

TESTIMONY OF ATTORNEY KELLY REARDON

RE: HOUSE JOINT RESOLUTION NUMBER 43

I am here today to speak on behalf of my clients, the Estate of Athena Angeles, Hugo Angeles and, his daughter, Artemisa Angeles, regarding House Joint Resolution Number 43. My name is Kelly Reardon and, along with other members of The Reardon Law Firm, it is my pleasure to be able to represent the Angeles family, which will be negatively impacted if their claims, which have been pending in the Claims Commission for three-and-a-half years, are sent back to the Claims Commissioner, resulting in further delay.

As drafted currently, this Resolution returns these claims to the Claims Commissioner, where they have sat idle for too long. Therefore, we urge this Committee to amend the language of the Resolution to immediately grant permission to sue the State of Connecticut under the provisions of Connecticut General Statutes section 4-159 (c) to the Hugo Angeles as administrator of the Estate of Athena Angeles, to Artemisa Angeles, by her next friend and father, Hugo Angeles, and to Hugo Angeles, individually, on Claims Commission file numbers 23092, 23093 and 23094. We urge this course of action because it would be just and equitable at this time to permit these claims to proceed to suit because they present issue of law and fact under which the State, if it were a private person, could be held liable. The Angeles family does not support the Resolution as currently proposed because it will allow the Claims Commissioner more time to do what should have been done years ago and will create more hardship for them.

In the alternative, we wholly support Proposed Substitute Bill Number 5598, LCO Number 3345, which was drafted last week and voted out of Committee. That Bill would also properly and fairly address the Angeles family's claims because it would grant them permission to sue, permitting their claims against the State to join their claims, which are now pending in Court against private entities and individuals for medical malpractice. Those cases have been stalled for years as well because the Claims Commissioner failed to act on the claims against the State. The Bill, which we applaud Representative Steven Stafstrom for drafting and thank this Committee for supporting, would provide another remedy that would promote judicial efficiency and economy.

By way of brief background, the Angeles family now consists of Hugo and Artemisa, who lost their daughter and sister, three-year-old Athena, in a tragic death in 2011. In October of 2012, on their behalf, we filed a claim against the State of Connecticut in the Claims Commission for the failures of the Department of Children and Families to recognize that Athena was repeatedly being brutally abused by her mother's boyfriend and to remove her from the home – abuse that ultimately resulted in her death.

Unfortunately, because the Claims Commissioner has failed to grant permission to sue, a separate lawsuit filed in Court against various medical providers for

malpractice – also for failing to recognize, report and treat this abuse – has been stalled because the Judge there is waiting for the Claims Commissioner to act. That suit was filed in November of 2013 and, since then, little has been accomplished because the Judges who have handled the case rightly believe it would highly inefficient for these interconnected claims, all stemming from the same incidents, to be handled separately in two separate venues. The burden to the judiciary and the State would be – and have been – enormous.

Therefore, the Angeles family urges this Committee to take one of two steps – either amend House Joint Resolution 43 to grant them permission to sue the State of Connecticut, allowing the medical malpractice and State claims to be joined and to proceed forward OR adopt Proposed Substitute Bill Number 5598, which will also have the same effect, and will benefit other claimants who simultaneously have claims pending in the Courts and against the State of Connecticut in the Claims Commission involving the same exact matter.

On behalf of the Angeles family, Hugo and Artemisa, we thank this Committee for its support of Bill Number 5598 and ask that House Joint Resolution Number 43 be amended so that their claims against the State do not return to the Claims Commission, but are sent to suit so that they can hope to achieve some measure of justice after years of delay.

Thank you.