

DOCKET #: LLI-CV-16-6014294-S : SUPERIOR COURT
DIXIE L. WESTERVELT AND RYAN D.
WESTERVELT, ADMINISTRATOR, CTA OF
THE ESTATE OF RONALD A. WESTERVELT
A/KA RONALD WESTERVELT : JUDICIAL DISTRICT OF
VS. : LITCHFIELD AT LITCHFIELD
ALEXANDER COOPER MILARDO AND
ELIZABETH R. COOPER : MAY 5, 2017

AMENDED COMPLAINT

FIRST COUNT: (As to the plaintiff, Dixie L. Westervelt against the defendant, Alexander Cooper Milardo - Negligence)

1. On or about May 29, 2016, and at all times mentioned herein, Canaan Road, was and is a public thoroughfare in the Town of North Canaan, County of Litchfield, and State of Connecticut.

2. On or about May 29, 2016, and at all times mentioned herein, the defendant, Alexander Cooper Milardo, was the operator of a 2008 Toyota Sequoia automobile owned by Elizabeth R. Cooper, traveling west on said Canaan Road in the Town of North Canaan, County of Litchfield, and State of Connecticut.

3. At all times and dates mentioned herein, the defendant, Alexander Cooper Milardo, was operating the aforesaid 2008 Toyota Sequoia automobile with the consent of the defendant, Elizabeth R. Cooper, as her servant, agent or employee, and was acting within the scope of her authority and/or employment, and/or was operating the aforesaid motor vehicle as a family car, with the consent and authority of the defendant, Elizabeth R. Cooper.

4. On or about May 29, 2016 and at approximately 5:17 p.m., the plaintiff, Dixie L. Westervelt, was a front seat passenger in a 2003 Chrysler automobile operated by Ronald A. Westervelt (hereinafter referred to “the Westervelt vehicle”) traveling east on said Canaan Road in the Town of North Canaan, County of Litchfield, and State of Connecticut.

5. On or about May 29, 2016, and at all times mentioned herein, the defendant operator, Alexander Cooper Milardo, was traveling west on said Canaan Road when suddenly and without warning, he crossed the center line and violently struck the front end of the vehicle in which Dixie L. Westervelt was a passenger, causing this vehicle to crash into the guard rails, resulting in the severe personal injuries and losses to the plaintiff, Dixie L. Westervelt, as hereinafter set forth.

6. Said collision was caused by the negligence and carelessness of the defendant operator, Alexander Cooper Milardo, in one or more of the following ways:

- a. In that he failed to keep the vehicle he was operating under proper and reasonable control;
- b. In that he failed to keep a proper and reasonable look out for other motor vehicles upon the highway;
- c. In that he failed to apply his brakes in time so as to avoid a collision, although by a proper and reasonable exercise of his faculties, he could have and should have done so;
- d. In that he failed to turn his motor vehicle to the left or to the right so as to avoid a collision, although by a proper and reasonable exercise of his faculties, he could have and should have done so;

- e. In that he failed to drive entirely within a single lane without moving from such lane until ascertaining that such movement can be made with safety, in violation of Connecticut General Statutes § 14-236;
- f. In that he failed to pass the Westervelt vehicle on the right, in violation of Connecticut General Statutes § 14-231;
- g. In that he failed to drive upon the right, in violation of Connecticut General Statutes of Section 14-230;
- h. In that he drove to the left side of the highway, in violation of Connecticut General Statutes Section 14-235;
- i. In that he violated Connecticut General Statute Section 14-222 by operating his vehicle in a reckless manner having disregard to the width, condition of the road, traffic, use of the public thoroughfare and the weather conditions;
- j. In that he violated Connecticut General Statute Section 14-218a by operating his vehicle unreasonably fast having disregard to the width, condition of the road, traffic, use of the public thoroughfare and the weather conditions;
- k. In that he violated Connecticut General Statute Section 14-219 by operating his motor vehicle at an excessive rate of speed; and,
- l. In that he failed to accord his conduct with that of a reasonable person under the circumstances.

7. As a result of the negligence and carelessness as aforesaid of the defendant operator, Alexander Cooper Milardo, the plaintiff, Dixie L. Westervelt, sustained the following injuries:

- a. Right midfoot dislocation involving the talonavicular and calcaneocuboid joints as well as cuboid and navicular fractures;

- b. Open reduction internal fixation of the right navicular fracture;
- c. Open reduction internal fixation right cuboid fracture;
- d. Open reduction internal fixation right talotarsal dislocation;
- e. Open reduction internal fixation left second metatarsal;
- f. Open reduction internal fixation left fourth metatarsal;
- g. Closed management of left third and fifth metatarsals;
- h. Irrigation and debridement of skin, subcutaneous tissue, fascia, muscle and bone related to open left fourth metatarsal fracture;
- i. A left open supracondylar and intercondylar distal femur fracture, closure of wound, and placement of an external fixator;
- j. ORIF left lateral tibial plateau;
- k. ORIF of left proximal humerus surgical neck fracture;
- l. Comminuted distal radius fracture and comminuted distal ulna fracture requiring open reduction and internal fixation;
- m. Fracture of the body of the right thumb proximal phalanx shaft;
- n. Fracture of right thumb metacarpal shaft;
- o. Fracture of index finger proximal phalanx shaft;
- p. Fracture of metacarpal head to the index finger;
- q. Fracture of bases proximal shafts of the ring finger;
- r. Fracture of the right middle finger;
- s. Open right hand fractures with pinning;
- t. Nasal trauma with fractures necessitating surgical correction;

- u. Left distal fibula fracture;
- v. Three left rib fractures;
- w. Left sacral body fracture;
- x. Right superior public ramus fracture;
- y. Placement of IVC filter;
- z. Permanent scarring and disfigurement;
- aa. Emotional upset due to fear of future medical complications resulting from the aforesaid injuries; and
- bb. An increased risk of future medical complications resulting from the aforesaid injuries.

From all or some of the aforesaid injuries, the plaintiff, Dixie L. Westervelt, has suffered and will continue to suffer great pain and mental anguish. Said injuries include the bones, glands, blood vessels, ligaments, soft tissues, tendons, cartilage and nerves of the injured parts. All or some of said injuries or effects therefrom are, or likely to be, permanent in nature.

8. As a further consequence of said injuries, the plaintiff, Dixie L. Westervelt, has in the past and may in the future expend sums of money for hospital care, medical care, x-rays, surgery(ies), therapy and prescriptions, all to her financial loss and detriment.

9. As a direct result of the negligence and carelessness as aforesaid of the defendant operator, Alexander Cooper Milardo, the plaintiff, Dixie L. Westervelt, has suffered and may in the future suffer mental suffering and anxiety, all to her loss and detriment.

10. As a direct result of the negligence and carelessness as aforesaid of the defendant operator, Alexander Cooper Milardo, the plaintiff, Dixie L. Westervelt, has suffered and continues to suffer, and may suffer in the future, a loss of the enjoyment of life's activities, all to her loss and detriment.

11. As a further result of the negligence and carelessness of the defendant operator, Alexander Cooper Milardo, the plaintiff, Dixie Westervelt, sustained a loss of her motor vehicle and a loss of the utilization of her motor vehicle, all to her financial loss and detriment.

SECOND COUNT (RECKLESSNESS / Connecticut General Statutes Section 14-295 – as to the plaintiff – Dixie L. Westervelt, as against the defendant, Alexander Cooper Milardo)

1. On or about May 29, 2016, and at all times mentioned herein, Canaan Road, was and is a public thoroughfare in the Town of North Canaan, County of Litchfield, and State of Connecticut.

2. On or about May 29, 2016, and at all times mentioned herein, the defendant, Alexander Cooper Milardo, was the operator of a 2008 Toyota Sequoia automobile owned by Elizabeth Cooper, traveling west on said Canaan Road in the Town of North Canaan, County of Litchfield, and State of Connecticut.

3. At all times and dates mentioned herein, the defendant, Alexander Cooper Milardo, was operating the aforesaid 2008 Toyota Sequoia automobile with the consent of the defendant, Elizabeth Cooper, as her servant, agent or employee, and was acting within the scope of her authority and/or employment, and/or was operating the aforesaid motor vehicle as a family car, with the consent and authority of the defendant, Elizabeth Cooper.

4. On or about May 29, 2016 and at approximately 5:17 p.m., the plaintiff, Dixie L. Westervelt, was a front seat passenger in a 2003 Chrysler automobile operated by Ronald A. Westervelt(hereinafter referred to “the Westervelt vehicle”) traveling east on said Canaan Road in the Town of North Canaan, County of Litchfield, and State of Connecticut.

5. On or about May 29, 2016, and at all times mentioned herein, the defendant operator, Alexander Cooper Milardo, was traveling west on said Canaan Road when suddenly and without warning, he crossed the center line and violently struck the front end of the Westervelt vehicle, causing the plaintiff's vehicle to crash into the guard rails, resulting in the severe personal injuries and losses to the plaintiff, Dixie L. Westervelt, as hereinafter set forth.

6. The aforesaid collision was due to the actions of the defendant operator, Alexander Cooper Milardo, in that he deliberately or with reckless disregard for the safety of other individuals traveling upon said highway:

- a. Violated Connecticut General Statute Section 14-222 by operating his vehicle in a reckless manner having disregard to the width, condition of the road, traffic, use of the public thoroughfare and the weather conditions;
- b. Violated Connecticut General Statute Section 14-218a by operating his vehicle unreasonably fast having disregard to the width, condition of the road, traffic, use of the public thoroughfare and the weather conditions;
- c. Violated Connecticut General Statute Section 14-219 by operating his motor vehicle at an excessive rate of speed; and,
- d. Violated Connecticut General Statute Section 14-230 in that he failed to maintain his vehicle in the right-hand lane upon a roadway.

7. The violations of one or more of the various provisions of the Connecticut General Statutes set forth in paragraph 6 above was a substantial factor in causing the injuries and damages to the plaintiff, Dixie L. Westervelt, as hereinafter set forth and constituted a further violation of Connecticut General Statutes Section 14-295, for which the plaintiff, Dixie L. Westervelt, is entitled to double or treble damages as provided therein.

8. As a result of the aforesaid recklessness of the defendant operator, Alexander Cooper Milardo, the plaintiff, Dixie L. Westervelt, sustained the following injuries:
- a. Right midfoot dislocation involving the talonavicular and calcaneocuboid joints as well as cuboid and navicular fractures;
 - b. Open reduction internal fixation of the right navicular fracture;
 - c. Open reduction internal fixation right cuboid fracture;
 - d. Open reduction internal fixation right talotarsal dislocation;
 - e. Open reduction internal fixation left second metatarsal;
 - f. Open reduction internal fixation left fourth metatarsal;
 - g. Closed management of left third and fifth metatarsals;
 - h. Irrigation and debridement of skin, subcutaneous tissue, fascia, muscle and bone related to open left fourth metatarsal fracture;
 - i. A left open supracondylar and intercondylar distal femur fracture, closure of wound, and placement of an external fixator;
 - j. ORIF left lateral tibial plateau;
 - k. ORIF of left proximal humerus surgical neck fracture;
 - l. Comminuted distal radius fracture and comminuted distal ulna fracture requiring open reduction and internal fixation;
 - m. Fracture of the body of the right thumb proximal phalanx shaft;
 - n. Fracture of right thumb metacarpal shaft;
 - o. Fracture of index finger proximal phalanx shaft;
 - p. Fracture of metacarpal head to the index finger;
 - q. Fracture of bases proximal shafts of the ring finger;

- r. Fracture of the right middle finger;
- s. Open right hand fractures with pinning;
- t. Nasal trauma with fractures necessitating surgical correction;
- u. Left distal fibula fracture;
- v. Three left rib fractures;
- w. Left sacral body fracture;
- x. Right superior public ramus fracture;
- y. Placement of IVC filter;
- z. Permanent scarring and disfigurement;
- aa. Emotional upset due to fear of future medical complications resulting from the aforesaid injuries; and
- bb. An increased risk of future medical complications resulting from the aforesaid injuries.

From all or some of the aforesaid injuries, the plaintiff, Dixie L. Westervelt, has suffered and will continue to suffer great pain and mental anguish. Said injuries include the bones, glands, blood vessels, ligaments, soft tissues, tendons, cartilage and nerves of the injured parts. All or some of said injuries or effects therefrom are, or likely to be, permanent in nature.

9. As a further consequence of the aforesaid recklessness of the defendant operator, Alexander Cooper Milardo, the plaintiff, Dixie L. Westervelt has in the past and may in the future expend sums of money for hospital care, medical care, x-rays, surgery(ies), therapy and prescriptions, all to hers financial loss and detriment.

10. As a further consequence of the aforesaid recklessness of the defendant operator, Alexander Cooper Milardo, the plaintiff, Dixie L. Westervelt, has suffered and may in the future suffer mental suffering and anxiety, all to her loss and detriment.

11. As a direct result of the aforesaid recklessness of the defendant operator, Alexander Cooper Milardo, the plaintiff, Dixie L. Westervelt, has suffered and continues to suffer, and may suffer in the future, a loss of the enjoyment of life's activities, all to her loss and detriment.

12. As a further result of the aforesaid recklessness of the defendant operator, Alexander Cooper Milardo, the plaintiff, Dixie Westervelt, sustained a loss of her motor vehicle and a loss of the utilization of her motor vehicle, all to her financial loss and detriment.

THIRD COUNT: (As to the plaintiff, Ryan D. Westervelt, Administrator, CTA of the Estate of Ronald A. Westervelt a/ka Ronald Westervelt, against the defendant, Alexander Cooper Milardo – Negligence)

1. On or about May 29, 2016, and at all times mentioned herein, Canaan Road, was and is a public thoroughfare in the Town of North Canaan, County of Litchfield, and State of Connecticut.

2. On or about May 29, 2016, and at all times mentioned herein, the defendant, Alexander Cooper Milardo, was the operator of a 2008 Toyota Sequoia automobile owned by Elizabeth R. Cooper, traveling west on said Canaan Road in the Town of North Canaan, County of Litchfield, and State of Connecticut.

3. At all times and dates mentioned herein, the defendant, Alexander Cooper

Milardo, was operating the aforesaid 2008 Toyota Sequoia automobile with the consent of the defendant, Elizabeth R. Cooper, as her servant, agent or employee, and was acting within the scope of her authority and/or employment, and/or was operating the aforesaid motor vehicle as a family car, with the consent and authority of the defendant, Elizabeth R. Cooper.

4. On or about May 29, 2016 and at approximately 5:17 p.m., Ronald A. Westervelt, was the operator of a 2003 Chrysler traveling east on said Canaan Road in the Town of North Canaan, County of Litchfield, and State of Connecticut.

5. On or about May 29, 2016, and at all times mentioned herein, the defendant operator, Alexander Cooper Milardo, was traveling west on said Canaan Road when suddenly and without warning, he crossed the center line and violently struck the front end of the Westervelt vehicle, causing the plaintiff's vehicle to crash into the guard rails, which resulted in the death of Ronald A. Westervelt, as hereinafter set forth.

6. Said collision was caused by the negligence and carelessness of the defendant operator, Alexander Cooper Milardo, in one or more of the following ways:

- a. In that he failed to keep the vehicle he was operating under proper and reasonable control;

- b. In that he failed to keep a proper and reasonable look out for other motor vehicles upon the highway;
- c. In that he failed to apply his brakes in time so as to avoid a collision, although by a proper and reasonable exercise of his faculties, he could have and should have done so;
- d. In that he failed to turn his motor vehicle to the left or to the right so as to avoid a collision, although by a proper and reasonable exercise of his faculties, he could have and should have done so;
- e. In that he failed to drive entirely within a single lane without moving from such lane until ascertaining that such movement can be made with safety, in violation of Connecticut General Statutes § 14-236;
- f. In that he failed to pass the Westervelt vehicle on the right, in violation of Connecticut General Statutes § 14-231;
- g. In that he failed to drive upon the right, in violation of Connecticut General Statutes of Section 14-230;
- h. In that he drove to the left side of the highway, in violation of Connecticut General Statutes Section 14-235;
- i. In that he violated Connecticut General Statute Section 14-222 by operating his vehicle in a reckless manner having disregard to the width, condition of the road, traffic, use of the public thoroughfare and the weather conditions;
- j. In that he violated Connecticut General Statute Section 14-218a by operating his vehicle unreasonably fast having disregard to the width, condition of the road, traffic, use of the public thoroughfare and the weather conditions;

- k. In that he violated Connecticut General Statute Section 14-219 by operating his motor vehicle at an excessive rate of speed; and,
- l. In that he failed to accord his conduct with that of a reasonable person under the circumstances.
7. As a result of the negligence and carelessness as aforesaid of the defendant operator, Alexander Cooper Milardo, Ronald A. Westervelt, sustained the following injuries:
 - a. Death;
 - b. Conscious pain and suffering;
 - c. Loss of enjoyment of the remainder of his life;
 - d. Funeral and burial expenses.

8. On or about September 6, 2016, Ronald A. Westervelt's son, Ryan D. Westervelt was duly appointed by the Surrogate's Court of the State of New York, Ulster County as Administrator, CTA of the Estate of Ronald A. Westervelt a/k/a Ronald Westervelt and is acting as such herein.

9. As a further result of the negligence and carelessness of the defendant operator, Alexander Cooper Milardo, the plaintiff, Ronald A. Westervelt, sustained a loss of his motor vehicle and a loss of the utilization of his motor vehicle, all to his financial loss and detriment.

FOURTH COUNT (RECKLESSNESS / Connecticut General Statutes Section 14-295 – as to the plaintiff – Ryan D. Westervelt, Administrator, CTA of the Estate of Ronald A. Westervelt a/k/a Ronald Westervelt, as against the defendant, Alexander Cooper Milardo)

1. On or about May 29, 2016, and at all times mentioned herein, Canaan Road, was and is a public thoroughfare in the Town of North Canaan, County of Litchfield, and State of Connecticut.

2. On or about May 29, 2016, and at all times mentioned herein, the defendant, Alexander Cooper Milardo, was the operator of a 2008 Toyota Sequoia automobile owned by Elizabeth R. Cooper, traveling west on said Canaan Road in the Town of North Canaan, County of Litchfield, and State of Connecticut.

3. At all times and dates mentioned herein, the defendant, Alexander Cooper Milardo, was operating the aforesaid 2008 Toyota Sequoia automobile with the consent of the defendant, Elizabeth R. Cooper, as her servant, agent or employee, and was acting within the scope of her authority and/or employment, and/or was operating the aforesaid motor vehicle as a family car, with the consent and authority of the defendant, Elizabeth R. Cooper.

4. On or about May 29, 2016 and at approximately 5:17 p.m., Ronald A. Westervelt, was the operator of a 2003 Chrysler traveling east on said Canaan Road in the Town of North Canaan, County of Litchfield, and State of Connecticut.

5. On or about May 29, 2016, and at all times mentioned herein, the defendant operator, Alexander Cooper Milardo, was traveling west on said Canaan Road when suddenly and without warning, he crossed the center line and violently struck the front end of the Westervelt vehicle, causing the Westervelt vehicle to crash into the guard rails, which resulted in the death of Ronald A. Westervelt, as hereinafter set forth.

6. The aforesaid collision was due to the actions of the defendant operator, Alexander Cooper Milardo, in that he deliberately or with reckless disregard for the safety of other individuals traveling upon said highway:

- a. Violated Connecticut General Statute Section 14-222 by operating his vehicle in a reckless manner having disregard to the width, condition of the road, traffic, use of the public thoroughfare and the weather conditions;
- b. Violated Connecticut General Statute Section 14-218a by operating his vehicle unreasonably fast having disregard to the width, condition of the road, traffic, use of the public thoroughfare and the weather conditions;
- c. Violated Connecticut General Statute Section 14-219 by operating his motor vehicle at an excessive rate of speed; and,
- d. Violated Connecticut General Statute Section 14-230 in that he failed to maintain his vehicle in the right-hand lane upon a roadway.

7. The violations of one or more of the various provisions of the Connecticut General Statutes set forth in paragraph 6 above was a substantial factor in causing the injuries and damages to the plaintiff, Ryan D. Westervelt, Administrator, CTA of the Estate of Ronald A. Westervelt a/k/a Ronald Westervelt as hereinafter set forth and constituted a further violation of Connecticut General Statutes Section 14-295, for which the plaintiff, Ryan D. Westervelt, Administrator, CTA of the Estate of Ronald A. Westervelt a/k/a Ronald Westervelt, is entitled to double or treble damages as provided therein.

8. As a result of the aforesaid recklessness of the defendant operator, Alexander Cooper Milardo, Ronald A. Westervelt, sustained the following injuries:

- a. Death;

- b. Conscious pain and suffering;
- c. Loss of enjoyment of the remainder of his life;
- d. Funeral and burial expenses.

9. As a further result of the recklessness of the defendant operator, Alexander Cooper Milardo, the plaintiff, Ronald A. Westervelt, sustained a loss of his motor vehicle and a loss of the utilization of his motor vehicle, all to his financial loss and detriment.

FIFTH COUNT: (As against the defendant, Elizabeth R. Cooper, Negligence/Vicarious Liability as to the plaintiff, Dixie L. Westervelt)

1-11. Paragraphs One (1) through Eleven (11) of the First Count are hereby made paragraphs One (1) through (11) of the Fifth Count as if more fully set forth herein.

12. On said date and time, the defendant, Elizabeth R. Cooper was the owner of a 2008 Toyota Sequoia automobile bearing Connecticut registration number 396YNW.

13. At all times mentioned herein, the defendant, Elizabeth R. Cooper, is liable for the negligence of the defendant, Alexander Cooper Milardo, as he was operating said vehicle as a family car, with the consent, permission and authority of the defendant, Elizabeth R. Cooper, pursuant to Connecticut General Statutes Section 52-182 and/or as the agent/servant or employee of Elizabeth Cooper, pursuant to Connecticut General Statutes Section 52-183.

SIXTH COUNT: (As against the defendant, Elizabeth R. Cooper, Negligence/Vicarious Liability as to the plaintiff, Ryan D. Westervelt, Administrator, CTA of the Estate of Ronald A. Westervelt a/k/a Ronald Westervelt)

1-9. Paragraphs One (1) through Nine (9) of the Third Count are hereby made paragraphs One (1) through Nine (9) of the Sixth Count as if more fully set forth herein.

10. On said date and time, the defendant, Elizabeth R. Cooper was the owner of a 2008 Toyota Sequoia automobile bearing Connecticut registration number 396YNW.

11. At all times mentioned herein, the defendant, Elizabeth R. Cooper, is liable for the negligence of the defendant, Alexander Cooper Milardo, as he was operating said vehicle as a family car, with the consent, permission and authority of the defendant, Elizabeth R. Cooper, pursuant to Connecticut General Statutes Section 52-182 and/or as the agent/servant or employee of Elizabeth R. Cooper pursuant to Connecticut General Statutes Section 52-183.

SEVENTH COUNT – (As to the plaintiff, Dixie L. Westervelt, Loss of Constorium – Neglience, against the defendant, Alexander Cooper Milardo)

1-9. Paragraphs One (1) through Nine (9) of the Third Count are hereby made paragraphs One (1) through Nine (9) of the Seventh Count as if more fully set forth herein.

10. At all times mentioned herein, the plaintiff, Dixie L. Westervelt, was the wife of Ronald A. Westervelt a/k/a Ronald Westervelt.

11. As a result of the aforesaid negligence and carelessness of the defendant, Alexander Cooper Milardo which resulted in the death of Ronald A. Westervelt a/k/a Ronald Westervelt, the plaintiff, Dixie L. Westervelt, sustained a loss of consortium, including but not limited to loss of companionship, society and affection.

EIGHTH COUNT – (As to the plaintiff, Dixie L. Westervelt, Loss of Constorium – Recklessness, against the defendant, Alexander Cooper Milardo)

1-9. Paragraphs One (1) through Nine (9) of the Fourth Count are hereby made paragraphs One (1) through Nine (9) of the Eighth Count as if more fully set forth herein.

10. At all times mentioned herein, the plaintiff, Dixie L. Westervelt, was the wife of Ronald A. Westervelt a/k/a Ronald Westervelt.

11. As a result of the aforesaid recklessness of the defendant, Alexander Cooper Milardo which resulted in the death of Ronald A. Westervelt a/k/a Ronald Westervelt, the plaintiff, Dixie L. Westervelt, sustained a loss of consortium, including but not limited to loss of companionship, society and affection.

NINTH COUNT: (As to the plaintiff, Dixie L. Westervelt, Loss of Constorium - against the defendant, Elizabeth R. Cooper)

1-11. Paragraphs One (1) through Eleven (11) of the Sixth Count are hereby made paragraphs One (1) through Eleven (11) of the Ninth Count as if more fully set forth herein.

12. At all times mentioned herein, the plaintiff, Dixie L. Westervelt, was the wife of Ronald A. Westervelt a/k/a Ronald Westervelt.

13. As a result of the aforesaid negligence of the defendant, Alexander Cooper Milardo which resulted in the death of Ronald A. Westervelt a/k/a Ronald Westervelt, the plaintiff, Dixie L. Westervelt, sustained a loss of consortium, including but not limited to loss of companionship, society and affection.

WHEREFORE, the plaintiffs claim:

1. Monetary damages;
2. Double/Treble damages pursuant to Connecticut General Statutes Section 14-295 as to the Second Count, Fourth Count and Eighth Count;
3. Common law Punitive Damages as to the Second Count, Fourth Count and Eighth Count;
4. Such other and further relief as this Court may deem equitable and reasonable

Dated at Watertown, Connecticut this 5th day of May, 2017.

BY: 

Michael A. D'Amico, Esq.
D'AMICO & PETTINICCHI, LLC
465 Straits Turnpike, Watertown, CT 06795
Telephone: 860-945-6600
Juris No.: 401986

DOCKET #: LLI-CV-16-6014294-S

: SUPERIOR COURT

DIXIE L. WESTERVELT AND RYAN D.
WESTERVELT, ADMINISTRATOR, CTA OF
THE ESTATE OF RONALD A. WESTERVELT
A/K/A RONALD WESTERVELT

: JUDICIAL DISTRICT OF

VS.

: LITCHFIELD AT LITCHFIELD

ALEXANDER COOPER MILARDO AND
ELIZABETH R. COOPER

: MAY 5, 2017

STATEMENT OF AMOUNT IN DEMAND

The amount, legal interest or property in demand is in excess of Fifteen Thousand
(\$15,000.00) Dollars, exclusive of interest and costs.

THE PLAINTIFFS

BY: 

Michael A. D'Amico, Esq.
D'AMICO & PETTINICCHI, LLC
465 Straits Turnpike, Watertown, CT 06795
Telephone: 860-945-6600
Juris No.: 401986

DOCKET #: LLI-CV-16-6014294-S

: SUPERIOR COURT

DIXIE L. WESTERVELT AND RYAN D.
WESTERVELT, ADMINISTRATOR, CTA OF
THE ESTATE OF RONALD A. WESTERVELT
A/KA RONALD WESTERVELT

: JUDICIAL DISTRICT OF

VS.

: LITCHFIELD AT LITCHFIELD

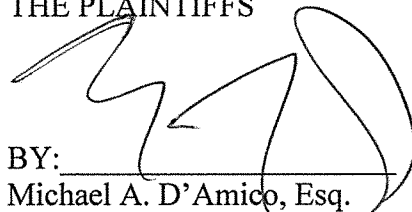
ALEXANDER COOPER MILARDO AND
ELIZABETH R. COOPER

: MAY 5, 2017

SATISFACTION OF JUDGMENT FROM WAGES

Notice is hereby given to the defendants, Alexander Cooper Milardo and Elizabeth R. Cooper, that the plaintiffs, intend to seek satisfaction of any judgment rendered in their favor in this action out of any debt accruing to the defendant by the defendant's personal service.

THE PLAINTIFFS



BY:

Michael A. D'Amico, Esq.
D'AMICO & PETTINICCHI, LLC
465 Straits Turnpike, Watertown, CT 06795
Telephone: 860-945-6600
Juris No.: 401986

EXHIBIT B

RETURN DATE: OCTOBER 25, 2016 : SUPERIOR COURT

DIXIE L. WESTERVELT AND RYAN D.
WESTERVELT, ADMINISTRATOR, CTA OF
THE ESTATE OF RONALD A. WESTERVELT
A/KA RONALD WESTERVELT : JUDICIAL DISTRICT OF

VS. : LITCHFIELD AT LITCHFIELD

ALEXANDER COOPER MILARDO AND
ELIZABETH R. COOPER : SEPTEMBER 9, 2016

COMPLAINT

FIRST COUNT: (As to the plaintiff, Dixie L. Westervelt against the defendant, Alexander Cooper Milardo - Negligence)

1. On or about May 29, 2016, and at all times mentioned herein, Canaan Road, was and is a public thoroughfare in the Town of North Canaan, County of Litchfield, and State of Connecticut.

2. On or about May 29, 2016, and at all times mentioned herein, the defendant, Alexander Cooper Milardo, was the operator of a 2008 Toyota Sequoia automobile owned by Elizabeth R. Cooper, traveling west on said Canaan Road in the Town of North Canaan, County of Litchfield, and State of Connecticut.

3. At all times and dates mentioned herein, the defendant, Alexander Cooper Milardo, was operating the aforesaid 2008 Toyota Sequoia automobile with the consent of the defendant, Elizabeth R. Cooper, as her servant, agent or employee, and was acting within the scope of her authority and/or employment, and/or was operating the aforesaid motor vehicle as a family car, with the consent and authority of the defendant, Elizabeth R. Cooper.

4. On or about May 29, 2016 and at approximately 5:17 p.m., the plaintiff, Dixie L. Westervelt, was a front seat passenger in a 2003 Chrysler automobile operated by Ronald A. Westervelt (hereinafter referred to “the Westervelt vehicle”) traveling east on said Canaan Road in the Town of North Canaan, County of Litchfield, and State of Connecticut.

5. On or about May 29, 2016, and at all times mentioned herein, the defendant operator, Alexander Cooper Milardo, was traveling west on said Canaan Road when suddenly and without warning, he crossed the center line and violently struck the front end of the vehicle in which Dixie L. Westervelt was a passenger, causing this vehicle to crash into the guard rails, resulting in the severe personal injuries and losses to the plaintiff, Dixie L. Westervelt, as hereinafter set forth.

6. Said collision was caused by the negligence and carelessness of the defendant operator, Alexander Cooper Milardo, in one or more of the following ways:

- a. In that he failed to keep the vehicle he was operating under proper and reasonable control;
- b. In that he failed to keep a proper and reasonable look out for other motor vehicles upon the highway;
- c. In that he failed to apply his brakes in time so as to avoid a collision, although by a proper and reasonable exercise of his faculties, he could have and should have done so;
- d. In that he failed to turn his motor vehicle to the left or to the right so as to avoid a collision, although by a proper and reasonable exercise of his faculties, he could have and should have done so;

- e. In that he failed to drive entirely within a single lane without moving from such lane until ascertaining that such movement can be made with safety, in violation of Connecticut General Statutes § 14-236;
- f. In that he failed to pass the Westervelt vehicle on the right, in violation of Connecticut General Statutes § 14-231;
- g. In that he failed to drive upon the right, in violation of Connecticut General Statutes of Section 14-230;
- h. In that he drove to the left side of the highway, in violation of Connecticut General Statutes Section 14-235;
- i. In that he violated Connecticut General Statute Section 14-222 by operating his vehicle in a reckless manner having disregard to the width, condition of the road, traffic, use of the public thoroughfare and the weather conditions;
- j. In that he violated Connecticut General Statute Section 14-218a by operating his vehicle unreasonably fast having disregard to the width, condition of the road, traffic, use of the public thoroughfare and the weather conditions;
- k. In that he violated Connecticut General Statute Section 14-219 by operating his motor vehicle at an excessive rate of speed; and,
- l. In that he failed to accord his conduct with that of a reasonable person under the circumstances.

7. As a result of the negligence and carelessness as aforesaid of the defendant operator, Alexander Cooper Milardo, the plaintiff, Dixie L. Westervelt, sustained the following injuries:

- a. Right midfoot dislocation involving the talonavicular and calcaneocuboid joints as well as cuboid and navicular fractures;

- b. Open reduction internal fixation of the right navicular fracture;
- c. Open reduction internal fixation right cuboid fracture;
- d. Open reduction internal fixation right talotarsal dislocation;
- e. Open reduction internal fixation left second metatarsal;
- f. Open reduction internal fixation left fourth metatarsal;
- g. Closed management of left third and fifth metatarsals;
- h. Irrigation and debridement of skin, subcutaneous tissue, fascia, muscle and bone related to open left fourth metatarsal fracture;
- i. A left open supracondylar and intercondylar distal femur fracture, closure of wound, and placement of an external fixator;
- j. ORIF left lateral tibial plateau;
- k. ORIF of left proximal humerus surgical neck fracture;
- l. Comminuted distal radius fracture and comminuted distal ulna fracture requiring open reduction and internal fixation;
- m. Fracture of the body of the right thumb proximal phalanx shaft;
- n. Fracture of right thumb metacarpal shaft;
- o. Fracture of index finger proximal phalanx shaft;
- p. Fracture of metacarpal head to the index finger;
- q. Fracture of bases proximal shafts of the ring finger;
- r. Fracture of the right middle finger;
- s. Open right hand fractures with pinning;
- t. Nasal trauma;with fractures necessitating surgical correction;

- u. Left distal fibula fracture;
- v. Three left rib fractures;
- w. Left sacral body fracture;
- x. Right superior public ramus fracture;
- y. Placement of IVC filter;
- z. Permanent scarring and disfigurement;

aa.y. Emotional upset due to fear of future medical complications resulting from the aforesaid injuries; and

bb.z. An increased risk of future medical complications resulting from the aforesaid injuries.

From all or some of the aforesaid injuries, the plaintiff, Dixie L. Westervelt, has suffered and will continue to suffer great pain and mental anguish. Said injuries include the bones, glands, blood vessels, ligaments, soft tissues, tendons, cartilage and nerves of the injured parts. All or some of said injuries or effects therefrom are, or likely to be, permanent in nature.

8. As a further consequence of said injuries, the plaintiff, Dixie L. Westervelt, has in the past and may in the future expend sums of money for hospital care, medical care, x-rays, surgery(ies), therapy and prescriptions, all to her financial loss and detriment.

9. As a direct result of the negligence and carelessness as aforesaid of the defendant operator, Alexander Cooper Milardo, the plaintiff, Dixie L. Westervelt, has suffered and may in the future suffer mental suffering and anxiety, all to her loss and detriment.

10. As a direct result of the negligence and carelessness as aforesaid of the defendant operator, Alexander Cooper Milardo, the plaintiff, Dixie L. Westervelt, has suffered and continues to suffer, and may suffer in the future, a loss of the enjoyment of life's activities, all to her loss and detriment.

11. As a further result of the negligence and carelessness of the defendant operator, Alexander Cooper Milardo, the plaintiff, Dixie Westervelt, sustained a loss of her motor vehicle and a loss of the utilization of her motor vehicle, all to her financial loss and detriment.

SECOND COUNT (RECKLESSNESS / Connecticut General Statutes Section 14-295 – as to the plaintiff – Dixie L. Westervelt, as against the defendant, Alexander Cooper Milardo)

1. On or about May 29, 2016, and at all times mentioned herein, Canaan Road, was and is a public thoroughfare in the Town of North Canaan, County of Litchfield, and State of Connecticut.

2. On or about May 29, 2016, and at all times mentioned herein, the defendant, Alexander Cooper Milardo, was the operator of a 2008 Toyota Sequoia automobile owned by Elizabeth Cooper, traveling west on said Canaan Road in the Town of North Canaan, County of Litchfield, and State of Connecticut.

3. At all times and dates mentioned herein, the defendant, Alexander Cooper Milardo, was operating the aforesaid 2008 Toyota Sequoia automobile with the consent of the defendant, Elizabeth Cooper, as her servant, agent or employee, and was acting within the scope of her authority and/or employment, and/or was operating the aforesaid motor vehicle as a family car, with the consent and authority of the defendant, Elizabeth Cooper.

4. On or about May 29, 2016 and at approximately 5:17 p.m., the plaintiff, Dixie L. Westervelt, was a front seat passenger in a 2003 Chrysler automobile operated by Ronald A.

Westervelt(hereinafter referred to “the Westervelt vehicle”) traveling east on said Canaan Road in the Town of North Canaan, County of Litchfield, and State of Connecticut.

5. On or about May 29, 2016, and at all times mentioned herein, the defendant operator, Alexander Cooper Milardo, was traveling west on said Canaan Road when suddenly and without warning, he crossed the center line and violently struck the front end of the Westervelt vehicle, causing the plaintiff’s vehicle to crash into the guard rails, resulting in the severe personal injuries and losses to the plaintiff, Dixie L. Westervelt, as hereinafter set forth.

6. The aforesaid collision was due to the actions of the defendant operator, Alexander Cooper Milardo, in that he deliberately or with reckless disregard for the safety of other individuals traveling upon said highway:

- a. Violated Connecticut General Statute Section 14-222 by operating his vehicle in a reckless manner having disregard to the width, condition of the road, traffic, use of the public thoroughfare and the weather conditions;
- b. Violated Connecticut General Statute Section 14-218a by operating his vehicle unreasonably fast having disregard to the width, condition of the road, traffic, use of the public thoroughfare and the weather conditions;
- c. Violated Connecticut General Statute Section 14-219 by operating his motor vehicle at an excessive rate of speed; and,
- d. Violated Connecticut General Statute Section 14-230 in that he failed to maintain his vehicle in the right-hand lane upon a roadway.

7. The violations of one or more of the various provisions of the Connecticut General Statutes set forth in paragraph 6 above was a substantial factor in causing the injuries and damages to the plaintiff, Dixie L. Westervelt, as hereinafter set forth and constituted a

further violation of Connecticut General Statutes Section 14-295, for which the plaintiff, Dixie L. Westervelt, is entitled to double or treble damages as provided therein.

8. As a result of the aforesaid recklessness of the defendant operator, Alexander Cooper Milardo, the plaintiff, Dixie L. Westervelt, sustained the following injuries:

- a. Right midfoot dislocation involving the talonavicular and calcaneocuboid joints as well as cuboid and navicular fractures;
- b. Open reduction internal fixation of the right navicular fracture;
- c. Open reduction internal fixation right cuboid fracture;
- d. Open reduction internal fixation right talotarsal dislocation;
- e. Open reduction internal fixation left second metatarsal;
- f. Open reduction internal fixation left fourth metatarsal;
- g. Closed management of left third and fifth metatarsals;
- h. Irrigation and debridement of skin, subcutaneous tissue, fascia, muscle and bone related to open left fourth metatarsal fracture;
- i. A left open supracondylar and intercondylar distal femur fracture, closure of wound, and placement of an external fixator;
- j. ORIF left lateral tibial plateau;
- k. ORIF of left proximal humerus surgical neck fracture;
- l. Comminuted distal radius fracture and comminuted distal ulna fracture requiring open reduction and internal fixation;
- m. Fracture of the body of the right thumb proximal phalanx shaft;
- n. Fracture of right thumb metacarpal shaft;
- o. Fracture of index finger proximal phalanx shaft;

- p. Fracture of metacarpal head to the index finger;
- q. Fracture of bases proximal shafts of the ring finger;
- r. Fracture of the right middle finger;
- s. Open right hand fractures with pinning;
- t. Nasal trauma;with fractures necessitating surgical correction;
- u. Left distal fibula fracture;
- v. Three left rib fractures;
- w. Left sacral body fracture;
- x. Right superior public ramus fracture;
- y. Placement of IVC filter;
- z. Permanent scarring and disfigurement;
- aa.y. Emotional upset due to fear of future medical complications resulting from the aforesaid injuries; and
- bb.z. An increased risk of future medical complications resulting from the aforesaid injuries.

From all or some of the aforesaid injuries, the plaintiff, Dixie L. Westervelt, has suffered and will continue to suffer great pain and mental anguish. Said injuries include the bones, glands, blood vessels, ligaments, soft tissues, tendons, cartilage and nerves of the injured parts. All or some of said injuries or effects therefrom are, or likely to be, permanent in nature.

9. As a further consequence of the aforesaid recklessness of the defendant operator, Alexander Cooper Milardo, the plaintiff, Dixie L. Westervelt has in the past and may in the

future expend sums of money for hospital care, medical care, x-rays, surgery(ies), therapy and prescriptions, all to hers financial loss and detriment.

10. As a further consequence of the aforesaid recklessness of the defendant operator, Alexander Cooper Milardo, the plaintiff, Dixie L. Westervelt, has suffered and may in the future suffer mental suffering and anxiety, all to her loss and detriment.

11. As a direct result of the aforesaid recklessness of the defendant operator, Alexander Cooper Milardo, the plaintiff, Dixie L. Westervelt, has suffered and continues to suffer, and may suffer in the future, a loss of the enjoyment of life's activities, all to her loss and detriment.

12. As a further result of the aforesaid recklessness of the defendant operator, Alexander Cooper Milardo, the plaintiff, Dixie Westervelt, sustained a loss of her motor vehicle and a loss of the utilization of her motor vehicle, all to her financial loss and detriment.

THIRD COUNT: (As to the plaintiff, Ryan D. Westervelt, Administrator, CTA of the Estate of Ronald A. Westervelt a/ka Ronald Westervelt, against the defendant, Alexander Cooper Milardo – Negligence)

1. On or about May 29, 2016, and at all times mentioned herein, Canaan Road, was and is a public thoroughfare in the Town of North Canaan, County of Litchfield, and State of Connecticut.

2. On or about May 29, 2016, and at all times mentioned herein, the defendant, Alexander Cooper Milardo, was the operator of a 2008 Toyota Sequoia automobile owned by

Elizabeth R. Cooper, traveling west on said Canaan Road in the Town of North Canaan, County of Litchfield, and State of Connecticut.

3. At all times and dates mentioned herein, the defendant, Alexander Cooper Milardo, was operating the aforesaid 2008 Toyota Sequoia automobile with the consent of the defendant, Elizabeth R. Cooper, as her servant, agent or employee, and was acting within the scope of her authority and/or employment, and/or was operating the aforesaid motor vehicle as a family car, with the consent and authority of the defendant, Elizabeth R. Cooper.

4. On or about May 29, 2016 and at approximately 5:17 p.m., Ronald A. Westervelt, was the operator of a 2003 Chrysler traveling east on said Canaan Road in the Town of North Canaan, County of Litchfield, and State of Connecticut.

5. On or about May 29, 2016, and at all times mentioned herein, the defendant operator, Alexander Cooper Milardo, was traveling west on said Canaan Road when suddenly and without warning, he crossed the center line and violently struck the front end of the Westervelt vehicle, causing the plaintiff's vehicle to crash into the guard rails, which resulted in the death of Ronald A. Westervelt, as hereinafter set forth.

6. Said collision was caused by the negligence and carelessness of the defendant operator, Alexander Cooper Milardo, in one or more of the following ways:

- a. In that he failed to keep the vehicle he was operating under proper and reasonable control;

- b. In that he failed to keep a proper and reasonable look out for other motor vehicles upon the highway;
- c. In that he failed to apply his brakes in time so as to avoid a collision, although by a proper and reasonable exercise of his faculties, he could have and should have done so;
- d. In that he failed to turn his motor vehicle to the left or to the right so as to avoid a collision, although by a proper and reasonable exercise of his faculties, he could have and should have done so;
- e. In that he failed to drive entirely within a single lane without moving from such lane until ascertaining that such movement can be made with safety, in violation of Connecticut General Statutes § 14-236;
- f. In that he failed to pass the Westervelt vehicle on the right, in violation of Connecticut General Statutes § 14-231;
- g. In that he failed to drive upon the right, in violation of Connecticut General Statutes of Section 14-230;
- h. In that he drove to the left side of the highway, in violation of Connecticut General Statutes Section 14-235;
- i. In that he violated Connecticut General Statute Section 14-222 by operating his vehicle in a reckless manner having disregard to the width, condition of the road, traffic, use of the public thoroughfare and the weather conditions;
- j. In that he violated Connecticut General Statute Section 14-218a by operating his vehicle unreasonably fast having disregard to the width, condition of the road, traffic, use of the public thoroughfare and the weather conditions;

- k. In that he violated Connecticut General Statute Section 14-219 by operating his motor vehicle at an excessive rate of speed; and,
- l. In that he failed to accord his conduct with that of a reasonable person under the circumstances.

7. As a result of the negligence and carelessness as aforesaid of the defendant operator, Alexander Cooper Milardo, Ronald A. Westervelt, sustained the following injuries:

- a. Death;
- b. Conscious pain and suffering;
- c. Loss of enjoyment of the remainder of his life;
- d. Funeral and burial expenses.

8. On or about September 6, 2016, Ronald A. Westervelt's son, Ryan D. Westervelt was duly appointed by the Surrogate's Court of the State of New York, Ulster County as Administrator, CTA of the Estate of Ronald A. Westervelt a/k/a Ronald Westervelt and is acting as such herein.

9. As a further result of the negligence and carelessness of the defendant operator, Alexander Cooper Milardo, the plaintiff, Ronald A. Westervelt, sustained a loss of his motor vehicle and a loss of the utilization of his motor vehicle, all to his financial loss and detriment.

FOURTH COUNT (RECKLESSNESS / Connecticut General Statutes Section 14-295 – as to the plaintiff – Ryan D. Westervelt, Administrator, CTA of the Estate of Ronald A. Westervelt a/k/a Ronald Westervelt, as against the defendant, Alexander Cooper Milardo)

1. On or about May 29, 2016, and at all times mentioned herein, Canaan Road, was and is a public thoroughfare in the Town of North Canaan, County of Litchfield, and State of Connecticut.

2. On or about May 29, 2016, and at all times mentioned herein, the defendant, Alexander Cooper Milardo, was the operator of a 2008 Toyota Sequoia automobile owned by Elizabeth R. Cooper, traveling west on said Canaan Road in the Town of North Canaan, County of Litchfield, and State of Connecticut.

3. At all times and dates mentioned herein, the defendant, Alexander Cooper Milardo, was operating the aforesaid 2008 Toyota Sequoia automobile with the consent of the defendant, Elizabeth R. Cooper, as her servant, agent or employee, and was acting within the scope of her authority and/or employment, and/or was operating the aforesaid motor vehicle as a family car, with the consent and authority of the defendant, Elizabeth R. Cooper.

4. On or about May 29, 2016 and at approximately 5:17 p.m., Ronald A. Westervelt, was the operator of a 2003 Chrysler traveling east on said Canaan Road in the Town of North Canaan, County of Litchfield, and State of Connecticut.

5. On or about May 29, 2016, and at all times mentioned herein, the defendant operator, Alexander Cooper Milardo, was traveling west on said Canaan Road when suddenly and without warning, he crossed the center line and violently struck the front end of the

Westervelt vehicle, causing the Westervelt vehicle to crash into the guard rails, which resulted in the death of Ronald A. Westervelt, as hereinafter set forth.

6. The aforesaid collision was due to the actions of the defendant operator, Alexander Cooper Milardo, in that he deliberately or with reckless disregard for the safety of other individuals traveling upon said highway:

- a. Violated Connecticut General Statute Section 14-222 by operating his vehicle in a reckless manner having disregard to the width, condition of the road, traffic, use of the public thoroughfare and the weather conditions;
- b. Violated Connecticut General Statute Section 14-218a by operating his vehicle unreasonably fast having disregard to the width, condition of the road, traffic, use of the public thoroughfare and the weather conditions;
- c. Violated Connecticut General Statute Section 14-219 by operating his motor vehicle at an excessive rate of speed; and,
- d. Violated Connecticut General Statute Section 14-230 in that he failed to maintain his vehicle in the right-hand lane upon a roadway.

7. The violations of one or more of the various provisions of the Connecticut General Statutes set forth in paragraph 6 above was a substantial factor in causing the injuries and damages to the plaintiff, Ryan D. Westervelt, Administrator, CTA of the Estate of Ronald A. Westervelt a/k/a Ronald Westervelt as hereinafter set forth and constituted a further violation of Connecticut General Statutes Section 14-295, for which the plaintiff, Ryan D. Westervelt, Administrator, CTA of the Estate of Ronald A. Westervelt a/k/a Ronald Westervelt, is entitled to double or treble damages as provided therein.

8. As a result of the ~~negligence and carelessness as aforesaid~~ recklessness of the defendant operator, Alexander Cooper Milardo, Ronald A. Westervelt, sustained the following injuries:

- a. Death;
- b. Conscious pain and suffering;
- c. Loss of enjoyment of the remainder of his life;
- d. Funeral and burial expenses.

9. As a further result of the aforesaid recklessness of the defendant operator, Alexander Cooper Milardo, the plaintiff, Ronald A. Westervelt, sustained a loss of his motor vehicle and a loss of the utilization of his motor vehicle, all to his financial loss and detriment.

FIFTH COUNT: (As against the defendant, Elizabeth R. Cooper, Negligence/Vicarious Liability as to the plaintiff, Dixie L. Westervelt)

1-~~10~~1. Paragraphs One (1) through ~~Ten~~Eleven (~~10~~1) of the First Count are hereby made paragraphs One (1) through ~~(10)~~(1) of the Fifth Count as if more fully set forth herein.

1~~4~~2. On said date and time, the defendant, Elizabeth R. Cooper was the owner of a 2008 Toyota Sequoia automobile bearing Connecticut registration number 396YNW.

1~~2~~3. At all times mentioned herein, the defendant, Elizabeth R. Cooper, is liable for the negligence of the defendant, Alexander Cooper Milardo, as he was operating said vehicle as a family car, with the consent, permission and authority of the defendant, Elizabeth R. Cooper, pursuant to Connecticut General Statutes Section 52-182 and/or as the agent/servant or employee of Elizabeth Cooper, pursuant to Connecticut General Statutes Section 52-183.

SIXTH COUNT: (As against the defendant, Elizabeth R. Cooper, Negligence/Vicarious Liability as to the plaintiff, Ryan D. Westervelt, Administrator, CTA of the Estate of Ronald A. Westervelt a/k/a Ronald Westervelt)

1-89. Paragraphs One (1) through ~~Eight~~Nine (89) of the Third Count are hereby made paragraphs One (1) through ~~Eight~~Nine (89) of the Sixth Count as if more fully set forth herein.

10.9. On said date and time, the defendant, Elizabeth R. Cooper was the owner of a 2008 Toyota Sequoia automobile bearing Connecticut registration number 396YNW.

~~11.0.~~ At all times mentioned herein, the defendant, Elizabeth R. Cooper, is liable for the negligence of the defendant, Alexander Cooper Milardo, as he was operating said vehicle as a family car, with the consent, permission and authority of the defendant, Elizabeth R. Cooper, pursuant to Connecticut General Statutes Section 52-182 and/or as the agent/servant or employee of Elizabeth R. Cooper pursuant to Connecticut General Statutes Section 52-183.

SEVENTH COUNT – (As to the plaintiff, Dixie L. Westervelt, Loss of Constorium – Negligence, against the defendant, Alexander Cooper Milardo)

1-98. Paragraphs One (1) through ~~Eight~~Nine(89) of the Third Count are hereby made paragraphs One (1) through ~~Eight~~Nine (89) of the Seventh Count as if more fully set forth herein.

109. At all times mentioned herein, the plaintiff, Dixie L. Westervelt, was the wife of Ronald A. Westervelt a/k/a Ronald Westervelt.

11.10. As a result of the aforesaid negligence and carelessness of the defendant, Alexander Cooper Milardo which resulted in the death of Ronald A. Westervelt a/k/a Ronald Westervelt, the plaintiff, Dixie L. Westervelt, sustained a loss of consortium, including but not limited to loss of companionship, society and affection.

EIGHTH COUNT – (As to the plaintiff, Dixie L. Westervelt, Loss of Constorium – Recklessness, against the defendant, Alexander Cooper Milardo)

1-~~89~~. Paragraphs One (1) through ~~Eight~~ Nine (~~89~~) of the Fourth Count are hereby made paragraphs One (1) through ~~Eight~~ Nine (~~89~~) of the Eighth Count as if more fully set forth herein.

109. At all times mentioned herein, the plaintiff, Dixie L. Westervelt, was the wife of Ronald A. Westervelt a/k/a Ronald Westervelt.

1140. As a result of the aforesaid recklessness of the defendant, Alexander Cooper Milardo which resulted in the death of Ronald A. Westervelt a/k/a Ronald Westervelt, the plaintiff, Dixie L. Westervelt, sustained a loss of consortium, including but not limited to loss of companionship, society and affection.

NINTH COUNT: (As to the plaintiff, Dixie L. Westervelt, Loss of Constorium - against the defendant, Elizabeth R. Cooper)

1-~~1140~~.——Paragraphs One (1) through ~~Ten~~ Eleven (~~1140~~) of the Sixth Count are hereby made paragraphs One (1) through ~~Ten~~ Eleven (~~1140~~) of the Ninth Count as if more fully set forth herein.

1244. At all times mentioned herein, the plaintiff, Dixie L. Westervelt, was the wife of Ronald A. Westervelt a/k/a Ronald Westervelt.

1342. As a result of the aforesaid negligence of the defendant, Alexander Cooper Milardo which resulted in the death of Ronald A. Westervelt a/k/a Ronald Westervelt, the plaintiff, Dixie L. Westervelt, sustained a loss of consortium, including but not limited to loss of companionship, society and affection.

WHEREFORE, the plaintiffs claim:

1. Monetary damages;
2. Double/Treble damages pursuant to Connecticut General Statutes Section 14-295 as to the Second Count, Fourth Count and Eighth Count;
3. Common law Punitive Damages as to the Second Count, Fourth Count and Eighth Count;
4. Such other and further relief as this Court may deem equitable and reasonable

Dated at Watertown, Connecticut this 9th day of September, 2016.

BY: _____
Michael A. D'Amico, Esq.
D'AMICO, GRIFFIN & PETTINICCHI, LLC
465 Straits Turnpike, Watertown, CT 06795
Telephone: 860-945-6600
Juris No.: 401986

Please enter the appearance of:

D'AMICO, GRIFFIN & PETTINICCHI, L.L.C. – JURIS NO. 401986

Michael A. D'Amico
Commissioner of the Superior Court
465 Straits Turnpike, Watertown, CT 06795

As attorneys for the plaintiff in the
above-entitled matter

RETURN DATE: OCTOBER 25, 2016 : SUPERIOR COURT

DIXIE L. WESTERVELT AND RYAN D.
WESTERVELT, ADMINISTRATOR, CTA OF
THE ESTATE OF RONALD A. WESTERVELT
A/KA RONALD WESTERVELT : JUDICIAL DISTRICT OF

VS. : LITCHFIELD AT LITCHFIELD

ALEXANDER COOPER MILARDO AND
ELIZABETH R. COOPER : SEPTEMBER 9, 2016

STATEMENT OF AMOUNT IN DEMAND

The amount, legal interest or property in demand is in excess of Fifteen Thousand
(\$15,000.00) Dollars, exclusive of interest and costs.

THE PLAINTIFFS

BY: _____
Michael A. D'Amico, Esq.
D'AMICO, GRIFFIN & PETTINICCHI, LLC
465 Straits Turnpike, Watertown, CT 06795
Telephone: 860-945-6600
Juris No.: 401986

RETURN DATE: OCTOBER 25, 2016 : SUPERIOR COURT

DIXIE L. WESTERVELT AND RYAN D.
WESTERVELT, ADMINISTRATOR, CTA OF
THE ESTATE OF RONALD A. WESTERVELT
A/KA RONALD WESTERVELT : JUDICIAL DISTRICT OF

VS. : LITCHFIELD AT LITCHFIELD

ALEXANDER COOPER MILARDO AND
ELIZABETH R. COOPER : SEPTEMBER 9, 2016

SATISFACTION OF JUDGMENT FROM WAGES

Notice is hereby given to the defendants, Alexander Cooper Milardo and Elizabeth R. Cooper, that the plaintiffs, intend to seek satisfaction of any judgment rendered in their favor in this action out of any debt accruing to the defendant by the defendant's personal service.

THE PLAINTIFFS

BY: _____
Michael A. D'Amico, Esq.
D'AMICO, GRIFFIN & PETTINICCHI, LLC
465 Straits Turnpike, Watertown, CT 06795
Telephone: 860-945-6600
Juris No.: 401986