

**Testimony in Support of House Bill No. 5598, an Act Validating the
Disposition of Certain Claims by the Claims Commissioner**

**By: D. Lincoln Woodard, Esq. on Behalf of Vesta Nancy Soucy
Claims Commission File No. 22790**

On April 16, 2011, Vesta Nancy Soucy sustained serious personal injuries when she was a visitor at Bergin Correctional Institute, located in Storrs, Connecticut. The Bergin Facility has since closed. Mrs. Soucy was walking along the visitor's sidewalk, in a poorly lit area, when she was caused to fall due to poor lighting and a dilapidated and irregular concrete sidewalk. She suffered a broken orbital bone which necessitated surgery and the placement of a metal plate; placement of a partial denture and scarring to her face.

On November 16, 2011, Mrs. Soucy filed a Notice of Claim seeking permission to sue the State of Connecticut pursuant to Connecticut General Statute §4-147. A formal hearing, with evidence presented to the Commissioner, took place on May 7, 2015. On September 4, 2015, the Claims Commissioner issued a Memorandum of Decision *granting* the claimant permission to sue the State.

By Complaint dated December 1, 2015, Mrs. Soucy initiated suit against the State of Connecticut; Scott Semple, Commissioner of the Department of Corrections; and the Department of Corrections. The action is pending in the Superior Court of Hartford, Docket No.: HHD-CV-15-6064424-S.

On January 29, 2016, the defendants, through the Attorney General's office, filed a Motion to Dismiss the Plaintiff's Complaint, arguing that the Claims Commissioner's late granting of permission to sue has created a jurisdictional defect. The State, in its Motion to Dismiss, however, represents that it "is supporting actions to remedy the current jurisdictional uncertainties and it intends to urge the General Assembly to ratify the Claims Commissioner's decision to grant permission to sue."

Dismissal of this case by way of a jurisdictional defect would be extraordinarily unfair and unjust to the claimant who met all of the statutory requirements for bringing a claim and obtained permission to sue from the claims commissioner. We therefore, urge the legislature to pass House Bill No. 5598 to correct any jurisdictional issue.