

# Connecticut Supreme Court Vindicates Axinn's Trial Efforts

An abstract graphic of a globe, showing a grid of latitude and longitude lines. The globe is tilted and appears to be rotating, with a light blue and white color scheme.

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July 21, 2015

*Artie's Auto Body, et al. v. Hartford Fire Insurance Co.* is one of the very few class actions ever to have gone to trial. This class action was filed in Connecticut Superior Court in 2003 alleging a host of unfair trade practices. Axinn was retained to try this case in late 2008, after discovery had closed, after the class had been certified, after class certification had been affirmed by the Connecticut Supreme Court, and in the face of a motion for sanctions for having withheld documents during discovery. Based on the judge's erroneous answer to a jury inquiry during deliberations, the jury came back with a Special Verdict form rejecting every claim but one, finding that The Hartford had "offended" a "penumbra" of one Insurance Department Regulation (even though the jury found that The Hartford's conduct was not immoral or unethical, and did not harm consumers under the Cigarette Rule). Although the Plaintiff class had sought over \$110 million in damages (and asked for punitives to take the entire award to over \$400 million), the jury awarded the class only \$14 million (covering a damage period of over a decade for 1,000 class members).

In July 2015, the Connecticut Supreme Court endorsed Axinn's trial argument that the Regulation did not apply, and unanimously reversed the trial judge's failure to award The Hartford a directed verdict or a judgment notwithstanding the verdict, and directed the trial court to enter judgment for The Hartford.

Thomas Rohback led the Axinn trial team in this two month trial against four law firms, including the New York firm of Bernstein Liebhard.

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Thomas G. Rohback

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