

## Family of fallen firefighter sues town

By **Bernie Smith**/ Staff Writer

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The family of a Brookline firefighter who died in the line of duty in May has filed a lawsuit against the town, and expects to begin taking depositions in the case in the next couple of weeks.

Neil Rossman, of Boston-based firm Rossman and Rossman, said he filed the lawsuit against Brookline in late July, after Marsha Gross was named executrix of the estate of her husband, firefighter Irwin "Buzz" Gross. Gross died on May 3, three days after falling from the rear of a 28-year-old reserve truck while responding to a call. The first-line truck was undergoing repairs at the time of the accident. Rossman has questioned the use of the truck, a Pirsch-model engine that has semi-enclosed cabins; cabins of modern fire trucks are wholly enclosed.

Rossman, who previously represented the family of another fallen Brookline firefighter, Joseph Tynan, in 1985, said he would be pleased if the Gross case proceeded as quickly as the Tynan case, which took two years.

"If I could get this case to trial ... within the next 18 months, I'd be very pleased to be on that kind of timeline," Rossman said.

Fire Chief John Green said he was not aware of the particulars of the case. Associate Town Counsel George F. Driscoll Jr., who is representing the town, was not available for comment.

Meanwhile, a report on the accident by the National Institute of Occupational Safety and Health, a division of the Centers for Disease Control and Prevention in Atlanta, has been delayed.

"We're looking at maybe another three to four months" for the report to be completed, said Fred Blosser, public affairs officer for NIOSH, who said the agency's two investigators are juggling a number of past and current cases. The report was originally expected to be completed by the end of the year.





Bernie Smith can be reached at [besmith@cnc.com](mailto:besmith@cnc.com).

### Photo Gallery








Irwin "Buzz" Gross

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