

RETURN DATE: JANUARY 27, 2015

JONATHAN SHAPIRO

: SUPERIOR COURT

PLAINTIFF

V.

: JUDICIAL DISTRICT OF NEW

: HAVEN AT NEW HAVEN

FRANK DELBOUNO, JR.
and CITY OF BRIDGEPORT

: DECEMBER 23, 2014

DEFENDANT

COMPLAINT

FIRST COUNT

1. At all times mentioned herein the defendant, City of Bridgeport, was municipal corporation formed in conformance with the laws and constitution of the State of Connecticut, particularly General Statutes §7-148(c)(4)(A), with powers and duties including, but not limited to, the creation and maintenance of a police department to protect the health and safety of the residents of the City of Bridgeport, and all persons utilizing the public roadways in the City of Bridgeport.

2. At all relevant times, through the City of Bridgeport Police

Department, the City of Bridgeport employed, supervised and/or directed the conduct of the defendant, Frank Delbouno, Jr.

3. At all relevant times, defendant Delbouno was a duly appointed and acting police officer employed by the City of Bridgeport.

4. At all times mentioned herein, defendant Delbouno was acting as an employee of the City of Bridgeport Police Department, as the agent servant and employee of the City of Bridgeport, within the scope of said agency.

5. At all times mentioned herein, defendant City of Bridgeport owned the police cruiser operated by defendant Delbouno, who was acting within the scope of his employment, as an agent and servant of the City of Bridgeport.

6. At all times mentioned herein, the plaintiff, Jonathan Shapiro, was a resident of Shelton, Connecticut.

7. On Friday, February 15, 2013, at approximately 1:30 p.m., defendant Delbouno was driving a Bridgeport police cruiser in an easterly direction on Prospect Street near its intersection with Myrtle Avenue in Bridgeport, Connecticut.

8. Myrtle Avenue in the City of Bridgeport is a public highway and generally runs in a southerly/northerly direction.

9. Prospect Street in the City of Bridgeport is a public highway and generally runs in an easterly/westerly direction.

10. At the time of the incident described below, or at least immediately prior thereto, defendant Delbouno was operating the motor vehicle without police warning lights and/or siren, and as such was required to obey the motor vehicle laws of the State of Connecticut.

11. On Friday, February 15, 2013, at approximately 1:30 p.m., the plaintiff, Jonathan Shapiro, was operating a 2001 Lexus, license plate number CT 332-YJR, in a southerly direction on Myrtle Avenue at its intersection with Prospect Street in Bridgeport, Connecticut.

12. At said time and place, Jonathan Shapiro was proceeding properly through the green traffic control signal at the intersection with Prospect Street, to continue southbound on Myrtle Avenue in Bridgeport, Connecticut.

13. At said time and place, the vehicular traffic traveling east and west

on Prospect Street, including the police cruiser operated by defendant Delbouno, had a red traffic control signal.

14. On February 15, 2013, at approximately 1:30 p.m., Officer Delbouno drove his police cruiser at a high rate of speed through the red traffic signal at the intersection of Myrtle Avenue and Prospect Street, and suddenly and with great force struck the right rear quarter panel of Jonathan Shapiro's motor vehicle.

15. The collision occurred with such force that Jonathan Shapiro's vehicle suddenly and without warning spun approximately 180 degrees on Myrtle Avenue.

16. The collision and ensuing injuries and damages incurred by the plaintiff, Jonathan Shapiro, were caused by the negligence of defendant Delbouno, including but not limited to in one or more of the following ways:

(a) In that defendant Delbouno failed to keep a reasonable and proper lookout and/or exercise a reasonable degree of watchfulness to avoid dangers to others;

(b) In that defendant Delbouno drove his police cruiser at an unreasonable rate of speed, given the road, weather and traffic conditions existing at the time of the collision;

(c) In that defendant Delbouno failed to slow his police cruiser when approaching a red light at an intersection;

(d) In that defendant Delbouno failed to ensure the safe operation of his police cruiser when proceeding through a red traffic control signal light in violation of General Statutes §14-283(b)(2);

(e) In that defendant Delbouno proceeded through a red traffic control signal without making use of an audible warning signal device and visible flashing or revolving lights as required by General Statutes §14-283(c);

(f) In that defendant Delbouno failed to drive his police cruiser with due regard for the safety of all persons and property as required by General Statutes §14-283(d);

(g) In that defendant Delbouno failed to apply the brakes of his police cruiser with reasonable care so as to avoid striking the plaintiff's motor vehicle;

(h) In that defendant Delbouno failed to turn the vehicle to the left or right to avoid hitting the plaintiff's motor vehicle; and

(i) In that defendant Delbouno operated his police cruiser at a high rate of speed through a steady red traffic control signal in violation of Conn. Gen. Statute 14-299(b)(2);

(j) In that defendant Delbouno defendant failed to sound his horn in time or take any other reasonable precaution to apprise reasonably the plaintiff of his oncoming approach;

(k) In that defendant Delbouno operated the vehicle at an unreasonable rate of speed in violation of General Statutes § 14-218a;

(l) In that defendant Delbouno failed to operate the vehicle in a reasonable manner, with regard to width, traffic and use of the highway, and other prevailing conditions at said time and place in violation of General Statutes § 14-222;

(m) In that defendant Delbouno failed to keep his police cruiser under proper and reasonable control;

(n) In that defendant Delbouno entered the intersection when it was not reasonably safe for him to do so;

(o) In that defendant Delbouno operated said vehicle with the braking system that was not maintained in good working order, in violation of General Statutes § 14-80h; and/or

(p) In that, on information and belief, defendant Delbouno operated said vehicle in violation of the defendant City of Bridgeport's Police Department policies and/or procedures.

18. As a result of said collision and said negligence of defendant Delbouno, Jonathan Shapiro suffered serious, painful and permanent injuries, including, but not limited to, the following:

- (a) Neck, back and upper right extremity injuries;
- (b) Cervical injuries including sprain, disc herniation, degeneration, radiculitis, narrowing, disc disorder, cervicalgia;
- (c) Bi-lateral periscapular injury, pain and radiation; interscapular injury, pain and radiation; and right triceps injury, pain and radiation;

- (d) Right upper extremity pain and weakness, cubital tunnel syndrome;
 - (e) Thoracic spine injuries including sprain/strain, spasm and stiffness;
 - (f) Lumbar spine injuries including sprain/strain;
 - (g) Aggravation of pre-existing, asymptomatic conditions in his spine;
- and
- (h) Recurrent headaches.

19. As a further result of said collision and said negligence of defendant Delbouno, Jonathan Shapiro has suffered a severe shock to his nervous system, and has experienced severe pain and suffering, great mental anxiety and mental distress.

20. As a further result of said injuries and said negligence of defendant Delbouno, Jonathan Shapiro has been forced to spend sums of money for medical care and treatment and will be obliged to pay further sums in the future.

21. As a further result of said injuries and said negligence of defendant Delbouno, Jonathan Shapiro has been unable to fully enjoy and participate in daily activities and recreational activities. In addition, Jonathan Shapiro has to limit his lifestyle and activities in the future as a result of said injuries.

22. As a further result of said collision and said negligence of defendant Delbuono, Jonathan Shapiro may expect to suffer a loss of earnings and/or a loss of earning capacity.

23. As a further result of said collision and said negligence of defendant Delbouno, Jonathan Shapiro's vehicle sustained severe damage that could not be repaired, rendering the vehicle totaled and depriving Jonathan Shapiro of the use and value thereof. Jonathon Shapiro was also without the use and enjoyment of his vehicle and was forced to incur out of pocket expenses related to the same.

SECOND COUNT

1-23. Paragraphs one through twenty-three of the First Count are incorporated by reference as paragraphs one through twenty-three of the

Second Count, the same as if fully pleaded herein.

24. The City of Bridgeport, pursuant to General Statute §7-465, is liable or is required to indemnify its agents, apparent agents, servants and/or employees, including Frank Delbouno, Jr., for all damages suffered by the plaintiff.

25. Notice of the incident was duly given to defendant City of Bridgeport on April 12, 2013, a copy of which notice is attached hereto and referred to as Exhibit A.

THIRD COUNT

1-23. Paragraphs one through twenty-three of the First Count are hereby incorporated by reference as paragraphs one through twenty-three of the Third Count, the same as if fully pleaded herein.

24. The City of Bridgeport, pursuant to General Statute §7-101a, is liable or is required to indemnify its agents, apparent agents, servants and/or employees, including Frank Delbouno, Jr., for all damages suffered by the plaintiff.

25. Notice of the incident was duly given to defendant City of Bridgeport on April 12, 2013, a copy of which notice is attached hereto and referred to as Exhibit A.

FOURTH COUNT

1-23. Paragraphs one through twenty-three of the First Count are hereby incorporated by reference as paragraphs one through twenty-three of the Fourth Count, the same as if fully pleaded herein.

24. Defendant City of Bridgeport is liable for the negligent conduct of its agent, servant and/or employee, defendant Frank Delbouno, Jr., pursuant to General Statutes §52-557n.

25. Notice of the incident was duly given to defendant City of Bridgeport on April 12, 2013, a copy of which notice is attached hereto and referred to as Exhibit A.

FIFTH COUNT

1-17. Paragraphs one through seventeen of the First Count are hereby incorporated by reference as paragraphs one through seventeen of the Fifth

Count, the same as if fully pleaded herein.

18. Defendant Delbouno consciously disregarded the known risk of, inter alia, proceeding through a red light and into an intersection without the use of his lights and/or siren as he approached and/or entered the intersection.

19. Defendant Delbouno deliberately or with reckless disregard operated said motor vehicle as set forth above and/or in violation of General Statutes §§ 14-218a and 14-222. Said violations were a substantial factor in causing plaintiff's injuries. Jonathan Shapiro is therefore entitled to double or treble damages under Connecticut law and/or pursuant to General Statutes §14-295.

20. As a result of defendant Delbouno's operation of said motor vehicle deliberately or with reckless disregard, Jonathan Shapiro was caused to sustain the injuries and losses described in Paragraphs 18, 19, 20, 21, 22 and 23 of the First Count.

SIXTH COUNT

1-26. Paragraphs one through twenty-three of the First Count and paragraphs eighteen through twenty of the Fifth Count, respectively, are hereby incorporated by reference as paragraphs one through twenty-six of the Sixth Count, the same as if fully pleaded herein.

27. Defendant City of Bridgeport, as the owner of the vehicle driven by the defendant Delbouno, is liable for all of Jonathan Shapiro's injuries and damages caused by the operation of the vehicle pursuant to General Statutes §52-183.

WHEREFORE, the plaintiff claims:

1. Money damages against the defendants;
2. Double or treble damages;
3. Such other and further relief as may be appropriate; and
4. Demand for jury trial.

THE PLAINTIFF

BY



Kevin C. Shea
CLENDENEN & SHEA, LLC
400 Orange St.
New Haven, CT 06511
203/787-1183

RETURN DATE: JANUARY 27, 2015

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STATEMENT OF AMOUNT IN DEMAND

Therefore, the plaintiff claims damages. The plaintiff states that the amount in demand exclusive of interest and costs is not less than Fifteen Thousand Dollars.

THE PLAINTIFF

BY 

Kevin C. Shea
CLENDENEN & SHEA, LLC
400 Orange St.
New Haven, CT 06511
203/787-1183

EXHIBIT A

CLENDENEN & SHEA, LLC

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April 12, 2013
CERTIFIED MAIL
RETURN RECEIPT REQUESTED

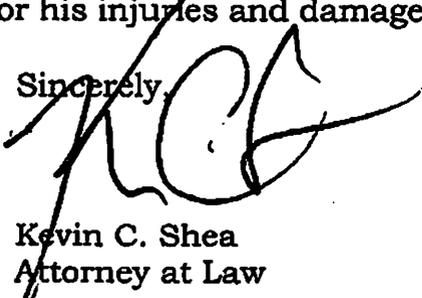
The City Clerk's Office
45 Lyon Terrace
Room 204
Bridgeport, CT 06604

Re: **NOTICE OF INJURY DUE TO MOTOR VEHICLE ACCIDENT**
Claimant: Jonathan Shapiro
Site of Accident: Intersection of Myrtle Ave. & Prospect St.
Date of Accident: February 15, 2013

Dear Sir or Madam:

This office represents Jonathan Shapiro who resides at 229 Long Hill Avenue, Shelton, CT. On February 15, 2013 at approximately 1:30 p.m. Mr. Shapiro was involved in a motor vehicle accident at the intersection of Myrtle Ave. and Prospect St., Bridgeport, CT. The driver of the motor vehicle which struck Mr. Shapiro was a police officer with the Bridgeport Police Department, Frank Welbuono, Jr. As a result of this accident, Mr. Shapiro was taken to Bridgeport Hospital for the injuries he sustained and continues to treat for his injuries and damages. Mr. Shapiro intends to commence an action against the City of Bridgeport to recover for his injuries and damages.

Sincerely,



Kevin C. Shea
Attorney at Law

KCS/jm
cc Corporate Counsel City of Bridgeport