



House of Representatives

File No. 866

General Assembly

January Session, 2011

(Reprint of File No. 684)

Substitute House Joint Resolution No. 34
As Amended by House Amendment
Schedule "A"

Approved by the Legislative Commissioner
May 31, 2011

**RESOLUTION CONCERNING THE DISPOSITION OF CERTAIN
CLAIMS AGAINST THE STATE PURSUANT TO CHAPTER 53 OF THE
GENERAL STATUTES.**

Resolved by this Assembly:

1 Section 1. That the decision of the Claims Commissioner, file
2 number 22053 of said commissioner, ordering the dismissal of the
3 claim against the state in excess of seven thousand five hundred
4 dollars of David A. Abrahams, is confirmed.

5 Sec. 2. That the decision of the Claims Commissioner, file numbers
6 21101, 21102 and 21103 of said commissioner, ordering the dismissal of
7 the claims against the state in excess of seven thousand five hundred
8 dollars of Joanne Avoletta, Peter J. Avoletta and Matthew Avoletta, is
9 vacated and the claimants are authorized to institute and prosecute to
10 final judgment an action against the state to recover damages as
11 compensation for injury to person or damage to property, or both,
12 allegedly suffered by the claimants as set forth in said claims. Such
13 action shall be brought not later than one year from the date of the
14 final adoption by the General Assembly of this resolution.

15 Sec. 3. That the decision of the Claims Commissioner, file number
16 21965 of said commissioner, ordering the dismissal of the claim against
17 the state in excess of seven thousand five hundred dollars of Anthony
18 Azukas, is confirmed.

19 Sec. 4. That the decision of the Claims Commissioner, file number
20 21392 of said commissioner, ordering the denial of the claim against
21 the state in excess of seven thousand five hundred dollars of Luis Baez,
22 is confirmed.

23 Sec. 5. That the decision of the Claims Commissioner, file number
24 22063 of said commissioner, ordering the dismissal of the claim against
25 the state in excess of seven thousand five hundred dollars of Judy
26 Prescott Barnett, is confirmed.

27 Sec. 6. That the decision of the Claims Commissioner, file number
28 21748 of said commissioner, ordering the denial of the claim against
29 the state in excess of seven thousand five hundred dollars of Kenneth
30 W. Beech, is confirmed.

31 Sec. 7. That the decision of the Claims Commissioner, file number
32 21996 of said commissioner, ordering the dismissal of the claim against
33 the state in excess of seven thousand five hundred dollars of Chandra
34 Bozelko, is confirmed.

35 Sec. 8. That the decision of the Claims Commissioner, file number
36 22087 of said commissioner, ordering the dismissal of the claim against
37 the state in excess of seven thousand five hundred dollars of Raymond
38 J. Cerilli, is confirmed.

39 Sec. 9. That the decision of the Claims Commissioner, file number
40 22086 of said commissioner, ordering the dismissal of the claim against
41 the state in excess of seven thousand five hundred dollars of Raymond
42 J. Cerilli, is confirmed.

43 Sec. 10. That the decision of the Claims Commissioner, file number
44 22429 of said commissioner, ordering the dismissal of the claim against

45 the state in excess of seven thousand five hundred dollars of Mark S.
46 Ciriello, is confirmed.

47 Sec. 11. That the decision of the Claims Commissioner, file number
48 21841 of said commissioner, ordering the dismissal of the claim against
49 the state in excess of seven thousand five hundred dollars of Jason
50 Day, is confirmed.

51 Sec. 12. That the decision of the Claims Commissioner, file number
52 22308 of said commissioner, ordering the dismissal of the claim against
53 the state in excess of seven thousand five hundred dollars of Michael
54 Douton, is confirmed.

55 Sec. 13. That the decision of the Claims Commissioner, file number
56 21622 of said commissioner, ordering the denial of the claim against
57 the state in excess of seven thousand five hundred dollars of Ronald
58 Doval, is confirmed.

59 Sec. 14. That the decision of the Claims Commissioner, file number
60 21080 of said commissioner, ordering the denial of the claim against
61 the state in excess of seven thousand five hundred dollars of Keith
62 Dowdall, is confirmed.

63 Sec. 15. That the decision of the Claims Commissioner, file number
64 21680 of said commissioner, ordering the denial of the claim against
65 the state in excess of seven thousand five hundred dollars of Robin
66 Elliott, is confirmed.

67 Sec. 16. That the decision of the Claims Commissioner, file number
68 21870 of said commissioner, ordering the dismissal of the claim against
69 the state in excess of seven thousand five hundred dollars of Robin
70 Elliott, is confirmed.

71 Sec. 17. That the decision of the Claims Commissioner, file number
72 21698 of said commissioner, ordering the denial of the claim against
73 the state in excess of seven thousand five hundred dollars of Arthur
74 Esposito, is confirmed.

75 Sec. 18. That the decision of the Claims Commissioner, file number
76 22114 of said commissioner, ordering the dismissal of the claim against
77 the state in excess of seven thousand five hundred dollars of Leroy
78 Gardner, is confirmed.

79 Sec. 19. That the decision of the Claims Commissioner, file number
80 22113 of said commissioner, ordering the dismissal of the claim against
81 the state in excess of seven thousand five hundred dollars of Leroy
82 Gardner, is confirmed.

83 Sec. 20. That the decision of the Claims Commissioner, file number
84 22115 of said commissioner, ordering the dismissal of the claim against
85 the state in excess of seven thousand five hundred dollars of Leroy
86 Gardner, is confirmed.

87 Sec. 21. That the decision of the Claims Commissioner, file numbers
88 22076 and 22077 of said commissioner, ordering the dismissal of the
89 claims against the state in excess of seven thousand five hundred
90 dollars of Denis Gauthier and Mary Gauthier, is confirmed.

91 Sec. 22. That the decision of the Claims Commissioner, file number
92 21710 of said commissioner, ordering the dismissal of the claim against
93 the state in excess of seven thousand five hundred dollars of Jack
94 Goldberg, is confirmed.

95 Sec. 23. That the decision of the Claims Commissioner, file number
96 21918 of said commissioner, ordering the denial of the claim against
97 the state in excess of seven thousand five hundred dollars of Martin
98 Gray, is confirmed.

99 Sec. 24. That the decision of the Claims Commissioner, file number
100 21511 of said commissioner, ordering the denial of the claim against
101 the state in excess of seven thousand five hundred dollars of Joyce
102 Halliday, is confirmed.

103 Sec. 25. That the decision of the Claims Commissioner, file number
104 21967 of said commissioner, ordering the denial of the claim against

105 the state in excess of seven thousand five hundred dollars of Anessa
106 Haney, is confirmed.

107 Sec. 26. That the decision of the Claims Commissioner, file number
108 20651 of said commissioner, ordering the dismissal of the claim against
109 the state in excess of seven thousand five hundred dollars of H.R.C.
110 Environmental, Inc., is confirmed.

111 Sec. 27. That the decision of the Claims Commissioner, file number
112 22014 of said commissioner, ordering the dismissal of the claim against
113 the state in excess of seven thousand five hundred dollars of Edward
114 A. Jazlowiecki, is confirmed.

115 Sec. 28. That the decision of the Claims Commissioner, file number
116 21740 of said commissioner, ordering the denial of the claim against
117 the state in excess of seven thousand five hundred dollars of the estate
118 of Joyce M. B. Krauth, is vacated and the claimant is authorized to
119 institute and prosecute to final judgment an action against the state to
120 recover damages as compensation for injury to person or damage to
121 property, or both, allegedly suffered by the claimant as set forth in said
122 claim. Such action shall be brought not later than one year from the
123 date of the final adoption by the General Assembly of this resolution.

124 Sec. 29. That the decision of the Claims Commissioner, file number
125 22016 of said commissioner, ordering the dismissal of the claim against
126 the state in excess of seven thousand five hundred dollars of William
127 Lawler, is confirmed.

128 Sec. 30. That the decision of the Claims Commissioner, file number
129 22105 of said commissioner, ordering the dismissal of the claim against
130 the state in excess of seven thousand five hundred dollars of Cecelia
131 Lebby, is confirmed.

132 Sec. 31. That the decision of the Claims Commissioner, file number
133 22116 of said commissioner, ordering the dismissal of the claim against
134 the state in excess of seven thousand five hundred dollars of Michele
135 Milton, is confirmed.

136 Sec. 32. That the decision of the Claims Commissioner, file number
137 21991 of said commissioner, ordering the dismissal of the claim against
138 the state in excess of seven thousand five hundred dollars of Rick
139 Morneau, is vacated and the claimant is authorized to institute and
140 prosecute to final judgment an action against the state to recover
141 damages as compensation for injury to person or damage to property,
142 or both, allegedly suffered by the claimant as set forth in said claim.
143 Such action shall be brought not later than one year from the date of
144 the final adoption by the General Assembly of this resolution.

145 Sec. 33. That the decision of the Claims Commissioner, file number
146 21647 of said commissioner, ordering the dismissal of the claim against
147 the state in excess of seven thousand five hundred dollars of Anthony
148 Oliphant, is confirmed.

149 Sec. 34. That the decision of the Claims Commissioner, file number
150 21634 of said commissioner, ordering the dismissal of the claim against
151 the state in excess of seven thousand five hundred dollars of William
152 Petaway, is confirmed.

153 Sec. 35. That the decision of the Claims Commissioner, file number
154 21733 of said commissioner, ordering the denial of the claim against
155 the state in excess of seven thousand five hundred dollars of Donell
156 Robinson, is confirmed.

157 Sec. 36. That the decision of the Claims Commissioner, file number
158 21810 of said commissioner, ordering the denial of the claim against
159 the state in excess of seven thousand five hundred dollars of Salvatore
160 Siragusa, Jr., is confirmed.

161 Sec. 37. That the decision of the Claims Commissioner, file number
162 21759 of said commissioner, ordering the denial of the claim against
163 the state in excess of seven thousand five hundred dollars of Chad St.
164 Louis, is confirmed.

165 Sec. 38. That the decision of the Claims Commissioner, file numbers
166 21929 and 21930 of said commissioner, ordering the dismissal of the

167 claims against the state in excess of seven thousand five hundred
168 dollars of Kevin Sullivan and the estate of Jason R. Wanat, is
169 confirmed.

170 Sec. 39. That the decision of the Claims Commissioner, file number
171 22101 of said commissioner, ordering the dismissal of the claim against
172 the state in excess of seven thousand five hundred dollars of Clarence
173 Edward White, Jr., is confirmed.

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 12 \$	FY 13 \$
Various State Agencies	GF - Cost Avoidance	Up to \$750.7 million	None
State Comptroller - Miscellaneous - Adjudicated Claims Account	GF - Potential Cost	Indeterminate	Indeterminate

Note: GF=General Fund

Municipal Impact: None

Explanation

The joint resolution results in the following fiscal impacts, presented section-by-section.

The table below summarizes the sections of the resolution which accept the recommendation of the Claims Commissioner to dismiss claims against the state. The resolution thereby avoids potential state costs of up to \$750.7 million for any judgments that might be rendered against it along with associated litigation costs.

Section	File Number	Claimant	Claim Amount \$
1.	22053	Abrahams, David, A.	4,675
3.	21965	Azukas, Anthony	500,000
4.	21392	Baez, Luis	2,000,000
5.	22063	Barnett, Judy, Prescott	78,828,000
6.	21748	Beech, Kenneth, W.	75,000
7.	21996	Bozelko, Chandra	5,000,000
8.	22086	Cerilli, Raymond, J.	300,000,000
9.	22087	Cerilli, Raymond, J.	300,000,000
10.	22429	Ciriello, Mark, S.	15,000
11.	21841	Day, Jason	40,000
12.	22308	Douton, Michael	70,779
13.	21080	Dowdall, Keith	100,000

Section	File Number	Claimant	Claim Amount \$
14.	21622	Doval, Ronald	500,000
15.	21680	Elliott, Robin	5,000
16.	21870	Elliott, Robin	43,000
17.	21698	Esposito, Arthur	1,000,000
18.	22113	Gardner, Leroy	1,000,000
19.	22114	Gardner, Leroy	1,000,000
20.	22115	Gardner, Leroy	1,000,000
21.	22076	Gauthier, Denis	1,000,000
	22077	Gauthier, Mary	500,000
22.	21710	Goldberg, Jack	5,000
23.	21918	Gray, Martin	12,000
24.	21511	Halliday, Joyce	150,000
25.	21967	Haney, Anessa	15,000
26.	20651	H.R.C. Environmental, Inc.	535,000
27.	22014	Jazlowiecki, Edward A.	9,050
29.	22016	Lawlor, William	5,000,000
30.	22105	Lebby, Cecelia	Not provided
31.	22116	Milton, Michele	750,000
33.	21647	Oliphant, Anthony	10,000
34.	21634	Petaway, William	15,000
35.	21733	Robinson, Donell	200,000
36.	21810	Siragusa, Jr., Salvatore	1,000,000
37.	21759	St. Louis, Chad	75,000
38.	21929	Sullivan, Kevin	20,000,000
	21930	Wanant, Jason, R. (Estate of)	30,000,000
39.	22101	White, Jr., Clarence, Edward	250,000

Sections 2, 28, and 32 allow the following claimants to sue the state to recover damages as compensation for personal injuries and/or property damage allegedly suffered totaling as much as \$1.2 million or more as set forth in said claims. Payout on the claims, were they to occur, would be made from the Comptroller's Adjudicated Claims account.¹ The total cost to the state cannot be determined as the

¹ The Adjudicated Claims account has been a non-appropriated, General Fund account within the State Comptroller's accounts for administrative purposes. Payments from this account previously would reduce a surplus or increase a deficit in the General Fund. PA 11-6, the biennial budget, has appropriated \$4 million to this account in FY 12 and FY 13.

outcome of these future lawsuits is unknown.² The table below summarizes the claims permitted to sue the state.

Section	File Number	Claimant	Claim Amount \$
2.	21101	Avoletta, Joanne	167,302
	21102	Avoletta, Peter J.	
	21103	Avoletta, Matthew	
28.	21740	Krauth, Joyce, M.B. (Estate of)	1,000,000
32.	21991	Morneau, Rick	15,000

House "A" dismisses the claim of Edward A. Jazlowiecki against the state and thereby avoids a potential state cost for any judgment that might be rendered against it along with associated litigation.

The Out Years

Due to the timing of the lawsuit settlements discussed in sections 2, 28 and 32, the fiscal impacts identified above could occur in the out years, but would not continue further into the future since payment of the claim should resolve the matters.

² Notwithstanding the claimant's failure to file within the time limitations specified by statute.

OLR Bill Analysis

sHJ 34 (as amended by House "A")

RESOLUTION CONCERNING THE DISPOSITION OF CERTAIN CLAIMS AGAINST THE STATE PURSUANT TO CHAPTER 53 OF THE GENERAL STATUTES.

SUMMARY:

The Office of Legislative Research does not analyze Resolutions.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 42 Nay 0 (04/15/2011)