
APPELLATE COURT

**MOTIONS HEARING
FOR
TUESDAY, JUNE 28, 2011
AT 10:00 A.M.**

1. Cases are scheduled for a specific time, not necessarily in the order listed. Counsel must identify themselves to the Clerk in the Courtroom at least 15 minutes before the scheduled time of argument.

COURTHOUSE
75 Elm Street, Hartford, CT

**TUESDAY, JUNE 28, 2011
AT 10:00 A.M.**

IN THE FOLLOWING MATTER, COUNSEL ARE ORDERED TO APPEAR AND GIVE REASONS, IF ANY, WHY THE DEFENDANTS' APPEAL AND THE FIRST AMENDED APPEAL SHOULD NOT BE DISMISSED FOR LACK OF A FINAL JUDGMENT, AS THEY WERE FILED BEFORE PUNITIVE DAMAGES WERE AWARDED IN THIS CASE. SEE *LORD V. MANSFIELD*, 50 CONN. APP. 21, 26-28, CERT. DENIED, 247 CONN. 943 (1998).

(1) AC32519**JANE DOE ET AL.**

Donahue, Durham & Noonan, P.C.

v.

GERALD TERRY ET AL.

Lynch, Traub, Keefe & Errante, P.C.

Rome McGuigan, P.C.

Law Offices of Howard A. Lawrence

Litchfield Cavo, LLP

Fitzpatrick, Mariano & Santos, P.C.

IN THE FOLLOWING MATTER, COUNSEL AND THE SELF-REPRESENTED PARTY ARE ORDERED TO APPEAR AND GIVE REASONS, IF ANY, WHY THE ORIGINAL APPEAL SHOULD NOT BE DISMISSED FOR LACK OF A FINAL JUDGMENT. SEE *STATE V. CURCIO*, 191 CONN. 27, 31 (1983); *HARTFORD FEDERAL SAVINGS & LOAN ASSOCIATION V. TUCKER*, 192 CONN. 1, 7-8 (1994).

(2) AC33151**VORCELIA OLIPHANT**

Vorcelia Oliphant, self-represented party

v.

**COMMISSIONER OF
DEPARTMENT OF
TRANSPORTATION ET AL.**

Eleanor Mullen,

Assistant Attorney General

Commission on Human Rights and

Opportunities

Counsel must identify themselves to the Clerk in Court not later than 15 minutes before the scheduled time of argument.

(continued)

IN THE FOLLOWING MATTER, COUNSEL AND THE SELF-REPRESENTED PARTY ARE ORDERED TO APPEAR AND GIVE REASONS, IF ANY, WHY THE APPEAL TAKEN FROM THE TRIAL COURT'S DENIAL OF THE PLAINTIFF'S MOTION FOR STIPULATED JUDGMENT SHOULD NOT BE DISMISSED FOR LACK OF A FINAL JUDGMENT; SEE *SHARON MOTOR LODGE, INC. V. TAI*, 82 CONN. APP. 148, CERT. DENIED, 269 CONN. 908 (2004); AND ALSO WHY THE APPEAL AND AMENDED APPEAL SHOULD NOT BE DISMISSED AS MOOT BECAUSE THERE IS NO LONGER ANY PRACTICAL RELIEF THAT THIS COURT CAN AFFORD THE PLAINTIFF. SEE *CHAMPAGNE V. CHAMPAGNE*, 85 CONN. APP. 872, 877-78 (2004).

(3) AC32916**CAPITAL ONE BANK (USA) N.A.**Law Offices of Howard Lee Schiff,
P.C.

v.

MARTHA MEJIA

Martha Mejia, self-represented party

IN THE FOLLOWING MATTER, COUNSEL AND THE SELF-REPRESENTED PARTY ARE ORDERED TO APPEAR AND GIVE REASONS, IF ANY, WHY THE JUDGMENT OF CONVICTION SHOULD NOT BE SUMMARILY REVERSED AND THE MATTER REMANDED FOR A NEW TRIAL, IN LIGHT OF THE TRIAL COURT'S FINDING THAT THE MISSING PORTION OF THE TRIAL RECORD CANNOT BE RECTIFIED. SEE *STATE V. VITALE*, 190 CONN. 219, 223 (1983).

(4) AC32711**STATE OF CONNECTICUT**Melissa L. Streeto,
Assistant State's Attorney

v.

JAMES ROBERT DAVIES

James Robert Davies, self-represented party

Counsel must identify themselves to the Clerk in Court not later than 15 minutes before the scheduled time of argument.

(continued)

IN THE FOLLOWING MATTER, COUNSEL AND THE SELF-REPRESENTED PARTIES ARE ORDERED TO APPEAR AND GIVE REASONS, IF ANY, WHY THIS SUMMARY PROCESS APPEAL SHOULD NOT BE DISMISSED AS MOOT IN LIGHT OF THE FACT THAT THE DEFENDANTS HAVE VACATED THE SUBJECT PREMISES AND A WRIT OF RESTORATION CANNOT ISSUE WHERE THE DEFENDANTS' MONTH-TO-MONTH LEASE EXPIRED BY ITS TERMS. SEE *EVERGREEN MANOR ASSOCIATES V. FARRELL*, 9 CONN. APP. 77, 78 (1986).

- (5) **AC33204**
YY, LLC ET AL.
 Abram J. Heisler
 Hirsch & Levy, LLC

v.

TASHIA COGDELL ET AL.
 Tashia Cogdell, self-represented party
 Jerome Gore, self-represented party
 Kevin M. Farrell

IN THE FOLLOWING MATTER, COUNSEL ARE ORDERED TO APPEAR AND GIVE REASONS, IF ANY, WHY THE PETITIONER'S APPEAL FROM THE HABEAS COURT'S INTERLOCUTORY RULING DENYING HIS MOTION FOR AN ORDER COMPELLING THE ARREST AND DETENTION OF A MATERIAL WITNESS SHOULD NOT BE DISMISSED FOR LACK OF A FINAL JUDGMENT. SEE *STATE V. CURCIO*, 191 CONN. 27, 31 (1983); SEE ALSO *STATE V. FIELDING*, 296 CONN. 26, 36-38 (2010).

- (6) **AC32990**
CARLOS ASHE
 Law Offices of Robert Sullivan
- v.
- COMMISSIONER OF CORRECTION**
 Robert J. Scheinblum, Senior
 Assistant State's Attorney

Counsel must identify themselves to the Clerk in Court not later than 15 minutes before the scheduled time of argument.

(continued)

IN THE FOLLOWING MATTER, COUNSEL ARE ORDERED TO APPEAR AND GIVE REASONS, IF ANY, WHY THE DEFENDANT'S APPEAL FROM THE DISCOVERY ORDER SHOULD NOT BE DISMISSED FOR LACK OF A FINAL JUDGMENT. SEE *MELIA V. HARTFORD FIRE INS. CO.*, 202 CONN. 252 (1987); *BARBATO V. J. & M. CORPORATION*, 194 CONN. 245 (1984).

- (7) **AC33301**
ACCESS INTERNATIONAL ADVISORS LIMITED
 Zeldes, Needle & Cooper, P.C.
- v.
- ARGENT MANAGEMENT CO., LLC**
 Carmody & Torrance, LLP

IN THE FOLLOWING MATTER, COUNSEL ARE ORDERED TO APPEAR AND GIVE REASONS, IF ANY, WHY THIS APPEAL FROM THE TRIAL COURT'S DENIAL OF THE PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT SHOULD NOT BE DISMISSED FOR LACK OF A FINAL JUDGMENT. SEE *BROWN & BROWN, INC. V. BLUMENTHAL*, 288 CONN. 646, 653-58 (2008).

- (8) **AC33338**
NEW LONDON COUNTY MUTUAL INSURANCE COMPANY
 Jennifer Katz
 Conway & Stoughton, LLP
- v.
- JEFFREY LYON ET AL.**
 Licari, Walsh & Sklaver, LLC

Counsel must identify themselves to the Clerk in Court not later than 15 minutes before the scheduled time of argument.

(continued)

IN THE FOLLOWING MATTER, COUNSEL ARE ORDERED TO APPEAR AND GIVE REASONS, IF ANY, WHY THE DEFENDANT'S APPEAL SHOULD NOT BE DISMISSED FOR LACK OF A FINAL JUDGMENT ON THE GROUND THAT, AT THE TIME THE APPEAL WAS FILED, THE TRIAL COURT HAD NOT YET RESOLVED THE PLAINTIFF'S CLAIM FOR PUNITIVE DAMAGES. SEE *PERKINS V. COLONIAL CEMETERIES, INC.*, 53 CONN. APP. 646, 649 (1999); *LORD V. MANSFIELD*, 50 CONN. APP. 21, CERT. DENIED, 247 CONN. 943 (1998).

(9) AC33347**R.I. POOLS, INC.**

Bai, Pollock, Blueweiss & Mulcahey,
P.C.

Halloran & Sage, LLP

v.

**PARAMOUNT CONCRETE, INC.,
ET AL.**

Horton, Shields & Knox, P.C.

Law Offices of Paul A. Lange

Vehslage & Lahr, LLP

Law Office of Baio & Associates, P.C.

Counsel must identify themselves to the Clerk in Court not later than 15 minutes before the scheduled time of argument.

(continued)

IN THE FOLLOWING MATTER, COUNSEL ARE ORDERED TO APPEAR AND GIVE REASONS, IF ANY, WHY THIS APPEAL FROM THE RULING STRIKING THE COUNTERCLAIMS AND SPECIAL DEFENSES OF DEFENDANTS RIVERSONG DESIGNS, LLC, AND GREGORY BUGAJ SHOULD NOT BE DISMISSED FOR LACK OF SUBJECT MATTER JURISDICTION BECAUSE (1) THE TRIAL COURT HAS NOT YET RENDERED JUDGMENT ON THE STRICKEN COUNTERCLAIMS; SEE PRACTICE BOOK § 10-44; *NORWICH V. SILVERBERG*, 200 CONN. 367, 369 N.3 (1986); *GRIER V. WEST HAVEN POLICE DEPARTMENT*, 8 CONN. APP. 142, 143 (1986); AND (2) THE GRANTING OF A MOTION TO STRIKE SPECIAL DEFENSES IS NOT A FINAL JUDGMENT. SEE *JP MORGAN CHASE BANK, TRUSTEE V. RODRIGUES*, 109 CONN. APP. 125, 129-30 (2008).

(10) AC33372**PATRIOT NATIONAL BANK**

Diserio, Martin, O'Connor &
Castiglioni

v.

**RIVERSONG DESIGNS, LLC,
ET AL.**

The Salvatore Law Firm

Beck & Beck, LLC

Lieto & Greenbert, LLP

Counsel must identify themselves to the Clerk in Court not later than 15 minutes before the scheduled time of argument.

(continued)

IN THE FOLLOWING MATTER, COUNSEL ARE ORDERED TO APPEAR AND GIVE REASONS, IF ANY, WHY THE PLAINTIFFS' APPEAL SHOULD NOT BE DISMISSED FOR LACK OF A FINAL JUDGMENT BECAUSE THE TRIAL COURT'S DETERMINATION THAT THE IDENTIFIABLE PERSON/IMMINENT HARM EXCEPTION DOES NOT APPLY DID NOT DISPOSE OF THE COMPLAINT; SEE PRACTICE BOOK § 61-2; OR ALL CAUSES OF ACTION BROUGHT AGAINST A PARTICULAR DEFENDANT. SEE PRACTICE BOOK § 61-3.

(11) **AC33401**
CHRISTOL SIMMONS ET AL.

Cohen & Thomas

v.

CITY OF DERBY ET AL.

Howd & Ludorf

For Intervening Plaintiff:

Lynch, Traub, Keefe & Errante

IN THE FOLLOWING MATTER, COUNSEL ARE ORDERED TO APPEAR AND GIVE REASONS, IF ANY, WHY THIS APPEAL SHOULD NOT BE DISMISSED FOR LACK OF A FINAL JUDGMENT BECAUSE THERE HAS BEEN A RULING ONLY UPON THE ISSUE OF LIABILITY AND THE AMOUNT OF DAMAGES HAS YET TO BE DETERMINED. SEE *STROINEY V. CRES-CENT LAKE TAX DISTRICT*, 197 CONN. 82, 84 (1985); *PINNIX V. LAMORTE*, 182 CONN. 342, 343-344 (1980).

(12) **AC33177**
BRIAN SARRAZIN

Leonard A. McDermott

v.

COASTAL INCORPORATED

Rolnick & Reger

Counsel must identify themselves to the Clerk in Court not later than 15 minutes before the scheduled time of argument.

(continued)

IN THE FOLLOWING MATTERS, COUNSEL AND SELF-REPRESENTED PARTIES ARE ORDERED TO APPEAR AND GIVE REASONS, IF ANY, WHY THE APPEALS SHOULD NOT BE DISPOSED OF, PRACTICE BOOK § 85-1, AND WHY SANCTIONS SHOULD NOT BE IMPOSED, PRACTICE BOOK § 85-2, FOR FAILURE TO FILE THE DOCUMENTS LISTED OR TO PURSUE THE APPEAL WITH DILIGENCE. FAILURE TO APPEAR AT THIS HEARING AS ORDERED WILL SUBJECT COUNSEL AND SELF-REPRESENTED PARTIES TO THE IMPOSITION OF SANCTIONS INCLUDING, BUT NOT LIMITED TO, MONETARY SANCTIONS, FINES, AND/OR PROHIBITION FROM APPEARING BEFORE THIS COURT. SEE GENERAL STATUTES § 51-84 AND PRACTICE BOOK §§ 85-1, 85-2.

(13) **AC32499**
ROY TROTTER

Office of the Chief Public Defender

v.

COMMISSIONER OF
CORRECTION

Office of the Chief State's Attorney

Petitioner-appellant's court reporter's amended court reporter's acknowledgment form with a revised estimated date of delivery or a certificate of completion due on or before April 1, 2011.

(14) **AC33439**
FREDERICK PAYNE

Office of the Chief Public Defender

v.

COMMISSIONER OF
CORRECTION

Office of the Chief State's Attorney

Petitioner-appellant's court reporter's written acknowledgment of the transcript order with an estimated delivery date due on or before May 19, 2011.

Counsel must identify themselves to the Clerk in Court not later than 15 minutes before the scheduled time of argument.

(continued)

- (15) **AC33424**
JEAN ST. JUSTE
 Office of the Chief Public Defender
 v.
COMMISSIONER OF CORRECTION
 Fairfield Post Conviction Remedy Unit
 Petitioner-appellant's court reporter's written acknowledgment of the transcript order with an estimated delivery date due on or before May 4, 2011.

- (16) **AC33328**
STATE OF CONNECTICUT
 Office of the Chief State's Attorney
 v.
DANIEL SOLOMON
 Office of the Chief Public Defender
 Defendant-appellant's court reporter's written acknowledgment of the transcript order with an estimated delivery date due on or before April 12, 2011.

- (17) **AC33395**
STATE OF CONNECTICUT
 Office of the Chief State's Attorney
 v.
TYSHON MOORE
 Frank P. Cannatelli
 Defendant-appellant's court reporter's amended acknowledgment form with a revised estimated date of delivery or a certificate of completion due on or before May 13, 2011.

- (18) **AC33392**
STATE OF CONNECTICUT
 Office of the Chief State's Attorney
 v.
JOHNNIE D. MCFADDEN
 Office of the Chief Public Defender
 Defendant-appellant's court reporter's written acknowledgment of the transcript order with an estimated delivery date due on or before May 6, 2011.

Counsel must identify themselves to the Clerk in Court not later than 15 minutes before the scheduled time of argument.

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- (19) **AC33194**
CHANNY N. KHUTH
 Office of the Chief Public Defender
 v.
COMMISSIONER OF CORRECTION
 Office of the Chief State's Attorney
 Petitioner-appellant's court reporter's transcript certificate of delivery due on or before May 27, 2011.

- (20) **AC33352**
STATE OF CONNECTICUT
 Office of the Chief State's Attorney
 v.
JOHN W. WOLFERT
 Howard Ehring,
 Assistant Public Defender
 Defendant-appellant's preliminary statement of issues, designation of the contents of the record, certificate regarding the transcript and docketing statement due on or before February 24, 2011.

- (21) **AC32861**
IRIS S. LYNN
 Frederick F. Ward, II, LLC
 Iris S. Lynn, self-represented party
 v.
RODERICK A. LYNN
 Roderick A. Lynn, self-represented party
 For State of Connecticut
 Sean Kehoe,
 Assistant Attorney General
 Counsel for the Minor Child:
 Not Appointed
 Guardian Ad Litem:
 Jennifer E. Davis
 Plaintiff-Appellee's brief due on or before April 4, 2011.

Counsel must identify themselves to the Clerk in Court not later than 15 minutes before the scheduled time of argument.

(continued)

- (22) **AC30552**
HERBERT PRIOLEAU
 No Appearance
 v.
COMMISSIONER OF
CORRECTION
 Office of the Chief State's Attorney
- Petitioner-appellant's brief due on or before January 21, 2010.

- (23) **AC33397**
STATE OF CONNECTICUT
 Office of the Chief State's Attorney
 v.
EARL UNDERWOOD
 Office of the Chief Public Defender
- Defendant-appellant's certificate that no transcript is necessary or copy of the transcript order acknowledgment form due on or before May 7, 2011.

- (24) **AC33193**
ELOISE MARINOS ET AL.
 John R. Williams
 v.
DAVID POIROT ET AL.
 David M. Poirot
 Baker, O'Sullivan & Bliss, PC
 Gordon Johnson, self-represented party
- Defendants-appellees' brief(s) due on or before June 2, 2011.

THE FOLLOWING MATTER IS PRESENTLY SCHEDULED FOR HEARING ON THE COURT'S OWN MOTION CALENDAR AT THE APPELLATE COURT, 75 ELM STREET, HARTFORD, CONNECTICUT, ON TUESDAY, JUNE 28, 2011. WITH THE PERMISSION OF THE CHIEF JUSTICE, AND PURSUANT TO THIS COURT'S SUPERVISORY AUTHORITY, THE MATTER IS SUA SPONTE ORDERED TO BE HEARD BY VIDEO CONFERENCE. THIS HEARING WILL TAKE PLACE ON TUESDAY, JUNE 28, 2011 AT 10:00 A.M.

IN THE FOLLOWING MATTER, COUNSEL AND THE SELF-REPRESENTED PARTY ARE ORDERED TO APPEAR AND GIVE REASONS, IF ANY, WHY THE APPEAL SHOULD NOT BE DISMISSED FOR LACK OF A FINAL JUDGMENT BECAUSE JUDGMENT HAS NOT BEEN RENDERED ON THE STRICKEN COMPLAINT AS TO THE DEFENDANT BLACKBURN; SEE PRACTICE BOOK §§ 10-44 AND 61-3; *HOMEcomings FINANCIAL NETWORK, INC. V. STARBALA* 85 CONN. APP. 284, 285 N.1 (2004); AND THE TRIAL COURT'S DENIAL OF THE PLAINTIFF'S REQUEST TO AMEND THE COMPLAINT IS NOT AN APPEALABLE INTERLOCUTORY ORDER. SEE *STATE V. CURCIO*, 191 CONN. 27, 30 (1983).

- (25) **AC32995**
LATONE JAMES
 Latone James, self-represented party
 v.
KEVIN BLACKBURN ET AL.
 Neil Parille,
 Assistant Attorney General

Counsel must identify themselves to the Clerk in Court not later than 15 minutes before the scheduled time of argument.

MICHÈLE T. ANGERS
Chief Clerk