

Now comes Plaintiff, Scott Sebastian, by and through his undersigned counsel and for his Complaint states and avers as follows:

FACTS AND BACKGROUND

1. At all times relevant herein, Plaintiff Scott Sebastian was a resident of Broadview Heights, Cuyahoga County, Ohio.

2. At all relevant times herein, defendant Alejandro Rodriguez was a resident of Cicero, Illinois, but employed by defendant Dependable Building Services, a Schaumburg, Illinois, Company.

3. Upon information and belief, defendant Rodriguez held himself out as a licensed Fire Suppression Technician/Inspector, but he was not certified and licensed in Ohio by the State Fire Marshall. All fire inspectors must be certified in Ohio by the National Fire Protection Association (NFPA). Defendant Rodriguez was not so certified by the State Fire Marshall.

4. At all times relevant herein, Defendant Dependable Building Services, Inc., has its corporate headquarters in Schaumburg, Illinois, but is permitted to conduct business in the State of Ohio, and performs fire suppression inspections and services in the State of Ohio.

5. Upon information and belief, at all times relevant herein, Defendant AT&T Mobility Services, LLC is a Georgia Corporation, with its headquarters in Atlanta, Georgia, but is permitted to conduct business in the State of Ohio, and owns cellular towers in the State of Ohio, including cell towers in South Euclid, Ohio, where this cause of action arose.

6. AT&T hired Dependable Building Services to conduct testing on the fire suppression system in the sealed electronics room at the base of a call tower in South Euclid.

7. On or about January 25, 2016, Plaintiff Scott Sebastian was working as Fire Inspector for the City of South Euclid, Ohio.

8. AT&T owns and operates a cellular tower in South Euclid, and leases or owns the property on which the cellular tower sits, at or near the South Euclid Fire Department on Green Road. That cellular tower contains a sealed room where the electronic equipment for the AT&T tower is located.

9. The sealed room at the base of the tower that contains the electronics was equipped with a fire suppression system manufactured by Fike, and installed by Continental Fire and Security, a company located in Brooklyn Heights, Ohio. That system contains a gas cartridge actuator, which when smoke alarms are tripped, explodes, causing a pin to breach a tank containing inert gas that releases and acts to put out fires, without damaging the electronics.

10. On or about January 25, 2016, AT&T Mobility Services had hired Dependable Building Services, Inc to inspect the fire suppression equipment in the tower in South Euclid.

11. Defendant Alejandro Rodriguez was employed by Dependable Building Services, and was sent to South Euclid to test the Fike fire suppression system.

12. The proper way to test the system was to trigger the smoke alarms to see if they send an electric signal to the actuator to explode, causing the pin to release the gas. But, before the test is to be conducted, the actuator pin must be disconnected from the tank and must be disconnected from the electrical panel so that the pin does not explode and causing lethal inert gas to be discharged into the room.

13. Plaintiff Scott Sebastian, as part of his duties as a fire inspector for the City of South Euclid, was present with Defendant Rodriguez, to certify the inspection results.

14. During the inspection, defendant Rodriguez, who was in the course and scope of his employment with Dependable Building Services, removed the actuator from the tank, but failed to disconnect the actuator from the electrical panel, so that when the system was tested, the actuator exploded. Because the room was sealed, the explosion caused sever and permanent hearing loss and other damages to plaintiff as alleged more fully herein.

FIRST CAUSE OF ACTION
(Negligence of Alejandro Rodriguez)

15. Plaintiff incorporates all prior allegations as though fully rewritten into this cause of action.

16. Defendant Rodriguez was negligent in failing to properly disconnect the actuator pin from the electrical circuit, causing an explosion in the sealed electronics room at the AT&T tower in South Euclid, when he tested the system on or about January 25, 2016.

17. As a direct and proximate result of the negligence of defendant Rodriguez, plaintiff suffered injury to his body, including, but not limited to, brain, ears, eyes, and neck. Specifically, plaintiff suffered a concussion, ruptured ear drum, headaches, tinnitus, double vision, neck pain, and hearing loss. Plaintiff's injuries are continuing and/or permanent. Plaintiff's ability to enjoy life and carry on ordinary activities have been adversely affected.

18. As a further direct and proximate result of defendant Alejandro Rodriguez's negligence, Plaintiff Scott Sebastian incurred medical bills and other medical expenses, was subjected to out of pocket expenses he otherwise would not have, suffered a loss of wages and suffered a diminution in his ability work and earn a living.

SECOND CAUSE OF ACTION
(Negligence of Dependable Building Services)

19. Plaintiff incorporates all prior allegations as though fully rewritten into this cause of action.

20. Defendant Dependable Building Services was negligent under the doctrine of *respondeat superior* liability, in that it was defendant Rodriguez's employer while he was acting in the course and scope of his employment when he negligently injured plaintiff, and is thus vicariously liable for the actions of its employees.

21. Additionally, defendant Dependable was negligent in conducting business in the State of Ohio without being properly certified and licensed by the State Fire Marshall.

22. As a direct and proximate result of the negligence of defendant Dependable Building Services, plaintiff suffered injury to his body, including, but not limited to, brain, ears, eyes, and neck. Specifically, suffered a concussion, ruptured ear drum, headaches, tinnitus, double vision, neck pain, and hearing loss. Plaintiff's injuries are continuing and/or permanent. Plaintiff's ability to enjoy life and carry on ordinary activities have been adversely affected.

23. As a further direct and proximate result of defendant Dependable Building Service's negligence and negligence per se, Plaintiff Scott Sebastian incurred medical bills and other medical expenses, was subjected to out of pocket expenses he otherwise would not have, suffered a loss of wages and suffered a diminution in his ability work and earn a living.

THIRD CAUSE OF ACTION
(Negligence of AT&T Mobility Services)

24. Plaintiff incorporates all prior allegations as though fully rewritten into this cause of action.

25. Defendant AT&T Mobility Services hired Dependable Building Services, while knowing that Dependable was not licensed and/or certified by the State Fire Marshall to conduct fire suppression system tests in the State of Ohio.

26. AT&T could have chosen to use Continental, the Ohio company that installed the Fike system, but decided to use cheaper and unlicensed and uncertified contractors to conduct the fire suppression testing.

27. AT&T was negligent in hiring unlicensed and uncertified technicians to conduct the fire suppression testing, and that negligence was a proximate cause of the injuries and damages as alleged herein.

WHEREFORE, Plaintiff Scott Sebastian demands judgment against Alejandro Rodriquez, Dependable Building Services, Inc. and AT&T Mobility Services, LLC in an amount in excess of Twenty-Five Thousand Dollars (\$25,000.00), together with fees, interest, costs, prejudgment interest, and any other relief this court deems to be appropriate.

JURY DEMAND

A trial by jury is hereby requested at the time of the trial of the within action.

Respectfully submitted,

/s/ Dennis Mulvihill
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