

SUPREME COURT OF CONNECTICUT

Harnage v. Lightner, 328 Conn. 248

179 A.3d 212 (2018) · Decided March 6, 2018

SUMMARY

The Connecticut Supreme Court affirmed the dismissal of claims against state employees in their individual capacities because service of process did not comply with the applicable statutory requirements. The court also vacated the Appellate Court's remand concerning a recognizance bond because the plaintiff acknowledged that he was not pursuing claims against the defendants in their official capacities, rendering that issue moot.

CASE DETAILS

COURT	Supreme Court of Connecticut
JURISDICTION	Connecticut
DECIDED	March 6, 2018
DISPOSITION	vacated
PROCEDURAL POSTURE	The plaintiff appealed from a trial-court judgment dismissing claims against state employees in their individual capacities for lack of personal jurisdiction based on insufficient service of process. The Appellate Court affirmed that dismissal, and the Connecticut Supreme Court granted certification limited to whether the dismissal of the individual-capacity claims was proper.
STANDARD OF REVIEW	The court reviewed the certified legal question concerning personal jurisdiction and service of process. It adopted the Appellate Court's analysis, which treated the service issue as a question of statutory interpretation and personal jurisdiction reviewed according to law.
PRECEDENTIAL VALUE	published and precedential Connecticut Supreme Court opinion
PARTIES	James A. Harnage v. Racquel Lightner, Doctors Pillai, O'Hallaran, Naqui, CN Vecchairelli, PA Rob, LPN Francis, Lisa Caldonero, Lieutenant Williams

TOPICS

service of process

personal jurisdiction

mootness

appellate procedure

statutory interpretation

PRACTICE AREAS

civil procedure

appellate procedure

constitutional law

civil rights

QUESTIONS PRESENTED

1. Whether service of process on state employees by leaving the process with the Attorney General under General Statutes § 52-64(a) properly served the employees in their individual capacities.
2. Whether the recognizance-bond issue concerning the alleged official-capacity claims remained justiciable after the plaintiff expressly disclaimed any intent to sue the defendants in their official capacities.

HOLDINGS

1. Service by leaving process with the Attorney General at the Office of the Attorney General under § 52-64(a) serves a state employee only in the employee's official capacity and does not properly serve the employee in an individual capacity. Because the plaintiff did not serve the defendants as required by § 52-57(a), the trial court properly dismissed the individual-capacity claims for lack of personal jurisdiction.
2. The recognizance-bond issue was moot because the plaintiff expressly acknowledged that he was not asserting claims against the defendants in their official capacities. The Appellate Court's remand for a hearing on waiver of the bond requirement was therefore vacated.

KEY QUOTATIONS

“The judgment of the Appellate Court is affirmed with respect to the issue of whether the plaintiff’s action against the defendants in their individual capacities properly was dismissed for lack of personal jurisdiction, the remand order of the Appellate Court directing the trial court to conduct a hearing on the issue of whether to waive the recognizance bond requirement is vacated, and the case is remanded to the Appellate Court with direction to remand the case to the trial court and to direct the trial court to render judgment dismissing the plaintiff’s action.” (217)

FACTUAL BACKGROUND

James A. Harnage, an incarcerated plaintiff, sued nine state employees alleging deliberate indifference to his medical needs. He attempted service by leaving the writ of summons and complaint with the Attorney General at the Office of the Attorney General in Hartford. The defendants moved to dismiss the individual-capacity claims for insufficient service, and the trial court granted that portion of the motion.

PROCEDURAL HISTORY

The trial court dismissed the individual-capacity claims for failure to serve the defendants under General Statutes § 52-57(a) and ordered the plaintiff to post a recognizance bond concerning the official-capacity claims. The Appellate Court affirmed the individual-capacity dismissal but reversed the dismissal of the official-capacity claims and remanded for a hearing on waiver or reduction of the bond. The Supreme Court affirmed the

individual-capacity ruling, determined that the bond issue was moot after the plaintiff disclaimed any official-capacity claims, vacated the bond-related remand, and directed dismissal of the action.

DISPOSITION

vacated

REMAND INSTRUCTIONS

The judgment of the Appellate Court was affirmed as to dismissal of the individual-capacity claims, its remand for a recognizance-bond waiver hearing was vacated, and the case was remanded to the Appellate Court with direction to remand to the trial court and direct the trial court to render judgment dismissing the plaintiff's action.

CASES CITED

- Harnage v. Lightner, 163 Conn. App. 337, 137 A.3d 10 (2016)
- Harnage v. Lightner, 323 Conn. 902, 150 A.3d 683 (2016)