

SUPREME COURT OF CONNECTICUT

Ronald G. Caverly, Administrator (Estate of James B. Caverly) v. State of Connecticut

Caverly v. State · No. SC 20577 · Decided March 1, 2022

SUMMARY

The Connecticut Supreme Court held that a medical malpractice claim against the state was not indirectly paid by a third party under General Statutes § 4-160b(a) merely because the plaintiff settled a separate negligence action against a pharmacy and its affiliates. The court concluded that the settlement was payment on a distinct claim against the private defendants, and that the common-law prohibition against double recovery did not bar the state action because no damages judgment had been entered and satisfied. The court affirmed the denial of the state's motion to dismiss.

CASE DETAILS

COURT	Supreme Court of Connecticut
WRITING FOR THE COURT	Ecker, J.; Robinson, C. J.; McDonald, J.; D'Auria, J.; Mullins, J.; Kahn, J.
JURISDICTION	Connecticut
DECIDED	March 1, 2022
DOCKET	SC 20577
DISPOSITION	affirmed
PROCEDURAL POSTURE	The state appealed from the Superior Court's denial of its motion to dismiss a medical malpractice action for lack of subject matter jurisdiction based on sovereign immunity. The Supreme Court transferred the appeal from the Appellate Court and affirmed.
STANDARD OF REVIEW	Plenary review applies to the legal question whether the court has subject matter jurisdiction and whether § 4-160b (a) waives sovereign immunity under the circumstances.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	State of Connecticut v. Ronald G. Caverly, Administrator (Estate of James B. Caverly)

TOPICS

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subject matter jurisdiction

motions to dismiss

medical malpractice

wrongful death

PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether the plaintiff's settlement with CVS Pharmacy constituted an indirect payment of the plaintiff's claim against the state under General Statutes § 4-160b (a), thereby eliminating the waiver of sovereign immunity and depriving the court of subject matter jurisdiction.
2. Whether the common-law prohibition against double recovery barred the plaintiff's medical malpractice action against the state after the settlement with another alleged tortfeasor.
3. Whether the state could address any alleged overcompensation through apportionment procedures or evidence of the settlement at a court trial.

HOLDINGS

1. A settlement payment by a joint tortfeasor does not constitute an indirect payment of a separate claim against the state under § 4-160b (a) when the settlement satisfies the plaintiff's distinct claim for damages against the private tortfeasor.
2. The prohibition against double recovery did not bar the plaintiff's action because the plaintiff's loss had not been adjudicated on the merits, no damages judgment had been rendered, and no judgment had been paid in full.
3. The state may file a notice of apportionment against a nonparty joint tortfeasor or introduce evidence of the settlement in a trial to the court to assist in determining fair compensation.

KEY QUOTATIONS

“Because the plaintiff’s claims against CVS Pharmacy and the state are separate and distinct, we conclude that the plaintiff’s medical malpractice claim in the present case was not “indirectly paid by . . . a third party” within the meaning of § 4-160b (a).”

“Double recovery is foreclosed by the rule that only one satisfaction may be obtained for a loss that is the subject of two or more judgments.”

FACTUAL BACKGROUND

James B. Caverly died after receiving warfarin and vitamin K-related medical care from employees of John Dempsey Hospital. His estate alleged that state employees deviated from the standard of care, resulting in an excessively high INR and fatal hemorrhagic complications. The estate separately sued CVS Pharmacy and related entities for negligence in filling the prescriptions, and that action settled for \$2 million before the state action was filed. The estate had already received authorization from the Claims Commissioner to sue the state.

PROCEDURAL HISTORY

The plaintiff obtained authorization from the Office of the Claims Commissioner to sue the state for alleged medical negligence at John Dempsey Hospital. The state moved to dismiss after the plaintiff settled a separate negligence action against CVS Pharmacy for \$2 million, arguing that the state claim had thereby been indirectly paid by a third party under General Statutes § 4-160b (a). The Superior Court denied the motion, the state appealed, and the Supreme Court affirmed.

DISPOSITION

affirmed

CASES CITED

- Miller v. Egan, 265 Conn. 301, 303 n.2, 313, 828 A.2d 549 (2003)
- Graham v. Commissioner of Transportation, 330 Conn. 400, 416, 195 A.3d 664 (2018)
- Boisvert v. Gavis, 332 Conn. 115, 141–42, 210 A.3d 1 (2019)
- Envirotec Systems Corp. v. Commissioner of Motor Vehicles, 293 Conn. 382, 385, 388, 978 A.2d 49 (2009)
- Bloom v. Gershon, 271 Conn. 96, 99, 110–13, 856 A.2d 335 (2004)
- Meribear Productions, Inc. v. Frank, 340 Conn. 711, 749–52, A.3d (2021)
- Gionfriddo v. Gartenhaus Cafe, 211 Conn. 67, 69, 71, 74 n.8, 75, 557 A.2d 540 (1989)
- Collins v. Colonial Penn Ins. Co., 257 Conn. 718, 735–36, 778 A.2d 899 (2001)
- Black v. Goodwin, Loomis & Britton, Inc., 239 Conn. 144, 168, 681 A.2d 293 (1996)
- Robbins v. Physicians for Women’s Health, LLC, 311 Conn. 707, 720–21, 90 A.3d 925 (2014)
- Sims v. Honda Motor Co., Ltd., 225 Conn. 401, 406, 623 A.2d 995 (1993)
- Babes v. Bennett, 247 Conn. 256, 268, 721 A.2d 511 (1998)
- Rodriguez v. State, 155 Conn. App. 462, 468, 110 A.3d 467, cert. granted, 316 Conn. 916, 113 A.3d 71 (2015)
- Peck v. Jacquemin, 196 Conn. 53, 73, 491 A.2d 1043 (1985)

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