

DOCKET NO. CV-01-0806069-S : SUPERIOR COURT
FRANK J. PUZZO : JD OF HARTFORD
VS. : AT HARTFORD
FRANK FAILLA : APRIL 24, 2002

ARBITRAL AWARD

After hearing the parties on April 12, 2002, I find the following facts:

1. On or about October 27, 1999 at approximately 10:15 a.m., Plaintiff Frank J. Puzzo was driving his mother's 1994 Jeep west on Bushnell Street, Hartford when he was struck by a 1988 Chevrolet Caprice, owned and driven by Defendant Frank Failla. The police report incorrectly identifies the year as 1998.

2. Defendant Frank Failla pulled left from the side of the street, where he was parked (or standing), into Plaintiff Frank J. Puzzo's path.

3. According to Defendant Frank Failla, he was preparing to turn left into the driveway of a property he owned (but did not live at).

4. The parties dispute whether or not Defendant Frank Failla had his left turn signal on at the time of the accident.

5. It is highly dangerous to make a left hand turn when a motor vehicle is essentially parked at the far right hand side of the road, especially since Defendant Frank Failla did not check his rear view mirror immediately prior to the impact.

6. Although there is no testimony about the dollar value of damage to the cars, photographs suggest the damage was fairly small.

7. According to the report from Daniel S. Hersh, DC, Plaintiff Frank J. Puzzo suffers a permanent partial disability of 5% to the Lumbosacral spine and 3% to the

Cervicothoracic spine. Plaintiff Frank J. Puzzo had a pre-existing permanent partial disability of 3% to his Lumbar spine.

8. There is no controverting independent medical exam.

9. As a result of the accident, Plaintiff Frank J. Puzzo incurred charges of \$97.85 at Hartford Hospital.

10. As a result of the accident, Plaintiff Frank J. Puzzo incurred charges of \$395.00 at Connecticut Radiology P.C.

11. Plaintiff Frank J. Puzzo further incurred charges of \$1,231.00 at Chiropractic Accident and Injury (sometimes called Accident and Injury Center or Advanced Medical of New England PC).

12. Plaintiff Frank J. Puzzo further incurred charges of \$2,907.00 at ChiroCare Accident and Injury Center, LLC.

13. According to the information provided, Plaintiff Frank J. Puzzo had a total of 47 chiropractic treatments, costing a total of \$4,138.00.

14. Plaintiff Frank J. Puzzo had no health insurance at the time of the accident.

15. In light of the testimony, Plaintiff Frank J. Puzzo has suffered injuries amounting to \$12,000.00.

Judgment shall enter in favor of Plaintiff and against Defendant for \$12,000.00, plus costs to be taxed.

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

Houston Putnam Lowry
Arbitrator

CERTIFICATE OF SERVICE

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

John Pirina, Esq.
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