

DOCKET NO. CV-01-0806920-S : SUPERIOR COURT
CHERILYN ALBRYCHT : JD OF HARTFORD
VS. :
NANCY MCKENNA, ET AL : AUGUST 29, 2003

ARBITRAL AWARD

After hearing the parties on Friday, August 29, 2003, I find the following facts:

1. On or about April 8, 1999 at 3:38 pm, Plaintiff Cherilyn Albrycht was driving her 1994 Volvo 850 westerly on Route 185 in Simsbury, Connecticut.

2. The weather was fair and visibility was good.

3. Plaintiff Cherilyn Albrycht stopped at the red light at the intersection of Route 10 (near the Chart House).

4. Plaintiff Cherilyn Albrycht intended to make a right hand turn onto Route 10 when it was safe to do so.

5. Defendant Nancy McKenna was driving a 1998 Saturn 4-door owned by Defendant Chaseman Auto Finance behind Plaintiff Cherilyn Albrycht.

6. At some point, Defendant Nancy McKenna struck the rear of Plaintiff Cherilyn Albrycht's automobile.

7. The impact was a "low speed" impact. While there was damage to Plaintiff Cherilyn Albrycht's car, it was fairly minor damage.

8. The amount of injury a person suffers in an automobile accident is not inevitably tied to the amount of damage their car suffers. People in very serious crashes may escape with no injuries. People in relatively mild crashes may be killed. Each case must be examined for its particular circumstances and causes.

9. There is no doubt Defendant Nancy McKenna was responsible for striking the rear of Plaintiff Cherilyn Albrycht's automobile.

10. Plaintiff Cherilyn Albrycht reported injuries at the scene and this fact is reflected in the police report of the accident.

11. Plaintiff Cherilyn Albrycht incurred the following expenses (which were ultimately paid by insurance) as a result of Defendants' actions:

Connecticut Multispecialty Group	\$548.70
Arrow Drug	\$72.54
Valley Rehabilitation Center	\$1,201.00
Medical Imaging Center	\$225.00
MRI of New Britain	\$848.00
Total	\$2,895.24

12. While Plaintiff Cherilyn Albrycht has suffered injuries to her neck (characterized as "severe whiplash" in the testimony), no medical doctor has given her a permanent partial disability rating.

13. According to the life expectancy chart put into evidence, Plaintiff Cherilyn Albrycht's life expectancy is 27.3 years.

14. Plaintiff Cherilyn Albrycht's life activities have been negatively affected by her inability to freely turn her head due to continuing neck pain. For example, she cannot swim laps any more, does not do aerobics and no longer skis. She has difficulty carrying large loaded x-ray film cassettes.

15. While Plaintiff Cherilyn Albrycht continues to suffer permanent problems, they are on the milder end of the spectrum of suffering.

16. Plaintiff Cherilyn Albrycht has suffered damages of \$12,000 as a result of Defendants' actions.

Judgment shall enter in favor of Plaintiff Cherilyn Albrycht against Defendant Nancy McKenna and Defendant Chase Auto Finance for \$12,000.00, plus costs to be taxed.

Dated at Meriden, Connecticut on this 29th day of August, 2003.

Houston Putnam Lowry
Arbitrator

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was mailed on this 29th day of August, 2003 to:

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