

SUPREME COURT OF CONNECTICUT

Weaver v. McKnight, 313 Conn. 393

97 A.3d 920 (2014) · No. SC 18974 · Decided September 2, 2014

SUMMARY

The Connecticut Supreme Court held that the trial court abused its discretion by precluding two board-certified obstetrician-gynecologists from testifying that untreated gestational diabetes caused a stillbirth. The court concluded that the experts' relevant clinical experience qualified them to offer causation opinions and that challenges to the depth or factual basis of their opinions generally went to weight rather than admissibility. The court also addressed other evidentiary rulings likely to recur on remand and ordered a new trial.

CASE DETAILS

COURT	Supreme Court of Connecticut
WRITING FOR THE COURT	Rogers, C. J.; Palmer, J.; Zarella, J.; Eveleigh, J.; McDonald, J.; Espinosa, J.; Vertefeuille, J.
JURISDICTION	Connecticut
DECIDED	September 2, 2014
DOCKET	SC 18974
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Appeal from trial court judgment of directed verdict in favor of defendants, affirmed by Appellate Court.
STANDARD OF REVIEW	Abuse of discretion
PRECEDENTIAL VALUE	published
PARTIES	Dorothy Weaver, Coadministrator (Estate of Demarius Douglas Weaver), et al. v. Craig McKnight et al.

TOPICS

[expert testimony](#) [medical malpractice](#) [evidence](#) [impeachment](#) [appellate procedure](#)

PRACTICE AREAS

[medical malpractice](#) [evidence](#) [appellate procedure](#)

QUESTIONS PRESENTED

1. Whether trial court abused its discretion in precluding two board-certified obstetrician/gynecologist experts from testifying about cause of stillbirth
2. Whether trial court properly precluded treating physician's opinion about gestational diabetes
3. Whether trial court properly precluded treating nurse's testimony about her suspicion of gestational diabetes
4. Whether trial court improperly allowed cross-examination about expert's censure by voluntary professional organization

HOLDINGS

1. Trial court's decision to preclude the expert testimony contradicted the facts in the record and applicable law, thus amounting to an abuse of discretion.
2. Appellate Court's application of Porter analysis was improper because defendants did not raise a Porter claim in the trial court.
3. Trial court abused its discretion by precluding treating physician's opinion that patient had gestational diabetes as improper standard of care opinion.
4. Trial court improperly permitted cross-examination about censure because it constituted inadmissible extrinsic evidence of prior misconduct.

KEY QUOTATIONS

“Here the matter specifically in issue for this question is the cause of death. And the witness has testified that he's written a lot about diabetes. He's studied a lot about diabetes. He teaches about different things, but he's never—he hasn't testified that he has any experience at all in determining the cause of death.”

“I'm going to grant the motion to preclude based on my determination that, while the witness is very qualified to offer evidence with regard to the standard of care, the qualifications indicated by the examination do not rise to the level of meeting the hurdle as placed by the directly applicable language [in Sullivan] as it relates to time and cause of death.”

“if any reasonable qualifications can be established, the objection goes to the weight rather than to the admissibility of the evidence.”

“the expert need not have complete knowledge about the field in question, and need not be certain. He need only be able to aid the jury in resolving a relevant issue.”

“it is an abuse of discretion to exclude testimony simply because the trial court does not deem the proposed expert to be the best qualified or because the proposed expert does not have the specialization that the court considers most appropriate”

FACTUAL BACKGROUND

Plaintiffs' decedent was stillborn. Plaintiffs alleged defendant physician's failure to diagnose and treat mother's gestational diabetes caused the stillbirth. Trial court precluded two obstetrician/gynecologist experts from

testifying on causation because they were not pathologists and lacked experience in determining cause of death. This preclusion led to directed verdict for defendants.

PROCEDURAL HISTORY

Plaintiffs brought medical malpractice action. Trial court precluded two expert witnesses from testifying on causation, leading to directed verdict for defendants. Appellate Court affirmed. Supreme Court granted certification.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Reverse Appellate Court's judgment with direction to reverse trial court's judgment and remand case for new trial.

CASES CITED

- Weaver v. McKnight, 134 Conn. App. 652, 40 A.3d 786 (2012)
- Weaver v. McKnight, 305 Conn. 907, 44 A.3d 183 (2012)
- Sullivan v. Metro-North Commuter Railroad Co., 292 Conn. 150, 971 A.2d 676 (2009)
- State v. Porter, 241 Conn. 57, 698 A.2d 739 (1997)
- Klein v. Norwalk Hospital, 299 Conn. 241, 9 A.3d 364 (2010)
- Fitzmaurice v. Flynn, 167 Conn. 609, 356 A.2d 887 (1975)
- Marshall v. Hartford Hospital, 65 Conn. App. 738, 783 A.2d 1085 (2001)
- Wyszomierski v. Siracusa, 290 Conn. 225, 963 A.2d 943 (2009)
- State v. Chance, 236 Conn. 31, 671 A.2d 323 (1996)
- United Technologies Corp. v. East Windsor, 262 Conn. 11, 807 A.2d 955 (2002)
- State v. Guilbert, 306 Conn. 218, 49 A.3d 705 (2012)
- Milliun v. New Milford Hospital, 310 Conn. 711, 80 A.3d 887 (2013)
- State v. Palmer, 196 Conn. 157, 491 A.2d 1075 (1985)
- Davis v. Margolis, 215 Conn. 408, 576 A.2d 489 (1990)
- State v. John, 210 Conn. 652, 557 A.2d 93 (1989)
- George v. Ericson, 250 Conn. 312, 736 A.2d 889 (1999)
- Aspiazu v. Orgera, 205 Conn. 623, 535 A.2d 338 (1987)
- Collette v. Collette, 177 Conn. 465, 418 A.2d 891 (1979)
- Dimmock v. Lawrence & Memorial Hospital, Inc., 286 Conn. 789, 945 A.2d 955 (2008)
- State v. Kemp, 199 Conn. 473, 507 A.2d 1387 (1986)
- Friedman v. Meriden Orthopaedic Group, P.C., 272 Conn. 57, 861 A.2d 500 (2004)

- State v. Bova, 240 Conn. 210, 690 A.2d 1370 (1997)
- Daubert v. Merrell Dow Pharmaceuticals, Inc., 509 U.S. 579 (1993)
- Poulos v. Pfizer, Inc., 244 Conn. 598, 711 A.2d 688 (1999)

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