

**Brothers Settle Auto Crush Case For \$1.85M**

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No sibling rivalry as two sides resolve case without delay

By THOMAS B. SCHEFFEY

**Thomas E. Cafro v. Daniel Cafro et al.** An accident in an auto salvage yard that left one brother with severe chest injuries resulted in a mediated \$1.85 million settlement.

During a late summer rainstorm in 2007, Daniel Cafro and his brother, Thomas, were moving wrecked vehicles around the yard of Northeast Recyclers of Windham Inc. In the bustle and confusion of activity, Daniel accidentally ran over Thomas once, then reversed and drove over him a second time.

The injured man received prompt emergency care on the scene and treatment at Hartford Hospital. Associate Director of Trauma Dr. Ronald Gross testified that Thomas's injuries were "probably the most severe thoracic crush injuries [he had] dealt with" in 31 years of practice. Thomas was diagnosed with severe crush injuries, severely fractured and displaced ribs, and spinal injuries.

Attorney **Michael J. Kopsick**, of Vernon's **Kahan, Kerensky & Capossela**, represented Thomas Cafro, who had sold the business to Daniel a year earlier. The junk car that Daniel was driving had no insurance. Thomas sued for negligence, seeking recovery under the salvage yard's \$2 million policy. **Dean Weddall**, of Hartford's **Offices of Charles G. Walker**, represented Travelers Insurance, in a case mediated by Judge Trial Referee **Samuel Teller**.

Kopsick, in an interview, said his client spent 85 days in Hartford Hospital, followed by 43 days at The Hospital for Special Care in New Britain. Dr. Gross, the traumatologist, testified that Thomas lost essentially all muscle mass and strength during treatment, which required 63 days of induced coma. Overall, the medical bills exceeded \$685,000, Kopsick said.

"They had to keep him rotated so there would not be compression or atrophy of internal organs," the lawyer added. Without the induced coma, he explained, "the body struggles to recover; you create a risk there will be other injuries as the body moves to get more comfortable."

Thomas's specific injuries included spinal compression fractures at his third and fourth lumbar vertebrae, a fractured scapula and clavicle on his left side, and complicated fractures of almost every rib, front and back. He developed lung disease and air leakage requiring high pressure ventilation for two weeks.

"The brother who caused the accident was devastated by what happened, and to his credit and his attorney's credit they really made a concerted effort to resolve this responsibility and fairly," said Kopsick. "Nobody ran away from their responsibly, nobody made an attempt to delay—they're entitled to an 'atta-boy' on that score."

The parties settled for \$1.85 million, nearly the entire \$2 million in coverage.

The plaintiff's side, said Kopsick, had to weigh the value of possibly winning a jury verdict higher than the policy limits. If that happened, he said, would one brother want to go after the other sibling personally for any excess liability? "The prospect of brother chasing brother for a big judgment presents both emotional issues and legal issues, of what would happen if there was a bankruptcy," said Kopsick.

Thomas's doctors assigned him 50 percent permanent partial disability of his whole body. Thanks to physical therapy, he is now able to walk without a cane or crutch, but is not physically able to pursue his livelihood. Kopsick said that this was a significant factor in arriving at the final settlement figure.

Weddall, the Travelers defense lawyer, did not return a call for comment. •