

**Cumulative Table of Cases**  
**Connecticut Appellate Reports**  
**Volume 197**

*(Replaces Prior Cumulative Table)*

American Tax Funding, LLC v. Gore . . . . .	234
<i>Foreclosure of municipal tax liens; claim that trial court abused its discretion in denying motion to open.</i>	
Anthis v. Windom . . . . .	427
<i>Negligence; recklessness; motion in limine; motion for remittitur; motion to open; whether trial court properly denied defendant's motion in limine seeking to preclude evidence of repair costs; claim that trial court improperly denied defendant's motion for remittitur; claim that trial court improperly denied defendant's motion to open; claim that trial court's denial of motions for remittitur and to open resulted in double recovery by plaintiff and double payment by defendant with respect to property damage expenses plaintiff had incurred; whether trial court properly declined to consider defendant's double payment and equitable subrogation claims in deciding defendant's motion for remittitur and motion to open.</i>	
Benitez v. Commissioner of Correction. . . . .	344
<i>Habeas corpus; ineffective assistance of counsel; claim that habeas court improperly denied habeas petition; whether petitioner was prejudiced by criminal trial counsel's failure to hire or to consult with defense expert in arson investigation prior to trial.</i>	
Berger v. Deutermann. . . . .	421
<i>Breach of contract; claim that trial court's findings throughout trial were based on fraudulent misrepresentations presented as factual trial exhibits and further supported by false testimony; whether plaintiff provided adequate record that would enable this court to review claims on appeal; whether, in absence of trial transcripts, this court could evaluate plaintiff's arguments in support of appellate claims without resorting to speculation.</i>	
Chang v. Chang . . . . .	733
<i>Dissolution of marriage; postjudgment order of contempt; whether language contained in stipulation underlying motion for contempt was clear and unambiguous; claim that basis on which trial court found plaintiff in contempt differed from bases pleaded by defendant; whether obligations imposed by trial court's order to engage in good faith consultation and to refrain from unreasonably withholding consent must be read together.</i>	
Dept. of Social Services v. Freeman . . . . .	281
<i>Conversion; child support lien; expert witness disclosure; claim that trial court ignored requirements for expert witness disclosure set forth in applicable rule of practice (§ 13-4) by allowing plaintiff's expert to testify despite late disclosure; reviewability of claim that trial court erred in allowing plaintiff's counsel to question defendant, in presence of jury, as to prior withdrawn conversion action; whether trial court abused its discretion in allowing biological mothers of two minor children of defendant's client to testify as to client's child support arrearages.</i>	
Deutsche Bank National Trust Co. v. Pollard (Memorandum Decision) . . . . .	901
Devine v. Fusaro. . . . .	872
<i>Wrongful death; subject matter jurisdiction; claim that trial court improperly granted motion to dismiss action on ground that it was barred by doctrine of sovereign immunity; whether action was brought against defendants in their official, rather than individual, capacities; whether action, as alleged in complaint, satisfied four criteria of test set forth in Spring v. Constantino (168 Conn. 563); whether trial court improperly considered certain State Police manual in granting motion to dismiss.</i>	
Factor King, LLC v. Housing Authority . . . . .	459
<i>Summary judgment; whether trial court properly granted defendant's motion for summary judgment and denied plaintiff's motion for summary judgment; whether trial court properly held that plaintiff was not entitled to direct payment</i>	

	<i>of account receivable due to nonparty entity from account in which plaintiff had security interest; whether factoring agreement constituted outright sale of nonparty entity's account.</i>	
Gawlik v. Semple . . . . .		83
	<i>Religious discrimination; claim that defendants, current and former employees of Department of Correction, withheld religious literature and cards from plaintiff in violation of state and federal constitutional and statutory rights governing religious freedom; claim that applicable department administrative directives were not promulgated in accordance with Uniform Administrative Procedure Act (§ 4-166 et seq.); adoption of trial court's memorandum of decision as proper statement of facts and applicable law on issues.</i>	
Greene v. Keating . . . . .		447
	<i>Vexatious litigation pursuant to statute (§ 52-568); claim that trial court improperly concluded that plaintiff failed to present evidence that would allow it reasonably to calculate damages; whether trial court erred in failing to apply common nucleus test for apportionment to plaintiff's claim for attorney's fees.</i>	
Harris v. Neale . . . . .		147
	<i>Negligence; motion to open judgment; claim that trial court abused its discretion in denying motion to open; whether minor plaintiff satisfied burden of demonstrating that he was prevented by reasonable cause from prosecuting action.</i>	
Hassiem v. O & G Industries, Inc. . . . .		631
	<i>Workers' compensation; whether trial court properly concluded that plaintiff's claim was barred by exclusivity provision (§ 31-284 (a)) of Workers' Compensation Act because plaintiff failed to present genuine issue of material fact to show that defendant engaged in intentional conduct it knew with substantial certainty would result in plaintiff's injury; whether there was genuine issue of material fact that defendant was not deliberately deceptive in failing to install certain device on equipment that injured plaintiff; whether there were genuine issues of material fact as to claim that plaintiff was coerced into cleaning equipment that caused his injury.</i>	
Igersheim v. Bezruczyk . . . . .		412
	<i>Petition for visitation; claim that trial court lacked subject matter jurisdiction to consider petition; whether petition lacked specific allegations necessary to meet jurisdictional thresholds of visitation statute (§ 46b-59 (b)); whether defendant adequately briefed claims.</i>	
In re Probate Appeal of Buckingham . . . . .		373
	<i>Probate appeal; subject matter jurisdiction; fraud; whether trial court properly dismissed probate appeal for lack of subject matter jurisdiction; whether trial court had jurisdiction to set aside probate decree pursuant to statute (§ 45a-24); whether § 45a-24 permits only collateral attacks on probate decrees and, therefore, did not provide trial court with jurisdiction over plaintiffs' claims of fraud.</i>	
In re Omar I. . . . .		499
	<i>Termination of parental rights; unpreserved claim that judicial bias deprived respondent father of fair trial; claim that certain of trial court's statements, findings and rulings constituted plain error; claim that trial court precluded father from calling witnesses to testify; claim that trial court improperly found that termination of father's parental rights was in children's best interests; whether trial court improperly found that there was clear and convincing evidence that father failed to rehabilitate himself, as required by statute (§ 17a-112 (j) (3) (B)); claim that trial court disregarded children's Muslim religious affiliation; claim that trial court's best interests finding should be overturned because court improperly placed children with foster parents who did not foster Muslim faith and who introduced them to religious beliefs that differed from father's Muslim beliefs; claim that trial court improperly found that department made reasonable efforts to reunify father with children; unpreserved claim that department was estopped from supporting children's petitions to terminate father's parental rights, where department initially recommended that reunification efforts continue but thereafter changed its position and adopted children's petitions for termination of his parental rights; claim that trial court improperly denied motion to revoke commitment of children to care and custody of Commissioner of Children and Families.</i>	
Jordan v. Commissioner of Correction . . . . .		822
	<i>Habeas corpus; claim that trial counsel rendered ineffective assistance to petitioner by failing to adequately investigate and present witnesses in support of petition-</i>	

	<i>er's claim of self-defense; claim that trial counsel rendered ineffective assistance to petitioner by failing to present defense of third-party culpability.</i>	
JPMorgan Chase Bank, National Assn. v. Syed . . . . .		129
	<i>Foreclosure; motion for summary judgment; judgment of strict foreclosure; claim that trial court improperly granted summary judgment as to liability; claim that there were genuine issues of material fact concerning whether plaintiff bank was holder of note at time it commenced action due to invalid endorsement of note; claim that trial court improperly rejected defendant's first and third special defenses as to damages when granting summary judgment; claim that trial court improperly struck defendant's count of amended counterclaim seeking attorney's fees pursuant to statute (§ 42-150bb) when granting summary judgment as to liability.</i>	
Kammili v. Kammili . . . . .		656
	<i>Marital dissolution; claim that trial court improperly declined to admit exhibits into evidence; claim that trial court failed to address pretrial motions in timely manner; claim that trial court inequitably distributed marital property; whether, in light of Picton v. Picton (111 Conn. App. 143), trial court did not improperly order that plaintiff either return defendant's jewelry or forfeit \$50,000 of share of proceeds from sale of one of parties' homes.</i>	
Lamberton v. Lamberton . . . . .		240
	<i>Probate appeal; whether term executor in expense reimbursement statute (§ 45a-294) included nominated executor prior to appointment by Probate Court; whether trial court had notice of challenge to amount of fees awarded by Probate Court.</i>	
Longbottom v. Longbottom. . . . .		64
	<i>Dissolution of marriage; motion to modify educational support; motion to open judgment; claim that trial court failed to determine whether plaintiff had established probable cause of fraud by nondisclosure; claim that trial court abused its discretion in denying plaintiff's motions to open and to modify; claim that trial court failed to properly understand defendant's financial information.</i>	
Manson v. Conklin. . . . .		51
	<i>Negligence; claim that trial court improperly precluded admission of findings and conclusions in police department's internal affairs reports that defendant police officer had engaged in misconduct and was dishonest; whether findings and conclusions in reports constituted extrinsic evidence and, therefore, were inadmissible pursuant to Weaver v. McKnight, (313 Conn. 393); claim that trial court improperly submitted issue of governmental immunity to jury.</i>	
Merritt Medical Center Owners Corp. v. Gianetti . . . . .		226
	<i>Foreclosure of statutory (§ 47-258 (m)) liens against medical office units for unpaid common charges; whether vote by plaintiff's executive board to send matters to collection complied with § 47-258 (m), requiring board to vote to commence foreclosure action.</i>	
Nonhuman Rights Project, Inc. v. R.W. Commerford & Sons, Inc. . . . .		353
	<i>Habeas corpus; whether habeas court erred in dismissing second petition as successive; whether habeas corpus jurisprudence contained indication that habeas corpus relief was intended to apply to nonhuman animal; whether animals were permitted to bring action to vindicate animal's own purported rights under common law.</i>	
Osborn v. Waterbury . . . . .		476
	<i>Negligence; claim that trial court improperly concluded that minor plaintiff's injuries were caused by inadequate number of adults to supervise up to 400 students; whether trial court's conclusion was unsupported by evidence; whether trial court's conclusion constituted harmful error.</i>	
Pentland v. Commissioner of Correction (Memorandum Decision). . . . .		901
Petrucelli v. Meriden . . . . .		1
	<i>Zoning; municipal blight citation; anti-blight ordinance; claim that trial court abused its discretion in precluding testimony of witnesses; claim that trial court erred in concluding that respondent city did not violate petitioner's due process rights; claim that trial court erred in concluding that the anti-blight ordinance was not unconstitutionally vague; claim that trial court erred in concluding that there was sufficient evidence demonstrating noncompliance with anti-blight ordinance.</i>	
Pfister v. Madison Beach Hotel, LLC . . . . .		326
	<i>Real property; permanent injunction; whether trial court erred in concluding that zoning restrictions applicable to hotel, which would prohibit it from hosting concerts on its own property, also applied to hotel's ability to host concert series</i>	

	<i>on town park property; whether hotel's permitted use of town park granted hotel possessory interest in park; whether hotel's use of its resources to support and sponsor free concert series, despite commercial nature of such use, transformed park into part of hotel's property, or expanded hotel's use of town park impermissibly; claim that only permissible uses of town park are those which can be shown to have historically occurred prior to adoption of zoning regulations and, therefore, because there was no evidence of concerts having occurred at park at issue, their occurrence improperly expanded nonconforming use status applicable to park.</i>	
Powers v. Hiranandani . . . . .		384
	<i>Dissolution of marriage; claim that trial court lacked subject matter jurisdiction over real property; claim that trial court issued orders with respect to real property that were based on mistake and impossible to execute; claim that trial court abused its discretion by dividing real property between parties without determining its value; claim that trial court abused its discretion by failing to divide parties' personal property; claim that trial court improperly ordered defendant to pay percentage of cost of extracurricular activities of parties' child; claim that trial court abused its discretion by issuing financial orders in excess of defendant's ability to pay.</i>	
Procurement, LLC v. Ahuja . . . . .		696
	<i>Vexatious litigation; zoning appeals; whether trial court properly granted motion for summary judgment; whether trial court properly applied Noerr-Pennington doctrine to zoning appeals challenging plaintiff's proposed real estate development plan in determining that they were immunized from suit; claim that defendant's zoning appeals were objectively baseless and, therefore, sham exception to Noerr-Pennington doctrine was applicable; claim that trial court misinterpreted sham exception to Noerr-Pennington doctrine in applying two part analysis.</i>	
Purtill v. Cook . . . . .		22
	<i>Summary process; motion to open judgment of default; stay of execution; automatic stay; mootness; standing; claim that trial court improperly denied defendant's motion to open judgment; claim that trial court improperly dismissed claim of exemption from eviction.</i>	
Spicer v. Montagnese (Memorandum Decision) . . . . .		902
State v. Fredrik H. . . . .		213
	<i>Unlawful restraint in first degree; interfering with emergency call; criminal mischief in third degree; whether evidence was sufficient to support conviction of unlawful restraint in first degree; whether jury reasonably could have inferred that defendant intended to substantially interfere with victim's liberty; whether trial court abused its discretion in admitting evidence of uncharged misconduct.</i>	
State v. Hernandez . . . . .		257
	<i>Assault in first degree; claim that trial court violated defendant's constitutional right to be present at all critical stages of prosecution when it sentenced him in absentia; whether defendant waived his constitutional right to be present at sentencing by deliberately absenting himself from sentencing proceedings; whether trial court improperly failed to make express finding that defendant waived his right to be present at sentencing; claim that trial court was constitutionally required to advise defendant, prior to sentencing, that sentencing would proceed in his absence if he did not appear.</i>	
State v. Holley . . . . .		161
	<i>Motion to correct illegal sentence; criminal possession of firearm; statutory interpretation; rule of lenity; claim that trial court improperly denied motion to correct illegal sentence; whether trial court properly concluded that defendant's consecutive sentences did not violate constitutional prohibition against double jeopardy; whether trial court properly construed relevant statute ((Rev. to 2013) § 53a-217 (a) (1)) as criminalizing possession of single firearm; whether statute was ambiguous; claim that trial court improperly failed to apply rule of lenity.</i>	
State v. Holmgren . . . . .		203
	<i>Home invasion; burglary in first degree; sexual assault in third degree; claim that there was insufficient evidence to sustain defendant's conviction of home invasion and burglary in first degree; whether state failed to prove that defendant entered dwelling while victim was present in that dwelling as required by home invasion statute (§ 53a-100aa (a) (1)); whether state failed to prove beyond reasonable doubt that defendant entered victim's apartment with intent to commit crime; whether jury reasonably could have inferred from certain evidence defendant's intent to sexually assault victim; claim that trial court improperly allowed state to introduce testimony of police detective regarding statements made by</i>	

	<i>defendant; whether probative value of evidence of bag in defendant's possession outweighed any prejudice caused to defendant by its admission.</i>	
State v. Lori T. . . . .		675
	<i>Custodial interference in second degree; unpreserved claim that applicable statute (§ 53a-98 (a) (3)) was unconstitutionally vague as applied to defendant; whether language of statute was sufficiently clear to provide notice that defendant's inaction of not forcing her children to go with their father could expose her to criminal liability; whether statute was subject to arbitrary and discriminatory enforcement; failure to demonstrate existence of constitutional violation; claim that evidence was insufficient to sustain conviction.</i>	
State v. Milner . . . . .		763
	<i>Murder; criminal possession of firearm; claim that evidence was insufficient to sustain defendant's conviction of criminal possession of firearm; claim that trial court improperly relied on defendant's inculpatory statements to former friend in absence of substantial independent evidence corroborating trustworthiness of those statements, in violation of corpus delicti rule; claim that, even if state satisfied requirements of corpus delicti rule with respect to defendant's inculpatory statements to former friend, that former friend's testimony and that of state's other witnesses was too unreliable to support defendant's conviction.</i>	
State v. Nusser . . . . .		76
	<i>Larceny in first degree; burglary in third degree; criminal violation of restraining order; subject matter jurisdiction; motion for presentence confinement credit; claim that trial court abused its discretion in denying defendant's motion for presentence confinement credit; claim that defendant's sentence was illegal because it breached plea agreement with state; claim that failure of Department of Correction to implement trial court's revised mittimus resulted in structural error and fundamental unfairness in sentencing process; whether trial court lacked subject matter jurisdiction to hear defendant's motion for presentence confinement credit.</i>	
State v. Taupier . . . . .		784
	<i>Threatening in second degree; motion to dismiss; claim that trial court improperly denied motion to dismiss because defendant's statements posted on Facebook were not true threats but were constitutionally protected free speech; whether there was probable cause to support continuing constitutional prosecution against defendant under each count for threatening to commit crime of violence in reckless disregard of risk of causing such terror; whether person of reasonable caution would believe that statements were highly likely to be perceived by reasonable person as serious threats of physical harm.</i>	
State v. Tinsley . . . . .		302
	<i>Manlaughter in first degree; risk of injury to child; motion to correct illegal sentence; claim that trial court improperly concluded that defendant's conviction for manslaughter in first degree and risk of injury to child did not violate prohibition against double jeopardy; whether legislature authorized multiple punishments under statutes in question.</i>	
State v. Velazquez . . . . .		754
	<i>Operation of motor vehicle while under influence of intoxicating liquor or drugs; sufficiency of evidence; whether trial court abused its discretion in failing to strike certain testimony; whether failure to strike testimony was harmless.</i>	
State v. Vivo . . . . .		363
	<i>Murder; assault in first degree; sentence enhancement pursuant to statute (§ 53-202k); whether trial court properly dismissed motion to correct illegal sentence; claim that trial court improperly concluded that it lacked subject matter jurisdiction to consider motion to correct; whether defendant's claim that state presented insufficient evidence to prove applicability of § 53-202k challenged underlying conviction rather than legality of sentence or sentence proceeding.</i>	
Stephenson v. Commissioner of Correction . . . . .		172
	<i>Habeas corpus; larceny in fifth degree; larceny in sixth degree; ineffective assistance of trial counsel; whether habeas court properly dismissed petitioner's amended habeas petition as moot; whether prejudicial collateral consequences exist; whether petitioner's claim that his right to effective assistance of counsel was violated was reviewable.</i>	
U.S. Bank, National Assn. v. Mamudi . . . . .		31
	<i>Foreclosure; claim that law days were automatically vacated as result of petition for bankruptcy; claim that foreclosure defendants were deprived of right to appeal</i>	

	<i>concerning law days; whether trial court should have rendered judgment dismissing rather than denying motion to reargue.</i>	
USAA Federal Savings Bank v. Gianetti . . . . .		814
	<i>Foreclosure; motion for summary judgment; motion to strike counterclaim; motion to open judgment; claim that trial court abused its discretion in denying motion to open judgment of strict foreclosure; claim that manner in which motion to open was adjudicated violated due process; whether trial court erred in granting plaintiff's motion for summary judgment; whether this court had subject matter jurisdiction over defendant's claim that trial court erred in granting plaintiff's motion to strike counterclaim.</i>	
Williams v. Commissioner of Correction (Memorandum Decision) . . . . .		901
Woods v. Commissioner of Correction . . . . .		597
	<i>Habeas corpus; whether dismissal of petition was proper without holding hearing on petition; claim that habeas court failed to construe allegations of petition broadly; whether claim alleging mitigating circumstances was barred by procedural default; claim that sentence was disproportionate; whether petition adequately pleaded cause and prejudice; whether equal protection claim was barred by procedural default.</i>	
World Business Lenders, LLC v. 526-528 North Main Street, LLC. . . . .		269
	<i>Foreclosure; whether guarantor of note was party to foreclosure action; whether guarantor had standing to bring appeal challenging foreclosure judgment; whether final judgment had been rendered by trial court with respect to all counts of complaint.</i>	