

DOCKET NO. CV-03-0522899-S : SUPERIOR COURT
THEERSIA S. SMOLICZ F/K/A : JD OF NEW BRITAIN
THERESIA NADEAU
VS. : AT NEW BRITAIN
TERESITA TORRES-ARROYO : FEBRUARY 5, 2005

ARBITRAL AWARD

After hearing the parties on Friday, February 4, 2005,
I find the following facts:

1. Since this action was brought, Plaintiff Theresia Nadeau was divorced and restored to her maiden name of Theresia S. Smolicz.

2. On or about August 21, 2001, Plaintiff Theresia S. Smolicz was standing in a parking lot at 60 East Main Street, New Britain, Connecticut waiting for her taxi to arrive.

3. While the details of the accident are not very clear to me based upon the testimony, some things are beyond dispute.

4. Defendant Teresita Torres-Arroyo ran over Plaintiff Theresa S. Smolicz's left foot with Defendant Teresita Torres-Arroyo's 1992 Dodge Caravan while backing up.

5. In the excitement immediately after the accident, Defendant Teresita Torres-Arroyo apparently ran over Plaintiff Theresa S. Smolicz's foot again.

6. Defendant Teresita Torres-Arroyo's actions were not deliberate.

7. While Plaintiff Theresa S. Smolicz complained about her left foot when she went to the emergency room on August 21, 2001, she did not complaint about her right foot until testifying at trial.

8. No bones were broken in Plaintiff Theresa S. Smolicz's foot, although she suffered a severe bruise.

9. Plaintiff Theresa S. Smolicz incurred the following costs as a result of this accident:

Item	Amount
New Britain General Hospital	\$992.53
New Britain EMS	363.00
New Britain Radiological Associates	92.00
Frank J. Gerratana MD	290.00
William Waskowitz MD	175.00
Total	\$1,912.53

10. Plaintiff Theresia S. Smolicz suffered lost wages for three weeks of work at \$177.48, for a total of \$532.44.

11. Plaintiff Theresia S. Smolicz has difficulty walking and sitting to the present day, apparently due to her injury. However, there is no permanency rating by a medical professional.

12. It was apparent to me that Plaintiff Theresia S. Smolicz has obvious discomfort.

13. Plaintiff Theresia S. Smolicz does not drive, so she walks wherever she goes (although she sometimes takes a taxi).

14. There is no collateral source for payment of Plaintiff Theresa S. Smolicz's injuries.

15. Based upon the foregoing, I find Plaintiff Theresa S. Smolicz has suffered damages of \$15,000, including the damages for lost wages.

Judgment shall enter in favor of Plaintiff Theresa S. Smolicz and against Defendant Teresita Torres-Arroyo for \$15,000 plus costs to be taxed.

Dated at Meriden, Connecticut on this 5th day of February, 2005.

Houston Putnam Lowry
Arbitrator

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was mailed on this 5th day of February, 2005 to:

Robert F. Webber, Esq.
Webber & Carrier
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