

Andrea Robles Et Al. v. West Avenue Dental, P.C., Et Al. (AC 39747)

The plaintiff brought this action seeking damages for injuries suffered in the form of emotional distress as a result of the defendants' alleged negligence which allowed for the plaintiff to be subjected to repeated instances of sexual harassment. The defendant is the plaintiff's former employer. The plaintiff alleged that the defendants were negligent in their supervision of one of the plaintiff's coworkers. The plaintiff alleged that her coworker repeatedly sexually harassed her over an extended period of time. The jury returned a verdict in favor of the plaintiff on her claim of negligent supervision but awarded her \$0 in damages. Prior to the jury's verdict, the court announced to both parties, with objection from either party, that it would review the jury's verdict. Upon review of the jury's verdict, the trial court found that the trial court determined that there were inconsistencies in the jury's finding of negligence on the part of the defendants and their subsequent award of damages in the amount of \$0. The court instructed the jury on Connecticut standards regarding a finding of negligent liability. The court noted that in order for to be found liable for injuries sustained as a result of negligence, there must be an actual injury. The court further explained that if the jury found the defendant liable then there must have been actual injuries and if there are actual injuries then there should be an award of damages for the plaintiff. Alternatively, if the jury found that the defendant is not liable to pay any damages to the plaintiff, then the jury should render a verdict in favor of the defendant.

Upon the jury's reconsideration of its award of damages, which neither party objected to, the jury returned a verdict for the plaintiff and awarded her damages. This verdict was accepted by the court without objection from either parties' counsel. The trial court rendered judgement in accordance with the jury's verdict. The defendants appealed claiming that court misconstrued the jury's original verdict and erred in returning the jury's verdict for further deliberation. The

defendants claimed that the trial court's instructions essentially advised the jury that it could not return a verdict in favor of the plaintiff without awarding the plaintiff damages. The defendants claimed that the trial court erred in rejecting the jury's original verdict.

The issue presented to the Appellate Court is whether the defendant properly preserved their claims so as to be able to bring them in this appeal. The Court determined that the defendant failed to preserve their claim at the trial court level and therefore cannot now bring in before the Appellate Court. In reaching this conclusion, the Court found that because the defendants did not object to the jury instructions given by the trial court, they failed to preserve a claim of error and cannot now bring such a claim to the Appellate Court. The Court found that the defendants were not entitled to seek appellate review. The Court reasoned that in order for a party to preserve a claim that instructions to a jury were erroneous they must either submit a written request to charge covering the matter or take exception to the charge as given. In the present case, the defendant failed to preserve the claim through either of these courses of action.

In light of the defendants' failure to preserve their claim, they are barred from now bringing such a claim to the Appellate Court. The Court therefore affirmed the decision of the trial court as there is no basis upon which the Appellate Court could reconsider the judgement rendered by the trial court.