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Attorney asks judge to reduce damage award

By Kimberley Thomsen

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WATERBURY — A defense lawyer has asked a judge to reduce the \$3.1 million verdict a jury awarded a Naugatuck man last month for injuries suffered in a 1996 accident in which his vehicle was hit by a tractor-trailer.

Lloyd D. Pedersen, the lawyer defending the Rhode Island truck driver and the Massachusetts-based trucking company that employed him, has also asked a judge to allow him to ask jurors how they calculated the damages in the verdict from the personal injury lawsuit.

Pedersen also wants to question one juror — “Juror A” — about any conversations she may have had about the case with her mother, who was in court for much of the trial.

Pedersen, with the Hartford law firm Morrison, Mahoney & Miller, has not returned several phone calls seeking comment in the case.

Michael A. D’Amico, the Waterbury lawyer who

Please turn to 8B, LAWSUIT

LAWSUIT: Lawyer seeks lower award

Continued from 7B

brought the personal-injury lawsuit for John Cummings, 38, of Naugatuck, has said that Pedersen's requests to speak with jurors are "inappropriate" and a threat to the jury system.

"Connecticut ... has a long history of protecting the sanctity of jury deliberations and the finality of jury verdicts.

"To allow a dissatisfied litigant, without a shred of evidence of jury misconduct, to question jurors about their verdict or their conduct during trial would be opening the floodgates for all jurors to be routinely questioned after every trial in hopes that some evidence may be uncovered to impugn their verdict," D'Amico wrote in a 12-page brief opposing Pedersen's request.

Cummings, who helps off-load oil from tankers docking in Bridgeport, was running an errand during his dinner break at 8 p.m. on June 26, 1996, when the accident with the tractor-trailer occurred on Interstate 95.

He suffered permanent injuries to both shoulders, his back, both wrists and his neck, and likely will not be able to continue in his current job, which he has held for about 13 years, D'Amico said.

The trucking company, W.E. Prey Inc., finally admitted fault in the accident the first day of trial, Feb. 27, and jurors deciding the case had to determine only how much to award Cummings in compensatory damages. Jurors deliberated for about two hours on March 8 before awarding Cummings \$3.1 million.

D'Amico, a prominent local attorney and partner in the firm D'Amico, Griffin & Pettinicchi, is arguing that the jury's verdict should stand and is asking the judge to deny Pedersen's request for three reasons:

- It is an invasion of the jurors' privacy;
- It violates public policy as set by the state Appellate Court, which has directed judges, "in the absence of good cause," to protect jurors against "efforts to browse among their thoughts in search of something to invalidate their verdict"; and
- Pedersen could have questioned Juror A during the trial but waived that opportunity and, like D'Amico, instead opted to let the judge handle the situation by issuing a "curative" instruction reminding jurors throughout the trial to not discuss the case, D'Amico has said.