

DOCKET NO. CV-02-0820703-S : SUPERIOR COURT  
FRANCIS J. PICCHIONI, ET UX : JD OF HARTFORD  
VS. : AT HARTFORD  
SHARON RIZIKOW : SEPTEMBER 23, 2004

ARBITRAL AWARD

After hearing the parties on Friday, September 10, 2004, I find the following facts:

1. Plaintiff Francis J. Picchioni was married at all relevant times to Plaintiff Charles Picchioni.
2. Defendant Sharon Rizikow owned 1 Chatsworth Place, Farmington at all relevant times.
3. 1 Chatsworth Place, Farmington was Defendant Sharon Rizikow's home at all relevant times.
4. Defendant Sharon Rizikow was running "trunk shows" from her home. These are private showings of clothes to prospective customers.

5. Defendant Sharon Rizikow hired Plaintiff Francis J. Picchioni to help with sales.

6. Plaintiff Francis J. Picchioni was paid 50% of the commission Defendant Sharon Rizikow received from her manufacturer for orders Plaintiff Francis J. Picchioni obtained from her customers and personally serviced.

7. This amounts to a commission of 12½% of the clothing list price (meaning there was a 25% commission, in total, on the list price).

8. If Plaintiff Francis J. Picchioni brought in a referral but did not wait on the customer, Plaintiff Francis J. Picchioni got a commission of 10% of the clothing list price.

9. Defendant Sharon Rizikow does about 4 shows a year and each show lasts 7-10 days.

10. Defendant Sharon Rizikow had Plaintiff Francis J. Picchioni come to her house on November 2, 2000 (which was the first day of a new show).

11. Plaintiff Francis J. Picchioni let herself into Defendant Sharon Rizikow's house with a key that was left for her.

12. Plaintiff Francis J. Picchioni tripped on a white board between Defendant Sharon Rizikow's kitchen and the office.

13. Plaintiff Francis J. Picchioni caught herself and did not fall.

14. Plaintiff Francis J. Picchioni was not wearing her bifocals.

15. Defendant Sharon Rizikow kept the board (about 6 to 7 inches high when standing on its side) on the floor to keep her dog out of her office (which was where the showings took place).

16. The dog was so short a barrier 6 to 7 inches off the floor was effective to keep the dog out of the office.

17. Plaintiff Francis J. Picchioni complained to Defendant Sharon Rizikow about the board.

18. Defendant Sharon Rizikow said she only left the board up when no one was home.

19. Plaintiff Francis J. Picchioni arrived November 3, 2000 to continue her work on the trunk sale.

20. This time Plaintiff Francis J. Picchioni was let into the home by Defendant Sharon Rizikow's 14 year old daughter (who was home sick with a cold).

21. Plaintiff Francis J. Picchioni continued through the kitchen to the office and tripped on the board once again.

22. Under these conditions, Plaintiff Francis J. Picchioni was a business invitee properly on the premises.

23. A landowner must keep the premises in a reasonably safe condition for business invitees.

24. Leaving a board in this position was not reasonably safe.

25. In this case, Defendant Sharon Rizikow knew about the hazardous condition because she knew Plaintiff Francis J. Picchioni tripped on the same board the day before.

26. Contra wise, Plaintiff Francis J. Picchioni knew about the hazardous condition because she tripped on it the day before.

27. Given the circumstances of this case, Plaintiff Francis J. Picchioni has one third fault and Defendant Sharon Rizikow has two thirds fault.

28. As a result of the fall, Plaintiff Francis J. Picchioni incurred the following medical expenses (all of which were reimbursed by insurance):

<b>Description</b>	<b>Amount</b>
Dr. Joel Miller	\$895.00
Hartford Hospital	\$980.56

Dr. Steven Seiden	\$369.00
MRI of New Britain	\$860.00
Eastern Rehabilitation	\$1,509.02
Dr. Peter Donshik	\$120.00
Brite eyes (eyeglasses)	\$289.00
CVS	\$64.11
Total	\$5,086.69

29. Plaintiff Francis J. Picchioni had pre-existing conditions so it is hard to tell if her rotator cuff tear was caused by this accident.

30. While Plaintiff Francis J. Picchioni was given a permanent partial disability rating by Dr. Miller, I cannot accept this rating because it did not follow established AMA guidelines.

31. Given the totality of the circumstances, I find Plaintiff Francis J. Picchioni has suffered harm amounting to \$20,000.

32. Due to the apportionment of fault, Plaintiff Francis J. Picchioni may only recover \$13,333.33.

33. Plaintiff Francis J. Picchioni suffered no actual loss of income from the trunk show in question. She had no reasonable expectancy of future income due to the "at will" nature of the relationship between the parties.

34. The issue of theft was trade secrets was not pled and was not adequately proven. Therefore, there will be no recovery on this point.

35. Plaintiff Charles Picchioni shall recover \$1,000.00 from Defendant Sharon Rizikow for loss of consortium.

36. All other claims not expressly ruled upon are denied.

Judgment shall enter in favor of Plaintiff Francis J. Picchioni and against Defendant Sharon Rizikow for \$13,333.33 plus costs to be taxed.

Judgment shall enter in favor of Plaintiff Charles Picchioni and against Defendant Sharon Rizikow for \$1,000.00 plus costs to be taxed.

Dated at Meriden, Connecticut on this 23<sup>rd</sup> day of September, 2004.

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Houston Putnam Lowry  
Arbitrator

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was mailed on this 23<sup>rd</sup> day of September, 2004 to:

Maria Tougas, Esq.  
Scott & Scott, LLC  
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Houston Putnam Lowry