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## Woman Hit By School Bus Suffers Brain Injury, Settles for \$3.25 Million

Christian Nolan, The Connecticut Law Tribune

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***Dolores M. Nieto-DeFlores a/k/a Maria Dolores Flores and Marco Tulio Flores v. Gilbert Hodge, East End Bus Lines and Montauk Student Transport***: A woman who suffered a severe brain injury and numerous fractures after getting hit by a school bus while crossing the road has recovered \$3.25 million in a settlement.

On Sept. 24, 2012 at rush hour, Maria Flores was walking home from her job as a housekeeper for a family in Greenwich, a position she had held for the past 12 years. Walking alone the same route home she had taken on a daily basis, she reached the Lake Avenue Rotary.

Lawyers for Flores explained that she began to cross the rotary from north to south. When approximately halfway across Glenville Road, Flores stopped inside a defined traffic island bordered on all three sides by a double yellow roadway line. At the same time, a yellow school bus with 14 passengers registered to East End Bus Lines and used by Montauk Student Transport was headed west on Glenville Road.

The school bus, driven by Gilbert Hodge, crossed the double yellow center line, striking Flores. The impact was so significant that Flores became airborne and landed 48 feet away, coming to rest in the center of the eastbound lane of Glenville Road. "It's a 25 mile per hour zone," said one of Flores' lawyers, Michael Jones, of Ivey, Barnum & O'Mara in Greenwich. "We believe [the bus driver] was going faster than that."

After the impact, the bus driver slammed on the brakes, bringing the vehicle to a skidding stop. Jones noted that Flores' glasses were later found stuck in the grill of the bus. He said that Flores was initially conscious at the scene of the collision but passed out by the time paramedics arrived. She was taken by ambulance to Stamford Hospital.

At the hospital, Flores' condition continued to worsen. Doctors performed what is called an emergency hemicraniectomy. Jones explained that because Flores' brain swelled so much, surgeons had to remove a portion of her skull. That piece of the skull was then placed in her abdomen so the bone could stay alive. Forty-five days after she was admitted into the hospital, doctors were able to take the piece of bone and place it back with the rest of her skull.

In addition to the head injury, Flores also suffered a fracture to her left hip, her pelvis and various cuts and bruises all over her body.

John Q. Kelly, also of Ivey, Barnum & O'Mara, served as lead counsel for the plaintiffs. He said that Flores' motor skills were profoundly affected. She has permanent cognitive impairments.

"She has some level of recovery but clearly elements of the injury are permanent and unresolvable which is just the nature of traumatic brain injury," said Kelly. "She has a limp, some problems with her wrist and hand and just her gait in general, but a lot of that's due to the brain injury. The brain injury impacts every aspect of the body depending on the severity and location."

The team of Ivey, Barnum & O'Mara lawyers, which also included Mark Schnitzler, filed a lawsuit against the bus driver, East End Bus Lines and Montauk Student Transport. Flores's husband, Marco Tulio Flores, also filed a loss of consortium claim against the defendants. The husband, who had worked on cars at a local dealership, was forced to retire to take care of his wife full time after the accident, according to the lawyers.

The plaintiffs' lawyers hired an accident reconstructionist who opined that a skid mark located within the traffic island was left by the bus. He also opined that it was a straight line from the road debris resulting from damage to the bus and Flores' ultimate resting spot, which was marked by a pool of blood.

"There is no designated crosswalk in that area where she was struck," Kelly explained. "It was our position that he had crossed a double yellow line... He just took the turn wide and didn't see her. By the time he saw someone was there... it was too late."

The defendants were represented by attorney Victoria Metaxas of LeClair Ryan in New Haven. Metaxas did not immediately respond to an interview request.

However, said Kelly, the defense's "bottom line was that the plaintiff was in the traffic lane, the driver swerved into the traffic island to avoid her and she inexplicably ended up inside the traffic island that he had swerved into in order to avoid her."

The two sides agreed to attend a mediation before retired Superior Court Judge Jonathan Silbert, who now practices at the New Haven firm of Garrison, Levin-Epstein, Richardson, Fitzgerald & Pirrotti. Thought that initial session did not result in a settlement, as the two sides came closer to jury selection, they opted to try another day of mediation with Silbert. This time the parties came away with a \$3.25 million settlement.

"No personal injury recovery can make a client whole again, especially with injuries like these," said Kelly. "But we're satisfied in this case. [The settlement] provides her with an excellent level of care and comfort for the rest of her life."

Jones believes that an animated video made by their accident reconstructionist played a key role in procuring a settlement. "I think the amount of work that was done with the accident reconstruction specialist was key," said Jones. "They took our client's weight, height and visual appearance... and recreated the accident. It's almost like a video game."

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