

DOCKET NO: NNH-CV21-6110213S
ANIKA HUNTE, ADMINISTRATOR
FOR THE ESTATE OF ARIES-REIGN
PETERSON, ET AL.

SUPERIOR COURT

J.D. OF NEW HAVEN

V.

AT NEW HAVEN

YALE NEW HAVEN HOSPITAL, INC.,
ET AL.

JANUARY 29, 2026

MEMORANDUM OF DECISION
RE DEFENDANTS' MOTION TO REARGUE/RECONSIDER (#253)
AND PLAINTIFFS' OBJECTION (#257)

I. Procedural History:

This case comes before the court on the defendants' Motion to Reargue/Reconsider (#253) and the plaintiffs' Objection (#257) regarding the court's judgment following a trial to the court (Goodrow, J.). A hearing was held on the motion and objection on January 22, 2026, along with the defendants' Motion for Remittitur (#254) and the plaintiffs' Objection (#256). The parties appeared through counsel at the hearing. After argument, the court took the papers on the motions and objections. In a separate order, the court has denied the Motion for Remittitur but has considered the arguments and requests in the defendants' Motion for Remittitur as part of the defendants' Motion to Reargue/Reconsider. (See orders of this court re Motion #254 and Objection #256.) The court has considered the defendants' Motion to Reargue/Reconsider (#253), the plaintiffs' Objection (#257),

the arguments of counsel and the relevant law. The Motion to Reargue/Reconsider is denied and the Objection is sustained.

II. Relevant Law:

“[T]he purpose of a Motion for Reargument and Reconsideration is not to assert newly raised claims. Motions for Reargument and Motions for Reconsideration are nearly identical in purpose. [T]he purpose of a reargument is . . . to demonstrate to the court that there is some decision or some principal of law which would have a controlling effect, and which has been overlooked, or that there has been a misapprehension of facts. . . . A reconsideration implies a reexamination and possibly a different decision by the [court] which initially decided it. . . . (Emphasis added; internal quotation marks omitted.)” *Speer v. Brown Jacobson, P.C., et al*, 233 Conn. App. 833, 840 (2025), citing *Doe v. Bemmer*, 215 Conn. App. 504, 516 n. 6 (2022). As the defendants recognize in their motion, reargument is not to be used as a “second bite at the apple”. It is also not to be used to present additional legal arguments that could have been presented at the time of the original argument. *Speer v. Brown Jacobson, P.C., et al*, 233 Conn. App. at 840.

III. Discussion:

The defendants’ Motion to Reargue/Reconsider references the court’s original Memorandum of Decision (#251.50). The court filed a Corrected

Memorandum of Decision (#251.60), which is controlling. (The Corrected Memorandum of Decision corrects an error regarding a single word in the original Memorandum of Decision.) The defendants' Motion to Reargue/Reconsider raises the following issues: (1) The court's decision is predicated on a misapprehension of the law regarding battery and informed consent; (2) The court's finding that the defendants were required to inform Aries' parents of the material risk of NEC is contrary to the law of informed consent; (3) the court applied the wrong legal standard on the issue of proximate cause applicable to informed consent; (4) The court did not apply the objective standard to conclude that a hypothetical reasonable person would not have consented to bovine based fortifier and formula; and (5) The court's conclusion that bovine based fortifier and formula caused Aries to develop NEC is based entirely on a temporal relationship, and does not establish a causal relationship. The court will not reiterate here its findings and analysis from the Corrected Memorandum of Decision but briefly addresses the defendants' claims.

(1) The same set of facts supported a finding of battery and lack of informed consent. *Wood v. Rutherford*, 167 Conn. App. 61, 74-75 (2019), cited at page 7 of the defendants' brief, supports the court's conclusion. In *Rutherford*, the court noted that the same set of facts may give rise to a claim of informed consent and battery. ". . . [T]he plaintiff allege[d] that the defendant committed a battery

through the intentional conduct during the postoperative examination by failing to obtain her informed consent prior to digitally separating her agglutinated labia. ‘[M]edical standards of care are inapplicable’ to such claims.” (Internal citations omitted.) *Wood v. Rutheford*, 161 Conn. App. at 75, quoting *Chouinard v. Majani*, 21 Conn. App. 572, 580 (1990). Additionally, this court agrees with the plaintiffs that the defendants’ reliance on the cases of *Logan* and *Godwin* present no legal analysis to the court which was not previously considered by the court. *Logan v. Greenwich Hospital Assn.*, 191 Conn. 282 (1983); *Godwin v. Danbury Eye Physicians & Surgeons, P.C.*, 254 Conn. 131 (2000). See Corrected Memorandum of Decision.

(2) The court’s finding that the defendants were required to inform Aries’ parents of the material risk of NEC is consistent with the law on informed consent. This case involved conflicted expert testimony regarding the issue of the material risk of NEC and the requirement to provide informed consent. The court credited the plaintiffs’ expert witness and did not credit the defendants’ expert witness as to these issues. The testimony of the plaintiffs’ expert formed the basis for the court’s conclusions. See Corrected Memorandum of Decision. Additionally, a claim of lack of informed consent is a separate and distinct cause of action from a medical negligence action. The same set of facts may give rise to both causes of action, however, the standard of care in a medical negligence action is not an element of

an informed consent action. The two causes of action are distinct with “different elements to be proven”. *Downs v. Trias*, 306 Conn. 81, 89-90 (2012).

(3) The court applied the proper legal standard on the issue of informed consent. See Corrected Memorandum of Decision.

(4) The court applied the proper objective person standard. See Corrected Memorandum of Decision.

(5) The court’s conclusion about bovine based fortifier and formula established the causal relationship. See Corrected Memorandum of Decision.

The court has considered the arguments raised by the defendants in the Motion to Reargue/Reconsider, as well as the arguments to reduce the court’s award of non-economic damages as argued in the Motion for Remittitur. The court has considered the arguments raised by the plaintiffs in their Objection. The court has considered the defendants’ reargument and the defendants’ request for reconsideration. The court denies the requested relief to enter judgment in favor of the defendants on all counts of the complaint, and alternatively, to reduce the amount of the award for noneconomic damages. The court’s Corrected Memorandum of Decision was not based on a misapprehension or misapplication of the law, nor was it the result of prejudice, bias or corruption. Furthermore, the court’s factual findings were sufficiently supported by the evidence, and the court’s

award of noneconomic damages was sufficiently supported by the evidence and the applicable law. See Corrected Memorandum of Decision.

IV. Conclusion:

The court's factual findings and legal conclusions as articulated in the Corrected Memorandum of Decision (#251.60) are supported by the evidence and the law. Therefore, the Motion to Reconsider/Reargue (#253) is denied and the Objection (#257) is sustained.

BY THE COURT,

GOODROW, J.

Juris Number 434439