

SUPREME COURT OF CONNECTICUT

Rioux v. Barry, 283 Conn. 338

927 A.2d 304 (2007) · No. No. 17705 · Decided July 31, 2007

SUMMARY

The Supreme Court of Connecticut held that absolute immunity does not bar a vexatious litigation claim based on statements made in a quasi-judicial proceeding. It held, however, that absolute immunity does bar an intentional interference with contractual or beneficial relations claim based on the same statements, reversing in part and affirming in part the trial court's judgment.

CASE DETAILS

COURT	Supreme Court of Connecticut
WRITING FOR THE COURT	Borden, J.; Norcott, J.; Katz, J.; Vertefeuille, J.; Zarella, J.
JURISDICTION	Connecticut
DECIDED	July 31, 2007
DOCKET	No. 17705
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	The plaintiff appealed from the trial court's judgment granting the defendants' motion to dismiss on the ground of absolute immunity. The appeal was transferred from the Appellate Court to the Supreme Court of Connecticut.
STANDARD OF REVIEW	De novo review applies to the trial court's ruling on a motion to dismiss and its ultimate legal conclusion. On a motion to dismiss, the court accepts the facts alleged in the complaint and construes them in the manner most favorable to the pleader.
PRECEDENTIAL VALUE	Published Connecticut Supreme Court opinion; precedential
PARTIES	Wayne Rioux v. Timothy F. Barry, Karoline Keith, John Sipper, John Bement, Mark Laurentano, Kathy Laurentano, Edward Capowich, Marisol LaBoy, Edward Lynch, Robert Duffy, Thomas Snyder, Timothy Loomis, Mark Wallack

TOPICS

- torts
- intentional interference with contract
- motions to dismiss
- appellate procedure
- civil procedure

PRACTICE AREAS

torts

civil procedure

appellate procedure

employment law

QUESTIONS PRESENTED

1. Whether absolute immunity for statements made during a quasi-judicial proceeding bars a claim for vexatious litigation.
2. Whether the same absolute immunity bars a claim for intentional interference with contractual or beneficial relations based on those statements.
3. Whether the trial court properly dismissed both claims under the applicable immunity doctrine.

HOLDINGS

1. Absolute immunity does not attach to statements that provide the ground for a tort of vexatious litigation, even when the statements were made in the course of a judicial or quasi-judicial proceeding.
2. Absolute immunity bars a claim for intentional interference with contractual or beneficial relations when the alleged interference consists of statements made in the course of a judicial or quasi-judicial proceeding.

KEY QUOTATIONS

“We conclude, that, in the context of a quasi-judicial proceeding, absolute immunity does not attach to statements that provide the ground for the tort of vexatious litigation, but does bar a suit alleging that those same statements constituted an intentional interference with contractual or beneficial relations.” (283 Conn. at 338-39)

“We therefore conclude that the requisite elements of the tort of vexatious litigation effectively strike the balance between the public interest of encouraging complaining witnesses to come forward and protecting the private individual from false and malicious claims.” (283 Conn. at 350)

FACTUAL BACKGROUND

Wayne Rioux, a Connecticut state police lieutenant, instituted stricter management and personnel reforms after becoming commanding officer of Troop B. Several defendants allegedly conspired to remove him, and Detective Karoline Keith made sexual-harassment allegations against him in response to an anonymous troop survey. An internal affairs investigation resulted in Rioux's thirty-day suspension, but an appeal board found the allegations unsupported by credible evidence, dismissed the charges, and rescinded the suspension.

PROCEDURAL HISTORY

Rioux sued the defendants for vexatious litigation and intentional interference with contractual or beneficial relations based on statements and conduct associated with an internal affairs investigation. The trial court dismissed the action, concluding that absolute immunity barred both claims. The Supreme Court reversed as to the vexatious litigation claim and affirmed as to the intentional-interference claim.

DISPOSITION

REMAND INSTRUCTIONS

The case was remanded for further proceedings according to law on the vexatious litigation claim. The judgment dismissing the intentional-interference claim remained affirmed.

CASES CITED

- Beecher v. Mohegan Tribe of Indians, 282 Conn. 130, 132, 918 A.2d 880 (2007)
- Cox v. Aiken, 278 Conn. 204, 210-11, 897 A.2d 71 (2006)
- Chadha v. Hungerford Hospital, 272 Conn. 776, 786-87, 865 A.2d 1163 (2005)
- Petyan v. Ellis, 200 Conn. 243, 246-47, 510 A.2d 1337 (1986)
- Craig v. Stafford Construction, Inc., 271 Conn. 78, 856 A.2d 372 (2004)
- Kelley v. Bonney, 221 Conn. 549, 565-66, 606 A.2d 693 (1992)
- Hassett v. Carroll, 85 Conn. 23, 35, 81 A. 1013 (1911)
- Blakeslee & Sons v. Carroll, 64 Conn. 223, 232, 29 A. 473 (1894)
- McHale v. W.B.S. Corp., 187 Conn. 444, 446-50, 446 A.2d 815 (1982)
- Zeller v. Consolini, 235 Conn. 417, 424, 667 A.2d 64 (1995)
- Vandersluis v. Weil, 176 Conn. 353, 356, 407 A.2d 982 (1978)
- Calvo v. Bartolotta, 112 Conn. 396, 397, 152 A. 311 (1930)
- Schaefer v. O.K. Tool Co., 110 Conn. 528, 532, 148 A. 330 (1930)
- DeLaurentis v. New Haven, 220 Conn. 225, 248-49, 597 A.2d 807 (1991)
- Mozzochi v. Beck, 204 Conn. 490, 491, 494-95, 529 A.2d 171 (1987)
- Preston v. O'Rourke, 74 Conn. App. 301, 303, 811 A.2d 753 (2002)
- Miner v. Novotny, 304 Md. 164, 176, 498 A.2d 269 (1985)
- Circus Circus Hotels v. Witherspoon, 99 Nev. 56, 61, 657 P.2d 101 (1983)
- Field v. Kearns, 43 Conn. App. 265, 278, 682 A.2d 148, cert. denied, 239 Conn. 942, 684 A.2d 711 (1996)
- Robert S. Weiss & Associates, Inc. v. Wiederlight, 208 Conn. 525, 535-36, 546 A.2d 216 (1988)
- Collum v. Chapin, 40 Conn. App. 449, 452, 671 A.2d 1329 (1996)