Nora Henry	:	H.J. No. 67
Dorothy Spellman	:	H.J. No. 87
Juan Vazquez	:	H.J. No. 92

The Claimants seek a resolution vacating the decision of the Claims Commissioner to deny the claim against the State of Nora Henry, Doris (Dorothy) Spellman and Juan Vazquez and authorizing the Claimants to sue the State.

- On April 13, 2004, the Claimants experienced severe flooding on their property as the result of overflow from a catch basin located on North Avenue/Route 1 in Bridgeport, Connecticut.

The State as owner of the catch basin and pipeline, had a duty to maintain its property.

- The fact that the catch basin was installed by the DOT is evidence of the State's control.
- The fact that the pipeline was replaced by the DOT in 2005 is evidence of the State's control.
- The State's duty to maintain its property is nondelegable. Smith v. Greenwich, 278 Conn. 428 (2006).

The State had prior notice of the defect in the catch basin and pipeline.

- On September 27, 2002, Claimant Nora Henry contacted Neil Creem, District Drainage Engineer for the DOT, to report flooding from the catch basin in front of her property. Following Ms. Henry's report, Mr. Creem dispatched employees from the DOT to flush the pipeline.

If not for the broken pipeline, the heavy rainstorm of April 13, 2004 would not have resulted in flooding and damage to the Claimants' property.

- After the April, 2004 flooding, an investigation of the pipeline revealed that two water services lines had been installed through the pipeline, which compromised the pipeline and impeded the free flow of water.
- After the pipeline was replaced by the DOT in 2005, it was sufficient to carry water from another heavy rainfall, which occurred in October, 2005 and no further flooding occurred.

The Claimants suffered significant damage to their property and without a resolution granting them permission to sue the State, the Claimants may be without a remedy.

- After the flooding, each of the Claimants sought coverage for the damage through their insurance, but were declined.
- Mr. Vazquez suffered damage to his real and personal property totaling $34,605.59. Ms. Spellman had damage of $40,133.67 and Ms. Henry $ 60,572.87.
- On March 10, 2006, the Claimants commenced an action in Superior Court against the City of Bridgeport and Aquarion Company to recover from them, to the extent they are liable, damages resulting from the flooding of April 13, 2004.
- The Claimants respectfully request permission to sue the State, thus allowing them to join the State in the Superior Court action so that the liability of all parties may be determined as is just and right.