

AC42469 : STATE OF CONNECTICUT
JUDITH KISSEL : APPELLATE COURT
V. :
CENTER FOR WOMEN’S HEALTH, P.C.,
ET AL. : APRIL 19, 2019

**PLAINTIFF-APPELLEE’S AMENDED RULE 63-4(1) PRELIMINARY
COUNTERSTATEMENT OF ISSUES DIRECTED TO APPEAL
BY DEFENDANT-APPELLANT REED WANG**

Pursuant to Rule of Appellate Procedure § 63-4(a)(1), the plaintiff-appellee, Judith Kissel, presents the following preliminary counterstatement of issues for appeal:

1. If the Court should find reversible error in any regard, which it should not on this record, the plaintiff-appellee hereby gives notice under Appellate Rule 63-4(1)(c) that she requests a new trial or hearing, as the case may be, rather than the entry of judgment for the defendant;
2. As an alternate ground of affirmance: the general verdict prevents review of issues raised by the appellant;
3. As an alternate ground of affirmance: that Conn. Gen. Stat. § 52-190a is satisfied by the securing of a well-founded medical negligence verdict;
4. As an alternate ground of affirmance: Under the facts of this case, any flaw in personal jurisdiction based on Conn. Gen. Stat. § 52-190a is waived, forfeited, or estopped under equitable principles regarding delay in the assertion of a claim or argument;
5. As an alternate ground of affirmance: That a new interpretation of Conn. Gen. Stat. § 52-190a, including *Peters v. United Cmty. & Family Servs., Inc.*, 182

Conn. App. 688 (2018) and *Gonzales v. Langdon*, 161 Conn. App. 497 (2015), does not apply retroactively to this case;

6. Such other alternate grounds for affirmance as may present themselves upon review of the record.

THE PLAINTIFF-APPELLEE,

By /s/ Alinor C. Sterling
ALINOR C. STERLING
MATTHEW S. BLUMENTHAL
SEAN MCELLIGOTT
KOSKOFF KOSKOFF & BIEDER
350 FAIRFIELD AVENUE
BRIDGEPORT, CT 06604
TELEPHONE: (203) 336-4421
JURIS #32250
asterling@koskoff.com

CERTIFICATE OF COMPLIANCE AND SERVICE

Pursuant to Rule of Appellate Procedure 62-7, I hereby certify that on January 16, 2019, a true and correct copy of the foregoing has been delivered electronically to the last known e-mail addresses of each counsel of record for whom an e-mail has been provided, as indicated below; that the foregoing document has been redacted or does not contain any names or other personal identifying information that is prohibited from disclosure by rule, statute, court order or case law; and that the foregoing document complies with all applicable rules of appellate procedure.

Attorney Wesley W. Horton
Attorney Kenneth J. Bartschi
HORTON, DOWD, BARTSCH! & LEVESQUE, P.C.
90 Gillett Street
Hartford CT 06105
wes@hdblfirm.com

kbartschi@hdblfirm.com

Attorney Mary Alice Moore Leonhardt
MOORE LEONHARDT & ASSOCIATES, LLC
67 Russ Street
Hartford CT 06106
860-216-6337
ma@mooreleonhardt.com

Attorney David J. Robertson
Attorney Keith Blumenstock
HEIDELL, PITTONI, MURPHY & BACH, LLP
855 Main Street, Suite 1100
Bridgeport CT 06604
203-382-9700
drobotson@hpmb.com
kblumenstock@hpmb.com

