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February 19, 2016

Planning and Development Committee
Room 2A
Legislative Office Building
State of Connecticut

Re: HB 5180

Dear Committee Members:

Kindly note that the undersigned is assisting Attorney Brenda Draghi in her efforts on behalf of numerous homeowners involved in concrete issues affecting their homes. My involvement includes filing the claims with each homeowner's insurance company, working with adjustors and engineers to set up visits and inspections, attending inspections (if requested by client), and filing litigation against the insurance company (if necessary). This is a very stressful, time consuming and expensive process.

Prior to a claim being filed, an inspection by an expert is recommended. This can cost the homeowner in the \$400.00 to \$600.00 range. After a claim is made, some insurance companies require a "proof of loss", which is an estimate of damages. It has now come to my attention that some contractors may charge the homeowner up to \$2,000.00 for this estimate. Also, insurance companies, as of late, are conducting "examinations under oath" of their customers as required by their policies. These are, essentially, depositions of their customers. These have taken up to three hours, and in a couple of cases spouses and children have been or are requested to be questioned.

After receipt of a rejection letter or if too much time passes without a decision, we will begin litigation. I have attached a copy of a docket sheet of what I believe to be a similar "concrete case" found on line to exemplify the time and effort involved in these cases. The filing fee as of today is \$350.00. The service fee for the state marshal is in the \$65.00 to \$100.00. A jury claim fee is \$450.00. My guess is that we may have to hire an expert to discuss the chemical reaction involved in these cases. That the expert and testing will cost in the \$3,000.00 to \$5,000.00 range. Trial expert testimony from engineers or similar experts will likely be in the range of \$200.00 to \$500.00 per hour. Many experts charge a "minimum amount" regardless of time, and some may even bill for the time to travel to and from court. Finally, attorneys fees in these cases range from the \$30,000.00 to \$45,000.00. I would estimate that from the date of the claim made to completion of trial would be in the three (3) to four (4) year time period and cost the homeowner in the range of \$50,000.00 to \$80,000.00.

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The attorneys defending the cases I am involved in are highly specialized, have enormous staffs, and work for large, well respected, law firms. Further, I have also encountered engineers and private adjustors on these cases who, I assume based on my work with them, are highly skilled. On a personal note, I have found most attorneys, engineers, and adjustors (both independent and from the company itself) to be very professional, courteous, and empathetic to the homeowners. Nonetheless, the civil litigation process is adversarial in nature, and going against firms, engineers, and adjustors of this caliber is an extremely difficult task. It takes a lot of courage for a homeowner to rise up to this challenge, especially in light of the uncertainty, stress, expense and time it takes for this process. As you can imagine, this has also resulted in a few of our clients to be completely unwilling to embark on this endeavor.

Because of the statute of limitations, there is really no recourse against the alleged supplier of the concrete. Even if there was, my assumption is that the assets and insurance policies of the alleged supplier will not cover the cost of every homeowner with this issue. That means, absent government involvement, the only hope these homeowners have is to make a claim and file suit against their insurance companies. With each passing day, more and more homeowners are discovering this issue, or deciding to face this issue, which can only mean that more claims will be filed. Because of the time limits set by the insurance contracts, more lawsuits will have to be filed. My guess is that the court dockets will swell and these matter will take longer than three (3) to four (4) years. As this time goes on, the condition worsens, causing more problems to the affected homes, property values decrease for ALL citizens, while homeowners cannot sell, refinance, or, in some cases, live in these properties. Their lives are placed on hold and are utterly destroyed while they participate in a process that requires depositions, written discovery, pre-trial court hearings, and eventually a trial.

I respectfully urge the State of Connecticut to work thoroughly and quickly to bring this issue to a resolution. Thank you for your kind attention to my correspondence.

Very truly yours,

A handwritten signature in black ink, appearing to read 'B. Danforth', with a stylized flourish at the end.

Brian D. Danforth



State of Connecticut Judicial Branch
Civil and Family Inquiry



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☛ TTD-CV13-6006996-S **CLARKE, BARRY Et Al v. THE AUTOMOBILE INSURANCE COMPANY OF HARTFORD Et Al**
 Prefix/Suffix: [none] Case Type: C20 File Date: 07/30/2013 Return Date: 08/13/2013

Case Detail Notices History Scheduled Court Dates E-Services Login Screen Section Help ▶
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Information Updated as of: 02/18/2016

Case Information

Case Type: C20 - Contracts - Insurance Policy
 Court Location: ROCKVILLE
 List Type: JURY (JY)
 Trial List Claim: 07/01/2014
 Referral Judge or Magistrate:
 Last Action Date: 02/01/2016 (The "last action date" is the date the information was entered in the system)

Disposition Information

Disposition Date:
 Disposition:
 Judge or Magistrate:

Party & Appearance Information



Comments

Party	No Fee Party	Category
P-01 BARRY CLARKE Attorney: ☛ JEFFREY RICHARD LINDEQUIST (435042) ONE MONARCH PLACE SUITE 2220 SPRINGFIELD, MA 01144	File Date: 11/04/2013	Plaintiff
P-02 SHOUSHAN CLARKE Attorney: ☛ JEFFREY RICHARD LINDEQUIST (435042) ONE MONARCH PLACE SUITE 2220 SPRINGFIELD, MA 01144	File Date: 11/04/2013	Plaintiff
D-01 THE AUTOMOBILE INSURANCE COMPANY OF HARTFORD Attorney: ☛ ROBINSON & COLE LLP (050604) 280 TRUMBULL STREET HARTFORD, CT 061033597	File Date: 11/12/2014	Defendant
D-02 METROPOLITAN GROUP PROPERTY AND CASUALTY COMPANY Attorney: ☛ O'CONNELL ATTMORE & MORRIS LLC (104083) 280 TRUMBULL STREET HARTFORD, CT 061033598	File Date: 07/21/2014	Defendant

Viewing Documents on Civil Cases:

- Documents, court orders and judicial notices in 2014 and future civil cases are available publicly over the internet.*
- For cases filed prior to 2014, court orders and judicial notices that are electronic are available publicly over the internet. Orders can be viewed by selecting the link to the order from the list below. Notices can be viewed by clicking the **Notices** tab above and selecting the link.*
- If there is an ☛ in front of the docket number at the top of this page, then the file is electronic. Documents and court orders can be viewed at any judicial district courthouse and at some geographical area courthouses during normal business hours.*
- You can view pleadings or other documents that are not electronic during normal business hours at the Clerk's Office in the Judicial District where the case is located.*
- Viewing of documents protected by law or court order may be limited.

otherwise restricted

* unless

Motions / Pleadings / Documents / Case Status				
Entry No	File Date	Filed By	Description	Arguable
	07/30/2013	P	SUMMONS	
	07/30/2013	P	COMPLAINT	
	07/30/2013	P	RETURN OF SERVICE	
	08/13/2013	D	APPEARANCE Appearance	
	08/14/2013	D	APPEARANCE Appearance	
	11/04/2013	P	APPEARANCE Appearance	
	07/21/2014	D	APPEARANCE Appearance	
	11/12/2014	D	APPEARANCE Appearance	
101.00	08/28/2013	D	MOTION FOR EXTENSION OF TIME TO PLEAD <i>RESULT: Granted 9/9/2013 HON ROBERT YOUNG</i>	No
101.10	09/09/2013	C	ORDER  <i>RESULT: Granted 9/9/2013 HON ROBERT YOUNG</i>	No
102.00	09/04/2013	D	REQUEST TO REVISE	No
103.00	10/04/2013	P	REVISED COMPLAINT	No
104.00	10/04/2013	P	EXHIBITS To Revised Complaint	No
105.00	10/07/2013	D	MOTION FOR EXTENSION OF TIME TO PLEAD <i>RESULT: Granted 10/21/2013 HON SAMUEL SFERRAZZA</i>	No
105.10	10/21/2013	C	ORDER  <i>RESULT: Granted 10/21/2013 HON SAMUEL SFERRAZZA</i>	No
106.00	10/10/2013	D	MOTION FOR EXTENSION OF TIME TO PLEAD Motion for Further Extension of Time to File Responsive Pleading <i>RESULT: Granted 10/28/2013 HON SAMUEL SFERRAZZA</i>	No
106.10	10/28/2013	C	ORDER  <i>RESULT: Granted 10/28/2013 HON SAMUEL SFERRAZZA</i>	No
107.00	11/12/2013	D	MOTION TO STRIKE <i>RESULT: Denied 3/24/2014 HON SAMUEL SFERRAZZA</i>	Yes
107.10	03/24/2014	C	ORDER  <i>RESULT: Denied 3/24/2014 HON SAMUEL SFERRAZZA</i>	No
108.00	11/12/2013	D	MEMORANDUM IN SUPPORT OF MOTION MEMORANDUM OF LAW IN SUPPORT OF MOTION TO STRIKE (#107.00)	No
109.00	11/22/2013	P	REQUEST TO EXTEND TIME TO RESPOND - MOTION TO STRIKE PB 10-40 <i>RESULT: Granted 11/22/2013 BY THE CLERK-ADMIN ACTION</i>	No
109.10	11/22/2013	C	ORDER  <i>RESULT: Granted 11/22/2013 BY THE CLERK-ADMIN ACTION</i>	No
110.00	01/07/2014	D	ANSWER AND SPECIAL DEFENSE	No
111.00	01/13/2014	D	REQUEST TO EXTEND TIME TO RESPOND TO INTERROGATORIES OR PRODUCTION REQ P.B. 13-7(a)(2)/13-10(a)(2)	No
112.00	01/15/2014	D	REQUEST TO EXTEND TIME TO RESPOND TO INTERROGATORIES OR PRODUCTION REQ P.B. 13-7(a)(2)/13-10(a)(2)	No
113.00	01/22/2014	P	REPLY TO SPECIAL DEFENSE	No
114.00	01/29/2014	P	MEMORANDUM OF LAW IN OPPOSITION TO MOTION TO STRIKE PB 10-40 Motion to Strike #107.00	No

115.00	02/03/2014	P	CLAIM FOR JURY OF 6	No
116.00	02/10/2014	P	REQUEST TO EXTEND TIME TO RESPOND TO INTERROGATORIES OR PRODUCTION REQ P.B. 13-7(a)(2)/13-10(a)(2)	No
117.00	02/25/2014	D	MOTION FOR EXTENSION OF TIME RE DISCOVERY MOTION OR REQUEST PB CH13 <i>RESULT: Granted 3/10/2014 HON SAMUEL SFERRAZZA</i>	No
117.10	03/10/2014	C	ORDER  <i>RESULT: Granted 3/10/2014 HON SAMUEL SFERRAZZA</i>	No
118.00	02/26/2014	D	REPLY REPLY TO OBJECTION TO MOTION TO STRIKE #114.00	No
119.00	03/06/2014	D	MOTION FOR EXTENSION OF TIME RE DISCOVERY MOTION OR REQUEST PB CH13 <i>RESULT: Granted 3/24/2014 HON SAMUEL SFERRAZZA</i>	No
119.10	03/24/2014	C	ORDER  <i>RESULT: Granted 3/24/2014 HON SAMUEL SFERRAZZA</i>	No
120.00	03/12/2014	P	OBJECTION TO INTERROGATORIES/PRODUCTION PB 13-8 and 13-10	No
121.00	03/20/2014	D	NOTICE NOTICE OF FILING OBJECTIONS TO PLAINTIFF'S JANUARY 7, 2014 DISCOVERY REQUESTS	No
122.00	03/20/2014	D	OBJECTION TO INTERROGATORIES/PRODUCTION PB 13-8 and 13-10 OBJECTIONS TO PLAINTIFFS' JANUARY 7, 2014 INTERROGATORIES AND REQUESTS FOR PRODUCTION	No
123.00	04/11/2014	D	ANSWER AND SPECIAL DEFENSE	No
124.00	04/15/2014	D	OBJECTION TO INTERROGATORIES/PRODUCTION PB 13-8 and 13-10	No
125.00	04/15/2014	D	NOTICE OF COMPLIANCE with Plaintiffs' First Set of Interrogatories and Request for Production of Documents	No
126.00	06/13/2014	P	SCHEDULING ORDER <i>RESULT: Accepted 6/13/2014 BY THE COURT</i>	No
126.10	06/13/2014	C	ORDER  <i>RESULT: Accepted 6/13/2014 BY THE COURT</i>	No
127.00	07/01/2014	P	REPLY TO SPECIAL DEFENSE	No
128.00	07/01/2014	P	CERTIFICATE OF CLOSED PLEADINGS AND CLAIM FOR TRIAL LIST	No
129.00	09/29/2014	P	REQUEST TO EXTEND TIME TO RESPOND TO INTERROGATORIES OR PRODUCTION REQ P.B. 13-7(a)(2)/13-10(a)(2)	No
130.00	10/29/2014	P	OBJECTION TO INTERROGATORIES/PRODUCTION PB 13-8 and 13-10	No
131.00	12/01/2014	P	DISCLOSURE OF EXPERT WITNESS	No
132.00	12/01/2014	P	DISCLOSURE OF EXPERT WITNESS	No
133.00	12/01/2014	P	DISCLOSURE OF EXPERT WITNESS	No
134.00	12/23/2014	D	MOTION FOR MODIFICATION RE SCHEDULING ORDER by Consent <i>RESULT: Granted 12/24/2014 HON SAMUEL SFERRAZZA</i>	No
134.10	12/24/2014	C	ORDER  <i>RESULT: Granted 12/24/2014 HON SAMUEL SFERRAZZA</i>	No
135.00	04/01/2015	D	REQUEST TO AMEND AND AMENDMENT AIC's Request for Leave to Amend Answer and Special Defenses to Revised Complaint	No
136.00	04/06/2015	D	MOTION FOR MODIFICATION RE SCHEDULING ORDER by Consent <i>RESULT: Granted 4/7/2015 HON JONATHAN KAPLAN</i>	No
136.10	04/07/2015	C	ORDER  <i>RESULT: Granted 4/7/2015 HON JONATHAN KAPLAN</i>	No
137.00	05/15/2015	D	DISCLOSURE OF EXPERT WITNESS by Metropolitan Group Property and Casualty Company	No
138.00	05/15/2015	D	DISCLOSURE OF EXPERT WITNESS	No

139.00	07/21/2015	D	MOTION FOR SUMMARY JUDGMENT by Metropolitan Group Property and Casualty Company <i>RESULT:</i> Order 11/16/2015 HON SUSAN COBB <i>Last Updated:</i> Result Information - 11/17/2015	Yes
139.10	11/16/2015	C	ORDER  <i>RESULT:</i> Order 11/16/2015 HON SUSAN COBB	No
140.00	07/21/2015	D	MEMORANDUM IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT #139.00 BY METROPOLITAN GROUP PROPERTY AND CASUALTY COMPANY	No
141.00	07/27/2015	D	MOTION FOR SUMMARY JUDGMENT Automobile Ins. Co. of Hartford's Motion for Partial Summary Judgment <i>RESULT:</i> Withdrawn 1/12/2016 WITHDRAWAL MANAGEMENT PROGRAM <i>Last Updated:</i> Result Information - 01/12/2016	Yes
142.00	07/27/2015	D	MEMORANDUM IN SUPPORT OF MOTION Automobile Ins. Co. of Hartford's Motion for Partial Summary Judgment (141.00)	No
143.00	07/31/2015	P	REQUEST TO EXTEND TIME TO RESPOND - MOTION FOR SUMMARY JUDGMENT PB 17-45 Motion for Summary Judgment Docket No. 139.00 <i>RESULT:</i> Granted 7/31/2015 BY THE CLERK-ADMIN ACTION	No
143.10	07/31/2015	C	ORDER  <i>RESULT:</i> Granted 7/31/2015 BY THE CLERK-ADMIN ACTION	No
144.00	07/31/2015	P	REQUEST TO EXTEND TIME TO RESPOND - MOTION FOR SUMMARY JUDGMENT PB 17-45 Motion for Summary Judgment Docket No. 141.00 <i>RESULT:</i> Granted 7/31/2015 BY THE CLERK-ADMIN ACTION	No
144.10	07/31/2015	C	ORDER  <i>RESULT:</i> Granted 7/31/2015 BY THE CLERK-ADMIN ACTION	No
145.00	08/20/2015	D	MOTION FOR MODIFICATION RE SCHEDULING ORDER by Consent <i>RESULT:</i> Granted 9/8/2015 HON SUSAN COBB	No
145.10	09/08/2015	C	ORDER  <i>RESULT:</i> Granted 9/8/2015 HON SUSAN COBB	No
146.00	09/22/2015	D	DISCLOSURE OF EXPERT WITNESS AIC's Supplemental Disclosure	No
147.00	09/24/2015	D	DISCLOSURE OF EXPERT WITNESS Metropolitan's SUPPLEMENTAL Disclosure of Expert Witnesses	No
148.00	10/02/2015	P	OBJECTION TO SUMMARY JUDGMENT Objection to Travelers Motion for Partial Summary Judgment - #141.00	Yes
149.00	10/02/2015	P	MEMORANDUM IN OPPOSITION TO MOTION Memorandum in Support of Objection to Travelers Motion for Partial Summary Judgment - #147.00	No
150.00	10/28/2015	P	OBJECTION TO SUMMARY JUDGMENT Objection to Metropolitan's Motion for Summary Judgment - #139.00	Yes
151.00	10/28/2015	P	MEMORANDUM IN OPPOSITION TO MOTION Memorandum in Support of Objection to Metropolitan's Motion for Summary Judgment - #150.00	No
152.00	10/28/2015	D	REPLY MEMORANDUM In Support Of Defendant The Automobile Insurance Company of Hartford's Motion For Partial SJ	No
153.00	11/10/2015	D	REPLY METROPOLITAN'S REPLY TO PLAINTIFF'S OBJECTION TO MOTION FOR SUMMARY JUDGMENT #150.00	No
154.00	11/30/2015	D	MOTION FOR EXTENSION OF TIME Consent Motion for Extension of Time to File Dispositive Motion <i>RESULT:</i> Granted 12/14/2015 HON SUSAN COBB	No
154.10	12/14/2015	C	ORDER  <i>RESULT:</i> Granted 12/14/2015 HON SUSAN COBB	No
155.00	12/07/2015	D	MOTION FOR SUMMARY JUDGMENT	Yes
156.00	12/07/2015	D	MEMORANDUM IN SUPPORT OF MOTION (#155.00-Motion for Summary Judgment)	No
157.00	12/31/2015	P		Yes

OBJECTION TO SUMMARY JUDGMENT Objection to Travelers' Motion for Summary Judgment - #155.00				
158.00	12/31/2015	P	MEMORANDUM In Support of Objection to Traveler's Motion for Summary Judgment - #157.00	No
159.00	01/12/2016	D	WITHDRAWAL OF MOTION for Summary Judgment [141.00], Memorandum in Support of Motion [142.00] and Reply Brief [152.00]	No
160.00	01/12/2016	D	CASEFLOW REQUEST (JD-CV-116) Allowing Motion to be heard on 1/25/2016 Short Calendar <i>RESULT: Granted 1/12/2016 HON SUSAN COBB</i>	No
160.10	01/12/2016	C	ORDER  <i>RESULT: Granted 1/12/2016 HON SUSAN COBB</i>	No
161.00	01/21/2016	D	REPLY MEMORANDUM in Support of AIC's Motion for Summary Judgment (Docket Entry 155)	No
162.00	02/01/2016	C	ORDER  Briefing Schedule Continued <i>RESULT: Order 2/1/2016 HON SUSAN COBB</i>	No

Scheduled Court Dates as of 02/18/2016				
TTD-CV13-6006996-S - CLARKE, BARRY Et Al v. THE AUTOMOBILE INSURANCE COMPANY OF HARTFORD Et Al				
#	Date	Time	Event Description	Status
1	03/28/2016	2:00PM	Trial Management Conference	Proceeding
2	04/05/2016	9:30AM	Jury Selection / Trial	Proceeding
3	04/06/2016	9:30AM	Jury Selection / Trial	Proceeding
4	04/07/2016	9:30AM	Jury Selection / Trial	Proceeding
5	04/12/2016	10:00AM	Jury Selection / Trial	Proceeding
6	04/13/2016	10:00AM	Jury Selection / Trial	Proceeding
7	04/14/2016	10:00AM	Jury Selection / Trial	Proceeding
8	04/15/2016	10:00AM	Jury Selection / Trial	Proceeding

Judicial ADR events may be heard in a court that is different from the court where the case is filed. To check location information about an ADR event, select the **Notices** tab on the top of the case detail page.

Short Calendar and family support magistrate calendar matters are shown as scheduled court dates. If there are multiple motions on a single short calendar, the calendar will be listed once. The status of a short calendar matter is determined by the markings made by the parties. No status is displayed on this page. You can see more information on matters appearing on short calendars and family support magistrate calendars by going to the [Civil/Family Case Look-Up](#) page and [Short Calendars By Juris Number](#) or [By Court Location](#).

Periodic changes to terminology that do not affect the status of the case may be made.

This list does not constitute or replace official notice of scheduled court events.

Disclaimer: For civil and family cases statewide, case information can be seen on this website for a period of time, from one year to a maximum period of ten years, after the disposition date. If the Connecticut Practice Book Sections 7-10 and 7-11 give a shorter period of time, the case information will be displayed for the shorter period. Under the Federal Violence Against Women Act of 2005, cases for relief from physical abuse, foreign protective orders, and motions that would be likely to publicly reveal the identity or location of a protected party may not be displayed and may be available only at the courts.

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