

DOCKET NO. CV-01-0804363-S : SUPERIOR COURT
ROCCO D'AMATO : JD OF HARTFORD
VS. : AT HARTFORD
STANLEY PIOREK, ET AL : MARCH 26, 2002

ARBITRAL AWARD

After hearing the parties on March 8, 2002, I find the following facts:

1. On or about June 4, 2000 at approximately 12:15 p.m., Plaintiff Rocco D'Amato was walking in the Brookside Plaza parking lot in Enfield, Connecticut when he was struck by a 1991 Lincoln, owned by Defendant Ann Piorek, being driven by her husband, Defendant Stanley Piorek.

2. At the time, Plaintiff was 49 years old and employed by the State of Connecticut as a corrections officer. He was also suffering from an infected tooth, which required antibiotics and pain killers.

3. Defendant Stanley Piorek was 82 years old at the time.

4. At the time of the accident, Plaintiff Rocco D'Amato was accompanied by Gabriela Beach. While she was able to jump out of the Lincoln's way when she heard its tires squealing, Plaintiff Rocco D'Amato was not able to react quite so quickly.

5. The court assumes Plaintiff's reactions may have been slightly dulled by the pain, the medication for the pain and/or the antibiotics. However, Defendants must take the Plaintiff as they find him.

6. Defendant Stanley Piorek tried to apply the brakes when he noticed the pedestrians near his car, but he jammed on the accelerator instead (deposition page 23, line 20 through page 25, line 5).

7. Defendant Stanley Piorek testified on page 16 of his deposition (lines 1-4) that he traveled forty feet (or

approximately two car lengths) at no more than three miles per hour. However, he was accelerating at the point of impact (and immediately thereafter) because the Lincoln's tires were squealing.

8. No one seems to be certain if Plaintiff Rocco D'Amato went over the hood of the car or fell off to side. The only certain thing is he didn't fall backwards because he would have been run over by the Lincoln's tires.

9. Defendant Stanley Piorek drove for several hundred feet after the impact (according to both testimony and the police report).

10. Nevertheless, the impact was a fairly low speed impact. Plaintiff Rocco D'Amato suffered no permanent disability as a result of the accident.

11. Plaintiff Rocco D'Amato incurred ambulance bills of \$465.00 with AMR of Connecticut as a result of the accident.

12. Plaintiff Rocco D'Amato incurred hospital bills of \$355.80 with Johnson Memorial Hospital because of this accident.

13. Plaintiff Rocco D'Amato incurred physician charges of \$110.00 with Dr. Matthew F. Colliton because of this accident.

14. Plaintiff Rocco D'Amato incurred additional physician charges of \$229.00 with Dr. Robert W. McAllister of Hartford Orthopedic Surgeons, PC because of this accident.

15. Plaintiff Rocco D'Amato incurred physical therapy bills totaling \$1,145.00 because of this accident.

16. The total medical expenditures (itemized above) caused by the accident amounted to a grand total of \$2,304.80.

17. Plaintiff Rocco D'Amato missed ten weeks and a day of work. Given his biweekly pay of \$1,525.37 combined with

his average of 19 hours a week overtime at \$31.50/hour, his lost wages amount to \$13,764.39.

18. The claims Plaintiff Rocco D'Amato will lose some portion of his pension due to this accident were not adequately quantified to be considered proven.

Judgment shall enter in favor of Plaintiff and against both Defendants for \$25,300.00, plus costs to be taxed.

Dated at Meriden, Connecticut on this 26th day of March, 2002.

Houston Putnam Lowry
Arbitrator

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was mailed on this 26th day of March, 2002 to:

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