

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

SUPERIOR COURT DEPARTMENT
OF THE TRIAL COURT

CYNTHIA DAVIS,)	
as Guardian and Next Friend of Minor)	
REGINALD OATES,)	
Plaintiff,)	
v.)	C.A. No.
)	
TRANSDEV NORTH AMERICA, INC.,)	
and VITNOY LAGUERRE,)	
Defendants)	

COMPLAINT AND JURY DEMAND

PARTIES

1. Plaintiff Cynthia Davis (“Plaintiff”) is the Guardian and next friend of Reginald Oates, Jr., (“minor plaintiff Oates”) an eight-year-old autistic minor. Plaintiff is, and at all relevant times was, a resident of 40 Speedwell Street, Apt. 1, Boston, County of Suffolk, Commonwealth of Massachusetts.
2. Defendant Transdev North America, Inc. (“Transdev”) is a business incorporated in the State of Delaware, with a principal office at 720 Butterfield Rd., Suite, 300, Lombard, Illinois.
3. Defendant Vitnoy Laguerre (“Laguerre”) resides at 43 Floral Street, Taunton, County of Bristol, Commonwealth of Massachusetts, who at all relevant times was employed by or operating on behalf of and for the benefit of Transdev.

FACTS

4. On December 6, 2024, defendant Transdev employee, Defendant Laguerre drove a school bus owned and/or controlled by defendant Transdev onto a school sidewalk where minor plaintiff Oates was walking with a school aid to his bus at the Curley K-8 Lower School in Jamaica Plain, County of Suffolk.

5. The bus dash cam front and rear-facing video recorded the bus strike on minor plaintiff Oates and the conduct of defendant Laguerre that led to this crash. See:

Transdev HS308 Combined Camera View – 24.12.06:

<https://vimeo.com/1089553273>

6. The dash cam video shows defendant Laguerre seated in the driver's seat of the subject bus with his eyes closed and the bus idling on the roadway.

7. The dash cam video shows the minor plaintiff Oates and a school aid walking on the sidewalk in the direction of the idling bus.

8. The dash cam video shows defendant Laguerre open his eyes, immediately place the bus in gear, and accelerate forward.

9. The dash cam video shows defendant Laguerre suddenly turn the bus into the direction of the minor plaintiff Oates and the school aid.

10. The dash cam video shows the bus run over the minor plaintiff Oates and the school aid on the sidewalk.

11. The Boston Police I# 242103121 - Offense/Incident Report (Exhibit A) states that defendant Laguerre told the Boston Police "that as he was pulling the bus forward, a vehicle cut in front of him. In an attempt to avoid the vehicle and victim

Oates, he turned the steering wheel in the opposite direction but mistakenly pressed the gas pedal instead of the brake. This caused the bus to strike both victims and damage two fences. Laguerre claimed he did not see the victims until it was too late.”

12. The dash cam video shows that there were no other vehicles in the roadway which cut in front of the Transdev bus immediately before or at the time of the crash.

13. The dash cam video shows that defendant Laguerre turned the bus in the direction of minor plaintiff Oates and the school aid.

14. The dash cam video shows that minor plaintiff Oates and the school aid were in full view to the driver when the defendant Laguerre ran over them.

15. According to the Boston Police Department I# 242103121 - Supplemental - 1 Report, a NAS (North American Standard) Level 5 inspection was conducted by the Boston Police investigator. According to the report no mechanical defects, other than crash-caused damage, were found on the bus.

16. According to the Boston Police Department I# 242103121 - Supplemental - 2 Report of Investigating Officer David Murray, defendant Laguerre “stated to Officer Pope on December 9, 2024 that he was waiting on the street with the brake activated and he began to move up and **his foot hit the wrong pedal**, which accelerated the vehicle onto the sidewalk, striking the victims.” (emphasis added)

17. Further, Investigating Officer Murray reported on December 6, 2024 “Operator (Laguerre) stated on Monday, December 9th, that the accident occurred because of a **mechanical issue (steering)**.” (emphasis added)

18. A thorough Class 5 inspection of the Transdev bus revealed no mechanical malfunction of the steering of the bus. See Supplemental Crash Report at Exhibit A.

19. Investigating Officer Murray further reported “At the 50 second mark of the video, the bus begins to move forward and begins to aim towards the sidewalk where a teacher and student are standing near a wooden fence. At this point, the bus is already aimed at the two victims towards the sidewalk... In the sideview mirror (attached to the hood of the vehicle) you can see the child (in his bright yellow/green jacket) go underneath the bus.”

20. Investigating Officer Murray further reported he “observed the video from inside of the bus that showed for the first 48 seconds, the driver (Laguerre) has his eyes closed, head back and hands crossed over his lap. At the 48 second mark of the video, he raises his left hand towards his face to wipe his face, opens his eyes and begins to drive the vehicle forward. Laguerre then continues to drive forward for approximately 12 seconds of the video, jerking the wheel towards the left then back to the right. He looks outside the bus window to the left and then looks down near the pedal area of the bus. He looks dazed as he then looks out towards the bus door area of the bus. He says something out loud to the bus monitor, who was on the rear of the bus and then **begins to smile and laugh about the accident** and shrugs his shoulders as if he was unsure of what happened.”(emphasis added)

21. Defendant Laguerre was cited by the Boston Police Department for operating negligently so as to endanger, and for unsafe operation of a motor vehicle, including operation on a sidewalk.

22. The collision described in the preceding paragraphs was due to the negligence of defendant Laguerre, who was at all relevant times operating in the course and scope of his employment for defendant Transdev.

23. At the time of the incident, defendant Laguerre was operating a school bus maintained, and/or managed by defendant Transdev during a regular afternoon school dismissal and in furtherance of their contracted transportation services for Boston Public Schools.

24. At the time of this incident, defendant Laguerre was acting as the servant, agent, or employee of defendant Transdev.

25. Defendant Transdev is vicariously liable for the negligence of defendant Laguerre, who at all times material hereto was acting within the scope of his agency, service, and/or employment for defendant Transdev.

26. Defendant Transdev is liable for its failure to adhere to its purported “Safety First is our number one priority” proclamation in its corporate statement of purposes. (See “Safety First” attached as Link Z)

27. On information and belief, defendant Transdev was negligent in the hiring, training, supervision, and retention of its employee, defendant Laguerre.

28. On information and belief, defendant Transdev negligently entrusted the school bus it owned to be operated by its employee, defendant Laguerre.

29. As a result of the collision, minor plaintiff Oates sustained serious bodily injuries, including a fractured femur which required two months of in-patient hospital and rehabilitation care, and multiple surgeries.

30. It is expected that minor plaintiff Oates will require extensive future treatment for his physical and psychological injuries.

31. It is expected that minor plaintiff Oates will require extensive psychological treatment to address the additional burden of post-traumatic stress on top of his underlying autism. As a result of the collision described, minor plaintiff Oates suffered great pain of body and anguish of mind, significant medical expenses have been and incurred and will be incurred for his care and treatment, and he has suffered and will suffer a substantial loss of his ability to engage in the normal enjoyment of life.

CAUSES OF ACTION

*(Each Cause of Action Specifically Incorporates by Reference
All of Those Paragraphs Previously Set Forth)*

First Cause of Action

32. This is an action by plaintiff Cynthia Davis, Guardian and next friend of minor Reginald Oates, Jr., against defendant Transdev for negligence for damages suffered by minor plaintiff Oates.

Second Cause of Action

33. This is an action by plaintiff Cynthia Davis, Guardian and next friend of minor Reginald Oates, Jr., against defendant Vitnoy Laguerre for negligence for damages suffered by minor plaintiff Oates.

Third Cause of Action

34. This is an action by plaintiff Cynthia Davis, Guardian and next friend of minor Reginald Oates, Jr., against defendant Transdev, for negligently hiring, training,

supervision, retention of defendant Vitnoy Laguerre, and/or for negligently entrusting defendant Vitnoy Laguerre with the operation of the school bus which it owned, for damages suffered by minor plaintiff Oates,

DEMANDS FOR RELIEF

A. Plaintiff Cynthia Davis as Guardian and Next Friend of Minor Reginold Oates, demands judgment against Defendant Transdev and defendant Vitnoy Laguerre, jointly and severally, in the amount of the damages sustained by minor plaintiff Reginald Oates Jr. in the amount of his damages, together with interest and costs as permitted by law, as to the First, Second and Third Causes of Action.

JURY DEMAND

Plaintiff demands a trial by jury as to all claims so triable.

Plaintiff,
Cynthia Davis, Guardian and Next Friend of
Reginald Oates, a Minor,
By her attorneys,



Marc L. Breakstone, BBO # 547981
BREAKSTONE, WHITE & GLUCK, P.C.
Two Center Plaza, Suite 530
Boston, MA 02108-1906
617-723-7676
breakstone@bwglaw.com

/s/ J. Tucker Merrigan

J. Tucker Merrigan, BBO# 681627

SWEENEY MERRIGAN LAW, LLP

268 Summer Street, LL

Boston, MA 02210

617-391-9001

tucker@sweeneymerrigan.com

Dated: June 3, 2025

EXHIBIT A

**Boston PD****# 242103121 - Offense/Incident Report**

REPORTED ON DATE / TIME	DISTRICT / SECTOR / REPORTING AREA / SUBDIVISION 4 / SUBDIVISION 5	OCCURRED FROM DATE / TIME - OCCURRED TO DATE / TIME
Dec 6, 2024 17:14	E13 / J413 / 635	Dec 6, 2024 15:03

REPORTING OFFICER

Tiyanna Pope #107384

REPORT TAKEN LOCATION

SCH-CURLEY LOWER (K-3), 40 PERSHING RD, JAMAICA PLAIN, MA 02130

EVENT STATISTICS

- | | |
|---|---|
| <input checked="" type="checkbox"/> Auto Investigator | <input type="checkbox"/> Bicycle |
| <input checked="" type="checkbox"/> Body Worn Camera | <input type="checkbox"/> CRU - Hate/Bias |
| <input type="checkbox"/> Car Jack | <input type="checkbox"/> Child Abuse |
| <input type="checkbox"/> Child Present | <input type="checkbox"/> Contaminated Drink |
| <input type="checkbox"/> DVIP | <input type="checkbox"/> Disabled |
| <input type="checkbox"/> Drugs | <input type="checkbox"/> Elderly |
| <input type="checkbox"/> Encampment Response | <input type="checkbox"/> Gang |
| <input type="checkbox"/> Gun | <input type="checkbox"/> Home Invasion |
| <input type="checkbox"/> Homeland Security | <input type="checkbox"/> Homeland Security UASI |
| <input type="checkbox"/> Homeless | <input type="checkbox"/> Human Trafficking |
| <input type="checkbox"/> Juvenile | <input type="checkbox"/> Licensed Premise |
| <input type="checkbox"/> Moped | <input type="checkbox"/> NIDV |
| <input type="checkbox"/> Other Agency/Unit Notified | <input type="checkbox"/> Recreational Vehicle |
| <input type="checkbox"/> Reveler | <input type="checkbox"/> School |
| <input type="checkbox"/> Search Warrant | <input type="checkbox"/> Section 12 |
| <input type="checkbox"/> Section 35 | <input type="checkbox"/> Sex Offender |
| <input type="checkbox"/> Sexual Assault | <input type="checkbox"/> Shots Fired |
| <input type="checkbox"/> Victim Shot | <input type="checkbox"/> Victim Stabbed |
| <input type="checkbox"/> Warrant Arrest | |

NARRATIVE

About 3:03 PM on Friday, 12/06/24 Officer Pope assigned to the J425D responded to a radio call for a motor vehicle accident/Pedestrian struck at the Curley K-8 Lower School located at 40 Pershing Road, Jamaica Plain.

Assisting unit, The 905 Sgt. Jefferson, J411D Officer Cepeda, J431D Officer O'Garro.

Upon arrival, Officer Pope observed the victim, [REDACTED] lying on the ground. Boston EMS units A10 (Coverdill, Mackinnon) and A06 (Tung, Dennis), along with the Boston Fire Department, were rendering aid to [REDACTED] who was awake and alert along with injured Victim Jermaine Bell standing by.

Officer Pope first interviewed Victim Jermaine Bell, who explained that during dismissal, he was escorting Victim [REDACTED] to his afternoon bus. As they waited on the sidewalk, Bell noticed the bus driver pulling forward in their direction. Bell reported hearing the bus accelerate rapidly and move toward them. Unable to evade the bus, it struck

REPORTING OFFICER SIGNATURE / DATE	SUPERVISOR SIGNATURE / DATE
Tiyanna Pope #107384 Dec 17, 2024 11:42 (e-signature)	KEVIN MCGOLDRICK #011340 Dec 17, 2024 11:42 (e-signature)
PRINT NAME	PRINT NAME
Tiyanna Pope #107384	KEVIN MCGOLDRICK #011340

him, pinning him against a fence, and subsequently ran over eight-year-old Victim [REDACTED] injuring his lower body. Bell sustained injuries to his left leg, left shoulder, and a laceration behind his left ear, which Officer Pope observed. Victim Bell was transported to Boston Medical Center for further evaluation, while Victim [REDACTED] was transported to Children's Hospital for further evaluation.

Officer Pope then spoke with the suspect, Vitony Laguerre, the operator of the Massachusetts-registered school bus (#HS308, Ma. Reg. 39170). Laguerre stated that as he was pulling the bus forward, a vehicle cut in front of him. In an attempt to avoid the vehicle and victim [REDACTED] he turned the steering wheel in the opposite direction but mistakenly pressed the gas pedal instead of the brake. This caused the bus to strike both victims and damage two fences. Laguerre claimed he did not see the victims until it was too late.

Bus monitor Ellen Walsh, who was seated in the back of the bus, stated she did not witness the incident. Both Laguerre and Walsh declined medical attention.

Officer O'Garro, in vehicle J431D, met Victim [REDACTED] at Children's Hospital. [REDACTED] was accompanied by his sister, Destiny Bower. Medical personnel reported that Oates was in stable condition but had sustained a broken femur and other minor injuries.

Boston Public Schools' Director of Transportation, Daniel Rosengard, and Transportation Officer Sylvester Odoms arrived on the scene to interview the suspect. They arranged for Schlager Towing to remove the damaged bus. The bus's front bumper sustained significant damage.

Linda Giles, a resident of 55 Lockstead Street, reported that one of the damaged fences belonged to her. She was provided with an incident report number for insurance purposes.

Staff member Megan Reider, a witness, stated:

"I was walking down Pershing Street on the sidewalk against traffic when I saw a bus jump the curb near a residential fence. It continued with some speed through the fence and came to a stop on the dirt and grass inside the schoolyard."

Another staff member (Freeman), who was outside during dismissal at 3:00 PM, stated:

"I was with my students in the back dismissal area when I heard a loud screeching noise. I looked up to see a bus crashing through the fence. It did not appear to brake even after breaking through the fence and continued toward the gardening box before coming to a stop. The bus door opened, and someone ran off toward the front office. I then heard screaming near the street and saw people running behind the bus. One of my students' parents returned to me with their child and asked me to watch the child while they went to assist."

Principal Katie Grassa was on scene. Grassa was provided an incident report number and instructions on how to access the report.

OFFENSE-1

OFFENSE CODE

M/V ACCIDENT - INVOLVING PEDESTRIAN - INJURY

OCURRED FROM DATE/TIME Dec 6, 2024 15:03	SUSPECTED HATE CRIME <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	SUSPECTED COMPUTER/ HANDHELD DEVICE USE <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
SUSPECTED ALCOHOL CONSUMPTION <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	SUSPECTED DRUG USE <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	

OFFENSE LOCATION

REPORTING OFFICER SIGNATURE / DATE

Tiyanna Pope #107384 Dec 17, 2024 11:42 (e-signature)

PRINT NAME

Tiyanna Pope #107384

SUPERVISOR SIGNATURE / DATE

KEVIN MCGOLDRICK #011340 Dec 17, 2024 11:42 (e-signature)

PRINT NAME

KEVIN MCGOLDRICK #011340

LOCATION NAME / STREET ADDRESS/LOCATION NAME / APT, UNIT, SUITE / DESCRIPTION

SCH-CURLEY LOWER (K-3), 40 PERSHING RD

CITY JAMAICA PLAIN	STATE MA	ZIP 02130	COUNTRY CODE US
LOCATION CATEGORY Highway/ Road/ Alley/ Street/ Sidewalk		DISTRICT / SECTOR / REPORTING AREA / SUBDIVISION 4 / SUBDIVISION 5 E 13 / J413 / 635	PUBLIC / PRIVATE Public

VICTIMS-1

VICTIMS-1 NAME (LAST, FIRST MIDDLE) [REDACTED]		[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]

VICTIMS-2

VICTIMS-2 NAME (LAST, FIRST MIDDLE) V-2 Bell, Jermaine		DOB / ESTIMATED AGE RANGE 1987-11-04
SEX Male	RACE / ETHNICITY Black	PHONE NUMBER (617) 922-6627 (primary, Mobile Phone)

SUSPECTS-1

SUSPECTS-1 NAME (LAST, FIRST MIDDLE) S-1 Laguerre, Vitony		DOB / ESTIMATED AGE RANGE 1962-09-22
SEX Male	RACE / ETHNICITY Black	PHONE NUMBER (617) 470-6011 (primary, Mobile Phone)

WITNESS-1

WITNESS-1 NAME (LAST, FIRST MIDDLE) W-1 Freeman, Calla		DOB / ESTIMATED AGE RANGE 21 - 70 years old
SEX Female	PHONE NUMBER (617) 635-8239 (primary, Mobile Phone)	

WITNESS-2

WITNESS-2 NAME (LAST, FIRST MIDDLE) W-2 Reider, Megan		DOB / ESTIMATED AGE RANGE 21 - 70 years old
SEX Female	PHONE NUMBER (617) 635-8239 (primary, Mobile Phone)	

INVOLVED OTHER-1

INVOLVED OTHER-1 (PERSON) O-1 Walsh, Ellen		DOB / ESTIMATED AGE RANGE 60 - 70 years old
SEX Female	RACE / ETHNICITY White	PHONE NUMBER (857) 800-6013 (primary, Mobile Phone)

INVOLVED OTHER-2

INVOLVED OTHER-2 (PERSON) O-2 giles, linda		DOB / ESTIMATED AGE RANGE 1950-12-31
SEX Female	RACE / ETHNICITY Other / Not of Hispanic Origin	PHONE NUMBER (617) 733-2002 (primary, cell)

HOME ADDRESS

55 LOCHSTEAD AVE, JAMAICA PLAIN, MA 02130

MEDICAL INTERVENTION CARD

VEHICLE: TMC SHORT YELLOW BUS 2015

ITEM CATEGORY Bus	MAKE Tmc	MODEL Short Yellow bus	YEAR 2015
-----------------------------	--------------------	----------------------------------	---------------------

REPORTING OFFICER SIGNATURE / DATE

Tiyanna Pope #107384 Dec 17, 2024 11:42 (e-signature)

PRINT NAME

Tiyanna Pope #107384

SUPERVISOR SIGNATURE / DATE

KEVIN MCGOLDRICK #011340 Dec 17, 2024 11:42 (e-signature)

PRINT NAME

KEVIN MCGOLDRICK #011340

DESCRIPTION Boston Public School Bus			BIOHAZARD <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
LICENSE PLATE / REGISTRATION # 39170		PRIMARY COLOR Yellow		SECONDARY COLOR Black
STATUS Damaged/Vandalized		STATUS DATE Dec 6, 2024		TOTAL (\$) VALUE UNKNOWN
IMPOUNDED / TOWED No				
QUANTITY 1				

VEHICLE / PROPERTY & ITEMS SUMMARY

DESCRIPTION / MAKE / MODEL / COLOR	STATUS / DATE / REASON FOR CUSTODY	VIN # / SERIAL #	QTY.	TOTAL (\$) VALUE
Fence / Tan	Damaged/Vandalized / Dec 6, 2024			UNKNOWN
Boston Public School Bus / Tmc / Short Yellow bus / Yellow & Black	Damaged/Vandalized / Dec 6, 2024		1	UNKNOWN

MEDICAL ADDENDUM

I# 242103121		
INJURED PERSON-1 NAME (LAST, FIRST MIDDLE) Jermaine Bell		DOB / ESTIMATED AGE RANGE 1987-11-04
WHERE INJURED-1 Left Arm - General	INJURY TYPE Apparent Minor Injury	DESCRIPTION OF INJURY Pain in left arm, left leg, scratch behind left ear
INJURED PERSON-2 NAME (LAST, FIRST MIDDLE) [REDACTED]		[REDACTED]
WHERE INJURED-1 Left Leg - General	INJURY TYPE Apparent Broken Bones	DESCRIPTION OF INJURY broken Femur in leg
INJURED PERSON-3 NAME (LAST, FIRST MIDDLE) Vitony Laguerre		DOB / ESTIMATED AGE RANGE 1962-09-22
INJURY TYPE No Apparent Injury		

RELATIONSHIPS ADDENDUM

NAME Calla Freeman	RELATIONSHIP RELATIONSHIP UNKNOWN	SUBJECT Megan Reider
NAME Ellen Walsh	RELATIONSHIP RELATIONSHIP UNKNOWN	SUBJECT Calla Freeman
NAME Ellen Walsh	RELATIONSHIP RELATIONSHIP UNKNOWN	SUBJECT linda giles
NAME Jermaine Bell	RELATIONSHIP RELATIONSHIP UNKNOWN	SUBJECT Calla Freeman
NAME Jermaine Bell	RELATIONSHIP RELATIONSHIP UNKNOWN	SUBJECT Ellen Walsh

REPORTING OFFICER SIGNATURE / DATE Tiyanna Pope #107384 Dec 17, 2024 11:42 (e-signature)	SUPERVISOR SIGNATURE / DATE KEVIN MCGOLDRICK #011340 Dec 17, 2024 11:42 (e-signature)
PRINT NAME Tiyanna Pope #107384	PRINT NAME KEVIN MCGOLDRICK #011340

NAME	RELATIONSHIP	SUBJECT
Jermaine Bell	RELATIONSHIP UNKNOWN	Vitony Laguerre
NAME	RELATIONSHIP	SUBJECT
Jermaine Bell	RELATIONSHIP UNKNOWN	linda giles
NAME	RELATIONSHIP	SUBJECT
	RELATIONSHIP UNKNOWN	Calla Freeman
NAME	RELATIONSHIP	SUBJECT
	RELATIONSHIP UNKNOWN	Ellen Walsh
NAME	RELATIONSHIP	SUBJECT
	RELATIONSHIP UNKNOWN	Jermaine Bell
NAME	RELATIONSHIP	SUBJECT
	RELATIONSHIP UNKNOWN	Vitony Laguerre
NAME	RELATIONSHIP	SUBJECT
	RELATIONSHIP UNKNOWN	linda giles
NAME	RELATIONSHIP	SUBJECT
Vitony Laguerre	RELATIONSHIP UNKNOWN	Calla Freeman
NAME	RELATIONSHIP	SUBJECT
Vitony Laguerre	RELATIONSHIP UNKNOWN	Ellen Walsh
NAME	RELATIONSHIP	SUBJECT
Vitony Laguerre	RELATIONSHIP UNKNOWN	linda giles
NAME	RELATIONSHIP	SUBJECT
linda giles	RELATIONSHIP UNKNOWN	Calla Freeman

PROPERTY & ITEMS ADDENDUM

242103121-1 OTHER ITEM - FENCE

ITEM CATEGORY

Structures - Other

DESCRIPTION

Fence

COLOR

Tan

OWNER

linda giles

STATUS	STATUS DATE	TOTAL (\$) VALUE	IN POLICE CUSTODY
Damaged/Vandalized	Dec 6, 2024	UNKNOWN	No

REPORTING OFFICER SIGNATURE / DATE	SUPERVISOR SIGNATURE / DATE
Tiyanna Pope #107384 Dec 17, 2024 11:42 (e-signature)	KEVIN MCGOLDRICK #011340 Dec 17, 2024 11:42 (e-signature)
PRINT NAME	PRINT NAME
Tiyanna Pope #107384	KEVIN MCGOLDRICK #011340

I# 242103121 - Supplemental - 1 Report

REPORTED ON DATE / TIME	OCCURRED FROM DATE / TIME - OCCURRED TO DATE / TIME	REPORTING OFFICER
Dec 15, 2024 11:19	Dec 11, 2024 11:44	MICHAEL ANDRADE #140346

SUPPLEMENT TYPE

Assisting narrative

NARRATIVE

About 11:44AM, Wednesday, 12/11/2024, Officer Andrade (TD67) responded to a request for the Commercial Vehicle Enforcement Unit at 34 Freeport Street, Boston.

Officer Andrade located P.O Murray (JD22), the E-13 Auto Investigator. P.O Murray stated an accident occurred on 12/6/2024 involving a bus and an inspection was needed. P.O Murray also introduced P.O Andrade to MA registry representatives and mechanics from the bus fleet.

Officer Andrade informed P.O Murraray that a NAS level 5 inspection would be conducted. A level 5 inspection is an inspection that includes each of the vehicle inspection items specified under the North American Standard Inspection (Level I), without a driver present, conducted at any location. A level 1 inspection is an inspection that includes examination of driver's license; Medical Examiner's Certificate and Skill Performance Evaluation (SPE) Certificate (if applicable); alcohol and drugs; driver's record of duty status, as required; hours of service; seat belt; vehicle inspection report(s) (if applicable); brake systems; cargo securement; coupling devices; driveline/driveshaft; exhaust systems; frames; fuel systems; lighting devices (headlamps, tail lamps, stop lamps, turn signals and lamps/flags on projecting loads); steering mechanisms; suspensions; tires; van and open-top trailer bodies; wheels, rims and hubs; windshield wipers; buses, motorcoaches, passenger vans or other passenger-carrying vehicles – emergency exits, electrical cables and systems in engine and battery compartments, seating, HM/DG and specification cargo tank requirements, as applicable.

Andrew Prince, a bus mechanic, performed the necessary inspection functions. The bus in question is a 2016 Bluebird bus, MA REG 39170.

Officer Andrade found the following crash-related violations:

CFR 393.11(a)(1): Lighting - Front - Turn signal - missing. : *The left turn signal is broken due to crash.*

CFR 393.203(c): Cab and Body Parts - Hood not securely fastened: *The hood of the bus is damaged due to the crash in such a manner that it will not close.*

CFR 393.203(e): Cab and Body Parts - Cab front bumper missing/not secured/protruding: *The front bumper is damaged due to crash.*

CFR 393.209(e): Steering - Power steering components loose/broken: *The tie rod is bent in the middle, due to crash.*

CFR 393.55(b): Hydraulic Brake - ABS malfunction lamp defective on truck/bus manufactured on or after March 1, 1999: *When the driver turned the key into the "on" position, the ABS lamp lit up, but did not fade like the other indicator lamps; same for when the engine was on.*

CFR 393.9(a): Lighting - Headlamp(s) - Any inoperative: *The left head lamp is inoperable due to crash.*

Officer Andrade provided multiple copies of the report and his business cards should they have any questions.

INVOLVED LOCATIONS

REPORTING OFFICER SIGNATURE / DATE	SUPERVISOR SIGNATURE / DATE
MICHAEL ANDRADE #140346 Dec 15, 2024 12:23 (e-signature)	BRIAN ARMSTRONG #054584 Dec 15, 2024 12:52 (e-signature)
PRINT NAME	PRINT NAME
MICHAEL ANDRADE #140346	BRIAN ARMSTRONG #054584

LOCATION

34 FREEPORT ST, BOSTON, MA 02122

VEHICLE: TMC SHORT YELLOW BUS 2015

ITEM CATEGORY	MAKE	MODEL	YEAR
Bus (seats for 16 or more, including driver)	Tmc	Short Yellow bus	2015

DESCRIPTION

Boston Public School Bus

BIOHAZARD

☐ YES ☒ NO

LICENSE PLATE / REGISTRATION #	SECONDARY COLOR	REGISTRATION YEAR
39170	Black	2015

OWNER

City Of Boston

STATUS

None

VEHICLE / PROPERTY & ITEMS SUMMARY				
DESCRIPTION / MAKE / MODEL / COLOR	STATUS / DATE / REASON FOR CUSTODY	VIN # / SERIAL #	QTY.	TOTAL (\$) VALUE
Boston Public School Bus / Tmc / Short Yellow bus / Black	None			

REPORTING OFFICER SIGNATURE / DATE	SUPERVISOR SIGNATURE / DATE
MICHAEL ANDRADE #140346 Dec 15, 2024 12:23 (e-signature)	BRIAN ARMSTRONG #054584 Dec 15, 2024 12:52 (e-signature)
PRINT NAME	PRINT NAME
MICHAEL ANDRADE #140346	BRIAN ARMSTRONG #054584

I# 242103121 - Supplemental - 2 Report

REPORTED ON DATE / TIME	OCCURRED FROM DATE / TIME - OCCURRED TO DATE / TIME	REPORTING OFFICER
Dec 16, 2024 17:35	Dec 6, 2024 15:03	DAVID MURRAY #093478

SUPPLEMENT TYPE

Assisting narrative

NARRATIVE

Officer Murray (JD22, E13 Auto Investigator) conducted an investigation into this accident.

Officer Murray read the original report and found that the driver, Laguerre, stated to Officer Pope that he was waiting on the street with the brake activated and he began to move up and his foot hit the wrong pedal, which accelerated the vehicle onto the sidewalk, striking the victims, and coming to a rest on the grass area. Laguerre stated that he lost control of the vehicle. Officer observed, on Officer Pope's body camera, that the vehicle had gone through a fence and ended up coming to rest behind the chain link fence. The victim declined medical services at the time of the accident.

Officer Murray then contacted the Readville Bus Yard and found that the School Bus that was involved in the accident (HS308) was located at the bus yard located at 34 Freeport Street in Dorchester. Officer Murray responded, on December 11th, 2024, and spoke with multiple individuals from the Registry of Motor Vehicles, the Boston Public School Department and the Bus Company owner, Transdev, as well as a company hired by Transdev to complete a reconstruction (Aperture).

While awaiting the Boston Police Commercial Vehicle Enforcement Unit to respond, Officer was advised that after the accident occurred (Friday, December 6th), the operator (Laguerre) stated on Monday, December 9th, that the accident occurred because of a mechanical issue (steering).

Officer Andrade responded and completed a NAS Level 5 Inspection (see supplemental report), where all issues mechanical issues found on the School Bus were as a result of the crash.

Officer Murray sent an email to a James Pine from Transdev in regard to any video on the bus and outside of the bus at the time of the accident. Officer Murray was advised that there was video, however, he had to check with his legal department in order to release the video. This email exchange began on December 9th and Officer Murray received two videos (one from the front of the bus and one of the driver inside the bus) on December 21st. Officer Murray observed the following from the videos:

(Exterior Video) Officer Murray observed the video from the front of bus idling on Pershing Street near the school parked on the side of the road in a parking spot adjacent to the curb. A vehicle is parked in front of the bus approximately two car lengths away, after a curb cut for a driveway, and that individual places a child in the rear of the vehicle as another vehicle passes them on the left-hand side. The vehicle passes the parked vehicle, and the parked vehicle then drives away. Multiple people are walking on the sidewalk during the first 50 seconds of the video.

At the 43 second mark of the exterior video, the two victims (who are eventually struck by the bus) are walking on Pershing Street away from the school towards the bus. They walk past the black chain link fence and stop in front of the tall wooden fence adjacent to a small tree. The bus starts to move and the adult victim turns towards the child as the bus moves forward.

At the 50 second mark of the video, the bus begins to move forward and begins to aim towards the sidewalk where a teacher and student are standing near a wooden fence. At this point, the bus is already aimed at the two victims towards the sidewalk. The teacher's head is facing away from the bus as it enters the sidewalk and at the last second both the teacher and student move to their left in an attempt to avoid getting struck by the bus. In the sideview mirror (attached to the hood of the vehicle) you can see the child (in his bright yellow/green jacket) go

REPORTING OFFICER SIGNATURE / DATE	SUPERVISOR SIGNATURE / DATE
DAVID MURRAY #093478 Dec 23, 2024 10:23 (e-signature)	WILLIAM WALKER #126520 Dec 23, 2024 10:27 (e-signature)
PRINT NAME	PRINT NAME
DAVID MURRAY #093478	WILLIAM WALKER #126520

underneath the bus. The bus then enters through the fence and the black chain link fence in front of the school, running over a tree and multiple parts of the chain link fence, coming to rest after striking a garden box in front of the school.

(Interior Video) Officer Murray observed the video from inside of the bus that showed for the first 48 seconds, the driver (Laguerre) has his eyes closed, head back and hands crossed over his lap. At the 48 second mark of the video, he raises his left hand towards his face to wipe his face, opens his eyes and begins to drive the vehicle forward. Laguerre then continues to drive forward for approximately 12 seconds of the video, jerking the wheel towards the left then back to the right. He looks outside the bus window to the left and then looks down near the pedal area of the bus. He looks dazed as he then looks out towards the bus door area of the bus. He says something out loud to the bus monitor, who was on the rear of the bus and then begins to smile and laugh about the accident and shrugs his shoulders as if he was unsure of what happened.

Officer Murray checked the driver's license of the bus driver, Laguerre. Mr. Laguerre has an active Massachusetts Class D License (With Class B Restrictions) and Active CDL to operate a school bus.

Based off of this information, the driver, Laguerre, will be summonsed to West Roxbury District Court for **Operating Negligently As So To Endanger (90/24(2)(A))**. A citation **(083121AD)** was also issued for the same offense and **Unsafe Operation of a Motor Vehicle; Operating on Sidewalk (90/13)**. A copy of that citation will be mailed to Laguerre's address on his license.

INVOLVED PERSONS

INVOLVED PERSON-1 NAME (LAST, FIRST MIDDLE)			DOB / ESTIMATED AGE RANGE	
P-1 Laguerre, Vitony			1962-09-22	
SEX	RACE / ETHNICITY	PHONE NUMBER		
Male	Black / Not of Hispanic Origin	(617) 470-6011 (Mobile Phone)		
HOME ADDRESS				
43 FLORAL STREET, TAUNTON, MA 02780				
INVOLVEMENT TYPE				
Offender				
INVOLVED PERSON-2 NAME (LAST, FIRST MIDDLE)			DOB / ESTIMATED AGE RANGE	
P-2 Bell, Jermaine			1987-11-04	
SEX	RACE / ETHNICITY	PHONE NUMBER		
Male	Black	(617) 922-6627 (primary, Mobile Phone)		
INVOLVEMENT TYPE				
Victim				
INVOLVED PERSON-3 NAME (LAST, FIRST MIDDLE)			DOB / ESTIMATED AGE RANGE	
[REDACTED]			[REDACTED]	
SEX	[REDACTED]	[REDACTED]		
[REDACTED]	[REDACTED]	[REDACTED]		
INVOLVEMENT TYPE				
Victim				

INVOLVED LOCATIONS

LOCATION			
SCH-CURLEY LOWER (K-3), 40 PERSHING RD, JAMAICA PLAIN, MA 02130			
VEHICLE: TMC SHORT YELLOW BUS 2015			
ITEM CATEGORY	MAKE	MODEL	YEAR
Bus (seats for 16 or more, including driver)	Tmc	Short Yellow bus	2015

REPORTING OFFICER SIGNATURE / DATE	SUPERVISOR SIGNATURE / DATE
DAVID MURRAY #093478 Dec 23, 2024 10:23 (e-signature)	WILLIAM WALKER #126520 Dec 23, 2024 10:27 (e-signature)
PRINT NAME	PRINT NAME
DAVID MURRAY #093478	WILLIAM WALKER #126520

DESCRIPTION Boston Public School Bus		BIOHAZARD <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
LICENSE PLATE / REGISTRATION # 39170	SECONDARY COLOR Black	REGISTRATION YEAR 2015
OWNER City Of Boston		
STATUS None		

VEHICLE / PROPERTY & ITEMS SUMMARY				
DESCRIPTION / MAKE / MODEL / COLOR	STATUS / DATE / REASON FOR CUSTODY	VIN # / SERIAL #	QTY.	TOTAL (\$) VALUE
Boston Public School Bus / Tmc / Short Yellow bus / Black	None			

REPORTING OFFICER SIGNATURE / DATE DAVID MURRAY #093478 Dec 23, 2024 10:23 (e-signature) PRINT NAME DAVID MURRAY #093478	SUPERVISOR SIGNATURE / DATE WILLIAM WALKER #126520 Dec 23, 2024 10:27 (e-signature) PRINT NAME WILLIAM WALKER #126520
---	--

EXHIBIT B

At Transdev,
Safety First is our
**number one
priority.**

Structured in different
principles and applicable
everywhere at Transdev.



**SAFETY
FIRST!**



OPERATIONAL RESPONSIBILITY

I ensure my colleagues, the passengers & communities around me work, live and travel safely every day, from the depot and offices to the streets.



HEALTH & WELLBEING

I come to work well-rested and take care of my health & my colleagues's one to ensure physical, mental and social wellbeing.



ZERO ALCOHOL & DRUGS

I never work under the influence of alcohol, drugs or substances.



FOCUS & AWARENESS

I am completely focused on my task while staying alert to my surroundings.



SPEAKING UP

I speak up when I see any risky situation or behaviour.

