

## **Jury finds for condo association in dispute over dog, handicap claim**

**Published:** June 29, 2018

The defendant condominium unit owner allowed her tenant to keep a dog in the condominium unit and common areas in violation of a restriction in the master deed.

The unit owner and her tenant alleged that the tenant was a handicapped person within the meaning of Massachusetts and federal housing discrimination laws and asserted claims for discrimination by way of counterclaim.

The jury returned a verdict for the condominium association on both its claim and the counterclaim, answering “no” to the special question of whether the defendant’s tenant, who was a witness at trial, was a handicapped person. The trial was a retrial following a mistrial caused by the defendant’s improper contact with a jury.

The jury awarded condominium fines of \$8,000, and the court awarded counsel fees and costs of \$31,393.85.

Action: Real property

Injuries alleged: Financial loss

Case name: Oceanview Condominium Trust v. Walsh

Court/case no.: Lynn District Court/1613-CV-01016

Jury and/or judge: Jury/Judge Albert S. Conlon

Amount: \$8,000

Date: Oct. 12, 2017

Attorneys: Carl D. Goodman and Elizabeth D. Currie, of Goodman Law Office, Lynn (for the plaintiff)

### **Detailed Information**

<b>Type:</b>	Verdict for plaintiff(s)
<b>Total Value:</b>	\$8,000.00
<b>Breakdown and distribution of Total Value:</b>	Condominium Fines ..... \$8,000.00 Attorneys' Fees & Costs.....\$31,393.85
<b>Verdict/Settlement Date:</b>	10/12/2017
<b>Type of Action:</b>	Real Property (Other Text: Real Property)
<b>Type of Action Description:</b>	Condominium Association enforcement of Master Deed no pet provision; Defense of Counterclaim for discrimination based on alleged handicap. Jury verdict for Plaintiff, Condominium Association, on enforcement claim and for Condominium Association as defendant in

counterclaim. On special questions, jury found unit owner's tenant was not handicapped as defined in state and federal housing laws.

**Court:** Lynn District Court (MA)  
**Case Number:** 1613CV01016  
**Caption:** *Oceanview Condominium Trust v. Pamela J. Walsh*  
**Plaintiff(s)** v. **Defendants(s)**  
Oceanview Condominium Trust Pamela J. Walsh  
**Injuries Alleged:** Financial loss  
**Tried Before:** Jury  
**Judge or Mediator or Arbitrator:** Not Specified

**Attorney(s) for Plaintiff(s)**

**Lead Attorney:** Carl D. Goodman  
**Firm:** Goodman Law Office (Lynn, Massachusetts)

**Other Attorney:** Elizabeth D. Currie  
**Firm:** Goodman Law Office (Lynn, Massachusetts)

**Attorney(s) for Defendant(s)**

**Lead Attorney:** Rory J. Gill  
**Firm:** Urban Village Legal (Boston, Massachusetts)

**Insurance Carrier(s)**

No insurance companies involved

**Plaintiff(s) Expert(s)**

No plaintiff experts

**Defendant(s) Expert(s)**

No defendant experts