

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, SS

QUINCY DISTRICT COURT  
DOCKET NUMBER: 201056 CV 749

DONALD COTTON, D/B/A  
VILLAGE GLASSMITH,

Plaintiff,

V.

ARBELLA MUTUAL INSURANCE  
COMPANY

Defendant,

**AMENDED COMPLAINT**

1. The Plaintiff, Donald Cotton, d/b/a Village Glassmith is a Massachusetts business with a usual place of business located at 47 River Street, Wellesley Hills, Massachusetts.
2. The Defendant, Arbella Mutual Insurance Company is a Massachusetts Insurer with a usual place of business located at 1100 Crown Colony Plaza, Quincy, Massachusetts.

**COUNT I**

3. From December 1, 2005 through October 2009, the plaintiff provided glass installations including but not limited to windshields and side door windows for customers who were insured by the Defendant as outlined in the attached list in Exhibit A.
4. All of the customers were insured under a policies of automobile insurance which provided property damage coverage including glass replacement.
5. The plaintiff, operating under an Assignment of Rights executed by each and every customer, submitted bills and records to the defendant for payment after installation of the glass on the insured vehicles.
6. The defendant failed to pay the Plaintiff's bills in full, even though the amounts of the charges were reasonable and covered under the policies.

7. Due to the Assignment of Rights, a contract existed between the plaintiff and the defendant, which the defendant has breached.
8. On or about January 27, 2010, the Plaintiff served a written demand for payment under G. L. C. 93A and/or C. 176D alleging unfair and deceptive practices. (Exhibit A)
9. The Defendant responded to this demand and failed to tender any settlement offer.
10. The defendant owes the plaintiff the sum of \$21,417.26, which does not include attorney's fees and costs.

Wherefore, the plaintiff demands:

1. That judgment be entered against the defendant in the amount of \$21,417.26 plus costs, attorney's fees and any other relief this court deems fair just and reasonable.
2. That the judgment/award be trebled and attorneys fees be assessed and;
3. This court award any other relief it deems fair, just and equitable.

Dated this 25<sup>TH</sup> day of October 2010.

**ATTORNEY FOR PLAINTIFF,  
LAW OFFICES OF ROBERT D. AHEARN, P.C.**

By \_\_\_\_\_  
Robert D. Ahearn  
BBO # 556902  
15 Cottage Avenue, Suite 202  
Quincy, MA 02169  
617-773-8890