

Ex-sailor wins \$3.6M award for injuries in 1994 accident

Company passed on chance to settle last year for \$550,000

By **KATHLEEN EDGECOMB**
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A former sailor from the Naval Submarine Base in Groton has been awarded \$3.6 million in damages for injuries he received after being hit by a car while jogging around a construction site on Route 12 five years ago.

A jury ordered Henkels & McCoy Construction Co. to pay Ian Guthrie and his wife, Roseann, \$3.6 million, plus interest, following an eight-day trial in Norwich Superior Court. The jury deliberated for two days before returning the verdict at 5 p.m. Wednesday.

Guthrie, who now lives in New Jersey with his wife, suffered a traumatic brain injury while jogging through a construction site at Route 12 and Gungywamp Road in Groton.

"We always felt the conduct of Henkels & McCoy employees in not setting up a safe construction zone for traffic and pedestrians was the principle cause of this accident," Attorney Robert I. Reardon Jr. of New London said Thursday. "The Guthries are pleased that the jury agreed with us and held this construction company responsible for the dangerous conditions at that construction site that day."

During pretrial negotiations, Guthrie settled a lawsuit against the Town of Groton and its police department for \$1.1 million. He also settled a suit with the insurance company representing the driver of the car that hit him for \$100,000.

According to Reardon, lawyers mediated the case with retired Connecticut Supreme Court Chief Justice John Speziale, who recommend that the town pay \$1.1 million and William Morgerson's insurance pay \$100,000. He also suggested the construction company pay \$550,000. Henkels and McCoy refused to settle, Reardon said.

"All of the lawyers involved in this case worked hard last year to reach a settlement with the assistance of Justice Speziale, but Henkels & McCoy would not follow the judge's recommendation to settle," Reardon said. Instead, the company, based in Pennsylvania, fired their lawyer and hired another lawyer to take the case to trial, Reardon said.

"Henkels should have followed their first lawyer's advice and settled," he said. "It serves them right."

Before the accident, Guthrie was a 34-year-old chief petty officer in at the Sub Base, who had twice been recognized as sailor of the year and was under consideration to be promoted to a commissioned officer when he was injured, according Reardon.

He received serious head injuries when he crossed Route 12 at a construction site while jogging. Two members of a town road crew waved him across into the path of the oncoming Jeep and a police officer at the scene said he noticed the sailor waiting to cross but did not stop traffic.

Guthrie suffered a skull fracture and severe brain injury, a fractured jaw, and a fractured clavicle when his head struck the jeep. After emergency treatment at Lawrence & Memorial Hospital, he was taken by helicopter to Bethesda Naval Hospital in Maryland where he underwent several surgeries, Reardon said. He later had several months of occupational, physical and speech therapy at Gaylord Rehabilitation Hospital in Wallingford.

He was given a medical discharge from the service in 1996 and has been unable to work since.

The Guthries never wanted a trial, Reardon said Thursday.

Guthrie, who has been declared totally disabled by the Social Security Administration, also has problems with simple mental tasks — he cannot remember presidents' names, or count backward from 10, for instance, "similar to a stroke victim," Reardon said.

He lives with his wife and four children.