

DOCKET NO. CV-04-4003898-S : SUPERIOR COURT
CONCETTA COTE : JD OF HARTFORD
VS. : AT HARTFORD
TWIN CITY FIRE INSURANCE :
COMPANY AND PATRICK P. :
CARDELLO : SEPTEMBER 24, 2005

ARBITRAL AWARD

After hearing the parties on Friday, September 2, 2005,
I find the following facts:

1. Plaintiff Concetta Cote had an automobile insurance policy with Defendant Twin City Fire Insurance Company in effect on December 28, 2002, which included coverage for uninsured and underinsured motorist benefits.

2. Plaintiff Concetta Cote was driving a 2002 Chevy Trail Blazer in Kensington, Connecticut on December 28, 2002 at approximately 10:30 am.

3. Plaintiff Concetta Cote was struck from behind by a 1988 Mercury Marquis driven by Defendant Patrick P.

Cardello, Sr. while she was stopped at a stop sign on Christian Lane at the intersection of Skinner Road in Kensington, CT.

4. Defendant Patrick P. Cardello, Sr. failed to stop as he approached the Plaintiff Concetta Cote from behind.

5. This accident was caused by the actions of Defendant Patrick P. Cardello, Sr.

6. This was a low speed impact in light of the small amount of property damage.

7. For the purposes of this arbitration only, Defendants admit liability.

8. Defendant Patrick P. Cardello, Sr. died after this suit was instituted.

9. No estate was opened for Defendant Patrick P. Cardello, Sr. because he had no material assets at the time of his death.

10. Plaintiff Concetta Cote is excused from opening an estate for Defendant Patrick P. Cardello, Sr. and substituting the fiduciary was a defendant because the law does not require a futile act.

11. The only source for recovery for Plaintiff's injuries is her own automobile policy.

12. At the time of the accident, Plaintiff Concetta Cote suffered from significant back trouble and was classified as totally disabled by the Social Security Administration.

13. While Plaintiff Concetta Cote thought she was in severe pain before the accident, after the accident she learned that was not true because her pain increased significantly.

14. At the time of the accident, Plaintiff Concetta Cote was recovering from an operation that installed a titanium cage around her spine.

15. Defendants must take the Plaintiff as they find her. This is true even though there was only nominal property damage to Plaintiff's car.

16. Plaintiff Concetta Cote has a 14% low back disability and a 13% of the whole person disability. However, her physicians have not been able to allocate how much of the disability (if any) resulted from this accident.

17. Plaintiff Concetta Cote testified this accident worsened her existing condition significantly.

18. Plaintiff Concetta Cote incurred a total of \$17,839.29 in medical expenses after this accident. Her insurance paid for \$14,166.20 of these expenses.

19. This decision takes into account Plaintiff Concetta Cote's collateral sources which partially paid these bills.

20. Plaintiff Concetta Cote suffered \$50,000.00 in damages due to Defendant Patrick P. Cardello, Sr.'s actions.

Judgment shall enter in favor of Plaintiff Concetta Cote and against Defendant Patrick P. Cardello, Sr. for \$50,000.00 plus costs to be taxed.

Dated at Meriden, Connecticut on this 24th day of September, 2005.

Houston Putnam Lowry
Arbitrator

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was mailed on this 24th day of September, 2005 to:

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