

Cumulative Table of Cases
Connecticut Appellate Reports
Volume 189

(Replaces Prior Cumulative Table)

<p>American Institute for Neuro-Integrative Development, Inc. v. Town Plan & Zoning Commission</p> <p style="padding-left: 2em;"><i>Zoning; application for special exception; claim that trial court erred when it concluded that special exception application was properly denied; whether defendant zoning commission improperly concluded that plaintiff had not satisfied certain traffic related requirements under town zoning regulations; whether commission's ground for denial of special exception application was reasonably supported by substantial evidence in record; whether commission's reason for denial of application—that plaintiff did not demonstrate that proposed offices for charitable institutions would be nonprofit entities—was based on speculation and not supported by substantial evidence.</i></p>	<p>332</p>
<p>Barbabosa v. Board of Education</p> <p style="padding-left: 2em;"><i>Employment discrimination; whether trial court properly granted motion for summary judgment; claim that defendant discriminated against plaintiff on basis of her disability and failed to provide her with reasonable accommodation in violation of statute (§ 46a-60 [b]); whether trial court properly determined that there was no genuine issue of material fact that attendance was essential function of plaintiff's job as school paraprofessional; whether trial court properly determined that request for intermittent extended leave of absence was not reasonable accommodation because it would have eliminated essential job function it purported to address, exacerbated plaintiff's attendance issues and undermined her ability to maintain regular attendance.</i></p>	<p>427</p>
<p>Benistar Employer Services Trust Co. v. Benincasa</p> <p style="padding-left: 2em;"><i>Application to vacate arbitration award; motion to confirm arbitration award; whether arbitration award was timely issued; whether arbitrator reasonably determined closing date of hearing; whether arbitration award was predicated on manifest disregard of law; whether arbitration award was not mutual, final and definite; whether arbitration award was in violation of public policy; whether arbitrator reasonably believed that he was prolonging hearings with consent of parties; claim that arbitrator's conclusion that contract existed demonstrated manifest disregard of law; claim that arbitrator ignored well settled contract law and improperly concluded that contract existed despite lack of elements necessary for contract; whether appellate court can review evidence or otherwise second-guess arbitrator's factual determination where arbitration submission was unrestricted; claim that arbitration award should have been vacated because it was not mutual, final and definite; whether fact that arbitrator retained jurisdiction of matter for sole purpose of interpreting award or resolving any potential disputes arising from final effectuation of ruling undermined finality of award; whether arbitrator's conclusion that transfer of life insurance policies created tax liability that would not have otherwise been imposed violated explicit, well-defined and dominant public policy of this state.</i></p>	<p>304</p>
<p>Bozelko v. Statewide Construction, Inc.</p> <p style="padding-left: 2em;"><i>Quiet title; whether trial court's finding that there was break in plaintiff's chain of title and, thus, that plaintiff had no right, title or interest in disputed parcel was clearly erroneous; credibility of witnesses; whether plaintiff could challenge court's finding that defendants owned parcel where plaintiff failed to establish that he had title to parcel.</i></p>	<p>469</p>
<p>Bree v. Commissioner of Correction</p> <p style="padding-left: 2em;"><i>Habeas corpus; whether habeas court properly denied petition for writ of habeas corpus; claim that trial counsel rendered ineffective assistance by failing to present testimony from audio-video forensics expert to challenge reliability of closed-circuit television surveillance video that was used to identify petitioner in robbery of convenience store; claim that trial counsel rendered ineffective assistance by failing to object to testimony by petitioner's accomplice that identified petitioner's photograph in police photographic array; claim that trial counsel</i></p>	<p>411</p>

	<i>rendered ineffective assistance by failing to present testimony of petitioner's step-father.</i>	
Cohen v. King		85
	<i>Defamation; fraud; absolute immunity; litigation privilege; motion to dismiss; claim that trial court improperly concluded that doctrine of litigation privilege barred action against defendant attorney based on allegedly defamatory and false statements made by defendant in answer to grievance complaint filed by plaintiff against defendant; whether trial court properly concluded that litigation privilege extends absolute immunity to statements made to attorney disciplinary authority by attorney who was subject of grievance complaint; claim that litigation privilege did not apply because complaint pleads facts suggesting that defendant abused judicial process and breached professional duty of candor.</i>	
Countrywide Home Loans Servicing, LP v. Pires (Memorandum Decision)		903
Cyganovich v. Cyganovich		164
	<i>Dissolution of marriage; appeal from judgment of trial court resolving postjudgment motions of parties; whether trial court, in granting motion for modification of child support, improperly calculated defendant's modified child support obligation; whether defendant was entitled to modified child support in amount calculated according to formula applicable to split custody arrangement where parties had shared custody of child; whether record supported contention that parties spend equal amounts of money to support child.</i>	
Deutsche Bank National Trust Co. v. Siladi (Memorandum Decision)		902
Dicker v. Dicker		247
	<i>Dissolution of marriage; motion for contempt; claim that trial court erred in finding that plaintiff had violated its medical reimbursement order and in finding, on that basis, that she owed defendant certain unpaid unreimbursed medical expenses; whether trial court erred in finding that defendant's accounting summaries as to amounts he had paid for medical expenses of parties' children were credible; claim that defendant's medical expense summaries were unsubstantiated and irreconcilable with record; whether trial court erred in its method of calculation of amounts that parties owed to each other; claim that trial court abused its discretion in denying motion for contempt; whether trial court's finding that defendant was not in contempt for withholding from plaintiff certain payment he owed for children's extracurricular activities was supported by record; whether trial court abused its discretion by permitting defendant unilaterally to deduct undisputed unpaid unreimbursed medical expenses owed by plaintiff from future payments defendant owed to plaintiff for children's extracurricular activities; whether trial court's remedial order was manifestly unreasonable; claim that trial court abused its discretion in denying motion to reargue; whether trial court correctly concluded that plaintiff had ample opportunity to submit any relevant evidence prior to final hearing on parties' motions but chose not to do so; claim that trial court violated plaintiff's due process right to be heard when it denied her motion for contempt before she had rested her case-in-chief; whether it was within discretion of trial court to deny plaintiff's claim for contempt where there was adequate factual basis to explain defendant's failure to honor prior court orders.</i>	
Garden Homes Profit Sharing Trust, L.P. v. Cyr		75
	<i>Summary process; nonjoinder of party; whether trial court had authority to raise, sua sponte, issue of nonjoinder of necessary party in absence of motion to strike filed by defendant; whether trial court improperly rendered judgment in favor of defendant on basis of nonjoinder without giving plaintiff opportunity to add necessary party to action in violation of relevant statute (§ 52-108) and rules of practice (§§ 9-19 and 10-44).</i>	
Harris v. Commissioner of Correction (Memorandum Decision)		903
Harvey v. Dept. of Correction		93
	<i>Wrongful death; sovereign immunity; claim that trial court improperly granted motion to dismiss action for lack of subject matter jurisdiction; whether action was time barred pursuant to statute (§ 4-160 (d)) that requires plaintiff who has been granted authorization to sue state by Claims Commissioner to bring action within one year from date authorization was granted; claim that action was not untimely because applicable statute of limitations (§ 52-555) for wrongful death action, which permits action to be brought within two years from date of decedent's death, had not expired and is not limited by § 4-160 (d); whether plaintiff was required to comply with both one year limitation period provided in § 4-160 (d) and statute of limitations for wrongful death action set forth in</i>	

§ 52-555; claim that action was timely because limitation period prescribed in § 4-160 (d) was extended by statute (§ 52-594).

Holbrook v. Commissioner of Correction 108
Habeas corpus; whether habeas court properly denied petition for writ of habeas corpus; whether habeas court properly determined that petitioner failed to prove that prior habeas counsel rendered ineffective assistance by failing to pursue claim that trial counsel had been ineffective; claim that trial counsel's decision not to call witness constituted deficient performance; claim that prosecution suppressed favorable evidence when it delayed making plea offer to eyewitness until after eyewitness testified in petitioner's criminal trial.

Ibrahim v. Chapdelaine (Memorandum Decision) 901

Ion Bank v. J.C.C. Custom Homes, LLC 30
Replevin; action by way of replevin to recover certain collateral in defendants' possession; claim that trial court improperly granted defendants' motion to dismiss because amended complaint filed by plaintiff cured any defect regarding plaintiff's standing; claim that plaintiff properly substituted proper party as plaintiff by operation of law by filing amended complaint in compliance with relevant rule of practice (§ 10-59); whether plaintiff was required to file motion for permission to substitute proper party as plaintiff; whether trial court abused its discretion in declining to treat amended complaint as motion to substitute parties; claim that plaintiff, as assignor of note, had standing to maintain replevin action on behalf of its assignee.

LaBorne v. LaBorne 353
Dissolution of marriage; appeal from judgment of trial court issuing postjudgment financial orders; whether trial court erred in failing to use value of defendant's pension as of date of dissolution; whether there was exceptional intervening circumstance that justified trial court's decision not to value pension at time of dissolution; whether wilful dissipation of assets by defendant constituted exceptional intervening circumstance; whether trial court improperly based alimony orders on parties' gross income; reviewability of claim that trial court erred in concluding that defendant was permitted to withdraw funds from retirement account for purpose of paying alimony.

Levine v. Hite 281
Personal injury; whether plaintiff's due process rights were violated when trial court reconsidered, sua sponte, ruling of prior trial court and permitted defendants to engage in further discovery; whether trial court abused its discretion in rendering judgment of nonsuit against plaintiff for failing to comply with three previous court orders concerning discovery; whether trial court abused its discretion when it ruled on defendants' motion for judgment of nonsuit prior to considering plaintiff's motion for order of sanctions against defendants' counsel.

Lively v. Commissioner of Correction (Memorandum Decision) 901

Margarita O. v. Fernando I. 448
Application for relief from abuse; restraining order; whether trial court abused its discretion in granting application for relief from abuse and issuing restraining order against defendant; whether there was sufficient evidence to support finding that defendant had subjected plaintiff to pattern of threatening; whether trial court reasonably could have concluded that defendant's written threatening communications constituted pattern of threatening; whether trial court's additional order of protection was clearly erroneous; whether there was evidence in record to support trial court's additional order.

Marino v. Statewide Grievance Committee. 7
*Attorney discipline; appeal to trial court from decision of reviewing committee of defendant Statewide Grievance Committee finding that plaintiff violated rule 4.4 (a) of Rules of Professional Conduct; whether trial court's decision that defendant properly concluded that plaintiff violated rule 4.4 (a) was based on clear and convincing evidence; whether there was clear and convincing proof that plaintiff filed motion for *capias* for no substantial purpose other than to embarrass or burden complainant; whether there is statutory authority or rule of practice that requires attorney to contact court or to check judicial website prior to filing motion for *capias*; whether motion for *capias* may properly be requested when party is served with subpoena *duces tecum* and fails to appear for scheduled deposition; whether rule 4.4 (a) imposes additional obligations on attorney when dealing with self-represented party.*

- McKiernan v. Civil Service Commission 50
Declaratory judgment; action seeking declaratory judgment that plaintiff be allowed to retake oral assessment portion of certain police detective promotional examination; claim that trial court erred by rendering judgment in favor of defendants on basis of its finding that oral assessment was administered in accordance with requirements of city charter; whether trial court's finding that test administrators provided plaintiff with all necessary test materials for oral assessment was clearly erroneous; whether trial court's finding that supervising test administrator's description of procedures followed during examination was corroborated by other witnesses was clearly erroneous; claim that trial court erred in concluding that examination was administered in reasonable manner even though test administrators failed to take any steps to provide plaintiff with allegedly missing test materials; whether oral assessment was given in compliance with requirements of city charter despite lack of system to keep track of test materials; claim that examination was unreasonable and arbitrary because it was not administered in uniform manner; claim that instructions given to test participants on video in assessment room were different from those set forth in documents given in preparation room.
- Mountain v. Mountain. 228
Dissolution of marriage; whether trial court erred in denying postjudgment motion for modification of unallocated alimony and child support obligation; whether trial court erred in finding that there had been no substantial change in circumstances to support modification of unallocated alimony and child support obligation; reviewability of claim that trial court erred in finding that plaintiff failed to prove that he was no longer able to meet financial obligations to defendant by borrowing money from his current wife.
- Natasha B. v. Dept. of Children & Families 398
Administrative appeal; appeal from decision of hearing officer of defendant Department of Children and Families, who upheld department's decision to substantiate allegations of physical abuse, physical neglect, and emotional neglect by plaintiff against minor child and to place plaintiff's name on its child abuse and neglect central registry; whether trial court properly concluded that finding of chronicity was not required to place plaintiff's name on child abuse and neglect central registry; claim that, because hearing officer made explicit finding that there was no chronicity, plaintiff's name could not be placed on child abuse and neglect central registry; whether trial court erred in concluding that hearing officer did not improperly shift burden of proof to plaintiff when hearing officer scheduled second hearing date so that parties could present evidence regarding whether plaintiff had demonstrated changed conditions that would justify removal of her name from child abuse and neglect central registry.
- Nova Benefit Plans, LLC v. Mortgages Unlimited, Inc. 329
Arbitration; appeal from judgment of trial court denying application to vacate and confirming arbitration award in favor of defendants; claim that trial court improperly confirmed arbitration award that was predicated on prior related arbitration award, which plaintiffs claimed constituted manifest disregard of law.
- PMC Property Group, Inc. v. Public Utilities Regulatory Authority. 268
Administrative appeal; appeal from trial court's judgment affirming in part decision of defendant Public Utilities Regulatory Authority, which found that plaintiffs had engaged in unauthorized submetering of electricity and imposed sanctions; claim that trial court erred in deferring to authority's definition of electric submetering because authority previously had not established what constitutes electric submetering and, thus, its definition was not time-tested; whether trial court properly determined that, due to technical nature of definition, it was appropriate to defer to authority's definition of submetering; claim that trial court erred in concluding that heating and air conditioning system fell within authority's definition of submetering because definition of submetering in authority's previous decision was applicable only to submetering in context of public gas utilities and, thus, was not applicable to electric submetering; claim that fundamental component of electric submetering is furnishing of electric service by nonutility such that electric service is physical delivery through wires of electricity to end user for consumption, combined with measuring electric consumption with electric submeter.

Premier Capital, LLC v. Shaw	1
<i>Standing; action to enforce judgment; whether trial court lacked subject matter jurisdiction due to plaintiff's lack of standing; whether designation of wrong entity as plaintiff was scrivener's error; whether trial court should have dismissed case rather than deciding it on merits.</i>	
Saint Francis Hospital & Medical Center v. Malley	68
<i>Default judgment; default for failure to appear; claim that rendering of default judgment was improper and constituted plain error; whether it was improper to enter default against defendant for failure to appear where defendant's counsel was present in court; whether consequences of court's error were so grievous as to be fundamentally unfair or manifestly unjust; whether unwarranted rendering of default judgment against defendant was likely to undermine public confidence in judiciary.</i>	
Silano v. Cooney	235
<i>Defamation per se; libel per se; slander per se; whether trial court properly rendered judgment in favor of defendant business owner on plaintiff's claims of slander per se and libel per se; claim that trial court applied law incorrectly when it concluded that harassment in second degree in violation of statute (§ 53a-183) did not involve moral turpitude; whether trial court's finding that business owner's statements to police were not defamatory because they were true was clearly erroneous.</i>	
Simpson v. Lee (Memorandum Decision)	901
State v. Bischoff	119
<i>Possession of narcotics; possession of less than four ounces of cannabis-type substance; motion to correct illegal sentence; claim that 2015 amendment of statute applicable to possession of narcotics (§ 21a-279 [a]) applied retroactively and entitled defendant to resentencing on conviction of possession of narcotics; whether this court is bound by precedent from our Supreme Court; whether trial court should have rendered judgment denying rather than dismissing motion to correct illegal sentence.</i>	
State v. Euclides L.	151
<i>Risk of injury to child; claim that trial court improperly failed to instruct jury that it should acquit defendant if it concluded that his use of force in caring for his daughter was accident; whether trial court's charge to jury was legally correct and adequately instructed jury on issue of accident; whether separate accident charge was required; whether trial court's general intent instruction adequately addressed issue of accident.</i>	
State v. Grasso	186
<i>Manlaughter in first degree with firearm; whether state failed to disprove beyond reasonable doubt claim that defendant acted in self-defense when she shot victim; whether evidence supported finding that defendant's use of deadly physical force was premature; unpreserved claim that defendant's rights to due process and to effective assistance of counsel were violated when trial court denied jury's request to rehear closing arguments of prosecutor and defense counsel; claim that defendant waived claim when defense counsel failed to object to court's proposed response to request of jury and affirmatively stated that he did not object to it.</i>	
State v. Mukhtaar	144
<i>Murder; motion to correct illegal sentence; whether court properly concluded that it lacked jurisdiction to consider issues raised in motion to correct illegal sentence; whether claims raised by defendant in motion to correct addressed pretrial proceedings and criminal trial and did not attack sentencing proceeding itself.</i>	
Taing v. CAMRAC, LLC	23
<i>Employment discrimination; pregnancy discrimination; whether trial court properly granted motion for summary judgment in favor of defendant; claim that genuine issue of material fact existed as to whether defendant's proffered reason for terminating plaintiff's employment was pretextual.</i>	
U.S. Bank National Assn. v. Rago (Memorandum Decision)	902
Vazzano v. Reveron (Memorandum Decision)	902
Watson v. Zoning Board of Appeals	367
<i>Zoning; application for permission to conduct customary home occupation from home office within residence; claim that trial court erred in concluding that plaintiff needed to prove home occupation was customary in addition to establishing compliance with specific standards set forth in town building zone regulations; claim that trial court erred in concluding that zoning board of appeals</i>	

acted reasonably in denying plaintiff's application simply because home occupation was part of larger business that took place off-site.

Williams v. State 172

Negligence; claim that trial court framed issue of case too narrowly and improperly failed to consider all instances of negligence alleged in complaint; reviewability of claim that trial court improperly failed to consider certain statutes, state highway safety regulations, and standards in ruling on complaint.

Yuille v. Parnoff 124

Conversion; statutory theft; alleged misappropriation of funds held in escrow pending resolution of parties' dispute over attorney's fees; claim that trial court abused its discretion by ordering defendant to commence trial after allowing his attorney to withdraw, without affording him time to obtain new counsel; claim that verdict in favor of plaintiff on counts of conversion and statutory theft was irreconcilably inconsistent with verdict in favor defendant on count alleging breach of fiduciary duty; claim that trial court improperly declined to submit special defense of waiver to jury.