

STATE OF RHODE ISLAND  
PROVIDENCE, SC.

SUPERIOR COURT

JOSEPH M. RACHIELE *and* JAMIE M. :  
RACHIELE, *individually and as parents* :  
*and next friends of their minor child, G.J.R.,* :  
 :  
*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, Joseph M. Rachiele and Jamie M. Rachiele, individually and as parents and next friends of their minor child, G.J.R., by and through their undersigned counsel, and complains as follows:

**PARTIES**

1. Plaintiff Joseph M. Rachiele (hereinafter “Mr. Rachiele”) is a resident of the City of Warwick in the State of Rhode Island.
2. Plaintiff Jamie M. Rachiele (hereinafter “Mrs. Rachiele”) is a resident of the City of Warwick in the State of Rhode Island.
3. Plaintiff G.J.R. (hereinafter the “minor child”) is a minor, is the biological child of Mr. Rachiele and Mrs. Rachiele, and is a resident of the City of Warwick 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 Loft located at 618 Main Street in Coventry, Rhode Island ( hereinafter the “Mill”).

12. Plaintiffs formerly occupied unit 1-110 of the Mill.
13. Prior to moving into their unit, Defendants showed other units to the Plaintiffs.
14. Defendants initially showed Plaintiffs an unfinished unit which was still under construction.
15. While viewing the unfinished unit, Plaintiffs pointed out to Defendants a large amount of mold which was visible in the unit.
16. Defendants advised Plaintiffs that the mold was a result of a broken water pipe.
17. Plaintiffs refused to rent the unfinished unit and ultimately rented another unit.
18. Plaintiffs initially moved into their apartment at the Mill on or about November 1, 2014.
19. Approximately three months after moving in, on or about January 28, 2015, Mr. Rachiele awoke with a severe nosebleed from both nostrils and into his throat, causing him to spit up blood.
20. Mr. Rachiele immediately traveled to Kent County Emergency Room, where his nosebleed required cauterization and anterior nasal packing to stop the bleeding.
21. In the following weeks, Mr. Rachiele returned to the Kent County Emergency Room several times due to severe nosebleeds.
22. Mr. Rachiele also followed up with an ear, nose, and throat (“ENT”) specialist who ultimately performed surgery on Mr. Rachiele to “electro-cauterize” his nostrils.
23. None of the above treatment prevented further nosebleeds for Mr. Rachiele.

24. On February 23, 2015, Mr. Rachiele underwent an emergency angioplasty at Roger Williams Hospital to map out where the bleeding was taking place, and to repair the arteries in his nostrils that would not stop bleeding.
25. During the early months of 2015, both Mr. Rachiele and Mrs. Rachiele experienced severe and repeated bronchitis, sinus infections, and multiple other respiratory issues.
26. Around that time, Mr. Rachiele also began experiencing rashes in areas across his body.
27. Around that time, Mrs. Rachiele also began experiencing migraine headaches.
28. The Rachieles' symptoms continued through the spring of 2015, and included continued severe respiratory issues.
29. During the spring of 2015, the Rachieles noticed mold growing on the upper portions of the walls in their apartment.
30. The Rachieles also noticed the mold appeared to be growing on the ceilings and the pipes that ran across the exposed ceilings in the hallway outside of their apartment.
31. The Rachieles informed employees of BSHM of the mold in and around their apartment.
32. Shortly after BSHM was informed, a maintenance crew for the property arrived in the hallway outside the Rachieles' apartment and repainted the walls and pipes, in effect just covering the mold.
33. During the remainder of the Rachieles' tenancy, the above scenario played out two more times; the Rachieles reported mold appearances, and a maintenance crew appeared shortly thereafter to cover the mold with paint.
34. During the summer of 2015, the Rachieles continued to suffer illnesses, including bronchitis and sinus infections.

35. During the summer of the 2015, Mrs. Rachiele became pregnant. Already leery of the continued illnesses the couple was experiencing, the Rachieles decided to leave the Mill at the end of their lease and search for another home.
36. Throughout the end of 2015 and into early 2016, the Rachieles' respiratory issues continued to worsen.
37. As Mrs. Rachiele entered the second trimester of her pregnancy, her OB-GYN determined her respiratory symptoms were severe enough to require an inhaler for daily use.
38. Mrs. Rachiele required the inhaler throughout the remainder of her pregnancy.
39. Other complications also arose during Mrs. Rachiele's pregnancy: she was diagnosed with gestational diabetes, and was hospitalized for the final two weeks of her pregnancy due to chronic abruptions causing bleeding in her uterus and creating the need for constant monitoring of the baby.
40. At the time, Mrs. Rachiele's doctors were unable to pinpoint the cause of these complications.
41. The Rachieles' lease ended in February of 2016, and the couple immediately moved out of the Mill.
42. Following their departure, the respiratory illnesses for the Rachieles have continued.
43. After their departure from the Mill, Mrs. Rachiele was diagnosed with severe asthma and has been prescribed two different inhalers for regular use.
44. Mr. Rachiele continues to battle chronic bronchitis.

45. Mr. Rachiele recently had to travel to the Rhode Island Hospital Emergency Room due to shortness of breath and chest pains caused by bronchial spasms and, upon information and belief, chronic obstructive pulmonary disease (“COPD”).

46. The Rachieles’ minor child is now twenty one months old.

47. The minor child has been diagnosed with Croup, a serious respiratory infection, six (6) times in an eighteen (18) month period

48. The minor child has also required regular visits to a pediatric ENT specialist.

49. The minor child has been prescribed an inhaler to combat his 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 replete 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. Rachiele and Mrs. Rachiele 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; mold spots on walls and pipes were simply covered up with paint.

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 Plaintiff has received treatment.

65. 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**  
**(All Plaintiffs against All Defendants)**

66. Plaintiffs incorporate and reallege paragraphs 1-65.

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

68. Defendants have failed to provide tenants with copies of the lead handbook as required by law.
69. Defendants have failed to attach the lead certification to the lease as required by law and as outlined in the lease agreement.
70. Defendants violated the lead laws and subjected Plaintiffs to hazardous lead dust and lead chipping paint.

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

71. Plaintiffs incorporate and reallege paragraphs 1-70 as if restated herein.
72. Defendants have violated RIGL 11-5-2.2 by committing a battery against Plaintiffs.
73. Plaintiffs have suffered harm at the hands of the Defendants through their actions and inactions.
74. Defendants' actions are the direct and proximate cause of the injuries that have been sustained by Plaintiffs.
75. Defendants have failed to comply with the Rhode Island Landlord Tenant Statutes.
76. As a result of the Defendants' willful and wanton conduct, Plaintiffs suffered extreme and permanent injuries.

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

77. Plaintiffs incorporate and reallege paragraphs 1-76 as if restated herein.
78. 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.
79. Defendants were notified of housing code violations Town of Coventry.
80. Defendants failed to notice Plaintiffs of the violations within thirty (30) days.



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

**COUNT VI: PUNITIVE DAMAGES**  
**(All Plaintiffs v. All Defendants)**

82. Plaintiffs incorporate and reallege paragraphs 1-81 as if restated herein.

83. Defendants' actions were grossly negligent.

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

85. 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.

Respectfully submitted,

Plaintiff,  
JOSEPH RACHIELE, JAMIE  
RACHIELE, and G.J.R.  
By their Attorneys,

/s/ Daniel Calabro, Jr.  
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