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School Bus Crash Victims Settle For \$6.5 Million

CHRISTIAN NOLAN

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Pratikkumar Parikh v. Autumn Transportation et. al.: A group of Hartford area students who were passengers on a school bus that plummeted down an embankment on Interstate 84 after being struck by another vehicle have settled their legal claims for \$6.5 million.

According to one of the lead plaintiffs lawyers, **Andrew Groher**, of **RisCassi & Davis** in Hartford, a 16-year-old named Christopher Toppi, of Glastonbury, borrowed his parents Volvo station wagon and was headed westbound on I-84 at about 8 a.m. on Jan. 9, 2010. Toppi was on his way to an SAT prep class, Groher said.

Toppi claims that as the highway curved to the left, he didn't turn the steering wheel enough. When he finally reacted, he overcorrected and sideswiped the left side of a bus full of teenagers headed to a high school robotics event in Farmington. The accident occurred between exits 45 and 46 in the Hartford area.

The bus, which had just gotten onto the highway, crashed through a guardrail and plunged down a 20-foot embankment. Sixteen-year-old Vikas Parikh, of Rocky Hill, who was thrown from his seat in the crash, was the lone fatality. A dozen other passengers, most of them students, were injured in the wreck. A teacher, Richard Sams, has never returned to work due to his significant leg injuries, Groher said.

The group of students from Greater Hartford Academy of Mathematics and Science in Hartford were headed to an event at Farmington High School that included dozens of other teams and that kicked off the high school robotics season. Parikh was a junior at the Hartford magnet high school.

Though most of the other students' injuries were not severe or life-threatening, "for these kids going through this and then seeing one of their classmates and a particularly popular classmate get killed is very traumatic," said Groher.

Parikh, said Groher, was No. 1 academically in his class and, by all accounts, liked by everyone.

"It's just amazing how everybody who talked about this kid talked about him in the same superlatives," said Groher. "The teachers loved him. He was looked up to by other kids in his class. He was funny, engaged in everything. It's a tremendous, tremendous loss for his family. This is just a wonderful kid."

Groher, along with **John J. Houlihan Jr.** and **David W. Cooney**, also of **RisCassi & Davis**, represented five of the 13 plaintiffs in the lawsuit. Eight other law firms represented the other eight students who filed separate lawsuits against Toppi and the school bus company. The recent settlement resolves all of the claims.

Evidence that would have been crucial had the case gone to trial included cell phone records indicating that the school bus driver, Paul Burns, was talking on his cell phone just prior to the crash or during the crash. Burns may also have been overly tired, as the very same cell phone records revealed that he was also on the phone between 2 a.m. and 6 a.m. that day. "It was illegal for him to be on the phone, period, once he started driving," said Groher. "The law doesn't permit you to be on the phone."

An initial lawsuit was filed against Toppi, but Groher later amended it to include bus driver Burns, Autumn Transportation and Specialty Transportation. Groher said Burns was employed by Specialty Transportation, but that he was driving a bus owned by Autumn Transportation, a sister company.

Toppi, a student at the time at Kingswood-Oxford School in West Hartford, was also charged criminally by State Police with negligent homicide. Additionally, he was cited for failure to drive in the proper lane and traveling too fast for the conditions. Toppi's criminal case was later transferred to juvenile court and out of public view. The most prison time a juvenile can get for the negligent homicide charge is six months.

Bus driver Burns also sustained injuries in the crash and was both a plaintiff and defendant in the case. On the liability end, it did not help his case that he, too, was ticketed, for driving a type of bus he wasn't licensed to drive. The bus company also received a citation for not keeping proper records.

All nine plaintiffs firms and three defense lawyers agreed to take the case to mediation before Superior Court Judge Jonathan E. Silbert last month.

On the first day of mediation, Groher said the judge worked late into the evening, meeting with all of the students and their families individually to get a sense of their demands. On day two, the lawyers got more involved. Before the day was out, the two sides were able to reach a settlement that all the parties could live with.

The \$6.5 million settlement will be paid by three different insurance companies for the three defendants. Further details were not released. Defense attorney **Philip T. Newbury Jr.**, of **Howd & Ludorf** in Hartford, who represented Toppi in the civil suits, said the parties agreed not to reveal how much of the \$6.5 million each defendant paid out or what portion of the settlement each individual plaintiff received.

Newbury praised Judge Silbert's efforts to resolve the lawsuits, calling them "fair settlements."

"The settlement was accomplished largely through the yeoman efforts of Judge Silbert," said Newbury.

Defense attorney **Robert J. Chomiak Jr.**, of **Nuzzo & Roberts** in Cheshire, represented Autumn Transportation. And attorney **Robert Cassot**, of **Morrison Mahoney** in Hartford, represented Specialty Transportation.

"He just did a great job," Groher said of the judge. "I can't speak for everybody but the sentiment in the courtroom, when it all got done, seemed to be very positive."•