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In Aftermath Of Partner's Death, A Supreme Court Victory For Gay Woman



Charlotte Stacey (left) and partner Margaret Mueller have been together... (Cloe Poisson / Hartford...)

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By CHRISTINE DEMPSEY

cdempsey@courant.com,

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HARTFORD - The state's high court ruled in favor of a gay woman Wednesday, saying she was within her rights to seek damages for the medical malpractice that led to her partner's death from cancer, even though the couple wasn't legally joined at the time of the mistaken diagnosis.

The Supreme Court reversed an Appellate Court judgment against Charlotte Stacey. The lower court had ruled that she wasn't entitled to compensation for "loss of consortium," or serious disruption of a relationship.

Her partner, Margaret Mueller, sued her oncologists in January 2006, saying they treated her for years for the wrong form of cancer. The suit included a claim for damages on behalf of Stacey, Mueller's longtime partner. The two, who joined in a civil union in November 2005, are believed to be the first same-sex couple to seek damages for loss of consortium in a malpractice suit.

Gov. Dannel P. Malloy and Lt. Gov. Nancy Wyman applauded the ruling in a written statement, with Malloy saying, "Once again, Connecticut is leading the nation in recognizing the rights of LGBT Americans, who for too long were denied the marriage

rights afforded to other couples. The Supreme Court today took another step forward to ensure equality."

In 2008, a Superior Court judge threw out Stacey's claims, ruling that while Mueller and Stacey had been partners for more than 20 years, they were not legally joined at the time of the malpractice.

Mueller died in January 2009. The suit, brought by Joshua Koskoff of Koskoff, Koskoff & Bieder in Bridgeport, went to trial on the malpractice claims, and a Stamford jury found damages of \$2.45 million in July 2010.

Before the trial, one defendant, Dr. Isidore Tepler, settled for an undisclosed sum. A second doctor, Iris Wertheim, was found 55 percent liable, amounting to about \$1.35 million, The Courant previously reported.

Wertheim is the defendant in Wednesday's decision, which in addition to reversing the Appellate Court's ruling directs the court to remand the case to the trial court. It also directs the trial court to allow Stacey to amend her complaint by showing that she and Mueller would have been married or in a civil union when the malpractice occurred, had it been legal.