



House of Representatives

General Assembly

File No. 684

January Session, 2011

Substitute House Joint Resolution No. 34

House of Representatives, May 2, 2011

The Committee on Judiciary reported through REP. FOX, G. of the 146th Dist., Chairperson of the Committee on the part of the House, that the substitute joint resolution ought to be adopted.

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

120 Sec. 28. That the decision of the Claims Commissioner, file number
121 22016 of said commissioner, ordering the dismissal of the claim against
122 the state in excess of seven thousand five hundred dollars of William
123 Lawler, is confirmed.

124 Sec. 29. That the decision of the Claims Commissioner, file number
125 22105 of said commissioner, ordering the dismissal of the claim against
126 the state in excess of seven thousand five hundred dollars of Cecelia
127 Lebby, is confirmed.

128 Sec. 30. That the decision of the Claims Commissioner, file number
129 22116 of said commissioner, ordering the dismissal of the claim against
130 the state in excess of seven thousand five hundred dollars of Michele
131 Milton, is confirmed.

132 Sec. 31. That the decision of the Claims Commissioner, file number
133 21991 of said commissioner, ordering the dismissal of the claim against
134 the state in excess of seven thousand five hundred dollars of Rick
135 Morneau, is vacated and the claimant is authorized to institute and
136 prosecute to final judgment an action against the state to recover

137 damages as compensation for injury to person or damage to property,
138 or both, allegedly suffered by the claimant as set forth in said claim.
139 Such action shall be brought not later than one year from the date of
140 the final adoption by the General Assembly of this resolution.

141 Sec. 32. That the decision of the Claims Commissioner, file number
142 21647 of said commissioner, ordering the dismissal of the claim against
143 the state in excess of seven thousand five hundred dollars of Anthony
144 Oliphant, is confirmed.

145 Sec. 33. That the decision of the Claims Commissioner, file number
146 21634 of said commissioner, ordering the dismissal of the claim against
147 the state in excess of seven thousand five hundred dollars of William
148 Petaway, is confirmed.

149 Sec. 34. That the decision of the Claims Commissioner, file number
150 21733 of said commissioner, ordering the denial of the claim against
151 the state in excess of seven thousand five hundred dollars of Donell
152 Robinson, is confirmed.

153 Sec. 35. That the decision of the Claims Commissioner, file number
154 21810 of said commissioner, ordering the denial of the claim against
155 the state in excess of seven thousand five hundred dollars of Salvatore
156 Siragusa, Jr., is confirmed.

157 Sec. 36. That the decision of the Claims Commissioner, file number
158 21759 of said commissioner, ordering the denial of the claim against
159 the state in excess of seven thousand five hundred dollars of Chad St.
160 Louis, is confirmed.

161 Sec. 37. That the decision of the Claims Commissioner, file numbers
162 21929 and 21930 of said commissioner, ordering the dismissal of the
163 claims against the state in excess of seven thousand five hundred
164 dollars of Kevin Sullivan and the estate of Jason R. Wanat, is
165 confirmed.

166 Sec. 38. That the decision of the Claims Commissioner, file number
167 22101 of said commissioner, ordering the dismissal of the claim against

168 the state in excess of seven thousand five hundred dollars of Clarence
169 Edward White, Jr., is confirmed.

JUD *Joint Favorable Subst.*

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
14.	21622	Doval, Ronald	500,000

Section	File Number	Claimant	Claim Amount \$
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
28.	22016	Lawlor, William	5,000,000
29.	22105	Lebby, Cecelia	Not provided
30.	22116	Milton, Michele	750,000
32.	21647	Oliphant, Anthony	10,000
33.	21634	Petaway, William	15,000
34.	21733	Robinson, Donell	200,000
35.	21810	Siragusa, Jr., Salvatore	1,000,000
36.	21759	St. Louis, Chad	75,000
37.	21929	Sullivan, Kevin Wanant, Jason, R.	20,000,000
	21930	(Estate of)	30,000,000
38.	22101	White, Jr., Clarence, Edward	250,000

Sections 2, 27, and 31 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 outcome of these future lawsuits is unknown.² The table below

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. sHB 6380, the biennial budget, as favorably reported by the Appropriations Committee, has appropriated \$4 million to this account in FY 12 and FY 13.

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

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	
27.	21740	Krauth, Joyce, M.B. (Estate of)	1,000,000
31.	21991	Morneau, Rick	15,000

The Out Years

Due to the timing of the lawsuit settlements discussed in sections 2, 27 and 31, 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.

OLR Bill Analysis

sHJ 34

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)