



Court Affirms Judgment for Defendant Hospital in Premises Liability Action

On December 15, 2015, the Connecticut Appellate Court released a decision affirming the trial court's entry of judgment in favor of defendant Manchester Memorial Hospital (the "Hospital") in a slip and fall case brought by plaintiff Maria Diaz. Ms. Diaz claimed that she sustained physical injuries when she slipped and fell on an icy sidewalk near the Emergency Department entrance to the Hospital. Plaintiff claimed that the Hospital breached its duty to maintain the sidewalk in a reasonably safe condition.

At the trial court level, Attorney Gretchen Randall tried the case before Judge Peter Wiese in December 2013. Following post-trial briefing, Judge Wiese issued a decision entering judgment in favor of the Hospital, finding that plaintiff failed to prove that the Hospital had actual or constructive notice of the allegedly defective condition. Based on the evidence, Judge Wiese determined that the Hospital made substantial efforts to inspect and maintain the premises, including the sidewalk at issue, on the date of plaintiff's fall and had no knowledge of the existence of ice on the sidewalk.

Plaintiff appealed Judge Wiese's decision, asserting that the trial court erroneously found that the Hospital lacked constructive notice of the defective condition. Plaintiff essentially argued that she presented circumstantial evidence of constructive notice, which was disregarded by the trial judge. Following oral argument presented by Attorney Michael Neubert on October 22, 2015, the Appellate Court affirmed Judge Wiese's decision, noting that the trial court made detailed findings as to the Hospital's efforts to keep the premises clear of snow and ice and further noting that such inferences of fact are only reversible if they were clearly erroneous, *i.e.*, that the record contains no evidence to support them. The Appellate Court reasoned that it is "entitled to presume that the trial court acted properly and considered all the evidence." In affirming judgment in favor of the Hospital, the Court stated, "we defer to the [trial court's] finding that the defendant did not have constructive notice of the icy sidewalk because it is supported by the evidence."

The Appellate Court's Memorandum of Decision is linked.

Contact Us

Please contact Michael D. Neubert or Gretchen G. Randall if you have any questions or would like further guidance about any issues raised in this advisory. Contact us at 203.821.2000 or www.npmlaw.com.



Michael D. Neubert

Michael D. Neubert is a founding partner and head of the litigation practice group at Neubert, Pepe & Monteith, P.C. Attorney Neubert has extensive experience in the areas of civil and commercial litigation, professional liability defense, hospital liability law, representation of physicians in professional licensing disputes, product liability, administrative law, premise liability, municipal liability, and employment litigation. His clients include numerous hospitals, physicians, law firms, professional associations, major insurance companies, corporations, and municipalities.



Gretchen G. Randall

Gretchen G. Randall is a partner and member of the Medical Malpractice & Hospital Liability Defense and Professional Malpractice & Liability Defense practice areas at Neubert, Pepe & Monteith, P.C. Attorney Randall's practice focuses on defending hospitals, physicians, mid-level practitioners and nursing staff against claims of medical negligence. Attorney Randall has successfully litigated jury cases and bench trials, as well as representing her clients' interests in binding arbitrations and mediations.