

DOCKET NO. CV-00-0800967-S : SUPERIOR COURT
ANTONIA FAGBEMI : JD OF HARTFORD
VS. :
SUSAN SASSANO : JANUARY 24, 2002

ARBITRAL AWARD

After hearing the parties on January 18, 2002, I find the following facts:

1. On or about April 26, 1999, Defendant Susan Sassano's (now known as Susan Louise Chenett by virtue of marriage during the pendency of this action) motor vehicle struck the rear of Plaintiff Antonia Fagbemi's motor vehicle at a stop sign on Girard Street, Hartford, Connecticut (at the intersection of Farmington Avenue).

2. Based upon the parties' testimony, there is no doubt Defendant Susan Sassano is liable for any injuries caused to Plaintiff Antonia Fagbemi. The question is the measure of those damages.

3. At the time of the accident, Plaintiff was 49 years old and in good health. She was wearing her seat belt.

4. Neither vehicle suffered any significant damage and neither vehicle needed to be towed from the scene of the accident. Based upon the photographs of the cars, there appeared to be no damage at all, giving credence to Defendant's testimony this was a very low speed impact. It is fairly common knowledge that rear bumpers are designed to absorb only a five mile per hour impact without suffering damage.

5. Although the police appeared at the scene, no police report was prepared. Apparently, this was at the request of both parties.

6. Connecticut General Statutes §14-108a(b) requires a police officer to make an accident report if any person is

injured in an automobile accident. This suggests there was no injury reported to the police officer.

7. This inference contradicts Plaintiff's testimony she reported back pain at the scene of the accident. Plaintiff did not request medical treatment at the scene of the accident, by her own admission.

8. Plaintiff visited the John Dempsey Hospital Emergency Room later in the day, incurring charges of \$96.78. No x-rays were taken. The Emergency Room suggested she follow up with her family physician as needed.

9. Plaintiff visited her family physician on May 4, 1999 and incurred costs of \$55.00.

10. Plaintiff was treated by Greater Hartford Physical Therapy from April 30, 1999 through July 9, 1999 at a cost of \$4,262.92. The court was provided with notes for twenty six (26) visits. In light of the severity of the impact and

the fact physical therapy was begun before being prescribed by a physician,¹ this seems excessive.

11. Dr. Kruger admits in his report of January 23, 2001 that there is nothing further that can be done to improve Plaintiff's condition. Dr. Kruger awarded Plaintiff a five percent (5%) permanent partial disability to the lumbosacral spine. This fact was not contested by Defendant.

12. Although Plaintiff missed approximately 60.5 hours from work due to attending medical appointments, she was able to make up the amount of time she took off. Therefore, she lost no sick time, vacation time, personal time nor did she lose any money.

13. Based upon all of the forgoing, I find Plaintiff suffered total damages of \$13,000.00. This figure is

¹ Dr. Kruger prescribed physical therapy for two to three times a week for six weeks on May 5, 1999. However, Dr. Kruger's indicate Plaintiff reported she had not yet been to

reduced by the collateral sources of \$3,200. This figure must be increased by the \$1,300 in insurance premiums Plaintiff paid in 1999. This means Plaintiff's total damages are \$11,100.00, plus costs to be taxed.

Judgment shall enter in favor of Plaintiff Antonia Fagbemi against Defendant Susan Sassano for \$11,100.00, plus costs to be taxed.

Dated at Meriden, Connecticut on this 24th day of January, 2002.

Houston Putnam Lowry
Arbitrator

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was mailed on this 24th day of January, 2002 to:

David M. Poirot, Esq.
Law Offices of Steven F. Meo
21 Oak Street - Suite 303
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physical therapy (although she got her first treatment on April 30, 1999).

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Houston Putnam Lowry