

*Donald Briere Et Al. v. Greater Hartford Orthopedic Group, P.C., Et Al. (SC 19576)*

The plaintiff brought this medical malpractice claim for injuries sustained during spinal surgery which resulted in the plaintiff suffering quadriplegia. After bringing his case forward, the plaintiff sought to amend his original complaint. Both the original and amended complaints alleged that the defendant “failed to properly plan and to perform the surgery through the use of an instrumentality in his control.” The amended complaint differed from the original complaint in that the original complaint included specific allegations relating to the improper use of a skull clamp, whereas in the amended complaint, the plaintiff alleged improper use of a retractor blade. The trial court denied the plaintiff’s request to amend their complaint because it did not relate back to the original pleading and was therefore barred by the statute of limitations. The trial court granted the defendant’s motion for summary judgment, reasoning that by virtue of the proposed amended complaint, the plaintiff had abandoned their theory that the defendant’s negligent use of a skull clamp caused the plaintiff’s injuries.

The plaintiff appealed and the Appellate Court reversed the decision of the trial court, finding that the trial court had improperly applied the relation back doctrine. The Appellate Court determined that the plaintiff’s original complaint should be interpreted broadly and construed as a claim alleging negligence in performing surgery. The Appellate Court determined that such a claim could be supported by the amended complaint and therefore the trial court erred in denying the plaintiff’s request to amend their complaint. The defendant appealed the decision of the Appellate Court.

The issue presented to the Court in this appeal is whether the Appellate Court properly interpreted the relation back doctrine, specifically as it applies to medical malpractice claims. The Court determined that the trial court applied the relation back doctrine too narrowly and

affirmed the decision of the Appellate Court. In reaching this conclusion, the Court first noted that an amended complaint “is proper to amplify or expand what has already been alleged in support of a cause of action, provided the identity of the cause of action remains substantially the same, but [when] an entirely new and different factual situation is presented, a new and different cause of action is stated.” The Court determined that the amended complaint relates back as the original complaint gave the defendants fair notice that a claim was being brought against them stemming from the defendant’s alleged negligence in performing surgery on the plaintiff. Additionally, the amended complaint merely amplifies and expands upon, but does not contradict, the allegation set forth in the original complaint.

The Court noted that where an amended complaint contradicts the original complaint, it does not relate back and can therefore be barred by the statute of limitations. The Court further noted that in Connecticut, the courts have adopted a modern approach wherein they read complaints broadly and realistically, rather than narrowly and technically. The Court determined that “the trial court must not view the allegations so narrowly that any amendment changing or enhancing the original allegations would be deemed to constitute a different cause of action.” However, the trial court must also note that when new allegations state a set of facts which contradict the original cause of action, then they do not relate back to the original pleading. The Court also set forth factors which should be considered in determining whether an amended complaint relates back, including “whether the original and the new allegations involve the same actor or actors, allege events that occurred during the same period of time, occurred at the same location, resulted in the same injury, allege substantially similar types of behavior, and require the same types of evidence and experts.”

In the present case, the Court determined that the plaintiff's cause of action is that the defendant negligently performed surgery on the plaintiff which resulted in the plaintiff's injuries. Both the original complaint alleging negligent use of the skull clamp and the amended complaint alleging negligent use of a retractor blade both relate back to the allegation that the defendant negligently performed surgery on the plaintiff. The plaintiff's claims were not limited to the skull clamp allegations. The Court found that "the plaintiff adequately put the defendants on notice that his claim related to [the defendant]'s conduct during the surgery and, more specifically, his use of medical instruments during the surgery." The amended complaint does not contradict the theory that the defendant improperly and negligently used medical instruments while performing surgery on the plaintiff.

The Court held that that the trial court erred in their application of the relation back doctrine. The Court affirmed the decision of the Appellate Court and ruled that the defendant's motion for summary judgement should be dismissed.