

Cumulative Table of Cases
Connecticut Appellate Reports
Volume 190

(Replaces Prior Cumulative Table)

Colby v. Colby	140
<i>Dissolution of marriage; foreign judgment; motion for relief; motion to reargue; whether trial court abused its discretion in denying motion for relief from certain order of California court on ground that defendant failed to timely seek relief under California law; whether trial court's finding that there was no extrinsic fraud was clearly erroneous; whether trial court properly calculated postjudgment interest on basis of entire arrearage owed by defendant.</i>	
Day v. Perkins Properties, LLC	33
<i>Nuisance per se; whether trial court properly concluded as matter of law that defendants' operation of landscaping business in residential zone in violation of local zoning regulations constituted nuisance per se; whether violation of local ordinance was sufficient in itself to constitute nuisance per se.</i>	
Ferrari v. Johnson & Johnson, Inc.	152
<i>Product liability; whether trial court properly granted motion for summary judgment as to design defect and breach of warranty claims; whether expert testimony was required to establish that product was defective and that alleged defect caused plaintiff's injury; whether ordinary consumer expectation test was applicable such that jury would not need expert testimony; whether trial court properly rendered summary judgment as to failure to warn claim on basis of learned intermediary doctrine.</i>	
Fisk v. Redding	99
<i>Public nuisance; whether trial court abused its discretion in denying motion to set aside verdict; claim that jury's answers to special interrogatories in verdict form were inconsistent and could not be harmonized; claim that trial court erred in excluding evidence of subsequent remedial measures taken by defendant; whether evidence of remedial measures was inadmissible to prove defendant's liability for nuisance.</i>	
In re Probate Appeal of Knott	56
<i>Probate appeal; whether trial court properly dismissed probate appeal as untimely on ground that substitute plaintiff did not appeal within time limits set by applicable statute (§ 45a-186 [a]); whether time limits for filing probate appeal were tolled by filing of application for waiver of fees pursuant to applicable statute (§ 45a-186c [b]).</i>	
Kaminski v. Poirot	214
<i>Legal malpractice; whether trial court properly granted motion for summary judgment; whether trial court properly determined that action was commenced beyond three year statute of limitations (§ 52-577) applicable to tort claims.</i>	
Lavy v. Lavy	186
<i>Dissolution of marriage; whether trial court properly determined that plaintiff's failure to disclose certain assets on financial affidavit constituted material omissions that violated parties' separation agreement, which had been incorporated into dissolution judgment; claim that plaintiff's failure to disclose assets on financial affidavit was not material omission because defendant knew about them at time of dissolution judgment; claim that trial court inflated significance of omissions by comparing their value to total value of disclosed assets in same asset category; claim that trial court's discussion of relative value of assets rendered its determination that nondisclosures were material omissions legally or logically incorrect or unsupported by record; claim that trial court's finding that plaintiff knew about undisclosed bank account at time of dissolution judgment was clearly erroneous; whether trial court properly awarded defendant statutory (§ 37-3a [a]) prejudgment interest, where defendant raised claim for prejudgment interest in posthearing brief; claim that plaintiff was denied reasonable notice and opportunity to present defense regarding defendant's request for prejudgment interest; whether trial court violated rule of practice (§ 61-11) that provides for automatic appellate stay by awarding defendant postjudgment inter-</i>	

	<i>est after plaintiff filed appeal; claim that § 37-3a was part of mechanism for statutory (§ 52-350f) enforcement of money judgment that is limited to execution or foreclosure of lien.</i>	
Oudheusden v. Oudheusden		169
	<i>Dissolution of marriage; claim that trial court improperly double counted certain marital asset for purposes of property division and spousal support awards; claim that trial court abused its discretion in failing to make equitable orders in division of marital estate; whether trial court deprived defendant of means with which to comply with orders; whether trial court's award of nonmodifiable, lifetime alimony to plaintiff was supported by facts in evidence; whether plaintiff's testimony at trial precluded conclusion that her physical condition and age rendered her permanently incapable of earning any income from any type of employment.</i>	
Patrowicz v. Peloquin		124
	<i>Contracts; statute of frauds; whether trial court abused its discretion in denying request for continuance in order to subpoena witness; whether trial court committed reversible error by permitting material variance between amount of damages alleged in complaint and amount pursued at trial without requiring plaintiffs to file amended complaint; claim challenging trial court's determinations with respect to statute of frauds defense.</i>	
Stamford Hospital v. Schwartz.		63
	<i>Debt collection; action to collect debt, pursuant to statute (§ 46b-37 [b]), for medical services that plaintiff hospital rendered to defendants' minor child; special defenses; accord and satisfaction; reviewability of claims; whether record supported findings of attorney trial referee and trial court that defendants were indebted to plaintiff and that they exhibited bad faith throughout litigation; credibility of witnesses; whether referee acted within his authority to find by preponderance of evidence that defendants were untruthful; whether trial court's decision to award plaintiff attorney's fees was legally and logically correct.</i>	
State v. Irizarry.		40
	<i>Assault in second degree; breach of peace in second degree; whether evidence was sufficient to support conviction of assault in second degree in violation of statute (§ 53a-60 [a] [1]); claim that state did not establish that defendant caused victim serious physical injury as defined by statute (§ 53a-3 [4]); claim that improper statement by prosecutor during closing argument to jury deprived defendant of constitutional right to fair trial; harmfulness of improper statement by prosecutor during closing argument to jury.</i>	
State v. Riley		1
	<i>Murder; whether resentencing court improperly denied motion for recusal where resentencing court was same court that presided over defendant's trial and imposed initial sentence; claim that recusal of resentencing court was required by statute (§ 51-183c), rule of practice (§ 1-22 [a]) Code of Judicial Conduct (rule 2.11 [a] [1]), and due process clauses of fifth and fourteenth amendments to United States constitution; claim that Practice Book § 1-22 provided ground for recusal independent of that provided by § 51-183c; claim that rule 2.11 (a) (1) of Code of Judicial Conduct required recusal on ground that resentencing court was biased in favor of justifying defendant's initial sentence; claim that defendant's initial sentence had anchoring effect that prevented resentencing court from approaching resentencing hearing with fully open mind that would allow it to fully consider requirement under Miller v. Alabama (567 U.S. 460) that it give mitigating weight to defendant's youth and its hallmark features when considering whether to impose functional equivalent of life imprisonment without parole; claim that resentencing court considered seventy year sentence to be inappropriate but nevertheless imposed it because defendant would be eligible for parole pursuant to legislative amendments (P.A. 15-84) to statutes applicable to sentencing of children convicted of certain felonies (§ 54-91g) and parole eligibility (§ 54-125a); claim that resentencing court was required under Supreme Court's reversal of defendant's initial sentence and remand order to find that defendant was incorrigible, irreparably corrupt or irretrievably depraved before resentencing him to life without possibility of parole; whether discussion by Supreme Court in decision reversing defendant's initial sentence about presumption against life sentence without parole that must be overcome by evidence of unusual circumstances was rendered inapplicable by enactment of P.A. 15-84; claim that Miller, Supreme Court's decision reversing defendant's sentence and P.A. 15-84 limited resentencing court's discretion by creating pre-</i>	

sumption against imposition of life sentence that could be imposed only after finding that juvenile was permanently incorrigible, irreparably corrupt or irretrievably depraved.

U.S. Bank Trust, N.A. v. Giblen 221
Foreclosure; motion for approval of committee sale; annulment of automatic stay by Bankruptcy Court; claim that trial court's approval of sale was void ab initio because it exceeded scope of Bankruptcy Court's order annulling bankruptcy stay; whether Bankruptcy Court's order annulling stay was intended only to permit committee to recover fees and expenses; whether trial court abused its discretion in granting committee's motion for approval of sale; reviewability of claim that certain irregularities with motion for approval of sale prevented defendants from realizing substantial amount of equity in subject property; whether defendants failed to show any injury resulting specifically from five claimed irregularities with motion for approval of sale.

Wells Fargo Bank, N.A. v. Fitzpatrick 231
Foreclosure; notice requirements of mortgage; whether trial court properly determined that certain two letters together substantially complied with notice requirements in mortgage deed; whether trial court's finding that defendants did not prove special defense of laches was clearly erroneous; whether defendants established that any alleged delay by plaintiff resulted in prejudice to them; whether trial court's reduction in interest that accrued while first of two foreclosure actions was pending equitably addressed any delay in first foreclosure action.