

Cumulative Table of Cases
Connecticut Appellate Reports
Volume 193

(Replaces Prior Cumulative Table)

<p>Alpha Beta Capital Partners, L.P. v. Pursuit Investment Management, LLC</p> <p><i>Contracts; breach of implied covenant of good faith and fair dealing; conversion; statutory theft (§ 52-564); Connecticut Unfair Trade Practices Act (CUTPA) (§ 42-110a et seq.); claim that trial court improperly interpreted agreements between parties when it concluded that plaintiff prevailed on its breach of contract claim; claim that trial court improperly rejected defendants' breach of contract counterclaim; claim that trial court erroneously found that defendants' prior partial delayed payment of certain claim to plaintiff relieved plaintiff from its obligations under confidentiality provision; claim that trial court improperly concluded that plaintiff prevailed on its breach of implied covenant of good faith and fair dealing claim because neither limited partnership agreement nor settlement agreement mandate that defendants remit entirety of plaintiff's proportionate share of certain litigation proceeds; claim that trial court improperly concluded that plaintiff could not prevail on its conversion claim; claim that trial court improperly granted motion to strike Connecticut statutory causes of action for statutory theft and violation of CUTPA on ground that those claims were barred by choice of law provision in settlement agreement; claim that all of defendants should be held liable to plaintiff for claims of breach of contract and implied covenant of good faith and fair dealing pursuant to piercing corporate veil or alter ego theory, and that trial court improperly declined to consider these theories despite fact that they had been pleaded and briefed; whether trial court improperly interpreted settlement agreement to conclude that all defendants who were signatories to settlement agreement were liable for nonpayment of certain litigation proceeds to plaintiff; claim that trial court erroneously determined amount of damages awarded to plaintiff; claim that trial court improperly granted motion to increase amount of prejudgment remedy because filing of appeal, without more, did not constitute sufficient basis for court to modify, pursuant to statute (§ 52-278k), existing prejudgment remedy; unpreserved claim that trial court improperly granted motion for postjudgment discovery in connection with court's upward modification of prejudgment remedy amount.</i></p>	<p>381</p>
<p>Autumn View, LLC v. Planning & Zoning Commission</p> <p><i>Zoning; affordable housing statute (§ 8-30g); whether Superior Court erred in concluding that plaintiffs' application for affordable housing development filed following remand was not new application; claim that plaintiffs' remand application was beyond scope of remand order; claim that record supported denial of revised and resubmitted application on ground that application failed to comply with town zoning regulations and was necessary to protect health and safety.</i></p>	<p>18</p>
<p>Ayres v. Ayres</p> <p><i>Dissolution of marriage; motion for contempt; alimony; whether trial court improperly interpreted provision in parties' separation agreement governing alimony to conclude that payment of long-term incentives, including restricted stock units and performance stock units, received from employer were to be included within alimony calculation; claim that trial court erred in ordering defendant to include all past and future restricted stock unit payments in calculation of gross income under alimony provision; claim that alimony exclusion for stock excluded only nonperformance based awards of stock; claim that court erred in finding that performance based units are not stock; whether court erred in finding that severance payment to defendant was includable within alimony calculation as base pay or performance based bonus.</i></p>	<p>224</p>
<p>Bank of America, National Assn. v. Derisme (Memorandum Decision)</p>	<p>903</p>
<p>Barber v. Barber</p> <p><i>Dissolution of marriage; motion to modify child support; motion for contempt; motion for attorney's fees and costs; claim that trial court improperly rewrote parties' separation agreement by issuing order directing manner in which parties</i></p>	<p>190</p>

- were to proceed to resolve their dispute regarding basic child support, including how to calculate amount of basic child support defendant owed plaintiff; whether trial court's inclusion of term adjusted gross income in its order rewrote agreement; whether plaintiff demonstrated that she was harmed by subject order; reviewability of claim that trial court erred by failing to award plaintiff attorney's fees and costs to defend against defendant's alleged attempt to invalidate agreement with respect to law applicable to motion to modify child support; claim that trial court erred by failing to award plaintiff attorney's fees pursuant to default provision of parties' agreement; whether plaintiff's motion for contempt regarding children's add-on expenses was successful; whether claim on cross appeal that because defendant had registered New York dissolution judgment in Connecticut pursuant to applicable statute (§ 46b-71), trial court improperly concluded that New York law, rather than Connecticut law, applied to defendant's motion to modify was moot; whether there was no practical relief that could be afforded to parties.*
- Boccanfuso v. Daghoghi 137
Summary process; claim that trial court applied incorrect legal standard in determining that defendants failed to prove their special defense of equitable nonforfeiture; whether court abused its discretion in applying doctrine of equitable nonforfeiture; whether trial court erred in finding that plaintiffs were unaware of contamination at property until after July 1, 2014; harmless error; reviewability of claim that trial court abused its discretion in finding that defendants failed to prove their special defenses of unjust enrichment and violation of implied covenant of good faith and fair dealing; whether trial court abused its discretion by not granting defendants' request for continuance so witness could testify.
- Colon-Collazo v. Cox 251
Property execution; exemption; action to obtain satisfaction of civil dissolution judgment; whether trial court erred in determining that certain property was exempt from execution where no exemption claim form was filed as required by statute (§ 52-361b [d]); whether there was sufficient evidence to determine certain property should be exempt from execution.
- Commerce Park Associates, LLC v. Robbins. 697
Contracts; landlord-tenant; negligence; claim that trial court improperly awarded landlord additional rent for period between November, 2014, through third full week of April, 2015, on basis of its implicit factual finding that premises were fully tenantable during that period and, therefore, that landlord was entitled to receive full amount of rent due under lease, rather than partial payments tendered by tenant; whether there was evidence in record supporting trial court's calculation of back rent owed by tenant; claim that trial court improperly found that tenant was constructively evicted from premises as result of serious and frequent sewer backups; whether record supported trial court's finding that tenant did not vacate premises before landlord had notice and reasonable opportunity to correct problems with building's sewer system; claim that trial court improperly awarded compensatory damages to tenant on theory of gross negligence because Connecticut common law does not recognize degrees of negligence or cause of action sounding in gross negligence; claim that it was improper for trial court to have awarded damages on basis of gross negligence because it was never pleaded by tenant; claim that trial court improperly determined amount of damages awarded to tenant by incorrectly determining that proper measure of tenant's damages was its loss of beneficial use of substantial improvements it had made to premises prior to constructive eviction and that court should have, instead, limited its award of damages to loss of fair market value of lease; whether trial court miscalculated amount of damages awarded to tenant for loss of beneficial use of substantial improvements tenant had made to premises.
- Cordero v. Commissioner of Correction (Memorandum Decision) 902
- Daley v. Kashmanian 171
Negligence; claim that conduct of police detective while operating unmarked vehicle violated ministerial duty imposed on him by certain motor vehicle statutes; whether trial court improperly granted motion for directed verdict on count alleging recklessness; whether evidence, viewed in light most favorably to plaintiff, was sufficient for jury reasonably to conclude that detective acted recklessly; whether jury reasonably could have concluded that detective consciously disregarded state laws relating to speed limits, reckless driving, following too closely and traveling in correct lane of traffic, and that he was aware of risks and dangers his conduct imposed on others, yet showed little regard for consequences

of his actions; whether trial court properly set aside verdict in favor of plaintiff on negligence claim; whether circumstances surrounding conduct of detective demonstrated that he was engaged in discretionary activity for which he was entitled to governmental immunity.

Daniel W. E. v. Commissioner of Correction (Memorandum Decision) 905

Doan v. Commissioner of Correction 263

Habeas corpus; whether habeas court abused its discretion in denying petition for certification to appeal; claim that petitioner's trial counsel rendered deficient performance by failing to investigate petitioner's mental health and to retain forensic psychologist to aid in mitigating sentence.

Doe v. Sulzicki (Memorandum Decision). 903

Echeverria v. Commissioner of Correction. 1

Habeas Corpus; claim that habeas court improperly denied petition for writ of habeas corpus; whether petitioner met burden to demonstrate prejudice resulting from trial counsel's allegedly deficient performance in failing to advise petitioner properly regarding immigration consequences of guilty plea.

Fernandez v. Commissioner of Correction 746

Habeas corpus; whether habeas court properly dismissed petitioner's third petition for writ of habeas corpus; whether petition failed to state claim upon which habeas relief could be granted; whether petitioner could assert claim for relief under Rules of Professional Conduct; claim that neither rule 1.10 nor rule 3.7 of Rules of Professional Conduct required disqualification of attorneys in all of state's attorney's offices and Office of Chief State's Attorney; whether petitioner provided basis for any conclusion that his statements to prosecutor during plea negotiations while petitioner was self-represented were privileged; whether claim that prosecutor's potential testimony regarding petitioner's statements would have been inadmissible and that prosecutor's testimony effectively prevented petitioner from testifying in his own defense was based on speculation.

Francini v. Riggione. 321

Contracts; attorney's fees; claim that trial court abused its discretion in calculating award of attorney's fees; whether trial court abused its discretion by not discounting award of attorney's fees on account of small sum awarded to plaintiffs for breach of contract claims; claim that proper analysis of factors listed in rule 1.5 (a) of Rules of Professional Conduct would compel a significant downward departure from plaintiffs' initial lodestar calculation because damages awarded were insignificant in relation to court's award of attorney's fees; whether plaintiffs had legitimate claim for attorney's fees pursuant to contract; whether trial court abused its discretion in awarding attorney's fees with respect to private nuisance claim on which plaintiffs did not prevail; whether party may recover attorney's fees for unsuccessful claims that are inextricably intertwined and involve common basis in fact or legal theory with successful claims; whether private nuisance and breach of contract claims were factually and legally distinct and were inextricably intertwined or based on common legal theory.

Goldstein v. Hu (Memorandum Decision) 903

Jezouit v. Malloy. 576

Sovereign immunity; action concerning alleged illegal recording of telephonic communications by state officials; whether trial court properly granted motion to dismiss complaint on ground of sovereign immunity; claim that only possible interpretation of statute (§ 52-570d) pertaining to recording of telephonic communications was that it impliedly waived sovereign immunity because it authorized an aggrieved person to bring action in Superior Court; claim that because § 52-570d (b) exempted from liability certain state officials, by necessary implication, it waived sovereign immunity from suit for state officials not so designated, such as defendants; claim that dismissal of complaint was improper because trial court failed to apply exception to sovereign immunity for claims of declaratory and injunctive relief.

Kelly v. Kurtz. 507

Contracts; whether trial court abused its discretion in denying motion to set aside jury's verdict on counts alleging breach of supplementary agreement and breach of implied covenant of good faith and fair dealing; claim that evidence was insufficient to prove that plaintiff was terminated or prevented from working scheduling of his own choosing; claim that verdict was inconsistent; whether trial court abused its discretion in setting aside jury's verdict on claims that defendants invaded plaintiff's privacy by misappropriating his name after he was terminated, of tortious interference with business expectancies, of alleged

violations of Connecticut Unfair Trade Practices Act (CUTPA) (§ 42-110a et seq.), and of unjust enrichment; whether plaintiff failed to prove that he suffered any damages as result of defendants' use of his name; whether plaintiff failed to prove that he suffered actual loss as result of defendants' alleged interference with his business expectancies or that he suffered any ascertainable loss as result of alleged CUTPA violations; whether plaintiff could recover under theory of unjust enrichment where he recovered under theory of breach of contract; whether plaintiff lacked standing to bring claims relating to breach of operating agreement.

King v. Commissioner of Correction	61
<i>Habeas corpus; claim that habeas court improperly concluded that petitioner failed to establish that he had received ineffective assistance from his trial counsel; whether trial counsel provided ineffective assistance by not objecting to trial court's jury instructions or requesting additional jury instruction regarding difference between intent elements of assault charges against petitioner; whether trial counsel provided ineffective assistance by declining to object to admission of police detective's written summary of petitioner's oral account of incident; whether trial counsel's strategic decision to allow written summary into evidence was reasonable; whether there was not reasonable probability that outcome of trial would have been different if written summary had been excluded; whether habeas court reasonably concluded that petitioner failed to prove that he was prejudiced by trial counsel's failure to request trial court to place its rejection of his plea agreement on record; whether there was reasonable probability that outcome of criminal proceedings would have been different if trial counsel had requested trial court to place its rejection of plea on record; claim that habeas court improperly dismissed claim that trial court violated petitioner's right to due process by not stating on record its reasons for rejecting plea agreement; whether petitioner was harmed by absence of record of rejection of plea agreement.</i>	
Kirby v. Commissioner of Correction	902
Klein v. Quinnipiac University	469
<i>Negligence; premise liability action; claim that trial court erred by declining to instruct jury on definition of, and duty owed to, licensee; whether evidence sufficient to support conclusion that plaintiff was licensee; whether defendant private university explicitly or implicitly expressed desire that plaintiff enter its campus or willingness that he do so; claim that defendant impliedly gave plaintiff consent to ride his bicycle on campus because there was lack of no trespassing signs and no gate at each entrance to campus; whether lack of no trespassing signs or gate, without some additional evidence demonstrating implied consent, was insufficient to send question of whether plaintiff was licensee to jury; whether evidence supported finding that defendant breached duty to plaintiff as licensee; whether defendant was required to warn plaintiff of obvious dangers of his actions; whether general verdict rule precluded review of plaintiff's remaining evidentiary claim, which related only to special defense of contributory negligence.</i>	
Labarge v. Commissioner of Correction (Memorandum Decision)	904
Lampert v. Lampert (Memorandum Decision)	905
Meribear Productions, Inc. v. Frank	598
<i>Foreign judgment; breach of contract; quantum meruit; final judgment; motion to dismiss appeal as untimely; motion for permission to file late appeal; whether twenty day time limit for filing appeal pursuant to applicable rule of practice (§ 63-1) is subject matter jurisdictional; whether good cause existed to allow defendants' appeal to proceed.</i>	
New Haven v. Ferrucci (Memorandum Decision)	905
Peek v. Manchester Memorial Hospital	337
<i>Negligence; motion for summary judgment; claim that trial court improperly granted motion for summary judgment and determined that action was barred by applicable statute of limitations (§ 52-584); whether statute of limitations was tolled by continuous course of treatment doctrine; whether evidence before trial court demonstrated genuine issue of material fact as to when plaintiff discovered injury as contemplated by § 52-584.</i>	
Peters v. Senman	766
<i>Child custody; motion for modification of custody; motion for declaratory judgment; reviewability of claim that trial court abused its discretion by terminating portion of certain rights provided to plaintiff under Individuals with Disabilities Education Act (20 U.S.C. § 1400 et seq.) without conducting a fitness hearing; failure</i>	

to brief claim adequately; claim that trial court erred in dismissing motions for declaratory judgment; whether plaintiff lacked standing to request declaratory judgment; claim that trial court erred in denying motion for modification of custody; whether evidence supported factual determination that there had been no change in circumstances; claim that trial court erred in awarding defendant portion of attorney's fees.

Putnam Park Apartments, Inc. v. Planning & Zoning Commission 42
Zoning; whether trial court improperly determined that zoning regulations permitted building to be located less than 100 feet from property line; whether trial court improperly determined that building proposal was consistent with zoning regulations; whether certain zoning regulation applied to special permit application.

R & P Realty Co. v. Peerless Indemnity Ins. Co. 374
Contracts; reviewability of claim that trial court erroneously concluded that defendant did not breach insurance policy by declining to cover increased demolition costs resulting from presence of asbestos and lead in building; reviewability of claim that trial court improperly found that increased demolition costs constituted replacement costs, rather than being component of actual cash value of plaintiffs' loss, and that plaintiffs failed to provide reasonable notice to defendant of claim seeking recovery for increased demolition costs; failure of plaintiffs to provide adequate record for review.

Robbins Eye Center, P.C. v. Commerce Park Associates, LLC (See Commerce Park Associates, LLC v. Robbins) 697

Simms v. Commissioner of Correction 901

Soto v. Christians Alliance, Inc. 901

State v. Bryan 285
Murder; conspiracy to commit murder; whether trial court abused its discretion by admitting into evidence as dual inculpatory statements under applicable rule of evidence (§ 8-6 [4]), statements that defendant's accomplice made to friend of accomplice about victim's murder; claim that accomplice's statements to friend of accomplice were inadmissible as dual inculpatory statements because they sought to shift blame for victim's murder to defendant; claim that accomplice's statements to friend of accomplice were not against accomplice's penal interest; whether trial court correctly concluded that accomplice's statements to friend of accomplice were trustworthy; unpreserved claim that state failed to disclose to defendant, in violation of Brady v. Maryland (373 U.S. 83), certain police internal affairs records that concerned allegations of prior misconduct by detective who investigated murder; whether police internal affairs records were material to outcome of defendant's trial.

State v. Cane 95
Criminal possession of firearm; criminal possession of ammunition; possession of controlled substance with intent to sell; whether trial court erroneously denied motion to suppress evidence police seized from defendant's home and car; claim that trial court improperly found that warrantless search of defendant's home by police after he was arrested and in police custody constituted justifiable, protective sweep of defendant's home; reviewability of unpreserved claims that defendant was constructively seized by police and that they lacked probable cause to search his car; whether information in affidavit of police officer in support of warrant application provided basis for determination that probable cause existed to search defendant's vehicle; unpreserved claim that trial court committed plain error when it granted state's motion for joinder, where defendant, personally and through counsel, expressly stated that he had no objection to joinder; unpreserved claim of judicial bias; whether reversal of judgment was warranted under plain error doctrine where defendant claimed that trial court, in pretrial memorandum of decision on motion to suppress, had found him guilty of kidnapping and assault charges as to certain individuals it referred to as victims and then considered those charges in sentencing him.

State v. Crewe 564
Possession of narcotic substance; claim that there was insufficient evidence to support conviction; whether jury reasonably could have inferred from evidence that defendant knew of presence of narcotics in van, exercised dominion and control over at least some of narcotics and, thus, constructively possessed narcotics.

State v. Gomes 79
Assault in second degree; whether trial court deprived defendant of right to present defense of investigative inadequacy when it omitted from its jury instructions

	<i>certain language in defendant's written request to charge that pertained to alleged inadequacy of police investigation as it might relate to weaknesses in state's case.</i>	
State v. Lynch	Operating motor vehicle while under influence of intoxicating liquor; failure to appear in second degree; criminal trespass in first degree; motion to withdraw guilty pleas; whether trial court abused its discretion in failing to conduct evidentiary hearing with respect to motion to withdraw guilty pleas; whether defendant failed to provide adequate factual basis to support further hearing; whether defense counsel's assertion that plea canvass was deficient for failing to specify that defendant's driver's license could be revoked permanently was reason among grounds enumerated in applicable rule of practice (§ 39-27) for withdrawal of plea; claim that trial court should have granted motion to withdraw guilty pleas, pursuant to § 39-27, on ground that defense counsel was ineffective; whether trial court abused its discretion by failing to conduct evidentiary hearing prior to terminating defendant's participation in alcohol education program.	637
State v. Palumbo	Sexual assault in first degree; sexual assault in fourth degree; risk of injury to child; claim that questions referring to trial as being first time that defendant mentioned that other people were in same area during hike where he alleged sexually abused minor victim violated his constitutional right to remain silent pursuant to <i>Doyle v. Ohio</i> (426 U.S. 610), by introducing evidence of his post-Miranda silence; claim that questions that sought to elicit evidence of defendant's post-Miranda silence amounted to prosecutorial impropriety that violated his due process right to fair trial; whether defendant's unpreserved <i>Doyle</i> claim failed under third prong of <i>State v. Golding</i> (213 Conn. 233).	457
State v. Sentementes (Memorandum Decision)		906
State v. Shin	Interfering with officer; disorderly conduct; reviewability of claim that defendant's arrest and seizure by police was illegal, where claim was raised for first time in reply brief, defendant never moved to suppress evidence, and trial court did not make any factual findings or legal conclusions regarding whether any evidence was illegally seized; claim that evidence was insufficient to support conviction because police officers' testimony was fabricated; reviewability of claim that trial court improperly admitted testimony from police officers about statements defendant made in Internet video he had posted; whether defendant failed to secure finalized, specific ruling as to testimony of officers; whether trial court abused its discretion when it denied defendant's request to excuse prospective juror for cause during voir dire; unpreserved claim that trial court violated defendant's state constitutional right to compulsory process when it denied request to issue subpoena to rabbi from out of state; reviewability of claim that trial court improperly found defendant incompetent to stand trial before it later determined that he was competent to stand trial; whether claim that trial court violated defendant's constitutional right to travel when it imposed as term of conditional discharge special condition that he stay out of Connecticut for two years was moot; whether claim that trial court violated defendant's constitutional right to travel was not moot because it fell within collateral consequences exception to mootness doctrine.	348
State v. Ward	Motion to correct illegal sentence; manslaughter in first degree; assault in first degree; unpreserved claim that defendant's due process rights, under federal constitution, were violated when trial court failed to refer motion to correct sentence imposed in illegal manner to sentencing judge; whether due process required that sentencing court hear and adjudicate motion to correct illegal sentence; whether trial court properly dismissed motion to correct illegal sentence for lack of subject matter jurisdiction; whether defendant failed to set forth colorable claim that sentence was imposed in illegal manner; claim that defendant was incompetent at time of sentencing.	794
Stiggle v. Commissioner of Correction (Memorandum Decision)		902
Summit Saugatuck, LLC v. Water Pollution Control Authority	Administrative appeal; appeal from denial of application for sewer extension by defendant water pollution control authority; whether decision to grant conditional approval of sewer extension application was properly left to discretion of defendant; whether trial court impermissibly substituted its own discretion and judgment for that of defendant by overriding its decision denying sewer extension application and ordering conditional approval of application; whether defend-	823

ant's rationale for denying application was illegal, arbitrary, or constituted abuse of discretion; whether fact that conditional approval of application was viable option available to agency in considering application meant that agency had to exercise that option whenever possible; whether record supported claim that defendant had practice to refrain from granting conditional approvals.

Thunelius v. Posacki 666
Child custody; guardian ad litem; child support; protective order; claim that trial court improperly delegated its decision-making authority to nonjudicial entity when it defined duties and responsibilities of guardian ad litem of parties' minor child; whether trial court abused its discretion in ordering that prevailing party in any postjudgment dispute adjudicated by court between parties after unsuccessful mediation with the guardian ad litem be reimbursed by other party for his or her share of guardian ad litem's fees; whether amount of any future fees and parties' respective financial capacities to pay such fees was purely speculative; whether claim that trial court improperly appointed guardian ad litem without having complied with certain statutory requirements was moot; whether there was practical relief that this court could afford defendant; whether trial court abused its discretion in sua sponte issuing protective order; whether language of order clearly indicated that court intended order to function as protective order issued pursuant to Yontef v. Yontef (185 Conn. 275); whether trial court abused its discretion in ordering parties to enroll child in private school through high school and to divide payments for that schooling; whether there was evidence of cost of private high school or that parties had ever agreed on child attending private high school; claim that trial court improperly relied on child support guidelines worksheet in issuing its child support orders; reviewability of claim that trial court, by failing to order plaintiff to reimburse defendant for certain expenses he allegedly should have paid in accordance with prior stipulation between parties, in effect, granted plaintiff retroactive modification of pendente lite orders to pay those expenses.

U.S. Bank Trust, N.A. v. Theodore (Memorandum Decision) 904
Wager v. Moore 608
Negligence; claim that trial court erred in denying motion to set aside verdict and for new trial; claim that there was insufficient evidence to support jury's finding of contributory negligence; claim that trial court erred in instructing jury on contributory negligence when instruction was not supported by evidence; claim that trial court failed to instruct jury on law essential to plaintiff's claim regarding defendant's negligence; claim that once trial court instructed jury on pedestrian's duties pursuant to relevant statutes (§§ 14-300b [a] and 14-300c [b]), its refusal to charge jury on countervailing duties driver owes to pedestrians pursuant to relevant statutes (§§ 14-300d and 14-300i) constituted error; claim that improper hearsay evidence was introduced against plaintiff during videotaped deposition testimony of defendant's toxicology expert.

Water Pollution Control Authority v. McKinley 901
Weston Street Hartford, LLC v. Zebra Realty, LLC 542
Easements; temporary and permanent injunction; counterclaim; whether trial court properly rendered judgment for plaintiff on counts of defendant's counterclaim relating to its request to relocate plaintiff's right-of-way easement over defendant's property; difference between unilateral modification of easement and unilateral relocation of easement, discussed; claim that trial court improperly rendered judgment in defendant's favor on plaintiff's complaint and denied plaintiff's request for injunctive relief; whether trial court applied correct standard of law in determining whether plaintiff was entitled to injunctive relief; whether court abused its discretion in denying plaintiff's request for injunctive relief.

Wozniak v. Colchester 842
Writ of mandamus; claim that trial court improperly rendered summary judgment in favor of defendant; mootness; motion to dismiss appeal; claim that plaintiffs were entitled to writ of mandamus to compel defendant town to file application for letter of map revision on plaintiffs' behalf with federal agency; claim that federal regulations (44 C.F.R. §§ 65.3 and 65.7) imposed ministerial duty on defendant to file letter of map revision application on plaintiffs' behalf; claim that appeal was subject to dismissal as moot due to pending study conducted by federal agency; whether plaintiffs had no adequate legal remedy other than writ of mandamus.