

STATE OF MAINE
KENNEBEC, SS.

SUPERIOR COURT
CIVIL ACTION
DOCKET NO.:

RANDY D. CHARETTE AS *
PERSONAL REPRESENTATIVE *
OF ESTATE OF CASSIDY J. *
CHARETTE, *

v. *

COMPLAINT

OCTOBER 22, L.L.C. D/B/A *
PUMPKIN LAND; HARVEST HILL *
FARM, INC.; RE-HARVEST, INC.; *
MAINE APPLE COMPANY, L.L.C.; *
MEGQUIER HILL FARM, INC; *
DAVID BROWN; PHILIP *
THEBERGE; AND PETER J. *
BOLDUC, JR., *

Defendants *

NOW COMES Plaintiff, by and through counsel, and complains against Defendants as follows:

1. Plaintiff Randy D. Charette is a resident of Oakland, Kennebec County, Maine. He brings this action in his capacity as Personal Representative of the Estate of Cassidy J. Charette by Letter of Authority dated November 13, 2014.
2. Plaintiff's decedent Cassidy J. Charette was born on August 31, 1997, and died at seventeen years of age on October 11, 2014. Her parents were Plaintiff and Personal Representative Randy D. Charette and Monica Wilcox Charette, both residents of Oakland, Kennebec County, State of Maine.
3. Defendant October 22, L.L.C. is a Maine limited liability company doing business in the State of Maine with a principal place of business in Androscoggin County, and which does business under assumed names, at least one of which is "Pumpkin Land."

4. Defendant Harvest Hill Farm, Inc. is a Maine business corporation doing business in the State of Maine with a principal place of business in Androscoggin County, and which does business under assumed names, including but not limited to “Harvest Hill Fruit and Produce”, “Harvest Hill Auto Sales”, and “Farm House Pizza.”

5. Defendant Re-Harvest, Inc. is a Maine business corporation doing business in the State of Maine with a principal place of business in Cumberland County.

6. Defendant Maine Apple Company, L.L.C. is a Maine limited liability company doing business in the State of Maine with a principal place of business in Androscoggin County.

7. Defendant Megquier Hill Farm, Inc. is a Maine business corporation doing business in the State of Maine with a principal place of business in Androscoggin County, and which does business under assumed names, including but not limited to “Megquier Hill Auto Sales” and “Great Northern Auto Sales.”

8. Defendant David Brown is a resident of South Paris, Oxford County, Maine.

9. Defendant Philip Theberge is a resident of Oxford, Oxford County, Maine.

10. Defendant Peter J. Bolduc, Jr. is a resident of West Poland, Androscoggin County, Maine.

BACKGROUND FACTS

11. On October 11, 2014, seventeen-year-old Cassidy Charette (“Cassidy”) travelled with friends to an attraction located in Mechanic Falls, Maine, known and advertised as Pumpkin Land.

16. Pumpkin Land was advertised and promoted as a wholesome, fun and safe family destination.

17. During her visit to Pumpkin Land on October 11, 2014, Cassidy purchased a ticket and joined her friends on The Gauntlet.

18. The Gauntlet was a “haunted hayride” in which Pumpkin Land guests paid a fee to ride on a farm wagon (“the wagon”) towed behind a mechanized vehicle on a path that wound past staged scenes and costumed actors featuring a Halloween theme.

19. The Gauntlet was advertised and promoted as a wholesome, fun and safe attraction at Pumpkin Land that combined the fun of a hayride with the illusion of danger from Halloween ghosts, goblins, zombies and devils.

20. After purchasing tickets, Cassidy and her friends waited in line for a turn on The Gauntlet.

21. When their turn arrived, Cassidy and her friends followed instructions to climb aboard the wagon and sit on hay bales.

22. After Cassidy and her friends joined other patrons aboard the wagon, it began to move.

23. The wagon followed The Gauntlet path at Pumpkin Land.

24. The Gauntlet path included a descent of a hill leading to a sharp turn at its bottom (“the hill”).

25. When the wagon began to descend the hill, Cassidy, her friends and other patrons experienced an increase in the wagon’s speed.

26. The wagon continued to increase in speed as it descended the hill, causing Cassidy, her friends and other patrons to experience alarm, fright and fear.

27. As the wagon continued to increase in speed, Cassidy, her friends and other patrons realized that the wagon was out of control and that a crash was likely and imminent.

28. The wagon carrying Cassidy her friends and other patrons left the path.

29. Upon leaving the path, the wagon tipped over, throwing Cassidy, her friends, and other patrons to the ground.

30. As the wagon left the path, tipped over and threw them to the ground, Cassidy, her friends and other patrons experienced alarm, fright and fear.

31. Cassidy was fatally injured by the wagon's tipping and throwing her to the ground.

LIABILITY FACTS

32. The vehicle towing the wagon that crashed was a 1979 Jeep CJ-7 ("the Jeep").

33. At the time of the crash, the Jeep did not have properly functioning brakes.

34. The Jeep's towing capacity was limited to 2,000 pounds with a braking system on the towed.

35. The wagon's weight, with Cassidy, her friends and other patrons aboard, exceeded 5,400 pounds.

36. The towed wagon, carrying Cassidy and her friends had no braking system.

37. The wagon was designed to move hay and other farm produce and was neither intended nor designed to carry people.

38. The wagon had no seats, hand holds, belts, railings, or other devices for use by people on it.

39. Defendant Peter J. Bolduc, Jr. is either the sole owner or a principal owner of Defendants October 22, L.L.C., Harvest Hill Farm, Inc., Re-Harvest, Inc., Maine Apple Company, L.L.C., and Megquier Hill Farm, Inc.

40. Defendant Peter J. Bolduc, Jr. owned, managed, directed, operated, and promoted Pumpkin Land and its attraction, The Gauntlet, both of which are described further below, individually and/or through Defendants October 22, L.L.C., Harvest Hill Farm, Inc., Re-Harvest, Inc., Maine Apple Company, L.L.C., and/or Megquier Hill Farm, Inc.

41. Defendant Peter J. Bolduc, Jr., was familiar with the Jeep that was used to tow the wagon on the Gauntlet path.

42. Defendant Peter J. Bolduc, Jr. knew or should have known that the loaded wagon the Jeep was to tow on the Gauntlet path weighed more than the Jeep's towing capacity.

43. Defendant Peter J. Bolduc, Jr. knew or should have known that the loaded wagon the Jeep was to tow on the Gauntlet path had no braking system.

44. Defendant Peter J. Bolduc, Jr. knew or should have known that the Jeep had not been adequately or sufficiently maintained for use towing the loaded wagon on the Gauntlet path.

45. Defendant David Brown was instructed by Pumpkin Land's owners and/or operators to tow the wagon on the Gauntlet path using the Jeep.

46. Defendant David Brown was familiar with the Jeep he used to tow the loaded wagon that crashed and killed Cassidy Charette.

47. Defendant David Brown was familiar with the wagon he towed on the Gauntlet path with the Jeep.

48. Defendant David Brown knew or should have known that the loaded wagon he was towing with the Jeep weighed more than the Jeep's towing capacity.

49. Defendant David Brown knew or should have known that the wagon he towed on the Gauntlet path had no braking system.

50. Defendant David Brown was familiar with The Gauntlet path before he drove on it on the night of October 11, 2014.

51. Defendant Philip Theberge maintained the Jeep and/or the wagon that crashed on the night of October 11, 2014.

52. Defendant Philip Theberge knew or should have known that the owners and/or operators of The Gauntlet intended to use the Jeep to tow a wagon or trailer loaded with customers on The Gauntlet path.

53. Defendant Philip Theberge knew or should have known that the loaded wagon the Jeep would be towing would probably exceed the Jeep's towing capacity and was not equipped with a braking system.

54. Defendant Philip Theberge knew or should have known that the Jeep he maintained was not sufficiently or properly maintained to tow the loaded wagon on the Gauntlet path.

COUNTS I THROUGH VIII (DIRECT NEGLIGENCE)

COUNT I - October 22 L.L.C.

55. Plaintiff repeats and realleges each of the foregoing paragraphs as if set out fully herein.

56. October 22, L.L.C., in its own name and/or through various assumed names, owned and/or operated the facility known as Pumpkin Land and its attraction known as The Gauntlet.

57. October 22, L.L.C, in its own name and/or in its various assumed names, acting by and through its owners, employees, agents and assigns, provided vehicles and/or equipment to the owners and/or operators of Pumpkin Land and/or The Gauntlet that it knew or should have

known were dangerous, defective, and wholly ill-suited to the use such vehicles and/or equipment were to be put, including but not limited to use as a tow vehicle or towed wagon in connection with The Gauntlet.

58. October 22, L.L.C, in its own name and/or in its various assumed names, acting by and through its owners, employees, agents and assigns, maintained, repaired, modified, neglected, and/or repaired negligently, vehicles and/or equipment that it knew or should have known were intended for use at Pumpkin Land and/or The Gauntlet, and that it knew or should have known were dangerous, defective, and wholly ill-suited to the use such vehicles and/or equipment were to be put, including but not limited to use as a tow vehicle or towed wagon in connection with The Gauntlet.

59. Acting by and through its owners, employees, agents and assigns, October 22, L.L.C. was negligent in its management, planning and operation of Pumpkin Land and The Gauntlet, which negligence includes but is not limited to using a dangerously ill-suited tow vehicle, independently and in concert with a dangerously ill-suited wagon, and in selecting, obtaining, maintaining and operating the attractions and equipment used at Pumpkin Land and The Gauntlet.

60. The harm and trauma Cassidy Charette experienced before her death and her death itself was a direct and proximate result of the negligence of October 22, L.L.C.

COUNT II – Harvest Hill Farm, Inc.

61. Plaintiff repeats and realleges each of the foregoing paragraphs as if set out fully herein.

62. Harvest Hill Farm, Inc., in its own name and/or in its various assumed names, owned and/or operated the facility known as Pumpkin Land and its attraction known as The Gauntlet.

63. Harvest Hill Farm, Inc., in its own name and/or in its various assumed names, acting by and through its owners, employees, agents and assigns, provided vehicles and/or equipment to the owners and/or operators of Pumpkin Land and/or The Gauntlet that it knew or should have known were dangerous, defective, and wholly ill-suited to the use such vehicles and/or equipment were to be put, including but not limited to use as a tow vehicle or towed wagon in connection with The Gauntlet.

64. Harvest Hill Farm, Inc., in its own name and/or in its various assumed names, acting by and through its owners, employees, agents and assigns, maintained, repaired, modified, neglected, and/or repaired negligently, vehicles and/or equipment that it knew or should have known were intended for use at Pumpkin Land and/or The Gauntlet, and that it knew or should have known were dangerous, defective, and wholly ill-suited to the use such vehicles and/or equipment were to be put, including but not limited to use as a tow vehicle or towed wagon in connection with The Gauntlet.

65. Harvest Hill Farm, Inc., in its own name and/or in its various assumed names, acting by and through its owners, employees, agents and assigns, was negligent in its management, planning and operation of Pumpkin Land and The Gauntlet, which negligence includes but is not limited to using a dangerously ill-suited tow vehicle, independently and in concert with a dangerously ill-suited hay wagon, and in selecting, obtaining, maintaining and operating the attractions and equipment used at Pumpkin Land and The Gauntlet.

66. The harm and trauma Cassidy Charette experienced before her death and her death itself was a direct and proximate result of the negligence of Harvest Hill Farm, Inc.

COUNT III – Re-Harvest, Inc.

67. Plaintiff repeats and realleges each of the foregoing paragraphs as if set out fully herein.

68. Re-Harvest, Inc., in its own name and/or in its various assumed names, owned and/or operated the facility known as Pumpkin Land and its attraction known as The Gauntlet.

69. Re-Harvest, Inc., in its own name and/or in its various assumed names, acting by and through its owners, employees, agents and assigns, provided vehicles and/or equipment to the owners and/or operators of Pumpkin Land and/or The Gauntlet that it knew or should have known were dangerous, defective, and wholly ill-suited to the use such vehicles and/or equipment were to be put, including but not limited to use as a tow vehicle or towed wagon in connection with The Gauntlet.

70. Re-Harvest, Inc., in its own name and/or in its various assumed names, acting by and through its owners, employees, agents and assigns, maintained, repaired, modified, neglected, and/or repaired negligently, vehicles and/or equipment it knew or should have known were intended for use at Pumpkin Land and/or The Gauntlet, and that it knew or should have known were dangerous, defective, and wholly ill-suited to the use such vehicles and/or equipment were to be put, including but not limited to use as a tow vehicle or towed wagon in connection with The Gauntlet.

71. Re-Harvest, Inc., in its own name and/or in its various assumed names, acting by and through its owners, employees, agents and assigns, was negligent in its management, planning and operation of Pumpkin Land and The Gauntlet, which negligence includes but is not

limited to using a dangerously ill-suited tow vehicle, independently and in concert with a dangerously ill-suited wagon, and utilizing inadequately trained and incompetent personnel in selecting, obtaining, maintaining and operating the attractions and equipment used at Pumpkin Land and The Gauntlet.

72. The harm and trauma Cassidy Charette experienced before her death and her death itself was a direct and proximate result of the negligence of Re-Harvest, Inc.

COUNT IV – Maine Apple Company, L.L.C.

73. Plaintiff repeats and realleges each of the foregoing paragraphs as if set out fully herein.

74. Maine Apple Company, L.L.C., in its own name and/or in its various assumed names, owned and/or operated the facility known as Pumpkin Land and its attraction known as The Gauntlet.

75. Maine Apple Company, L.L.C., in its own name and/or in its various assumed names, acting by and through its owners, employees, agents and assigns, provided vehicles and/or equipment to the owners and/or operators of Pumpkin Land and/or The Gauntlet that were dangerous, defective, and wholly ill-suited to the use such vehicles and/or equipment were to be put, including but not limited to use as a tow vehicle or towed wagon in connection with The Gauntlet.

76. Maine Apple Company, L.L.C., in its own name and/or in its various assumed names, acting by and through its owners, employees, agents and assigns, maintained, repaired, modified, neglected, and/or repaired negligently, vehicles and/or equipment it knew or should have known was intended for use at Pumpkin Land and/or The Gauntlet, and that it knew or should have known were dangerous, defective, and wholly ill-suited to the use such vehicles

and/or equipment were to be put, including but not limited to use as a tow vehicle or towed wagon in connection with The Gauntlet.

77. Maine Apple Company, L.L.C., in its own name and/or in its various assumed names, acting by and through its owners, employees, agents and assigns, was negligent in its management, planning and operation of Pumpkin Land and The Gauntlet, which negligence includes but is not limited to using a dangerously ill-suited tow vehicle, independently and in concert with a dangerously ill-suited wagon, and utilizing inadequately trained and incompetent personnel in selecting, obtaining, maintaining and operating the attractions and equipment used at Pumpkin Land and The Gauntlet.

78. The harm and trauma Cassidy Charette experienced before her death and her death itself was a direct and proximate result of the negligence of Maine Apple Company, L.L.C.

COUNT V- Megquier Hill Farm, Inc.

79. Plaintiff repeats and realleges each of the foregoing paragraphs as if set out fully herein.

80. Megquier Hill Farm, Inc., in its own name and/or in its various assumed names, owned and/or operated the facility known as Pumpkin Land and its attraction known as The Gauntlet.

81. Megquier Hill Farm, Inc., in its own name and/or in its various assumed names, acting by and through its owners, employees, agents and assigns, provided vehicles and/or equipment to the owners and/or operators of Pumpkin Land and/or The Gauntlet that were dangerous, defective, and wholly ill-suited to the use such vehicles and/or equipment were to be put, including but not limited to use as a tow vehicle or towed wagon in connection with The Gauntlet.

82. Megquier Hill Farm, Inc., in its own name and/or in its various assumed names, acting by and through its owners, employees, agents and assigns, maintained, repaired, modified, neglected, and/or repaired negligently, vehicles and/or equipment it knew or should have known were intended for use at Pumpkin Land and/or The Gauntlet, and that the it knew or should have known were dangerous, defective, and wholly ill-suited to the use such vehicles and/or equipment were to be put, including but not limited to use as a tow vehicle or towed wagon in connection with The Gauntlet.

83. Megquier Hill Farm, Inc., in its own name and/or in its various assumed names, acting by and through its owners, employees, agents and assigns, was negligent in its management, planning and operation of Pumpkin Land and The Gauntlet, which negligence includes but is not limited to using a dangerously ill-suited tow vehicle, independently and in concert with a dangerously ill-suited wagon, and utilizing inadequately trained and incompetent personnel in selecting, obtaining, maintaining and operating the attractions and equipment used at Pumpkin Land and The Gauntlet.

84. The harm and trauma Cassidy Charette experienced before her death and her death itself was a direct and proximate result of the negligence of Megquier Hill Farm, Inc.

COUNT VI – David Brown

85. Plaintiff repeats and realleges each of the foregoing paragraphs as if set out fully herein.

86. David Brown knew, or by the exercise of reasonable judgment and care should have known, that the Jeep was not capable of safely towing the loaded wagon on The Gauntlet trail owing to its limited towing capacity and/or its poor condition, specifically including but not limited to the defective condition of its brakes.

87. David Brown knew, or by the exercise of reasonable judgment and care should have known, that the wagon was neither designed nor equipped for the use to which it was put in carrying people on The Gauntlet.

88. David Brown was negligent in his actions and choices involving The Gauntlet, including but not limited to the selection, modification, maintenance, operation and use of the Jeep individually and in combination with the wagon.

89. The harm and trauma Cassidy Charette experienced before her death and her death itself was a direct and proximate result of the negligence of David Brown's negligence.

COUNT VII – Philip Theberge

90. Plaintiff repeats and realleges each of the foregoing paragraphs as if set out fully herein.

91. Philip Theberge knew, or by the exercise of reasonable judgment and care should have known, that the Jeep was not capable of safely towing the loaded wagon on The Gauntlet trail owing to its limited towing capacity and/or its poor condition, specifically including but not limited to the defective condition of its brakes.

92. Philip Theberge knew, or by the exercise of reasonable judgment and care should have known, that the Jeep's brakes were in ill-repair and were therefore defective, and still allowed the Jeep to be used to tow the wagon on The Gauntlet.

93. Philip Theberge failed to maintain the Jeep brakes properly and allowed the Jeep to be used to tow riders on The Gauntlet.

94. Philip Theberge knew, or by the exercise of reasonable judgment and care should have known, that the wagon was neither designed nor equipped for the use to which it was put in carrying people on The Gauntlet.

95. Philip Theberge was negligent in his actions and choices, including but not limited to the selection, modification, maintenance, operation and use of the Jeep individually and in combination with the wagon.

96. The harm and trauma Cassidy Charette experienced before her death and her death itself was a direct and proximate result of the negligence of Philip Theberge's negligence.

COUNT VIII - Peter J. Bolduc, Jr.

97. Plaintiff repeats and realleges each of the foregoing paragraphs as if set out fully herein.

98. Peter Bolduc knew, or by the exercise of reasonable judgment and care should have known, that the Jeep was not capable of safely towing the loaded wagon on The Gauntlet trail owing to its limited towing capacity and/or its poor condition, specifically including but not limited to the defective condition of its brakes.

99. Peter Bolduc knew, or by the exercise of reasonable judgment and care should have known, that the Jeep's brakes were in ill-repair and were therefore defective, and still allowed the Jeep to be used to tow the loaded wagon on The Gauntlet path.

100. Peter Bolduc knew, or by the exercise of reasonable judgment and care should have known, that the wagon was neither designed nor equipped for the use to which it was put in carrying people on The Gauntlet.

101. Peter Bolduc, acting directly or through other defendants named in this law suit, chose to use, or direct the use of, the Jeep to tow a wagon on the Gauntlet rather than renting, leasing, borrowing, or acquiring by other legal means a vehicle that was appropriate and safe to use for that purpose.

102. Peter J. Bolduc, Jr. was negligent in his actions and choices involving the management and operation of The Gauntlet, including but not limited to the selection, modification, maintenance, operation and use of the Jeep tow vehicle individually and in combination with the wagon identified above.

103. The harm and trauma Cassidy Charette experienced before her death and her death itself was a direct and proximate result of the negligence of Peter J. Bolduc's negligence.

COUNTS IX THROUGH XIV – VICARIOUS LIABILITY/RESPONDEAT SUPERIOR

COUNT IX – October 22, L.L.C.

104. Plaintiff repeats and realleges each of the foregoing paragraphs as if set out fully herein.

105. At all times pertinent hereto, Defendant October 22, L.L.C. acted, in whole or in part, through surrogates, employees, agents, and assigns, including but not limited to those identified herein as its corporate and individual co-defendants:

- a. Harvest Hill Farm, Inc.;
- b. Re-Harvest, Inc.;
- c. Maine Apple Company, L.L.C.;
- d. Megquier Hill Farm, Inc.;
- e. David Brown;
- f. Philip Theberge; and
- g. Peter J. Bolduc, Jr.

106. In addition to its liability as identified above, Defendant October 22, L.L.C. is liable for all damages and harms caused by the individual and combined negligent actions of its

above-identified surrogates, employees, agents, and assigns, under and consistent with the principles of respondeat superior.

COUNT X – Harvest Hill Farm, Inc.

107. Plaintiff repeats and realleges each of the foregoing paragraphs as if set out fully herein.

108. At all times pertinent hereto, Defendant Harvest Hill Farm, Inc. acted, in whole or in part, through surrogates, employees, agents, and assigns, including but not limited to those identified herein as its corporate and individual co-defendants:

- a. October 22, L.L.C.;
- b. Re-Harvest, Inc.;
- c. Maine Apple Company, L.L.C.;
- d. Megquier Hill Farm, Inc.;
- e. David Brown;
- f. Philip Theberge; and
- g. Peter J. Bolduc, Jr.

109. In addition to its liability as identified above, Defendant Harvest Hill Farm, Inc. is liable for all damages and harms caused by the individual and combined negligent actions of its above-identified surrogates, employees, agents, and assigns, under and consistent with the principles of respondeat superior.

COUNT XI - Re-Harvest, Inc.

110. Plaintiff repeats and realleges each of the foregoing paragraphs as if set out fully herein.

111. At all times pertinent hereto, Defendant Re-Harvest, Inc. acted, in whole or in part, through surrogates, employees, agents, and assigns, including but not limited to those identified herein as its corporate and individual co-defendants:

- a. October 22, L.L.C.;
- b. Harvest Hill Farm, Inc.;
- c. Maine Apple Company, L.L.C.;
- d. Megquier Hill Farm, Inc.;
- e. David Brown;
- f. Philip Theberge; and
- g. Peter J. Bolduc, Jr.

112. In addition to its liability as identified above, Defendant Re-Harvest, Inc. is liable for all damages and harms caused by the individual and combined negligent actions of its above-identified surrogates, employees, agents, and assigns, under and consistent with the principles of respondeat superior.

COUNT XII - Maine Apple Company, L.L.C.

113. Plaintiff repeats and realleges each of the foregoing paragraphs as if set out fully herein.

114. At all times pertinent hereto, Defendant Maine Apple Company, L.L.C. acted, in whole or in part, through surrogates, employees, agents, and assigns, including but not limited to those identified herein as its corporate and individual co-defendants:

- a. October 22, L.L.C.;
- b. Harvest Hill Farm, Inc.,
- c. Re-Harvest, Inc.;

- d. Megquier Hill Farm, Inc.;
- e. David Brown;
- f. Philip Theberge; and
- g. Peter J. Bolduc, Jr.

115. In addition to its liability as identified above, Defendant Maine Apple Company, L.L.C, Inc. is liable for all damages and harms caused by the individual and combined negligent actions of its above-identified surrogates, employees, agents, and assigns, under and consistent with the principles of respondeat superior.

COUNT XIII - Megquier Hill Farm, Inc.

116. Plaintiff repeats and realleges each of the foregoing paragraphs as if set out fully herein.

117. At all times pertinent hereto, Defendant Megquier Hill Farm, Inc. acted, in whole or in part, through surrogates, employees, agents, and assigns, including but not limited to those identified herein as its corporate and individual co-defendants:

- a. October 22, L.L.C.;
- b. Harvest Hill Farm, Inc.
- c. Re-Harvest, Inc.;
- d. Maine Apple Company, L.L.C;
- e. David Brown;
- f. Philip Theberge; and
- g. Peter J. Bolduc, Jr.

In addition to its liability as identified above, Defendant Megquier Hill Farm, Inc. is liable for all damages and harms caused by the individual and combined negligent actions of its above-

identified surrogates, employees, agents, and assigns, under and consistent with the principles of respondeat superior.

COUNT XIV – Peter J. Bolduc, Jr.

118. Plaintiff repeats and realleges each of the foregoing paragraphs as if set out fully herein.

119. At all times pertinent hereto, Defendant Peter J. Bolduc, Jr. acted, in whole or in part, through surrogates, employees, agents, and assigns, including but not limited to those identified herein as his corporate and individual co-defendants:

- a. October 22, L.L.C.;
- b. Harvest Hill Farm, Inc.
- c. Re-Harvest, Inc.;
- d. Maine Apple Company, L.L.C.;
- e. Megquier Hill Farm, Inc.;
- f. David Brown; and
- g. Philip Theberge.

120. In addition to its liability as identified above, Defendant Peter J. Bolduc is liable for all damages and harms caused by the individual and combined negligent actions of his above-identified surrogates, employees, agents, and assigns, under and consistent with the principles of respondeat superior.

COUNTS XV AND XVI – DAMAGES FOR CASSIDY’S SUFFERING AND DEATH

COUNT XV – 18-A MRSA 2-804(c)

121. Plaintiff realleges each of the previous paragraphs as if set out fully herein in.

122. As the wagon on which she was riding descended the hill with increasing speed, went out of control, crashed, and threw Cassidy to the ground, Cassidy Charette experienced conscious suffering. For the individual negligence, vicarious negligence and liability, and the joint and several liability of all Defendants identified herein, which individually and jointly/severally caused harm and injury to Plaintiff's decedent Cassidy Charette as set out above, Plaintiff seeks to recovery for the pre-death conscious suffering of Plaintiff's decedent Cassidy Charette, together with interests, costs and such other and further relief as deemed to be just and appropriate, pursuant to 18-A M.R.S. §§ 3-817 and 2-804(c).

COUNT XVI – 18-A MRSA 2-804 (b)

123. Plaintiff realleges each of the foregoing paragraphs as if set out fully herein.

124. For the individual negligence, vicarious negligence and liability, and the joint and several liability of all Defendants identified herein, which individually, vicariously, and jointly/severally caused harm, injury and death to Plaintiff's decedent Cassidy Charette as set out above, Plaintiff seeks recovery of all categories of damages provided in Maine's Death Act, 18-A M.R.S.A. §2-804, including funeral expenses, pecuniary loss, emotional distress, loss of comfort, society and companionship, together with interest, cost and such other and further relief as is deemed just and appropriate.

WHEREFORE, Plaintiff demands judgment against Defendants for compensatory damages, interest, costs, and such other and further relief as the Court deems just and equitable.

Dated: July 6, 2016

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