

# CONNECTICUT

## FEATURED VERDICT

### STATEWIDE

#### WORKERS' COMPENSATION

##### Scope of Employment

## Man claimed brain injury happened while on the job

### SETTLEMENT \$2,000,000

**CASE** Jairo Solis v. City of Middletown,  
No. WCC-800165052  
**COURT** Workers' Compensation Commission,  
CT  
**DATE** 4/2/2019

**PLAINTIFF**  
**ATTORNEY(S)** Meghan Woods, Vargas Chapman  
Woods, LLC, Middletown, CT

**DEFENSE**  
**ATTORNEY(S)** Zachary M. Delaney, Pomeranz,  
Drayton & Stabnick, Glastonbury, CT

**FACTS & ALLEGATIONS** On Dec. 10, 2013, claimant Jairo Solis, 29, a public works employee for the city of Middletown, was driving home after responding to a call to treat the roads for snow and ice accumulations. He had responded to the call and was sent home after a few hours of work when another crew came in to relieve him. As he was driving home, Solis' vehicle slid on ice and struck a tree. Solis claimed a head injury.

Solis filed a workers compensation claim against the city of Middletown, claiming he was injured in the course and scope of his employment.

The city of Middletown contested Solis' claim, arguing that Solis was not in the course of his employment at the time of the accident. The city alleged that Solis did not fall into the class of employees covered by the portal-to-portal exception

to the coming and going rule. The city also contended that Solis had the option to refuse the call in that he was allowed one "pass" for the season, which he had not yet used at the time.

Solis prevailed at the trial court level, citing the emergency call exception to the coming and going rule. The decision was upheld by the Compensation Review Board and was on appeal when the settlement occurred.

**INJURIES/DAMAGES** *blunt force trauma to the head; cognition, impairment; head; spasticity; speech/language, impairment of; traumatic brain injury*

Solis was taken by ambulance to a local emergency department. He reportedly suffered massive head trauma due to blunt force impact and claimed a severe traumatic brain injury.

Solis claimed he experiences severe right-sided spasticity, impaired cognitive function, gait impairment and cognitive speech difficulties. He also said he requires assistance with nearly all activities of daily living.

**RESULT** The parties reached a \$2 million settlement.

**INSURER(S)** PMA Cos.

**EDITOR'S NOTE** This report is based on information that was provided by plaintiff's counsel. Defense counsel did not respond to the reporter's phone calls.

—Gary Raynaldo