

DOCKET NO: FBT-CV23-6126234-S :  
ELIZABETH ENGLANDER ADMINISTRATOR :  
OF THE ESTATE OF GLEN ENGLANDER :  
V. :  
GRIFFIN HEALTH SERVICES :  
CORPORATION, ET AL :

SUPERIOR COURT  
OFFICE OF THE CLERK  
SUPERIOR COURT  
J.D. OF BRIDGEPORT  
2024 APR 15 4:11  
AT BRIDGEPORT  
JUDICIAL DISTRICT  
OF BRIDGEPORT  
APRIL 15, 2024

**MEMORANDUM OF DECISION**

The plaintiff, Elizabeth Englander Administrator of the Estate of Glen Englander, has sued the defendants, Griffin Health Services Corporation, Griffin Hospital, Chamberlain Health Care, Inc., and Lord Chamberlain, Inc., alleging medical malpractice. Pursuant to Connecticut General Statute Section 52-190a, the plaintiff obtained an opinion letter from a health care provider. The defendants Griffin Health Services Corporation and Griffin Hospital have moved to dismiss the First and Third Counts of the complaint. The defendants argue that the opinion letter fails to meet the specificity requirements as to the standard of care at issue, the APRN who authored the letter is not a similar health care provider to a registered nurse, and that the letter fails to state if the author is licensed by the appropriate regulatory agency of this state or another state.

“The inquiry under Section 52-190a is squarely and solely framed by the allegations in the complaint, rendering the only question at the motion to dismiss stage whether the author of the opinion letter is a similar health care provider to the defendant as their respective qualifications are pleaded in the complaint and described in the opinion letter.” *Carpenter v. Daar*, 346 Conn. 80, 125 (2023). “A similar health care provider includes one who has even more training and experience than the defendant does in the specialty at issue.” *Meole v.*

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*Gaylord Hospital*, Superior Court, Judicial District of New Haven, Docket Number NNH-CV22-6120219 (November 14, 2023, *Wilson, J.*) *Carpenter v. Daar*.

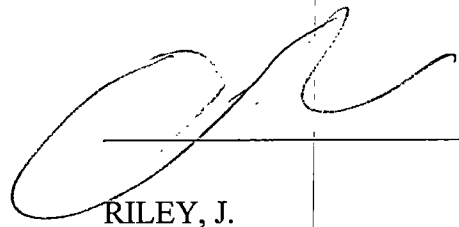
“The interpretation of pleadings is always a question of law for the court . . . Our review of the trial court’s interpretation of the pleadings therefore is plenary. . . Furthermore, we long have eschewed the notion that pleadings should be read in a hypertechnical manner. Rather, [t]he modern trend, which is followed in Connecticut, is to construe pleadings broadly and realistically, rather than narrowly and technically. . . . [T]he complaint must be read in its entirety in such a way as to give effect to the pleading with reference to the general theory [on] which it proceeded, and do substantial justice between the parties. . . Our reading of pleadings in a manner that advances substantial justice means that a pleading must be construed reasonably, to contain all that it fairly means, but carries with it the related proposition that it must not be contorted in such a way so as to strain the bounds of rational comprehension.” (Emphasis added; internal quotation marks omitted.) *Flannery v. Singer Asset Finance, Co., LLC*, 312 Conn. 286, 299-300, 94 A.3d 553 (2014); see e.g., *Doe v. Cochran, supra*, 332 Conn. at 333-34, 210 A.3d 469; *Travelers Ins. Co., v. Namerow*, 261 Conn. 784, 795, 807 A.2d 467 (2002). “As long as the pleadings provide sufficient notice of the facts claimed and the issues to be tried and do not surprise or prejudice the opposing party, we will not conclude that the complaint is insufficient \*129 to allow recovery.” (Internal quotation marks omitted.) *Flannery v. Singer Asset Finance Co., LLC, supra*, at 300, A.3d 553.”

Moreover, “the great majority of Superior Court decisions have held that an opinion letter that satisfies the requirements of Section 52-190a as to at least one agent of a medical institution is sufficient to support a complaint against all agents who potentially acted on behalf of an institution with respect to the alleged malpractice.” *Tammy R. Brown, Conservator of the*

*Person and Estate of Ricardo O. Brown, et al v. Saint Francis Hospital and Medical Center, et al*, Superior Court Judicial District of Hartford, Docket Number HHD-CV23-6167480, (October 6, 2023, *Klau, J.*). The decision in *Carpenter* does not undermine the majority rule. Id.

Finally, Connecticut General Statutes 52-184c(b) requires that the opinion letter state whether the author is “licensed” by the appropriate regulatory agency of this state or another state requiring the same or greater qualifications.” “The only plausible application of the plain language at 52-190a and 52-184c requires disclosure of qualifications in the opinion letter.” *Meole* quoting *Lucisano v. Bisson* 132 Conn. App. 459, 466 (2001). The court may exercise its discretion to allow amendments or a supplement to an opinion letter, *Gervais v. JACC Healthcare Center of Danielson, LLC, et al.*, 221 Conn. App. 148 (2023); *Carpenter v. Daar* (2023).

The opinion letter is sufficient with the exception of the failure to indicate whether the author is properly licensed. The plaintiff is hereby ordered to file an amended opinion letter within 30 days of this order. Failure to do so will result in a dismissal of the First Count of the complaint and the Third Count as it pertains to the defendants Griffin Health Services Corporation and Griffin Hospital.

  
RILEY, J.