

Motor Vehicle Accident: Common-Law and Statutory Recklessness

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Timothy R. Scannell

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Timothy R. Scannell and Jay W. Fazzino obtained an order of summary judgment entered in favor of the Defendant with respect to multiple counts of recklessness stemming from a motor vehicle accident. The Plaintiff mounted claims of common-law and statutory recklessness pursuant to Conn. Gen. Stat. § 14-295 by alleging that the Defendant recklessly operated his motor vehicle at a high rate of speed through a traffic control signal while using his cell phone.

The Defense conducted a thorough examination of the Plaintiff to evaluate the accuracy of the allegations proffered in her claims of recklessness. During her deposition, the Plaintiff admitted that she observed the Defendant come to a complete stop at the subject intersection in obedience of the controlling traffic signal. Moreover, the Defense elicited testimony from the Plaintiff that she had also observed the Defendant look both ways in an attempt to clear the intersection for traffic. Finally, the Plaintiff admitted that she was unable to offer any estimate as to the speed of the Defendant's vehicle as it entered the subject intersection.

In its motion for summary judgment, the Defense asserted that the Plaintiff's deposition testimony contradicted her own allegations regarding the Defendant's pre-accident conduct. Furthermore, counsel relied on persuasive judicial authority to make the argument that, even if the Plaintiff's testimony regarding the Defendant's usage of a cell phone was accurate, it was insufficient to amount to the high threshold of recklessness in light of the other circumstances surrounding the subject accident. Thus, the Court ultimately entered judgment in favor of the Defendant on both claims of recklessness brought by the Plaintiff.