



IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

JOSEPH THOMAS )  
 )  
 Plaintiffs, ) C.A. No.  
 )  
 v. )  
 )  
 EVERGREEN APARTMENTS, )  
 INC. ; EVERGREEN APARTMENT )  
 GROUP, INC., EVERGREEN )  
 PROPERTIES MANAGEMENT, INC., )  
 Delaware Corporations; KGL )  
 HOLDINGS RIVERFRONT, LLC, )  
 A Delaware Limited Liability )  
 Company, )  
 Defendant ) Jury Trial by 12 Demanded

**COMPLAINT**

1. Plaintiff, Joseph Thomas, the son of decedent, Veronica Mouseley is a resident of the State of Delaware .

2. Defendant, EVERGREEN APARTMENTS, INC., d/b/a “Evergreen Apartments at Riverfront Heights” (“Defendant” or “Evergreen”) is a Delaware Corporation whose registered agent is the Corporation Trust Company, 1209 Orange Street, Wilmington, Delaware, 19801.

3. Defendant, EVERGREEN APARTMENT GROUP, INC., (“Defendant”) is a Delaware Corporation whose registered agent is Lauren Wolfgang, Esquire, 1627 New Jersey Avenue, New Castle, Delaware, 19720

4. Defendant, EVERGREEN PROPERTIES MANAGEMENT, INC.,

(“Defendant”) is a Delaware Corporation, whose registered agent is Lauren Wolfgang, Esquire, 1627 New Jersey Avenue, New Castle, Delaware, 19720.

5. Defendant, KGL HOLDINGS RIVERFRONT, LLC, d/b/a “Evergreen Apartments at Riverfront Heights” (“Defendant”) is a Delaware limited liability company whose registered agent is Lauren Wolfgang, Esquire, 1627 New Jersey Avenue, New Castle, Delaware, 19720.

6. Defendants acquired, own, managed and controlled the 255 unit Riverfront Heights apartment complex and renamed the complex “Evergreen Apartments at Riverfront Heights.”

7. On or about March 24, 2016 at 6:00 p.m., New Castle County emergency responders arrived at Evergreen Units G and F. Paramedics and police entered various units, including the unit where decedent Veronica Mouseley resided. Four residents, including the decedent Veronica Mouseley, were declared dead by the emergency responders that evening as a result of carbon monoxide exposure.

8. Emergency responders noted the higher than normal level of carbon monoxide in the apartment complex that evening.

9. Exposure to carbon monoxide can result in death and did cause the wrongful death of Veronica Mouseley. As such, Wilmington’s Housing Code requires that, [e]very building of residential or mixed occupancy, in which there are one or more residential units, shall be equipped with approved carbon monoxide alarms . . .”

10. DNREC determined that higher than normal levels of carbon monoxide emanated from exhausts pipes in the boiler room of the apartment complex, which rusted and collapsed causing dangerous carbon monoxide to build up in the apartment complex. It was also determined that at the time of this incident, there were no carbon monoxide monitors or no working carbon monoxide monitors as required by both Wilmington Housing Code and Defendants' obligation of due care for the tenants.

11. Defendants knew and had notice that there existed an unreasonable risk of harm to Plaintiff on Defendants' property because of Defendants' grossly negligent and/or reckless installation, inspection, maintenance and/or repair of carbon monoxide monitors.

12. Defendants knew and had notice that there existed an unreasonable risk of harm to Plaintiff on Defendants' property because of Defendants' grossly negligent and/or reckless inspection, maintenance, and/or repair of the exhaust pipes and boiler.\

13. Defendants' failure to act, in light of this knowledge and notice of an unreasonably dangerous condition, evidences gross negligence and reckless indifference to the health and safety of Plaintiff and other residents of the apartment complex.

14. Defendants violated their legal duty to the decedent Veronica Mouseley and other tenants and were grossly negligent, willful and wanton in that Defendants:

(a) Failed to install and maintain in operable condition carbon monoxide monitors under Delaware's Landlord/Tenant Code and Wilmington Code. *See* 25 Del.C. §5305(a)(1)-(2), (5); WILMINGTON §34-232.1;

(b) Failed to protect Plaintiff and other residents from an unreasonably dangerous condition on Defendants' apartment complex that was unknown and undiscoverable to the residents;

(c) Failed to inspect, maintain and repair the apartment complex's exhaust pipes to prevent a dangerous condition to residents by the higher than normal level of carbon monoxide present in the complex;

(d) Failed to inspect, maintain and repair the complex's boiler to prevent the boiler from falling into a state of disrepair and causing the emission of a higher than normal level of carbon monoxide;

(e) Failed to warn the residents of the presence of higher than normal carbon monoxide at the complex during a reasonable inspection of the property, including the complex's boiler rooms.

15. As a direct and proximate result of Defendants' aforesaid negligence, gross negligence and/or willful and wanton conduct, Veronica Mouseley the Decedent died from carbon monoxide exposure.

16. As a result of the wrongful death of his mother, Plaintiff, Joseph Thomas was deprived of the expectation of pecuniary benefits which would have resulted

from the continued life of his mother, to wit, such sums of money which his mother would have contributed to him from her earnings and the diminution in the value of his mother's estate at the end of her life expectancy. Also, as a result of his mother's wrongful death, Plaintiff suffers the loss of his mother's affection and companionship. Additionally, as a result of the wrongful death of his mother, Plaintiff suffers from grievous mental anguish, pain and suffering.

17. As a result of Defendants' gross negligence and willful and wanton conduct Defendants are liable for punitive damages for Plaintiff's injuries in an amount to be determined by a jury.

**WHEREFORE**, Plaintiff demands judgment against the Defendants for compensatory and punitive damages, plus costs and interest in an amount to be determined by a jury.

RAMUNNO & RAMUNNO, P.A.

By: /s/ L. VINCENT RAMUNNO  
L. VINCENT RAMUNNO  
903 N. French Street  
Wilmington, DE 19801  
(302) 656-9400  
ATTORNEY FOR PLAINTIFF

**SUPERIOR COURT CIVIL CASE INFORMATION STATEMENT (CIS)**

FOR ADMINISTRATIVE PURPOSES ONLY. THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE.

Filed: Aug 30 2016 01:24PM EDT

Transaction ID 59490130

Case No. N16C-08-234 RRC



County: (N) K S

CIVIL ACTION NUMBER: \_\_\_\_\_

FILING FEE AMOUNT

CIVIL CASE TYPE: (SEE INSTRUCTION PAGE FOR APPLICABLE CODE AND CASE TYPE DESIGNATIONS)

CODE: CPIN TYPE: Personal Injury

Attorney Name:  
L. VINCENT RAMUNNO

Firm Name:  
RAMUNNO & RAMUNNO

Office Address:  
903 N. French Street, Wilmington, DE 19801

Telephone Number:  
(302) 656-9400

**CAPTION**

JOSEPH THOMAS  
  
Plaintiff,  
  
v.  
  
EVERGREEN APARTMENTS, INC., et al.,  
  
Defendants.

name and status of party: (e.g., John Doe, Plaintiff)  
JOSEPH THOMAS, PLAINTIFF

DOCUMENT TYPE: (e.g., Complaint, Answer with Counterclaim)  
Complaint

ARBITRATION      NON-ARBITRATION

JURY DEMAND:     YES     NO

ESTIMATED TRIAL LENGTH: \_\_\_\_\_ Days

Anticipated Consolidation with Another Action?  
 YES     NO

Civil Action Number: \_\_\_\_\_

ATTACHMENTS TO THE PLEADINGS:

Affidavit of Demand	<input type="checkbox"/>
Affidavit of Defense	<input type="checkbox"/>
Affidavit of Mailing	<input type="checkbox"/>
Certificate of Value	<input type="checkbox"/>
Form 30 Interrogatories	<input checked="" type="checkbox"/>
Rule 3 (H) Documents	<input type="checkbox"/>

TRACK ASSIGNMENT REQUESTED: (Circle One)    EXPEDITED    STANDARD    COMPLEX

BRIEFLY DESCRIBE WHY CASE IS COMPLEX OR EXPIDITED (Use a separate sheet if additional space is required) \_\_\_\_\_

IS MEDIATION AN ALTERNATIVE DISPUTE RESOLUTION OPTION IN THIS CASE?     YES     NO

**RELIEF REQUESTED**

Amount of Special Damages Claimed      \$ \_\_\_\_\_

Amount Includes a Claim for:

<input type="checkbox"/> Property Loss	<input type="checkbox"/> Medical Expenses	<input type="checkbox"/> Loss of Earnings
<input type="checkbox"/> Liquidated Damages	<input type="checkbox"/> Other - Please Specify: _____	

Additional Claims:       Punitive Damages     Other Non-Liquidated Damages

Non-Monetary Relief Requested: \_\_\_\_\_  
(e.g., Declaratory Judgment)

AFFIRMATIVE DEFENSES: 1) \_\_\_\_\_ 2) \_\_\_\_\_  
3) \_\_\_\_\_ 4) \_\_\_\_\_ 5) \_\_\_\_\_



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EVERGREEN APARTMENTS, INC.,	)	Jury Trial by 12 Demanded
EVERGREEN APARTMENT GROUP	)	
INC., EVERGREEN PROPERTIES	)	
MANAGEMENT, INC., a Delaware	)	
Corporation, KGL HOLDINGS	)	
RIVERFRONT, LLC, a Delaware	)	
Limited Liability Company,	)	
	)	
Defendants.	)	

**SUMMONS**

THE STATE OF DELAWARE  
TO THE SHERIFF OF NEW CASTLE COUNTY  
YOU ARE COMMANDED:

To summon the above-named Defendant so that, within 20 days after service hereof upon Defendant, exclusive of the day of service, Defendant shall serve upon L. Vincent Ramunno, 903 French Street, Wilmington, Delaware 19801, Plaintiff's attorney, an answer to the complaint (and, if an Affidavit of Demand has been filed, an Affidavit of Defense.)

By: \_\_\_\_\_  
SHARON D. AGNEW, Prothonotary

\_\_\_\_\_  
Per Deputy

TO THE ABOVE-NAMED DEFENDANT:

In case of your failure, within 20 days after service hereof upon you, exclusive of the day of the service, to serve on Plaintiff's attorney named above an Answer to the Complaint (and, if an Affidavit of Demand has been filed, an Affidavit of Defense), judgement by default will be rendered against you for the relief demanded in the Complaint (or in the Affidavit of Demand, if any).

\_\_\_\_\_  
SHARON D. AGNEW, Prothonotary



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Corporation, KGL HOLDINGS	)	
RIVERFRONT, LLC, a Delaware	)	
Limited Liability Company,	)	
	)	
Defendants.	)	

PRAECIPE

TO: PROTHONOTARY  
Superior Court of the State of Delaware  
Public Building  
Wilmington, DE 19801

PLEASE ISSUE SUMMONS and COMPLAINT to the Sheriff of New Castle County for service upon Defendants, as follows:

Defendant **EVERGREEN APARTMENTS, INC.**, by serving its registered agent, The Corporation Trust Company, 1209 N. Orange Street, Wilmington, DE, 19801;

Defendant, **EVERGREEN APARTMENT GROUP, INC.**, by serving its registered agent, Lauren Wolfgang, Esquire, 1627 New Jersey Avenue, New Castle, DE, 19720;

Defendant, **EVERGREEN PROPERTIES MANAGEMENT, INC.**, by serving its registered agent, Lauren Wolfgang, Esquire, 1627 New Jersey Avenue, New Castle, DE, 19720;

Defendant, **KGL HOLDINGS RIVERFRONT, LLC**, by serving its registered agent, Lauren Wolfgang, Esquire, 1627 New Jersey Avenue, New Castle, DE, 19720.

**RAMUNNO & RAMUNNO, P.A.**

BY: \_\_\_\_\_  
**L. VINCENT RAMUNNO**  
**BAR ID NO. 594**  
**903 N. FRENCH STREET**  
**WILMINGTON, DE 19801**  
**ATTORNEY FOR PLAINTIFF**





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Delaware Corporations; KGL )  
HOLDINGS RIVERFRONT, LLC, )  
A Delaware Limited Liability )  
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**PLAINTIFF'S STATEMENT IN  
ACCORDANCE WITH FORM 3A AND FORM 30**

1. Give the name and present address or last known residential and employment address and telephone no. of each eyewitness to the incident which is the subject of the litigation.

ANSWER: To be provided

2. Give the name and present or last known residential and employment address and telephone number of each person who has knowledge of the facts relating to the litigation.

ANSWER: To be provided.

3. Give the names of all persons who have been interviewed in connection with the above litigation, including the names and present or last known residential and employment addresses and telephone numbers of the persons who made said interviews and the names and present or last known residential and employment addresses and telephone numbers of persons who have the original and copies of the interview.

ANSWER: Not applicable

4. Identify all photocopies, diagrams, or other representations made in connection with the matter in litigation, giving the name and present or last known residential and employment address and telephone number of the person having the original and copies thereof. (In lieu thereof, a copy can be attached.)

ANSWER: None.

5. Give the name, professional address, and telephone number of all expert witnesses presently retained by the party together with the dates of any written opinions prepared by said expert. If an expert is not presently retained, describe, by type, the experts whom the party expects to retain in connection with the litigation.

ANSWER: No experts retained at this time

6. Give a brief description of any insurance, including excess coverage, that is or may be applicable to the litigation, including:
- The name and address of all companies insuring the risk;
  - The policy numbers;
  - The type of insurance;
  - The amounts of primary, secondary, and excess coverage.

ANSWER: Not applicable

7. Give the name, professional address, and telephone number of all physicians, chiropractors, psychologists, and physical therapists who have examined or treated you at any time during the ten year period immediately prior to the date of the incident at issue in this litigation.

ANSWER: N/A.

8. Photocopies of existing documentary evidence relating to special damages (or, in lieu thereof, a brief sworn statement as to any item not included as to the reason of its non-availability and a specific undertaking as to when it will be made available).

ANSWER: To be provided.

9. In any case in which lost wages or salary is claimed, photocopies of pertinent portions of the income tax returns of the Plaintiff or Plaintiffs for the past three years either as an exhibit to the Complaint, or contained in a sealed envelope, or a sworn statement that the copies of the returns are in the Plaintiff's possession or have been applied for and a specific undertaking to supply them forthwith and without further request when an appearance is made on behalf of the Defendant. If a counterclaim, crossclaim, or Third-Party Complaint for personal injuries is filed, the claimant shall be required of a Plaintiff in a claim for personal injuries.

ANSWER: N/A.

RAMUNNO & RAMUNNO, P.A.

By: /s/ L. VINCENT RAMUNNO  
L. VINCENT RAMUNNO  
903 N. French Street  
Wilmington, DE 19801-3399  
Attorney for Plaintiff  
(302) 656-9400