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AG REILLY TO FILE SUIT AGAINST BIG DIG COMPANIES CHARGES PARTIES INVOLVED IN MANAGEMENT, OVERSIGHT, DESIGN, CONSTRUCTION

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BOSTON - Attorney General Thomas F. Reilly announced plans today to file a civil lawsuit against fifteen companies directly involved in the management, design, construction, and oversight of the Interstate 90 connector tunnel that collapsed on July 10, killing Milena Del Valle of Boston.

The suit alleges negligence and breach of contract against the companies and is filed on behalf of the Commonwealth, the Massachusetts Highway Department and the Massachusetts Turnpike Authority. The suit also alleges that BPB was grossly negligent.

"We are alleging these companies that designed, installed and had oversight responsibilities for the I-90 Connector Tunnel were negligent and, in some cases, grossly negligent when it came to their first responsibility – keeping drivers safe," Reilly said. "What this case has always been about is the tragic death of Milena Del Valle. As we have said since our investigation began, our main focus remains on getting to the bottom of what happened and hold accountable those responsible for the collapse. We also have a responsibility to the Commonwealth to ensure that monetary damages are recouped."

The companies named in the lawsuit are:

- Bechtel/Parsons-Brinkerhoff – the joint venture overseeing the Big Dig
- Bechtel Corp. – sued individually as well as with the joint venture
- Parsons Brinkerhoff Quade & Douglas, Inc. – sued individually as well as with the joint venture
- Modern Continental Construction Corp. – General contractor for the I-90 Connector tunnel
- Gannett Fleming, Inc. – Designer
- Sika Corp. – Epoxy manufacturer
- Powers Fasteners, Inc. – Epoxy wholesaler
- Newman Renner Colony, LLC – Epoxy distributor

- Newman Associates Inc. - Epoxy distributor
- Renner Colony LLC - Epoxy distributor
- Sigma Engineering International, Inc. – Engineering services to Modern Continental Construction
- Conam Inc. – Pull testing for Modern
- Fireman’s Fund Insurance Company – Surety for Modern
- United States Fidelity and Guaranty Company – Surety for Modern
- National Surety Corporation – Surety for Modern

The complaint will be filed in Suffolk Superior Court and alleges gross negligence against Bechtel Parsons Brinckerhoff (B/PB); breach of contract against B/PB, Modern, and Gannett Fleming; and negligence against all parties. It focuses on each company’s role in the design, installation and oversight of the epoxy anchor bolt system that failed inside the 1-90 connector tunnel.

Since the morning of July 11, the Attorney General's Office has been investigating the collapse both civilly and criminally. The civil investigation has uncovered information that reveals mistakes on the part of these companies and individuals that were paid to do a job and fell tragically short. The criminal investigation involving state and federal law enforcement officers, in conjunction with the National Transportation and Safety Bureau, is continuing under the coordination of the Attorney General's Office. The investigation is ongoing and is not affected by the filing of the civil suit.

This suit seeks unspecified damages for repairs the Commonwealth will need to make to the system and for the loss of the use of the tunnel, including lost toll revenue and other costs incurred because of the collapse.

"In the days since this tragic collapse, Massachusetts taxpayers have rightly been wondering how this happened, who is responsible, whether it was preventable, and who's going to pay for these deadly mistakes," Reilly said. "Well, today marks a first step in recouping some of the losses."

The lawsuit was filed in part because of a potential trigger date looming on November 29, Reilly said. Six years ago on that date, a portion of the tunnel was opened to the public – possibly triggering the Commonwealth's statute of repose. This suit was filed now to remove that technicality as a defense by any of these companies.

The civil complaint will be available as soon as it is filed in court.

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