

RETURN DATE: August 11, 2020 : SUPERIOR COURT  
JOAN LODSIN, ADMINISTRATRIX : JUDICIAL DISTRICT OF LITCHFIELD  
OF THE ESTATE OF JOHN E. MURPHY  
V. : AT TORRINGTON  
KEVIN ROMAN, et al. : JULY 8, 2020

**COMPLAINT**

**FIRST COUNT (NEGLIGENCE AS TO KEVIN ROMAN)**

1. On or about March 14, 2019, the Plaintiff, John E. Murphy, was a resident of New Milford, Connecticut.
2. Joan Lodsin, at all relevant times resided at 12 Tomkins Road, Washington, Connecticut, and was John E. Murphy's sister.
3. As a result of the incident alleged herein, John E. Murphy died.
4. Following the incident alleged herein, the Region Number 22 Probate Court granted a decree naming Joan Lodsin of 12 Tomkins Road, Washington, Connecticut, Administratrix of the Estate of John E. Murphy.
5. The Plaintiff, Joan Lodsin, brings this action as Administratrix of the Estate of John E. Murphy, pursuant to Connecticut General Statute § 52-555 and/or Connecticut General Statute § 52-

599(a).

6. On or about March 14, 2019 at approximately 9:30 p.m. the Defendant, Kevin Roman, was operating a motor vehicle (A 2015 Chevrolet Cruz) in a southerly direction on Danbury Road (Route 7) in New Milford, Connecticut.

7. On said date, John E. Murphy was a pedestrian walking in a southerly direction on Danbury Road for the purpose of reporting to his job at the Citgo gas station.

8. On said date at approximately 9:30 p.m. John E. Murphy attempted to cross Danbury Road in an easterly direction in the vicinity of the Citgo gas station located at 61 Danbury Road, New Milford, Connecticut.

9. On said date and at said time as John E. Murphy attempted to cross Danbury Road, he was struck by the motor vehicle being operated by the Defendant, Kevin Roman, and killed.

10. The collision and John E. Murphy's death were caused by the negligence and carelessness of the Defendant, in one or more of the following ways:

- a) In that he failed to exercise due care to avoid a collision with a pedestrian in violation of Connecticut General Statutes § 14-300d;
- b) In that he failed to keep a proper lookout for pedestrians in the roadway;
- c) In that he was operating a motor vehicle at an unreasonable rate of speed having due regard for the traffic, weather, width and use of the roadway;

- d) In that he was operating a motor vehicle above the posted speed limit in violation of Connecticut General Statutes § 14-219;
- e) In that he was operating a motor vehicle unreasonably fast in violation of Connecticut General Statutes § 14-218a;
- f) In that he failed to keep a proper lookout and otherwise operate the motor vehicle he was driving in a safe and proper manner with respect to the conditions then present and John E. Murphy's presence in front of his vehicle;
- g) In that he failed to apply his brakes in time to avoid striking John E. Murphy although by a reasonable exercise of his faculties he could and should have done so;
- h) In that he failed to see John E. Murphy in time to avoid striking him although by a reasonable exercise of his faculties he could and should have done so;
- i) In that he failed to turn the motor vehicle he was operating to the right or left to avoid striking John E. Murphy although by a reasonable exercise of his faculties he could and should have done so;
- j) In that his attention was diverted from looking forward while he was driving for a longer time than reasonable which prevented him from seeing John E. Murphy in the roadway;
- k) In that he was attempting to change lanes on the roadway without first determining if it was safe to do so in violation of Connecticut General Statutes § 14-236;
- l) In that he failed to sound his horn to warn John E. Murphy of the impending collision.

11. As a direct and proximate result of the Defendant, Kevin Roman's negligence and

carelessness in operation of a motor vehicle, John E. Murphy suffered the following injuries:

- a) Subscapular Hemorrhage;
- b) Subarachnoid Hemorrhage, cerebrum, brainstem, and cerebellum;
- c) Laceration of cervical spinal cord;
- d) Fracture of C3 cervical spine;
- e) Fracture T5 thoracic spine;
- f) Rib fractures;
- g) Fracture of sternum;
- h) Fracture of pelvis;
- i) Laceration of thoracic spinal cord;
- j) Fracture of left tibia;
- k) Fracture of left fibula;
- l) Avulsion pocket left leg;
- m) Death.

12. As a further direct and approximate cause of said negligence and carelessness, the Estate of John E. Murphy incurred medical expenses as well as funeral and burial expenses.

13. As a further direct and proximate cause of said negligence and carelessness, John E. Murphy suffered fear, apprehension, pain and suffering in the moments prior to his death.

14. As a further direct and proximate cause of said negligence and carelessness, John E. Murphy has lost the benefit of all of life's enjoyment and activities.

15. As a further direct and proximate cause of said negligence and carelessness, John E. Murphy has lost all earning capacity and future wages.

**SECOND COUNT (VICARIOUS LIABILITY AS TO DAVID S. ROMAN)**

1-15. Paragraphs 1-15 of the first count are hereby incorporated as paragraphs 1-15 of the second count.

16. The motor vehicle being operated by the Defendant, Kevin Roman, at the time of this incident, was owned by the Defendant, David S. Roman, his father.

17. At the time of said incident the motor vehicle was being operated as a family car and the Defendant, Kevin Roman, was operating said vehicle within the scope of his general authority to do so from the Defendant, David S. Roman who is liable for these losses pursuant to the family car doctrine.

**THIRD COUNT (AS TO THE DEFENDANT, GAYLORDSVILLE VOLUNTEER FIRE DEPARTMENT, INC.)**

1-15. Paragraph 1-15 of the first count are hereby incorporated as paragraphs 1-15 of the third count.

16. On said date, the defendant, Kevin Roman, had attended a mandatory emergency responder course at the direction of the defendant, Gaylordsville Volunteer Fire Department, Inc.

17. The subject motor vehicle accident took place immediately after the conclusion of said mandatory course while the defendant, Kevin Roman, was returning home.

18. The defendant, Kevin Roman, would not have been in the area where the accident occurred

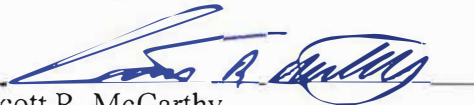
but for his attendance at said course which was mandated by the defendant, Gaylordsville Volunteer Fire Department, Inc..

19. The defendant, Kevin Roman, was in the course and scope of his volunteer position with the defendant, Gaylordsville Volunteer Fire Department, Inc., and furthering its interests is attending mandatory training when this accident occurred. As such, the defendant, Gaylordsville Volunteer Fire Department Inc., is vicariously liable for the plaintiff's losses.

WHEREFORE, the plaintiffs claim damages and costs of suit.

THE PLAINTIFF, JOAN LODSIN  
ADMINISTRATRIX OF THE ESTATE OF  
JOHN E. MURPHY

By:



Scott R. McCarthy  
CRAMER & ANDERSON, LLP  
Their Attorneys  
51 Main Street  
New Milford, CT 06776  
(860) 355-2631  
Juris No. 12733

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**STATEMENT OF AMOUNT IN DEMAND**

The plaintiff in the above-entitled matter claim damages in an amount greater than  
FIFTEEN THOUSAND (\$15,000.00) DOLLARS exclusive of interest and costs.

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