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decide what—all, none, or some—of a witness’ testimony to accept or reject. . . . The only practical test to apply to a verdict is whether the award of damages falls somewhere within the necessarily uncertain limits of fair and reasonable compensation in the particular case, or whether the verdict so shocks the sense of justice as to compel the conclusion that the jury [was] influenced by partiality, mistake or corruption.” (Citations omitted; internal quotation marks omitted.) *Cusano v. Lajoie*, 178 Conn. App. 605, 609–10, 176 A.3d 1228 (2017).

On appeal, the defendants argue that the court failed to view the evidence in the light most favorable to sustaining the jury’s verdict. Specifically, they argue that the court abused its discretion by granting the plaintiffs’ joint motion for additurs because it improperly concluded that the jury verdict awarding economic damages but not noneconomic damages was inconsistent and that the jury could not have reasonably concluded that the plaintiffs were not entitled to awards for pain and suffering. We agree.

Our Supreme Court has stated that “a case-specific standard should apply to the instance in which a party seeks to have a verdict set aside on the basis that it is legally inadequate.” *Wichers v. Hatch*, 252 Conn. 174, 181, 745 A.2d 789 (2000). This court, thereafter, interpreted and explained *Wichers*: “For more than seventy-five years, judicial decisions have reflected the wisdom of legal realism that case law should reflect the factual circumstances under which the controversy between the parties arose. In that sense, every judicial ruling is case specific. *Wichers* must, therefore, have intended something more. We read *Wichers* as an instruction to a trial court specifically to identify the facts of record that justify the extraordinary relief of additur and as an instruction to an appellate court to inquire whether the facts so identified justify the trial court’s exercise of its discretion to set a jury verdict aside because of its perceived

NOTE: These pages (200 Conn. App. 7 and 8) are in replacement of the same numbered pages that appear in the Connecticut Law Journal of 8 September 2020.

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inadequacy.” (Footnotes omitted.) *Turner v. Pascarelli*, 88 Conn. App. 720, 723–24, 871 A.2d 1044 (2005). “Under *Wichers*, it is not enough to base an additur on a conclusory statement that a jury award was [inadequate] . . . . The question, therefore, is whether the court elsewhere articulated a sufficient factual basis for its decision to order an additur.” (Internal quotation marks omitted.) *Cusano v. Lajoie*, supra, 178 Conn. App. 610.

In the present case, the court’s memorandum of decision granting the plaintiffs’ joint motion for additurs lacks the necessary identification of the specific facts that would justify an additur of \$8000 to Maldonado and \$6500 to Hernandez. See *Wichers v. Hatch*, supra, 252 Conn. 181; *Turner v. Pascarelli*, supra, 88 Conn. App. 723–24. The court’s memorandum of decision describes the facts that the parties offered during the trial, but it does not delineate the specific facts that led to its decision to grant the plaintiffs’ joint motion for additurs. In its memorandum of decision, the court concluded that, because the jury awarded damages for medical treatment received by the plaintiffs, the plaintiffs must have suffered compensable pain and suffering. Specifically, the court stated: “Both the inherent underlying symptoms necessary to make [the plaintiffs’] treatments ‘reasonable and necessary’ in the eyes of the jury, as well as the treatments themselves, all bespeak a level of physical pain suffered by Maldonado and Hernandez. . . . It would be illogical and inconsistent to conclude that the treatments credited by the jury were reasonable and necessary, but that they were not made so because of any neck or back pain suffered by the plaintiffs.” This court and our Supreme Court have rejected the notion that because a jury awards economic damages for medical treatment, it therefore must conclude that the plaintiffs experienced compensable pain and suffering. See *Wichers v.*