

Angela Dudley v. Commissioner of Transportation Et Al. (AC 40702)

The plaintiff brought this action forward seeking damages for injuries sustained as a result of the defendant's alleged negligence. The plaintiff sustained injuries while she was walking along a state highway and stepped on a defective manhole cover. When the plaintiff stepped on to the manhole cover, it flipped, causing her to lose her balance. As a result, the plaintiff fell into the manhole, causing her to sustain multiple injuries. In response to the plaintiff's allegation, the defendant, the Commissioner of Transportation, filed a motion to dismiss, claiming that the plaintiff did not give them sufficient notice as the plaintiff's complaint lacked necessary specifications. The defendant further claimed that the plaintiff was precluded from bringing this claim forward due to the doctrine of sovereign immunity. The trial court rejected the defendant's motion to dismiss. The defendant appealed the decision of the trial court.

The issues presented to the Appellate Court in this appeal are (1) whether the trial court properly determined that the plaintiff's complaint gave the defendant sufficient notice, and (2) whether the court properly determined that the plaintiff's claim was not precluded by the doctrine of sovereign immunity. The Appellate Court determined that the trial court acted properly in their decisions regarding both issues. In reaching this conclusion the court first considered the defendant's claim that the plaintiff's operative complaint failed to provide adequate notice to the defendant. The defendant contends that the plaintiff's complaint was vague and inaccurate as it contained technical imprecision as to the location of the manhole. The Court determined that cartographical precision is not required, and the surrounding context of the complaint gave adequate details of the location of the manhole in question and therefore gave the defendant sufficient notice. The Court noted that the language of the complaint could only be logically interpreted as identifying the one specific manhole in question despite the fact that there

were two other manholes in the surrounding area. The Court further noted that “[u]nder §13a-144, the notice must provide sufficient information as to the injury and the cause thereof and the time and place of its occurrence to permit the commissioner to gather information about the case intelligently.” The Court determined that the plaintiff’s complaint met these standards. Therefore, the Court found that the trial court properly determined that the plaintiff’s complaint had adequate specifications so as to give the defendant sufficient notice.

The Court next considered the defendant’s claim that a statutory waiver of sovereign immunity did not exist in the present case, as the area where the plaintiff sustained her injuries was on a sidewalk which the state did not have a statutory duty to maintain. The defendant claimed that their duty to maintain sidewalks extended only to limited sidewalks which did not include the sidewalk where the plaintiff sustained her injuries. A highway defect, for the purposes of §13a-144 is “[a]ny object in, upon, or near the traveled path, which would necessarily obstruct or hinder one in the use of the road for the purpose of traveling thereon, or which, from its nature and position would be likely to produce that result [T]he defect need not be a part of the roadbed itself.” The Court determined that the trial court properly found that the defendant had a duty to maintain the sidewalk in question and sovereign immunity was statutorily waived. The Court found that the location of the incident, being adjacent to rather than directly on the state highway, did not render §13a-144 inapplicable. The Court determined that the defective manhole constituted a highway defect due to its proximity to the highway and the fact that its sole function was to provide access to the storm drain for the state highway. The Court further noted that the manhole in question was within the boundary of the state’s right-of-way. The Court therefore determined that the sidewalk where the manhole was located falls

within the definition of a highway defect under §13a-144, thus constituting a statutory waiver of sovereign immunity.

Lastly, the Court looked to the defendant's claim that the plaintiff could not be considered a traveler on the highway under §13a-144. The defendant claimed that the plaintiff's activity "was not for a purpose connected with travel over a state highway within the meaning of §13a-144." The Court found this argument unpersuasive. The Court instead determined that the plaintiff walking on the sidewalk adjacent to the highway constituted travel "incidental to and for purposes of travel on [the] highway." The Court found that because the plaintiff could be considered a traveler on the state highway under §13a-144, sovereign immunity does not preclude the plaintiff from bringing this case forward.

The Appellate Court affirmed the decision of the trial court.