

Defense Verdict – Subrogation

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Ashley A. Noel
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Timothy R. Scannell and Ashley A. Noel obtained a defense verdict following a nearly three-week subrogation trial in New Haven Superior Court.

The plaintiff's insured, a local restaurant, sustained extensive property damage as the result of a fire caused by the improper installation of a commercial range too close to a combustible wall within the restaurant kitchen. The plaintiff brought a seven-count complaint against the foodservice company that designed the kitchen and sold the kitchen equipment to the restaurant, alleging that the design violated applicable building and fire safety codes because it did not contain an adequate clearance between the stove and the adjacent combustible wall.

The plaintiff presented the testimony of twenty fact witnesses and eight expert witnesses over the course of nearly three weeks. The defense's strategy at trial focused on demonstrating that the theory of liability developed by the plaintiff's experts did not comport with reality, as none of the contractors involved in the underlying renovation project actually saw the design plan at the center of the plaintiff's case. The defense also highlighted the comparative negligence of the restaurant, which moved the stove closer to the combustible wall after it was installed.

Before submitting the case to the jury, the Court granted the defense's motion for directed verdict on six of the seven counts in the complaint, including breach of contract, breach of warranty, negligent supervision, negligent hiring, and violation of the Connecticut Unfair Trade Practices Act. The jury subsequently returned a defense verdict on the remaining count of negligence. Prior to trial, the plaintiff sought compensatory damages of over \$1 million, in addition to statutory interest of almost 25%, attorney's fees and costs, and punitive damages.