



Legal Document

Massachusetts District Court
Case No. 1:04-cv-11716-RWZ
**Rasetta et al v. C&B; Construction Management Trust, Inc.
et al**

Document 3



View Document



View Docket

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

LOUIS RASETTA, et al.,

Plaintiffs,

v.

C&B CONSTRUCTION MANAGEMENT
TRUST, INC. and BRUCE ROSS,

Defendants and
Third-Party Plaintiffs,

v.

CENTENNIAL INSURANCE COMPANY,

Third-Party Defendant.

Case No. 04-11716-RWZ

**THIRD PARTY COMPLAINT OF THE DEFENDANT,
C&B CONSTRUCTION MANAGEMENT TRUST, INC.**

1. The plaintiffs purport to be the Trustees of the International Union of Operating Engineers Local 4 Pension Fund and the Trustees of the International Union of Operating Engineers Health and Welfare Fund, and they have a principal office at 177 Bedford Street, Lexington, Middlesex County, Massachusetts.

2. The defendant and third-party plaintiff, C&B Construction Management Trust, Inc., is a Massachusetts corporation duly organized ("C&B").

3. The defendant Bruce Ross is of Gloucester, Essex County, Massachusetts ("Ross").

4. The third-party defendant, Centennial Insurance Company, is a foreign corporation duly organized and it has a principal office at 3 Giralda Farms, Madison, New Jersey ("Centennial").

5. The plaintiff commenced an action against the defendants. A copy of the Complaint filed by the plaintiff is hereto annexed as Exhibit "A".

6. The Complaint seeks to compel the defendants to pay arrearages the plaintiffs claim are due them from C&B for pension and health and welfare contributions.

7. On or about February 16, 2003, C&B, Ross and Centennial executed a "Joint Control Trust Account Agreement" ("Joint Control Agreement"), a copy of which is hereto annexed and is marked Exhibit "B".

8. Under the Joint Control Agreement, Centennial undertook to collect contract balances due to C&B and to pay obligations of C&B arising from certain construction projects; among those obligations were pension and health and welfare fund benefits due to C&B's employees.

9. If the allegations of the plaintiffs' Complaint are accurate, then Centennial is liable to the defendants for all or part of any judgment which may be entered against them in this action.

WHEREFORE, the third-party plaintiffs pray that, should they be found liable to the plaintiffs, then this court enter judgment in favor of the third-party plaintiffs against the third-party defendants in an amount equal to that liability, together with interest, costs and attorney's fees.

C&B CONSTRUCTION MANAGEMENT
TRUST, INC. and BRUCE ROSS,
By their attorney,



Marshall F. Newman
BBO #370560
NEWMAN & NEWMAN, P.C.
One McKinley Square
Boston, MA 02109
(617) 227-3361

DATED: September 13, 2004