

STATE OF MAINE  
PENOBSCOT, ss

SUPERIOR COURT  
DOCKET NO. CV-08-113  
KMC-PEN-9/30/2011

DALE LEONARD  
Plaintiff

v.

JESSE ULVILA  
DENNIS ULVILA  
KELLY ULVILA

#### DECISION AND ORDER

This matter was before the Court on a damage hearing that was held on September 30, 2011, in Bangor Superior Court. The only evidence came from the testimony of Dale Leonard.

This matter was before the Court on Notices of Default entered by the Clerk on Dennis Ulvila on May 29, 2008 and Kelly Ulvila on June 16, 2008. The Court hereby issues Judgment of Default in favor of Dennis Leonard and against Dennis Ulvila and Kelly Ulvila.

By Order dated March 8, 2011, the Court (Studstrup, J.) found Jesse Ulvila negligent and deferred a decision on damages.

The issue of damages is now before this Court with respect to all 3 defendants.

The Court evaluated the testimony of Mr. Leonard that was taken by phone, as previously authorized by this Court. Although neither evidence of special damages in the form of medical bills, nor medical records were offered, the Court developed a sense of what the plaintiff has been through since April 25, 2000. The immediate pain, loss of vision and fear associated with the loss of vision, coupled with daily visits with the eye doctor tapering off to every other day visits from Calais to Bangor, coupled with ongoing visits and pain which lasted for 10 years represented a significant amount of pain and suffering

caused by Jesse Ulvila's negligence and his parents failure to supervise.<sup>1</sup>

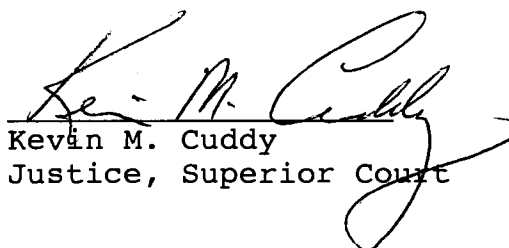
The left eye injury initially required a protective patch and hourly eye drops for pain and treatment of the injury. The loss of vision in the left eye left Mr. Leonard essentially blind in one eye until he had corrective surgery in Boston in 2010 which improved his vision and hyper light sensitivity, though both remained as a continuing disability.

While the injury reportedly made Mr. Leonard's high school and college education more difficult, Mr. Leonard did graduate UMO with a BS Degree in Electrical Technology and has found employment in that field, thereby diminishing any claim for lost earnings.

Given the nature of the claims, the evidence of damages in terms of pain and suffering, it is the decision of this Court that damages be awarded to Dale Leonard in the amount of Twenty Five Thousand Dollars (\$25,000) jointly and severally against Jesse Ulvila, Dennis Ulvila and Kelly Ulvila, together with interest and costs.

At the direction of the Court, this Order shall be incorporated into the docket by reference. Rule 79(a) M.R.Civ.P.

September 30, 2011

  
Kevin M. Cuddy  
Justice, Superior Court

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<sup>1</sup> Defense counsel argues that the parent's damages should be limited to \$800 joint and several as provided by 14 M.R.S. §304. Justice Murphy, in her decision denying the Motion for Summary Judgment, makes it clear and binding that damages are not limited by that statute.