

Iino v. Spalter (AC 40574)

Brief Summary: Plaintiff sought to recover damages from the defendant executrix of the estate of her father for sexual abuse she suffered from the age of six to seventeen. Court held that (1) the trial court had personal jurisdiction over the defendant; (2) the objected to evidence during the trial was harmless to the verdict; (3) the trial court improperly submitted the issue of punitive damages to the jury as there was no evidence submitted regarding punitive damages; and (4) there was sufficient evidence that the plaintiff suffers from psychological trauma caused by childhood sexual abuse.

The plaintiff, Elizabeth Spalter Iino, sought to recover damages from the defendant executrix of the estate of her father for intentional sexual assault. The plaintiff alleged that her father, the decedent, sexually abused her in Connecticut repeatedly when she was six years old until she was seventeen, and as a result she suffered extreme trauma, mental anguish, and psychological injuries. At trial, the defendant filed a motion to dismiss for lack of personal jurisdiction, which was denied. After the defendant filed a motion in limine to preclude evidence of other acts of verbal and physical abuse by the decedent against the plaintiff, her brothers, and the family dog. The court denied the motion but stated that it was reserving judgment on specific objections to the evidence until the evidence as offered at trial. The jury found in favor of the plaintiff and returned a verdict awarding her \$15 million in compensatory damages. The jury also found that the plaintiff was entitled to punitive damages but was not asked to determine the amount. The defendant filed a motion to set aside the verdict, the court denied it and reserved to itself the issue of the amount of punitive damages to be determined later. On appeal, the defendant claimed that the trial court improperly (1) denied her motion to dismiss for lack of personal jurisdiction, (2) admitted certain evidence, (3) permitted the jury to find her liable for

punitive damages without evidence as to the plaintiff's litigation expenses and reserved to itself the issue of the amount of punitive damages to be awarded, and (4) denied her motion to set aside the verdict, which alleged that there was insufficient evidence that the plaintiff suffers from psychological trauma caused by childhood sexual abuse. The court agreed with only the defendant's third claim, thus, reversing part of the judgment of the trial court and affirming the rest of the judgment.

Personal jurisdiction over an out of state defendant requires that the state's long-arm statute requirements be met, and the defendant have requisite minimum contacts with the state to satisfy the constitutional due process concerns.

The defendant argued that the court lacked personal jurisdiction because as a New York executrix she personally has no minimum contacts with Connecticut. The court rejected this argument citing § 358 of the Restatement (Second) of Conflict of Laws stating that if the long arm statute would have permitted the court to exercise jurisdiction over the decedent had he been living, the due process clause is not offended by that statute also permitting the exercise of jurisdiction over the decedent's executrix, who stands in the shoes of the decedent for purposes of the action. Thus, the jurisdictional issue here is whether the court would have had jurisdiction over the decedent had he been alive. Had the decedent been alive the Connecticut courts would have jurisdiction because the alleged tortious acts occurred in Connecticut. Thus, the court concluded that jurisdiction was proper.

The defendant attempted to preclude testimony regarding instances of verbal and physical abuse committed by the decedent against the plaintiff, her brothers, and the family dog. When the court denied the defendant's motion in limine it stated it was reserving judgment on specific

objections until such evidence was offered at trial. Thus, the defendant needed to object each time evidence was offered on the issue—however, the defendant did not.

When a court commits an evidentiary impropriety, the judgment will be reversed only if the court concludes that the trial court's improper ruling harmed a party. A party proves harm by showing that the improper evidentiary ruling likely affected the outcome of the proceeding.

The court concluded that even if it assumed the trial court's rulings were improper the defendant failed to show that it likely affected the outcome of the trial. The court reasoned that it likely did not affect the outcome of the trial because the portions of testimony that the defendant objected to were merely cumulative of similar testimony to which she did not object. The defendant objected to some testimony by the plaintiff wherein she described the decedents violence against her brothers and dog; she also objected to testimony by Jonathan Spalter (the plaintiff's brother) wherein he testified that they lived in a horror house. However, the defendant did not object to testimony from both Jonathan and Alan Spalter describing physical and verbal abuse by the decedent and that their home was filled with fear and terror. Thus, the court reasoned that denying the defendant's objections was harmless as the objected to evidence was essentially the same as evidence that was not objected to. Consequently, its admission likely did not affect the verdict.

Next, the defendant argued that the trial court improperly permitted the jury to find her liable for punitive damages without evidence as to the plaintiff's litigation expenses and that the court improperly reserved to itself the issue of the amount of punitive damages.

In Connecticut common-law punitive damages are limited to attorney fees and nontaxable costs. In *Bifolck v. Philip Morris Inc.* the Supreme Court of Connecticut confirmed

that in a jury trial, the question of the amount of punitive damages is for the jury, not the court, when the parties do not agree to have the court decide the amount.

In this case the defendant repeatedly told the court and the plaintiff that she wanted the jury to determine the amount of punitive damages. Further, the plaintiff was aware of this before she submitted any evidence when the defendant filed her preliminary request to charge the jury on the issue of punitive damages. Thus, the plaintiff had to submit evidence supporting her claim for punitive damages—which she did not—as an issue cannot be submitted to a jury unless evidence regarding the issue was put forth at trial. Therefore, the court concluded that the court improperly charged the jury on punitive damages as there was no evidence of damages to support the charge.

Lastly, the defendant argued that her motion to set aside the verdict was improperly denied because there was insufficient evidence to establish that the plaintiff suffered from the medical and/or psychological conditions she claimed, or that the conditions were caused by childhood sexual abuse.

When addressing a trial court's refusal to grant a motion to set aside the verdict the court must consider the evidence in light most favorable to the prevailing party. The verdict will be set aside only if it finds that the jury could not reasonably and legally reached its conclusion. If the evidence could have reasonably supported the jury's conclusion the Appellate court must uphold the verdict.

The plaintiff testified that she suffered emotional and psychological trauma due to being sexually abused from the age of six to seventeen, her trauma included suffering from depression, insomnia, and anxiety. Also, that she abused drugs and alcohol to deal with the shame she felt.

She also testified about her experiences with psychotherapy, cognitive behavioral therapy, and an incest group that was made up of women who had been victims of childhood sexual abuse. The court also considered the testimony of Dr. Hughes, an expert on interpersonal violence and traumatic stress (which includes childhood abuse). Dr. Hughes discussed how victims of childhood abuse are more likely to suffer from post-traumatic stress disorder, depressive disorders, anxiety, and suicidality. Based on the testimony of the plaintiff and Dr. Hughes' the court concluded that there was ample proof to support the jury's verdict. Thus, concluding that the trial court did not abuse its discretion when it denied the defendant's motion to set aside the verdict.

A key takeaway from this case is that when both parties do not agree to have the court decide the amount of punitive damages, it is to be decided by the jury. This is salient because the party seeking punitive damages must submit evidence of its attorney fees to have the issue submitted to the jury. One going to trial should be aware of this, so they do not preclude themselves from recovering punitive damages by failing to submit evidence as the plaintiff in this case did.