

RETURN DATE: November 13, 2018 : SUPERIOR COURT
DEBORAH S. SCHNUR, ADMINISTRATRIX
OF THE ESTATE OF JESSICA THOMAS, : J.D. OF NEW HAVEN
VS. : AT NEW HAVEN
JOHN J. ALBARELLI, DON-MAT TRUCKING, : SEPTEMBER 27, 2018
LLC, USA HAULING & RECYCLING, INC.,
MURPHY ROAD RECYCLING, LLC,
AUTOMATED MATERIAL HANDLING, LLC,
LAUREN D. HOCKLA AND CHRISTOPHER S.
BUSWELL

COMPLAINT

[COUNT ONE: NEGLIGENCE AS TO JOHN J. ALBARELLI, DON-MAT TRUCKING, LLC, USA HAULING & RECYCLING, INC., MURPHY ROAD RECYCLING, LLC, AND AUTOMATED MATERIAL HANDLING, LLC]

1. On December 19, 2017, DEBORAH S. SCHNUR, was duly appointed by the Court of Probate, Saybrook Probate Court, District No. PD33, as Administratrix of the Estate of Jessica A. Thomas, deceased, and brings this claim in her capacity as Administratrix of said Estate.

2. The subject cause of action is brought pursuant to Connecticut General Statute § 52-555.

3. DEBORAH S. SCHNUR, the Administratrix of the Estate of Jessica A. Thomas is a citizen of Connecticut, residing in the Town of Clinton, State of Connecticut.

4. Defendant, JOHN J. ALBARELLI, is a citizen of the State of Connecticut residing in the City of New Haven, Connecticut.

5. On November 9, 2017, at approximately 12:41 p.m., defendant, JOHN J. ALBARELLI was operating a 2005 CX600 18-wheeler Mack tractor-trailer truck in a northerly direction on the Berlin Turnpike at or near its intersection with Pent Road, a public highway in Wethersfield, Connecticut.

6. At all times relevant herein, defendant JOHN J. ALBARELLI was an agent, apparent agent, contractor, servant and/or employee of defendants, DON-MAT TRUCKING, LLC, MURPHY ROAD RECYCLING, LLC, USA HAULING & RECYCLING, INC, and/or AUTOMATED MATERIAL HANDLING, LLC, operating said 2005 Mack tractor-trailer truck within the scope and course of his agency, contractual relationship, and/or employment with the aforementioned defendants.

7. At all times mentioned herein, said truck was owned by defendant, DON-MAT TRUCKING, LLC, and being operated at that time by defendant, JOHN J. ALBARELLI as its agent, servant and/or employee and was operating pursuant to his agency, servitude or employment, with defendant, DON-MAT TRUCKING, LLC's permission and with his general authority to operate.

8. At all times mentioned herein, the trailer was owned and/or leased and/or the materials contained therein were owned and/or leased by defendants, MURPHY ROAD RECYCLING, LLC, USA HAULING AND RECYCLING, INC, and/or AUTOMATED MATERIAL HANDLING, LLC, and were being hauled by defendant JOHN J. ALBARELLI with permission and under his general authority.

9. On November 9, 2017, and at all times mentioned herein, defendant, JOHN J. ALBARELLI was operating the aforementioned Mack tractor-trailer truck in the course and scope of his agency, contractual relationship and/or employment with defendants, DON-MAT TRUCKING, LLC, MURPHY ROAD RECYCLING, LLC, USA HAULING & RECYCLING, INC., and/or AUTOMATED MATERIAL HANDLING LLC, and/or under the provisions of Connecticut General Statutes § 52-183.

10. On the same date and at the same time, defendant, LAUREN D. HOCKLA, was operating a 2005 Dodge Neon vehicle in a westerly direction on Pent Road, which intersects with the Berlin Turnpike, a public highway, in Wethersfield, Connecticut.

11. The plaintiff's decedent, Jessica A. Thomas, was a front seat passenger in the aforementioned Dodge Neon driven by defendant, LAUREN D. HOCKLA.

12. At all times mentioned herein, the Dodge Neon vehicle was owned by defendant, CHRISTOPHER S. BUSWELL, and was being operated by defendant, LAUREN D. HOCKLA, as a member of the family and/or as an agent, servant and/or employee of defendant, CHRISTOPHER S. BUSWELL, and with his permission to operate.

13. At a point on the Berlin Turnpike at its intersection with Pent Road, defendant, LAUREN D. HOCKLA was attempting to turn from Pent Road on to the Berlin Turnpike, and in doing so, violently collided with the Mack truck tractor-trailer vehicle driven by defendant, JOHN J. ALBARELLI causing this violent motor vehicle collision, and the injuries and damages hereinafter alleged to the plaintiff's decedent.

14. The plaintiff's decedent's injuries and damages were caused by the negligence and carelessness of defendants, JOHN J. ALBARELLI, DON-MAT TRUCKING, LLC, MURPHY ROAD RECYCLING LLC, USA HAULING & RECYCLING, INC, AND AUTOMATED MATERIAL HANLDING, LLC, in one or more of the following ways, in that JOHN J. ALBARELLI:

(a) violated the provisions of Connecticut General Statutes § 14-299 by failing to observe and bring his vehicle to a stop for a red stop and go traffic signal controlling traffic at the intersection;

(b) violated the provisions of Connecticut General Statutes § 14-218a by operating his tractor trailer truck at an unreasonable rate of speed having due regard for the width, traffic and use of said highway;

(c) failed to keep an adequate and proper lookout ahead of him;

(d) failed to keep the tractor trailer truck under reasonable and proper control; and

(e) failed to take reasonable measures, including braking, to avoid striking the vehicle in which the plaintiff's decedent was a passenger.

15. As a result of the motor vehicle collision, the plaintiff's decedent, Jessica A. Thomas, suffered fear of impending injury and death, conscious pain and suffering, from the date of the accident through November 24, 2017, the date of her death, multiple fractures, and death itself.

16. As a further result of the motor vehicle collision, the decedent, Jessica A. Thomas' Estate incurred medical bills, including but not limited to bills for, emergency medical services, life support measures for over two weeks following the accident, diagnostic studies, multiple invasive procedures, hospital care and treatment, and drugs and devices necessitated by her injuries and damages.

17. As a further result of the motor vehicle collision, the capacity of the plaintiff's decedent to earn wages, enjoy life and carry out life's activities has been permanently destroyed.

18. As a further result of the motor vehicle collision, the decedent's Estate has incurred funeral and burial expenses and claims for expenses so incurred have been duly presented to the Administratrix of the Estate.

WHEREFORE, As to Count One, the plaintiff claims fair, just and reasonable damages.

[COUNT TWO: NEGLIGENCE AS TO LAUREN D. HOCKLA AND CHRISTOPHER S. BUSWELL]

1-13. Paragraphs One (1) through Thirteen (13) of Count One are hereby incorporated and made Paragraphs One (1) through Thirteen (13) of Count Two, as if more fully set forth herein.

14. The plaintiff's decedent's injuries were caused by the negligence and carelessness of the defendants, LAUREN D. HOCKLA AND

CHRISTOPHER S. BUSWELL, in one or more of the following ways, in that
LAUREN D. HOCKLA:

(a) violated the provisions of Connecticut General Statutes § 14-299 by failing to observe and obey a red stop and go traffic signal controlling traffic at the intersection;

(b) violated the provisions of Connecticut General Statutes § 14-242 by attempting to turn at an intersection/private road/driveway when the same was unreasonable or improper under the circumstances;

(c) failed to keep an adequate and proper lookout ahead of her; and

(d) failed to look to her left and/or her right prior to entering the subject intersection.

15-18. Paragraphs Fifteen (15) through Eighteen (18) of Count One are hereby incorporated and made Paragraphs Fifteen (15) through Eighteen (18) of Count Two as if more fully set forth herein.

WHEREFORE, As to Count Two, the plaintiff claims fair, just and reasonable damages.

**[COUNT THREE: COMMON LAW RECKLESSNESS AS TO DEFENDANT,
JOHN J. ALBARELLI]**

1-13. Paragraphs One (1) through Thirteen (13) of Count One are hereby incorporated and made Paragraphs One (1) through Thirteen (13) of Count Three as if more fully set forth herein.

14. The motor vehicle collision and resulting damages to the plaintiff's decedent was the direct result of defendant JOHN J. ALBARELLI's common law reckless conduct in the operation of the tractor-trailer truck in one or more of the following ways:

(a) He acted recklessly by operating a tractor-trailer truck with conscious disregard for the rights of the plaintiff's decedent and others situated on the highway by proceeding at a highly excessive rate of speed and

through a red light when he knew or should have known of the risk and dangers his conduct created; and

- (b) He operated the tractor-trailer truck with conscious disregard for the safety of the plaintiff's decedent and others situated on the public highway.

15-18. Paragraphs Fifteen (15) through Eighteen (18) of Count One are hereby incorporated and made Paragraphs Fifteen (15) through Eighteen (18) of Count Three, as if more fully set forth herein.

WHEREFORE, As to Count Three the plaintiff claims fair, just and reasonable damages, AND common law punitive damages.

[COUNT FOUR: STATUTORY RECKLESSNESS AS TO DEFENDANT, JOHN J. ALBARELLI]

1-13. Paragraphs One (1) through Thirteen (13) of Count One are hereby incorporated and made Paragraphs One (1) through Thirteen (13) of Count Four as if more fully set forth herein.

14. The motor vehicle collision and resulting damages to the plaintiff's decedent were the direct result of defendant, JOHN J. ALBARELLI's violation of Connecticut General Statutes § 14-218a, either deliberately or with reckless disregard in one or more of the following ways:

- (a) Acted deliberately or with reckless disregard for the rights and safety of the plaintiff's decedent and others situated on the public highway by operating the tractor-trailer truck at an unreasonable rate of speed under the circumstances and disregarding a red traffic control light when he knew or should have known that such action was highly dangerous and likely to cause an accident in violation of Connecticut General Statutes § 14-218a.

15-18. Paragraphs Fifteen (15) through Eighteen (18) of Count One are hereby incorporated and made Paragraphs Fifteen (15) through Eighteen (18) of Count Four, as if more fully set forth herein.

WHEREFORE, as to Count Four, the plaintiff claims fair just and reasonable damages as well as statutory double or treble damages pursuant to Connecticut General Statutes § 14-295.

[COUNT FIVE: NEGLIGENT HIRING, RETENTION AND SUPERVISION AS TO DON-MAT TRUCKING, LLC, MURPHY ROAD RECYCLING LLC, USA HAULING & RECYCLING INC., AND AUTOMATED MATERIAL HANDLING, LLC]

1-13. Paragraphs One (1) through Thirteen (13) of Count One are hereby incorporated and made Paragraphs One (1) through Thirteen (13) of Count Five as if more fully set forth herein.

14. The motor vehicle collision described above and resulting injuries and damages to the plaintiff's decedent were directly and proximately caused by the negligence of defendants, DON-MAT TRUCKING, LLC, MURPHY ROAD RECYCLING LLC, USA HAULING AND RECYCLING, INC, and AUTOMATED MATERIAL HANDLING, LLC, in that DON-MAT TRUCKING, LLC, MURPHY ROAD RECYCLING LLC, USA HAULING AND RECYCLING INC., and AUTOMATED MATERIAL HANDLING, LLC did one or more of the following:

(a) failed to select an employee and/or agent and/or contractor fit or competent to perform the services of employment/agency/contract in that it knew or reasonably should have known that JOHN J. ALBARELLI had propensity to commit tortious, and criminal acts;

(b) hired and/or contracted with JOHN J. ALBARELLI when it was reasonable and foreseeable that allowing him to operate the truck and haul the trailer would result in harm of the general nature of that suffered by the plaintiff's decedent given his propensity to commit tortious, and criminal acts;

(c) failed to conduct or negligently conducted a routine background and criminal history check on JOHN J. ALBARELLI prior to hiring/contracting him;

(d) failed to test JOHN J. ALBARELLI for factors that impacted his ability to operate commercial trucks at the time of hiring/contracting and during retention;

(e) failed to promulgate and/or enforce rules, regulations, standards, testing and protocols for the hiring/contracting and retention of drivers such as JOHN J. ALBARELLI;

(f) failed to supervise JOHN J. ALBARELLI when they had a duty to supervise him, and knew or reasonably should have known that he had propensity to commit tortious and criminal acts;

(g) allowed and encouraged a culture of unsafe driving practices among their drivers; and

(h) negligently entrusted the truck and/or trailer to JOHN J. ALBARELLI.

15-18. Paragraphs Fifteen (15) through Eighteen (18) of Count One are hereby incorporated and made Paragraphs Fifteen (15) through Eighteen (18) of Count Five as if more fully set forth herein.

WHEREFORE, as to Count Five, the plaintiff claims fair just and reasonable damages.

[COUNT SIX: COMMON LAW RECKLESSNESS AS TO DON-MAT TRUCKING, LLC, MURPHY ROAD RECYCLING LLC, USA HAULING AND RECYCLING INC., AND AUTOMATED MATERIAL HANDLING, LLC]

1-13. Paragraphs One (1) through Thirteen (13) of Count One are hereby incorporated and made Paragraphs One (1) through Thirteen (13) of Count Six as if more fully set forth herein.

14. The motor vehicle collision described above and resulting injuries and damages to the plaintiff's decedent were the direct result of defendants, DON-MAT TRUCKING, LLC, MURPHY ROAD RECYCLING LLC, USA HAULING AND RECYCLING INC., AND AUTOMATED MATERIAL HANDLING, LLC'S, recklessness in one or more of the following ways:

(a) in that their managerial agents authorized JOHN J. ALBARELLI to drive their truck and/or haul their trailer at the time of the motor vehicle collision;

(b) in that JOHN J. ALBARELLI was unfit to drive the truck and haul the trailer and one of their managerial agents was reckless in employing/contracting and/or retaining him because they knew or had reason to know that allowing JOHN J. ALBARELLI to operate their truck and/or haul their trailer would result in harm of the general nature of that suffered by the plaintiff's decedent, and they knew or had reason to know of JOHN J. ALBARELLI's propensity to commit tortious and criminal acts;

(c) in that one or more of their managerial agents ratified and/or approved of JOHN J. ALBARELLI driving their Truck and/or hauling their trailer at the time of the subject motor vehicle collision when they knew or should have known of his propensity to commit tortious and criminal acts;

(d) in that one or more of their managerial agents authorized JOHN J. ALBARELLI to drive their truck and/or haul their trailer in a reckless and highly dangerous manner; and

(e) in that one or more of their managerial agents recklessly entrusted the truck and/or trailer to JOHN J. ALBARELLI.

15-18. Paragraphs Fifteen (15) through Eighteen (18) of Count One are hereby incorporated and made Paragraphs Fifteen (15) through Eighteen (18) of Count Six as if more fully set forth herein.

WHEREFORE, As to Count Six the plaintiff claims fair, just and reasonable damages, AND common law punitive damages.

[COUNT SEVEN: STATUTORY RECKLESSNESS AS TO DON-MAT TRUCKING, LLC., MURPHY ROAD RECYCLING LLC, USA HAULING AND RECYCLING INC, AND AUTOMATED MATERIAL HANDLING, LLC]

1-13. Paragraphs One (1) through Thirteen (13) of Count One are hereby incorporated and made Paragraphs One (1) through Thirteen (13) of Count Seven as if more fully set forth herein.

14. The motor vehicle collision described above and resulting injuries and damages to the plaintiff's decedent were the direct result of defendants, DON-MAT TRUCKING, LLC., MURPHY ROAD RECYCLING LLC, USA HAULING AND RECYCLING SERVICES, INC., AND AUTOMATED MATERIAL HANDLING, LLC, recklessness in one or more of the following ways:

(a) in that their managerial agents authorized JOHN J. ALBARELLI to drive their truck and/or haul their trailer at the time of the motor vehicle collision;

(b) in that JOHN J. ALBARELLI was unfit to drive the truck and haul the trailer and one of their managerial agents was reckless in employing/contracting and/or retaining him because they knew or had reason to know that allowing JOHN J. ALBARELLI to operate their truck and/or haul their trailer would result in harm of the general nature of that suffered by the plaintiff's decedent, and they knew or had reason to know of JOHN J. ALBARELLI's propensity to commit tortious and criminal acts;

(c) in that one or more of their managerial agents ratified and/or approved of JOHN J. ALBARELLI driving their truck and/or hauling their trailer at the time of the subject motor vehicle collision when they knew or should have known of his propensity to commit tortious and criminal acts;

(d) in that one or more of their managerial agents authorized JOHN J. ALBARELLI to drive their truck and/or haul their trailer in a reckless and highly dangerous manner; and

(e) in that one or more of their managerial agents recklessly entrusted the truck and/or trailer to JOHN J. ALBARELLI.

15. The reckless conduct of defendants, DON-MAT TRUCKING, LLC, MURPHY ROAD RECYCLING LLC, USA HAULING AND RECYCLING INC., AND AUTOMATED MATERIAL HANDLING, LLC was a violation of Connecticut General Statutes § 14-295 and a proximate cause and a substantial factor in causing the plaintiff's decedent's injuries and damages.

16. As a result of the motor vehicle collision, the plaintiff's decedent, Jessica A. Thomas, suffered fear of impending injury and death, conscious pain

and suffering from the date of the accident through November 24, 2017, the date of her death, multiple fractures, and death itself.

17. As a further result of the motor vehicle collision, the decedent, Jessica A. Thomas' Estate incurred medical bills, including but not limited to bills for, emergency medical services, life support measures for over two weeks following the accident, diagnostic studies, multiple invasive procedures, hospital care and treatment, and drugs and devices necessitated by her injuries and damages.

18. As a further result of the motor vehicle collision, the capacity of the plaintiff's decedent to earn wages, enjoy life and carry out life's activities has been permanently destroyed.

19. As a further result of the motor vehicle collision, the decedent's Estate has incurred funeral and burial expenses and claims for expenses so incurred have been duly presented to the Administratrix of the Estate.

WHEREFORE, as to Count Seven, the plaintiff claims fair just and reasonable damages as well as statutory double or treble damages pursuant to Connecticut General Statutes § 14-295.

THE PLAINTIFF
DEBORAH S. SCHNUR,
ADMINISTRATRIX OF THE ESTATE
OF JESSICA A. THOMAS

BY 

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AUTOMATED MATERIAL HANDLING, LLC,
LAUREN HOCKLA AND CHRISTOPHER S.
BUSWELL

STATEMENT OF AMOUNT IN DEMAND

Amount, legal interest and property in demand, exclusive of
interest and costs is \$15,000.00 or more.

THE PLAINTIFF
DEBORAH S. SCHNUR,
ADMINISTRATRIX OF THE ESTATE
OF JESSICA A. THOMAS

BY



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