

DOCKET NO. CV-00-0499880-S : SUPERIOR COURT
MELISSA BUTLER : JD OF NEW BRITAIN
VS. :
KATRINA BEGIN, ET AL : AUGUST 23, 2001

ARBITRAL AWARD

After hearing the parties on August 17, 2001, I find the following facts:

1. On or about January 10, 1998 at approximately 4:52 p.m., Plaintiff Melissa Butler's 1992 Chevrolet Cavalier collided with Defendant Camrac, Inc. d/b/a Enterprise Car Rental's 1997 Geo Metro driven by Defendant Katrina S. Begin. Both vehicles had to be towed from the scene.

2. The issue of liability is hotly contested. The issue of damages is also contested.

3. At the time of the accident, Defendant Katrina S. Butler has just finished backing out of the driveway at 206 Lake Avenue, Bristol, Connecticut after dropping off a

package. She had put her car into drive and had signaled a left turn into Battisto Road, Bristol immediately prior to the collision.

4. Plaintiff claims she was going about five miles per hour at the time of impact.¹ She then lost control of the car and accelerated, striking a tree at thirty miles per hour at the other side of the intersection. Plaintiff's car was totaled.

5. Even considering Plaintiff's confusion and nervousness caused by the accident and the air bag deploying, this version of the events does not seem credible.

6. While the arbitrator was not shown photographs of the cars, the positions of the cars described in the police report strongly suggests Plaintiff was going much faster than five miles per hour.

¹ The right passenger door of Plaintiff's car collided with the left quarter panel of the Geo Metro.

7. Defendant Katrina S. Begin's testimony also suggested Plaintiff Melissa Butler was going much faster at the time of the accident.

8. The arbitrator has assumed (in the absence of any evidence) that Plaintiff was exonerated of the charge of passing in a "no passing" zone in violation of Connecticut General Statutes §14-234 as noted in the police report.

9. In light of the circumstances, the arbitrator determines the accident was proximately caused by Plaintiff Melissa Butler's fault.

Judgment shall enter in favor of both defendants on Plaintiff's

Dated at Meriden, Connecticut on this 23rd day of August, 2001.

Houston Putnam Lowry
Arbitrator

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was mailed on this 23rd day of August, 2001 to:

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