

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY, SS.

SUPERIOR COURT DEPARTMENT
CIVIL ACTION NO:

Sarah Cox,)
Batul Kazim)
William Cox)
)
Plaintiffs)
V.)
)
Marcia Ramos)
Ramos Properties II, LLC)
Phi Omega Chapter of Alpha Epsilon Phi Sorority, Incorporated)
Margaret "Maggie" Scales)
Alpha Epsilon Phi Sorority, Incorporated)
DOE # 1)
)
Defendants)

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COMPLAINT AND REQUEST FOR JURY TRIAL

NOW COME the Plaintiffs, Sarah Cox, Batul Kazim and William Cox, by and through counsel, James Kelly of Rubenstein law, and complain as follows:

PARTIES

- 1 Sarah Cox is a natural person residing at New England Pediatric Care, 78 Boston Road, N. Billerica, MA 01862, with a mailing address 8 Crownridge Road, Westborough, MA 01581.
- 2 Batul Kazim and William Cox, are natural persons, and the parents of Sarah Cox, residing at 8 Crownridge Road, Westborough, MA 01581.
- 3 Marcia Ramos is a natural person residing at 45 Pond Circle, Jamaica Plain, MA 02130.

4 Ramos Properties II, LLC is a Massachusetts limited liability company, with a principal
place of business at 45 Pond Circle, Jamaica Plain, MA 02130.

5 Phi Omega Chapter of Alpha Epsilon Phi Sorority, Incorporated is the Northeastern
University chapter of Alpha Epsilon Phi Sorority, Incorporated, with a current address of
72 Hillside Street, Unit 1, Boston, MA 02120.

6 Margaret “Maggie” Scales, is a natural person, residing in Boston, MA whose address
may be more specifically identified during initial discovery.

7 Alpha Epsilon Phi Sorority, Incorporated, is New York corporation with a principal
business address of 11 Lake Avenue Extension, Ste 1A, Danbury, CT 06811

8 Doe #1, is a defendant that may be more specifically identified during initial discovery.

FACTS

9 On March 31, 2023, Sarah Cox was a junior at Northeastern University in Boston, MA,
and was a member of Alpha Epsilon Phi Sorority, Incorporated through her membership
of the Phi Omega Chapter of Alpha Epsilon Phi Sorority, Incorporated. (the “Sorority”).

10 At all times relevant Ramos Properties II, LLC (“RPII”) is the owner of record of the
property located at 2 Judge Street, Apartment 2, Boston, Massachusetts. (the “Property”)

11 Ramos Properties II, LLC developed the Property, and was granted building permits for
construction of the Property as a new two family building in 2016.

12 Marcia Ramos was in control of Ramos Properties II, LLC during the design and
construction of the Property.

13 At all times relevant Marcia Ramos is the manager of Ramos Properties II, LLC.

14 At all times relevant Marcia Ramos and Ramos Properties II, LL are the managers of the
property located at 2 Judge Street, Apartment 2, Boston, Massachusetts. (the “Property”)

- 15 Ramos Properties II, LLC was administratively dissolved by the Secretary of the
Commonwealth of Massachusetts on June 30, 2021.
- 16 At all times relevant Maggie Scales, was a tenant at the Property pursuant to a rental
agreement with the owner and or manager of the Property.
- 17 At all times relevant, Maggie Scales was the President of the Sorority.
- 18 At all times relevant the Property was designated as, and publicly known to be an
apartment that Maggie Scales and the Sorority openly used as their Sorority house (the
“Sorority House” or “House”).
- 19 At all times relevant Maggie Scales and the Sorority openly used the House for personal
social gatherings as well as Sorority events and gatherings.
- 20 On March 31, 2023 (the “Date of Loss or DOL”) Maggie Scales and the Sorority hosted a
Sorority related party in preparation to attend a Sorority related formal event later that
evening, (the “Party”)
- 21 On the DOL, the Party was open to members of the Sorority as well as some invitees not
affiliated with the Sorority.
- 22 During the Party, at some time between approximately 6:00pm and 6:30pm Est., Sarah
Cox was in the kitchen of the second floor apartment of the House with her Sorority
sisters and friends.
- 23 The kitchen was crowded with Party guests and Sarah Cox fell out of a window onto the
driveway below.
- 24 The distance from the window to the driveway was approximately 20 feet or more.
- 25 There were reports of 30 or more people in the House when she fell out of the window.
- 26 Sarah has suffered catastrophic injuries as a result of the fall.

COUNT I - NEGLIGENCE – MARCIA RAMOS

27 Plaintiffs reallege and aver the facts and allegations set forth in all previous paragraphs of
this Complaint and incorporate the same by reference as if fully stated herein.

28 Defendant, Marcia Ramos (“Ms. Ramos”) was, at all times relevant, a manager of the
Property.

29 At all times relevant, Ms. Ramos had a duty to manage the Property to keep it safe for
those lawfully within from any dangerous uses and conditions.

30 At all relevant times, Ms. Ramos failed to keep tenants from granting access to more
people than apartments in the Property could safely accommodate at one time.

31 Ms. Ramos knew or should have known that renting an apartment to college students
would lead to parties that could foreseeably result in more people being present in this
apartment than it could safely accommodate at one time.

32 Ms. Ramos knew or should have known that Maggie Scales and the Sorority used the
Property as the Sorority house.

33 Ms. Ramos knew or should have known that college students renting this apartment
would engage in drinking alcohol during parties, and that such parties could foreseeably
result in overcrowding while those present were impaired by alcohol consumption.

34 Ms. Ramos knew or should have known that the windows in the Property were installed
so low that a person could easily fall out of them.

35 As a result of this defendant’s breach of their duties, the plaintiff, Sarah Cox suffered
catastrophic and permanent injuries and continues to suffer from such permanent and
catastrophic injuries.

COUNT II - NEGLIGENCE – MARCIA RAMOS

36 Plaintiffs reallege and aver the facts and allegations set forth in all previous paragraphs of
this Complaint and incorporate the same by reference as if fully stated herein.

37 Defendant Marcia Ramos (“Ms. Ramos”) had a duty to keep the Property in a safe
condition for those lawfully within the Property, including the plaintiff, Sarah Cox.

38 Ms. Ramos had a duty to manage the Property to keep it safe for those lawfully within the
apartments in it by keeping window screens securely installed in windows that are so low
that a person could easily fall out of such windows.

39 Ms. Ramos failed to sufficiently secure window screens installed in such windows that
are so low that someone could easily fall out of such a window.

40 Ms. Ramos failed to employ any safeguards that would prevent a person from falling out
of such low windows.

41 As a result of this defendant’s breach of these duties, the plaintiff, Sarah Cox suffered
catastrophic and permanent injuries and continues to suffer from such permanent and
catastrophic injuries.

COUNT III - FAILURE TO WARN – MARCIA RAMOS

42 Plaintiffs reallege and aver the facts and allegations set forth in all previous paragraphs of
this Complaint and incorporate the same by reference as if fully stated herein.

43 Defendant Marcia Ramos (“Ms. Ramos”) had a duty to keep the Property in a safe
condition for those lawfully within the apartments, including the plaintiff, Sarah Cox.

44 Ms. Ramos had a duty to manage the Property to keep it safe, for those lawfully within
the apartments by providing warnings of the dangers created by windows that were so
low that a person could easily fall out of such windows.

45 Ms. Ramos knew or should have known that a person could fall through the windows installed in the apartments because such windows are so low that a person could easily fall out of them.

46 Ms. Ramos failed to sufficiently warn those lawfully within the apartments in the Property that such low windows present a foreseeable danger and dangerous likelihood that someone could easily fall out of such windows.

47 Ms. Ramos failed to sufficiently warn those lawfully within the apartments in the Property that the screens installed in such low windows are not sufficient to prevent a person from the foreseeable danger and dangerous likelihood that they would easily fall out of such windows if they leaned or fell into such screens.

48 As a direct and proximate result of this defendant's breach of these duties, the plaintiff, Sarah Cox suffered catastrophic and permanent injuries and continues to suffer from such permanent and catastrophic injuries.

COUNT IV - NEGLIGENCE – RAMOS PROPERTIES II LLC

49 Plaintiffs reallege and aver the facts and allegations set forth in all previous paragraphs of this Complaint and incorporate the same by reference as if fully stated herein.

50 Defendant Ramos Properties II, LLC ("RPII") was, at all times relevant, the record owner of the Property and as such had a duty to keep the apartments in the Property in a safe condition for those lawfully within them including the plaintiff, Sarah Cox.

51 At all times relevant, RPII had a duty to manage the Property to keep it safe for those lawfully within the Property from any dangerous uses and conditions caused by those its tenants.

52 At all relevant times, RPII failed to keep its tenants from granting access to more people than this apartment could safely accommodate at one time.

53 RPII knew or should have known that renting an apartment to a college student would lead to parties that could foreseeable danger and result in more people being present in this apartment than it could safely accommodate at one time.

54 RPII knew or should have known that college students renting this apartment would engage in drinking alcohol during parties that could foreseeably result in overcrowding while those present were impaired by alcohol consumption.

55 RPII knew or should have known that the windows in the Property were installed low enough that someone could easily fall out of them.

56 As a result of this defendant's breach of their duties, the plaintiff, Sarah Cox suffered catastrophic and permanent injuries and continues to suffer from such permanent and catastrophic injuries.

COUNT V - NEGLIGENCE – RAMOS PROPERTIES II, LLC

57 Plaintiffs reallege and aver the facts and allegations set forth in all previous paragraphs of this Complaint and incorporate the same by reference as if fully stated herein.

58 Defendant Ramos Properties II, LLC ("RPII") had a duty to keep the Property in a safe condition for those lawfully within the Property, including the plaintiff, Sarah Cox.

59 RPII had a duty to manage the Property to keep it safe for those lawfully within the apartments in it by keeping window screens securely installed in windows that are low enough for people to easily fall out of such windows.

60 RPII knew or should have known that a person could fall through such windows that are low enough for a person to easily fall out of such a window.

61 RPII failed to sufficiently secure a window screen installed in such a window that was
low enough that someone could easily fall out of such a window.

62 As a result of this defendant's breach of these duties, the plaintiff, Sarah Cox suffered
catastrophic and permanent injuries and continues to suffer from such permanent and
catastrophic injuries.

COUNT VI - FAILURE TO WARN – RAMOS PROPERTIES II LLC

63 Plaintiffs reallege and aver the facts and allegations set forth in all previous paragraphs of
this Complaint and incorporate the same by reference as if fully stated herein.

64 Defendant Ramos Properties II, LLC ("RPII") had a duty to keep the Property in a safe
condition for those lawfully within the Property, including the plaintiff, Sarah Cox.

65 RPII had a duty to manage the Property to keep it safe, for those lawfully within the
Property by providing warnings of the dangers created by windows low enough that a
person could easily fall out of such windows.

66 RPII knew or should have known that a person could fall through the windows installed
in the apartments in their Property because such windows are low enough for a person to
easily fall out of them.

67 RPII failed to sufficiently warn those lawfully within the apartments in the Property that
such low windows present a foreseeable danger and dangerous likelihood that someone
could easily fall out of such windows.

68 RPII failed to sufficiently warn those lawfully within the apartments in the Property that
the screens installed in such low windows are not sufficient to prevent a person from the
foreseeable danger and dangerous likelihood that they would easily fall out of such
windows if they leaned or fell into such screens.

69 As a direct and proximate result of this defendant's breach of these duties, the plaintiff, Sarah Cox suffered catastrophic and permanent injuries and continues to suffer from such permanent and catastrophic injuries.

**COUNT VII - NEGLIGENCE – PHI OMEGA CHAPTER OF ALPHA EPSILON
PHI SORORITY, INCORPORATED**

70 Plaintiffs reallege and aver the facts and allegations set forth in all previous paragraphs of this Complaint and incorporate the same by reference as if fully stated herein.

71 Defendant Alpha Epsilon Phi, Inc., (“POAEP” or the “Sorority”) knew or should have known that its members would use their Apartment for Sorority related activities.

72 POAEP had a duty to ensure that their members prevent dangerous conditions during Sorority related activities and events safe for those attending such events.

73 POAEP had a duty to keep those lawfully within the Apartment, when used for Sorority related activities, from any dangerous uses and conditions caused by those members of the Sorority.

74 POAEP knew or should have known that the members of the Sorority would use the Apartment for Sorority related activities, including for Sorority related parties.

75 POAEP knew or should have known the members of the Sorority would use the Apartment to engage in drinking alcohol during Sorority related activities, including for Sorority related parties.

76 POAEP knew or should have known that during Sorority related events, its members would foreseeably allow more people into the Apartment than the Apartment could safely accommodate.

77 POAEP knew or should have known that people would foreseeably be injured while attending Sorority related events in the Apartment when there are more people in the Apartment than it could safely accommodate at one time.

78 POAEP knew or should have known that some of those attending Sorority related events in the Apartment would foreseeably be impaired by drinking alcohol.

79 POAEP knew or should have known that people attending Sorority related events in the Apartment, when there are more people present in this Apartment than it could safely accommodate at one time, would be injured when such people present are impaired.

80 POAEP failed to prevent their Sorority members from creating dangerous conditions at the Sorority House.

81 As a direct and proximate result of this defendant's breach of these duties, the plaintiff, Sarah Cox suffered catastrophic and permanent injuries and continues to suffer from such permanent and catastrophic injuries.

**COUNT VIII - FAILURE TO WARN - PHI OMEGA CHAPTER OF ALPHA
EPSILON PHI SORORITY, INCORPORATED**

82 Plaintiffs reallege and aver the facts and allegations set forth in all previous paragraphs of this Complaint and incorporate the same by reference as if fully stated herein.

83 Defendant Phi Omega Chapter of Alpha Epsilon Phi Sorority, Incorporated., ("POAEP" or the "Sorority") knew or should have known that its members would use their Apartment as a Sorority House and for Sorority related activities.

84 POAEP had a duty to ensure that their members prevent dangerous conditions during Sorority related activities, parties and events for those attending such events.

85 POAEP had a duty to instruct their members to warn those attending Sorority related events of any dangerous uses and conditions caused by those members of the Sorority.

86 POAEP knew or should have known that the members of the Sorority would use the Apartment as a Sorority House for Sorority related activities, including for Sorority related parties.

87 POAEP knew or should have known the members of the Sorority would engage in drinking alcohol during Sorority related activities, including for Sorority related parties at the Apartment.

88 POAEP knew or should have known that during Sorority related events, its members would foreseeably allow more people into the Apartment than the Apartment could safely accommodate.

89 POAEP knew or should have known that people would foreseeably be injured while attending Sorority related events in the Apartment when there are more people in the Apartment than it could safely accommodate at one time.

90 POAEP had a duty to warn its members about the dangers and likelihood of injuries stemming from dangerous conditions created when Sorority related events allow more guests into apartments for such events than such venue could safely accommodate at one time.

91 POAEP knew or should have known that some of those attending Sorority related events in the Apartment would foreseeably be impaired by drinking alcohol.

92 POAEP had a duty to warn its members and those lawfully within the Sorority House about the dangers and likelihood of injuries to those members in attendance at Sorority related events where those in attendance including its members are impaired by drinking

alcohol and the Sorority and its members allow more people in the Sorority House than the Apartment can safely accommodate at one time.

93 POAEP failed to sufficiently warn its members who host Sorority related events in their Apartments of the dangers and the foreseeable likelihood of injuries to those members in attendance at such events when those in attendance including its members are impaired by drinking alcohol and the hosts allow more people in than the Apartment can safely accommodate at one time.

94 As a direct and proximate result of this defendant's breach of these duties, the plaintiff, Sarah Cox suffered catastrophic and permanent injuries and continues to suffer from such permanent and catastrophic injuries.

COUNT IX - NEGLIGENCE – MAGGIE SCALES

95 Plaintiffs reallege and aver the facts and allegations set forth in all previous paragraphs of this Complaint and incorporate the same by reference as if fully stated herein.

96 Maggie Scales was at all relevant times in control of the apartment/Sorority House (the "Apartment") where the plaintiff was injured.

97 Maggie Scales had a duty to keep any people lawfully within the Apartment safe from any dangerous uses and conditions she and the Sorority created.

98 Maggie Scales knew or should have known that allowing more people in their Apartment than it could safely accommodate at one time during parties and Sorority related events would create dangerous conditions for those in attendance at such parties and events.

99 Maggie Scales knew or should have known that those present at such parties and Sorority related events would become impaired by alcohol consumption.

100 Maggie Scales knew or should have known that people who were impaired by alcohol consumption while at their parties and Sorority related events would be injured when she allowed more people in the Apartment than it could safely accommodate at one time.

101 At all times relevant, Maggie Scales failed in her duties to keep those lawfully within their Apartment from being injured under these circumstances.

102 At all times relevant, Maggie Scales failed in her duties to keep those lawfully within the Apartment from being injured by the dangerous conditions she created.

103 As a direct and proximate result of this defendant's breach of these duties, the plaintiff, Sarah Cox suffered catastrophic and permanent injuries and continues to suffer from such permanent and catastrophic injuries.

COUNT X – FAILURE TO WARN NEGLIGENCE – MAGGIE SCALES

104 Plaintiffs reallege and aver the facts and allegations set forth in all previous paragraphs of this Complaint and incorporate the same by reference as if fully stated herein.

105 Maggie Scales was at all relevant times in control of the Apartment where the plaintiff was injured.

106 Maggie Scales had a duty to keep any people lawfully within the Apartment safe from any dangerous uses and conditions caused by Maggie Scales.

107 Maggie Scales knew or should have known that allowing more people in their Apartment than it could safely accommodate during parties and Sorority related events would foreseeably create dangerous conditions for those in attendance at such parties and events.

108 Maggie Scales knew that the window that the plaintiff, Sarah Cox fell out of was so low that a person could foreseeably fall out of it.

109 Maggie Scales knew or should have known that the screen in the window that the plaintiff, Sarah Cox fell out of would not prevent a person from falling out of the window.

110 Maggie Scales knew or should have known that, when there are more people present in their Apartment than it could safely accommodate, it is foreseeable that someone could easily fall out of such low windows.

111 At all times relevant, Maggie Scales failed in their duties to warn those lawfully within their Apartment of the dangerous conditions within their control.

112 Maggie Scales knew or should have known that, allowing more people in their Apartment than it could safely accommodate during a party or Sorority related event where people are impaired by alcohol, created a dangerous condition that could foreseeably cause someone fall out of one of the low windows.

113 Maggie Scales, and the Sorority, as the hosts, had a duty to warn those in attendance at the event, including the plaintiff, Sarah Cox that under the dangerous condition they created, it is foreseeable that someone could fall out of one of the low windows.

114 At all times relevant, Maggie Scales failed in their duties to warn those lawfully within their Apartment of the dangerous conditions they created.

115 As a direct and proximate result of this defendant's breach of these duties, the plaintiff, Sarah Cox suffered catastrophic and permanent injuries and continues to suffer from such permanent and catastrophic injuries.

COUNT XI - NEGLIGENCE –

ALPHA EPSILON PHI SORORITY, INCORPORATED

116 Plaintiffs reallege and aver the facts and allegations set forth in all previous paragraphs of
this Complaint and incorporate the same by reference as if fully stated herein.

117 Defendant Alpha Epsilon Phi Sorority, Incorporated, (“AEP, Inc.” or the “National
Sorority”) knew or should have known that its members would use their Apartment for
Sorority related activities.

118 AEP, Inc. had a duty to ensure that their members prevent dangerous conditions during
Sorority related activities and events safe for those attending such events.

119 AEP, Inc. had a duty to keep those lawfully within the Apartment, when used for Sorority
related activities, from any dangerous uses and conditions caused by those members of
the Sorority.

120 AEP, Inc. knew or should have known that the members of the Sorority would use the
Apartment for Sorority related activities, including for Sorority related parties.

121 AEP, Inc. knew or should have known the members of the Sorority would use the
Apartment to engage in drinking alcohol during Sorority related activities, including for
Sorority related parties.

122 AEP, Inc. knew or should have known that during Sorority related events, its members
would foreseeably allow more people into the Apartment than the Apartment could safely
accommodate.

123 AEP, Inc. knew or should have known that people would foreseeably be injured while
attending Sorority related events in the Apartment when there are more people in the
Apartment than it could safely accommodate at one time.

124 AEP, Inc. knew or should have known that some of those attending Sorority related events in the Apartment would foreseeably be impaired by drinking alcohol.

125 AEP, Inc. knew or should have known that people attending Sorority related events in the Apartment, when there are more people present in this Apartment than it could safely accommodate at one time, would be injured when such people present are impaired.

126 AEP, Inc. failed to prevent their Sorority members from creating dangerous conditions at the Sorority House.

127 As a direct and proximate result of this defendant's breach of these duties, the plaintiff, Sarah Cox suffered catastrophic and permanent injuries and continues to suffer from such permanent and catastrophic injuries.

COUNT XII - FAILURE TO WARN –

ALPHA EPSILON PHI SORORITY, INCORPORATED

128 Plaintiffs reallege and aver the facts and allegations set forth in all previous paragraphs of this Complaint and incorporate the same by reference as if fully stated herein.

129 Defendant Alpha Epsilon Phi Sorority, Incorporated, (“AEP, Inc.” or the “National Sorority”) knew or should have known that its members would use their Apartment as a Sorority House and for Sorority related activities.

130 AEP, Inc. had a duty to ensure that their members prevent dangerous conditions during Sorority related activities, parties and events for those attending such events.

131 AEP, Inc. had a duty to instruct their members to warn those attending Sorority related events of any dangerous uses and conditions caused by those members of the Sorority.

132 AEP, Inc. knew or should have known that the members of the Sorority would use the Apartment as a Sorority House for Sorority related activities, including for Sorority related parties.

133 AEP, Inc. knew or should have known the members of the Sorority would engage in drinking alcohol during Sorority related activities, including for Sorority related parties at the Apartment.

134 AEP, Inc. knew or should have known that during Sorority related events, its members would foreseeably allow more people into the Apartment than the Apartment could safely accommodate.

135 AEP, Inc. knew or should have known that people would foreseeably be injured while attending Sorority related events in the Apartment when there are more people in the Apartment than it could safely accommodate at one time.

136 AEP, Inc. had a duty to warn its members about the dangers and likelihood of injuries stemming from dangerous conditions created when Sorority related events allow more guests into apartments for such events than such venue could safely accommodate at one time.

137 AEP, Inc. knew or should have known that some of those attending Sorority related events in the Apartment would foreseeably be impaired by drinking alcohol.

138 AEP, Inc. had a duty to warn its members and those lawfully within the Sorority House about the dangers and likelihood of injuries to those members in attendance at Sorority related events where those in attendance including its members are impaired by drinking alcohol and the Sorority and its members allow more people in the Sorority House than the Apartment can safely accommodate at one time.

139 AEP, Inc. failed to sufficiently warn its members who host Sorority related events in their
Apartments of the dangers and the foreseeable likelihood of injuries to those members in
attendance at such events when those in attendance including its members are impaired
by drinking alcohol and the hosts allow more people in than the Apartment can safely
accommodate at one time.

140 As a direct and proximate result of this defendant's breach of these duties, the plaintiff,
Sarah Cox suffered catastrophic and permanent injuries and continues to suffer from such
permanent and catastrophic injuries.

COUNT XIII - NEGLIGENCE – DOE #1

141 Plaintiffs reallege and aver the facts and allegations set forth in all previous paragraphs of
this Complaint and incorporate the same by reference as if fully stated herein.

142 DOE #1 was at all relevant times in control of the Apartment where the plaintiff was
injured.

143 DOE #1 had a duty to keep any people lawfully within the Apartment safe from any
dangerous uses and conditions caused by DOE #1 and others in control of the Apartment.

144 DOE #1 knew or should have known that allowing more people in their Apartment than it
could safely accommodate at one time during parties and Sorority related events would
foreseeably create dangerous conditions for those in attendance at such parties and
events.

145 DOE #1 knew or should have known those present at such parties and Sorority related
events would become impaired by alcohol consumption.

146 DOE #1 knew or should have known that people who were impaired by alcohol
consumption while at their parties and Sorority related events would be injured by
allowing more people in their Apartment than it could safely accommodate at one time.

147 DOE #1 knew or should have known that a dangerous condition is created when people
are impaired by alcohol in an Apartment where there are more people present in the
Apartment than it could safely accommodate at one time.

148 At all times relevant, DOE #1 failed in their duties to keep those lawfully within their
Apartment from being injured under the circumstances.

149 At all times relevant, DOE #1 failed in their duties to keep those lawfully within their
Apartment from being injured by the dangerous conditions they created.

150 As a direct and proximate result of this defendant's breach of these duties, the plaintiff,
Sarah Cox suffered catastrophic and permanent injuries and continues to suffer from such
permanent and catastrophic injuries.

COUNT XIV – FAILURE TO WARN NEGLIGENCE – DOE #1

151 Plaintiffs reallege and aver the facts and allegations set forth in all previous paragraphs of
this Complaint and incorporate the same by reference as if fully stated herein.

152 DOE #1 was at all relevant times in control of the Apartment where the plaintiff was
injured.

153 DOE #1 had a duty to keep any people lawfully within the Apartment safe from any
dangerous uses and conditions caused by DOE #1 and others in control of the Apartment.

154 DOE #1 knew or should have known that allowing more people in their Apartment than it
could safely accommodate during parties and Sorority related events would foreseeably
create dangerous conditions for those in attendance at such parties and events.

- 155 Doe #1 knew that the window that the plaintiff, Sarah Cox fell out of was so low that a person could foreseeably fall out of it.
- 156 Doe #1 knew or should have known that the screen in the window that the plaintiff, Sarah Cox fell out of would not prevent a person from falling out of the window.
- 157 Doe #1 knew or should have known that, when there are more people present in their Apartment than it could safely accommodate, it is foreseeable that someone could easily fall out of such low windows.
- 158 Doe #1 knew or should have known that, allowing more people in their Apartment than it could safely accommodate during a party or Sorority related event where people are impaired by alcohol, created a dangerous condition that could foreseeably cause someone fall out of one of the low windows.
- 159 Doe #1 had a duty to warn those in attendance at the event they hosted, including the plaintiff, Sarah Cox that under the dangerous condition they created, a person could foreseeably fall out of one of the low windows.
- 160 At all times relevant, DOE #1 failed in their duties to warn those lawfully within their Apartment of the dangerous conditions under the circumstances.
- 161 At all times relevant, DOE #1 failed in their duties to warn those lawfully within their Apartment of the dangerous conditions they created.
- 162 As a direct and proximate result of this defendant's breach of these duties, the plaintiff, Sarah Cox suffered catastrophic and permanent injuries and continues to suffer from such permanent and catastrophic injuries.

COUNT XV

**MASS. GEN. LAWS CH. 231, §85X
LOSS OF CONSORTIUM OF A DEPENDENT CHILD AS AGAINST ALL
DEFENDANTS FOUND LIABLE**

163 Plaintiffs reallege and aver the facts and allegations set forth in all previous paragraphs of this Complaint and incorporate the same by reference as if fully stated herein.

164 Plaintiffs, Batul Kazim and William Cox, are the parents of Sarah Cox.

165 At all times relevant, the plaintiff Sarah Cox was an adult child who was dependent on her parents for support.

166 At all relevant times, Sarah Cox was a college student at Northeastern University who depended on her parents for support in all aspects.

167 When Sarah was not at school she lived with her parents at their home.

168 Sarah Cox's injuries are a direct and proximate result of each of the Defendants' failures to meet duties of care.

169 As a result of the severity of her injuries, Sarah will continue to permanently rely on her parents.

170 Batul Kazim and William Cox's lives are significantly restructured because they now have to provide care and support of every aspect of Sarah's life 24 hours per day and 7 days per week on a permanent basis.

JURY DEMAND

Plaintiffs demand trial by jury on all issues properly so tried

WHEREFORE, the Plaintiffs pray judgment against the Defendants and an award of damages within the jurisdictional limits of this court.

Respectfully submitted, Sarah Cox
Batul Kazim and William Cox,
by and through counsel,

/s/ James Kelly
James Kelly, Esq.
BBO #568489
Rubenstein Law
15 Broad Street
Suite 801
Boston, MA 02109
617-990-1482
jkelly@rubensteinlaw.com