

RETURN DATE: JANUARY 14, 2020

JOSEPH DECICCO, as Administrator of the Estates of:

NANCY LOYD OLAIVAR ABAD, deceased;
 IAN KIEM PORRAS ADLAWAN, deceased;
 CHRISTINE CAJES ALVIOLA, deceased;
 RODDERICK CUTAY ANTIPUESTO, deceased;
 SHIELA MAE ANOD BACALING, deceased;
 RANDY BALANDO BALCAO, deceased;
 KURTCHIN ANGELA YUMO BANGOY, deceased;
 JONAS OROYAN BASALAN, deceased;
 MARY LOUIELYN MANINGO BONGCAYAO, deceased;
 ALEXANDRA MAY MORENO CASTILLO, deceased;
 APPLE JANE ABES CELADES, deceased;
 ANTIOCO ESGUERRA CELESTIAL, JR., deceased;
 RODERICK CABUGSA CONSTANTINOPLA, deceased;
 MIKKO SALAZAR DEMAPELIZ, deceased;
 CHRISTEN JOY IBÁÑEZ GARZON, deceased;
 REGINE ALCANO GENERALES, deceased;
 JIMBO LUPOS LIMOSNERO, deceased;
 CHARLYN RELACION LIWAYA, deceased;
 JOHANIE UNDAGAN MATONDO, deceased;
 ROSYL CHAVEZ MONTAÑEZ, deceased;
 RHENZI NOVA DUCO MUYCO, deceased;
 JANINE JOY CULIPAPA OBO, deceased;
 JOYNE RAMAYLA PABELONIA, deceased;
 ANALIZA MOSQUERA PEÑARIJO, deceased;
 JIM BENEDICT SAZON QUIMSING, deceased;
 IVAN NEBELLE LIMOSNERO ROBLE, deceased;
 JEFFREY CABANTINGAN SISMAR, deceased;
 ELLYN JOY DAWA YORSUA, deceased; and
 DESIREE GAYLE APEROCHO ZACARIAS, deceased;
 JEHMAR BONGCAYAO; MOSES B. CASTILLO;
 SYLVESTER B. CELADES; GUIDHAVIO C. GARZON,
 JEXTER D. GENERALES, and CECILLINE SISMAR;

SUPERIOR COURT

J.D. OF: WATERBURY

AT: WATERBURY

DECEMBER 12, 2019

VS.

DYNATA, LLC f/k/a SURVEY SAMPLING
 INTERNATIONAL, LLC, CHRISTOPHER MARK
 FANNING, and DAVID IAN WEATHERSEED

COMPLAINT

Introduction

1. This action seeks recovery of damages due to the wrongful deaths of twenty-nine (29) young adults who died on December 23, 2017 as a result of carbon monoxide poisoning and asphyxiation followed by severe post-mortem burns and charring due to a fire in a four-story building fire in Davao City, Philippines. All of the decedents worked in a survey call center in the Philippines that was operated as a joint venture and/or agency of the American defendants named herein.

2. The wrongful deaths of the twenty-nine young adults in this case were the tragic, foreseeable and inevitable consequence of profit-seeking business conduct in the United States by Defendants, DYNATA, LLC f/k/a SURVEY SAMPLING INTERNATIONAL, LLC, CHRISTOPHER MARK FANNING and DAVID IAN WEATHERSEED that took jobs away from the United States, outsourced those jobs to a foreign company that they operated and controlled, and exploited the disadvantages of foreign citizens by paying very little in wage and benefits and providing little or no workplace safety oversight in order to keep operational costs as low as possible and business profits as high as possible.

3. On and before December 23, 2017, Defendant, DYNATA, LLC f/k/a SURVEY SAMPLING INTERNATIONAL, LLC, secured contracts in the United States to perform work, including polling and data collection, and to provide certain reports and data to its clients in the United States derived from that work. Defendant, DYNATA, LLC f/k/a SURVEY SAMPLING INTERNATIONAL, LLC, charged its clients competitive American rates for the work it contracted to do for its clients in the United States. Thereafter, whether known or unknown to its clients, Defendant, DYNATA, LLC f/k/a SURVEY SAMPLING INTERNATIONAL, LLC,

would outsource the contracted work, in whole or in part, to its affiliated company in the Philippines, SSI Philippines, Incorporated. The majority, if not all, polling and data calls made by call center employees of SSI Philippines, Incorporated were conducted in the English language and were placed to individuals residing in the United States of America.

4. Documents filed on or about July 18, 2017 with the Philippine Securities and Exchange Commission indicate that SSI Philippines, Incorporated had five officers, two of which are the American citizens individually named as defendants in this action, Defendants, CHRISTOPHER MARK FANNING and DAVID IAN WEATHERSEED, and six shareholders, two of which are the same two American citizens, Defendants, CHRISTOPHER MARK FANNING and DAVID IAN WEATHERSEED. The evidence in this case will further show that Defendant, DYNATA, LLC f/k/a SURVEY SAMPLING INTERNATIONAL, LLC, particularly through Defendants, CHRISTOPHER MARK FANNING and DAVID IAN WEATHERSEED, operated, controlled, and directed the activities of SSI Philippines, Incorporated in a joint business enterprise or as its principal.

5. Of all twenty-nine decedents involved in this action, the highest paid decedent earned approximately US\$350 per month while the lowest paid decedent earned approximately US\$175 per month, which amounts includes a “13th month” bonus.

6. According to 2017 filings with Philippine authorities, SSI Philippines Incorporated employed 1,463 workers. The labor cost due to outsourcing of these jobs by Defendant, DYNATA, LLC f/k/a SURVEY SAMPLING INTERNATIONAL, LLC, represents a huge cost savings to Defendant, DYNATA, LLC f/k/a SURVEY SAMPLING INTERNATIONAL, LLC. If the same number of workers were paid at a rate of \$15 per hour for full time employment, the annual cost of labor to Defendant, DYNATA, LLC f/k/a SURVEY

SAMPLING INTERNATIONAL, LLC, would be over US\$45 million. Ironically, the jobs being outsourced are primarily for political polling and surveys for U.S. political parties and politicians who are publicly opposed to the outsourcing of American jobs.

7. Defendants, DYNATA, LLC f/k/a SURVEY SAMPLING INTERNATIONAL, LLC, DAVID IAN WEATHERSEED and CHRISTOPHER MARK FANNING, failed or refused to take action to hire qualified personnel or take necessary and appropriate actions to provide a safe workplace for its foreign workers employed through SSI Philippines, Incorporated. Philippine fire safety officials repeatedly warned of unsafe, dangerous, and life-threatening conditions that existed in the premises in which Plaintiff's decedents worked, yet those known dangerous conditions and others persisted for years through and including the time of this tragedy. These conditions included: a fire alarm for the fourth floor that was not connected to the alarm system for floors one through three of the building and did not function properly; only two fire exits on the fourth floor which were inadequate means of egress for the number of people occupying the fourth floor and the distance to the exits; one of the two exits was obstructed by steel lockers and was therefore inaccessible; the control valve to the sprinkler system for the fourth floor was in a closed position so no water was available; the two fire doors were open so that the vertical openings of the stairwells served as path of smoke and hot gases from the third floor to the fourth floor; and the air duct of centralized air-conditioning systems were not provided with fire dampers, which would have prevented the rapid spread of hot gases and smoke to the fourth floor.

The Parties

8. On December 23, 2017, and for a certain period of time prior thereto, Defendant, DYNATA, LLC., under its prior name, SURVEY SAMPLING INTERNATIONAL, LLC, was a

limited liability company organized and existing under the laws of the State of Delaware which maintained its principal place of business in Shelton, Connecticut.

9. On or about April 19, 2019, SURVEY SAMPLING INTERNATIONAL, LLC changed its name to DYNATA, LLC and continues to maintain its principal place of business in Shelton, Connecticut.

10. On December 23, 2017, and at all times herein relevant, SSI Philippines Incorporated was a legal business entity organized and existing under the laws of the Republic of the Philippines.

11. On December 23, 2017, Defendant, CHRISTOPHER MARK FANNING, was and continues to be a citizen of the United States of America residing in Westport, Connecticut.

12. On December 23, 2017 and at all times herein relevant, Defendant, CHRISTOPHER MARK FANNING, was President and Chief Executive Officer of Defendant, DYNATA, LLC f/k/a SURVEY SAMPLING INTERNATIONAL, LLC.

13. On December 23, 2017 and at all times herein relevant, Defendant, CHRISTOPHER MARK FANNING, was a Director and Shareholder of SSI Philippines, Inc.

14. On December 23, 2017, Defendant, DAVID IAN WEATHERSEED, was and continues to be a citizen of the United States of America residing in Old Greenwich, Connecticut.

15. On December 23, 2017 and at all times herein relevant, Defendant, DAVID IAN WEATHERSEED, was the Controller of Defendant, DYNATA, LLC f/k/a SURVEY SAMPLING INTERNATIONAL, LLC.

16. On December 23, 2017 and at all times herein relevant, Defendant, DAVID IAN WEATHERSEED, was a Director and Shareholder of SSI Philippines, Inc.

17. Plaintiff, JOSEPH DECICCO, is an attorney in good standing and duly licensed to practice law in the State of Connecticut and was appointed by the Probate Court in Shelton, Connecticut as the Administrator of the estates of twenty-nine decedents, and each of them, who died as a result of the fire which is the subject of Plaintiff's complaint, to wit: NANCY LOYD OLAIVAR ABAD, deceased; IAN KIEM PORRAS ADLAWAN, deceased; CHRISTINE CAJES ALVIOLA, deceased; RODERICK CUTAY ANTIPUESTO, deceased; SHIELA MAE ANOD BACALING, deceased; RANDY BALANDO BALCAO, deceased; KURTCHIN ANGELA YUMO BANGOY, deceased; JONAS OROYAN BASALAN, deceased; MARY LOUIELYN MANINGO BONGCAYAO, deceased; ALEXANDRA MAY MORENO CASTILLO, deceased; APPLE JANE ABES CELADES, deceased; ANTIOCO ESGUERRA CELESTIAL, JR., deceased; RODERICK CABUGSA CONSTANTINOPLA, deceased; MIKKO SALAZAR DEMA FELIZ, deceased; CHRISTEN JOY IBAÑEZ GARZON, deceased; REGINE ALCANO GENERALES, deceased; JIMBO LUPOS LIMOSNERO, deceased; CHARLYN RELACION LIWAYA, deceased; JOHANIE UNDAGAN MATONDO, deceased; ROSYL CHAVEZ MONTAÑEZ, deceased; RHENZI NOVA DUCO MUYCO, deceased; JANINE JOY CULIPAPA OBO, deceased; JOYNE RAMAYLA PABELONIA, deceased; ANALIZA MOSQUERA PEÑARIJO, deceased; JIM BENEDICT SAZON QUIMSING, deceased; IVAN NEBELLE LIMOSNERO ROBLE, deceased; JEFFREY CABANTINGAN SISMAR, deceased; ELLYN JOY DAWA YORSUA, deceased; and DESIREE GAYLE APEROCHO ZACARIAS, deceased.

18. The individually named Plaintiffs herein were spouses of certain of Plaintiff's decedents at the time of their deaths, to wit: Plaintiff, JEHMAR BONGCAYAO was the lawful husband of MARY LOUIELYN MANINGO BONGCAYAO, deceased; MOSES B. CASTILLO

was the lawful husband of ALEXANDRA MAY MORENO CASTILLO, deceased; SYLVESTER B. CELADES was the lawful husband of APPLE JANE ABES CELADES, deceased; GUIDHAVIO C. GARZON was the lawful husband of CHRISTEN JOY IBAÑEZ GARZON, deceased; JEXTER D. GENERALES was the lawful husband of REGINE ALCANO GENERALES, deceased; and CECILLINE SISMAR was the lawful wife of JEFFREY CABANTINGAN SISMAR, deceased.

Common Allegations of Fact

19. On December 23, 2017 and for some time prior thereto, Defendant, DYNATA, LLC f/k/a SURVEY SAMPLING INTERNATIONAL, LLC, operated a for-profit commercial business primarily engaged in telephone survey and polling services and data collection.

20. On December 23, 2017 and for some time prior thereto, SSI Philippines Incorporated operated a for-profit commercial business primarily engaged in telephone survey and polling service and data collection.

21. On and prior to December 23, 2017, Defendant, DYNATA, LLC f/k/a SURVEY SAMPLING INTERNATIONAL, LLC, and SSI Philippines Incorporated were engaged in a joint venture which included providing telephone survey and polling service and data collection to be performed from call centers in the Republic of the Philippines, the particulars of this joint venture included but were not limited to the following:

- (a) Defendant, DYNATA, LLC f/k/a SURVEY SAMPLING INTERNATIONAL, LLC and SSI Philippines Incorporated had an express and/or implied agreement between them to provide international telephone survey and polling service and data collection from offices located in the Philippines;
- (b) Defendant, DYNATA, LLC f/k/a SURVEY SAMPLING INTERNATIONAL, LLC and SSI Philippines Incorporated shared expenses and revenue related to the business of providing international

telephone survey and polling service and data collection from offices located in the Philippines;

- (c) Defendant, DYNATA, LLC f/k/a SURVEY SAMPLING INTERNATIONAL, LLC and SSI Philippines Incorporated shared profits and losses related to the business of providing international telephone survey and polling service and data collection from offices located in the Philippines;
- (d) Defendant, DYNATA, LLC f/k/a SURVEY SAMPLING INTERNATIONAL, LLC and SSI Philippines Incorporated shared proprietary information about the products and services offered and rendered in the business of providing international telephone survey and polling service and data collection from offices located in the Philippines;
- (e) Defendant, DYNATA, LLC f/k/a SURVEY SAMPLING INTERNATIONAL, LLC and SSI Philippines Incorporated shared the services and skills of their employees in conducting the business of providing international telephone survey and polling service and data collection from offices located in the Philippines;
- (f) Defendant, DYNATA, LLC f/k/a SURVEY SAMPLING INTERNATIONAL, LLC and SSI Philippines Incorporated engaged in numerous intercompany transfers of money between them in conducting the business of providing international telephone survey and polling service and data collection from offices located in the Philippines;
- (g) Defendant, DYNATA, LLC f/k/a SURVEY SAMPLING INTERNATIONAL, LLC and SSI Philippines Incorporated shared equipment and property in conducting the business of providing international telephone survey and polling service and data collection from offices located in the Philippines; and
- (h) Defendant, DYNATA, LLC f/k/a SURVEY SAMPLING INTERNATIONAL, LLC and SSI Philippines Incorporated otherwise jointly controlled and managed the business of providing international telephone survey and polling service and data collection from offices located in the Philippines in a manner that manifested the intent of these parties to conduct a business enterprise as a joint venture.

22. Jointly and/or in the alternative to the preceding numbered paragraph and its subparts, on December 23, 2017, and at all times herein relevant, SSI Philippines Incorporated,

was acting as the actual and/or apparent agent of Defendant, DYNATA, LLC f/k/a SURVEY SAMPLING INTERNATIONAL, LLC, in that:

- (a) Defendant, DYNATA, LLC f/k/a SURVEY SAMPLING INTERNATIONAL, LLC, maintained a website and domain name, surveysampling.com, through which it directed and permitted SSI Philippines Incorporated, to conduct business, including employee recruitment;
- (b) Defendant, DYNATA, LLC f/k/a SURVEY SAMPLING INTERNATIONAL, LLC, provided email accounts (ending in @surveysampling.com) to employees, officers, and directors of SSI Philippines Incorporated through which those individuals conducted the business of SSI Philippines Incorporated, for its own financial benefit and for the financial benefit of Defendant, DYNATA, LLC f/k/a SURVEY SAMPLING INTERNATIONAL, LLC;
- (c) Defendant, DYNATA, LLC f/k/a SURVEY SAMPLING INTERNATIONAL, LLC, paid wages and salaries and benefits of health, life, and dental insurance to certain employees, officers and/or directors of SSI Philippines Incorporated;
- (d) Defendant, DYNATA, LLC f/k/a SURVEY SAMPLING INTERNATIONAL, LLC, provided to SSI Philippines Incorporated, proprietary information about the products and services of Defendant, DYNATA, LLC f/k/a SURVEY SAMPLING INTERNATIONAL, LLC in order for SSI Philippines Incorporated to conduct its commercial business activities;
- (e) Defendant, DYNATA, LLC f/k/a SURVEY SAMPLING INTERNATIONAL, LLC, directed, conducted, and/or controlled numerous “intercompany transfers” of money to and from SSI Philippines Incorporated in order for SSI Philippines Incorporated to conduct its commercial business activities;
- (f) Defendant, DYNATA, LLC f/k/a SURVEY SAMPLING INTERNATIONAL, LLC, is the registered owner of word and service marks issued by the U.S. Patent and Trademark Office under multiple serial numbers including 86348471 which is a stylized letter “S” inside a square incorporated in the SSI logo depicted below, which it further allowed and instructed SSI Philippines Incorporated to use in the furtherance of its business including on its business correspondence and forms, its buildings, and on its employees uniforms and work clothes:



(g) Defendant, DYNATA, LLC f/k/a SURVEY SAMPLING INTERNATIONAL, LLC, otherwise had the right to control the conduct of SSI Philippines Incorporated and empowered and authorized SSI Philippines Incorporated to act on behalf of Defendant, DYNATA, LLC f/k/a SURVEY SAMPLING INTERNATIONAL, LLC.

23. On and/or prior to December 23, 2017, Defendant, DYNATA, LLC f/k/a SURVEY SAMPLING INTERNATIONAL, LLC, individually and/or through its joint venture partner and/or agent, SSI Philippines Incorporated, leased, occupied, and controlled certain premises (“Subject Premises”) located on the fourth floor of a building commonly known as the NCCC Mall located in Davao City, Philippines.

24. On and/or prior to December 23, 2017, Defendant, DYNATA, LLC f/k/a SURVEY SAMPLING INTERNATIONAL, LLC, was engaged to perform certain telephone survey and polling work, which work it performed or directed to be performed through its joint venture partner and/or agent, SSI Philippines Incorporated on the Subject Premises.

25. On December 23, 2017, Plaintiff’s decedents, NANCY LOYD OLAIVAR ABAD, IAN KIEM PORRAS ADLAWAN, CHRISTINE CAJES ALVIOLA, RODERICK CUTAY ANTIPUESTO, SHIELA MAE ANOD BACALING, RANDY BALANDO BALCAO, KURTCHIN ANGELA YUMO BANGOY, JONAS OROYAN BASALAN, MARY LOUIELYN MANINGO BONGCAYAO, ALEXANDRA MAY MORENO CASTILLO, APPLE JANE ABES CELADES, ANTIOCO ESGUERRA CELESTIAL, JR., RODERICK CABUGSA CONSTANTINOPLA, MIKKO SALAZAR DEMAHELIZ, CHRISTEN JOY IBAÑEZ GARZON, REGINE ALCANO GENERALES, JIMBO LUPOS LIMOSNERO, CHARLYN RELACION LIWAYA, JOHANIE UNDAGAN MATONDO, ROSYL CHAVEZ

MONTAÑEZ, RHENZI NOVA DUCO MUYCO, JANINE JOY CULIPAPA OBO, JOYNE RAMAYLA PABELONIA, ANALIZA MOSQUERA PEÑARIJO, JIM BENEDICT SAZON QUIMSING, IVAN NEBELLE LIMOSNERO ROBLE, JEFFREY CABANTINGAN SISMAR, ELLYN JOY DAWA YORSUA, and DESIREE GAYLE APEROCHO ZACARIAS, and each of them, were lawfully present on the Subject Premises performing the aforesaid telephone survey and polling work at the direction and for the benefit of Defendant, DYNATA, LLC f/k/a SURVEY SAMPLING INTERNATIONAL, LLC.

26. On December 23, 2017, a fire started on the third floor of the building in which the Subject Premises was located which fire generated a certain amount of smoke and carbon monoxide within the building.

27. On December 23, 2017, Plaintiff's decedents, NANCY LOYD OLAIVAR ABAD, IAN KIEM PORRAS ADLAWAN, CHRISTINE CAJES ALVIOLA, RODERICK CUTAY ANTIPUESTO, SHIELA MAE ANOD BACALING, RANDY BALANDO BALCAO, KURTCHIN ANGELA YUMO BANGOY, JONAS OROYAN BASALAN, MARY LOUIELYN MANINGO BONGCAYAO, ALEXANDRA MAY MORENO CASTILLO, APPLE JANE ABES CELADES, ANTIOCO ESGUERRA CELESTIAL, JR., RODERICK CABUGSA CONSTANTINOPLA, MIKKO SALAZAR DEMA FELIZ, CHRISTEN JOY IBAÑEZ GARZON, REGINE ALCANO GENERALES, JIMBO LUPOS LIMOSNERO, CHARLYN RELACION LIWAYA, JOHANIE UNDAGAN MATONDO, ROSYL CHAVEZ MONTAÑEZ, RHENZI NOVA DUCO MUYCO, JANINE JOY CULIPAPA OBO, JOYNE RAMAYLA PABELONIA, ANALIZA MOSQUERA PEÑARIJO, JIM BENEDICT SAZON QUIMSING, IVAN NEBELLE LIMOSNERO ROBLE, JEFFREY CABANTINGAN SISMAR, ELLYN JOY DAWA YORSUA, and DESIREE GAYLE APEROCHO ZACARIAS , and each

of them, became trapped within the Subject Premises and were caused to, and did, suffer carbon monoxide poisoning and asphyxiation resulting in their deaths.

CAUSES OF ACTION

Count I

Vicarious Liability and Agency – Wrongful Death

1-27. Plaintiff adopts and alleges paragraphs 1 through 27, above as though fully set forth herein.

28. On December 23, 2017 and all times herein relevant, there was a manifestation by Defendant, DYNATA, LLC f/k/a SURVEY SAMPLING INTERNATIONAL, LLC, as principal that SSI Philippines, Incorporated, would act for it as its agent in the operation of a call center on the Subject Premises. There was also an acceptance by SSI Philippines, Incorporated of the undertaking of the operation of a call center on the Subject Premises as agent of Defendant, DYNATA, LLC f/k/a SURVEY SAMPLING INTERNATIONAL, LLC, and there was an understanding between Defendant, DYNATA, LLC f/k/a SURVEY SAMPLING INTERNATIONAL, LLC and SSI Philippines, Incorporated, that Defendant, DYNATA, LLC f/k/a SURVEY SAMPLING INTERNATIONAL, LLC, would be in control of the undertaking.

29. On December 23, 2017, it then and there became and was the duty of Defendant, DYNATA, LLC f/k/a SURVEY SAMPLING INTERNATIONAL, LLC, through its agent, SSI Philippines, Incorporated to exercise reasonable care for the safety of Plaintiff's decedents, and each of them, while working on the Subject Premises.

30. Notwithstanding the aforesaid duty to the Plaintiff's decedents, and each of them, Defendant, DYNATA, LLC f/k/a SURVEY SAMPLING INTERNATIONAL, LLC, through its

agent, SSI Philippines, Incorporated, breached its duty of care in one or more of the following particulars:

- (a) negligently and carelessly failed to inspect the Subject Premises for unsafe, dangerous, or life-threatening conditions existing thereon, including but not limited to the fire alarm for the fourth floor not being connected to the alarm system for floors one through three of the building; the fire alarm for the fourth floor not functioning properly; having only two fire exits on the fourth floor, which were an inadequate means of egress for the number of people occupying the fourth floor and the distance to the exits; obstruction of one of the two exits with steel lockers; having the control valve to the sprinkler system for the fourth floor in a closed position; having fire exit doors in an open position so that the vertical openings of the stairwells served as a path of smoke and hot gases from the third floor to the fourth floor; and not having fire dampers in the air duct of the centralized air-conditioning system which would have prevented the rapid spread of hot gases and smoke to the fourth floor;
- (b) negligently and carelessly failed to repair or otherwise remedy the unsafe, dangerous, and life-threatening conditions existing in or on the Subject Premises, including but not limited to the fire alarm for the fourth floor not being connected to the alarm system for floors one through three of the building; the fire alarm for the fourth floor not functioning properly; having only two fire exits on the fourth floor, which were an inadequate means of egress for the number of people occupying the fourth floor and the distance to the exits; obstruction of one of the two exits with steel lockers; having the control valve to the sprinkler system for the fourth floor in a closed position; having fire exit doors in an open position so that the vertical openings of the stairwells served as a path of smoke and hot gases from the third floor to the fourth floor; and not having fire dampers in the air duct of the centralized air-conditioning system which would have prevented the rapid spread of hot gases and smoke to the fourth floor;
- (c) negligently and carelessly failed to maintain the Subject Premises in a safe and proper condition;
- (d) negligently and carelessly failed to develop, implement, enforce, and/or evaluate policies and procedures related to fire safety at the Subject Premises which would have prevented the deaths of Plaintiff's decedents, and each of them;
- (e) negligently and carelessly failed to properly train Plaintiff's decedents, and each of them, in fire safety and evacuation procedures related to the Subject Premises;

- (f) negligently and carelessly failed and/or refused to take proper and adequate action in response to the prior and repeated warnings and instructions of governmental officials related to unsafe and dangerous fire safety related conditions existing in or on the Subject Premises;
- (g) negligently and carelessly failed and/or refused to properly and adequately communicate, coordinate, and cooperate with the owner of the NCCC Mall which included the Subject Premises regarding fire detection and alarm systems, fire safety measures and equipment, and fire evacuation procedures; and/or
- (h) otherwise engaged in negligent and careless misconduct in particulars to be determined through discovery herein.

31. As a direct and proximate result of the aforesaid breach of duty by SSI Philippines, Incorporated, as agent of Defendant, DYNATA, LLC f/k/a SURVEY SAMPLING INTERNATIONAL, LLC, Plaintiff's decedents, NANCY LOYD OLAIVAR ABAD, IAN KIEM PORRAS ADLAWAN, CHRISTINE CAJES ALVIOLA, RODERICK CUTAY ANTIPUESTO, SHIELA MAE ANOD BACALING, RANDY BALANDO BALCAO, KURTCHIN ANGELA YUMO BANGOY, JONAS OROYAN BASALAN, MARY LOUIELYN MANINGO BONGCAYAO, ALEXANDRA MAY MORENO CASTILLO, APPLE JANE ABES CELADES, ANTIOCO ESGUERRA CELESTIAL, JR., RODERICK CABUGSA CONSTANTINOPLA, MIKKO SALAZAR DEMAHELIZ, CHRISTEN JOY IBAÑEZ GARZON, REGINE ALCANO GENERALES, JIMBO LUPOS LIMOSNERO, CHARLYN RELACION LIWAYA, JOHANIE UNDAGAN MATONDO, ROSYL CHAVEZ MONTAÑEZ, RHENZI NOVA DUCO MUYCO, JANINE JOY CULIPAPA OBO, JOYNE RAMAYLA PABELONIA, ANALIZA MOSQUERA PEÑARIJO, JIM BENEDICT SAZON QUIMSING, IVAN NEBELLE LIMOSNERO ROBLE, JEFFREY CABANTINGAN SISMAR, ELLYN JOY DAWA YORSUA, and DESIREE GAYLE APEROCHO ZACARIAS, and each

of them, became trapped within the Subject Premises and further suffered from carbon monoxide poisoning and asphyxiation thereafter resulting in their deaths.

32. By reason of the condition of the Subject Premises, Plaintiff's decedents , and each of them sustained damages including substantial pain and suffering prior to death; loss of enjoyment of his or her life and an inability to carry on life's nonremunerative activities; and loss of his or her net earning capacity; and the estates of Plaintiff's decedents , and each of them, were caused to and did incur funeral and burial expenses.

33. This action is being brought pursuant to Conn. Gen. Stat § 52-555, commonly known as the *Connecticut Wrongful Death Statute* and/or other applicable laws.

Count II

Vicarious Liability and Agency – Loss of Consortium

1-31. Plaintiffs, JEHMAR BONGCAYAO, MOSES B. CASTILLO, SYLVESTER B. CELADES, GUIDHAVIO C. GARZON, JEXTER D. GENERALES, and CECILLINE SISMAR, and each of them, adopts and alleges paragraphs 1 through 31, inclusive of Count I as and for paragraphs 1 through 31, inclusive of Count II as though fully set forth herein.

32. By reason of the condition of the Subject Premises, Plaintiffs, JEHMAR BONGCAYAO as the lawful husband of MARY LOUIELYN MANINGO BONGCAYAO, deceased, MOSES B. CASTILLO as the lawful husband of ALEXANDRA MAY MORENO CASTILLO, deceased, SYLVESTER B. CELADES as the lawful husband of APPLE JANE ABES CELADES, deceased, GUIDHAVIO C. GARZON as the lawful husband of CHRISTEN JOY IBAÑEZ GARZON, deceased, JEXTER D. GENERALES as the lawful husband of REGINE ALCANO GENERALES, deceased, and CECILLINE SISMAR as the lawful wife of

JEFFREY CABANTINGAN SISMAR, deceased, and each of them, sustained damages due to the loss of consortium with respect to the death of their spouses including, without limitation, loss of the society of, affection of, moral support provided by, services provided by, sexual relations with, and companionship of their spouses.

33. This action is being brought pursuant to Conn. Gen. Stat § 52-555a to § 52-555d, commonly known as the *Connecticut Loss of Consortium Statute* and/or other applicable laws.

Count III

Joint Venture – Wrongful Death

1-27. Plaintiff, JOSEPH DECICCO, as Administrator of the Estate of NANCY LOYD OLAIVAR ABAD, deceased; IAN KIEM PORRAS ADLAWAN, deceased; CHRISTINE CAJES ALVIOLA, deceased; RODERICK CUTAY ANTIPUESTO, deceased; SHIELA MAE ANOD BACALING, deceased; RANDY BALANDO BALCAO, deceased; KURTCHIN ANGELA YUMO BANGOY, deceased; JONAS OROYAN BASALAN, deceased; MARY LOUIELYN MANINGO BONGCAYAO, deceased; ALEXANDRA MAY MORENO CASTILLO, deceased; APPLE JANE ABES CELADES, deceased; ANTIOCO ESGUERRA CELESTIAL, JR., deceased; RODERICK CABUGSA CONSTANTINOPLA, deceased; MIKKO SALAZAR DEMAFELIZ, deceased; CHRISTEN JOY IBAÑEZ GARZON, deceased; REGINE ALCANO GENERALES, deceased; JIMBO LUPOS LIMOSNERO, deceased; CHARLYN RELACION LIWAYA, deceased; JOHANIE UNDAGAN MATONDO, deceased; ROSYL CHAVEZ MONTAÑEZ, deceased; RHENZI NOVA DUCO MUYCO, deceased; JANINE JOY CULIPAPA OBO, deceased; JOYNE RAMAYLA PABELONIA, deceased; ANALIZA MOSQUERA PEÑARIJO, deceased; JIM BENEDICT SAZON QUIMSING,

deceased; IVAN NEBELLE LIMOSNERO ROBLE, deceased; JEFFREY CABANTINGAN SISMAR, deceased; ELLYN JOY DAWA YORSUA, deceased; and DESIREE GAYLE APEROCHO ZACARIAS, deceased, and each of them, adopts and alleges paragraphs 1 through 27, inclusive, above as and for paragraphs 1 through 27, inclusive of Count III as though fully set forth herein.

28. On December 23, 2017, and as further described in paragraph 20 of Plaintiff's complaint herein, Defendant, DYNATA, LLC f/k/a SURVEY SAMPLING INTERNATIONAL, LLC and SSI Philippines, Incorporated combined their respective skills and resources in the common undertaking of the operation of a call center on the Subject Premises.

29. On December 23, 2017, it then and there became and was the duty of Defendant, DYNATA, LLC f/k/a SURVEY SAMPLING INTERNATIONAL, LLC and SSI Philippines, Incorporated in their joint venture enterprise, to exercise reasonable care for the safety of Plaintiff's decedents, and each of them, while working in the call center on the Subject Premises.

30. Notwithstanding the aforesaid duty, SSI Philippines, Incorporated, breached its duty of care to Plaintiff's decedents in one or more of the following particulars:

- (a) negligently and carelessly failed to inspect the Subject Premises for unsafe, dangerous, or life-threatening conditions existing thereon, including but not limited to the fire alarm for the fourth floor not being connected to the alarm system for floors one through three of the building; the fire alarm for the fourth floor not functioning properly; having only two fire exits on the fourth floor, which were an inadequate means of egress for the number of people occupying the fourth floor and the distance to the exits; obstruction of one of the two exits with steel lockers; having the control valve to the sprinkler system for the fourth floor in a closed position; having fire exit doors in an open position so that the vertical openings of the stairwells served as a path of smoke and hot gases from the third floor to the fourth floor; and not having fire dampers in the air duct of the centralized air-conditioning system which would have prevented the rapid spread of hot gases and smoke to the fourth floor;

- (b) negligently and carelessly failed to repair or otherwise remedy the unsafe, dangerous, and life-threatening conditions existing in or on the Subject Premises, including but not limited to the fire alarm for the fourth floor not being connected to the alarm system for floors one through three of the building; the fire alarm for the fourth floor not functioning properly; having only two fire exits on the fourth floor, which were an inadequate means of egress for the number of people occupying the fourth floor and the distance to the exits; obstruction of one of the two exits with steel lockers; having the control valve to the sprinkler system for the fourth floor in a closed position; having fire exit doors in an open position so that the stairwell vertical openings served as a path of smoke and hot gases from the third floor to the fourth floor; and not having fire dampers in the air duct of the centralized air-conditioning system which would have prevented the rapid spread of hot gases and smoke to the fourth floor;
- (c) negligently and carelessly failed to maintain the Subject Premises in a safe and proper condition;
- (d) negligently and carelessly failed to develop, implement, enforce, and/or evaluate policies and procedures related to fire safety at the Subject Premises which would have prevented the deaths of Plaintiff's decedents, and each of them;
- (e) negligently and carelessly failed to properly train Plaintiff's decedents, and each of them, in fire safety and evacuation procedures related to the Subject Premises;
- (f) negligently and carelessly failed and/or refused to take proper and adequate action in response to the prior and repeated warnings and instructions of governmental officials related to unsafe and dangerous fire safety related conditions existing in or on the Subject Premises;
- (g) negligently and carelessly failed and/or refused to properly and adequately communicate, coordinate, and cooperate with the owner of the NCCC Mall which included the Subject Premises regarding fire detection and alarm systems, fire safety measures and equipment, and fire evacuation procedures; and/or
- (h) otherwise engaged in negligent and careless misconduct in particulars to be determined through discovery herein.

31. As a direct and proximate result of the aforesaid breach of duty by SSI Philippines, Incorporated, Plaintiff's decedents, and each of them, were caused to and did

become trapped within the Subject Premises and were caused to and did suffer carbon monoxide poisoning and asphyxiation resulting in their deaths.

32. Defendant, DYNATA, LLC f/k/a SURVEY SAMPLING INTERNATIONAL, LLC, as a joint venture partner of SSI Philippines Incorporated, is legally liable for the aforesaid negligent breach of duty of its joint venture partner, SSI Philippines, Incorporated.

33. By reason of the condition of the Subject Premises, Plaintiff's decedents, and each of them sustained substantial pain and suffering prior to death; sustained a loss of enjoyment of his or her life and an inability to carry on life's nonremunerative activities; sustained a loss of his or her net earning capacity; and was caused to and did incur funeral and burial expenses.

34. This action is being brought pursuant to Conn. Gen. Stat § 52-555, commonly known as the *Connecticut Wrongful Death Statute* and/or other applicable laws.

Count IV

Joint Venture – Loss of Consortium

1-32. Plaintiffs, JEHMAR BONGCAYAO, MOSES B. CASTILLO, SYLVESTER B. CELADES, GUIDHAVIO C. GARZON, JEXTER D. GENERALES, and CECILLINE SISMAR, and each of them, adopt and alleges paragraphs 1 through 32, inclusive, of Count III for paragraphs 1 through 32, inclusive of Count IV as though fully set forth herein.

33. By reason of the condition of the Subject Premises, Plaintiffs, JEHMAR BONGCAYAO as the lawful husband of MARY LOUIELYN MANINGO BONGCAYAO, deceased, MOSES B. CASTILLO as the lawful husband of ALEXANDRA MAY MORENO CASTILLO, deceased, SYLVESTER B. CELADES as the lawful husband of APPLE JANE ABES CELADES, deceased, GUIDHAVIO C. GARZON as the lawful husband of CHRISTEN

JOY IBAÑEZ GARZON, deceased, JEXTER D. GENERALES as the lawful husband of REGINE ALCANO GENERALES, deceased, and CECILLINE SISMAR as the lawful wife of JEFFREY CABANTINGAN SISMAR, deceased, and each of them, sustained damages due to the loss of consortium with respect to the death of their spouses including, without limitation, loss of the society of, affection of, moral support provided by, services provided by, sexual relations with, and companionship of their spouses.

34. This action is being brought pursuant to Conn. Gen. Stat § 52-555a to § 52-555d, commonly known as the *Connecticut Loss of Consortium Statute* and/or other applicable laws.

Count V

Direct Negligence – Wrongful Death

1-27. Plaintiff adopts and alleges paragraphs 1 through 27, above as though fully set forth herein.

28. On December 23, 2017 and all times herein relevant, Defendants, DYNATA, LLC f/k/a SURVEY SAMPLING INTERNATIONAL, LLC, CHRISTOPHER MARK FANNING and DAVID IAN WEATHERSEED, and each of them, had actual and/or constructive knowledge that unsafe and dangerous conditions existed on the Subject premises and that Plaintiff's decedents had not been properly and adequately trained in fire safety and evacuation. The unsafe and dangerous conditions on the Subject Premises included the fire alarm for the fourth floor not being connected to the alarm system for floors one through three of the building; the fire alarm for the fourth floor not functioning properly; having only two fire exits on the fourth floor, which were an inadequate means of egress for the number of people occupying the fourth floor and the distance to the exits; obstruction of one of the two exits with

steel lockers; having the control valve to the sprinkler system for the fourth floor in a closed position; having fire exit doors in an open position so that the vertical openings of the stairwells served as a path of smoke and hot gases from the third floor to the fourth floor; and not having fire dampers in the air duct of the centralized air-conditioning system which would have prevented the rapid spread of hot gases and smoke to the fourth floor.

29. On December 23, 2017, it then and there became and was the duty of Defendants, DYNATA, LLC f/k/a SURVEY SAMPLING INTERNATIONAL, LLC, CHRISTOPHER MARK FANNING and DAVID IAN WEATHERSEED, and each of them, to exercise reasonable care for the safety of Plaintiff's decedents, and each of them, while working on the Subject Premises.

30. Notwithstanding the aforesaid duty, Defendants, DYNATA, LLC f/k/a SURVEY SAMPLING INTERNATIONAL, LLC, CHRISTOPHER MARK FANNING and DAVID IAN WEATHERSEED, and each of them, breached their respective duty of care to Plaintiff's decedents, and each of them, in one or more of the following particulars:

- (i) negligently and carelessly failed to inspect or require inspection of the Subject Premises for unsafe, dangerous, or life-threatening conditions existing thereon, including but not limited to the fire alarm for the fourth floor not being connected to the alarm system for floors one through three of the building; the fire alarm for the fourth floor not functioning properly; having only two fire exits on the fourth floor, which were an inadequate means of egress for the number of people occupying the fourth floor and the distance to the exits; obstruction of one of the two exits with steel lockers; having the control valve to the sprinkler system for the fourth floor in a closed position; having fire exit doors in an open position so that the vertical openings of the stairwells served as a path of smoke and hot gases from the third floor to the fourth floor; and not having fire dampers in the air duct of the centralized air-conditioning system which would have prevented the rapid spread of hot gases and smoke to the fourth floor;
- (j) negligently and carelessly failed to repair or otherwise remedy the unsafe, dangerous, and life-threatening conditions existing in or on the Subject Premises, including but not limited to the fire alarm for the fourth floor not

being connected to the alarm system for floors one through three of the building; the fire alarm for the fourth floor not functioning properly; having only two fire exits on the fourth floor, which were an inadequate means of egress for the number of people occupying the fourth floor and the distance to the exits; obstruction of one of the two exits with steel lockers; having the control valve to the sprinkler system for the fourth floor in a closed position; having fire exit doors in an open position so that the vertical openings of the stairwells served as a path of smoke and hot gases from the third floor to the fourth floor; and not having fire dampers in the air duct of the centralized air-conditioning system which would have prevented the rapid spread of hot gases and smoke to the fourth floor;

- (k) negligently and carelessly failed to maintain the Subject Premises in a safe and proper condition;
- (l) negligently and carelessly failed to develop, implement, enforce, and/or evaluate policies and procedures related to fire safety at the Subject Premises which would have prevented the deaths of Plaintiff's decedents, and each of them;
- (m) negligently and carelessly failed to properly train Plaintiff's decedents, and each of them, in fire safety and evacuation procedures related to the Subject Premises;
- (n) negligently and carelessly failed and/or refused to take proper and adequate action in response to the prior and repeated warnings and instructions of governmental officials related to unsafe and dangerous fire safety related conditions existing in or on the Subject Premises;
- (o) negligently and carelessly failed and/or refused to properly and adequately communicate, coordinate, and cooperate with the owner of the NCCC Mall which included the Subject Premises regarding fire detection and alarm systems, fire safety measures and equipment, and fire evacuation procedures; and/or
- (p) otherwise engaged in negligent and careless misconduct in particulars to be determined through discovery herein.

34. As a direct and proximate result of the aforesaid breach of duty by Defendants, DYNATA, LLC f/k/a SURVEY SAMPLING INTERNATIONAL, LLC, CHRISTOPHER MARK FANNING and DAVID IAN WEATHERSEED, and each of them, Plaintiff's decedents, NANCY LOYD OLAIVAR ABAD, IAN KIEM PORRAS ADLAWAN, CHRISTINE CAJES

ALVIOLA, RODERICK CUTAY ANTIPUESTO, SHIELA MAE ANOD BACALING, RANDY BALANDO BALCAO, KURTCHIN ANGELA YUMO BANGOY, JONAS OROYAN BASALAN, MARY LOUIELYN MANINGO BONGCAYAO, ALEXANDRA MAY MORENO CASTILLO, APPLE JANE ABES CELADES, ANTIOCO ESGUERRA CELESTIAL, JR., RODERICK CABUGSA CONSTANTINOPLA, MIKKO SALAZAR DEMAFELIZ, CHRISTEN JOY IBAÑEZ GARZON, REGINE ALCANO GENERALES, JIMBO LUPOS LIMOSNERO, CHARLYN RELACION LIWAYA, JOHANIE UNDAGAN MATONDO, ROSYL CHAVEZ MONTAÑEZ, RHENZI NOVA DUCO MUYCO, JANINE JOY CULIPAPA OBO, JOYNE RAMAYLA PABELONIA, ANALIZA MOSQUERA PEÑARIJO, JIM BENEDICT SAZON QUIMSING, IVAN NEBELLE LIMOSNERO ROBLE, JEFFREY CABANTINGAN SISMAR, ELLYN JOY DAWA YORSUA, and DESIREE GAYLE APEROCHO ZACARIAS, and each of them, were caused to and did become trapped within the Subject Premises and were further caused to and did suffer carbon monoxide poisoning and asphyxiation resulting in their deaths.

35. By reason of the condition of the Subject Premises, Plaintiff's decedents, and each of them sustained damages including substantial pain and suffering prior to death; loss of enjoyment of his or her life and an inability to carry on life's nonremunerative activities; and loss of his or her net earning capacity; and the estates of Plaintiff's decedents, and each of them, were caused to and did incur funeral and burial expenses.

36. This action is being brought pursuant to Conn. Gen. Stat § 52-555, commonly known as the *Connecticut Wrongful Death Statute* and/or other applicable laws.

Count VI

Direct Negligence – Loss of Consortium

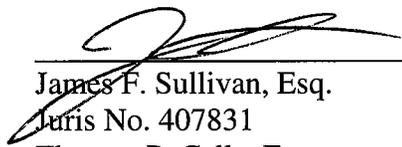
1-34. Plaintiffs, JEHMAR BONGCAYAO, MOSES B. CASTILLO, SYLVESTER B. CELADES, GUIDHAVIO C. GARZON, JEXTER D. GENERALES, and CECILLINE SISMAR, and each of them, adopt and alleges paragraphs 1 through 34, inclusive, of Count V for paragraphs 1 through 34, inclusive of Count VI as though fully set forth herein.

35. By reason of the condition of the Subject Premises, Plaintiffs, JEHMAR BONGCAYAO as the lawful husband of MARY LOUIELYN MANINGO BONGCAYAO, deceased, MOSES B. CASTILLO as the lawful husband of ALEXANDRA MAY MORENO CASTILLO, deceased, SYLVESTER B. CELADES as the lawful husband of APPLE JANE ABES CELADES, deceased, GUIDHAVIO C. GARZON as the lawful husband of CHRISTEN JOY IBAÑEZ GARZON, deceased, JEXTER D. GENERALES as the lawful husband of REGINE ALCANO GENERALES, deceased, and CECILLINE SISMAR as the lawful wife of JEFFREY CABANTINGAN SISMAR, deceased, and each of them, sustained damages due to the loss of consortium with respect to the death of their spouses including, without limitation, loss of the society of, affection of, moral support provided by, services provided by, sexual relations with, and companionship of their spouses.

36. This action is being brought pursuant to Conn. Gen. Stat § 52-555a to § 52-555d, commonly known as the *Connecticut Loss of Consortium Statute* and/or other applicable laws.

WHEREFORE, the Plaintiffs claim:

1. Money damages; and
2. Any other relief that in law or equity may pertain.



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