

*Francis Anderson v. Charles Dike Et Al. (AC 40799)*

The plaintiff brought this action seeking damages for injuries suffered as a result of the defendants' alleged negligence. The plaintiff alleged that their injury occurred when the defendant hospital employee intentionally closed a door on the plaintiff's hand and kicked the plaintiff's hand into the door. When the plaintiff sought medical attention for the injuries sustained to his hand, he initially refused treatment by a nurse and was then threatened and verbally abused by hospital staff. The plaintiff brought this action against the defendants in their individual capacity, claiming that their actions had violated the patient's bill of rights pursuant to General Statute §17a- 540 et seq. In response, the defendants filed a motion to dismiss which the trial court granted for all the defendants except defendant Madison. The trial court determined that only Madison could be sued in her individual capacity as she was the only defendant against whom the plaintiff alleged reckless, wanton or malicious conduct. The plaintiff then filed motions for a jury trial and appointment of counsel, which the trial court denied. The trial court subsequently granted the defendants' motion for summary judgement. The plaintiff appealed claiming that the trial court improperly granted the defendants' motion for summary judgement, improperly denied his motion for a jury trial, and improperly denied his motions for appointment of counsel.

The issue presented to the Appellate Court in this appeal is whether the trial court acted properly in granting the defendants' motion for summary judgement. The Court determined that the trial court properly granted summary judgement and affirmed the lower court's decision. In reaching this conclusion, the Appellate Court determined that the plaintiff failed to establish a genuine issue of material fact sufficient to render summary judgement inappropriate. The Court found that the plaintiff's affidavit in opposition to the defendants' motion for summary judgement could not be considered. The Court reasoned that the affidavit and police reports offered by the plaintiff were not properly authenticated and did not need to be considered at the appellate level. In the absence of an authenticated affidavit, the plaintiff could not establish that summary judgement is inappropriate. Furthermore, the Court found that the defendants met their burden of establishing that there was no genuine issue of material fact. In their motion for summary judgement, the defendants provided evidence which established that the alleged sequence of events described by the plaintiff did not take place. Faced with such evidence, the plaintiff had the burden of providing evidence which shows that a genuine issue of material fact does exist in the present case, which they failed to do. The defendants were therefore entitled to summary judgement as a matter of law.

The Court next considered the plaintiff's claim that the trial court improperly denied the plaintiff's motion for appointment of counsel. The Court determined that the plaintiff could not prevail on this claim. The Court found that there was no merit to the plaintiff's claim. In reaching this conclusion, the Court reasoned that in the absence of legislation providing a statutory exception to the general rule that court appointed counsel is not available in civil actions, the plaintiff cannot prevail on this claim. As no statutory exception exists, the plaintiff's claim was without merit and must fail. The Court therefore determined that the trial court properly dismissed the plaintiff's motion for court appointed counsel.

The Appellate Court determined that the trial court acted properly in reaching their determination and affirmed their holding.