

## Appellate Court: No Pregnancy Discrimination in Dentist's Firing

ROBERT STORAGE, The Connecticut Law Tribune

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The Connecticut Appellate Court has upheld a lower court's ruling that an East Windsor-based dental firm did not fire an employee because of issues related to her pregnancy.

Ukti Phadnis, who worked as a dentist for Great Expressions Dental Centers of Connecticut for eight months, claimed her chronic tardiness was a pretext for unlawful discrimination based on her pregnancy. Phadnis also alleged her August 2012 firing was the result of retaliation for placing medical restrictions related to her pregnancy on her employment.

But the Appellate Court, in a strongly worded one-page opinion released Jan. 3, wrote that the Hartford Superior Court ruling was "thoughtful and well-reasoned" and "fully addressed the arguments raised in this appeal."

In its ruling, the Superior Court maintained that Great Expressions tried to work with Phadnis to alleviate her concerns after she told the firm she was pregnant in May 2012. That included allowing her to come to work late because she suffered from morning sickness. The lower court noted the company even agreed to transfer her to the Manchester office where additional dentists were available to assist when she was late for work.

The Appellate Court wrote "the plaintiff requested accommodations to limit her exposure to X-ray radiation and for an adjusted schedule due to her morning sickness. Although the defendant accommodated these requests, the plaintiff was late to work nearly every day from June 2012 until her termination in August 2012. The defendant's stated reasons for the plaintiff's termination were her chronic tardiness, complaints from staff and patients concerning her performance, and unprofessional interactions with staff."

In a 17-page ruling issued January 2015, the Superior Court countered Phadnis' arguments point by point. For example, Justice Nina Elgo wrote, "This court's thorough review of the evidence reveals a persistent, and undisputed, issue with the plaintiff's tardiness. ... The plaintiff does not point to any instances where similarly situated individuals were treated more favorably than she was. In fact, the plaintiff makes no mention of any non-pregnant employees who were allowed to be chronically tardy without discipline."

New Haven attorney Michael T. Petela Jr., who has his own firm in the city, represented Phadnis. He declined to comment Tuesday.

The lead attorney representing Great Expressions was Jeff Wilson, of the Troy, Michigan-based firm of Young, Basile, Hanlon & MacFarlane. He was not available for comment Tuesday. Great Expressions was also represented by attorney Brian C. Hoeing, who works out of the Middletown offices of Updike, Kelly & Spellacy.

Hoeing told the Connecticut Law Tribune Tuesday, "We are definitely welcoming and grateful for the summary judgment we received and that was recently affirmed. We welcome the result. The facts in the case really supported a summary judgment. The facts showed that our client acted appropriately."

*Robert Storace can be reached at 860-757-6642 or at [rstorace@alm.com](mailto:rstorace@alm.com).*

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