

RETURN DATE: MARCH 15, 2016 : SUPERIOR COURT  
ROBERT CARD, PATRICE CARD AND : J.D. OF WATERBURY  
ROBIN CRACCO  
  
VS. : AT WATERBURY  
  
JUSTIN M. LEBEL, SAFECO INSURANCE : JANUARY 27, 2016  
COMPANY OF ILLINOIS AND KEMPER  
INDEPENDENCE INSURANCE COMPANY

### **COMPLAINT**

#### **COUNT ONE-NEGLIGENCE (BY PLAINTIFF ROBERT CARD AS TO JUSTIN M. LEBEL)**

1. At all times pertinent hereto, the Plaintiff, Robert Card, was a resident of Waterbury, Connecticut.
2. At all times pertinent hereto, the Defendant, Justin M. Lebel, was a resident of Waterbury, Connecticut.
3. On February 22, 2014, at approximately 6:31 p.m., the Defendant, Justin M. Lebel was the owner and operator of a 2012 General Motors pickup truck traveling southbound on Frost Road in Waterbury, Connecticut.
4. At the same time and place, the Plaintiff, Robert Card was driving his vehicle

and was traveling southbound on Frost Road in Waterbury, Connecticut.

5. At that time and place, the Defendant Justin M. Lebel failed to keep control of his vehicle and drove his truck into the rear of the Plaintiff Robert Card's vehicle causing a collision and crashed with sufficient force as to cause the injuries and losses of which the Plaintiff, Robert Card hereinafter complains.
6. As a direct and proximate result of the collision caused by the Defendant, Justin M. Lebel's carelessness and negligence, the Plaintiff, Robert Card sustained the following injuries, some or all of which are or are likely to be permanent in nature:
  - a. Injuries to his back and neck;
  - b. Injuries and pain in his shoulders and extremities;
  - c. Injuries to his nervous system including PTSD;
  - d. Headaches, and
  - e. Stiffness, soreness, pain and suffering.
7. As a direct and proximate result of the collision caused by the Defendant, Justin M. Lebel's carelessness and negligence, the Plaintiff, Robert Card, was caused to seek medical care and to incur expenses for hospitals, doctors, therapists, pharmacists and the like, and may incur the same in the future, all to his loss and damage, and his quality of life has been decreased and

diminished.

8. As a further result of the carelessness and negligence of the Defendant, Robert Card was forced to miss time from work, with the attendant loss of income, he may be caused to suffer such loss again in the future, and his earnings capacity has been or may be permanently impaired.
9. As a direct and proximate result of the collision caused by the Defendant, Justin M. Lebel's carelessness and negligence, the Plaintiff, Robert Card, sustained physical damage to the vehicle he was driving, as well as the loss of the use of the same, all to his loss and damage.
10. The injuries and losses of Robert Card were caused by the carelessness and negligence of the defendant in one or more of the following ways:
  - a. In that Justin M. Lebel was traveling too fast for conditions, in violation of Connecticut General Statutes §14-218a;
  - b. In that Justin M. Lebel was operating his vehicle while under the influence or while having an elevated blood alcohol content, in violation of Connecticut General Statutes § 14-227a and § 14-227g;
  - c. In that Justin M. Lebel failed to keep a reasonable distance between his vehicle and Robert Card's vehicle in violation of Connecticut General Statutes § 14-240;

- d. In that Justin M. Lebel failed to sound his horn, signal or warn Mr. Card so as to avoid a collision;
  - e. In that Justin M. Lebel failed to apply his brakes in time to bring his vehicle to a stop so as to avoid a collision;
  - f. In that Justin M. Lebel failed to turn his vehicle to the left or to the right in order to avoid a collision;
  - g. In that Justin M. Lebel was inattentive in the operation of his vehicle, in violation of Public Act 14-271;
  - h. In that Justin M. Lebel failed to keep a proper lookout for other vehicle upon the roadway.
11. As a direct and proximate result of the collision caused by the Defendant, Justin M. Lebel's carelessness and negligence, the Plaintiff, Robert Card, is unable to participate in and enjoy his usual life activities.

**COUNT TWO-NEGLIGENCE (BY PATRICE CARD AS TO JUSTIN M. LEBEL)**

- 1. At all times pertinent hereto, the Plaintiff, Patrice Card, was a resident of Waterbury, Connecticut.
- 2-4. Paragraphs 2 through 4 of Count One are hereby incorporated as Paragraphs 2 through 4 of Count Two.

5. At the same time and place, the Plaintiff, Patrice Card was seated in the front passenger's seat of the vehicle that was being operated by Plaintiff, Robert Card.
6. At that time and place, the Defendant Justin M. Lebel failed to keep control of his vehicle and drove his truck into the rear of the Plaintiff Robert Card's vehicle causing a collision and crashed with sufficient force as to cause the injuries and losses of which the Plaintiff, Patrice Card hereinafter complains.
7. As a direct and proximate result of the collision caused by the Defendant, Justin M. Lebel's carelessness and negligence, the Plaintiff, Patrice Card sustained the following injuries, some or all of which are or are likely to be permanent in nature:
  - a. Injuries to her back and neck;
  - b. Injuries and pain in her shoulders and extremities;
  - c. Injuries and pain in her knees and legs with radiating pain;
  - c. Injuries to her nervous system including PTSD;
  - d. Headaches, and
  - e. Stiffness, soreness, pain and suffering.
8. As a direct and proximate result of the collision caused by the Defendant, Justin M. Lebel's carelessness and negligence, the Plaintiff, Patrice Card, was

caused to seek medical care and to incur expenses for hospitals, doctors, therapists, pharmacists and the like, and may incur the same in the future, all to her loss and damage, and her quality of life has been decreased and diminished.

9. As a further result of the carelessness and negligence of the Defendant, Patrice Card was forced to miss time from work, with the attendant loss of income, she may be caused to suffer such loss again in the future, and her earnings capacity has been or may be permanently impaired.
10. The injuries and losses of Patrice Card were caused by the carelessness and negligence of the defendant in one or more of the following ways:
  - a. In that Justin M. Lebel was traveling too fast for conditions, in violation of Connecticut General Statutes §14-218a;
  - b. In that Justin M. Lebel was operating his vehicle while under the influence or while having an elevated blood alcohol content, in violation of Connecticut General Statutes § 14-227a and § 14-227g;
  - c. In that Justin M. Lebel failed to keep a reasonable distance between his vehicle and Robert Card's vehicle in violation of Connecticut General Statutes § 14-240;

- d. In that Justin M. Lebel failed to sound his horn, signal or warn Mr. Card so as to avoid a collision;
  - e. In that Justin M. Lebel failed to apply his brakes in time to bring his vehicle to a stop so as to avoid a collision;
  - f. In that Justin M. Lebel failed to turn his vehicle to the left or to the right in order to avoid a collision;
  - g. In that Justin M. Lebel was inattentive in the operation of his vehicle, in violation of Public Act 14-271;
  - h. In that Justin M. Lebel failed to keep a proper lookout for other vehicles upon the roadway.
11. As a direct and proximate result of the collision caused by the Defendant, Justin M. Lebel's carelessness and negligence, the Plaintiff, Patrice Card, is unable to participate in and enjoy her usual life activities.

**COUNT THREE-NEGLIGENCE (BY ROBIN CRACCO AS TO JUSTIN M. LABEL)**

- 1. At all times pertinent hereto, the Plaintiff, Robin Cracco, was a resident of Waterbury, Connecticut.
- 2-4. Paragraphs 2 through 4 of Count One are hereby incorporated as Paragraphs 2 through 4 of Count Three.

5. At the same time and place, the Plaintiff, Robin Cracco was seated in the rear passenger's seat of the vehicle that was being operated by Plaintiff, Robert Card.
6. At that time and place, the Defendant Justin M. Lebel failed to keep control of his vehicle and drove his truck into the rear of the Plaintiff Robert Card's vehicle causing a collision and crashed with sufficient force as to cause the injuries and losses of which the Plaintiff, Robin Cracco hereinafter complains.
7. As a direct and proximate result of the collision caused by the Defendant, Justin M. Lebel's carelessness and negligence, the Plaintiff, Robin Cracco sustained the following injuries, some or all of which are or are likely to be permanent in nature:
  - a. Injuries to her back and neck;
  - b. Injuries and pain in her shoulders and extremities;
  - c. Injuries and pain in her knees and legs with radiating pain;
  - c. Injuries to her nervous system including PTSD;
  - d. Headaches;
  - e. Pain and stiffness to her jaw and teeth, and
  - f. Stiffness, soreness, pain and suffering.
8. As a direct and proximate result of the collision caused by the Defendant,



Justin M. Lebel's carelessness and negligence, the Plaintiff, Robin Cracco, was caused to seek medical care and to incur expenses for hospitals, doctors, therapists, pharmacists and the like, and may incur the same in the future, all to her loss and damage, and her quality of life has been decreased and diminished.

9. As a further result of the carelessness and negligence of the Defendant, Robin Cracco was forced to miss time from work, with the attendant loss of income, she may be caused to suffer such loss again in the future, and her earnings capacity has been or may be permanently impaired.
10. The injuries and losses of Robin Cracco were caused by the carelessness and negligence of the defendant in one or more of the following ways:
  - a. In that Justin M. Lebel was traveling too fast for conditions, in violation of Connecticut General Statutes §14-218a;
  - b. In that Justin M. Lebel was operating his vehicle while under the influence or while having an elevated blood alcohol content, in violation of Connecticut General Statutes § 14-227a and § 14-227g;
  - c. In that Justin M. Lebel failed to keep a reasonable distance between his vehicle and Robert Card's vehicle in violation of Connecticut General Statutes § 14-240;

- d. In that Justin M. Lebel failed to sound his horn, signal or warn Mr. Card so as to avoid a collision;
  - e. In that Justin M. Lebel failed to apply his brakes in time to bring his vehicle to a stop so as to avoid a collision;
  - f. In that Justin M. Lebel failed to turn his vehicle to the left or to the right in order to avoid a collision;
  - g. In that Justin M. Lebel was inattentive in the operation of his vehicle, in violation of Public Act 14-271;
  - h. In that Justin M. Lebel failed to keep a proper lookout for other vehicles upon the roadway.
11. As a direct and proximate result of the collision caused by the Defendant, Justin M. Lebel's carelessness and negligence, the Plaintiff, Robin Cracco, is unable to participate in and enjoy her usual life activities.

**COUNT FOUR- RECKLESSNESS (BY ROBERT CARD AS TO JUSTIN M. LEBEL)**

- 1.- 5. Paragraph Nos. 1 through 5 of Count One are hereby incorporated as Paragraph Nos. 1 through 5 of Count Four.
6. At said time and place, the Defendant Justin M. Lebel, recklessly operating a truck on a public road while under the influence of alcohol and at an excessive

rate of speed and admittedly collided with the vehicle of Plaintiff Robert Card.

7. As a direct and proximate result of the collision caused by the Defendant, Justin M. Lebel's recklessness, the Plaintiff, Patrice Card sustained the following injuries, some or all of which are or are likely to be permanent in nature:
  - a. Injuries to his back and neck;
  - b. Injuries and pain in his shoulders and extremities;
  - c. Injuries to his nervous system including PTSD;
  - d. Headaches, and
  - e. Stiffness, soreness, pain and suffering.
8. As a direct and proximate result of the collision caused by the Defendant, Justin M. Lebel's recklessness, the Plaintiff, Robert Card, was caused to seek medical care and to incur expenses for hospitals, doctors, therapists, pharmacists and the like, and may incur the same in the future, all to his loss and damage, and his quality of life has been decreased and diminished.
9. As a further result of the recklessness of the Defendant, Robert Card was forced to miss time from work, with the attendant loss of income, he may be caused to suffer such loss again in the future, and his earnings capacity has been or may be permanently impaired.

10. As a direct and proximate result of the collision caused by the Defendant, Justin M. Lebel's recklessness, the Plaintiff, Robert Card, sustained physical damage to the vehicle he was driving, as well as the loss of the use of the same, all to his loss and damage.
11. The injuries and losses of Robert Card were caused by the recklessness of the defendant in one or more of the following ways:
  - a. In that Justin M. Lebel was traveling too fast for conditions, in violation of Connecticut General Statutes §14-218a;
  - b. In that Justin M. Lebel was operating his vehicle while under the influence or while having an elevated blood alcohol content, in violation of Connecticut General Statutes § 14-227a and § 14-227g;
  - c. In that Justin M. Lebel failed to keep a reasonable distance between his vehicle and Robert Card's vehicle in violation of Connecticut General Statutes § 14-240;
  - d. In that Justin M. Lebel failed to sound his horn, signal or warn Mr. Card so as to avoid a collision;
  - e. In that Justin M. Lebel failed to apply his brakes in time to bring his vehicle to a stop so as to avoid a collision;
  - f. In that Justin M. Lebel failed to turn his vehicle to the left or to the right

in order to avoid a collision;

g. In that Justin M. Lebel was inattentive in the operation of his vehicle, in violation of Public Act 14-271;

h. In that Justin M. Lebel failed to keep a proper lookout for other vehicle upon the roadway.

12. As a direct and proximate result of the collision caused by the Defendant, Justin M. Lebel's recklessness, the Plaintiff, Robert Card, is unable to participate in and enjoy his usual life activities.

**COUNT FIVE - RECKLESSNESS (BY PATRICE CARD AS TO JUSTIN M. LABEL)**

1.- 5. Paragraph Nos. 1 through 5 of Count Two are hereby incorporated as Paragraph Nos. 1 through 5 of Count Five.

6. At said time and place, the Defendant Justin M. Lebel, recklessly operating a truck on a public road while under the influence of alcohol and at an excessive rate of speed and admittedly collided with the vehicle of Plaintiff Robert Card.

7. As a direct and proximate result of the collision caused by the Defendant, Justin M. Lebel's recklessness, the Plaintiff, Patrice Card sustained the following injuries, some or all of which are or are likely to be permanent in nature:

- a. Injuries to her back and neck;
  - b. Injuries and pain in her shoulders and extremities;
  - c. Injuries and pain in her knees and legs with radiating pain;
  - c. Injuries to her nervous system including PTSD;
  - d. Headaches, and
  - e. Stiffness, soreness, pain and suffering.
8. As a direct and proximate result of the collision caused by the Defendant, Justin M. Lebel's recklessness, the Plaintiff, Patrice Card, was caused to seek medical care and to incur expenses for hospitals, doctors, therapists, pharmacists and the like, and may incur the same in the future, all to her loss and damage, and her quality of life has been decreased and diminished.
9. As a further result of the recklessness of the Defendant, Patrice Card was forced to miss time from work, with the attendant loss of income, she may be caused to suffer such loss again in the future, and her earnings capacity has been or may be permanently impaired.
10. The injuries and losses of Patrice Card were caused by the recklessness of the defendant in one or more of the following ways:
- a. In that Justin M. Lebel was traveling too fast for conditions, in violation of Connecticut General Statutes §14-218a;

- b. In that Justin M. Lebel was operating his vehicle while under the influence or while having an elevated blood alcohol content, in violation of Connecticut General Statutes § 14-227a and § 14-227g;
  - c. In that Justin M. Lebel failed to keep a reasonable distance between his vehicle and Robert Card's vehicle in violation of Connecticut General Statutes § 14-240;
  - d. In that Justin M. Lebel failed to sound his horn, signal or warn Mr. Card so as to avoid a collision;
  - e. In that Justin M. Lebel failed to apply his brakes in time to bring his vehicle to a stop so as to avoid a collision;
  - f. In that Justin M. Lebel failed to turn his vehicle to the left or to the right in order to avoid a collision;
  - g. In that Justin M. Lebel was inattentive in the operation of his vehicle, in violation of Public Act 14-271;
  - h. In that Justin M. Lebel failed to keep a proper lookout for other vehicle upon the roadway.
11. As a direct and proximate result of the collision caused by the Defendant, Justin M. Lebel's recklessness, the Plaintiff, Patrice Card, is unable to participate in and enjoy her usual life activities.

**COUNT SIX - RECKLESSNESS (BY ROBIN CRACCO AS TO JUSTIN M. LEBEL)**

- 1.- 5. Paragraph Nos. 1 through 5 of Count Three are hereby incorporated as Paragraph Nos. 1 through 5 of Count Six.
6. At said time and place, the Defendant Justin M. Lebel, recklessly operating a truck on a public road while under the influence of alcohol and at an excessive rate of speed and admittedly collided with the vehicle of Plaintiff Robert Card.
7. As a direct and proximate result of the collision caused by the Defendant, Justin M. Lebel's recklessness, the Plaintiff, Robin Cracco sustained the following injuries, some or all of which are or are likely to be permanent in nature:
  - a. Injuries to her back and neck;
  - b. Injuries and pain in her shoulders and extremities;
  - c. Injuries and pain in her knees and legs with radiating pain;
  - c. Injuries to her nervous system including PTSD;
  - d. Headaches;
  - e. Pain and stiffness to her jaw and teeth, and
  - f. Stiffness, soreness, pain and suffering.
8. As a direct and proximate result of the collision caused by the Defendant, Justin M. Lebel's recklessness, the Plaintiff, Robin Cracco, was caused to seek



medical care and to incur expenses for hospitals, doctors, therapists, pharmacists and the like, and may incur the same in the future, all to her loss and damage, and her quality of life has been decreased and diminished.

9. As a further result of the recklessness of the Defendant, Robin Cracco was forced to miss time from work, with the attendant loss of income, she may be caused to suffer such loss again in the future, and her earnings capacity has been or may be permanently impaired.
10. The injuries and losses of Robin Cracco were caused by the recklessness of the defendant in one or more of the following ways:
  - a. In that Justin M. Lebel was traveling too fast for conditions, in violation of Connecticut General Statutes §14-218a;
  - b. In that Justin M. Lebel was operating his vehicle while under the influence or while having an elevated blood alcohol content, in violation of Connecticut General Statutes § 14-227a and § 14-227g;
  - c. In that Justin M. Lebel failed to keep a reasonable distance between his vehicle and Robert Card's vehicle in violation of Connecticut General Statutes § 14-240;
  - d. In that Justin M. Lebel failed to sound his horn, signal or warn Mr. Card so as to avoid a collision;

- e. In that Justin M. Lebel failed to apply his brakes in time to bring his vehicle to a stop so as to avoid a collision;
  - f. In that Justin M. Lebel failed to turn his vehicle to the left or to the right in order to avoid a collision;
  - g. In that Justin M. Lebel was inattentive in the operation of his vehicle, in violation of Public Act 14-271;
  - h. In that Justin M. Lebel failed to keep a proper lookout for other vehicle upon the roadway.
11. As a direct and proximate result of the collision caused by the Defendant, Justin M. Lebel's recklessness, the Plaintiff, Robin Cracco, is unable to participate in and enjoy her usual life activities.

**COUNT SEVEN (BY ROBERT CARD AS TO KEMPER INDEPENDENCE INSURANCE COMPANY)**

- 1-11. Paragraphs 1 through 11 of Count One are hereby incorporated as Paragraphs 1 through 11 of Count Seven.
12. The Defendant, Kemper Independence Insurance Company, issued a policy of automobile insurance ("policy") covering the Plaintiff Robert Card, policy #RB 792812, insuring him for claims arising out of uninsured/underinsured

incidents.

13. Insurance premiums were paid in full and the policy was in full force and effect on February 22, 2014.
14. The Defendant, Kemper Independence Insurance Company, is legally responsible to pay the damages and losses suffered by the Plaintiff Robert Card in accordance with Connecticut General Statutes §38a-336.

**COUNT EIGHT (BY PATRICE CARD AS TO KEMPER INDEPENDENCE INSURANCE COMPANY)**

- 1-11. Paragraphs 1 through 11 of Count Two are hereby incorporated as Paragraphs 1 through 11 of Count Eight.
12. The Defendant, Kemper Independence Insurance Company, issued a policy of automobile insurance (“policy”) covering the Plaintiff Patrice Card, policy #RB 792812, insuring her for claims arising out of uninsured/underinsured incidents.
13. Insurance premiums were paid in full and the policy was in full force and effect on February 22, 2014.
14. The Defendant, Kemper Independence Insurance Company, is legally responsible to pay the damages and losses suffered by the Plaintiff Patrice Card in accordance with Connecticut General Statutes §38a-336.

**COUNT NINE (BY ROBIN CRACCO AS TO SAFECO INSURANCE COMPANY OF ILLINOIS)**

- 1-11. Paragraphs 1 through 11 of Count Three are hereby incorporated as Paragraphs 1 through 11 of Count Nine.
12. The Defendant, SAFECO Insurance Company of Illinois, issued a policy of automobile insurance (“policy”) covering the Plaintiff Robin Cracco, policy #K1354577, insuring her for claims arising out of uninsured/underinsured incidents.
13. Insurance premiums were paid in full and the policy was in full force and effect on February 22, 2014.
14. The Defendant, SAFECO Insurance Company of Illinois, is legally responsible to pay the damages and losses suffered by the Plaintiff Robin Cracco in accordance with Connecticut General Statutes §38a-336.

**WHEREFORE**, the Plaintiffs claim:

1. Money damages;
2. Double or treble damages pursuant to C.G.S. §14-295 (as to Counts Four, Five and Six);
3. Punitive Damages; and

4. Costs.

THE PLAINTIFFS,  
ROBERT CARD  
PATRICE CARD  
ROBIN CRACCO

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**STATEMENT OF AMOUNT IN DEMAND**

The amount in demand, exclusive of costs and interest, exceeds  
\$15,000.00.

THE PLAINTIFFS,  
ROBERT CARD  
PATRICE CARD  
ROBIN CRACCO

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