

COMMONWEALTH OF MASSACHUSETTS

COPY

SUFFOLK, ss.

SUPERIOR COURT DEPARTMENT OF
THE TRIAL COURT

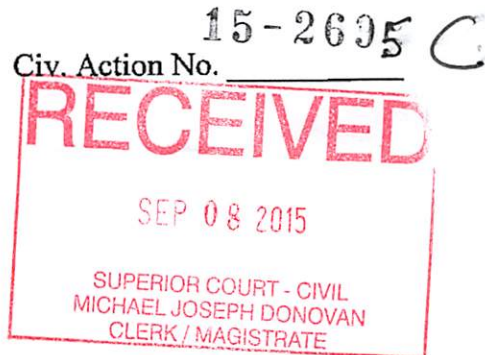
KEITH MUNSELL, as PERSONAL
REPRESENTATIVE OF THE ESTATE OF
ERIC MUNSELL and MARY LYNN MILLS,
as PERSONAL REPRESENTATIVE OF THE
ESTATE OF ERIC MUNSELL

Plaintiffs,

v.

JPC VENTURE CORP. and THE CRONIN
GROUP LLC,

Defendants.



COMPLAINT AND JURY DEMAND

PARTIES

1. Plaintiff Keith Munsell is an individual residing at 122 Red Bank Avenue, Bayville, New Jersey. He is a Personal Representative of the Estate of Eric Munsell.
2. Plaintiff Mary Lynn Mills is an individual residing at 124 Cranes Lake Drive Ponte Vedra Beach, Florida. She is a Personal Representative of the Estate of Eric Munsell.
3. Defendant JPC Venture Corp. is a domestic profit corporation with a principal office at 21 Broad Street, County of Suffolk, City of Boston, Massachusetts.
4. Defendant The Cronin Group, LLC is a domestic profit corporation with a principal office at 250 Northern Avenue, County of Suffolk, City of Boston, Massachusetts.

FACTS

5. Eric Munsell was a 24-year-old man who lived in Boston, Massachusetts. He was a 2012 graduate of Boston University. Mr. Munsell was a prosperous young engineer who

worked for GE Aviation in Lynn, Massachusetts. He was the only son of Keith Munsell and MaryLynn Mills.

6. On the evening of February 8, 2014, Mr. Munsell and his friends gathered at his North End apartment. It was Mr. Munsell's twenty-fourth birthday, and he and his roommate had a group of friends over for a celebration.

7. Mr. Munsell consumed a number of alcoholic beverages while at the gathering in his apartment.

8. Mr. Munsell and his friends left the apartment around 10pm and walked downtown to the Market bar and lounge ("Market") located in the financial district at 21 Broad Street, Boston.

9. Upon information and belief, Market is owned/operated by Defendants JPC Venture Corp. and The Cronin Group, LLC ("Cronin Group"). Upon information and belief, the staff members who work at Market are employed and/or trained by the Cronin Group.

10. Mr. Munsell and his friends arrived at Market at 10:22pm.

11. Mr. Munsell's identification was checked by a doorman, and he was admitted to Market with his friends.

12. When he was admitted to Market, Mr. Munsell was wearing his winter coat, a leather jacket with a fur collar.

13. Shortly after arriving, Mr. Munsell and his friends checked their coats at Market's coat check.

14. While at Market, Mr. Munsell consumed additional alcoholic beverages.

15. Over the course of the next hour, Mr. Munsell's friends observed that he was acting uncoordinated, staggering while walking, and that he looked sloppy and intoxicated while he was dancing at Market.

16. Around 11:25pm, a Market "bouncer" approached Mr. Munsell after he was observed to be stumbling and bumping into other patrons in the bar.

17. The Market bouncer grabbed Mr. Munsell and took him toward the bar's exit.

18. The Market bouncer then ejected Mr. Munsell from the building.

19. At the time Mr. Munsell was ejected, the outside temperature was below freezing. Other patrons entering and exiting Market were wearing winter coats. Despite this, Mr. Munsell was prevented from retrieving his coat from Market's coat check, and he was ejected outside without any outerwear.

20. It was foreseeable that ejecting Mr. Munsell from the bar to fend for himself in his intoxicated state and without a coat created a dangerous situation that placed Mr. Munsell at increased risk of injury and death. Neither the bouncer who threw out Mr. Munsell nor any other Market employee made any effort to avoid or mitigate this unsafe situation, such as by undertaking efforts to locate Mr. Munsell's party inside the bar so that they could help to ensure his safety, calling Mr. Munsell a cab, or notifying the police that there was an intoxicated patron that they wished to eject from the premises.

21. Upon information and belief, JPC Venture Corp. and the Cronin Group did not have reasonable and appropriate policies and procedures in place concerning the ejection of intoxicated individuals from the premises of Market, and/or did not train the bouncer in question as to the reasonable and appropriate procedures to take when ejecting an intoxicated individual from the premises.

22. After Mr. Munsell was ejected from Market, the Market bouncer stood at the front door and watched as Mr. Munsell stumbled off toward the street, weaving unsteadily on his feet, and without any coat on. He was intoxicated, cold, disoriented, and alone.

23. Mr. Munsell began wandering back toward the North End, presumably in an effort to get home. Unfortunately, in his intoxicated and disoriented state, he was unable to find his way home.

24. Mr. Munsell stumbled around the financial district, waterfront, and North End after being ejected from Market.

25. Surveillance videos showed Mr. Munsell weaving across the sidewalk with his arms wrapped across his chest for warmth.

26. Witnesses reported seeing Mr. Munsell stumbling and falling into snowbanks.

27. One witness reported seeing Mr. Munsell attempting unsuccessfully to get into a North End residence several blocks away from his own apartment.

28. Finally, in his intoxicated and disoriented state, Mr. Munsell wandered into Boston Harbor, where he drowned.

29. Unaware at that point of what had happened to Mr. Munsell, his family and friends desperately tried to locate him, holding out hope for his safe return despite fearing the worst.

30. On April 23, 2014, Boston Police recovered Mr. Munsell's body from Boston Harbor and he was confirmed dead.

31. A postmortem toxicology of Mr. Munsell's blood tested positive for alcohol. The Amended Autopsy Report identified Mr. Munsell's cause of death as accidental drowning.

COUNT I
Negligence - Wrongful Death

32. The plaintiffs repeat and reallege the allegations above as if fully stated herein.

33. Plaintiffs, as Personal Representatives of the Estate of Eric Munsell, bring this Count for the benefit and use of the decedent's survivors in accordance with M.G.L. c. 229, § 2, for the death of Eric Munsell.

34. Defendants owed duties of care to Mr. Munsell, including, but not limited to, a duty of reasonable care to prevent foreseeable harm to their patrons both on and off the premises.

35. Defendants breached these duties of care and were negligent in their actions and inactions toward Mr. Munsell, including, but not limited to, their failure to take reasonable steps to ensure his safety when removing him—a visibly intoxicated person—from the premises, failure to have appropriate policies and procedures in place concerning the removal of an intoxicated patron, and failure to sufficiently train their staff regarding the safe removal of an intoxicated patron. Defendants' conduct was grossly negligent.

36. Defendants' failure to exercise reasonable and due care directly and proximately caused Mr. Munsell's death.

37. Mr. Munsell's death has caused his heirs at law to suffer damages, including the loss of his services, care, assistance, society, companionship, comfort, guidance, counsel, and advice, as well as funeral and burial expenses.

PRAYER FOR RELIEF

WHEREFORE, the Plaintiffs request that this Court grant the following relief:

- a. enter judgment in their favor on all counts;
- b. award them damages, including punitive damages, as allowed by law for the wrongful death of Eric Munsell, plus interest at 12% per annum from the date of this Complaint, as well as costs; and

c. grant such other and further relief as this Court deems just and appropriate.

JURY DEMAND

The Plaintiffs hereby demands a jury on all counts so triable.

Respectfully submitted,

The Plaintiffs,

KEITH MUNSELL, as PERSONAL
REPRESENTATIVE OF THE ESTATE OF
ERIC MUNSELL and MARY LYNN MILLS, as
PERSONAL REPRESENTATIVE OF THE
ESTATE OF ERIC MUNSELL

By their attorneys,



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