

RETURN DATE: FEBRUARY 20, 2024 : **SUPERIOR COURT**
JOHN GREEN : **J.D. OF HARTFORD**
VS. : **AT HARTFORD**
ROBIN COMEY; DAVID STEINMAN;
KENNY’S RESTAURANT, INC. d/b/a
RED ROCK TAVERN and
DONALD MANCINI : **JANUARY 17, 2024**

COMPLAINT

COUNT ONE: (John Green v. Robin Comey as to Negligence)

1. The Plaintiff, John Green (hereinafter the “Plaintiff” for this Count One), is a resident of the State of Connecticut with his place of residence being in the City of Hartford.

2. The defendant, Robin Comey (hereinafter the “defendant” for this Count One), is a resident of the State of Connecticut with her place of residence being in the Town of Branford.

3. The co-defendant, David Steinman, is a resident of the State of Connecticut with his place of residence being in the Town of Branford

4. On or about March 16, 2023, just prior to the following described collision below, the defendant was a patron of Kenny’s Restaurant, Inc. d/b/a Red Rock Tavern located at 369 Capitol Ave. in Hartford, Connecticut.

5. During the time the defendant was at Kenny’s Restaurant, Inc. d/b/a Red Rock

Tavern, she consumed a large quantity of alcohol and became intoxicated just prior to the following described collision below.

6. On or about March 16, 2023, at approximately 7:07 p.m., the Plaintiff was the operator of a 2003 Lincoln Navigator travelling westbound on Capitol Ave. in Hartford, Connecticut.

7. At the same time and place, the defendant was the operator of a 2016 Honda Civic traveling eastbound on Capitol Ave. and she was intoxicated while driving her vehicle at this time.

8. At the same time and place, as the Plaintiff and the defendant were approaching each other in opposite directions, the defendant veered right and collided into a motor vehicle parked on the eastbound side of Capitol Ave. causing her Honda Civic to flip over and enter into the westbound lane of Capitol Ave. wherein it struck the driver's side of the Plaintiff's vehicle (hereinafter the "collision").

9. At all times mentioned, the defendant was operating a 2016 Honda Civic that was owned by the co-defendant, David Steinman, at the time of this collision.

10. The defendant caused this collision.

11. The defendant is responsible for her actions.

12. This collision, and the resulting injuries and losses suffered by the Plaintiff were due

to the negligence and carelessness of the defendant in that she:

- a. failed to drive in a proper lane in violation of §14-236 of the Connecticut General Statutes;
- b. operated a motor vehicle at an unreasonable rate of speed based on the traffic and road conditions then and there existing, in violation of §14-218a of the Connecticut General Statutes;
- c. operated a motor vehicle while intoxicated in violation of §14-227a of the Connecticut General Statutes;
- d. drove over or across a clearly indicated divided section of the roadway in violation of §14-237 of the Connecticut General Statutes;
- e. failed to keep a motor vehicle under proper and reasonable control;
- f. failed to keep a proper and reasonable lookout for other vehicles;
- g. failed to apply the motor vehicle's brakes in time to avoid the collision, although in the exercise of due care, could and should have done so;
- h. failed to turn a motor vehicle to the left or to the right so as to avoid the collision, although in the exercise of due care, could and should have done so; and
- i. failed to sound the horn or flash the lights of the motor vehicle to warn the Plaintiff of the impending collision.

13. As a result of this collision, the Plaintiff suffered the injuries and/or aggravation of injuries set forth below, some of which injuries, or the effects thereof, being permanent in nature:

- a. Loss of two teeth;
- b. Cervical strain/sprain and spasm;

- c. Right shoulder impingement;
- d. Right shoulder strain/sprain;
- e. Lumbar strain/sprain and spasm; and
- f. Bilateral hip strain/sprain;

14. As a further result of the collision described above, the Plaintiff has experienced, and will continue to experience in the future, physical pain and suffering, emotional pain and suffering, fear and apprehension, an increased likelihood of future medical treatment and/or disorders, and fear and apprehension of such future medical treatment and/or disorders.

15. As a further result of these injuries, the Plaintiff has incurred, and may continue to incur, medical expenses.

16. As a further result of these injuries, the ability of the Plaintiff to pursue and enjoy life's activities has been reduced and diminished.

COUNT TWO: (John Green v. Robin Comey as to §14-295 Recklessness)

1-11. Paragraphs one through eleven of Count One are hereby incorporated and made paragraphs one through eleven of this Count Two as if fully set forth herein.

12. This collision, and the resulting injuries and losses suffered by the Plaintiff were due to the recklessness of the defendant in that she:

- a . deliberately and/or with reckless disregard operated a motor vehicle while under the influence of alcohol or drugs, when she knew, or should have known, that doing so would create a high likelihood of accident and injury to other motorists around her, including the Plaintiff, all in violation of Connecticut General Statutes, §14-227a, and §14-222;
- b . knowingly and/or with reckless disregard, operated her vehicle at such a high rate of speed that he seriously endangered the lives of other motorists traveling on the roadway, including the Plaintiff, all in violation of Connecticut General Statutes, §14-218a, 14-219 and §14-222;
- c. knowingly and/or with reckless disregard operated her vehicle immediately after consuming a large amount of alcoholic beverages, although she knew that such action would endanger the lives of other persons, including the Plaintiff, all in violation of Connecticut General Statutes, §14-222, and §14-227a; and
- d. knowingly and/or with reckless disregard consumed a large amount of alcoholic beverages when she knew that she would be operating a motor vehicle shortly thereafter, despite her knowledge that driving while intoxicated would endanger the lives of other persons, including the Plaintiff, all in violation of Connecticut General Statutes, §14-227a, and §14-222.

13. All of the aforementioned violations were engaged in by the defendant either deliberately or with reckless disregard as to the consequences and were a substantial factor in causing injury to the Plaintiff.

14. As a result of this collision, the Plaintiff suffered the injuries and/or aggravation of injuries set forth below, some of which injuries, or the effects thereof, being permanent in nature:

- a. Loss of two teeth;

- b. Cervical strain/sprain and spasm;
- c. Right shoulder impingement;
- d. Right shoulder strain/sprain;
- e. Lumbar strain/sprain and spasm; and
- f. Bilateral hip strain/sprain;

15. As a further result of the collision described above, the Plaintiff has experienced, and will continue to experience in the future, physical pain and suffering, emotional pain and suffering, fear and apprehension, an increased likelihood of future medical treatment and/or disorders, and fear and apprehension of such future medical treatment and/or disorders.

16. As a further result of these injuries, the Plaintiff has incurred, and may continue to incur, medical expenses.

17. As a further result of these injuries, the ability of the Plaintiff to pursue and enjoy life's activities has been reduced and diminished.

COUNT THREE: (John Green v. Robin Comey as to Common Law Recklessness)

1-11. Paragraphs one through eleven of Count One are hereby incorporated and made paragraphs one through eleven of Count Three as if fully set forth herein.

12. This collision, and the resulting injuries and losses suffered by the Plaintiff,

were due to the willful, wanton, and/or reckless conduct of the defendant in that:

- a. she deliberately and willfully operated a motor vehicle at a rate of speed much too fast for the traffic and weather conditions then and there existing, when she knew, or should have known, that failing to take necessary precautions such as slowing down, resulted in a high likelihood of accident or injury to other motorists around him, including the Plaintiff; and
- b. she knowingly and deliberately consumed a large amount of alcoholic beverages and became intoxicated when she knew that she would be operating a motor vehicle shortly thereafter, despite her knowledge that such action would endanger the lives of other persons, including the Plaintiff.

13. All of the aforementioned violations were engaged in by the defendant either deliberately, wantonly, willfully, or with reckless disregard as to the potential consequences and were a substantial factor in causing injury to the Plaintiff.

14. As a result of this collision, the Plaintiff suffered the injuries and/or aggravation of injuries set forth below, some of which injuries, or the effects thereof, being permanent in nature:

- a. Loss of two teeth;
- b. Cervical strain/sprain and spasm;
- c. Right shoulder impingement;
- d. Right shoulder strain/sprain;
- e. Lumbar strain/sprain and spasm; and

f. Bilateral hip strain/sprain;

15. As a further result of the collision described above, the Plaintiff has experienced, and will continue to experience in the future, physical pain and suffering, emotional pain and suffering, fear and apprehension, an increased likelihood of future medical treatment and/or disorders, and fear and apprehension of such future medical treatment and/or disorders.

16. As a further result of these injuries, the Plaintiff has incurred, and may continue to incur, medical expenses.

17. As a further result of these injuries, the ability of the Plaintiff to pursue and enjoy life's activities has been reduced and diminished.

COUNT FOUR: (John Green v. David Steinman as to Imputed Liability)

1-16. Paragraphs one through sixteen of Count One are hereby incorporated and made paragraphs one through sixteen of this Count Four as if fully set forth herein.

17. The defendant, Robin Comey, drove the vehicle of the co-defendant, David Steinman, with the authorization of and/or as the agent of the co-defendant, David Steinman, pursuant to §52-182 and/or §52-183 of the Connecticut General Statutes.

18. The co-defendant, David Steinman, is liable for the negligence of the defendant, Robin Comey.

COUNT FIVE: (John Green v. Kenny's Restaurant, Inc. d/b/a Red Rock Tavern as to §30-102 Dram Shop)

1. On or about March 16, 2023, and at all times mentioned herein, Kenny's Restaurant, Inc. d/b/a Red Rock Tavern (hereinafter the "defendant" for this Count Five), was a Connecticut corporation operating as a restaurant and bar open to the public and located at 369 Capitol Ave. in Hartford, Connecticut.

2. On or about March 16, 2023 during the course of and through the later afternoon and early evening, Robin Comey, as a patron of Kenny's Restaurant, Inc. d/b/a Red Rock Tavern, was sold alcoholic liquor by the defendant, its agents, servants and/or employees while she was already visibly intoxicated.

3. The defendant, its agents, servants and/or employees knew that if he/they continued to serve alcohol to Robin Comey, while she was already visibly intoxicated, then it was foreseeable that harm might come from that service, and yet they put profits over safety and continued serving her alcohol.

4. On or about March 16, 2023, at approximately 7:07 p.m., the Plaintiff, John Green (hereinafter the "Plaintiff" for this Count Five) was the operator of a 2003 Lincoln Navigator travelling westbound on Capitol Ave. in Hartford, Connecticut.

5. At the same time and place, Robin Comey was the operator of a 2016 Honda

Civic traveling eastbound on Capitol Ave. and she was intoxicated while driving her vehicle at this time.

6. At the same time and place, as the Plaintiff and Robin Comey were approaching each other in opposite directions, Robin Comey veered right and collided into a motor vehicle parked on the eastbound side of Capitol Ave. causing her Honda Civic to flip over and enter into the westbound lane of Capitol Ave. wherein it struck the driver's side of the Plaintiff's vehicle (hereinafter the "collision").

7. The Plaintiff suffered injuries in the said collision, and those injuries and the losses stemming therefrom, were in direct consequence of the intoxication of Robin Comey.

8. As a result of this collision, the Plaintiff suffered the injuries and/or aggravation of injuries set forth below, some of which injuries, or the effects thereof, being permanent in nature:

- a. Loss of two teeth;
- b. Cervical strain/sprain and spasm;
- c. Right shoulder impingement;
- d. Right shoulder strain/sprain;
- e. Lumbar strain/sprain and spasm; and
- f. Bilateral hip strain/sprain;

9. As a further result of the collision described above, the Plaintiff, has experienced, and will continue to experience in the future, physical pain and suffering, emotional pain and suffering, fear and apprehension, an increased likelihood of future medical treatment and/or disorders, and fear and apprehension of such future medical treatment and/or disorders.

10. As a further result of these injuries, the Plaintiff has incurred, and may continue to incur, medical expenses.

11. As a further result of these injuries, the ability of the Plaintiff, to pursue and enjoy life's activities has been reduced and diminished.

COUNT SIX: (John Green v. Donald Mancini as to §30-102 Dram Shop)

1. On or about March 16, 2023, and at all times mentioned herein, Donald Mancini (hereinafter the “defendant” for this Count Six), was the permittee of Kenny’s Restaurant, Inc. d/b/a Red Rock Tavern, a restaurant and bar open to the public and located at 369 Capitol Ave. in Hartford, Connecticut.

2. On or about March 16, 2023 during the course of and through the later afternoon and early evening, Robin Comey, as a patron of Kenny’s Restaurant, Inc. d/b/a Red Rock Tavern, was sold alcoholic liquor by the defendant, his agents, servants and/or employees while she was already visibly intoxicated.

3. The defendant, his agents, servants and/or employees knew that if he/they

continued to serve alcohol to Robin Comey, while she was already visibly intoxicated, then it was foreseeable that harm might come from that service, and yet they put profits over safety and continued serving her alcohol.

4. On or about March 16, 2023, at approximately 7:07 p.m., the Plaintiff, John Green (hereinafter the “Plaintiff” for this Count Six) was the operator of a 2003 Lincoln Navigator travelling westbound on Capitol Ave. in Hartford, Connecticut.

5. At the same time and place, Robin Comey was the operator of a 2016 Honda Civic traveling eastbound on Capitol Ave. and she was intoxicated while driving her vehicle at this time.

6. At the same time and place, as the Plaintiff and Robin Comey were approaching each other in opposite directions, Robin Comey veered right and collided into a motor vehicle parked on the eastbound side of Capitol Ave. causing her Honda Civic to flip over and enter into the westbound lane of Capitol Ave. wherein it struck the driver’s side of the Plaintiff’s vehicle (hereinafter the “collision”).

7. The Plaintiff suffered injuries in the said collision, and those injuries and the losses stemming therefrom, were in direct consequence of the intoxication of Robin Comey.

8. As a result of this collision, the Plaintiff suffered the injuries and/or aggravation of injuries set forth below, some of which injuries, or the effects thereof, being permanent in

nature:

- a. Loss of two teeth;
- b. Cervical strain/sprain and spasm;
- c. Right shoulder impingement;
- d. Right shoulder strain/sprain;
- e. Lumbar strain/sprain and spasm; and
- f. Bilateral hip strain/sprain;

9. As a further result of the collision described above, the Plaintiff, has experienced, and will continue to experience in the future, physical pain and suffering, emotional pain and suffering, fear and apprehension, an increased likelihood of future medical treatment and/or disorders, and fear and apprehension of such future medical treatment and/or disorders.

10. As a further result of these injuries, the Plaintiff has incurred, and may continue to incur, medical expenses.

11. As a further result of these injuries, the ability of the Plaintiff, to pursue and enjoy life's activities has been reduced and diminished.

COUNT SEVEN: (John Green v. Kenny’s Restaurant, Inc. d/b/a Red Rock Tavern as to Reckless Service of Alcohol to an Intoxicated Person)

1. On or about March 16, 2023, and at all times mentioned herein, Kenny’s Restaurant, Inc. d/b/a Red Rock Tavern (hereinafter the defendant for this Count Seven), was a Connecticut corporation operating as a restaurant and bar open to the public and located at 369 Capitol Ave. in Hartford, Connecticut.

2. On or about March 16, 2023 during the course of and through the later afternoon and early evening, Robin Comey, as a patron of Kenny’s Restaurant, Inc. d/b/a Red Rock Tavern, was sold alcoholic liquor by the defendant, its agents, servants and/or employees while she was already visibly intoxicated.

3. The defendant, its agents, servants and/or employees knew that if he/they continued to serve alcohol to Robin Comey, while she was already visibly intoxicated, then it was foreseeable that harm might come from that service, and yet they intentionally and/or with reckless disregard chose to put profits over safety and continued serving her alcohol.

4. On or about March 16, 2023, at approximately 7:07 p.m., the Plaintiff, John Green (hereinafter the “Plaintiff” for this Count Seven) was the operator of a 2003 Lincoln Navigator travelling westbound on Capitol Ave. in Hartford, Connecticut.

5. At the same time and place, Robin Comey was the operator of a 2016 Honda Civic traveling eastbound on Capitol Ave. and she was intoxicated while driving her vehicle at

this time.

6. At the same time and place, as the Plaintiff and Robin Comey were approaching each other in opposite directions, Robin Comey veered right and collided into a motor vehicle parked on the eastbound side of Capitol Ave. causing her Honda Civic to flip over and enter into the westbound lane of Capitol Ave. wherein it struck the driver's side of the Plaintiff's vehicle (hereinafter the "collision").

7. The Plaintiff suffered injuries in the said collision, and those injuries and the losses stemming therefrom, were in direct consequence of the intoxication of Robin Comey.

8. As a result of this collision, the Plaintiff suffered the injuries and/or aggravation of injuries set forth below, some of which injuries, or the effects thereof, being permanent in nature:

- a. Loss of two teeth;
- b. Cervical strain/sprain and spasm;
- c. Right shoulder impingement;
- d. Right shoulder strain/sprain;
- e. Lumbar strain/sprain and spasm; and
- f. Bilateral hip strain/sprain;

9. As a further result of the collision described above, the Plaintiff, has experienced,

and will continue to experience in the future, physical pain and suffering, emotional pain and suffering, fear and apprehension, an increased likelihood of future medical treatment and/or disorders, and fear and apprehension of such future medical treatment and/or disorders.

10. As a further result of these injuries, the Plaintiff has incurred, and may continue to incur, medical expenses.

11. As a further result of these injuries, the ability of the Plaintiff, to pursue and enjoy life's activities has been reduced and diminished.

COUNT EIGHT: (John Green v. Donald Mancini as to Reckless Service of Alcohol to an Intoxicated Person)

1. On or about March 16, 2023, and at all times mentioned herein, Donald Mancini (hereinafter the “defendant” for this Count Eight), was the permittee of Kenny’s Restaurant, Inc. d/b/a Red Rock Tavern, a restaurant and bar open to the public and located at 369 Capitol Ave. in Hartford, Connecticut.

2. On or about March 16, 2023 during the course of and through the later afternoon and early evening, Robin Comey, as a patron of Kenny’s Restaurant, Inc. d/b/a Red Rock Tavern, was sold alcoholic liquor by the defendant, his agents, servants and/or employees while she was already visibly intoxicated.

3. The defendant, his agents, servants and/or employees knew that if he/they

continued to serve alcohol to Robin Comey, while she was already visibly intoxicated, then it was foreseeable that harm might come from that service, and yet they intentionally and/or with reckless disregard chose to put profits over safety and continued serving her alcohol.

4. On or about March 16, 2023, at approximately 7:07 p.m., the Plaintiff, John Green (hereinafter the “Plaintiff” for this Count Eight) was the operator of a 2003 Lincoln Navigator travelling westbound on Capitol Ave. in Hartford, Connecticut.

5. At the same time and place, Robin Comey was the operator of a 2016 Honda Civic traveling eastbound on Capitol Ave. and she was intoxicated while driving her vehicle at this time.

6. At the same time and place, as the Plaintiff and Robin Comey were approaching each other in opposite directions, Robin Comey veered right and collided into a motor vehicle parked on the eastbound side of Capitol Ave. causing her Honda Civic to flip over and enter into the westbound lane of Capitol Ave. wherein it struck the driver’s side of the Plaintiff’s vehicle (hereinafter the “collision”).

7. The Plaintiff suffered injuries in the said collision, and those injuries and the losses stemming therefrom, were in direct consequence of the intoxication of Robin Comey.

8. As a result of this collision, the Plaintiff suffered the injuries and/or aggravation of injuries set forth below, some of which injuries, or the effects thereof, being permanent in

nature:

- a. Loss of two teeth;
- b. Cervical strain/sprain and spasm;
- c. Right shoulder impingement;
- d. Right shoulder strain/sprain;
- e. Lumbar strain/sprain and spasm; and
- f. Bilateral hip strain/sprain;

9. As a further result of the collision described above, the Plaintiff, has experienced, and will continue to experience in the future, physical pain and suffering, emotional pain and suffering, fear and apprehension, an increased likelihood of future medical treatment and/or disorders, and fear and apprehension of such future medical treatment and/or disorders.

10. As a further result of these injuries, the Plaintiff has incurred, and may continue to incur, medical expenses.

11. As a further result of these injuries, the ability of the Plaintiff, to pursue and enjoy life's activities has been reduced and diminished.

PRAYER FOR RELIEF:

WHEREFORE, the Plaintiff claims:

COUNT ONE: Monetary damages;

COUNT TWO: Monetary damages including double/treble damages pursuant to C.G.S §14-295;

COUNT THREE: Monetary damages including punitive damages and attorney fees;

COUNT FOUR: Monetary damages;

COUNT FIVE: Monetary damages;

COUNT SIX: Monetary damages;

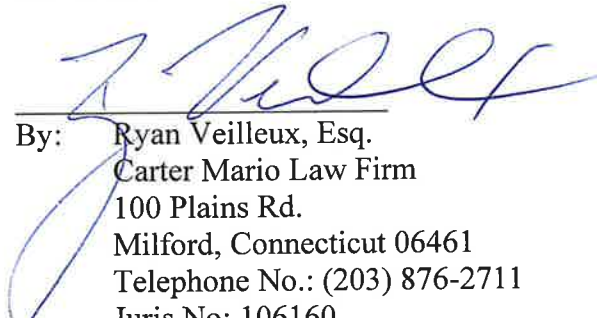
COUNT SEVEN: Monetary damages including punitive damages and attorney fees;

COUNT EIGHT: Monetary damages including punitive damages and attorney fees; and

ALL COUNTS: Such other and further relief as the Court deems appropriate.

THE PLAINTIFF:

John Green



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Juris No: 106160

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STATEMENT OF AMOUNT IN DEMAND

The amount in demand is greater than \$15,000.00, exclusive of interest and costs.

THE PLAINTIFF:
John Green


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