

# Holder Disability Lawyers, LLC

*Dedicated to Representing the Disabled*

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June 15, 2016

Rite Aid Pharmacy  
713 Congress Street  
Portland, ME 04102  
Via facsimile: 774-5497

re: Nighttime construction noise

To Whom It May Concern,

I live in the carriage house at 11 Mellen Street. I was awakened at 4:43AM today by a forklift unloading a tractor trailer truck and placing the materials into a large metal storage container. In addition to that noise, other men engaged in the work were yelling to one another. This activity persisted until perhaps 6AM and I could hear it despite using earplugs.

On Monday, June 6, I was awakened at approximately the same time, 4:46AM, by the sound of glass breaking in the recently placed large dumpster. That day I spoke with a Rite Aid manager about the noise and he instructed me to speak personally with the contractors that evening. When I returned that evening to do so, I was directed to speak with a night manager. This gentleman, though he did not apologize, informed me that the work would proceed quietly going forward.

I have not yet bothered to waste more of my time by researching my rights in this situation. **However, if I am awakened again by noise from your construction, I will pursue every available legal remedy to ensure that your project ceases until it proceeds respectfully or during normal business hours.**

Rite Aid is performing its renovation at night in order to maintain its daytime 'business as usual.' For me, business as usual means that I can sleep through the night. If I cannot go about my business as usual, Rite Aid will not either.

Sincerely,

J. Jason Heinze, Esquire

cc: City of Portland Inspections Division