



GAS ACTION LAWSUIT: Firm files lawsuits against Columbia Gas for impacted residents and businesses

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As autumn brings a blanket of brisk, cooling temperatures to New England, many people in North Andover, Lawrence and Andover are still without heat in their homes. Scores of businesses remain shuttered because they have no gas, losing clients every day. The region-wide explosions of Sept. 13 has economic and safety ramifications that will stretch far beyond Columbia Gas's promised Nov. 19 deadline for restoration.

And that's why lawyers at Napoli Shkolnik PLLC – and dozens of residents – met Sunday at Kettle Pizza on Osgood Street to discuss a class-action lawsuit against Columbia Gas.

“We’ve been doing Flint [Michigan, which is in a drinking water crisis] cases, , we’re also involved in the World Trade Center clean-up, we’ve done a lot of environmental cases,” Attorney Patrick Haines of Napoli Shkolnik said. “Dealing

with a lot of people who had stuff like this happen, and we're very lucky that it's not worse than it is here. But it's horrible to have a person die – one is too many.”

He was referring to Leonel Rondon, 18, of Lawrence, who was killed by one the explosions.

Haine's client, Dean Thornhill, had so much damage done to his home that it may be a year before everything is repaired. His daughter ran a daycare, but she can't operate it because of the damage to the house.

“I walked into that house and I saw that damage to that basement, and I was surprised that his whole house didn't go up,” Haines said.

“This is a big deal. It's as if a hurricane rolled into the neighborhood, but this is a man-made disaster, and unfortunately, one that was preventable,” Haines said with a frustrated southern drawl. “This is Columbia Gas, and it took 23 hours for them to come out and tell us what was going on. The least they could have done – they've got everyone's email address, send something saying, ‘We're working on the problem, so hang in there, we're trying to figure it out,’ something like that.”

So what's next?

“We're doing two different things,” Haines said. “On Friday, we filed two different actions. One of them was for Dean and Mona [Thornhill], for their damages and their family, and individual case for the five of them and what they've gone through – the damage to their property, their stress, their mental anguish, all of that.”

Economic debris

The second thing Napoli Shkolnik did was file a class-action suit limited to businesses impacted by the disaster.

“The businesses in this community, they're really taking it on the chin right now,” Haines said, shaking his head. “They're shut down, restaurants are closed, and every day they're closed they're losing money, and they already have kind of

a thin margin, right? Most people don't have a lot of back up, and when they're shut down for two weeks, that's a big deal."

Indeed, having local businesses suddenly closing en masse is likely to ravage the region's economy as well as impact its communities' revenues.

"Some aren't going to make it," Haines lamented. "And like the daycare that Dean owns. They're gone. Those parents have had to find other places. Are you going to get those people back, or have you lost that? And these are damages you can't fix. So it's horrible what people have for damage to their houses, and hopefully, people have insurance that will hopefully cover a lot of that stuff, but these business losses, people don't have stuff to back them up on that. They don't have a bunch of money sitting in the bank, so what we're trying to do is even the scales a little bit for these businesses to help them out."

And there's also the issue of property values. Not many people are likely to buy a home that has no gas or is near a home that exploded.

"There's actually been a bunch of people who have asked me to remove North Andover from their search criteria in the past few days since the crisis came up," Lisa Sevajian, of Bentley Real Estate in Andover, said.

But Sevajian said the housing impact may be short term.

"Tuesday, my team and I are all meeting to see how we can show the public that North Andover as a community won't be long-term damaged," Sevajian said, adding she and her team will embark on a PR campaign promoting the Andovers despite the gas crisis.

"I definitely have had at least seven people tell me that they have put their Andover and North Andover home searches on hold because of the gas crisis. If you have a house that's on the market currently and you're not impacted by the gas issue, you have to know that there could potentially be fewer people interested for the next few weeks, but you just gotta weather the storm."

Haines is inviting anyone impacted by the Sept. 13 explosions to contact Napoli Shkolnik, even if just to discuss their options. You can call Patrick at 832-563-1356 or email him at phaines@napolilaw.com.

“I understand a lot of people don’t believe in lawsuits, and they don’t want to file lawsuits. But in this instance, I think it’s about balancing out the scales, and that’s what it’s going to take, I’m afraid,” Haines said. “You’re not going to get a fair shake from Columbia Gas on the property values, the stuff that you lost, unless you have a lawyer on your side.”

Winter is coming

Night temperatures have dropped, and daytime temperatures are soon to follow. Some home in the impacted area have electrical systems that aren’t even compatible with the small space heaters Columbia Gas is sending to people’s homes.

Haines --- like many around town – scoffed at the idea that restoration would be completed by Nov. 19.

“We all know that’s just not going to happen,” Haines said. “It would be great, we’re hoping for it, but we know November’s going to come and go.”

To be blunt, if people are without gas in late autumn and winter, they could freeze to death. And that is a health emergency.

“If this was a hurricane, we’d have FEMA here, we’d have trailers set up here, but we don’t have any of that,” Haines said. “We’re on our own. Winter is coming, and it’s going to be here soon, and people have no answers of how they’re going to stay warm.”

Haines said he believes full restoration and other work needed will not be done until the spring.

“And pipes are going to start breaking, and you’re going to have even more damage is gonna happen to these places when the weather gets like that,” Haines said.

Napoli Shkolnik is also planning to try to work with community leaders – Lawrence Mayor Dan Rivera, North Andover Town Manager Andrew Maylor and Andover Town Manager Andrew Flanagan – to get them involved.

“We have a class action for the businesses, we’re going to have individual claims for the people affected that have suffered losses, and if the city of Lawrence would like to get on board, and North Andover, whoever was affected by this, and they want representation, our firm represents people, counties and cities all over the country right now.”

As it happens, U.S. Rep. Seth Moulton, D-Salem, was in North Andover Sunday for a town hall. What can he do at the federal level to help?

“Our entire federal delegation is committed to holding Columbia accountable, and your getting gas restored as quickly as possible,” Moulton said. “Obviously, our prime concern is to do it safely. So we are just as furious with the timeline as you, but we do want to make sure it’s being done in a responsible way.”

Moulton said he and other members of the congressional delegation have encouraged Columbia Gas to consider hiring some of the National Grid workers.

Gov. Charlie Baker, however, recently issued a state of emergency so he could put Eversource in charge of the restoration due to Columbia Gas’s seemingly lax response to the explosions.

Living in fear

Tracy Keen, whose kids yoga studio, Stand Tall Family Yoga, lost gas for a week. And with services like daycare, if the business is shut down even temporarily, parents need daycare and find new options. But the North Andover community came through for her.

She met with Napoli Shkolnik lawyers on Sunday.

“It is hard, but I was able to switch off and do it at libraries and churches, so I really lucked out,” she said.

For Keen, another concern is the psychological consequences of the explosions.

“My 8-year-old is still waking up with nightmares,” Keen said. “He’s afraid the house is going to blow up.”

Keen’s mother, Dianne Hinckley, was in Ireland on Sept. 13, and at first she thought the Merrimack Valley had been attacked by terrorists.

“We were there two days, my other daughter and myself, Rachel, we were there two days and all of a sudden this happens and we thought, ‘Oh, my God, terrorism. I have children here and grandchildren,’ and that was it.”

Naturally, the news of the gas explosions ruined that Ireland trip. And adding salt to the wound, Hinckley is a retired nurse who worked for the state – so for 25 years, even in blizzards, she has been working as an essential employee – and the trip to Ireland was Hinckley’s retirement gift.

“So I’m furious over that,” Hinckley said. “It was ruined.”