

Docketed 8/28/2023

4.0

COMMONWEALTH OF MASSACHUSETTS

METRO SOUTH
HOUSING COURT

NORFOLK, ss.

SUPERIOR COURT DEPARTMENT

Civil Action No. 23CV00389 2024 JUL 16 A 9:35

DANY ABOUELKHIER and all others
similarly situated,

Plaintiff,

vs.

MARINA BAY RESIDENCES, LLC,
BOZZUTO MANAGEMENT CO., and
DELANEY BARRETT,

Defendants.

**FIRST AMENDED CLASS ACTION COMPLAINT
AND DEMAND FOR JURY TRIAL**

INTRODUCTION

Plaintiff brings this class action on behalf of himself and all other similarly situated current and former residents and tenants of "Meriel Marina Bay", a recently built 352 unit luxury apartment development in the Marina Bay section of Quincy, Massachusetts (hereinafter "the Property"). Defendants collectively own, manage, operate, and lease the apartments at the Property.

Plaintiff and the putative class seek monetary damages and injunctive relief related to the "serious repeated water intrusions"¹ and "widespread leaks" that have plagued the apartment buildings since they opened in 2018. Since that time, Defendants have had actual knowledge that

¹ All quotations, **bolded** herein, are *verbatim* party admissions made by defendant Marina Bay Residences LLC in court pleadings filed in Marina Bay Residences LLC v. Callahan, Inc. and Cube 3 Studio, LLC, C.A. No. 2182CV01044 (Norfolk County Superior Court) (asserting construction defect claims against the builder and architect of the Property).

RECEIVED

11/18/2021

1

COMMONWEALTH OF MASSACHUSETTS

ETRO SOUTH
USING COURT

NORFOLK, SS.

SUPERIOR COURT DEPARTMENT
Civil Action No.:

16 A 9:35

2182cv01044

MARINA BAY RESIDENCES, LLC,

Plaintiff,

v.

CALLAHAN, INC. and
CUBE 3 STUDIO, LLC,

Defendants.

COMPLAINT & JURY DEMAND
Preliminary Statement

Plaintiff Marina Bay Residences, LLC ("Marina Bay" or "Plaintiff" or "Owner") owns two newly constructed, mixed-use buildings containing retail space, luxury apartment units, and parking located at 550-552 Victory Road in the Marina Bay neighborhood of Quincy, Massachusetts (the "Project"). This action arises out of the failure of Defendants Cube 3 Studio, LLC and Callahan, Inc. to properly design and construct the Project in accordance with their contractual obligations to Plaintiff.

The Parties

1. Plaintiff is a Texas Limited Liability Company with its principal office at 2800 Post Oak Blvd, Suite 4800, Houston, Texas. Plaintiff's Registered Agent in the Commonwealth is CT Corporation System, with an address at 155 Federal Street, Suite 700, Boston, Massachusetts.
2. Defendant Callahan, Inc. ("Callahan") is a Massachusetts Corporation with its principal office at 80 First Street, Bridgewater, Massachusetts.
3. Defendant Cube 3 Studio, LLC ("Cube-3") is a Massachusetts Limited Liability

METRO SOUTH
HOUSING COURT
COMMONWEALTH OF MASSACHUSETTS
2024 JUL 16 A 05

NORFOLK, ss.

SUPERIOR COURT DEPARTMENT
Civil Action No. 23cv388

DANY ABOUELKHIER on behalf of himself
and all others similarly situated,

Plaintiffs,

vs.

MARINA BAY RESIDENCES, LLC,
BOZZUTO MANAGEMENT CO., and
DELANEY BARRETT,

Defendants.

CLASS ACTION COMPLAINT AND DEMAND FOR JURY TRIAL

Plaintiff brings this class action on behalf of himself and all other similarly situated current and former tenants, occupants, and/or residents of "Meriel Marina Bay" for monetary damages and injunctive relief arising out of Defendants' unlawful actions related to their ownership, management, operation, and leasing of this luxury residential development in the Marina Bay section of Quincy, Massachusetts.

Soon after the completion of construction of "Meriel Marina Bay" in 2018 and its opening thereafter, Defendants learned that the two large residential buildings had major problems with exterior water penetration into the building envelopes that was causing structural damage, microbial mold growth, and unlawful living conditions for the tenants. In recognition of these hazardous living conditions, Defendants started the permitting and planning processes for what would become at the present time a large-scale, property-wide repair and remediation project to remove and replace the exterior façades of the buildings and to repair and remediate water and mold damaged structures inside and outside the apartments and in the common areas. This project has been and continues to be highly disruptive to the tenants. What's more, Defendants failed to disclose the nature and extent of the water

