

Jury awards \$1.24 million to crash victim

By Kimberley Thomsen
© 2002 Republican-American

WATERBURY — Jurors awarded \$1.24 million Thursday to a Woodbury man injured in a September 1997 car accident near Groton, his attorney said.

The money represents compensatory damages that Edward Dillon Jr., 34, and his wife, Elizabeth Dillon, sought after the accident, which occurred when a drunken driver rear-ended the truck in which Dillon and his brother were riding, attorney Michael D'Amico said.

The brothers, who worked for their father's Stratford-based florist and landscaping company, were returning from Boston, where they had looked at landscaping equipment, D'Amico said.

The accident occurred as the brothers were southbound on Interstate 95 near Groton. The driver of an older-model Mercedes slammed into the

Please turn to 2B, AWARD

AWARD: Man's injuries in crash force him to change careers

Continued from 1B

back of the truck, owned by the landscaping business, D'Amico said.

Upon impact, the Mercedes burst into flames before crashing into the Jersey barriers lining the fast lane, D'Amico said.

The Mercedes driver survived the accident. Details of his injuries were unavailable.

Dillon's brother did not suffer serious injuries, and, at first, doctors thought Edward Dillon's only injuries were to his back and neck, D'Amico said. But in the weeks and months that followed his discharge from the hospital, Dillon learned his injuries were more severe — and more permanent, D'Amico said.

Doctors diagnosed Dillon with "unstable spondylolisthesis," a condition that occurs when there has been a slippage of one vertebra in the back over another, which is then made unstable by an event such as the accident, D'Amico said.

While the slippage can be congeni-

tal, muscles and ligaments in the back hold the vertebrae in place and keep it stable until something disrupts that balance, D'Amico said.

"The doctors described it as bones being held together by glue. This kind of accident can break the glue if you have this kind of congenital condition," D'Amico said.

Dillon underwent spinal fusions to repair the damage, with metal rods and screws inserted to try to hold the vertebra from slipping any further, D'Amico said. While the procedure helped keep the vertebra in place, it has not alleviated the back pain, D'Amico said.

The driver of the Mercedes carried only a minimum insurance policy of about \$20,000 and had no assets, D'Amico said.

But Edward Dillon Jr.'s father had carried, in addition to the required levels of liability insurance, an "adequate" amount of underinsured motorist insurance on the company truck, he said.

The underinsured motorist insur-

ance is designed to protect motorists when they are involved in accidents caused by others who do not carry enough insurance, he said.

Although the insurance company, Providence Washington Insurance Co., that covered the company truck agreed it should pay Dillon something, it disagreed over the amount, so the case went to trial earlier this month at Waterbury Superior Court, said D'Amico, a partner in the Watertown firm of D'Amico, Griffin & Pettinicchi.

Lawyers with Morrison, Mahoney & Miller, in Hartford, which defended the insurance company against Dillon's underinsured motorist claim, could not be reached for comment Thursday night.

The trial lasted six days, including about one day of deliberations by the jurors. In the end, they decided to award Dillon about \$1.05 million in compensatory damages for his underinsured motorist claim, D'Amico said. The money represents "economic" compensatory damages designed to compensate him for past and future

medical bills and lost wages and "non-economic" compensatory damages designed to compensate him for intangible losses such as pain and difficulties with activities, D'Amico said.

Dillon's wife, Elizabeth, received an additional \$190,000 from jurors, who also considered the loss of consortium claim she filed after her husband's injuries affected their marital relationship, D'Amico said.

The couple have two young children.

Because the insurance company did not settle the case when it first had the opportunity in March 2001, it will have to pay interest on the verdict — about \$150,000, or 12 percent from the first settlement opportunity, D'Amico said.

Dillon, who has been able to return to doing some light landscaping work, does lawn maintenance and pesticide application for his own business, Site Scapes, but likely will have to change careers and has been working toward an architectural landscaping degree at the University of Connecticut, D'Amico said.