
Motion for Directed Verdict Granted in Apparent Agency Case

After three weeks of trial, Eric Stockman and Sandy Roussas recently won a defense verdict on behalf of Lawrence & Memorial Hospital. The case, *Porucznik v. Lawrence & Memorial Hospital, et al.*, was one of a series of novel product liability cases now pending in Waterbury Superior Court involving the implantation of mesh devices for female incontinence. In this case, Lawrence & Memorial Hospital was alleged to have been responsible for the conduct of a local physician who used mesh in a surgery on the plaintiff. The theory of recovery was one of “apparent agency”, a newly created cause of action by the Connecticut Supreme Court. The theory of apparent agency was set forth by the Connecticut Supreme Court in the landmark case of *Cefaratti v. Aranow*. Under *Cefaratti*, a hospital may be liable for the conduct of a non-employee, based on certain factors. Attorneys Stockman and Roussas proved that none of the *Cefaratti* factors were met by the facts in *Porucznik*. Once plaintiff rested her case, Attorneys Stockman and Roussas won a “Directed Verdict” from the judge, who decided as a matter of law that the defense should prevail.

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Eric J. Stockman, a partner with Neubert, Pepe & Monteith, P.C., practices in the areas of Medical Malpractice & Hospital Liability Defense, Professional Malpractice & Liability Defense and Commercial Litigation. Attorney Stockman represents hospitals, doctors and local practice groups, as well as individual and corporate defendants, in all aspects of litigation, including medical malpractice, commercial liability, premises liability, trade secrets, and products liability.



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