

Bond Case Briefs

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INSURANCE - CONNECTICUT

Connecticut Interlocal Risk Management Agency v. Jackson

Supreme Court of Connecticut - September 17, 2019 - A.3d - 333 Conn. 206 - 2019 WL 4399329

Subrogee of insured town filed action against defendants, alleging their negligent disposal of cigarettes inside abandoned, privately owned mill in town ignited fire that destroyed mill and a public aboveground sewage line in basement of mill.

The trial court granted defendants' motions for summary judgment. Subrogee appealed, and appeal was transferred to Supreme Court.

As a matter of first impression the Supreme Court held that:

- Under the alternative liability doctrine, when the conduct of two or more actors is tortious, and it is proved that harm has been caused to the plaintiff by only one of them, but there is uncertainty as to which one has caused it, the burden is upon each such actor to prove that he has not caused the harm;
- Plaintiff was entitled to benefit of alternative liability doctrine; and
- Supreme Court would retroactively apply newly adopted alternative liability doctrine to defendants' conduct.