

COMMONWEALTH OF MASSACHUSETTS

HAMPDEN, ss.

HAMPDEN COUNTY
SUPERIOR COURT
FILED

SUPERIOR COURT

LAURA J. BRUNEAU, Personal Representative
of the Estate of LORNA L. MCMURREY,
Plaintiff,
v.
TRULIEVE CANNABIS CORP; TRULIEVE, INC.;
TRULIEVE HOLYOKE HOLDINGS LLC;
TODD GROVER; BURNETTE CONSTRUCTION
& DEVELOPMENT, INC.; T. J. CONWAY CO.; and
M & E MECHANICAL CONTRACTORS, INC.,
Defendants.

NOV 20 2023

Heather J. Jones
CLERK OF COURTS

CIVIL ACTION
NO.

23 0588

COMPLAINT and DEMAND FOR TRIAL BY JURY

1. On January 4, 2022, Lorna L. McMurrey, who was only 27 years old, collapsed for the second time in a matter of months while working at the Trulieve cannabis production facility located at 7 N. Bridge Street (formerly known as 56 Canal Street), Holyoke, Massachusetts (the "Facility"). On both occasions, she suffered a severe asthma attack as a result of exposure to hazardous airborne ground cannabis dust and/or mold. Three days after her collapse, on January 7, 2022, Ms. McMurrey tragically passed away.
2. Ms. McMurrey's tragic and preventable death was the result of the Defendants' negligence with respect to the design and installation of the HVAC system, which failed to properly ventilate the Facility, and often leaked, causing mold to grow on the cannabis product. In addition, the Trulieve Defendants (identified below), as owners and/or operators of the Facility, as well as their employee, Defendant, Todd Grover (Safety Manager), failed to create and/or implement policies, practices, and procedures to minimize the risks of exposure to airborne cannabis dust and/ mold inside the Facility.

THE PARTIES

3. Plaintiff Laura J. Bruneau ("Plaintiff" or "Mrs. Bruneau") is the duly appointed Personal Representative of the Estate of her daughter, Lorna L. McMurrey ("decedent" or "Ms. McMurrey"), and is a resident of the City of West Springfield, County of Hampden, State of Massachusetts.
4. Defendant Trulieve Cannabis Corp ("Trulieve Cannabis") is an alien, for-profit corporation organized under the laws of the Province of British Columbia, Canada, with its Principal Place of Business located at 666 Burrard Street, Vancouver, British Columbia, Canada. Trulieve Cannabis conducts most if not all of its business in the United States. Defendant Trulieve Cannabis Corp is not registered with the Secretary of the Commonwealth of Massachusetts.

5. Defendant Trulieve, Inc., is a domestic, for-profit entity organized under the laws of the State of Florida, with its Principal Place of Business located at 3494 Martin Hurst Road, Tallahassee, State of Florida, 32312. Trulieve, Inc. is not registered with the Secretary of the Commonwealth of Massachusetts.
6. Defendant Trulieve Holyoke Holdings LLC, (“THH”), is a domestic, for-profit entity organized under the laws of the State of Massachusetts, with its Principal Place of Business located at 56 Canal Street, Holyoke, County of Hampden, Commonwealth of Massachusetts. Defendant THH, at all relevant times, was a subsidiary of Defendant Trulieve, Inc and/or Trulieve Cannabis Corp Trulieve Holyoke Holdings LLC employed registered lobbyists in Massachusetts in 2022 and 2023.
7. Defendant Burnette Construction & Development, Inc. (“Burnette”) is a domestic, for-profit entity organized under the laws of the State of Florida, with its Principal Place of Business located at 5342 Ashville Highway Monticello, Florida 32344. Defendant Burnette served as the General Contractor responsible for the construction of the Facility in Holyoke, Massachusetts, as well as Defendant Trulieve’s cultivation and processing facilities in multiple states across the country.
8. Defendant T. J. Conway Co., (“Conway”), is a domestic, for-profit entity organized under the laws of the State of Massachusetts, with its Principal Place of Business located at 26 Progress Avenue, Springfield, Hampden County, Massachusetts 01104, and is a mechanical contracting business which was responsible for the installation of the HVAC, cooling, CO2, irrigation, condensate, plumbing and ventilation system at the Facility under the direction, supervision, and coordination of the General Contractor, Defendant Burnette.
9. Defendant M & E Mechanical Contractors, Inc., (“M & E”) is a domestic, for-profit entity organized under the laws of the State of Massachusetts, with its Principal Place of Business located at 1 Allen Street, Springfield, Hampden County, Massachusetts 01108, and is a mechanical contracting business which was responsible for installing the duct distribution and ventilation systems at the Facility under the direction, supervision, and coordination of the General Contractor, Defendant Burnette.
10. Defendant Todd Grover is a resident of South Hadley, Hampshire County, Massachusetts. At all relevant times, one or all of the Trulieve Defendants employed Mr. Grover as their “NorthEast Environmental Health and Safety Manager.”

JURISDICTION

11. Plaintiff’s causes of action against the foreign Defendants arises from Defendants:
 - A. transacting business in the Commonwealth of Massachusetts;
 - B. contracting to supply services or things in the Commonwealth of Massachusetts;
 - C. causing tortious injury by an act or omission in the Commonwealth of Massachusetts; and/or
 - D. causing tortious injury in the Commonwealth of Massachusetts by an act or omission outside of the Commonwealth of Massachusetts and regularly doing and soliciting business, and engaging in other persistent courses of conduct, and

deriving substantial revenue from goods used or consumed or services rendered in the Commonwealth of Massachusetts.

FACTS

Background

12. Ms. McMurrey began working at the Facility on or about May 20, 2021. At all relevant times, Ms. McMurrey was employed by Life Essence, Inc (“Life Essence”). Life Essence is the only employer listed on Ms. McMurrey’s W-2 Form.
13. Trulieve, Inc., Trulieve Cannabis Corp, and Trulieve Holyoke Holdings LLC (together referred to as the “Trulieve Defendants”) owned and/or operated the Facility.
14. Trulieve Cannabis wholly owned Life Essence.
15. The Trulieve Defendants created, controlled, and provided the protocols, policies, and procedures, as well as the operational business and safety plans, for the Facility and Life Essence.
16. Ms. McMurrey’s job required her to help process, sort, and package cannabis product that would ultimately be sold to the public with “Trulieve” branding.
17. On or around October 1, 2021, Ms. McMurrey was assigned to work in the “Pre-roll” production room as a technician. In this role, Ms. McMurrey would pick up the cannabis product and feed it into grinding machines.
18. At all relevant times, the “Pre-Roll” production room was a small room, with poor ventilation, and two external doors which were typically kept closed and required a key card for entry. There were approximately four grinding machines operating in the space at the same time, at least one pre-roll machine, and up to 10 workers in the room at the same time.
19. As part of the production process in the room, workers would place cannabis product in the grinding machines to break the cannabis flower down into smaller matter.
20. Workers would then take the ground cannabis and load it into a separate “pre-roll” machine, which would shake the ground cannabis product into pre-roll tubes, creating pre-rolled joints.
21. To complete the process, workers would take the pre-rolls and place them into Trulieve branded packaging.
22. The grinding machines used in the “Pre-Roll” production room emitted substantial amounts of airborne cannabis dust and particles.
23. While working in this production room, the air would become thick with cannabis dust, sometimes referred to as “kief,” which is a sticky, powder-like crystal substance that forms on the cannabis flower and is reduced to a dust during the refining process.

24. The cannabis dust/kief would cover workers (including Ms. McMurrey) from head to toe, and often workers (including Ms. McMurrey) would leave the Facility covered in the sticky substance.
25. In addition, the “Pre-Roll” production room was equipped with a “Bucket Head” 5-Gallon 1.75 Peak Horsepower Wet/Dry Shop Vacuum Powerhead with Filter Bag and Hose (“Shop-Vac”), generally used to vacuum up and filter debris and dust particles that were not being adequately filtered and/or ventilated by the Facility’s HVAC system.
26. At all relevant times, even when the Shop-Vac was in use, dust was visible in the air during the grinding process.

The Incidents (November and January)

27. On November 9, 2021, Ms. McMurrey was working in the “pre-roll” production room when the filter located below one of the grinding machines was removed and found to be extremely contaminated and filled with ground moldy cannabis product.
28. The removal of this filter, and the subsequent release of the moldy cannabis dust, caused Ms. McMurrey to experience severe difficulty breathing.
29. Ms. McMurrey’s supervisor called an ambulance which transported her to Holyoke Hospital for medical treatment.
30. At the hospital, Ms. McMurrey learned she had suffered an asthma attack. The attack was precipitated by Ms. McMurrey’s significant exposure to cannabis, especially airborne cannabis dust and/or mold particles.
31. Ms. McMurrey returned to work the next day to her same position as a technician in the “Pre-roll” production room.
32. Subsequently, on January 4, 2022, Ms. McMurrey was again working in the “Pre-roll” production room where she had been working since October 1, 2021, when she began experiencing serious difficulty breathing and collapsed for a second time. She was rushed to the hospital by ambulance.
33. Despite extensive and exhaustive medical treatment over the course of three days, Ms. McMurrey never regained consciousness, and passed away on January 7, 2022.
34. OSHA investigators ultimately determined that Ms. McMurrey died of occupational asthma due to the exposure to ground cannabis.
35. Ms. McMurrey’s mother, Ms. Bruneau, was by her daughter’s side throughout these three days in the hospital, enduring numerous tests and procedures, and ultimately her daughter’s death.

The Trulieve Defendants' Policies, Practices and Procedures

36. The Trulieve Defendants are multi-state operators (“MSO”) with operations in a number of U.S. states. They proclaim to be committed to providing customers with a consistent and welcoming retail experience across Trulieve branded stores.
37. To that end, the Trulieve Defendants disseminate particular marketing and branding mechanisms through their affiliates across several states as part of their business operations.
38. The Trulieve Defendants provided the particular marketing, branding, business and operational plans and procedures to the Massachusetts business and Marijuana Establishment License Holder, Life Essence, Inc.
39. The Trulieve Defendants provided Life Essence with the cannabis cultivation and manufacturing safety rules, regulations, manuals and/or guidelines for workers.
40. Pursuant to the Trulieve Defendants’ policies and procedures, which the Trulieve Defendants required all subsidiaries to adhere to, Ms. McMurrey was never provided any particularized safety training, or any information as to the risks of airborne cannabis dust or mold.
41. The Trulieve Defendants knowingly and negligently exposed Life Essence workers to a hazardous work environment by failing to provide and/or require Life Essence, Inc. to comply with, the proper safety plans, policies, and procedures for workers, including, but not limited to providing effective information and training to workers on hazardous materials such as ground cannabis and/or mold.
42. Further, the Trulieve Defendants directly employed compliance and environment, health, and safety (“EH&S”) officers that oversee operations at affiliate entities and involve themselves in safety and compliance investigations, including at the Facility.
43. During the relevant period, these officers included Todd Grover, the Northeast Environmental Health and Safety Manager.
44. Defendant Todd Grover knew or should have known of the November Incident, yet failed to take any steps to advise and/or require that Life Essence re-assign Ms. McMurrey to a different position outside of the “pre-roll” room or otherwise advise and/or require implementation of any safety protocol and/or procedures in response to Ms. McMurrey’s first medical incident.
45. The Trulieve Defendants and Defendant Grover failed to implement across all of Trulieve’s subsidiaries appropriate preventative and safety measures with respect to protecting workers against the airborne cannabis dust/mold. The Trulieve Defendants and Defendant Grover knew or should have known that increased exposure to the cannabis dust/mold put workers at risk for developing respiratory and allergic disease, including asthma. This is especially true where multiple other workers at the Facility reported experiencing allergic and asthmatic responses, including coughing, difficulty breathing, skin rashes, hives and itching, and allergic and asthmatic responses were widespread among workers in the production room and commonly known to Defendant Grover and the Trulieve Defendants.

46. Nonetheless, Defendant Grover informed OSHA that he did not believe ground cannabis dust is hazardous.

The Facility

47. At all relevant times, Burnette provided construction and related services to the Trulieve Defendants for the building of multiple facilities across the country.

48. In approximately 2019, the Trulieve Defendants hired Defendant Burnette to build the approximately 126,000 square foot cannabis cultivation and processing Facility at 7 N. Bridge Street, (formerly 56 Canal Street) Holyoke, Massachusetts, including designing and installing an HVAC system.

49. Upon information and belief, Defendant Burnette, as General Contractor, contracted with Defendant Conway and Defendant M & E to install and design the HVAC, duct distribution and ventilation systems at the Facility under the supervision, direction, and coordination of Defendant Burnette.

50. The Trulieve and HVAC Defendants negligently designed and/or installed the HVAC ventilation at the Facility.

51. The Trulieve and HVAC Defendants, when designing and constructing the Facility, knew and intended that it was to be built as a cannabis processing and production plant, yet failed to design and install adequate ventilation for workers at the Facility, thereby knowingly and negligently exposing workers to hazardous levels of cannabis dust and/or mold.

52. Specifically, the HVAC system failed to adequately ventilate the Facility, especially the “pre-roll” room, causing the air to remain filled with the cannabis dust/kief and posing a hazard to workers. In addition, the HVAC system often leaked, causing dry cannabis flower to develop mold.

53. The Trulieve Defendants oversaw the design and installation of the HVAC system, and as the owners of the Facility had a duty to ensure the Facility’s HVAC system was sufficient to ventilate the anticipated and known substantial amount of cannabis dust that would be emitted from grinding machines and other processing of cannabis at the Facility.

54. The Trulieve Defendants knew or should have known that the Facility’s heating, ventilation, and air-conditioning system was ineffective and had frequent problems, including leaks, but did nothing to repair the issues.

The Grinding Machines

55. The grinding machines in the “pre-roll” room were sold and/or supplied to Life Essence by Defendant Trulieve Cannabis and labeled with Defendant Trulieve Cannabis maintenance tags and information.

56. The grinding machine involved in the incident was defectively designed with the ability for the machine to operate without its proper air filter, thereby exposing workers to excessive airborne cannabis dust and/or mold particles.
57. The grinding machines were often operated without air filters, and were operated in this manner on the date of the Incident.
58. At all relevant times, the Trulieve Defendants and/or Defendant Grover were responsible for the maintenance, repairs, and/or servicing of the grinding machines. The Trulieve Defendants and/or Defendant Grover negligently maintained and/or serviced the grinding machine prior to the November and January Incidents by failing to sufficiently clean and/or replace the filters, among other things.
59. Defendant Grover and/or other Trulieve employees inspected the grinding machines prior to the November and January Incidents and knew or should have known that they were being operated without air filters. Nevertheless, Defendant Grover and the Trulieve Defendants failed to take steps to replace the filters and/or failed to require and/or implement any other corrective measures to ensure that the grinding machines were not operated unless the filters were in place.

COUNT I
(Wrongful Death—Negligence)
The Trulieve Defendants and Todd Grover

60. Plaintiff hereby incorporates by reference and reasserts paragraphs 1 through 59 above as if set forth fully herein.
61. As set forth above, each of the following Defendants (against whom individual counts are hereby pled as “Count I(A),” “Count I(B),” etc.), independently and/or in concert with other Defendants, owed a duty of reasonable care to the decedent:
 - A. Defendant Trulieve Cannabis Corp
 - B. Defendant Trulieve Inc.
 - C. Defendant Trulieve Holyoke Holdings LLC
 - D. Defendant Todd Grover
62. As set forth above, each of these Defendants, independently and/or in concert, breached their respective duties of reasonable care owed to the decedent.
63. Specifically, each Defendant, independently and/or in concert, acted negligently as follows:
 - A. negligently designed, installed, assembled, tested, and/or provided warnings for, and/or negligently oversaw the design, installation, assembly, testing, and/or providing of warnings for the HVAC system at the Facility,
 - B. negligently failed to provide and/or require Life Essence, Inc. to comply with, the proper safety plans, policies, and procedures, therefore exposing workers, including the decedent, to a hazardous quantities of airborne cannabis dust and/or mold particles; and/or

- C. negligently inspected, maintained, and/or serviced the grinding machine by failing to replace and/or clean the filters adequately prior to the November and January Incidents, and knew or should have known that it was often being operated with the filters removed, causing increased exposure to the cannabis dust and/or mold particles.
64. As a direct and proximate result of each Defendants' breaches of duty, the decedent suffered grievous injuries of body and mind as well as pain and suffering which led, ultimately, to her death. Her beneficiaries have been deprived of her love, services, protection, care, assistance, society, comfort, companionship, guidance, counsel, advice and financial support and assistance. Her beneficiaries have incurred medical treatment, funeral, burial, memorial and other expenses related to her injuries and death and her next of kin and estate have been deprived of the economic value of her capacity to earn during the normal span of her life.

WHEREFORE, Plaintiff, pursuant to the Massachusetts Wrongful Death Act, Mass. Gen. L. c. 229 § 2 and/or other applicable law, prays that judgment be entered against each of these Defendants in amounts that will fairly and adequately compensate the decedent's next of kin for her death, the loss of her tangible and intangible property, and award all other recoverable damages together with interest, costs, attorneys' fees and such other relief as may be appropriate.

COUNT II
(Wrongful Death—Breach of Warranties)
The Trulieve Defendants

65. Plaintiff hereby incorporates by reference and reasserts paragraphs 1 through 64 above as if set forth fully herein.
66. As set forth above, each of the following Defendants (against whom individual counts are hereby pled as "Count II(A)," "Count II(B)," etc.), was a merchant that supplied and/or sold the cannabis grinding machines and expressly and impliedly warranted that the products and their component parts were merchantable, fit, safe, in the proper condition, and properly maintained and serviced for the ordinary use for which they were intended and used:
- A. Defendant Trulieve Cannabis Corp
 - B. Defendant Trulieve Inc.
 - C. Defendant Trulieve Holyoke Holdings LLC
67. Each Defendant had reason to know the particular purpose for which the grinding machine was being used, and that consumers were relying on their skills and judgment to select and furnish suitable goods.
68. The machinery was not merchantable, safe, or fit, as warranted by each Defendant. Specifically, the grinding machine was defective in that its filters were inadequate, and the machine could be operated even if the filter was removed from the product.
69. Each Defendant breached the warranties of merchantability and fitness for particular use with respect to the decedent, Lorna McMurrey.

70. As a direct and proximate result of Defendant's breaches of warranties, Ms. McMurrey was caused to suffer personal injuries which resulted in her premature death.

WHEREFORE, Plaintiff, pursuant to the Massachusetts Wrongful Death Act, Mass. Gen. L. c. 229 § 2 and/or other applicable law, prays that judgment be entered against each of these Defendants in an amount that will fairly and adequately compensate the decedent's next of kin for her death and award all other recoverable damages, together with interest, costs, attorneys' fees and such other relief as may be appropriate.

COUNT III
(Wrongful Death—Negligence)
The HVAC Defendants

71. Plaintiff hereby incorporates by reference and reasserts paragraphs 1 through 70 above as if set forth fully herein.

72. As set forth above, each of the following Defendants (against whom individual counts are hereby pled as "Count III(A)," "Count III(B)," etc.), independently and/or in concert with other Defendants, owed a duty of reasonable care to the decedent:

- A. Defendant Burnette Construction & Development, Inc.
- B. Defendant T. J. Conway Co.
- C. Defendant M & E Mechanical Contractors, Inc.

73. As set forth above, each of these Defendants, independently and/or in concert, breached their respective duties of reasonable care owed to the decedent.

74. Specifically, each Defendant independently and/or in concert, negligently designed, installed, assembled, tested, and/or provided warnings for, and/or negligently oversaw the design, installation, assembly, testing, and/or providing of warnings for the HVAC system at the Facility.

75. As a direct and proximate result of each Defendants' breaches of duty, the decedent suffered grievous injuries of body and mind as well as pain and suffering which led, ultimately, to her death. Her beneficiaries have been deprived of her love, services, protection, care, assistance, society, comfort, companionship, guidance, counsel, advice and financial support and assistance. Her beneficiaries have incurred medical treatment, funeral, burial, memorial and other expenses related to her injuries and death and her next of kin and estate have been deprived of the economic value of her capacity to earn during the normal span of her life.

WHEREFORE, Plaintiff, pursuant to the Massachusetts Wrongful Death Act, Mass. Gen. L. c. 229 § 2 and/or other applicable law, prays that judgment be entered against each of these Defendants in amounts that will fairly and adequately compensate the decedent's next of kin for her death, the loss of her tangible and intangible property, and award all other recoverable damages together with interest, costs, attorneys' fees and such other relief as may be appropriate.

COUNT IV
(Wrongful Death—Gross Negligence, Recklessness, and Willful and Wanton Misconduct)
All Defendants

76. Plaintiff hereby incorporates by reference and reasserts paragraphs 1 through 75 above as if set forth fully herein.

77. As set forth above, each of the following Defendants (against whom individual counts are hereby pled as “Count IV(A),” “Count IV(B),” etc.), independently and/or in concert with other Defendants, engaged in acts and/or omissions that constituted gross negligence and/or recklessness and/or willful and/or wanton misconduct in violation of their respective duties owed to the decedent:

- A. Defendant Trulieve Cannabis Corp
- B. Defendant Trulieve Inc.
- C. Defendant Trulieve Holyoke Holdings LLC
- D. Defendant Todd Grover
- E. Defendant Burnette Construction & Development, Inc.
- F. Defendant T. J. Conway Co.
- G. Defendant M & E Mechanical Contractors, Inc.

78. As a direct and proximate result of each Defendants’ grossly negligent and/or reckless and/or willful and/or wanton misconduct, the decedent suffered grievous injuries of body and mind, as well as pain and suffering which led, ultimately, to her death.

WHEREFORE, Plaintiff, pursuant to the Massachusetts Wrongful Death Act, Mass. Gen. L. c. 229 § 2, and/or other applicable law, prays that judgment be entered against the Defendants in an amount that will adequately punish and deter the Defendant for its gross negligence and/or recklessness and/or willful and wanton misconduct, together with interest, attorneys’ fees and costs and such other relief as the court deems just and appropriate.

COUNT V
(Survival Claims – Pain and Suffering)
All Defendants

79. Plaintiff hereby incorporates by reference and reasserts paragraphs 1 through 78 above as if set forth fully herein.

80. As set forth above, each of the following Defendants (against whom individual counts are hereby pled as “Count V(A),” “Count V(B),” etc.), independently and/or in concert with other Defendants, owed a duty of reasonable care to the decedents:

- A. Defendant Trulieve Cannabis Corp
- B. Defendant Trulieve Inc.
- C. Defendant Trulieve Holyoke Holdings LLC
- D. Defendant Todd Grover
- E. Defendant Burnette Construction & Development, Inc.
- F. Defendant T. J. Conway Co.

G. Defendant M & E Mechanical Contractors, Inc.

81. As set forth above, each of these Defendants, independently and/or in concert, breached their respective duties of reasonable care owed to the decedent.
82. As a direct and proximate result of each of the Defendants' misconduct, the decedent suffered grievous injuries of body and mind, including but not limited to prolonged conscious pain and suffering, and mental and emotional distress, for hours, days, weeks, and months prior to her eventual death.

WHEREFORE, Plaintiff prays that judgment be entered against the Defendants in an amount which will fairly and adequately compensate for the decedent's grievous injuries of body and mind, including but not limited to conscious pain and suffering, and mental and emotional distress, economic losses and other damages sustained by the decedent prior to her death and that her estate recover these and all other damages so recoverable, together with interest, costs, attorneys' fees and such other relief as may be appropriate.

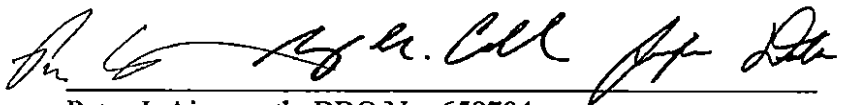
PLAINTIFF'S DEMAND FOR TRIAL BY JURY AND VOIR DIRE

PLAINTIFF DEMANDS A TRIAL BY JURY ON EACH CLAIM ASSERTED, AND ON EACH DEFENSE SO TRIABLE, AND PLAINTIFF FURTHER MAKES DEMAND FOR ATTORNEY-CONDUCTED VOIR DIRE TO THE GREATEST EXTENT PERMISSIBLE.

The Plaintiff,

By Her Attorneys,

MEEHAN, BOYLE, BLACK & BOGDANOW, P.C.



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