

◇ RETURN DATE: MARCH 31, 2015 : SUPERIOR COURT  
AMY YAMAGUCHI : J.D. OF NEW HAVEN  
V. : AT NEW HAVEN  
AVIAD HACK, ELIEZER GREER, and :  
PENDLETON PROPERTIES : FEBRUARY 9, 2015

COMPLAINT

COUNT ONE: ON BEHALF OF AMY YAMAGUCHI  
AS TO AVIAD HACK FOR PREMISES LIABILITY

1. The plaintiff, AMY YAMAGUCHI, was at all relevant times a resident of the third floor apartment of a three-family residence located at 33 Pendleton Street, New Haven, Connecticut 06511 ("the premises").

2. At all relevant times, the defendant AVIAD HACK, owned, leased, possessed, maintained or controlled the premises.

3. In the early morning hours of August 31, 2013, as the plaintiff was asleep upstairs, a fire began on one of the lower floors of the premises.

4. Sometime thereafter, the plaintiff was awoken by the smell of smoke in her apartment. Prior to/at that time, no fire or smoke alarm was audible in the plaintiff's apartment.

5. The plaintiff attempted to exit her apartment through the main/front doorway, but the way, including the staircase, was blocked by heavy smoke and heat.

6. The plaintiff then attempted to exit her apartment through the rear/secondary doorway, but was unable to effectuate an exit.

7. Thereafter, as the fire department was arriving on the scene, the plaintiff jumped from a window on the third floor of the premises, landing below on a small roof over a balcony on the second floor of the premises.

8. The plaintiff was then rescued from her position by the fire department, following which she was taken by ambulance to the emergency room at Yale New Haven for treatment.

9. The plaintiff's injuries, as outlined more fully below, were a direct and proximate result of the negligence of AVIAD HACK in that he, or one or more of his agents, servants or employees:

- a. Failed to ensure that the premises contained a sufficient number/amount of smoke detectors;
- b. Failed to ensure that any smoke detectors that were present were operating properly;

- c. Failed to test any smoke detectors that were present with sufficient regularity, so as to ensure that they were properly maintained;
- d. Failed to properly maintain any smoke detectors that were present;
- e. Failed to ensure that the premises had an automatic security system that would detect fires and automatically report the same to the fire department;
- f. Failed to properly or reasonably inspect the premises for fire hazards;
- g. Failed to enforce applicable fire regulations upon the tenants of the premises;
- h. Failed to enforce applicable lease provisions regarding fire prevention upon the tenants of the premises; and
- i. Failed to ensure a sufficient number of viable exits in the event there were a fire.

10. As a direct and proximate result of the aforesaid negligence of AVIAD HACK, the plaintiff suffered the following serious and painful injuries, some or all of which may be permanent in nature:

- a. Smoke inhalation;
- b. Lumbar spine strain/sprain;
- c. Bilateral sacroiliac pain;

- d. Weight loss;
- e. Post-traumatic stress disorder; and
- f. Depression/exacerbation of prior depression.

11. As a direct and proximate result of the aforementioned negligence of AVIAD HACK, the plaintiff has suffered and continues to suffer mental anguish, frustration and anxiety over the fact that she was and remains injured.

12. As a direct and proximate result of the aforementioned negligence of AVIAD HACK, the plaintiff has incurred and will continue to incur in the future expenses for medical care and treatment, including medication, x-rays, diagnostic testing, treatment and therapy, all of which has caused her and will continue to cause her loss and damage.

13. As a direct and proximate result of the aforementioned negligence of AVIAD HACK, the plaintiff was prevented from attending to the duties of her occupation, which has caused her loss and damage.

14. As a direct and proximate result of the aforementioned negligence of AVIAD HACK, the plaintiff has suffered and will continue to suffer in the future a decrease in her capacity to engage in and enjoy

◇ life's activities as she was able to do prior to the above fire and resulting injuries.

15. As a direct and proximate result of the aforementioned negligence of AVIAD HACK, the plaintiff suffered the loss of substantially the entirety of her personal property contained within the premises.

**COUNT TWO: ON BEHALF OF AMY YAMAGUCHI  
AS TO ELIEZER GREER FOR PREMISES LIABILITY**

1. The plaintiff, AMY YAMAGUCHI, was at all relevant times a resident of the third floor apartment of a three-family residence located at 33 Pendleton Street, New Haven, Connecticut 06511 ("the premises").

2. At all relevant times, the defendant ELIEZER GREER, owned, leased, possessed, maintained or controlled the premises.

3. In the early morning hours of August 31, 2013, as the plaintiff was asleep upstairs, a fire began on one of the lower floors of the premises.

4. Sometime thereafter, the plaintiff was awoken by the smell of smoke in her apartment. Prior to/at that time, no fire or smoke alarm was audible in the plaintiff's apartment.

5. The plaintiff attempted to exit her apartment through the main/front doorway, but the way, including the staircase, was blocked by heavy smoke and heat.

6. The plaintiff then attempted to exit her apartment through the rear/secondary doorway, but was unable to effectuate an exit.

7. Thereafter, as the fire department was arriving on the scene, the plaintiff jumped from a window on the third floor of the premises, landing below on a small roof over a balcony on the second floor of the premises.

8. The plaintiff was then rescued from her position by the fire department, following which she was taken by ambulance to the emergency room at Yale New Haven for treatment.

9. The plaintiff's injuries, as outlined more fully below, were a direct and proximate result of the negligence of ELIEZER GREER in that he, or one or more of his agents, servants or employees:

- a. Failed to ensure that the premises contained a sufficient number/amount of smoke detectors;
- b. Failed to ensure that any smoke detectors that were present were operating properly;

- c. Failed to test any smoke detectors that were present with sufficient regularity, so as to ensure that they were properly maintained;
- d. Failed to properly maintain any smoke detectors that were present;
- e. Failed to ensure that the premises had an automatic security system that would detect fires and automatically report the same to the fire department;
- f. Failed to properly or reasonably inspect the premises for fire hazards;
- g. Failed to enforce applicable fire regulations upon the tenants of the premises;
- h. Failed to enforce applicable lease provisions regarding fire prevention upon the tenants of the premises; and
- i. Failed to ensure a sufficient number of viable exits in the event there were a fire.

10. As a direct and proximate result of the aforesaid negligence of ELIEZER GREER, the plaintiff suffered the following serious and painful injuries, some or all of which may be permanent in nature:

- a. Smoke inhalation;
- b. Lumbar spine strain/sprain;
- c. Bilateral sacroiliac pain;

- d. Weight loss;
- e. Post-traumatic stress disorder; and
- f. Depression/exacerbation of prior depression.

11. As a direct and proximate result of the aforementioned negligence of ELIEZER GREER, the plaintiff has suffered and continues to suffer mental anguish, frustration and anxiety over the fact that she was and remains injured.

12. As a direct and proximate result of the aforementioned negligence of ELIEZER GREER, the plaintiff has incurred and will continue to incur in the future expenses for medical care and treatment, including medication, x-rays, diagnostic testing, treatment and therapy, all of which has caused her and will continue to cause her loss and damage.

13. As a direct and proximate result of the aforementioned negligence of ELIEZER GREER, the plaintiff was prevented from attending to the duties of her occupation, which has caused her loss and damage.

14. As a direct and proximate result of the aforementioned negligence of ELIEZER GREER, the plaintiff has suffered and will continue to suffer in the future a decrease in her capacity to engage in and enjoy



◇ life's activities as she was able to do prior to the above fire and resulting injuries.

15. As a direct and proximate result of the aforementioned negligence of ELIEZER GREER, the plaintiff suffered the loss of substantially the entirety of her personal property contained within the premises.

**COUNT PENDLETON PROPERTIES: ON BEHALF OF AMY YAMAGUCHI  
AS TO ELIEZER GREER FOR PREMISES LIABILITY**

1. The plaintiff, AMY YAMAGUCHI, was at all relevant times a resident of the third floor of a three-story residence located at 33 Pendleton Street, New Haven, Connecticut 06511 ("the premises").

2. At all relevant times, the defendant PENDLETON PROPERTIES, was a business doing business in the State of Connecticut, and which held itself out as maintaining a business address at P.O. Box 3171, New Haven, Connecticut, 06515

3. At all relevant times, PENDLETON PROPERTIES, owned, leased, possessed, maintained or controlled the premises.

4. In the early morning hours of August 31, 2013, as the plaintiff was asleep upstairs, a fire began on one of the lower floors of the premises.

5. Sometime thereafter, the plaintiff was awoken by the smell of smoke in her apartment.

6. The plaintiff attempted to exit her apartment through the main/front doorway, but the way, including the staircase, was blocked by heavy smoke and heat.

7. The plaintiff then attempted to exit her apartment through the rear/secondary doorway, but was unable to effectuate an exit.

8. Thereafter, as the fire department was arriving on the scene, the plaintiff jumped from a window on the third floor of the premises, landing below on a small roof over a balcony on the second floor of the premises.

9. The plaintiff was then rescued from her position by the fire department, following which she was taken by ambulance to the emergency room at Yale New Haven for treatment.

10. The plaintiff's injuries, as outlined more fully below, were a direct and proximate result of the negligence of PENDLETON PROPERTIES,

◇ through one or more of its agents, servants or employees, in that it/they:

- a. Failed to ensure that the premises contained a sufficient number/amount of smoke detectors;
- b. Failed to ensure that any smoke detectors that were present were operating properly;
- c. Failed to test any smoke detectors that were present with sufficient regularity, so as to ensure that they were properly maintained;
- d. Failed to properly maintain any smoke detectors that were present;
- e. Failed to ensure that the premises had an automatic security system that would detect fires and automatically report the same to the fire department;
- f. Failed to properly or reasonably inspect the premises for fire hazards;
- g. Failed to enforce applicable fire regulations upon the tenants of the premises;
- h. Failed to enforce applicable lease provisions regarding fire prevention upon the tenants of the premises; and
- i. Failed to ensure a sufficient number of viable exits in the event there were a fire.

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11. As a direct and proximate result of the aforesaid negligence of PENDLETON PROPERTIES, through one or more of its agents, servants or employees, the plaintiff suffered the following serious and painful injuries, some or all of which may be permanent in nature:

- a. Smoke inhalation;
- b. Lumbar spine strain/sprain;
- c. Bilateral sacroiliac pain; and
- d. Weight loss;
- e. Post-traumatic stress disorder;
- f. Depression.

12. As a direct and proximate result of the aforementioned negligence of PENDLETON PROPERTIES, through one or more of its agents, servants or employees, the plaintiff has suffered and continues to suffer mental anguish, frustration and anxiety over the fact that she was and remains injured.

13. As a direct and proximate result of the aforementioned negligence of PENDLETON PROPERTIES, through one or more of its agents, servants or employees, the plaintiff has incurred and will continue to incur in the future expenses for medical care and treatment, including

◇ medication, x-rays, diagnostic testing, treatment and therapy, all of which has caused her and will continue to cause her loss and damage.

14. As a direct and proximate result of the aforementioned negligence of PENDLETON PROPERTIES, through one or more of its agents, servants or employees, the plaintiff was prevented from attending to the duties of her occupation, which has caused her loss and damage.

15. As a direct and proximate result of the aforementioned negligence of PENDLETON PROPERTIES, through one or more of its agents, servants or employees, the plaintiff has suffered and will continue to suffer in the future a decrease in her capacity to engage in and enjoy life's activities as she was able to do prior to the above collision and resulting injuries.

16. As a direct and proximate result of the aforementioned negligence of PENDLETON PROPERTIES, through one or more of its agents, servants or employees, the plaintiff suffered the loss of substantially the entirety of her personal property contained within the apartment.

◇ WHEREFORE, the plaintiff demands:

1. Compensatory relief;
2. Such other relief as this Court may deem equitable and proper.

THE PLAINTIFF

BY: \_\_\_\_\_  
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The amount demanded is greater than fifteen thousand dollars (\$15,000) exclusive of interest and costs.