

RETURN DATE: OCTOBER 20,2015 : SUPERIOR COURT
CHRISTOPHER ZIEMBA : J.D. OF MIDDLESEX
VS. : AT MIDDLETOWN
TERENCE FINLEY AND DURHAM : SEPTEMBER 9, 2015
VOLUNTEER FIRE COMPANY INCORPRATED

COMPLAINT

1. At all times hereinafter mentioned, the plaintiff, Christopher Ziemba, was employed as a volunteer fire fighter by the defendant, Durham Volunteer Fire Company Incorporated
2. At all times hereinafter mentioned, the defendant, Terence Finley, was employed as a volunteer fire fighter by the defendant, Durham Volunteer Fire Company Incorporated.
3. On or about April 23, 2014, at approximately 7:25 p.m., the defendant, Terence Finley, was operating a fire engine truck owned by defendant, Durham Volunteer Fire Company Incorporated in the vicinity of 58 Edwards Road, a public roadway in the Town of Durham, Connecticut.
4. At all times mentioned herein, defendant Terence Finley operated said fire engine truck owned by defendant Durham Volunteer Fire Company Incorporated with its permission and within the scope of his general authority to do so.
5. At said time and place, the plaintiff, using reasonable care for his safety, and determining that it was safe to do so, exited said fire engine truck while it was in a stopped position.

6. As defendant Terence Finley so operated said fire engine truck, he suddenly and without warning, attempted to move said fire engine truck from its stopped position causing it to strike and drive over the plaintiff's body with great force and causing the plaintiff to be pinned between said fire engine truck and said

roadway inflicting the injuries, losses and damages as set forth herein.

7. The injuries and other damages suffered by the plaintiff were proximately and directly caused by the negligence of the defendant, Terence Finley, while operating said fire engine truck owned by defendant, Durham Volunteer Fire Company in that:
 - a. he did not have said fire engine truck he was operating under his control;
 - b. he failed to operate said fire engine truck properly in time to avoid a collision;
 - c. he was operating said fire engine truck at a rate of speed that was unreasonable under the circumstances and conditions then and there existing;
 - d. he failed to keep a proper lookout for individuals that were in close proximity to said fire engine truck which he was operating, particularly that of the plaintiff;
 - e. he failed to apply his brakes in time to avoid a collision although by a proper and reasonable exercise of his faculties, he could and should have done so;
 - f. he failed to turn said fire engine truck 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 and should have done so;
 - g. he failed to sound his horn to warn the plaintiff or to provide any warning whatsoever although by a proper and reasonable exercise of his faculties, he could and should have done so;
 - h. he failed to ensure that he could move said fire engine truck with reasonable safety and without interfering with individuals in violation of his duty of care;


- i. he failed to properly communicate with another fire fighter , particularly that of the plaintiff and/or observe the standard hand signals to indicate that it was safe to move the fire engine truck;
 - j. he operated said fire engine truck in motion prior to ensuring that all fire fighters were safely away from said fire engine truck;
 - k. he failed to move said fire engine truck with reasonable safety and without interfering with other traffic; particularly that of the plaintiff in violation of his duty of care and in violation of Connecticut General Statutes § 14-243(a).
8. As a direct and proximate result of the negligence and carelessness of the defendant, Terence Finley while operating said fire truck owned by Durham Volunteer Fire Company Incorporated, and of said collision, the plaintiff suffered a severe shock to his nervous system and sustained the following severe and painful injuries, some or all of which, or the effects of which, may be permanent:
 - a. Right talonavicular fracture dislocation;
 - b. Right calcaneus fracture;
 - c. Right fibula fracture;
 - d. Righty malleolus fracture; and
 - e. Right lower extremity pain and stiffness.
9. As a result of said injuries, the plaintiff suffered extreme pain, anxiety and mental anguish, and has been, for an extended period of time, stiff, lame, sick, sore and disabled and unable to continue with his normal daily activities and he continues to have pain from his injuries and, most likely, will continue to do so for the rest of his life.
- ~~10. In consequence of said injuries, the plaintiff has incurred substantial medical expenses and will be forced to incur further medical expenses in the future because he continues to suffer from pain and discomfort from said injuries.~~
11. As a further consequence of said injuries, the plaintiff missed time from work thereby losing time and/or income that she otherwise would have earned.

12. At said time and place, the plaintiff's injury occurred during his regular course of employment with the defendant, Durham Volunteer Fire Company Incorporated.
13. Pursuant Conn. General Statute 31-293, the plaintiff shall immediately notify the his employer through the workers' compensation carrier in writing, by personal presentation or by registered or certified mail, of the above-mentioned action and of the name of the court to which the writ is returnable.

WHEREFORE, THE PLAINTIFF CLAIMS MONETARY DAMAGES.

Dated at Hamden, Connecticut this 9th day of September, 2015.

THE PLAINTIFF,
CHRISTOPHER ZIEMBA

By: 
George H. Romania, Esq.
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AMOUNT IN DEMAND

The Amount in demand, exclusive of interest and costs, is greater than \$15,000.00.

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