

Jury awards \$2.5m²⁻¹⁸⁻⁰⁶ to dead boy's family

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BRIDGEPORT — A Superior Court jury Friday awarded more than \$2.5 million to a city couple whose young son was crushed to death under the wheels of a commercial van four years ago.

The six-member jury deliberated for two days before handing down the verdict to William and Demetria Rogers against the van's driver, Herbert Perry, and the American Chair Car Services Inc.

"The family is pleased that there is now closure to this very tragic event," said the Rogers' lawyer, Harold L. Rosnick, who tried the case with Jon August.

Stephen Fogerty, who represented Perry and the Bridgeport company, did not return calls for comment.

According to testimony during the week-long trial before Judge Dale Radcliffe, Perry, 53, was driving a van owned by American Chair Car westbound on Crescent Avenue shortly after 4 p.m. on May 16, 2002, when he stopped at a four-way stop sign at Kossuth Street.

Perry then drove through

the intersection, striking 10-year-old William Rogers Jr., who was riding his bicycle south on Kossuth Street.

Perry, who now lives in North Carolina, said he didn't realize he'd hit the boy but stopped 75 feet from the intersection because he heard a noise from under the van and thought he had broken an axle.

The noise turned out to be the boy's bicycle, wedged under the van.

Perry testified he was an experienced driver and familiar with the intersection, but he did not see the boy ride out in front of him. His lawyer argued that the boy was at fault because he went through a stop sign, was on the wrong side of the street and failed to pay attention.

"The jury was called upon to evaluate the conduct of both but under our law an adult has a duty of greater care than does a child of 10," Rosnick explained.

"The jury evaluated the facts and it was clear to them that the driver of the van was more responsible than the child."

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