

Cumulative Table of Cases
Connecticut Appellate Reports
Volume 175

(Replaces Prior Cumulative Table)

Bigelow v. Commissioner of Correction	206
<i>Habeas corpus; whether habeas court abused discretion in denying petitioner certification to appeal; whether court improperly denied petition for writ of habeas corpus; claim that habeas counsel failed to raise claims that trial counsel did not properly advise and adequately represent petitioner during plea negotiations and plea canvass; claim that habeas counsel failed to raise claim that trial counsel improperly failed to file motion seeking petitioner's entry into diversionary substance abuse program; claim that trial counsel provided ineffective assistance by failing to seek certain presentence confinement credit.</i>	
Buehler v. Buehler	375
<i>Dissolution of marriage; partial denial of motion for contempt; reviewability of claim that trial court improperly determined that extracurricular expenses for parties' minor children were unreasonable under facts and circumstances of case because there had been no meaningful discussion between parties prior to incurrence of those costs; whether record was inadequate to review claim when this court was provided with transcripts for only three of four days of hearing on contempt motion.</i>	
Cadle Co. v. Ogalin	1
<i>Summary judgment; action to enforce judgment; whether trial court improperly granted motion to strike second special defense alleging that action was duplicative, unfair, inequitable, vexatious and oppressive; whether allegation of nonpayment is sufficient reason for initiating action; whether defendant established claim that action was unfair and duplicative due to fact that active collection proceedings remained pending before trial court; whether trial court properly granted motion for summary judgment; whether trial court properly determined that special defense of laches was equitable defense and not applicable to action for monetary damages that was filed within relevant statute of limitations (§ 52-598); whether defendant alleged facts to create genuine issue of material fact as to whether he was prejudiced by any delay in enforcement; claim that trial court improperly awarded postjudgment interest; failure to specifically plead issue of res judicata as special defense; reviewability of claim raised for first time on appeal.</i>	
Colonial Investors, LLC v. Furbush	154
<i>Summary process; nonpayment of rent; claim that notice to quit was legally insufficient; claim that disclaimer in notice to quit that any partial payments would be accepted for use and occupancy only and not for rent was misleading; claim that trial court improperly determined that it did not need to decide second special defense; whether customer service charges for utilities were properly included as component of rent; claim that notice to quit included improper water charges and was legally insufficient; claim that plaintiff violated state regulation (§ 16-11-55) pertaining to submetering of water; whether Metropolitan District Commission was subject to regulation promulgated by state Public Utilities Commission; claim that plaintiff misapplied payment to defendant's arrearage rather than to current monthly rental obligation.</i>	
Commissioner of Public Health v. Colandrea	254
<i>Petition to enforce subpoena duces tecum seeking production of patient records from defendant dentist; subpoena issued pursuant to statute (§ 19a-14 [a] [10]) that explicitly gives Department of Public Health authority to issue subpoenas in connection with investigations; whether trial court properly granted petition to enforce subpoena duces tecum; claim that plaintiff, Commissioner of Public Health, failed to make sufficient factual showing that subpoenaed records were related to complaint under investigation; whether plaintiff established that subpoenaed records met requirements of provision in statute (§ 52-146o [b] [3]) allowing disclosure of patient communications or information without patient</i>	

	<i>consent if disclosure is in connection with investigation or complaint, provided that such communications or information relates to complaint.</i>	
Dull v. Commissioner of Correction	<i>Habeas corpus; whether habeas court improperly dismissed habeas petition as untimely pursuant to statute (§ 52-470 [d] and [e]); claim that petitioner established good cause for untimely filing of habeas petition.</i>	250
Hosein v. Edman	<i>Negligence; personal injury; claim that trial court erred in discrediting and effectively precluding testimony of accident reconstructionist witness without affording plaintiff evidentiary hearing; whether it was within province of trial court, as trier of fact, to decide what weight, if any, to afford testimony of expert witness.</i>	13
Hynes v. Jones	<i>Probate; whether Superior Court properly dismissed appeal from Probate Court's denial of motion to dismiss guardianship proceedings; claim that Probate Court lacked subject matter jurisdiction pursuant to statute (§ 45a-629 [a]); claim that the Superior Court improperly determined that minor child was resident of probate district when she became entitled to share of award from victim compensation fund.</i>	80
In re Luis N.	<i>Termination of parental rights; claim that trial court violated respondent mother's right to due process by improperly considering evidence gleaned from ex parte meeting with children in terminating mother's parental rights; whether unpreserved claim was reviewable pursuant to State v. Golding (213 Conn. 233); harmless error; claim that it was plain error for court to consider evidence gleaned from ex parte meeting with children; whether trial court violated mother's right to due process by failing to inform her that she was entitled to receive canvass pursuant to In re Yasiel R. (317 Conn. 773) prior to start of trial when that case was not decided until after commencement of mother's trial; whether trial court's finding that mother failed to achieve sufficient degree of personal rehabilitation as would encourage belief that, within reasonable time, considering age and needs of children, she could assume responsible position in their lives was supported by clear and convincing evidence; whether trial court improperly concluded that termination of mother's parental rights was in best interests of children.</i>	271
In re Luis N.	<i>Termination of parental rights; claim that trial court deprived respondent father of fair trial by meeting with children ex parte, allowing visitation supervisor with Department of Children and Families to attend meeting and failing to make record of court's observations of children; whether unpreserved claim was reviewable pursuant to State v. Golding (213 Conn. 233); whether, even if trial court's ex parte meeting violated father's right to fair trial, any error was harmless; whether father could prevail under plain error doctrine when he failed to challenge factual basis of judgments terminating parental rights; claim that trial court erred in failing to declare mistrial, sua sponte, after ex parte meeting with children; failure to raise claim before trial court.</i>	307
Medeiros v. Medeiros	<i>Dissolution of marriage; motion for contempt; sanctions; claim that trial court failed to allow defendant fair opportunity to present defense to motion for contempt; whether trial court improperly precluded, on hearsay grounds, defendant from testifying regarding statements made to him by parties' child; whether any error was harmless; claim that trial court failed to determine that evidence establishing finding of contempt met required clear and convincing standard of proof; claim that trial court erred in imposing sanctions for defendant's indirect civil contempt; whether challenge to trial court's stayed order of incarceration was moot; whether claim qualified for capable of repetition yet evading review exception to mootness doctrine; whether trial court's stayed incarceration order was punitive; whether trial court abused discretion by failing to consider defendant's ability to pay plaintiff attorney's fees and marshal fees; whether defendant waived right to raise claim as to fees on appeal; whether trial court erred in imposing compensatory fines on defendant without any evidence as to actual damages suffered by plaintiff.</i>	174
Northrup v. Witkowski	<i>Negligence; recklessness; whether trial court properly granted motion for summary judgment on ground of governmental immunity; whether allegations that defendant town officials failed to maintain and repair storm drains involved discretion-</i>	223

ary acts for which defendants were entitled to governmental immunity pursuant to statute (§ 52-557n [a] [2] [B]); claim that genuine issue of material fact existed as to whether town ordinance created ministerial duty; claim that identifiable person-imminent harm exception to discretionary act immunity applied; whether plaintiffs demonstrated that harm alleged was imminent; whether counts alleging recklessness by individual town officials could be maintained as matter of law when record did not support finding that any of individual defendants acted or failed to act with type of wanton disregard that is hallmark of reckless behavior.

Questell v. Farogh 262

Negligence; whether trial court abused discretion in denying motion to open and set aside default judgment; whether court reasonably could have concluded that plaintiff was not prevented from attending trial management conference as result of mistake, accident or other reasonable cause.

Sanchez v. Edson Mfg. 105

Workers' compensation; whether Workers' Compensation Review Board properly affirmed decision of Workers' Compensation Commissioner denying plaintiff certain disability benefits; whether board properly determined that commissioner's findings concerning cause and extent of plaintiff's disability were supported by sufficient underlying facts; whether board properly found that opinion of medical expert was competent medical evidence on which commissioner properly relied in reaching decision; claim that this court should give less deference to commissioner's credibility determinations where medical examiners did not testify before commissioner; whether board abused discretion in not remanding matter for articulation as to why commissioner disregarded medical opinion of expert chosen by commissioner.

State v. Franklin 22

Murder; attempt to commit robbery in first degree; conspiracy to commit robbery in first degree; criminal possession of firearm; whether evidence was sufficient to support conviction of murder; whether evidence was sufficient to support conviction of criminal possession of firearm; claim that trial court abused discretion when it admitted certain uncharged misconduct evidence; claim that prosecutor's allegedly improper comments during closing argument to jury violated defendant's right to fair trial.

State v. Torres 138

Murder; carrying pistol without permit; whether first time in-court identification of defendant as shooter made by eyewitness violated defendant's right to due process and should have been excluded pursuant to State v. Dickson (322 Conn. 410), where eyewitness was unable to make reliable identification of defendant in nonsuggestive out-of-court procedure prior to trial; whether defendant waived claim that first time in-court identification of him as shooter by eyewitness violated right to due process and should have been excluded; whether record was adequate for this court to determine that in-court identification of defendant was unreliable; whether admission of identification was harmless beyond reasonable doubt.

Stratford v. Hawley Enterprises, Inc. 369

Eminent domain; appeal from taking by eminent domain of real property; whether trial court improperly determined that plaintiff town was entitled to recover back taxes owed to it on parcel from condemnation award; claim that town was not entitled to recover back taxes because it failed to claim interest in condemnation award in statement of compensation, as required by statute (§ 8-129 [a] [3] and [b]); whether purpose of notice provisions of § 8-129 was satisfied; whether defendant first mortgagor demonstrated that it was harmed by statement of compensation; whether it was improper for trial court to have cited foreclosure law, by analogy, for purpose of determining priority of tax lien.

Stratford v. LeBlanc 362

Foreclosure; municipal tax liens; default for failure to appear; whether trial court abused discretion in denying motions to open judgments of foreclosure by sale; whether defendant established, pursuant to statute (§ 52-212 [a]) governing opening of judgment rendered on default, that good defense existed at time judgments were rendered and that he was prevented by mistake, accident or other reasonable cause from presenting defense; whether trial court could have found that defendant did not have reasonable cause to fail to file appearances prior to defaults; reviewability of claim that good defense existed at time that judgments were rendered; whether party seeking to open default judgment must show, pursu-

ant to § 52-212 (a), both that good defense existed and that party was prevented by mistake, accident or other reasonable cause from presenting defense.

Tilus v. Commissioner of Correction 336
Habeas corpus; claim that trial counsel's joint representation of petitioner and accomplice in pretrial phase presented conflict of interest and that there was no valid waiver of potential conflict in violation of petitioner's constitutional right to conflict free representation; whether habeas court properly determined that no actual conflict of interest existed; whether habeas court properly determined that petitioner failed to prove that he was prejudiced by any potential conflict created by dual representation; whether habeas court properly determined that petitioner was not denied constitutional right to effective assistance of trial counsel; whether habeas court properly concluded that trial counsel's performance was deficient in that he failed to conduct timely investigation of charges against petitioner; whether petitioner was prejudiced by trial counsel's deficient performance.

Village Mortgage Co. v. Veneziano 59
Injunction; alleged misappropriation of corporate funds through conversion, statutory theft, and embezzlement; statute of limitations; claim that trial court's factual findings were clearly erroneous; reviewability of claims challenging discovery rulings of trial court; credibility determinations; whether trial court improperly denied motion for discovery of information; claim that trial court improperly failed to conclude that plaintiff intentionally spoliated evidence or engaged in discovery misconduct; claim that trial court improperly concluded that three year statute of limitations (§ 52-577) was not tolled by doctrine of fraudulent concealment; claim that knowledge of corporation can only be imputed through board of directors.