

LOCAL

Judge orders Worcester to pay Holden \$27 million in sewer lawsuit

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A Superior Court judge has issued a judgment of nearly \$27 million against Worcester in a long-running lawsuit with Holden regarding sewer transport charges.

“The judgment of \$26,525,786.29 will now earn 12% per year in post-judgment interest until it is paid,” Holden officials wrote in a press release Monday afternoon.

The Town of Holden in August secured a \$14.6 million jury verdict after an eight-day trial that capped nine years of litigation over allegations that Worcester had overcharged Holden for allowing the town to use the city’s sewer infrastructure.

Worcester lawyers tried to have that verdict set aside, court records show, but Superior Court Judge James Manitsas entered a final judgment April 24 in which he affirmed the \$14.6 million verdict and added \$2.2 million in costs and \$11.3 million in pre-judgment interest.

“The eventual outcome of this case will depend on legal issues which will be addressed by the Appeals Court or the Supreme Judicial Court,” the City of Worcester said in a statement. “The City is very confident that the Trial Court Judgment will be reversed.

“That aside, Holden has never had any contractual or other relationship with Worcester relating to these sewer transport charges. It’s only contract has been the with the Commonwealth. Worcester has an entirely separate contract with the Commonwealth by which the Commonwealth has guaranteed full payment to Worcester. If it is ever finally determined that Holden is entitled some payment, which we do not expect, we are confident that it will be paid by the Commonwealth, and not by Worcester.”

Christopher Petrini, the Framingham lawyer representing Holden, told the T&G Monday that, based on his calculations, Worcester will be paying about \$8,000 in interest for each day it does not pay the judgment moving forward.

That would mean that the city, were it to appeal to a higher court and lose, would continue accruing interest at a rate of nearly \$3 million per year.

“We feel Worcester should step to the plate and satisfy this judgment, for overcharging and treating unfairly the residents of Holden for far too long,” Petrini said.

Petrini said Judge Manitsas carefully considered multiple arguments from both sides before issuing his decision. If an appeal is lodged, he said, Holden is confident it will prevail.

In their press release, Holden officials said the court heard “competent, probative and unrebutted evidence that the wastewater transport charges imposed by Worcester were excessive, unreasonable, imposed a non-proportionate share of Worcester’s costs upon Holden, and charged Holden for services it did not use.

“The Town of Holden deeply appreciates the efforts of the Worcester Superior Court jury that decided this case and of Superior Court Judge James Manitsas for his careful attention to, and review of, the evidence.”

The town also thanked Petrini for representing it throughout the litigation.

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.

The jury last summer found that DCR breached its relevant contract with Holden, but did not award damages against the agency.

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.