

DOCKET NO: FBT-CV15-6048096 : **SUPERIOR COURT**
SPENSER GRADY : **JUDICIAL DISTRICT OF FAIRFIELD**
v. : **AT BRIDGEPORT**
MATTHEW KUHN : **APRIL 26, 2016**

REVISED COMPLAINT

FIRST COUNT: NEGLIGENCE

1. At all times herein mentioned Plaintiff SPENSER GRADY was a resident of the State of Connecticut, residing at 323 Seaver Circle in the City of Bridgeport, County of Fairfield, State of Connecticut.

2. At all times herein mentioned Defendant MATTHEW KUHN was a resident of the State of Connecticut residing at 5 Richill Road in the City of Branford, County of New Haven, State of Connecticut, and was the owner and operator of a 2000 Acura Integra (“motor vehicle”).

3. On or about February 4, 2013, Old Town Road was a public road in the City of Bridgeport, County of Fairfield, State of Connecticut.

4. At the aforesaid date and place, at approximately 6:33 a.m., a motor vehicle being operated by Defendant MATTHEW KUHN, was traveling eastbound on Old Town Road at or near its intersection with Macon Drive, in the City of Bridgeport, County of Fairfield, State of Connecticut.

5. At the aforesaid date and place, at approximately 6:33 a.m., the Plaintiff, SPENSER GRADY, was a pedestrian traveling north, perpendicular to the flow of traffic, across

Old Town Road, at or near the intersection with Macon Drive, in the City of Bridgeport, County of Fairfield, State of Connecticut, to board his school bus.

6. Said school bus was stopped in the westbound lane of Old Town Road with its warning lights flashing.

7. On the aforesaid date, at the aforesaid time and place, the Defendant, MATTHEW KUHN, owed the Plaintiff and others lawfully on the roads a duty to operate his motor vehicle safely and to exercise ordinary care so as to not negligently cause injury to those persons lawfully on the roadway, to include Plaintiff herein, SPENSER GRADY.

8. On the aforesaid date, at the aforesaid time and place, Defendant failed to stop for a school bus in violation of Connecticut General Statutes §14-279.

9. At the aforesaid time and place, the Defendant, MATTHEW KUHN, drove his motor vehicle into and collided with the person of the Plaintiff, SPENSER GRADY.

10. In breach of a duty of care, the Defendant, MATTHEW KUHN, was guilty of one or more of the following negligent acts and/or omissions:

- (a) operated, maintained and controlled his motor vehicle without keeping a sufficient look-out ahead for vehicles and/or pedestrians on the roadway;
- (b) failed to turn or swerve so as to avoid colliding with the Plaintiff;
- (c) failed to keep his motor vehicle under control at all times;
- (e) failed to apply the brakes in time to avoid the collision;
- (f) drove his motor vehicle at too high a rate of speed based on the roadway conditions at the time;
- (g) failed to sound the horn or give timely warning of the impending collision;

- (h) failed to slow or stop his motor vehicle to avoid colliding with the person of the Plaintiff, and

11. As a proximate result of the Defendant's negligence, Plaintiff Spenser Grady did suffer the following injuries, some or all of which may be permanent in nature:

- (a) Comminuted midshaft tibia fracture with open wound site requiring multiple surgeries, the insertion of a steel rod and the insertion of screws;
- (b) Loss of consciousness;
- (c) Cerebral concussion with post-concussive syndrome, inclusive of severe photophobia and phonophobia
- (d) Severe persistent post-concussive/post traumatic throbbing headaches;
- (e) Bibasilar atelectasis;
- (f) Multiple scrapes, bruises, lacerations and hematomas;
- (g) Severe pain.

12. As a direct and proximate result of one or more of the foregoing negligent acts or omissions of the Defendant, MATTHEW KUHN, the Plaintiff, SPENSER GRADY, sustained serious and permanent injuries; was required to seek extensive medical consultation, testing, examination, treatment and therapy; has expended and will in the future, expend great sums of money to be healed and cured of maladies; suffered, and will in the future continue to suffer, great pain, anguish and physical and mental suffering and has suffered loss of future earning capacity.

SECOND COUNT: RECKLESSNESS

1. Paragraphs 1 through 11 of the First Count are herein adopted as paragraphs 1 through 11 of this, the Second Count.

12. Under CGS §14-218a, The Office of the State Traffic Administration may determine speed limits which are reasonable and safe on any state highway, and erected signs indicating such speed limits.

13. The posted speed limit for Old Town Road in Bridgeport Connecticut at which point the collision occurred was 25 miles per hour.

14. CGS §14-218a states that any speed in excess of such limits, other than speeding as provided for in section §14-219, shall be prima facie evidence that such speed is not reasonable.

15. Defendant operated his motor vehicle at a rate of speed at least twice that of the posted speed limit of 25 miles per hour.

16. Defendant accelerated as he approached the school bus, while the school bus lights were flashing and children were crossing the road in his car's path.

17. Defendant had a clear, unobstructed line of sight to the warning lights of the bus, which were plainly visible to the Defendant at all times.

18. In operating his motor vehicle at twice the posted speed limit and continuing to accelerate as he approached the school bus with its lights flashing and with children crossing the road, Defendant demonstrated a conscious disregard of a high risk of causing injury to another person.

19. In operating his motor vehicle at twice the posted speed limit and continuing to

accelerate as he approached the school bus with its lights flashing and with children crossing the road, Defendant engaged in dangerous behavior recognizing substantial risk of harm to others and in doing so endangered the lives of children and adult pedestrians and consciously or recklessly chose engage in such dangerous behavior despite such knowledge.

20. In operating his motor vehicle at twice the posted speed limit and continuing to accelerate as he approached the school bus with its lights flashing and with children crossing the road, Defendant deliberately or with reckless disregard operated said motor vehicle in violation of section Connecticut General Statutes §14-218a and such violation was a substantial factor in causing Plaintiff's injuries.

21. As a direct and proximate result of one or more of the foregoing reckless acts or omissions of the Defendant, MATTHEW KUHN, the Plaintiff, SPENSER GRADY, sustained serious and permanent injuries; was required to seek extensive medical consultation, testing, examination, treatment and therapy; has expended and will in the future, expend great sums of money to be healed and cured of maladies; suffered, and will in the future continue to suffer, great pain, anguish and physical and mental suffering and has suffered loss of future earning capacity.

22. The Defendant did, with reckless disregard, operate said motor vehicle in violation of CGS §14, 218a and §14-222, such violations being a substantial factor in causing the injuries to the Plaintiff, and as such is liable under CGS §14-295.

WHEREFORE, the Plaintiff, SPENSER GRADY, claims:

1. As to the First Count, Money Damages;
2. As to the Second Count, double or treble damages under Connecticut General Statute §14-295 and
3. For all counts, any such other relief at law or in equity as the court may deem fair and just.

The Plaintiff,
SPENSER GRADY

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STATEMENT OF AMOUNT IN DEMAND

The amount in demand is not less than Fifteen Thousand Dollars (\$15,000.00), exclusive of interest, fees and costs.

The Plaintiff,
SPENSER GRADY

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