

*Michelle Williams v. State of Connecticut (AC 40294)*

The plaintiff brought this action against the defendant to recover damages for personal injuries sustained as a result of the defendant's alleged negligence. The plaintiff was injured as a result of a motor vehicle collision involving Terrance Lynch, an employee for the Department of Transportation. The accident occurred when Lynch was operating a department vehicle while repairing potholes on a highway. While the plaintiff was traveling on the highway, she crested a hill where the defendant's vehicle was stationed to perform repairs. The plaintiff and another vehicle, which was roughly one car's space in front of her, both swerved to avoid colliding with the defendant's vehicle. As a result, the plaintiff hit a guardrail, became airborne, and struck Lynch's vehicle. The plaintiff suffered severe injuries, some of which were permanent. The plaintiff claims that her injuries were caused by negligence of Lynch, who was the defendant's employee, and the Department of Transportation can therefore be held liable pursuant to §52-556 which allows a plaintiff to bring an action against the state for the negligence of their employees. The plaintiff provided a number of allegations in her complaint, including that Lynch negligently failed to provide adequate warning signs to alert highway travelers, as well as failed to follow department rules, policies and procedures. The defendant filed a special defense of comparative negligence, claiming that the plaintiff's injuries were caused by her own negligence. The trial court rendered judgment in favor of the defendant. The plaintiff appealed.

The Appellate Court was charged with determining whether the trial court improperly found that the defendant could not be held liable for the injuries sustained by the plaintiff in this case. The Appellate Court ultimately affirmed the decision of the trial court and dismissed the plaintiff's arguments on appeal. In reaching this conclusion, the Court first looked to the plaintiff's argument that the trial court erred in reaching their decision in this case by framing the

issues too narrowly and thereby failed to consider all allegations of negligence set forth in her complaint. The Court found this argument unpersuasive. The Court reasoned that there was nothing in the record to support the plaintiff's claim. Despite the trial court focusing almost entirely on the plaintiff's allegations that there were inadequate warning signs, the record does not suggest that the trial court failed to consider the plaintiff's other allegations of negligence which were unrelated to the absence of warning signs. The Court found that the trial courts holding reflected the court's general determination that the plaintiff failed to meet their burden as the defendant presented a more credible version of the facts and surrounding circumstances of the accident. The Court therefore determined that, in the absence of evidence to the contrary, they presume that the trial court acted properly in reaching their decision.

The Court next considered the plaintiff's claim that the trial court improperly failed to consider statutes, regulations and highway safety standards. The Court declined to review this claim, reasoning that the plaintiff failed to preserve the claim by raising it to the trial court. The plaintiff therefore cannot bring this claim forward to the Appellate Court. In reaching this conclusion, the Court reviewed the plaintiff's contention that she had properly preserved the issue by virtue of her allegation that Lynch had failed to follow proper rules, policies and procedures. The Court determined that the plaintiff failed to cite any particular statute or regulation which Lynch violated in either her complaint or her post trial brief. The Court reasoned that the plaintiff failed to provide any evidence or testimony pertaining to any statute or regulation which she alleges Lynch to have violated. The Court additionally noted that the plaintiff failed to provide evidence or excerpts regarding the defendant's department safety standards at trial and further failed to question any witnesses about those standards. The Court

determined that the plaintiff had failed to preserve her claim at the trial court level and therefore the court cannot consider the claim at the appellate level.

The Appellate Court found that the trial court acted properly in their findings and affirmed their holding.