

Rule 12 (C) Motion

SERVICES

Personal Injury

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Mark A. Aronsson

Boyle | Shaughnessy Law shareholder [Mark Aronsson](#), recently obtained judgment on the pleadings in favor of his client, a security firm, in a multi-million dollar action filed in Massachusetts Superior Court, asserting negligent infliction of emotional distress, nuisance, trespass, and 93A violations.

The plaintiff alleged in her complaint that she had purchased a condominium unit at a Boston building. Prior to the purchase, however, the seller and condominium trust allegedly failed to advise the plaintiff that a comprehensive systems rehabilitation project was scheduled to occur both in the plaintiff's unit, and in its immediate vicinity. The rehabilitation work went forward and, according to the plaintiff, was performed improperly; it allegedly exposed the plaintiff to hazardous materials that jeopardized her health and safety, and it constituted both a nuisance and continuing trespass. The plaintiff alleged that the security firm was part of a "project team," which included several engineering, construction, and property management firms, and that the project team was responsible for her injuries.

Attorney Aronsson successfully argued that, as against the security firm, the plaintiff's allegations failed to satisfy the Rule 12(b)(6) standard articulated by the Supreme Judicial Court in *Iannocchino v. Ford Motor Co.*, 451 Mass. 623, 636 (2008), which requires a plaintiff to amplify a complaint with well-pleaded factual allegations that plausibly suggest (and not merely consistent with) an entitlement to relief. Attorney Aronsson argued that, apart from a conclusory allegation that the security firm was part of the "project team," the complaint alleged no specific facts that would suggest that the firm engaged in any improper conduct. Attorney Aronsson also persuaded the court that the nuisance and trespass claims failed on other grounds, including that the security firm did not own the property adjoining the plaintiff's unit, and the plaintiff did not allege that any purported entry into her unit was "illegal." Attorney Aronsson also successfully argued that, as a matter of law, the plaintiff's relationship with the security firm was private in nature and thus fell outside the scope of M.G.L. c. 93A.