

Connecticut Law Tribune

ALM

Teen To Collect \$3M After Truck Accident

Rig's driver faulted for failing to adjust to dangerous situation

Kendall Barlock, et al., v. Stanton Equipment et al.: A boy who is now a teenager will collect \$3 million from the settlement of a lawsuit prompted by an accident that took place in 1999.

A trading card blew out of the window of the car, and the mother of Kendall Barlock, then 5 years old, pulled over on Phelps Road in East Windsor so he and his 12-year-old brother Daniel could look for it. The two boys were walking along the side of the two-lane road, which was divided by a yellow line.

Trucker Andrew Titus, was traveling between 40 and 45 mph, according to plaintiffs' lawyer **Anastasios "Andy" T. Savvaides**.

Just as the truck came near the younger Barlock, he went onto the road and was struck violently. Another driver, an off-duty firefighter, arrived right afterward and began to administer first aid to the motionless child. The firefighter and a police officer applied a high-flow oxygen bag, and the boy was airlifted to Hartford Hospital.

He was in a coma for 10 days. His ruptured spleen was repaired and his badly fractured left leg was placed in a "fixator" for alignment.

The boy's other severe injuries included a brain contusion, damaged lungs and a fractured skull, jaw, ribs and clavicle.

Still, Kendall Barlock slowly regained physical and mental functioning and was sent home within two months of the accident.

But his severely fractured leg has made him unsteady and prone to falling, and he has permanent problems with attention, memory, impulse control, hearing, language and vision. His overall intelligence scores are in the borderline to low-average range, according to Savvaides, and he sometimes needs a wheelchair to get around.

Although he has a cheerful demeanor and good attitude, Kendall Barlock is not expected to be able to live independently. The developmental gap between the teen and his peers continues to widen. Still, he is taking special education classes in high school, is on track to graduate on time, and is expected to live another 63 years, by actuarial estimates, according to Savvaides.

When he reaches adulthood, he will need support and supervision in a structured environment, along with physical therapy and protection. "He will struggle mightily

with a very uncertain vocational future," Savvaides contended in a settlement brief.

The matter was mediated last December before Middletown Superior Court Judge **Robert I. Holzberg**, with the defendant trucking company represented by **Christopher Lynch** of Hartford-based **Halloran & Sage**. Lynch did not return a call for comment.

The parties reached a structured settlement which both sides agreed had a present value of \$3 million, but will be worth \$7 million over the boy's lifetime.

The plaintiffs relied on experts to establish liability and damages. A truck accident reconstruction expert, **Dave Stopper** from Virginia, contended the truck driver failed to keep an adequate look-

out or appreciate and adjust to a potentially dangerous situation. Secondly, the driver allegedly failed to honk his horn to communicate his presence to the children, who have less ability to fully comprehend the danger of such a situation.

To establish damages, the plaintiffs relied on **Anthony Gamboa**, a vocational economic analyst for Vocational Economics Inc. in Louisville, Ky. He estimated Kendall Barlock's loss of earning capacity to be nearly \$2.1 million.

Dr. Robert Voogt, a certified life-care planner from Virginia Beach, Va., prepared a comprehensive life-care plan. It will include either 24-hour home care or lifelong care in a rehabilitation facility.

"There was a range of estimates for [the cost of] lifetime care," said Savvaides. "At the upper end, there were projections of as much as \$15 million over 63 years."

The announcement of the settlement was delayed because a fairly complex payout schedule was created at the behest of a *guardian ad litem* and approved by a probate court judge. Kendall Barlock is to receive \$30,000 per year when he turns 18, with six increasing lump sum payments between \$61,000 and \$610,000 from 2011 to 2030.

The settlement also provides for \$460,000 in attorneys' fees for Savvaides and a predecessor firm, which referred the case when it had difficulties establishing liability.



Stamford lawyer **Anastasios Savvaides** said his client, now a high school student, has a 'very uncertain vocational future' and won't be able to live independently.

The settlement also provides for \$460,000 in attorneys' fees for Savvaides and a predecessor firm, which referred the case when it had difficulties establishing liability.

Savvaides said the defendants insisted on a confidentiality provision, with an exception for the *Law Tribune* and bar publications.

One legal theory raised by the defense was that Kendall Barlock's older brother was somehow negligent, a line of reasoning that "went nowhere" Savvaides said. Although the boy's mother would be legally shielded by the doctrine of parental immunity, one incentive to settle the case, he said, was the possibility that a jury might disregard the judge's instruction and fault the child's mother for inadequate supervision. ■

— Thomas B. Scheffey