

DOCKET NO: CV-98-0580781-S : SUPERIOR COURT  
JOSE G. DIAZ : JD OF HARTFORD  
VS. :  
FRANCISCO DEJESUS, ET AL : MARCH 29, 2000

ARBITRAL AWARD

This matter was heard by the undersigned as an arbitrator on March 10, 2000. At the hearing, the case was being withdrawn concerning Defendant Francisco DeJesus and Defendant Connecticut Institute for Community Development. The other defendants either failed to appear in the case or failed to appear at the time of trial, making this proceeding more in the nature of a hearing in damages.

I find the following facts:

1. Defendant WPRX La Puertorriquenisima organized and coordinated the Pope Park Festival a/k/a Puerto Rican Parade Festival in Hartford, Connecticut pursuant to a written agreement dated March 18, 1996.

2. Defendant Connecticut Communications House II, Inc. is the alter ego of Defendant WPRX La Puertorriquenisima because it is unclear which entity

really owns and operates the WPRX radio station (who was clearly intended to undertake all of these activities).

3. On June 2, 1006, Plaintiff Jose G. Diaz was attending the festival.

4. There was no admission fee to attend the festival.

5. Plaintiff spent several hours there.

6. Behind the Miller Lite Beer concessions tent, an unknown man accused Plaintiff of urinating into a car.

7. Plaintiff denied urinating into a car, but was beaten up by several men. Plaintiff lost consciousness for a brief period of time.

8. Plaintiff believed one or more of the people who beat him worked at a festival concessions stand.

9. While attending the festival and leaving the festival to seek medical treatment, Plaintiff did not see any police, security or festival officials. There were no police, security or festival officials while Plaintiff was being beaten.

10. In light of the total circumstances, it was

reasonable for defendants to anticipate there might be trouble at the festival, *Merhi v. Becker*, 164 Conn. 516 (1973) and they should have made adequate preparations for such an eventuality.

11. Defendants either failed to keep or failed to disclose any records concerning what vendors attended the festival.

12. Plaintiff was taken by a friend to Hartford Hospital, where the beating was reported to the police.

13. The identity of Plaintiff's assailants was never discovered.

14. Plaintiff received two black eyes and required stitches to his lip and forehead. He subsequently developed neck problems related to the beating.

15. Plaintiff was unable to work for two weeks due to these injuries.

16. Plaintiff made \$768.90 per week (55 hours per week at \$13.98 per hour).

17. Plaintiff did not suffer any permanent injury due to the beating.

18. Plaintiff incurred medical expenses of \$286.82 at Hartford Hospital.

19. Plaintiff incurred medical expenses of \$1,960.00 with Dr. Michael L. Yoel (a chiropractor) due to neck problems associated with the beating.

20. Plaintiff Jose G. Diaz has incurred damages of \$15,074.10 because of the remaining Defendants' actions.

---

Houston Putnam Lowry, Esq.  
Arbitrator

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was mailed on this 29<sup>th</sup> day of March, 2000 to:

Sydney T. Schulman, Esq.  
10 Grand Street  
Hartford, Connecticut 06106

Alexander Aponte, Esq.  
26 Cedar Street  
P.O. Box 788  
New Britain, Connecticut 06050-0788

Oscar Nieves  
610 Main Street  
New Britain, Connecticut 06100

WPRX La Puertorriquenisima  
610 Main Street  
New Britain, Connecticut 06100

Connecticut Communications House II, Inc.  
c/o William P. Tuccio, Esq.  
350 East Main Street  
Ansonia, Connecticut 06401

---

Houston Putnam Lowry