

DOCKET NO. UWY-CV-15-6028757-S : SUPERIOR COURT
CONSTANCE KOULMEY : J.D. OF WATERBURY
VS. : AT WATERBURY
JAMES SWEENEY : MAY 31, 2018

SECOND AMENDED COMPLAINT

FIRST COUNT: NEGLIGENCE

1. At all times mentioned herein, the plaintiff, Constance Koulmey, was a resident of the Town of Woodbury and State of Connecticut.

2. At all times mentioned herein, the defendant, Attorney James Sweeney, was a resident of the Town of Spring Lake and State of New Jersey.

3. On or about March 29, 2015, both the plaintiff and the defendant were patrons / invitees at Roma's Ristorante, 179 Davis Street, Oakville, Connecticut.

4. On March 29, 2015, at approximately 7:30 p.m., the defendant, James Sweeney was intoxicated and upon information and belief was arguing with another patron of the restaurant when he picked up a bowl or dish full of pasta with fra diavolo sauce and threw it toward the man the defendant was arguing with.

5. At or about this same time and place the plaintiff, Constance Koulmey, was walking towards the exit door of the restaurant, when suddenly and without warning the pasta with hot and spicy fra diavolo sauce which was thrown at the man referenced in paragraph 4 herein struck her about the head and face causing the spicy sauce to drip down her head, onto her face and in her eyes and further causing her to fall striking her head. The Defendant was negligent and careless in one or more of the following ways:

- a. Throwing steaming hot pasta and sauce at the man next to him while the plaintiff was directly behind the man;
- b. Throwing steaming hot pasta and sauce without providing a warning to those around the man; and
- c. Failing to conduct himself as a reasonable person under the circumstances; and
- d. Failing to leave the restaurant, move his seat, or take any action to remove himself from the situation before throwing the steaming hot pasta and sauce.

6. As a result of this negligence and carelessness of the defendant, James Sweeney, as set forth in paragraphs 4 and 5 herein, the plaintiff, Constance Koulmey, suffered the following injuries, some or all of which may be permanent in nature:

- a. head injury with resulting concussion;
- b. eye pain, burning and blurry vision;
- c. headaches, dizziness and nausea;
- d. neck pain;
- e. daily severe back pain with radiating pain;
- f. emotional upset;
- g. elevated blood pressure;
- h. an increased risk of future medical complications resulting from the aforesaid injuries; and
- i. emotional upset due to a fear of future medical complications resulting from the aforesaid injuries.

From all of said injuries, the plaintiff, Constance Koulmey, 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.

7. As a further consequence of said injuries and the negligence and carelessness of the defendant, James Sweeney, the plaintiff, Constance Koulmey, has in the past and may in the future expend large sums of money for hospital care, medical care, x-rays, therapy and prescriptions, all to her financial loss and detriment.

8. As a further consequence of said injuries and the negligence and carelessness of the defendant, James Sweeney, the plaintiff, Constance Koulmey, who was gainfully employed at the time of the incident, sustained a loss of wages, a loss of earning capacity and work-related benefits.

9. As a further consequence of said injuries and the negligence and carelessness of the defendant, James Sweeney, the plaintiff, Constance Koulmey, has suffered, continues to suffer and may in the future suffer a loss of the enjoyment of life's activities.

10. As a further consequence of said injuries and the negligence and carelessness of the defendant, James Sweeney, the plaintiff, Constance Koulmey, has suffered, damages and consequential losses including, but not limited to damage and loss of a scarf and damage to a fur coat.

SECOND COUNT: BATTERY

1-5. Plaintiff, Constance Koulmey, hereby incorporates paragraphs One through Five of Count One into this Count Two.

6. Defendant, James Sweeney, intentionally and willfully threw the pasta and fra diavolo sauce at a third party—the man he was arguing with.

7. Defendant, James Sweeney, intended to cause physical injury to the man he was arguing with.

8. Defendant, James Sweeney, recklessly or intentionally and willfully caused the pasta and fra diavolo sauce to hit that man which then also hit Plaintiff Constance Koulmey about the head, face and eyes.

9. Defendant, James Sweeney, thereby recklessly or intentionally and willfully caused physical injury to Plaintiff Constance Koulmey.

10. The contact caused by Defendant James Sweeney in throwing the pasta and fra diavolo sauce was offensive and/or harmful in that Plaintiff Constance Koulmey suffered the following injuries, some or all of which may be permanent in nature:

- a. head injury with resulting concussion;
- b. eye pain, burning and blurry vision;
- c. headaches, dizziness and nausea;
- d. neck pain;
- e. daily severe back pain with radiating pain;
- f. emotional upset;
- g. elevated blood pressure;
- f. an increased risk of future medical complications resulting from the aforesaid injuries; and
- g. emotional upset due to a fear of future medical complications resulting from the aforesaid injuries.

From all of said injuries, the plaintiff, Constance Koulmey, 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.

11. As a further consequence of said injuries and the misconduct of the defendant, James Sweeney, the plaintiff, Constance Koulmey, has in the past and may in the future expend sums of money for hospital care, medical care, x-rays, therapy and prescriptions, all to her financial loss and detriment.

12. As a further consequence of said injuries and the misconduct of the defendant, James Sweeney, the plaintiff, Constance Koulmey, has suffered, continues to suffer and may in the future suffer emotional upset.

13. As a further consequence of said injuries and the misconduct of the defendant, James Sweeney, the plaintiff, Constance Koulmey, has suffered, continues to suffer and may in the future suffer a loss of the enjoyment of life's activities.

14. As a further consequence of said injuries and the misconduct of the defendant, James Sweeney, the plaintiff, Constance Koulmey, has suffered, damages and consequential losses including, but not limited to damages and losses of her scarf and fur.

WHEREFORE, the plaintiff claims:

1. Money damages;
2. Punitive Damages as to the Second Count;
3. Any other such relief that the Court shall appertain in law or in equity.

Dated at Watertown, Connecticut this 29th day of May, 2018.



Jeremy H. D'Amico

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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 PLAINTIFF

BY 
Jeremy H. D'Amico

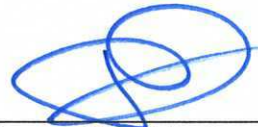
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SATISFACTION OF JUDGMENT FROM WAGES

Notice is hereby given to the defendant that the plaintiff intends to seek satisfaction of any judgment rendered in her favor in this action out of any debt accruing to the defendant by the defendant's personal service.

THE PLAINTIFF

BY




Jeremy H. D'Amico

CERTIFICATION

I certify that a copy of the above was or will immediately be mailed or delivered electronically or nonelectronically on MAY 31, 2018, to all counsel and self-represented parties of record and that written consent for electronic delivery was received from all counsel and self-represented parties of record who were or will immediately be electronically served.

Eric Schwerzmann
Trantolo & Trantolo
50 Russ Street, Hartford, CT 06106



Jeremy D'Amico
Commissioner of Superior Court