

Cyclist Awarded \$2.9M After Breaking Neck

Water agency held liable for not warning of gates on bike trail

By CHRISTIAN NOLAN

Maribeth Blonski v. Metropolitan District Commission: The former host of a public access television program about mountain biking was awarded \$2.9 million for injuries she sustained after her bike crashed into a gate at West Hartford reservoir.

Maribeth Blonski, 43, of Rocky Hill, was biking at the reservoir, which is also known as Talcott Mountain Recreation Area, in May 2002. The 3,000 acres on the Metropolitan District Commission's property includes several reservoirs, water filtration plants, and biking and hiking trails. Some of the trails are paved, some aren't.

According to Blonski's lawyer, **Michael Stratton**, of **Stratton Faxon** in New Haven, the MDC put up gates at various spots during the 1970s to prevent water contamination and vandalism. Stratton said the gates consist of two posts about 15 feet apart with a large yellow pipe extending between them. When closed, the pipes extend across the roadway.

Some of the gates were reopened in the 1980s but were again closed for security purposes after the terrorist attacks of Sept. 11, 2001. Stratton said even though the agency closed the gates, it did not provide any signs warning bikers. In some instances, he said, the agency left the white paint markings for the bike lanes, which lead right up to the closed gates.

Blonski and a friend were following such a bike path at the reservoir. As she accelerated down a steep hill at between 20 and 30 mph, she noticed the gate and apparently realized it was too late to stop. Stratton said she had two choices, to try to go over top the rusty gate or duck under it. Blonski

chose the latter, but was unable to get low enough.

Her head smashed into the gate, denting her helmet and knocking her out for a few seconds. She suffered spinal fractures resulting in a permanent neck injury. Stratton said vertebrae in her neck broke into 15 pieces that were pressing against her spinal cord. Stratton said if it wasn't for Blonski's high level of fitness, the long-time soccer player would have been rendered a quadriplegic.

"It's a perfect lesson in why you should always wear a helmet," said Stratton. "She would've been dead without the helmet."

Blonski filed a lawsuit against the MDC for negligence in not alerting bikers to the gate. Stratton said a bike path design expert, Lance Robson, testified about problems with the gate. He suggested bollards – a series of short posts – should have been erected instead. The bollards would allow space for bikers to pass through the gate but would block vehicles from driving through.

Attorney **Thomas P. Cella** of **Howard, Kohn, Sprague, & FitzGerald LLP** in Hartford, represented the MDC. Cella did not return calls for this article. An MDC spokesman has expressed surprise with the verdict and said the agency intends to appeal.

Stratton said the MDC argued that the gate was out in the open and obvious, just like a tree, so the accident was a result of Blonski's own negligence. The MDC, a state



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Attorney Michael Stratton said his client, a former semi-pro soccer player, would have been rendered a quadriplegic if she had not been in such good physical condition.

agency, further argued that it had immunity from such a lawsuit.

Stratton said the issue of governmental immunity was briefed back and forth in court for a couple years. He said the bottom line is that there is no immunity if the negligent act is closely connected to the government agency's proprietary activity.

In other words, the MDC was in the business of protecting its water supply, and that's the reason the gates were constructed. Whereas if Blonski had been injured from a

tree that had fallen on a trail, the MDC would not be liable because its business function has nothing to do with trees, the attorney said.

Stratton said that during the trial he had to overcome comments Blonski had made on her public access mountain biking show regarding the accident. On the program, she said she had her head down and didn't see the pipe until she was three feet away. But, said Stratton, the skid marks on the trail were 20 feet away, so an expert testified that she had to notice the gate about 75 feet away.

Stratton said the MDC offered Blonski, who had \$150,000 in medical bills, \$50,000 to settle the case prior to trial and offered

\$150,000 at the end of testimony. Despite jurors finding Blonski 30 percent negligent for her accident, they awarded her \$2.9 million. Stratton said it amounts to about \$55,000 per year for the rest of her life expectancy.

Trial testimony lasted three days and the jury took just an hour-and-a-half to deliberate. Stratton put on 13 witnesses. The MDC did not introduce any experts for its side.

Blonski, a former semi-pro soccer player for the Connecticut Lady Wolves and a member of the Wethersfield High School Hall of Fame, now works at the front desk of a local gym. She was unemployed at the time of the accident.

Stratton said Blonski has several rods and screws holding her neck vertebrae together. She has nerve damage down her arm, a paralyzed vocal cord and has trouble clearing her throat. That means there a risk of food getting into her lungs.

Stratton said Blonski was a "great client" and told him that establishing the MDC's liability was more important to her than the money.

"I just don't want them to tell me it was all my fault," Stratton said his client told him. "I'd take zero right now for someone to publicly announce it wasn't all my fault." ■