

ER

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss

SUPERIOR COURT DEPARTMENT
CIVIL ACTION NO:

AVA HARLOW,

Plaintiff,

v.

MASSACHUSETTS BAY
TRANSPORTATION
AUTHORITY,

Defendant.

COMPLAINT AND DEMAND FOR JURY TRIAL

1. The Plaintiff, Ava Harlow, resides at 1 Whitcher Court, Amesbury, Essex County, Massachusetts.

2. The Defendant, Massachusetts Bay Transportation Authority (“MBTA”), is an independent public authority with a principal place of business at 10 Park Plaza, Suite 5610, Boston, Suffolk County, Massachusetts. At all times material hereto, MBTA was a carrier of passengers for hire.

3. On January 27, 2023, Ava Harlow was a passenger on MBTA’s Green Line, disembarking on the westbound side of Boston University Central Station.

4. Ava Harlow was in close proximity to the train, knocking on a window of the train to try to get some friends’ attention. While she was so engaged, the operator started the train. This caused her to lose her balance and fall underneath the train, where she became trapped. As a result of falling underneath the train and being struck by it, Ms. Harlow suffered extensive severe injuries.

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

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

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

WHEREFORE, the Plaintiff, Ava Harlow, demands judgment against the Defendant, Massachusetts Bay Transportation Authority, in an amount that is fair together with interest and costs.

PLAINTIFF DEMANDS A TRIAL BY JURY.

Respectfully submitted,

AVA HARLOW
By counsel,

/s/ J. Michael Conley

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

/s/ Jonathan A. Karon

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

DATED: December 6, 2024

EXHIBIT A

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

(617) 405-3200
jakaron@karonlaw.net

CERTIFIED MAIL RETURN RECEIPT REQUESTED

May 2, 2024

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

Meredith Slesinger
Rail and Transit Administrator
Mass DOT
10 Park Plaza, Suite 4160
Boston, MA 02116

Monica Tibbits-Nutt
Secretary and CEO
Mass DOT
10 Park Plaza, Suite 4160
Boston, MA 02116

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

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

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

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

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

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

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

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

I look forward to your response.

Very truly yours,



Jonathan A. Karon

CERTIFIED MAIL RETURN RECEIPT NO. 9589 0710 5270 0429 9351 40 (Phillip Eng)

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

CERTIFIED MAIL RETURN RECEIPT NO. 9589 0710 5270 0429 9225 08 (Monica Tibbits-Nutt)

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

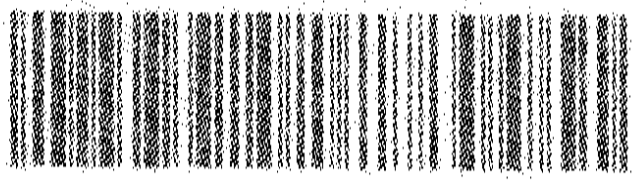
cc: all recipients by regular mail

COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Meredith Slesinger
 Rail and Transit Administrator
 MASS DOT
 10 PARK PLAZA SUITE 4160
 BOSTON, MA 02116



9590 9402 8718 3310 7287 83

2. Article Number (Transfer from service label)

9589 0710 5270 0429 9350 96

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent
 Addressee

B. Received by (Printed Name) C. Date of Delivery

D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

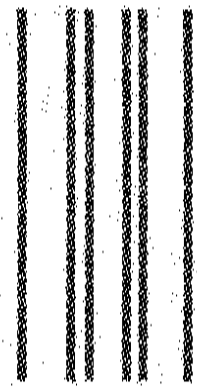
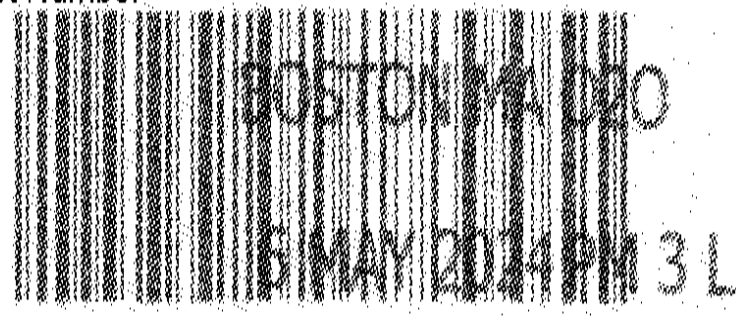
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<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™
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<input type="checkbox"/> Certified Mail Restricted Delivery	<input type="checkbox"/> Signature Confirmation™
<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery
<input type="checkbox"/> Collect on Delivery Restricted Delivery	

Insured Mail
 Insured Mail Restricted Delivery (over \$500)

Superior Court - Suffolk TRACKING#

Docket Number



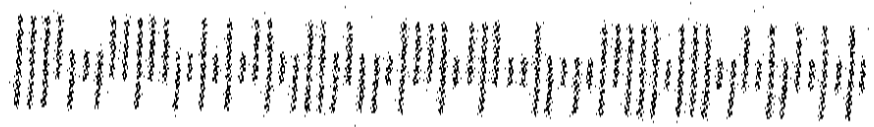
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United States
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JONATHAN A. KARON
KARON LAW, LLC
10 High Street, Suite 401
BOSTON, MA 02110

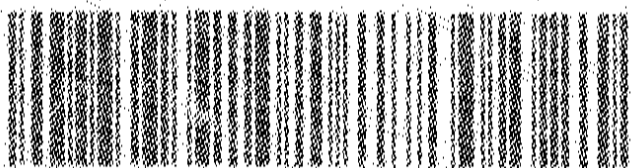


COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

MONICA Tibbits-Nutt
 Secretary and CEO
 MASS DOT
 0 PARK PLAZA, Suite 4160
 BOSTON, MA 02116



9590 9402 8718 3310 7287 52

2. Article Number (Transfer from service label)

589 0710 5270 0429 9225 08

COMPLETE THIS SECTION ON DELIVERY

A. Signature

[Handwritten Signature] 2 July 2024 Agent Addressee

B. Received by (Printed Name)

C. Date of Delivery

[Handwritten Name] *[Handwritten Date]*

D. Is delivery address different from item 1? Yes

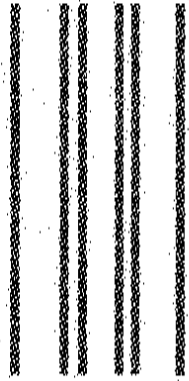
If YES, enter delivery address below: No

3. Service Type

- Adult Signature
- Adult Signature Restricted Delivery
- Certified Mail®
- Certified Mail Restricted Delivery
- Collect on Delivery
- Collect on Delivery Restricted Delivery
- Insured Mail
- Insured Mail Restricted Delivery (over \$500)
- Priority Mail Express®
- Registered Mail™
- Registered Mail Restricted Delivery
- Signature Confirmation™
- Signature Confirmation Restricted Delivery

Superior Court - Suffolk TRACKING#

Docket Number



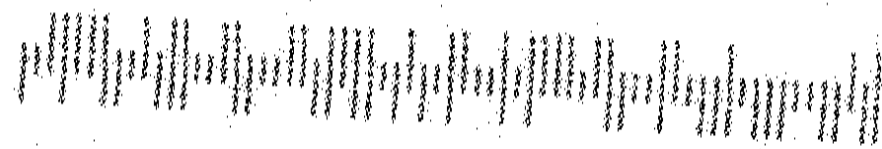
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Postage & Fees Paid
USPS
Permit No. G-10

9590 9402 8718 3310 7287 52

United States
Postal Service

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JONATHAN A. KARON
KARON LAW, LLC
10 High Street, Suite 401
BOSTON, MA 02110



DO NOT COMPLETE THIS SECTION

COMPLETE THIS SECTION ON DELIVERY

Complete items 1, 2, and 3.

Write your name and address on the reverse so that we can return the card to you.

Attach this card to the back of the mailpiece, showing the front if space permits.

Addressed to:

*Philip Eng
General Manager and CEO
Massachusetts Bay Transportation
Authority
100 PARK PLAZA, Suite 5610
Boston, MA 02116*

A. Signature

X

[Handwritten Signature]

Agent

Addressee

B. Received by (Printed Name)

C. Date of Delivery

[Handwritten Name]

[Handwritten Date: 5/16/24]

D. Is delivery address different from item 1? Yes

No

If YES, enter delivery address below: No

3. Service Type

Adult Signature

Adult Signature Restricted Delivery

Certified Mail®

Certified Mail Restricted Delivery

Collect on Delivery

Collect on Delivery Restricted Delivery

Insured Mail

Insured Mail Restricted Delivery (over \$500)

Priority Mail Express®

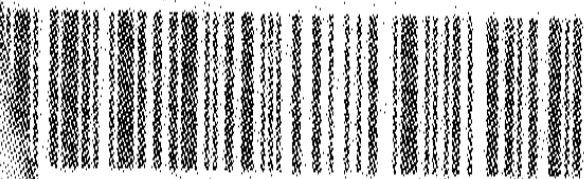
Registered Mail™

Registered Mail Restricted Delivery

Signature Confirmation™

Signature Confirmation Restricted Delivery

Restricted Delivery



9402 8718 3310 7287 69

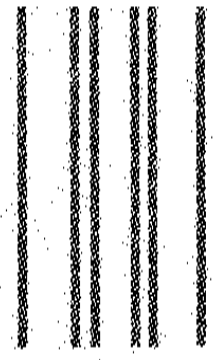
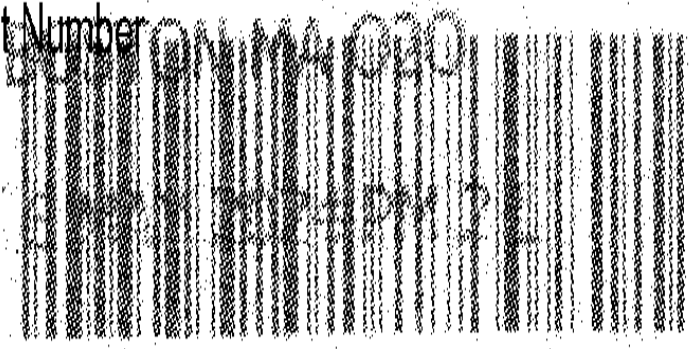
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10 5270 0429 9351 40

Superior Court - Suffolk

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USPS TRACKING#



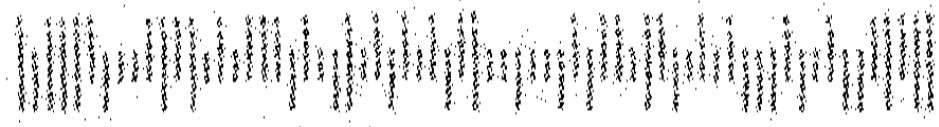
First-Class Mail
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USPS
Permit No. G-1

9590 9402 8718 3310 7287 69

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KARON LAW, LLC
10 High Street Suite 401
Boston, MA 02110



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- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

A. Signature *Not Made*

Agent
 Addressee

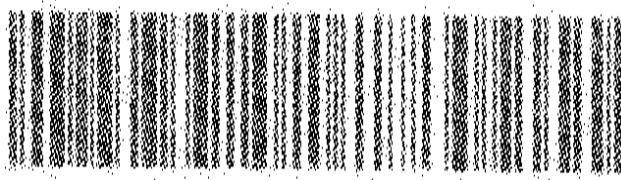
B. Received by (Printed Name)

C. Date of Delivery
MAY 06 2021

1. Article Addressed to:

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

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No



9590 9402 8718 3310 7287 45

3. Service Type
- Adult Signature
 - Adult Signature Restricted Delivery
 - Certified Mail®
 - Certified Mail Restricted Delivery
 - Collect on Delivery
 - Collect on Delivery Restricted Delivery
 - Insured Mail
 - Insured Mail Restricted Delivery (over \$500)
 - Priority Mail Express®
 - Registered Mail™
 - Registered Mail Restricted Delivery
 - Signature Confirmation™
 - Signature Confirmation Restricted Delivery

2. Article Number (Transfer from service label)

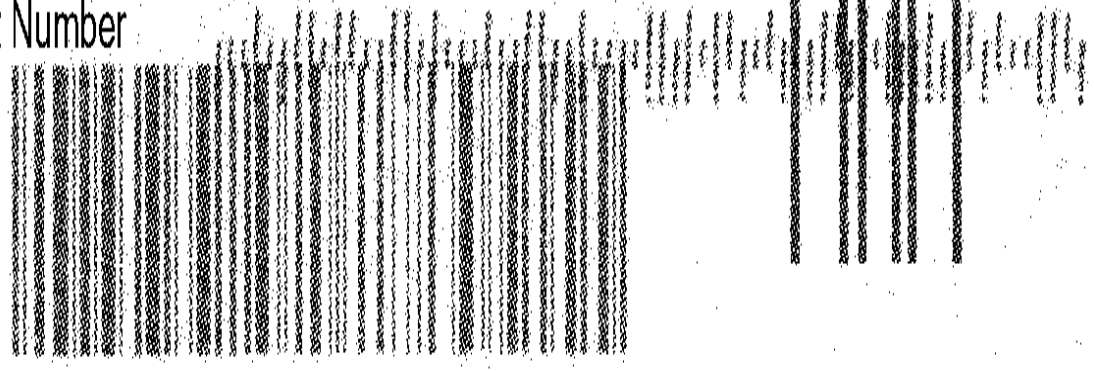
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Boston, MA 02110

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05E6 9350 9240 0429 0225 0710 0710 6856

For delivery information, visit our website at www.usps.com

Boston, MA 02116

Certified Mail Fee \$4.40

Extra Services & Fees (check box, add fee as appropriate)

- Return Receipt (hardcopy) \$
- Return Receipt (electronic) \$
- Certified Mail Restricted Delivery \$
- Adult Signature Required \$
- Adult Signature Restricted Delivery \$

Postage \$10.68

Total Postage and Fees \$15.08

Sent To

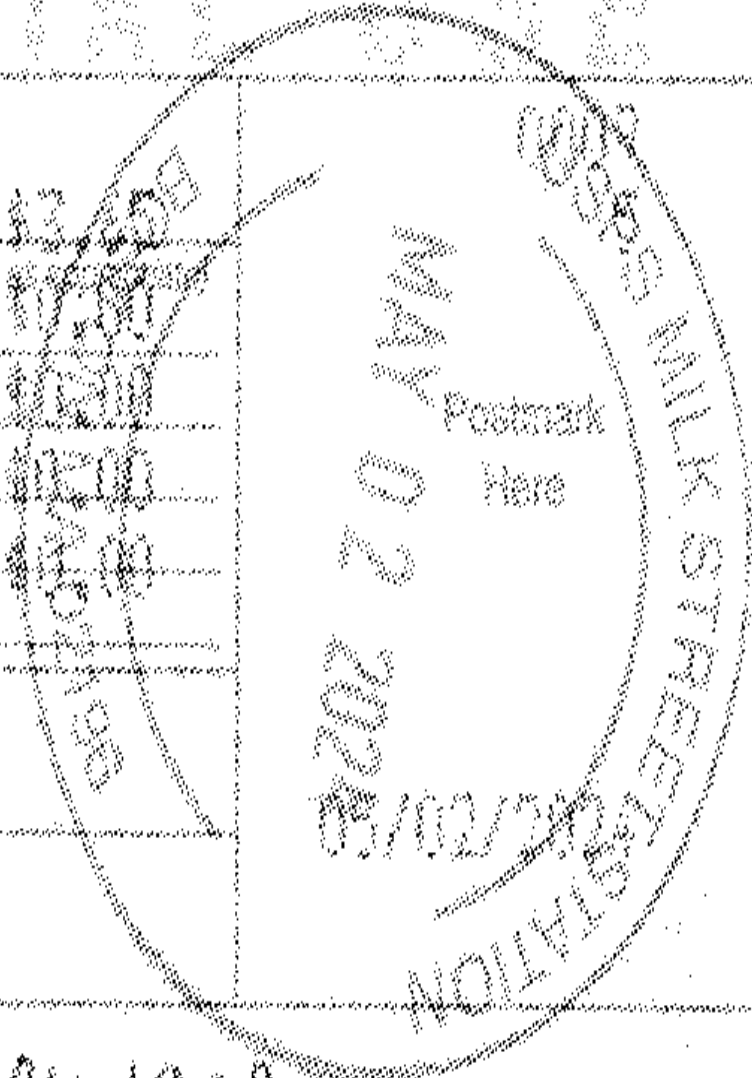
Meredith Stesinger

Street and Apt. No., or PO Box No.

10 PARK PLAZA, Suite 4160

City, State, ZIP+4®

BOSTON, MA 02116



CERTIFIED MAIL® RECEIPT

Domestic Mail Only

For delivery information, visit our website at usps.com

BOSTON, MA 02116

Certified Mail Fee \$4.40

Extra Services & Fees (check box, add fees if appropriate)

- Return Receipt (hardcopy) \$ 13.45
- Return Receipt (electronic) \$ 10.00
- Certified Mail Restricted Delivery \$ 10.00
- Adult Signature Required \$ 10.00
- Adult Signature Restricted Delivery \$

Postage \$0.68

Total Postage and Fees \$5.08

Sent To

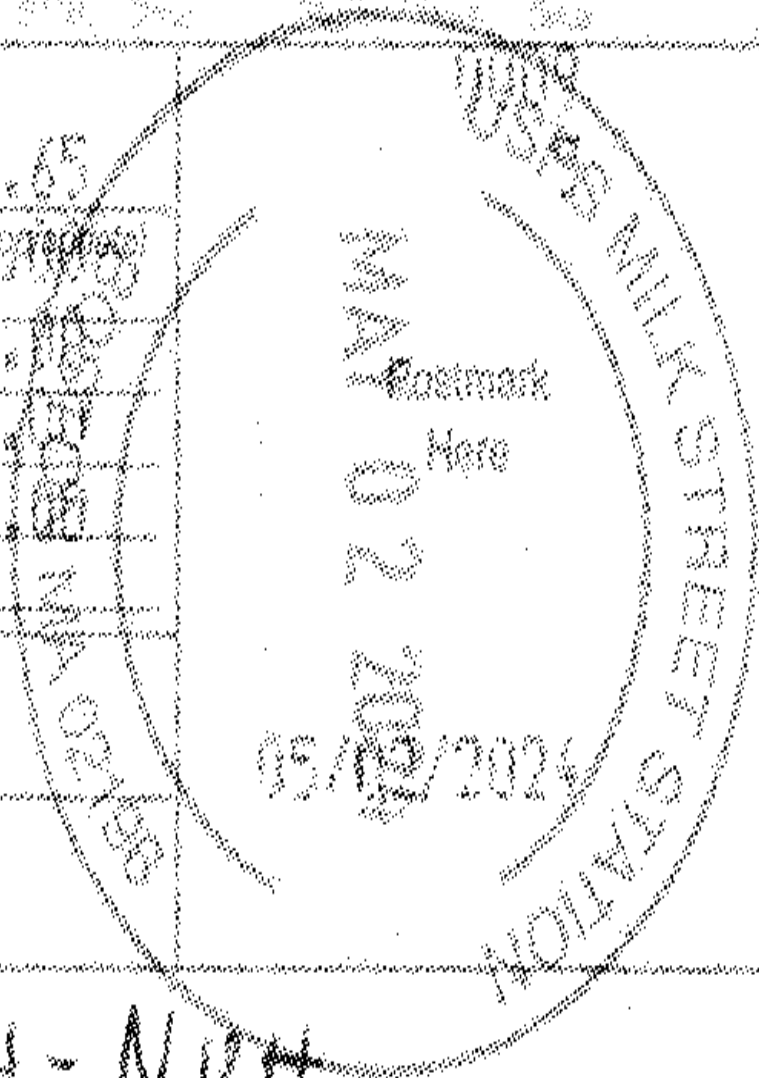
MONICA Tibbits - Non

Street and Apt. No. or PO Box No.

10 PARK PLAZA, Suite 4/60

City, State, ZIP+4®

BOSTON, MA 02116



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9559 0710 5270 0429 6240 0725 0120 6856
4
15E6
9351

Certified Mail Fee \$4.40

Extra Services & Fees (check box, add fee as appropriate)

- Return Receipt (hardcopy) \$1.00
- Return Receipt (electronic) \$1.50
- Certified Mail Restricted Delivery \$1.50
- Adult Signature Required \$1.50
- Adult Signature Restricted Delivery \$

Postage \$0.68

Total Postage and Fees \$8.73

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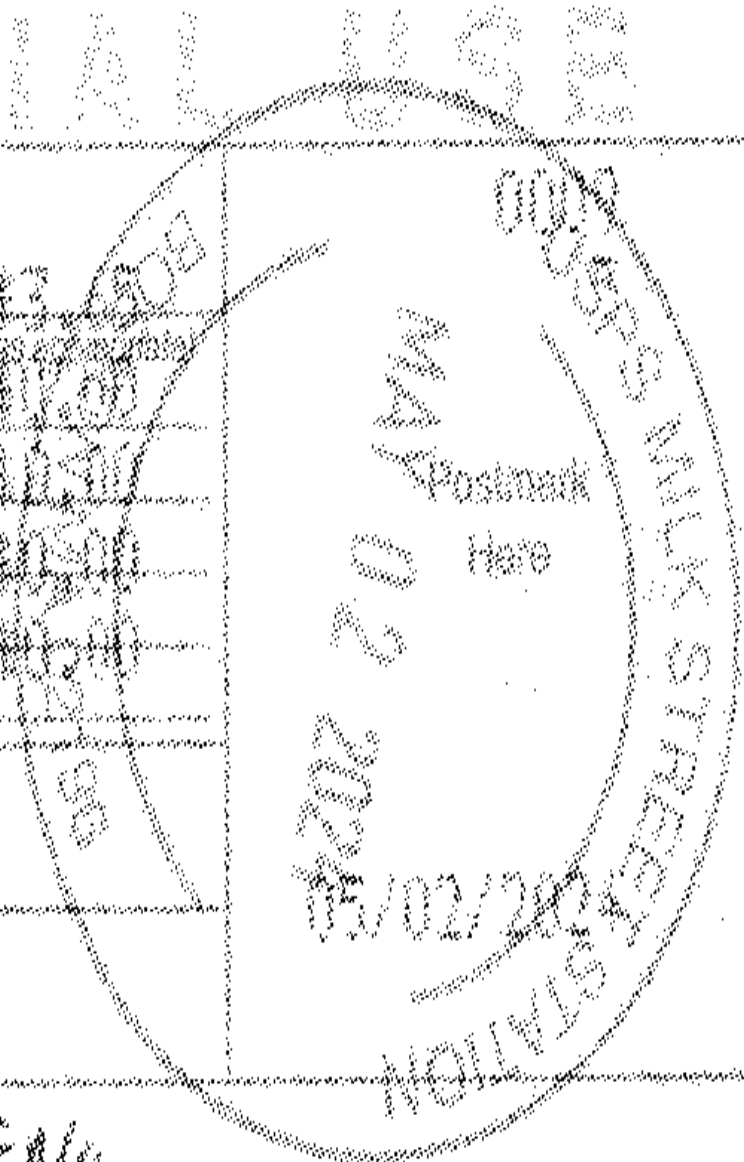
Phillip Eng

Street and Apt. No. or PO Box No.

10 Park Plaza, Suite 5160

City, State, ZIP+4®

Boston, MA 02116



Superior Court - Suffolk

Docket Number

CERTIFIED MAIL® RECEIPT

Domestic Mail Only

For sender information, visit our website at www.usps.com

Boston, MA 02108

Certified Mail Fee \$4.40

Extra Services & Fees (check box, add fee)

- Return Receipt (hardcopy) \$
- Return Receipt (electronic) \$
- Certified Mail Restricted Delivery \$
- Adult Signature Required \$
- Adult Signature Restricted Delivery \$

Postage \$0.68

Total Postage and Fees \$5.08

Sent To

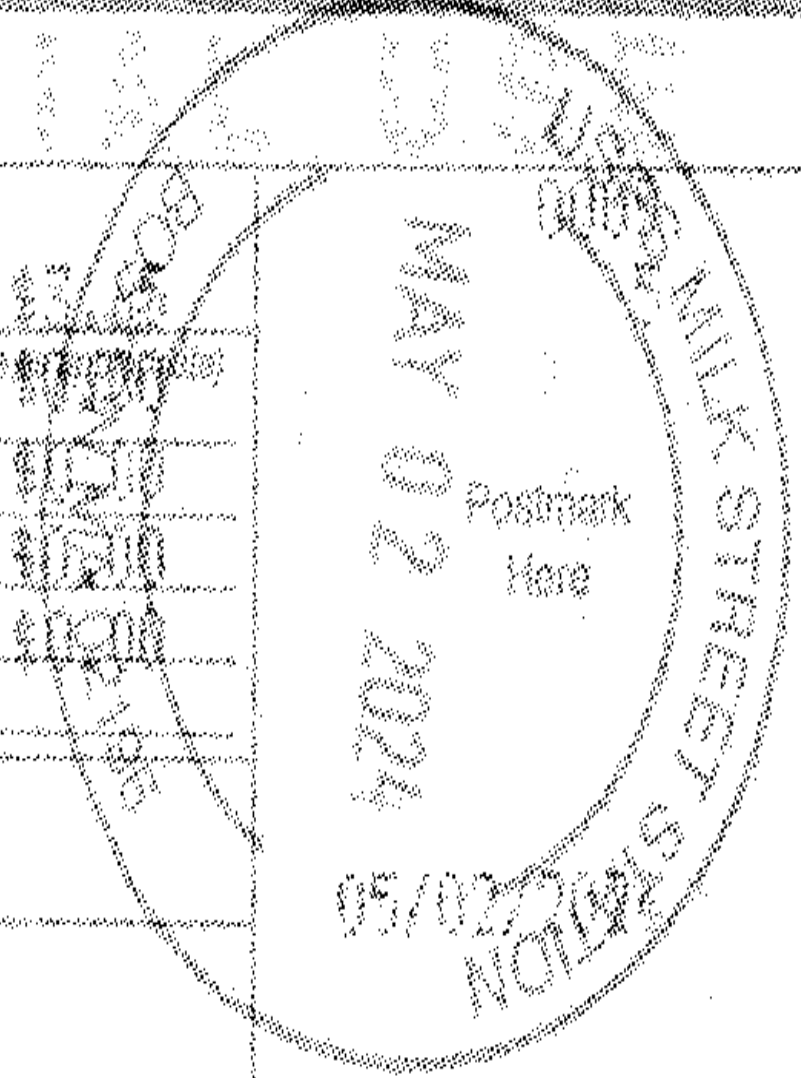
Andrea Joy Campbell

Street and Apt. No., or PO Box No.

1 Ashburton Place, 20th Floor

City, State, ZIP+4®

BOSTON, MA 02108



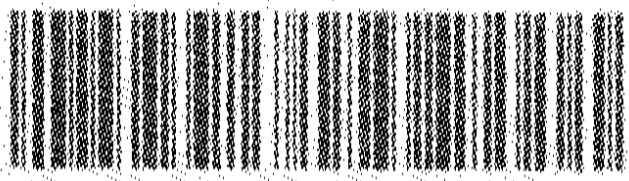
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1. Article Addressed to:

MASS DOT
 Office of the General Counsel
 10 PARK PLAZA, Suite 3510
 BOSTON, MA 02116



9590 9402 7543 2098 8926 56

2. Article Number (Transfer from service label)

7020 0090 0000 1274 6824

A. Signature

X *[Handwritten Signature]*

Agent

Addressee

B. Received by (Printed Name)

[Handwritten Name]

C. Date of Delivery

D. Is delivery address different from item 1?

Yes

If YES, enter delivery address below:

No

3. Service Type

- Adult Signature
- Adult Signature Restricted Delivery
- Certified Mail®

Priority Mail Express®

Registered Mail™

Registered Mail Restricted Delivery

Certified Mail Restricted Delivery

Signature Confirmation™

Collect on Delivery

Signature Confirmation Restricted Delivery

Collect on Delivery Restricted Delivery

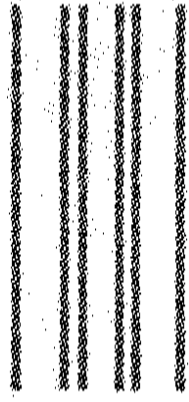
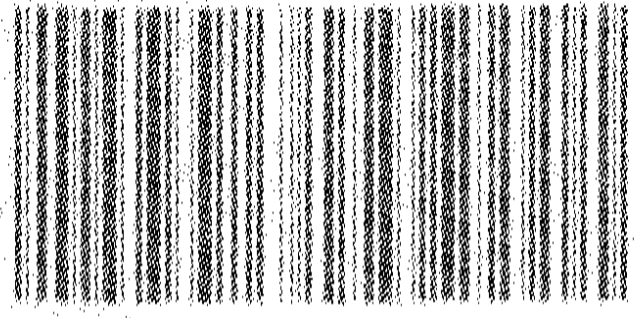
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Insured Mail Restricted Delivery (over \$500)

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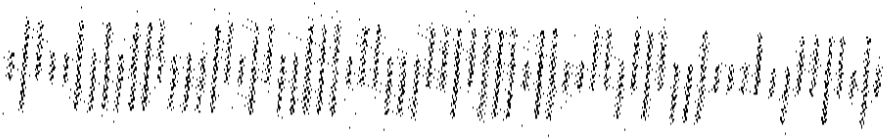
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Permit No. G-10

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United States
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JONATHAN A. KARON
KARON LAW, LLC
10 High Street, Suite 401
Boston, MA 02110



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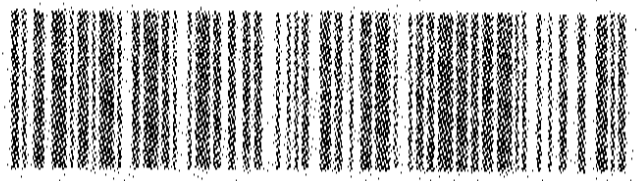
A. Signature Agent
 Addressee

B. Received by (Printed Name) C. Date of Delivery

D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

1. Article Addressed to:

Jeff Gravelle
 Interim General Manager
 Massachusetts Bay Transportation Authority
 10 PARK PLAZA, SUITE 4000
 BOSTON, MA 02116



9590 9402 7543 2098 8923 97

2. Article Number (Transfer from service label)

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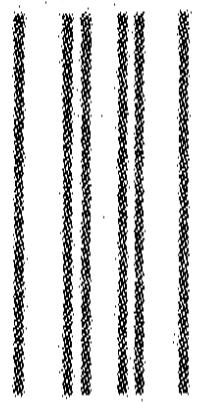
3. Service Type
- Adult Signature
 - Adult Signature Restricted Delivery
 - Certified Mail®
 - Certified Mail Restricted Delivery
 - Collect on Delivery
 - Collect on Delivery Restricted Delivery
 - Insured Mail
 - Insured Mail Restricted Delivery (over \$500)
 - Priority Mail Express®
 - Registered Mail™
 - Registered Mail Restricted Delivery
 - Signature Confirmation™
 - Signature Confirmation Restricted Delivery

Date Filed 12/6/2024 9:57 AM

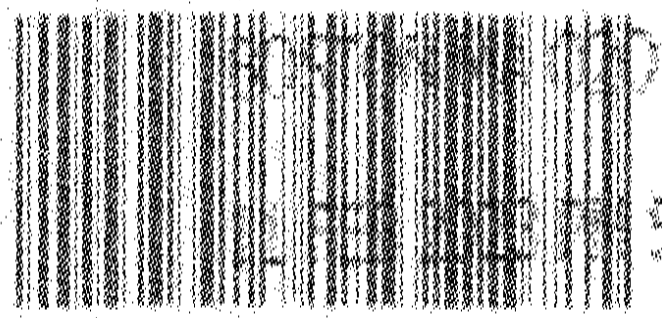
Superior Court - Suffolk

Docket Number

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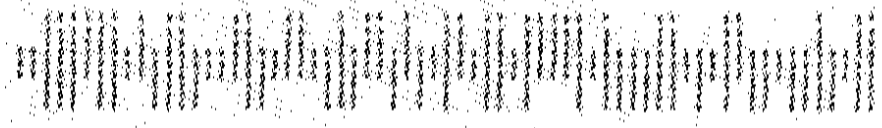
SL

9590 9402 7543 2098 8923 97

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JONATHAN A. KARON
KARON LAW, LLC
10 High Street Suite 401
Boston, MA 02110



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Docket Number

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Domestic Mail Only

For delivery information, visit our website at www.usps.com

PROFICIAL USE

Certified Mail Fee

\$4.15

0009

Extra Services & Fees (check box and fee as appropriate)

- Return Receipt (hardcopy) \$1.00
- Return Receipt (electronic) \$1.00
- Certified Mail Restricted Delivery \$2.00
- Adult Signature Required \$0.00
- Adult Signature Restricted Delivery \$2.00

Postmark
Here

Postage

Total Postage and Fees

02/08/2023

Sent To

Jeff Greenville

Street and Apt. No., or PO Box

10 Park Plaza Suite 4000

City, State, ZIP+4®

Boston MA 02110

1222 4 27 0000 14 00 0000 0000