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PATRICK WOOD *v.* CLUB, LLC, ET AL.
(SC 18978)

Rogers, C. J., and Palmer, Zarella, Eveleigh and McDonald, Js.

Argued September 20—officially released November 5, 2013

Jan C. Trendowski, for the appellants (defendants).

Frank C. Bartlett, Jr., for the appellee (plaintiff).

Opinion

PER CURIAM. The plaintiff, Patrick Wood, brought an action against the named defendant, Club, LLC,¹ alleging both negligent and reckless supervision of its premises.² The case was tried to a jury, which returned a verdict in the plaintiff's favor on the negligence count and awarded him economic and noneconomic damages totaling \$300,000. The trial court rendered judgment in accordance with the jury's verdict, and the defendant subsequently filed a motion to set aside the verdict, a motion for a directed verdict and a motion for remittitur, all of which were denied by the trial court. The defendant appealed from the trial court's judgment to the Appellate Court, claiming, *inter alia*, that the trial court improperly allowed the plaintiff's expert witness, Kevin DePalma, to testify and refused to instruct the jury on liability for the actions of third parties. *Wood v. Club, LLC*, 134 Conn. App. 768, 770, 41 A.3d 684 (2012).³ The Appellate Court affirmed the trial court's judgment after concluding that the trial court did not abuse its discretion in permitting DePalma to testify because he possessed the necessary qualifications to render an expert opinion; *id.*, 772–76; and that the trial court's instructions to the jury "adequately conveyed the legal principles necessary for the determination of proximate cause, including whether the assault on the plaintiff by [a] third party was of the same general nature as the foreseeable risk created by the defendant's conduct." *Id.*, 780. We thereafter granted the defendant's petition for certification to appeal, limited to the following issues: "1. Did the Appellate Court properly determine that the trial court correctly allowed . . . DePalma to testify as an expert witness?"; and "2. Did the Appellate Court properly determine that the trial court's instructions to the jury were adequate to allow the jury to determine the issues before it, including the issue of proximate cause?" *Wood v. Club, LLC*, 305 Conn. 911, 45 A.3d 99 (2012).

After examining the entire record on appeal and considering the briefs and oral arguments of the parties, we have determined that the appeal in this case should be dismissed on the ground that certification was improvidently granted.

The appeal is dismissed.

¹ The plaintiff also named as a defendant Post Road Entertainment, doing business as the Thirsty Turtle, however, that entity is not a participant in this appeal. Accordingly, references herein to the defendant are to Club, LLC.

² The plaintiff also alleged a count sounding in spoliation of evidence, which was stricken by the trial court.

³ The defendant also claimed that the evidence was insufficient to establish that the plaintiff was within the scope of risk allegedly created by the defendant's conduct and that the trial court improperly charged the jury on future medical expenses, excluded testimony as to the plaintiff's intoxication and permitted testimony on the plaintiff's reputation. *Wood v. Club LLC*, supra, 134 Conn. App. 770. The Appellate Court rejected the first three of these claims and did not address the fourth claim; see *id.*, 777–78, 783, 785; and they are not part of the appeal to this court.

