Dental Hygienist Wins Over $700,000 in Faulty Sidewalk Case

**Summary:** A former dental hygienist was awarded over $700,000 by a jury after she argued she could no longer work due to injuries she sustained after falling on a faulty sidewalk.

According to the Connecticut Law Tribune, a dental hygienist who was forced to stop working because of a hand injury she suffered after falling on a faulty sidewalk was awarded over $770,000 by a jury.

On June 7, 2011, Susan Ellis, 73, was taking her lunch break from the dental office where she worked. Her attorney, Alan Rome of Rome, Clifford, Katz & Koerner in Hartford, stated that Ellis was walking with a couple of her friends on a town sidewalk. At one location in the sidewalk, there was a 1.5-inch gap between the brick paver surface and the concrete slab. Ellis tripped and fell over this gap, severely injuring her wrist.

Ellis had x-rays taken, which showed that she had a Colles’ fracture, which is a severely damaging fracture. It can lead to what is called a “dinner fork deformity,” named for how the forearm can look after the injury.

Ellis had to undergo multiple surgeries, and needed metal plates and rods in her wrist. After her reconstruction surgery, Ellis’ wrist became infected, which required an additional surgery. Finally, a third surgery was necessary to remove the hardware.

Now, Ellis has a permanent disability. She was no longer able to work as a dental hygienist, and sought four years of lost wages at her trial.

Rome said, “The loss of her ability to perform work was really the big issue.”

Ellis’ medical bills amounted to $95,000. Ellis later filed a civil suit against the town of West Hartford, arguing that the defective sidewalk caused her fall. According to West Hartford statutes, the town must maintain its sidewalks in a safe condition.

Randall Hayes of O’Connell, Atmore & Morris defended the suit. Hayes argued that the town was not at fault, and that Ellis fell due to her own negligence.

According to case law, a town is assumed to have notice of defects if it does not conduct inspections. Therefore, because the town admitted that there was not an inspection process, notice was presumed.

Hayes argued that Ellis was not paying attention as to where she was walking, but the jury did not buy these arguments.

The jury found the defendants 100 percent liable, and awarded $500,000 for noneconomic damages, $100,000 for lost wages, $75,000 for lost future earnings and $95,357 for economic damages and medical bills.
Rome commented, “When a town doesn’t perform inspections or have an inspection program, it leaves the town vulnerable to these types of verdicts.”

Source: Connecticut Law Tribune

Photo credit: saberfoundations.com, O’Connell, Attmore & Morris (Hayes), Rome, Clifford, Katz & Koerner (Rome)