

*De Ann Maurice v. Chester Housing Associates Limited Partnership Et Al. (40742)*

The plaintiff brought this action forward alleging negligence on the part of the defendant, Chester Housing Association, for injuries sustained when she slipped and fell on a patch of snow-covered icy ground. The plaintiff fell while walking in the parking lot attached to the apartment building where she lived. Both the apartment building and the parking lot are owned by the defendant. In support of her case, the plaintiff presented an expert witness to provide testimony on snow removal to the court. The defendant objected to the expert testimony on the ground that the witness lacked specialized training or expertise in the area for which he was going to provide testimony. The trial court sustained the defendant's objection and precluded the plaintiff's witness testifying.

Additionally, the plaintiff filed a motion for sanctions, including a default judgement against the defendants for egregious behavior and comments constituting sexual harassment made by Mr. Williams, a managing partner for Chester Housing Association, towards the plaintiff's female attorney on two separate occasions. The Court imposed sanctions against the defendant in the form of attorney's fees and limiting Mr. Williams's ability to be present in court. However, the court denied the plaintiff's motion for a default judgement. After presenting the case to the court, the jury returned a verdict in favor of the defendant. The plaintiff filed a motion to set aside the verdict, which the trial court denied. The court rendered judgement in accordance with the jury verdict. The plaintiff appealed.

The issues presented to the Appellate Court in this appeal are: (1) whether the trial court abused its discretion in precluding the plaintiff's witness from offering expert testimony on snow removal and; (2) whether the trial court abused its discretion in declining the plaintiff's motion to render a default judgement against the defendant for the egregious statements made by Mr.

Williams. In regard to the first issue, the Court determined that the trial court properly precluded the plaintiff's witness and did not abuse its discretion in doing so. The Court first noted the prevailing standard for admitting expert testimony. The Court stated that expert testimony should be admitted when "(1) the witness has a special skill or knowledge directly applicable to a matter in issue, (2) that skill or knowledge is not common to the average person, and (3) the testimony would be helpful to the court or jury in considering the issues." In the present case, the Court found that while the witness was knowledgeable about snow removal, his knowledge was, at best, insubstantial and tangential to the witness's actual expertise. The Court therefore found that under the prevailing standards for expert witnesses, the trial court properly precluded the plaintiff's expert witness. Thus, the Court affirmed the decision of the trial court regarding the preclusion of expert testimony.

The Court next considered whether the trial court abused their discretion in declining to render a default judgement against the defendant. The Court found that the trial court did not abuse their discretion and properly declined the plaintiff's motion for a default judgement. In reaching this conclusion, the Court first noted that the trial court is afforded wide discretion in imposing sanctions. When considering the plaintiff's motion, the trial court noted that Mr. Williams's behavior undoubtedly warranted sanctions against the defendant. However, the trial court found that default judgement was not an appropriate penalty in this case, because by imposing such a penalty, the court would punish the defendant corporation rather than Mr. Williams as an individual person. Here, the corporation was not the perpetrator of the sanctionable offense, so default judgement against them is not appropriate. The Court further noted that the sanctions which the trial court imposed served their intended purpose of punishing Mr. Williams while also protecting the plaintiff's attorney and preventing any future occurrences

of sexual harassment by Mr. Williams. The Court found that the sanctions imposed against Mr. Williams by the trial court were proper and effective. The Court therefore found that the trial court did not abuse its discretion in declining to render default judgement in favor of the plaintiff in this case.

The Appellate Court affirmed the decision of the trial court.