

DOCKET NO. HHD CV 22 6161824 S : SUPERIOR COURT
ANGEL ROBLES, ET AL : J. D. OF HARTFORD
V. : AT HARTFORD
STEVEN BUTLER, ET AL : JUNE 11, 2024

MEMORANDUM OF DECISION

On May 22, 2024, the plaintiffs in this personal injury matter based on claimed negligence presented evidence to the court at a remote hearing in damages. After consideration of the evidence and arguments presented at the hearing, the court issues this memorandum of decision.

I

Background

In their complaint, the plaintiffs, Angel and Nilda Robles, allege that on October 28, 2020, the motor vehicle in which they were traveling in Hartford, Connecticut was hit from behind by a motor vehicle being driven by defendant Steven Butler, causing them to suffer personal injuries including to their backs and necks.

On December 8, 2022, a motion for default for failure to appear was granted against the defendant. See #106.86.

At the hearing, the plaintiffs presented evidence of their claimed damages, including testimony and exhibits. The defendant was not present at the hearing and did not present evidence.

II

Discussion

“A default admits the material facts that constitute a cause of action . . . and entry of

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CC: Steven Butler 6/11/24 CJNero

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quotation marks omitted.) *Argentinis v. Fortuna*, 134 Conn. App. 538, 545-46, 39 A.3d 1207 (2012). “Upon default, the plaintiff ordinarily becomes entitled to recover nominal damages. . . . The right to further substantial damages remains to be established by the plaintiff at a hearing in damages.” (Citations omitted.) *Kloter v. Carabetta Enterprises, Inc.*, 186 Conn. 460, 464, 442 A.2d 63 (1982). “It does not follow that the plaintiff is entitled to a judgment for the full amount of the relief claimed. The plaintiff must still prove how much of the judgment prayed for in the complaint [s]he is entitled to receive.” (Internal quotation marks omitted.) *Murray v. Taylor*, 65 Conn. App. 300, 335, 782 A.2d 702, cert. denied, 258 Conn. 928, 783 A.2d 1029 (2001).

“It is axiomatic that the burden of proving damages is on the party claiming them.” (Internal quotation marks omitted.) *Lawson v. Whitey’s Frame Shop*, 241 Conn. 678, 689, 697 A.2d 1137 (1997). “The determination of damages involves a question of fact. . . .” *Id.*, 690. “When damages are claimed, they are an essential element of the plaintiff’s proof and must be proved with reasonable certainty. . . .” (Internal quotation marks omitted.) *Argentinis v. Fortuna*, *supra*, 134 Conn. App. 549.

“Damages may be awarded for pain and suffering, past, present and future, resulting from the injuries as long as the evidence affords a basis for a reasonable estimate by the trier of fact of the amount. . . . An award of damages for pain and suffering is peculiarly within the province of the trier of fact and the fact that it is difficult to measure pain and suffering in terms of money does not prevent a recovery for that element of damages. . . . Not only are damages for pain and suffering peculiarly for the trier of fact, but proper compensation for pain and suffering cannot be computed by a mathematical formula, and there is no ironclad rule for the assessment of damages.” (Citations omitted.) *Vickers v. Jessup*, 32 Conn. App. 360, 372, 629 A.2d 457, cert.

granted on other grounds, 227 Conn. 922, 632 A.2d 701 (1993) (appeal withdrawn 1994).

The plaintiffs sought and received treatment for their injuries, including physical therapy and orthopedic evaluation. Each was assigned a five per cent (5%) permanent partial disability by an orthopedist.

The plaintiffs credibly testified that they continue to have pain and that the injuries have had a limiting impact on their daily activities.

The plaintiffs have proved that, as a result of the incident, they sustained injuries for which they are entitled to recover fair, just, and reasonable damages.

The plaintiffs incurred expenses for medical care and physical therapy. In total, these amounted to \$14,154.83 for Angel Robles and \$12,231.79 for Nilda Robles. In addition, Angel Robles lost time from work, causing \$325.60 in damages. As to economic damages, the court finds that the plaintiffs are entitled to recover these amounts.

As to noneconomic damages, the court finds that each plaintiff is entitled to recover \$30,000.00 for injuries, and pain and suffering.

CONCLUSION

1. For the reasons stated above, the court awards total compensatory damages to the plaintiffs as follows: \$44,480.43 for Angel Robles and \$42,231.79 for Nilda Robles.

2. If no collateral source hearing pursuant to General Statutes § 52-225a (b) is requested within ten days, judgment may enter for the plaintiffs and against defendant Steven Butler in the above-stated amounts.

3. Costs are to be assessed by the Clerk.

BY THE COURT

Robert B. Shapiro

ROBERT B. SHAPIRO
JUDGE TRIAL REFEREE

Checklist for Clerk

Docket Number: HHD-CV22-6161824-S

Case Name: Angel Robles, Et Al v. Steven
Butler, Et Al

Memorandum of Decision dated: 6/11/24

File Sealed: Yes No X

Memo Sealed: Yes No X

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for Publication XXXX**

**This Memorandum of Decision may NOT be
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State of Connecticut Judicial Branch Superior Court Case Look-up



Superior Court Case Look-up
Civil/Family
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Small Claims

e HHD-CV22-6161824-S

ROBLES, ANGEL Et Al v. BUTLER, STEVEN Et Al

Prefix: HD4

Case Type: V01

File Date: 10/24/2022

Return Date: 11/15/2022

[Case Detail](#) | [Notices](#) | [History](#) | [Scheduled Court Dates](#) | [E-Services Login](#) | [Screen Section Help](#) | [Exhibits](#)

Attorney/Firm Juris Number Look-up

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Case Look-up

By Party Name
By Docket Number
By Attorney/Firm Juris Number
By Property Address

Information Updated as of: 06/11/2024

Case Information

Case Type: V01 - Vehicular - Motor Vehicles - Driver and/or Passenger(s) vs. Driver(s)

Court Location: HARTFORD JD

List Type: No List Type

Trial List Claim:

Last Action Date: 05/23/2024 (The "last action date" is the date the information was entered in the system)

Short Calendar Look-up

By Court Location
By Attorney/Firm Juris Number
Motion to Seal or Close
Calendar Notices

Court Events Look-up

By Date
By Docket Number
By Attorney/Firm Juris Number

Disposition Information

Disposition Date:

Disposition:

Judge or Magistrate:

Legal Notices

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Understanding

Display of Case Information

Party & Appearance Information

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Party

No Fee Party Category

P-01 ANGEL ROBLES

Attorney: e THE RIVERA LAW GROUP LLC (431600) File Date: 10/24/2022
17 WALNUT STREET
NEW BRITAIN , CT 06051

Plaintiff

P-02 NILDA ROBLES

Attorney: e THE RIVERA LAW GROUP LLC (431600) File Date: 10/24/2022
17 WALNUT STREET
NEW BRITAIN , CT 06051

Plaintiff

D-01 STEVEN BUTLER

Non-Appearing

Defendant

D-02 SAFECO INSURANCE COMPANY OF ILLINOIS

REMOVED

Defendant



Comments

Viewing Documents on Civil, Housing and Small Claims Cases:

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