

COURTS

Holden reports \$14.6 million jury verdict against Worcester in sewer dispute

**Brad Petrishen**

Telegram & Gazette

Published 5:01 a.m. ET Aug. 6, 2022

On Friday, the town of Holden announced it had secured a \$14.6 million jury verdict against Worcester in a long-running dispute over sewer transport charges.

Worcester's lawyers have argued in Superior Court documents that the verdict is not final, however, and declined a request for comment Friday.

"The proceedings in this case have not concluded, therefore it would be premature to comment," City Solicitor Michael Traynor wrote in a statement Friday afternoon.

Traynor did not immediately respond to a request for clarification of his statement lodged through a city spokesman.

The verdict slip in the case had not been posted to Worcester Superior Court's online docket system as of Friday afternoon, and the city, in a court filing Thursday, suggested the verdict was not final.

"The (judge) indicated that the verdict on the unjust enrichment claim was not final and that it remained subject to (his) subsequent determination," a lawyer for the city wrote.

In a phone interview Friday, Christopher J. Petrini, a lawyer representing Holden, said while there is further legal process ahead, the town's position is that the \$14.6 million jury verdict must stand.

Petrini said the jury was discharged after rendering the verdict Thursday, and that the judge will now apply its factual findings when making further legal rulings that need to be made.

The jury found against Worcester for unjust enrichment, Holden wrote in its

announcement, after an eight-day jury trial that capped nine years of litigation.

The town thanked Petrini, the former longtime town counsel for Framingham, for his representation, as well as the jury for its “careful attention to and review of the evidence.”

The case centered on allegations that Worcester overcharged Holden for years for allowing the town to use the city's sewer infrastructure to transport waste through the city.

Holden routes sewage through the city to a Millbury treatment plant for environmental reasons in a process that involves the state Department of Conservation and Recreation.

A jury also found that DCR breached its relevant contract with Holden, the town wrote, but did not award damages on that count.

When it filed its lawsuit in March 2013, Holden alleged it was being overcharged \$1 million per year in fees.

It alleged in 2018 it was owed \$10 million, a number that has continued to increase over time.

Contact Brad Petrishen at brad.petrishen@telegram.com. Follow him on Twitter @BPetrishenTG