



... And Justice For All

A LEGAL NEWSLETTER FROM THE LAW OFFICES OF

Moore, O'Brien, Yelenak & Foti

SUMMER 2015

\$329,000 VERDICT OBTAINED BY PARTNER GREG O'BRIEN IN COMPLICATED HIT AND RUN CASE

Our client, A.H., was a single mother who came to America as a young woman seeking a better life for her and her only child, a teenage boy. She worked very hard virtually every day – even on weekends – to support herself and her son as a housekeeper and house cleaner for several families in Fairfield County. In January 2011, as A.H. was driving along one of the main streets in Norwalk, an unidentified driver came speeding out of a parking lot driveway and collided with A.H., causing her vehicle to spin wildly out of control. The perpetrator in the unidentified vehicle never stopped and fled the scene. When the police investigated, they found a license plate in the roadway near the site of the collision. The police thought that it might possibly belong to the vehicle that struck our client. However, when the police tracked the license plate to its owner, G.T., he adamantly denied being involved in any collision with our client. Also, an examination of G.T.'s vehicle, which was fairly old, did not reveal any new damage. As for how G.T.'s license plate ended up near the accident site, G.T. explained that he worked in the area. He believed that the license plate must have simply fallen off his vehicle and into the street shortly before the collision. To further muddy the waters, because the collision had happened so quickly, our client was unable to identify the vehicle that struck her with any certainty. All of this confusion about who struck our client created a serious dilemma for partner Greg O'Brien, who represented A.H. If G.T. was in fact the driver of the vehicle that struck A.H., then a claim needed to be asserted against G.T. and his insurance company. However, if G.T. was not driving the hit and run vehicle as he claimed, then our client's only recourse would be to sue her own insurance company for "uninsured motorist" benefits. Since attorney O'Brien wasn't sure which scenario a jury would ultimately believe, he was forced to sue both G.T. and our client's own insurance company. Meanwhile, after suffering weeks of serious neck pain following the collision, A.H. eventually underwent a cervical MRI ordered by her doctors which, unfortunately, revealed that she had suffered a herniated disc in the accident. This injury clearly threatened her ability to work and support her family. The only recourse available to A.H. to relieve her pain and allow her to continue to work was surgery, but she could not afford it. She would have gladly agreed to settle her case if it would have given her enough money to pay for the surgery, but neither G.T.'s insurance company nor A.H.'s own insurance company would offer any money to settle. In the end, that is what forced the case to a trial. Partner Greg O'Brien tried the case against the two insurance company lawyers. After three days of jury selection and two days of evidence, the jury found that G.T. was not the hit and run driver who struck and injured our client. This finding meant that our client was struck by an unidentified hit and run driver, which therefore triggered the uninsured motorist coverage in our client's own insurance policy, making her own insurance company liable to pay whatever damages the jury decided to award. As it turned out, the jury awarded A.H. \$329,000 – which was even more than attorney O'Brien had asked for in his closing argument! Attorney O'Brien said that it was one of the most satisfying wins of his career since it helped a person truly in need and allowed her to pay for the surgery she desperately needed to get on with her life and provide for her family.



CASEFRONT

Moore, O'Brien, Jacques & Yelenak has recently resolved by settlement or verdict the following cases which may be of interest to our clients. Of course, the results here should not be applied to other cases.

MOTOR VEHICLE ACCIDENT ON NEW YEAR'S EVE

Our client was a former high school track star when she was injured as a passenger in a vehicle that rolled over after hitting a tree stump. The night of the accident the group our client was with left a bar and headed to a friend's house in East Hampton. In the vehicle, the driver took her eyes off the road to change the radio. She drifted off the road to the right and hit a tree stump and the car flipped over. The driver was charged by the police with driving while intoxicated. Tests revealed her blood alcohol content to be nearly twice the legal limit. She pled no contest and was sentenced to six months in jail, suspended after thirty days, and two years of probation. She also had to pay a \$583 fine. The driver came out of the collision without injury. Her passenger, our client, suffered serious injuries. Our client was diagnosed with fractures to two vertebrae in her back at T12-L1, the last vertebrae in her mid-back area and L1-L2, which are the first vertebrae in the low back. Her injuries required surgery with screws, rods and other hardware placed in her back. Ultimately, her doctors determined she suffered a permanent injury to her mid back and low back. Her medical bills totaled over \$100,000.

Eventually, the hardware in her back was causing so much pain it had to be removed. Her back pain continues to impact her life. It hurts her to hug people or to sit. She has nightmares about the collision and she can no longer run. Our client was training for a marathon at the time this collision occurred. She had been a runner her whole life including during her time on the track team and soccer team in high school. She once ran a mile in five minutes and ten seconds. She even ran track

and played soccer in college.

In June 2012, Moore, O'Brien, Yelenak & Foti filed a lawsuit on behalf of our client against the driver of the vehicle. The defense attempted to keep their offers low arguing that our client made an excellent recovery. Attorneys Garrett Moore, Sr. and Garrett Moore, Jr. represented our client at mediation. At mediation, our client accepted a settlement of one million dollars.

HEAD ON COLLISION ON A COLD SNOWY DAY

In November, 2012, our client was heading home after the school she was working at as an art teacher announced a half day due to snow. As our client was driving home, a vehicle traveling in the opposite direction sped over a hill, crossed the double yellow line and crashed head on into her van. The impact between the vehicles was significant. At the scene of the accident our client was in pain but she did not realize how badly she was hurt until she arrived at the hospital. She suffered a fractured sternum, femur fracture requiring surgery, a shattered right knee requiring surgery, a fractured left knee, a left fibula fracture as well as scarring and disfigurement. Despite all of her injuries, our client made a good recovery. However, she cannot run or participate in activities that she loves the way she used to. For instance, she was an avid tennis player. She attempts to continue her tennis activities but they are forever changed by the injuries she suffered in this accident. Moore, O'Brien, Yelenak & Foti brought a lawsuit against the driver of the vehicle that hit our client. Attorney Erica L. Pilicy-Ryan represented our client at mediation where the defense gave a low ball offer. Erica Pilicy-Ryan and our client walked out of that mediation and continued to prepare the case for trial. Attorney Pilicy-Ryan agreed to a second mediation where more serious numbers were discussed and our client reached a settlement of \$600,000.

DRIVER IGNORES STOP SIGN

In April of 2009, our client was operating a vehicle approaching an intersection in Wallingford. At the same time, another vehicle also approaching the same

intersection failed to obey the stop sign governing the intersection. The vehicle went through the stop sign and collided with our client's vehicle. As a result, our client suffered a head injury, headaches, a neck injury, a hip injury and multiple bruises. Moore, O'Brien, Yelenak & Foti brought a lawsuit against the driver of the vehicle that collided with him. Our client settled with the other driver for \$250,000 which was the limit of the other driver's policy. Next, we brought an underinsured motorist claim against our client's own insurance because the limits of the driver's policy was not enough to compensate our client. Attorney Pamela Levin Cameron represented our client at mediation and obtained a settlement of an additional \$175,000 to further compensate our client for his injuries.

SLIP AND FALL ON WATER, SLIME AND SLUDGE

In June of 2010 our client, a young girl, was walking towards her vehicle from the main entrance of a condominium building. As she approached the concrete sidewalk median between the upper and lower parking levels, she was caused to slip violently forward. Her left ankle struck the asphalt curbing, causing her body to fall to the ground. Her foot slipped due to an accumulation of water, slime and sludge, caused by chronically poor drainage in front of the condominium complex. She suffered injuries including an ankle fracture requiring surgical intervention. The defendants knew about the dangerous sludge condition for quite some time and allowed it to continue. Google earth photographs obtained by Attorney Joseph Rossetti depicted the run-off condition. The case was referred to our firm after the defendants, the condominium association and property management company, failed to answer and appear in the lawsuit. It appeared as if the responsible parties had no insurance coverage, leaving our client without any compensation. However, Attorney Joseph R. Rossetti researched cases against the same defendants that had been filed in the past. He contacted their attorneys and made contact with the responsible party. Through his efforts, it was determined that the defendants did have insurance coverage and the matter was finally handed over to their insurance company. Attorney Joseph R. Rossetti represented our client at mediation

where a \$155,000 settlement was achieved.

LEFT TURN COLLISION

In April of 2012 our client was operating a vehicle in Danbury. Our client had the right of way when a vehicle turned left in front of him. There was a large impact causing our client's airbag to deploy. As a result of the impact, our client suffered a broken wrist requiring surgery and right arm pain. As a result of our client's injuries, he had a difficult time performing his job. Our client worked as a roofer and it was painful for him to operate a nail gun, use a trowel, lift heavy supplies and materials, and pull supplies and materials via the pulley system to the top of the roof. Our client's injury also impacted his daily personal activities. He was no longer able to lift his daughter, carry heavy grocery items, and do household chores. Attorney Chrysten Dufour of Moore, O'Brien, Yelenak & Foti represented our client at arbitration. Through her efforts, our client was awarded \$185,000.

WRONG DIRECTION HEAD ON COLLISION

In June of 2012, our client was driving to work on Route 15 when he was hit head on by another driver who was traveling in the wrong direction. As a result, our client suffered multiple injuries, but the most serious was torn ligaments in his knee that required surgery. He is a police officer, and as a result of the knee injury, he had to miss a year of work. Moore, O'Brien, Yelenak & Foti brought a lawsuit against the driver of the vehicle that collided with him. Our client settled with that driver for \$100,000 which was the limit of the other driver's policy. Next, we brought an underinsured motorist claim against our client's own insurance because the limits of the driver's policy were insufficient to compensate our client. The insurance company refused to make any reasonable offers to settle, so Attorney Pamela Levin Cameron prepared the case for trial. However, at the start of jury selection the insurance company substantially increased its offer and Attorney Cameron was able to obtain a settlement from our client's insurance company for an additional \$350,000 making the total award \$450,000.

ABOUT US

Garrett M. Moore, Sr. Inducted into the International Academy of Trial Lawyers

Attorney Garrett M. Moore, Sr. was recently inducted into the International Academy of Trial Lawyers at their Annual Meeting held in March of 2015. The International Academy of Trial Lawyers limits membership to 400 Attorneys from the entire United States. The Academy seeks out, identifies, acknowledges and honors those who have achieved a career of excellence through demonstrated skill and ability in jury trials, trials before the court and appellate practice.

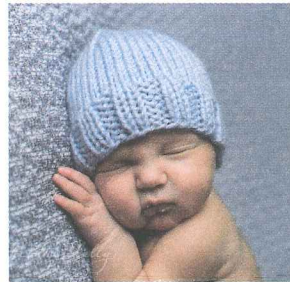
MOVING TO MIDDLEBURY!!!

After almost 25 years in Cheshire, we decided to own our own building rather than rent. We con-

structed a ten thousand square foot building for the firm. The new building is located at 891 Straits Turnpike in Middlebury, Connecticut 06762. Our phone numbers will remain the same. We look forward to moving to our new location in September 2015.

Baby News

Moore, O'Brien, Yelenak & Foti attorney Garrett Moore, Jr. and his wife Emily Moore celebrated the birth of their daughter Riley Mae Moore on January 14, 2015. Garrett Moore, Jr. has four children and Riley is the first girl.



Moore, O'Brien, Yelenak & Foti attorney, Erica Pilicy-Ryan and her husband Chas Ryan welcomed a baby boy, Xavier Francis Ryan. Xavier is a Christmas baby. He was born on December 25, 2014.

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