

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS

SUPERIOR COURT
CIVIL ACTION #

Alice Cohen and
Ronald Cohen,
Plaintiffs

vs.

Eataly Boston, LLC
Defendant

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COMPLAINT & JURY DEMAND

INTRODUCTION

The Plaintiffs Alice Cohen and Ronald Cohen (hereinafter "Plaintiffs"), by and through their attorneys, Shaheen & Gordon, P.A., file this Complaint and allege as follows:

PARTIES AND JURISDICTION

1. The Plaintiffs, Alice Cohen and Ronald Cohen, at all relevant times were individuals residing at 55 Broadview Terrace, Town of Gilford, County of Belknap and State of New Hampshire.
2. The Plaintiffs, Alice Cohen and Ronald Cohen at all relevant times were husband and wife.
3. The Defendant, Eataly Boston, LLC, at all relevant times was a foreign limited liability company organized in the State of Delaware and licensed to do business in the Commonwealth of Massachusetts with a principal place of business at 800 Boylston Street in Boston, County of Suffolk and Commonwealth of Massachusetts.

4. The Plaintiff, Alice Cohen, was injured as a result of a fall caused by the negligent acts of the Defendant, Eataly Boston, LLC while at the premises of the Defendant at 800 Boylston Street, Boston, County of Suffolk, Commonwealth of Massachusetts.
5. Jurisdiction is appropriate in this Court because there is reasonable likelihood that the Plaintiff's damages are in excess of \$50,000.00.

FACTUAL ALLEGATIONS COMMON TO ALL COUNTS

6. On October 7, 2022, Plaintiff Alice Cohen was a business invitee shopping at the premises owned by the Defendant.
7. At all relevant times Plaintiff was a business invitee at the premises owned by the Defendant and open to the general public.
8. At that same time and place Plaintiff approached an area of the premises where food samples were being offered to patrons. As Plaintiff Alice Cohen approached the area she slipped and fell on a piece of prosciutto on the floor injuring her left ankle resulting in a fracture.
9. At all relevant times, it was foreseeable that patrons and potential patrons of the Defendant's premises would traverse the floors of its establishment.
10. At all relevant times your Defendant Eataly Boston, LLC owed a duty of care to Plaintiff and the general public to maintain its premises in a condition that would not create an unreasonable risk of harm to those lawfully on the premises and to ensure that the premises was safe for use by its customers, including Plaintiff. Defendant Eataly Boston, LLC further had a duty to

ensure that the surface of the floors were free from unnecessary dangers, a duty to use ordinary care to maintain the premises in a reasonably safe condition and a duty to warn of such dangerous conditions.

11. Nevertheless, and wholly unmindful of the foregoing, your Defendant Eatly Boston, LLC breached these duties by failing to ensure that the floor was safe for Plaintiff and other patrons, by failing to ensure that the floor was free from unnecessarily dangerous conditions, by failing to adequately prevent and/or remove hazards from the premises and by failing to warn Plaintiff of the dangerous condition.
12. As a direct, proximate, and foreseeable result of the negligence of Defendant Eatly Boston, LLC, your Plaintiff Alice Cohen, injured her ankle, as well as loss of enjoyment of life, and experiencing great pain and suffering.

COUNT I - NEGLIGENCE

13. The Plaintiffs, Alice Cohen and Ronald Cohen, incorporates by reference and restates herein the allegations in Paragraphs 1 through 13 of this Complaint.
14. As a further direct, proximate, and foreseeable result of the Defendant's negligence, your Plaintiff Alice Cohen sustained bodily injuries, a loss of enjoyment of life, pain and suffering and incurred necessary medical expenses for medical care and attention.

COUNT II - LOSS OF CONSORTIUM

15. The Plaintiffs, Alice Cohen and Ronald Cohen, incorporates by reference and restates herein the allegations in Paragraphs 1 through 15 of this Complaint.

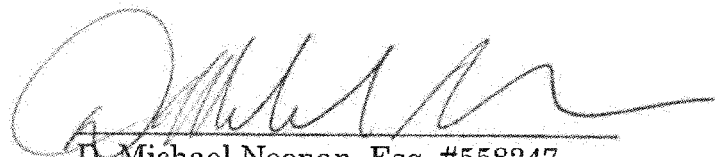
16. As a further direct, proximate, and foreseeable result of the Defendant's negligence, your Plaintiff Ronald Cohen has suffered from the loss of consortium of his wife, Alice Cohen.

PRAYER FOR RELIEF

Wherefore the Plaintiffs Alice Cohen and Ronald Cohen claim damages and demands judgment against the Defendant Eatly Boston, LLC in an amount sufficient to compensate them fully and fairly for all injuries and damages, including physical and emotional pain and suffering, and loss of consortium, plus interest costs and such further relief as the Court may deem proper and further demands a trial by Jury.

Date:

8.8.2023



D. Michael Noonan, Esq. #558247
Attorney for Plaintiff
Shaheen & Gordon, P.A.
P.O. Box 977
Dover, NH 03821-0977
(603) 749-5000