill, LLC
by its counsel:

/s/ Stephen T. Armato
Stephen T. Armato (#6395)
CETRULO LLP
Two Seaport Lane
Boston, MA 02210
Telephone (617) 217-5500
Telecopier (617) 217-5200

Dated: January 9, 2018

CERTIFICATE OF SERVICE

I hereby certify that I caused a true copy of the within Entry of Appearance to be served electronically to all known counsel of record.

/s/ Stephen T. Armato

Dated: January 9, 2018

Case Number: PC-2017-5466
Filed in Providence/Bristol County Superior Court
Submitted: 1/9/2018 3:46:32 PM
Envelope: 1359588
Reviewer: Alexa G.

STATE OF RHODE ISLAND
PROVIDENCE, SC.

SUPERIOR COURT

JEFFREY MASTROBUONO,

Plaintiff

vs.

BRADY SULLIVAN HARRIS MILL LLC,

et al.

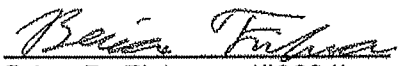
Defendants

CIVIL ACTION NO.: PC-2017-5466

ENTRY OF APPEARANCE

Please enter the appearance of the CETRULO LLP attorney **Brian D. Fishman** on behalf of Brady Sullivan Harris Mill, LLC.

Defendant,
Brady Sullivan Harris Mill, LLC
by its counsel:



Brian D. Fishman (#9681)
CETRULO LLP
Two Seaport Lane
Boston, MA 02210
Telephone (617) 217-5500
Telecopier (617) 217-5200

Dated: January 9, 2018

CERTIFICATE OF SERVICE

I hereby certify that I caused a true copy of the within Entry of Appearance to be served electronically to all known counsel of record.

Brian D. Fishman

Dated: January 9, 2018

Case Number: PC-2017-5466
Filed in Providence/Bristol County Superior Court
Submitted: 1/9/2018 3:53:06 PM
Envelope: 1359643
Reviewer: Alexa G.

STATE OF RHODE ISLAND
PROVIDENCE, SC.

SUPERIOR COURT

JEFFREY MASTROBUONO, Plaintiff vs. BRADY SULLIVAN HARRIS MILL LLC, et al. Defendants	CIVIL ACTION NO.: PC-2017-5466

ENTRY OF APPEARANCE

Please enter the appearance of the CETRULO LLP attorney **Stephen T. Armato** on behalf of Brady Sullivan Properties, LLC.

Defendant,
Brady Sullivan Properties, LLC
by its counsel:

/s/ Stephen T. Armato
Stephen T. Armato (#6395)
CETRULO LLP
Two Seaport Lane
Boston, MA 02210
Telephone (617) 217-5500
Telecopier (617) 217-5200

Dated: January 9, 2018

CERTIFICATE OF SERVICE

I hereby certify that I caused a true copy of the within Entry of Appearance to be served electronically to all known counsel of record.

/s/ Stephen T. Armato

Dated: January 9, 2018

Case Number: PC-2017-5466
Filed in Providence/Bristol County Superior Court
Submitted: 1/9/2018 3:53:06 PM
Envelope: 1359643
Reviewer: Alexa G.

STATE OF RHODE ISLAND
PROVIDENCE, SC.

SUPERIOR COURT

JEFFREY MASTROBUONO,

Plaintiff

vs.

BRADY SULLIVAN HARRIS MILL LLC,

et al.

Defendants

CIVIL ACTION NO.: PC-2017-5466

ENTRY OF APPEARANCE

Please enter the appearance of the CETRULO LLP attorney **Brian D. Fishman** on behalf of Brady Sullivan Properties, LLC.

Defendant,
Brady Sullivan Properties, LLC
by its counsel:

Brian D. Fishman (#9681)
CETRULO LLP
Two Seaport Lane
Boston, MA 02210
Telephone (617) 217-5500
Telecopier (617) 217-5200

Dated: January 9, 2018

CERTIFICATE OF SERVICE

I hereby certify that I caused a true copy of the within Entry of Appearance to be served electronically to all known counsel of record.

Brian D. Fishman

Dated: January 9, 2018