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## Tenants file second suit against apartment landlord over 2008 fire

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By Matt Rocheleau, Globe Correspondent

Landlords of a Framingham apartment building destroyed by fire last year face a second lawsuit from former tenants who allege negligence against the landlords for the fire and that tenants have been unlawfully prevented from reclaiming their possessions.

The class-action suit claims apartment owners extorted tenants when owners told residents they could get their possessions back only if they sign a waiver saying the landlords are not liable for damage caused by the fire.

"I've never seen something quite as egregious as this," said the lawsuit's attorney Ted Hess-Mahan of Hutchings Barsamian law firm in Wellelsey, who has been a class-action lawyer for around 13 years.

All five of the businesses listed as defendants on the lawsuit were contacted by the Globe and either declined to comment or have not yet returned messages requesting comment.

In April 2008, a fire broke out at the six-story, 72-apartment Edgewater 1 building of Jefferson Village complex on Temple Street causing around \$3 million in smoke and fire damage, which made the building uninhabitable and displaced its 110 or so residents.

Employees of a plumbing company hired by the landlord ignited the fire while using an acetylene torch to do work on a second-floor bathroom. Those employees attempted unsuccessfully to extinguish the fire for some time before calling 911, according to an investigation by state and town fire officials.

The fire officials' investigation concluded that the delay in calling 911, coupled with the lack of an alarm system tied to the local fire department, "resulted in more advanced fire conditions upon arrival of the [Framingham] Fire Department than would have otherwise occurred with proper notification."

In the latest lawsuit filed August 31 in Middlesex Superior Court, former tenant and plaintiff Thomas Large on behalf of the other former tenants, allege negligence against the plumbing and heating company R&R Battista Services, Inc., of Watertown; the building's owners Jefferson at Edgewater Village, L.P.; and the building's management and maintenance JPI Management Services, L.P.

Jefferson Village and real estate investing company, Greystar, which bought JPI in January, were contacted but neither business has returned messages requesting comment. The plumbing company declined to comment.

Large, now living in Natick, also claims conversion against Jefferson Village and JPI for not returning personal belongings to the tenants.

According to the lawsuit, about one month after the fire, tenants "received a document from Jefferson Village and/or JPI stating that if they wanted any of their property returned, they would have to sign a liability waiver and pay \$500

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to Vertex Environmental Services for asbestos decontamination of affected items.”

The suit further says Jefferson Village, JPI, their insurance company York Claims Service, Inc. of New Jersey and Peerless Insurance Company of New Hampshire, which provides liability for the plumbing company, were not upfront with tenants as to the fire’s cause and the status of their belongings.

The lawsuit claims the companies of, “making false and misleading representations as to the cause of the fire and resulting damage, loss or destruction of their personal property, and its own responsibility therefore, and as to when they would have access to their apartments and possessions, and by depriving them of the right to possession of their personal property unless they agreed to waive their rights to seek legal recourse against it.”

York Claims Service and Peerless Insurance Company both declined to comment.

Hess-Mahan said, some tenants have still not received their belongings, which are being held in storage by apartment management, a year and a half after the fire.

“Basically, all these management companies held these tenants hostages,” he said, adding that the lawsuit hope to get millions in damages. “We feel like we have a pretty strong case against them.”

In May 2008, another class-action suit claiming negligence was filed against apartment owners, management and the Watertown plumbing company in Middlesex Superior court by former tenants Anilkumar Abbaiahred and Rashmi Gopalreddy of Westborough, as well as Framingham residents Saeed Karampour, Ashish Parmar, Chaoying Zhu, and Visakan Kalimuthu.

Hess-Mahan said the previous class-action suit, which has not been resolved, and the one most-recently filed may be combined into one lawsuit because of their similar claims.

Three residents and eight firefighters were hospitalized after the midday blaze due to smoke inhalation or stress-related problems.

The building constructed in 1966 was grandfathered into modern fire code and had no sprinklers installed.

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