



# TREMONT & SHELDON P.C.

Personal Injury Trial Lawyers Serving Connecticut for Over 40 Years

Spring 2008

## Injury & Compensation Report

### Specialty Areas:

- Auto & Motorcycle Injuries
- Catastrophic Injuries
- Defective Products
- Legal Malpractice
- Medical Malpractice
- Premises Liability
- Sexual Abuse
- Workplace Injuries
- Wrongful Death

All materials in this newsletter are for purposes of general information only – nothing in the newsletter should be considered legal advice. Individuals are urged to seek the advice of an attorney before taking any action on matters reviewed in this newsletter.

## ANSONIA FAMILY FIGHTS FOR JUSTICE

Matt Blackwell, a beloved son, brother, and friend was only 22 years old when his life was taken on the evening of October 7, 2001. He had spent that day at two local bars with friends, some of whom he had known since childhood. They watched football together and, as young men will sometimes do, drank beer.

Matt was not driving a car that evening and instead was relying on an acquaintance, Ken, to drive him home at the end of the Sunday games. Ken had too much to drink that night and was over the legal limit for drinking and driving.

Also at the two bars that evening was a Seymour police detective named



Bailey Cook. Detective Cook had many years of experience as a police officer and was trained to recognize the signs of intoxication. However, he was off duty at the time and was watching the games with a buddy of his. There was evidence that at some point during the day Detective Cook recognized that the guys, including the driver Ken, had had too much to drink. Instead of stopping Ken from driving, Detective Cook actually gave Ken and the others his

Seymour Police Department business card with a message he had written on the back which said, "Don't \*\*\*\* with my boys". Detective Cook told the boys that if they got pulled over they should show it to the officer and that it was a "get out of jail card".

The boys left the bar with Ken driving and tragically Ken crashed the car on Route 8 southbound while traveling at a high speed. In the accident, Matt Blackwell was killed as was Ken and a friend of Matt's named John. John's younger brother Marty survived the accident with terrible injuries, including the loss of his leg.

Matt's parents, Tammy and David, wanted justice for their

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## AUTO INSURANCE: PROTECTING YOURSELF AND FAMILY

**Tremont & Sheldon** repeatedly reminds and educates our clients regarding the importance of having appropriate auto insurance coverage. Over and over again, we see clients who are left unprotected with inadequate insurance. **Tremont & Sheldon** would like to share with you the 7 *DOs and DON'Ts* for selecting the best auto insurance protection for your family as set forth by the Coalition for Insurance Justice:

**1. DO understand your policy. Can you answer the following questions?**

- What is the amount of my *Bodily Injury/Liability (BI) coverage*?
- What is the amount of my *Uninsured/Underinsured Motorist (UM/UIM) coverage*?
- What can I do to obtain *Conversion Coverage or Double UM*?

**2. DO increase your UM/UIM coverage if possible.**

We always hear people tell us that they have purchased umbrella insurance coverage yet they do not know their UM/UIM limits. While umbrella, excess and BI coverage protects you if you cause an accident, it affords **no** protection

if an uninsured or underinsured motorist injures you. The only way to protect yourself is to increase your *UM/UIM coverage* and request *Double Coverage*. **Example:** If you have \$300,000 BI and \$300,000 UM, request Double UM coverage and increase your UM limits to \$600,000.

**3. DO purchase Underinsured Motorist Conversion (UIMC) coverage.**

*UIMC coverage* guarantees that you and your family will

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## ANSONIA FAMILY FIGHTS FOR JUSTICE *from page 1*

son. They knew that those responsible for Matt's death would put up a significant fight. They thought they were serving their son's best interests when they hired one of Connecticut's largest law firms to represent them. However, Mr. and Mrs. Blackwell did not realize that firm did very little personal injury work and minimal trial work.

After two years of seeing very little in terms of progress or results, they decided they needed a specialist and hired Tremont & Sheldon, P.C. to take over their case. Doug Mahoney agreed to represent them and quickly went to work collecting money from various uninsured motorist policies which they had purchased to protect their family in case they were hurt or killed in an accident caused by a person who had insufficient auto insurance, as was the case with Ken. Mr. Mahoney also pursued a claim against the last bar which served the drinks to

Ken before the accident and reached a settlement with the bar owner as well.

However, from the start the Blackwell family always insisted that they wanted Detective Cook to be held liable for his conduct that night in allowing Ken to drive the car and for giving him the business card. The Blackwells come from a family and a community of good police officers and they saw the conduct of Detective Cook as being totally unacceptable. Detective Cook and the Town of Seymour vigorously denied any responsibility for Matt's death and said the death was only the fault of Ken, the driver.

The Blackwells agreed that Ken was responsible for Matt's death but also believed that Detective Cook shared in that responsibility. The Blackwell family's case was tried at the Waterbury Complex Litigation Courthouse before Judge Dennis Eveleigh along with the cases for Ken, John, and Marty. Doug Mahoney of Tremont & Sheldon served as the lead attorney on behalf of all the plaintiffs and was joined in his

representation by two other local firms. Attorney Mahoney argued to the jury that Detective Cook had a duty, even though he was off duty, to stop Ken from driving that car when he knew Ken was intoxicated. And certainly, Detective Cook should not have assisted Ken by giving him the card. In response Detective Cook claimed that he had no idea Ken was intoxicated and that he had given him the business card on some other occasion. By working closely with the Connecticut State Police and its troopers, Attorney Mahoney was able to get a copy of a recording of a phone conversation of Bailey Cook where he admitted that he knew of Ken's condition.

The trial took more than a month and was covered by newspapers from around Connecticut due to the unique issues involved. Finally, after four days of deliberations, the jury came down with its landmark verdict. The jury found the total damages for all four young men to be over \$16 million and specifically found Detective Cook and the Town

of Seymour to be responsible for over \$6 million of that amount.

The verdict was unique in that it is believed to be the first jury verdict in Connecticut holding a police officer responsible for conduct while off duty. The verdict was recognized in a national magazine of jury verdicts as the most significant verdict in the entire country at that time.

**"The verdict is a testament to the courage of Mr. and Mrs. Blackwell and Matt's brother David, Jr. They were determined to see the matter through and to make law in Connecticut holding a police officer responsible, even when off duty. The accident was entirely preventable if Detective Cook had acted like any reasonable officer would have that evening. Unfortunately it took years of legal battling and a month of trial to see that achieved,"**  
**Atty. Doug Mahoney said.**

## AUTO INSURANCE: PROTECTING YOURSELF AND FAMILY *from page 1*

be afforded the full extent of the coverage you purchased, no matter how much is recovered from the driver who caused the collision. Otherwise, the amount that you receive from the other driver will be deducted from your coverage. **Example:** At-fault driver pays out to injured person his \$20,000 limited policy. Injured person has limited \$50,000 without conversion. Injured person can only make claim for remaining \$30,000 in coverage (50,000-20,000 = 30,000). With conversion coverage, injured person can make a claim for

\$50,000. If the injured person had Double UM, he will have \$100,000 of coverage in addition to the \$20,000 received.

### **4. DON'T be cheap — be smart.**

A few dollars saved can result in inadequate coverage, which basically is no coverage at all. Although the law only requires limits of \$20,000 worth of coverage per person and \$40,000 worth of coverage per accident, such limits are woefully insufficient to cover the costs resulting from serious injury. Remember to purchase the maximum

amount of insurance that you can afford as it is money well spent.

### **5. DON'T "write down" your UM/UIM Motorist Coverage.**

Always reject any offer to reduce your UM/UIM coverage to below the amount of your BI coverage.

### **6. DON'T be left without medical coverage.**

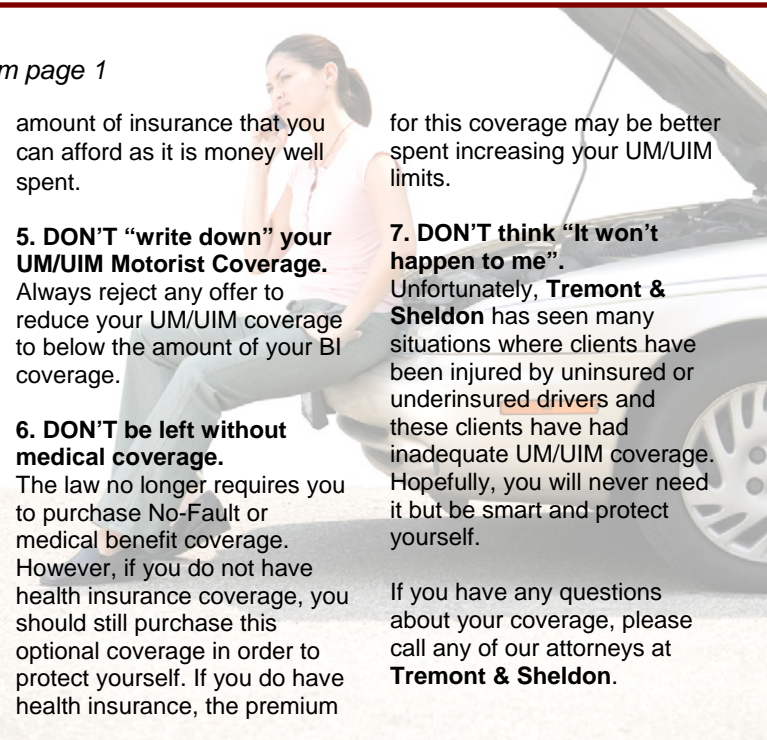
The law no longer requires you to purchase No-Fault or medical benefit coverage. However, if you do not have health insurance coverage, you should still purchase this optional coverage in order to protect yourself. If you do have health insurance, the premium

for this coverage may be better spent increasing your UM/UIM limits.

### **7. DON'T think "It won't happen to me".**

Unfortunately, Tremont & Sheldon has seen many situations where clients have been injured by uninsured or underinsured drivers and these clients have had inadequate UM/UIM coverage. Hopefully, you will never need it but be smart and protect yourself.

If you have any questions about your coverage, please call any of our attorneys at **Tremont & Sheldon.**



## CINDY ROBINSON NAMED ONE OF CONNECTICUT'S TOP 25 WOMEN LAWYERS!

Not only were all five Tremont & Sheldon lawyers named in this past issue of Connecticut Super Lawyers™, but in that same edition Cindy Robinson was named as one of the top 25 women lawyers in Connecticut. In addition, a feature article was written about Attorney Robinson entitled, "The Angel", for her work representing victims of childhood sexual abuse.

In a compelling portrait of her career, the author described how Attorney Robinson grew up in Hamden where her father worked at a furniture store and her mom stayed at home to care for Cindy and her sister. Cindy attended Hamden High School where

she served as co-president of her student council before going on to enroll at Wesleyan University. Cindy graduated from Wesleyan and attended the University of Connecticut School of Law. After law school, Cindy briefly worked at a Westport law firm and was soon hired in 1987 by T. Paul Tremont, considered by many to be one of Connecticut's finest lawyers.

The feature article about Attorney Robinson described her many years of dedication to victims of childhood sexual abuse. She has successfully fought for, and recovered, millions of dollars for those who have been viciously

taken advantage of when they were children. Their abusers are persons who were entrusted to care for these victims, be they priests, teachers, or family members.

It is not an area of the law that Attorney Robinson planned to get involved in.

***"Not in my wildest dreams. But when you see the devastation this kind of harm has caused people for the rest of their lives, you do what you have to do to help them. They need someone to speak for them. I give them that voice."***



Cindy is currently representing and reviewing claims against Dr. George Reardon and St. Francis Hospital. Please call 1-877-335-5145.

## BOB SHELDON RECOGNIZED BY CONNECTICUT TRIAL LAWYERS ASSOCIATION



For over 30 years, Bob Sheldon has represented workers who have been injured on the job. For those of you who have been injured on the job, you know that too often the available compensation is inadequate or does not compensate you at all for your injuries.

The Connecticut Trial Lawyers Association (CTLA) engaged in a massive push during this past legislative session to try to change those laws. Bob Sheldon served as the point person on that project. Although many of the reforms did not get through the legislature due to the enormous influence of the business community in Hartford, Bob's efforts did not go unnoticed.

In recognition of his work this year and for the past many years, the CTLA recognized Bob's enduring commitment to protect injured workers.

For months last year, Bob worked tirelessly traveling to Hartford to try to change the Workers Compensation laws. He was not paid for his work; he did it because he believed in his clients. He met with dozens of Connecticut's state senators and state representatives in order to educate them

about the plight of injured workers. He organized unions and other labor groups to help support the changes. He testified in front of legislative committees. He even worked with actuaries to try to provide the legislators accurate costs for the legislation, rather than the suspect numbers being promoted by the insurance companies.

***In support of his work, the Connecticut Trial Lawyers Association presented Bob with an award. We salute Bob's commitment to his clients and to injured workers throughout the state!***

***Is there a topic you would like to see covered in our next newsletter or do you have comments/questions?***

**Please call or e-mail:**

Felecia Tremont at  
335-5145 or  
[ftremont@tremont-sheldon.com](mailto:ftremont@tremont-sheldon.com)

**We look forward to hearing from you!**

## TREMONT & SHELDON PC

64 Lyon Terrace,  
Bridgeport, CT 06604

Tel: 203-335-5145

In State Toll Free:  
877-335-5145

Fax: 203-366-8503

Email:

[info@Tremont-Sheldon.com](mailto:info@Tremont-Sheldon.com)

### Attorneys:

Robert R. Sheldon  
Cindy L. Robinson  
Frank A. Bailey  
Jason E. Tremont  
Douglas P. Mahoney  
Lauren A. Vasil

### Legal Assistant:

Sharon L. Lawler

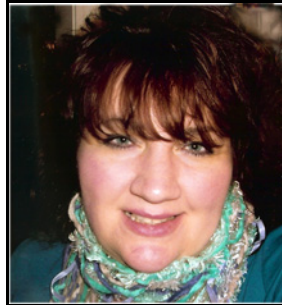
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Free parking directly on our  
premises across from City Hall.

To be placed on our mailing list  
contact us via phone or email.

## Tremont & Sheldon Welcomes Barbara Balcastro



We are pleased to introduce the newest member of the Tremont & Sheldon family; Barbara Balcastro.

Barbara joined Tremont & Sheldon in December 2007 as a legal secretary.

She has extensive

experience in the legal field and received her Administrative Assistant degree from Butler Business School.

She is currently supporting Attorneys Bailey and Mahoney. Please join us in welcoming her.

## All 5 Attorneys Named Connecticut "Super Lawyers"

Tremont & Sheldon earned the unusual distinction of once again having all five of its attorneys recognized in the 2008 edition of Connecticut Super Lawyers™ which was published in *Connecticut*

*Magazine*. Super Lawyers™ is published in 48 states and lists the top 5% of attorneys in that state for various areas of practice. It is unusual for any firm in Connecticut to have five lawyers named but it is even more unusual to

have every lawyer in a firm named. Tremont & Sheldon's team of lawyers provides you with more than 100 years of legal experience representing Connecticut's injured citizens.

### About Our Organization...

Tremont & Sheldon has represented thousands of injured persons. A number of our attorneys are recognized by **The Best Lawyers in America®** and have the highest possible rating from **Martindale-Hubbell®**.



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64 Lyon Terrace,  
Bridgeport, CT 06604