

Tremont & Sheldon News
(UPDATED: June 5, 1998)

\$950,000 Settlement: Head on Auto Collision

In February of 1996 Joseph Hall* was coming home from work when he was struck head on by another vehicle. The driver of that vehicle admitted falling asleep at the wheel which caused him to cross over into Joseph's lane of travel. The police, fire department and ambulance were summoned to the scene, as Joseph had to be extricated from his vehicle and taken by ambulance to the hospital where he remained for a month and a half. Fortunately, Joseph's family came to Tremont & Sheldon, P.C. immediately after the collision and Cindy L. Robinson first met with Joseph at the hospital.

The plaintiff began a long and arduous course of rehabilitation including extensive physical therapy and occupational therapy following surgeries to his eye, leg and neck. Joseph, who was 58 at the time of the collision, had worked a number of years as an assembler in a factory and was never able to go back to work. The insurance company representing the driver who struck Mr. Hall would not voluntarily disclose insurance coverage and as a result, within two months after the collision, Attorney Robinson brought a lawsuit.

Following a deposition of the driver, the case was ultimately claimed to a hearing in damages, meaning that a jury need only determine the extent of money damages to award Mr. Hall as liability had already been decided in his favor by the Court. Fortunately, the other driver was well insured as Mr. Hall did not have adequate underinsured motorist protection (only \$100,000). As a result of a nonbinding mediation before the Honorable Justice Santaniello, Former Connecticut Supreme Court Justice, the matter settled for Nine Hundred and Fifty Thousand (\$950,000.00) Dollars within two years of the collision.

*name has been changed

Tremont & Sheldon News
(UPDATED: May 13, 1998)

Over \$725,000.00 Collected for Injuries Sustained in a Fall

Early in the morning of December 9, 1991 Barbara was going about her normal job duties as a chef at an office building in Wilton, Connecticut. She was opening the kitchen, baking muffins and doing prep work. Around 5:30 a.m. when it was still dark, she went to throw some empty boxes in the dumpster out back. The dumpster was a large unit which had a compactor that was operated by a hydraulic engine. To get to the dumpster you had to walk up a diamond plated ramp. As Barbara was walking up the ramp, she slipped and took a terrible fall, landing right on her back and hitting her head on the ramp. When she got up she had hydraulic oil on her clothes.

What Barbara did not know is that on the Friday before her fall the dumpster had been serviced. The company who serviced the dumpster claimed that they had done the service properly but that the serviceman had moved out west and nobody could find him. After taking more than a dozen depositions of witnesses to the events, Tremont & Sheldon was eventually able to identify the serviceman who did the work. It turns out that the serviceman actually still worked for the company and had never moved. The company had lied.

Tremont & Sheldon took the serviceman's deposition and eventually got him to admit that after he had done the work, there was a large quantity of oil on the ground. However, he claimed that he had told the dumpster's owner about the condition as it was not his job to clean up oil.

Tremont & Sheldon brought a lawsuit for Barbara against the office building's owner, the dumpster's owner, and the serviceman who did the work.

Approximately one week after the fall Barbara had begun to experience neck pain and went to an orthopedist. She began treatment with him and then began to experience back pain and eventually shoulder pain. Her orthopedist and a neurosurgeon performed a fusion on her neck, removing two herniated cervical discs. Later the surgeon performed shoulder surgery for a partial rotator cuff tear. Barbara also got physical therapy for her back. Barbara, who was 47 at the time of her fall, has never been able to return to work. Her doctors indicate that she will not be able to work as a cook again because of her pain. Her medical bills are approximately \$60,000.00 and her lost wages are approximately \$120,000.00.

In May 1998, during trial, the case was settled on Barbara's behalf by Attorneys Paul Tremont and Doug Mahoney for \$575,000.00. The repairman's insurance company paid \$440,000.00, the dumpster owner paid \$100,000.00 and the building owner paid \$35,000.00.

Further, Barbara has been collecting Workers Compensation benefits since her fall. Those benefits total over \$150,000.00. During the course of the lawsuit, the workers compensation carrier attempted to join Barbara's lawsuit in order to get reimbursed for the money paid out. Tremont & Sheldon was able to get the worker's compensation carrier's case dismissed on a technicality, as the worker's compensation carrier did not join the case in a timely fashion. Now, Barbara does not have to pay the worker's compensation back and will most likely continue to collect comp for the foreseeable future.

The total amount collected by Tremont & Sheldon to date for Barbara is approximately \$725,000.00 and that number will continue to grow.

Tremont & Sheldon News
(UPDATED: September 5, 1997)

Nurse Awarded \$409,000 in Damages as a Result of a Motor Vehicle Accident

The case of Mancusi vs. Dakers, tried in Danbury in June of 1997, involved an auto collision which occurred on November 9, 1993. The plaintiff, who was represented by [Cindy L. Robinson](#) of Tremont & Sheldon, PC, was a 33 year old pediatric nurse and mother of three who was injured when a vehicle being driven by the defendant went through a red light and struck her vehicle. The plaintiff treated with an orthopedic surgeon for neck, back and headache problems but continued to work as a pediatric hospital nurse. A year following the collision, the plaintiff was diagnosed with a disc herniation in her lower back. Her doctor, who awarded her a 7 percent permanent partial disability to the lower back, testified at trial that the plaintiff had a 30 percent risk of future surgery. The plaintiff ultimately left her job as a direct patient care nurse at the hospital because she had trouble performing the physical requirements of the job as a result of her back injury. The plaintiff thereafter worked as a homecare night nurse and earned more after the collision; however, she claimed that her overall earning capacity as a nurse had been adversely affected. During the trial, the defendant's independent medical doctor testified that the plaintiff was not at risk for future surgery because she had no neurologic deficits. The plaintiff initially lost two weeks of work and incurred \$7,900 in medical bills. The defendant insurance company's highest settlement offer was \$40,000. After three days of trial and three hours of deliberation, the jury returned a verdict in the amount of \$409,000. As a result of Offer of Judgement interest on the verdict, on July 15, 1997, the Court (Stodolink, J.) entered judgement in the amount of \$534,322.08 plus costs.