

**Cumulative Table of Cases**  
**Connecticut Appellate Reports**  
**Volume 175**

*(Replaces Prior Cumulative Table)*

<p>Arroyo v. University of Connecticut Health Center . . . . .</p> <p style="padding-left: 2em;"><i>Medical malpractice; claim that because trial court rendered judgment for plaintiffs on theory of liability materially different from that alleged in notice of claim filed with Claims Commissioner, and for which plaintiffs received waiver of sovereign immunity from commissioner, court was barred under doctrine of sovereign immunity from rendering judgment for plaintiffs on that theory of liability; whether, pursuant to statute (§ 4-160 [b]), commissioner was required to grant plaintiffs permission to bring action against state defendants where plaintiffs properly filed timely notice with commissioner seeking permission to pursue medical malpractice action against defendants and attached good faith certificate to notice; whether, pursuant to statute (§ 4-147 [2]), claim in notice need not be particularized and must contain only concise statement of basis of claim; reviewability of unpreserved claim that court improperly awarded damages to plaintiffs on theory of liability pursued at trial but not alleged in complaint; claim that plaintiffs presented insufficient evidence as to causation; credibility of witnesses; whether court properly determined that plaintiffs satisfied burden of proving causation.</i></p>	<p>493</p>
<p>Bigelow v. Commissioner of Correction . . . . .</p> <p style="padding-left: 2em;"><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></p>	<p>206</p>
<p>Buehler v. Buehler . . . . .</p> <p style="padding-left: 2em;"><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></p>	<p>375</p>
<p>Cadle Co. v. Ogalin . . . . .</p> <p style="padding-left: 2em;"><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></p>	<p>1</p>
<p>Cohen v. Meyers . . . . .</p> <p style="padding-left: 2em;"><i>Contracts; claim that trial court improperly failed to pierce corporate veil of corporate defendant and to hold individual defendant personally liable for fraud and violation of Connecticut Unfair Trade Practices Act (CUTPA) (§ 42-110a et seq.) by corporate defendant; claim that court's determination that corporate defendant failed to comply with New Home Construction Contractors Act (§ 20-417a et</i></p>	<p>519</p>

*seq.), which formed basis for finding of violation of CUTPA, supported finding that plaintiff satisfied instrumentality test for piercing corporate veil; whether record supported court's finding that plaintiff offered insufficient evidence to satisfy instrumentality test by failing to show that individual defendant exercised control over corporate defendant to commit fraud or some other wrong; whether court properly ruled in favor of individual defendant on defamation claim; whether challenged statements were defamatory per se; whether plaintiff met burden of proof as to special defense that subject statements were true; whether court properly rejected claims that statements were privileged; claim that court improperly awarded plaintiff damages on CUTPA claim because plaintiff failed to prove that he suffered any compensable injury; credibility of witnesses; claim that court improperly failed to award punitive damages on defamation claim; whether court improperly rejected claim for intentional infliction of emotional distress; whether court properly found that conduct did not rise to level of extreme and outrageous conduct.*

- Colonial Investors, LLC v. Furbush . . . . . 154  
*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.*
- Commissioner of Public Health v. Colandrea . . . . . 254  
*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 consent if disclosure is in connection with investigation or complaint, provided that such communications or information relates to complaint.*
- Commissioner of Social Services v. Zarnetski . . . . . 632  
*Child support; whether trial court improperly affirmed order of family support magistrate dismissing petition for child support filed by plaintiff Commissioner of Social Services on behalf of mother of minor child for failure to provide copy of acknowledgment of paternity that was signed by defendant father in Massachusetts; whether plaintiff was required, pursuant to relevant statutory (§§ 46b-172 and 46b-215) provisions, to produce Massachusetts acknowledgement of paternity for magistrate to proceed on support petition; whether out-of-state acknowledgment is given same full faith and credit as one executed in Connecticut; whether trial court acted in contravention of plain and unambiguous language of §§ 46b-172 and 46b-215 when it found that magistrate properly dismissed support petition for failure to provide copy of Massachusetts acknowledgment; whether public policy violated by magistrate and trial court requiring plaintiff to submit acknowledgment of paternity when paternity was not at issue.*
- Costa v. Board of Education . . . . . 402  
*Negligence; whether trial court properly rendered summary judgment on ground of governmental immunity; whether allegations of acts and omissions by defendants that resulted in personal injuries to student at school sponsored picnic constituted discretionary 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 certain general safety guidelines and school board policies created ministerial duty on part of defendants; claim that identifiable person-imminent harm exception to governmental immunity applied; whether plaintiffs demonstrated that student was identifiable person.*

DiNapoli v. Regenstein . . . . . 383  
*Dental malpractice; whether trial court abused discretion in striking certain portions of testimony of expert witness; claim that trial court improperly precluded testimony regarding facts that formed basis of opinions of expert witnesses; whether excluded testimony was inadmissible hearsay; whether precluded questioning concerned matters outside scope of direct examination; whether trial court improperly failed to permit expert witness to answer hypothetical question.*

Dull v. Commissioner of Correction . . . . . 250  
*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.*

Ellen S. v. Katlyn F. . . . . 559  
*Application for civil protection order; whether trial court improperly granted application for civil protection order; claim that trial court improperly determined that there were reasonable grounds to believe that defendant had stalked plaintiff and would continue to do so in absence of order of protection; failure of defendant to obtain memorandum of decision from trial court and to include decision in appendix to brief; whether transcript of trial court proceedings revealed sufficiently detailed and concise statement of court's findings.*

Hosein v. Edman . . . . . 13  
*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.*

Hynes v. Jones . . . . . 80  
*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.*

In re Luis N. . . . . 271  
*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.*

In re Luis N. . . . . 307  
*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.*

JPMorgan Chase Bank, N.A. v. Herman . . . . . 662  
*Foreign judgment; application for order in aid of execution of foreign judgment; trusts; application for turnover order; personal jurisdiction; in rem jurisdiction; claim that trial court improperly exercised personal jurisdiction over defendant because he had no significant contacts with Connecticut and mere presence of defendant's broker in state was insufficient to confer jurisdiction; claim that trial court's turnover order improperly deviated from its oral ruling granting*

plaintiff's application for turnover order; whether turnover order should have been directed specifically to broker's Stamford office instead of to broker's office in general and should have expressly limited execution to assets in subject trust account.

Medeiros v. Medeiros . . . . . 174

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.

Northrup v. Witkowski . . . . . 223

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 discretionary 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.

Procaccini v. Lawrence & Memorial Hospital, Inc. . . . . 692

Medical malpractice; claim that defendant was vicariously liable for medical malpractice of physician in treating decedent for suspected drug overdose where physician failed to keep decedent under medical monitoring for twenty-four hour period; whether there was sufficient evidence supporting jury's finding that defendant's negligence caused decedent's death; whether jury had before it sufficient evidence from which it could have inferred, without resorting to speculation, that decedent had consumed fatal dose of methadone before she was brought to hospital emergency department; credibility of witnesses; conflicting expert testimony; claim that it was improper for jury to consider testimony of plaintiff's expert on standard of care concerning issue of causation; claim that because plaintiff failed to present evidence demonstrating that decedent would have been admitted to hospital had physician not discharged decedent from emergency department, jury could not reasonably have found that defendant caused decedent's death; whether, to prove causation, plaintiff needed to show only that decedent could have been monitored sufficiently for twenty-four hours; whether trial court abused discretion in refusing to set aside jury's award of damages for destruction of decedent's capacity to carry on and enjoy life's activities; whether plaintiff presented sufficient evidence of decedent's life expectancy.

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.

Renaissance Management Co. v. Barnes . . . . . 681

Summary process; retaliatory eviction; summary judgment; mootness; capable of repetition, yet evading review exception to mootness doctrine; whether parties satisfied first prong of capable of repetition, yet evading review exception to mootness doctrine pertaining to length of challenged action; whether this court or our Supreme Court would be able to resolve in later appeal whether fitness and habitability requirements enunciated in Visco v. Cody (16 Conn. App. 444), relating to meaning of repairs as set forth in retaliatory eviction statute (§ 47a-20 [3]), were applicable to finding of municipal code violations pursuant to

	<i>§ 47a-20 (2); whether failure of this court to determine issue would give rise to prejudicial collateral consequences to landlords in future summary process cases.</i>	
Rockstone Capital, LLC v. Sanzo . . . . .	<i>Foreclosure; homestead exemption statute (§ 52-352b [t]); amendment of complaint to foreclose mortgage instead of judgment liens; jurisdiction to hear appealable final judgment; claim that trial court improperly denied foreclosure of plaintiff's mortgage and allowed defendants to assert homestead exemption to consensual lien and judgment liens no longer part of action; claim that trial court erred in rendering judgment of foreclosure on judgment liens because plaintiff amended its complaint to seek foreclosure solely on mortgage.</i>	770
Sanchez v. Edson Mfg. . . . .	<i>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.</i>	105
State v. Bozelko . . . . .	<i>Motion to correct illegal sentence; whether trial court abused discretion in denying motion to correct illegal sentence; claim that because presentence investigation report utilized by sentencing court contained material and harmful misrepresentations about defendant, defendant's sentence was based on inaccurate and misleading information in violation of defendant's due process rights; whether defendant failed to establish either that such misrepresentation in report was material to sentencing or that sentencing court actually relied on misrepresentation; failure to file motion for articulation; whether defendant was precluded from presenting mitigating evidence to court.</i>	599
State v. Franklin . . . . .	<i>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.</i>	22
State v. McGee . . . . .	<i>Robbery second degree; conspiracy to commit robbery second degree; sexual assault fourth degree; breach of peace second degree; whether trial court improperly dismissed motion to correct illegal sentence; claim that defendant's constitutional right against double jeopardy was violated as result of imposition of separate sentences for conviction of two counts of second degree robbery that stemmed from single incident but were prosecuted under different subdivisions of statute ([Rev. to 2007] § 53a-135 [a] [1] and [2]) governing second degree robbery; whether conviction of two counts of second degree robbery arose out of same act or transaction; whether each robbery offense required proof of fact that other did not; whether § 53a-135 contained language indicating legislature's intent to bar multiple punishments for perpetrators of second degree robbery who, in committing such offenses, violate multiple subdivisions of statute; whether claim that two sentences were improperly imposed for one incident of second degree robbery was procedurally proper double jeopardy claim over which court had jurisdiction on motion to correct; whether court should have denied, rather than dismissed, motion to correct illegal sentence.</i>	566
State v. Raynor . . . . .	<i>Assault first degree as accessory; conspiracy to commit assault first degree; whether evidence was sufficient to support conviction of assault first degree as accessory; whether evidence was sufficient for jury to have found beyond reasonable doubt that defendant aided principal shooter to cause victim physical injury by discharge of firearm and that defendant intended that principal commit assault first degree; whether conviction of conspiracy to commit assault first degree was supported by sufficient evidence; whether jury reasonably could have found that</i>	409

	<i>defendant entered into agreement to commit assault first degree and that defendant intended that member of conspiracy would cause physical injury to victim by means of discharge of firearm; reviewability of claim that trial court abused discretion by admitting uncharged misconduct drug evidence on ground of relevance where defendant did not object on that ground at trial; reviewability of claim that uncharged misconduct evidence concerning other shooting should not have been admitted because it was not relevant to defendant's motive or intent to commit charged offenses; whether court abused discretion in determining that probative value of other misconduct evidence outweighed prejudicial effect; reviewability of claim that defendant's constitutional rights were violated when state used peremptory challenge to strike minority juror without providing sufficient race neutral explanation.</i>	
State v. Soto . . . . .		739
	<i>Criminal possession of pistol; risk of injury to child; reviewability of claim; claim that jury's verdict was against weight of evidence; whether this court could review defendant's claim that evidence against him was so weak as to raise substantial question regarding reliability of verdict when defendant failed to file motion to set aside verdict and for new trial; sufficiency of evidence claims and weight of evidence claims, distinguished and discussed.</i>	
State v. Torres . . . . .		138
	<i>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.</i>	
State v. Walton . . . . .		642
	<i>Robbery first degree; larceny second degree; assault on elderly person third degree; prosecutorial impropriety; claim that certain comments made by prosecutor during rebuttal closing argument constituted improper vouching and misstatements of law; whether subject comments were proper request for jurors to use common sense and to draw reasonable inferences from evidence in assessing credibility of witnesses.</i>	
Stratford v. Hawley Enterprises, Inc. . . . .		369
	<i>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.</i>	
Stratford v. LeBlanc . . . . .		362
	<i>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, pursuant to § 52-212 (a), both that good defense existed and that party was prevented by mistake, accident or other reasonable cause from presenting defense.</i>	
TD Bank, N.A. v. Salce . . . . .		757
	<i>Promissory note; personal jurisdiction; promissory estoppel; claim that trial court erred in denying defendant's motion to dismiss for lack of personal jurisdiction due to insufficient service of process as required by statute (§ 52-59b [c]); claim that trial court improperly rendered summary judgment in favor of plaintiff because defendant's special defense of promissory estoppel, which alleged that</i>	

*plaintiff was estopped from prosecuting action due to its failure or refusal to issue promised documents after agreeing to note modification, raised genuine issue of material fact.*

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.*

Torres v. Commissioner of Correction . . . . . 460

*Habeas corpus; claim that respondent Commissioner of Correction improperly failed to give petitioner risk reduction earned credits for conduct that occurred during period of time that petitioner was confined as pretrial detainee; whether habeas court abused discretion in denying petition for certification to appeal where issues involved matters of first impression; whether habeas court improperly concluded that petitioner was not eligible for risk reduction earned credits as pretrial detainee; whether language of applicable statute (§ 18-98e) was clear and unambiguous, and demonstrated that legislature intended to afford only sentenced inmates opportunity to earn risk reduction earned credits; claim that § 18-98e violates equal protection clause because it does not permit indigent individuals who are held in presentence confinement to earn risk reduction credits; whether habeas court lacked subject matter jurisdiction over claim.*

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.*

Washburne v. Madison . . . . . 613

*Negligence; action for damages for injuries to third grade student while playing soccer in physical education class; claim that safety guideline in physical education guide of defendant board of education indicating that students should wear shin guards for additional protection created ministerial duty; claim that, even if defendants' acts or omissions were discretionary in nature, there remained genuine issue of material fact as to whether student had been subject to imminent harm and, thus, fell within identifiable person/imminent harm exception to governmental immunity; whether foreseeability of injury can demonstrate that harm is imminent without also showing that probability that injury will occur from dangerous condition is high enough to necessitate that defendants act to prevent it.*

Wells Fargo Bank, N.A. v. Henderson. . . . . 474

*Foreclosure; whether trial court improperly granted motion for summary judgment as to liability; claim that plaintiff failed to demonstrate standing to foreclose because it had not been assigned mortgage and note until after action commenced; whether affidavit stating that plaintiff was holder of note and copy of note were sufficient to establish, for summary judgment purposes, standing to foreclose; whether court properly summarily disposed of amended special defenses that substantively were nearly identical to ones previously stricken; whether defendant was deprived of evidentiary hearing on issue of standing; whether defendant failed to establish genuine issue of material fact as to whether plaintiff had standing to foreclose; whether defendant was deprived of due process as to several motions and request filed during litigation; whether defendant was provided full and fair opportunity to present counterarguments to motion for summary judgment as to liability; reviewability of claim that defendant was prevented*

*from presenting oral argument on motion to dismiss; whether defendant was deprived of evidentiary hearing on second motion to dismiss where defendant submitted no proof to rebut jurisdictional allegations in plaintiff's complaint; whether defendant was deprived of oral argument on motion for continuance; whether court had discretion to deny motion to reargue without hearing.*

Windsor Federal Savings & Loan Assn. v. Reliable Mechanical Contractors, LLC . . . . . 651

*Contracts; whether individual defendant, who was no longer defendant to complaint when trial court rendered final judgment on complaint, was aggrieved and had standing to appeal from final judgment on complaint; whether this court lacked jurisdiction for lack of final judgment over appeal challenging trial court's dismissal of counterclaim; whether trial court improperly granted motion for summary judgment; whether defendant raised genuine issue of material fact as to whether guarantee was signed by defendant; whether trial court improperly resolved contested fact in granting motion for summary judgment; whether claim that trial court improperly dismissed counterclaim on ground that it was barred by statute of limitations was moot where there still existed another unchallenged ground on which trial court based judgment.*