

DOCKET NO. CV-01-0511294-S : SUPERIOR COURT
DONALD J. BARTLEY : JD OF NEW BRITAIN
VS. :
TARA RUSSO : JUNE 28, 2002

ARBITRAL AWARD

After hearing the parties on June 21, 2002, I find the following facts:

1. On or about April 5, 2000 at approximately 5:56 p.m., Plaintiff Donald J. Bartley was driving north on Meriden Avenue in Southington when his 1991 Chevrolet was struck by a 1988 Chevrolet driven by Defendant Tara Russo.

2. Defendant Tara Russo was attempting to make a left hand turn from Belleview Avenue to travel onto the southerly travel portion of Meriden Avenue when she struck Plaintiff Donald J. Bartley's car (which had the right of way traveling straight).

3. For the purposes of the proceedings on June 21, 2002, liability was not contested.

4. Plaintiff Donald J. Bartley had a previous compression fracture in his spine as result of a snowmobiling injury in late December 1989, from which he recovered fully.

5. Plaintiff had one bout of acute sciatica in 1998, but had recovered prior to this accident.

6. Plaintiff continues to suffer from back pain after the accident, but has no permanent partial disability rating. While the undersigned observed Plaintiff's obviously impaired walk during the proceedings, the undersigned is not qualified to assign a permanent partial disability rating.

7. As a result of the accident, Plaintiff Donald J. Bartley incurred charges of \$742.97 at Bradley Memorial Hospital's emergency room on April 5, 2000.

8. As a result of the accident, Plaintiff Donald J. Bartley incurred charges of \$606.65 at Bradley Memorial Hospital for physical therapy and an MRI on June 15, 2000.

9. As a result of the accident, Plaintiff Donald J. Bartley incurred charges of \$2,000.00 at Bradley Memorial Hospital for additional physical therapy.

10. As a result of the accident, Plaintiff Donald J. Bartley incurred charges of \$166.30 at Southington Radiology on April 5, 2000.

11. As a result of the accident, Plaintiff Donald J. Bartley incurred charges of \$450.00 with Dr. Anthony D. Ciardella from April 17, 2000 through August 14, 2001.

12. As a result of the accident, Plaintiff Donald J. Bartley incurred charges of \$2,496.00 with Dr. Donald F. Salomone from September 6, 2000 through October 10, 2001.

13. As a result of the accident, Plaintiff Donald J. Bartley incurred charges of \$54.00 for prescriptions.

14. While Plaintiff's medical expense were paid by his health insurance at Pratt & Whitney, the parties believe this is an ERISA plan that requires repayment of medical benefits. For the purposes of these proceedings, the undersigned has not considered any collateral source issues.

15. The information provided on missed overtime on Sundays was not specific in terms of dollars nor hours to be sufficiently specific to justify an award of damages.

16. No loss of pay or sick days were proven, although they were mentioned in the interrogatories entered into evidence. There was not sufficient specific information present to justify an award of damages.

Judgment shall enter in favor of Plaintiff Donald J. Bartley and against Defendant Tara Russo for \$30,000.00, plus costs to be taxed.

Dated at Meriden, Connecticut on this 28th day of June, 2002.

Houston Putnam Lowry
Arbitrator

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was mailed on this 28th day of June, 2002 to:

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