

**Cumulative Table of Cases**  
**Connecticut Appellate Reports**  
**Volume 198**

*(Replaces Prior Cumulative Table)*

Ahrens v. Hartford Florists' Supply, Inc. . . . .	24
<i>Product liability; motion to dismiss; personal jurisdiction; motion to implead; claim that trial court erred in granting motions to dismiss third-party complaint; claim that trial court applied incorrect standard when it found that strict compliance with statutes (§§ 52-102a and 52-577a (b)) was required when impleading third party into product liability case; whether trial court erred in concluding that third-party plaintiff must strictly comply with §§ 52-102a and 52-577a (b); claim that trial court erred in concluding that one year time limitation in § 52-577a implicated jurisdiction of court.</i>	
Alpha Beta Capital Partners, L.P. v. Pursuit Investment Management, LLC . . . . .	671
<i>Sanctions; whether trial court's order of sanctions met requirements for evaluating whether court's order constituted abuse of discretion; whether trial court's order was reasonably clear; whether trial court properly found that defendants violated court's discovery order; whether trial court's order of sanctions was proportionate to defendants' violation of court's discovery orders.</i>	
Anderson v. Commissioner of Correction . . . . .	320
<i>Habeas corpus; whether habeas court properly denied petition for writ of habeas corpus; claim that conditions of petitioner's confinement were illegal because he was receiving constitutionally inadequate mental health treatment; whether habeas court violated petitioner's right to procedural due process under fourteenth amendment to United States constitution on grounds that he had no notice that habeas petition would be decided in same proceeding as emergency motion on mental health treatment and that he was denied meaningful opportunity to be heard.</i>	
Audibert v. Halle. . . . .	472
<i>Negligence; motion to set aside verdict and for new trial; reviewability of claim, raised for first time on appeal, that trial court improperly admitted evidence of subsequent motor vehicle accident plaintiff was involved in because evidence was not relevant; claim that trial court improperly failed to provide curative instruction to jury; whether trial court abused its discretion in denying motion to set aside verdict and for new trial; whether certain remarks by defendant's counsel during closing argument were improper and deprived plaintiff of fair trial.</i>	
Bank of New York Mellon v. Francois . . . . .	885
<i>Foreclosure; vacated judgment; appellate stay; claim that appellate stay of execution arising from judgment of foreclosure and initial appeal was violated when trial court vacated first judgment and rendered second judgment of foreclosure.</i>	
Bank of New York Mellon v. Mangiafico . . . . .	722
<i>Foreclosure; whether foreclosure action was barred by limitation period set forth in statute (§ 42a-3-118); whether special defense that plaintiff engaged in inequitable conduct failed as matter of law because it was neither legally sufficient nor did it address making, validity or enforcement of mortgage.</i>	
Castro v. Bajana (Memorandum Decision). . . . .	901
Davis v. Commissioner of Correction. . . . .	345
<i>Habeas corpus; whether petitioner's trial and appellate counsel rendered ineffective assistance for having failed to challenge statute (§ 53a-149) criminalizing bribery of witness as facially overbroad under novel constitutional argument that § 53a-149 could encompass legal activity such as settlement negotiations; whether counsel rendered ineffective assistance by failing to request at trial and to argue on direct appeal that trial court should have given jury instruction on true threats with respect to charge of breach of peace in second degree in violation of statute (§ 53a-181 (a) (3)); whether claim that trial court's failure to give jury instruction on true threats as to charge under § 53a-181 (a) (3) was inextricably linked to claim in habeas petition that appellate counsel rendered ineffective assistance for having failed to challenge § 53a-181 (a) as facially overbroad and unconstitu-</i>	

	<i>tionally vague as applied; whether trial counsel and appellate counsel rendered ineffective assistance for having failed to challenge admission into evidence of petitioner's blood test results.</i>	
Dominguez v. New York Sports Club . . . . .	<i>Workers' compensation; appeal from decision of Compensation Review Board precluding defendant employer and its workers' compensation insurer from contesting compensability of claim for work-related injuries; whether board improperly precluded defendants from contesting extent of plaintiff's injuries; claim that plaintiff's failure to submit medical bills or request for payment to defendants within twenty-eight days of notice of claim rendered it impossible for defendants to comply with statutory (§ 31-294c (b)) predicate to commence payment; extension of limited exception to preclusion provision of § 31-294c (b) articulated in Dubrosky v. Boehringer Ingelheim Corp. (145 Conn. App. 261), rejected.</i>	854
Gerrish v. Hammick . . . . .	<i>Defamation; tortious interference; claim that trial court abused its discretion in granting defendant's motion to reargue; claim that trial court improperly granted, upon reconsideration, defendant's motion for summary judgment.</i>	816
In re Corey C. . . . .	<i>Termination of parental rights; whether Department of Children and Families made reasonable efforts to reunify respondent father with minor child; claim that department failed to offer father or child's mother any feedback with respect to their progress in therapeutic family time program; claim that department failed to offer parents adequate smoking cessation services; claim that trial court improperly found that father was unable or unwilling to benefit from department's reasonable efforts to reunify him with child; whether evidence was insufficient to support trial court's conclusion that father failed to achieve sufficient rehabilitation pursuant to statute (§ 17a-112 (j) (3) (B) (i)); whether trial court, in adjudicatory findings, improperly compared father's suitability as parent, and that of mother, to that of foster parent.</i>	41
Maselli v. Regional School District No. . . . .	<i>Summary judgment; assault and battery; intentional infliction of emotional distress; negligent infliction of emotional distress; negligence; recklessness; whether plaintiff's claims were barred by governmental immunity pursuant to statute (§ 52-557n (a) (2) (B)), where plaintiff failed to establish any of three prongs of identifiable person-imminent harm exception to governmental immunity; adoption of trial court's memorandum of decision as proper statement of facts and applicable law on issues.</i>	643
McCullough v. Rocky Hill . . . . .	<i>Abuse of process; intentional infliction of emotional distress; trespass; trespass to chattels; fraudulent misrepresentation; invasion of privacy; summary judgment; governmental immunity; claim that trial court improperly rendered summary judgment for defendant town on certain intentional tort claims; whether trial court correctly determined that, pursuant to statute (§ 52-557n (a) (2) (A)), intentional tort claims were barred by doctrine of governmental immunity; whether trial court properly rendered summary judgment for town on abuse of process claims; whether genuine issue of material fact existed as to whether town commenced tax lien foreclosure action primarily to obtain purpose for which proceedings were not designed; whether § 52-557n (a) (2) (A) afforded town governmental immunity against abuse of process claim for its tax foreclosure action.</i>	703
Mislick v. Commission of Motor Vehicles (Memorandum Decision) . . . . .		901
Moyher v. Moyher . . . . .	<i>Marital dissolution; claim that trial court improperly found that certain real property located in New Hampshire was marital asset; claim that trial court improperly awarded plaintiff 40 percent of value of property; reviewability of claim that trial court abused its discretion in not allowing defendant to present evidence regarding prenuptial agreement; whether trial court abused its discretion in ordering defendant to pay plaintiff her share of New Hampshire property within five months of dissolution judgment.</i>	334
Pack 2000, Inc. v. Cushman . . . . .	<i>Leases; options to purchase real property; specific performance; whether trial court erred in ordering specific performance remedy that was contrary to terms of purchase options; claim that trial court erred in its determination of purchase prices based on present day appraisal values of properties; whether trial court erred in ordering plaintiff to make certain rent and use and occupancy payments</i>	428

	<i>and by refusing to credit any such payments against purchase prices; whether defendant was entitled to interest on purchase price of properties; whether trial court erred in failing to set purchase price for one property based on appraised value submitted by defendant.</i>	
Peck v. Statewide Grievance Committee . . . . .		233
	<i>Attorney discipline; whether trial court properly granted motion to dismiss appeal, for lack of subject matter jurisdiction, that challenged defendant's imposition of discipline against plaintiff attorney; whether defendant was deprived of subject matter jurisdiction pursuant to Disciplinary Counsel v. Elder (325 Conn. 378) to adjudicate grievance against plaintiff that was filed beyond six year limitation period in applicable rule of practice (§ 2-32 (a) (2) (E)).</i>	
Petrucci v. Meriden . . . . .		838
	<i>Appeal of violation of city ordinance; whether trial court should have dismissed petition for lack of subject matter jurisdiction; whether petitioner had statutory right to appeal to Superior Court from hearing officer's decision.</i>	
Prime Bank v. Vitano, Inc. . . . .		136
	<i>Statute of limitations; guarantee of promissory note; whether trial court properly found that plaintiff's cause of action to recover from defendant guarantor on borrower's note accrued when borrower defaulted on note payments and was barred by applicable statute of limitations (§ 52-576); claim that trial court erred in failing to conclude that there was acknowledgment of debt by defendant, thereby tolling statute of limitations.</i>	
Pursuit Partners, LLC v. Reed Smith, LLP . . . . .		1
	<i>Breach of contract; motion for summary judgment; claim that trial court improperly concluded that defendant law firm was bound by confidentiality provision of settlement agreement only to extent of its client; claim that language of settlement agreement, coupled with defendant's signature on agreement, was ambiguous and created genuine issue of material fact regarding capacity in which defendant signed agreement; whether trial court properly concluded that finding in related action had collateral estoppel effect.</i>	
Rosario v. Rosario . . . . .		83
	<i>Dissolution of marriage; motion for contempt; motion for continuance; claim that because trial court denied motions for contempt, there were no pending motions before court on which it could find plaintiff in contempt; claim that plaintiff did not receive motion for contempt by service of process.</i>	
Rozbicki v. Sconyers . . . . .		767
	<i>Vexatious litigation; whether trial court erred in granting defendants' motions for summary judgment; claim that genuine issue of material fact existed as to whether defendant knew of availability of insurance coverage at time he hired private counsel; claim that defendant did not provide full and fair statement of all facts within his knowledge to counsel when relying on advice of counsel; claim that attorney failed to perform adequate investigation before filing special defenses and counterclaim; claim that attorney lacked probable cause to file special defenses and counterclaim because he was not experienced in specific area of law.</i>	
S. A. v. D. G. . . . .		170
	<i>Application for civil protection order pursuant to statute (§ 46b-16a); claim that trial court abused its discretion by excluding evidence of certain audio and videotape recordings at hearing on application for protection order; claim that trial court improperly issued protection order despite fact that defendant was not arrested for violating any of statutory provisions set forth in statute (§ 54-1k) governing criminal protective orders; claim that trial court improperly issued protection order partly on basis of defendant having videotaped plaintiff performing her duties as public employee; reviewability of inadequately briefed constitutional claim; whether record was adequate for review of unpreserved claim.</i>	
Sackman v. Quinlan . . . . .		614
	<i>Conversion; unjust enrichment; tortious interference with contract; whether trial court abused its discretion when it granted motion for permission to file motion for summary judgment; claim that trial court failed to analyze incompetency of counsel pursuant to statute (§ 45a-650); whether trial court properly rendered summary judgment for defendants; whether genuine issues of material fact existed as to claims of conversion, unjust enrichment and intentional interference with contractual relations; claim that trial court improperly determined that agreement between plaintiffs' deceased father and deceased father's second wife</i>	

	<i>was invalid; claim that trial court failed to view evidence in light most favorable to plaintiffs.</i>	
Salerno v. Lowe's Home Improvement Center. . . . .		879
	<i>Workers' compensation; appeal from decision of Compensation Review Board precluding defendant employer and its workers' compensation insurer from contesting compensability of claim for work-related injuries; claim that plaintiff's failure to submit medical bills or request for payment to defendants within twenty-eight days of notice of claim rendered it impossible for defendants to avail themselves of statutory (§ 31-294c (b)) one year safe harbor provision; extension of limited exception to preclusion provision of § 31-294c (b) articulated in Dubrosky v. Boehringer Ingelheim Corp. (145 Conn. App. 261), rejected.</i>	
Scholz v. Epstein . . . . .		197
	<i>Motion to dismiss; statutory theft; subject matter jurisdiction; absolute immunity; litigation privilege; whether trial court properly granted defendant's motion to dismiss and determined that defendant attorney was protected by absolute immunity from plaintiff's action for theft pursuant to statute (§ 52-564); claim that trial court improperly determined that defendant was absolutely immune from liability for statutory theft where some of defendant's alleged criminal conduct was perpetrated outside scope of judicial proceedings.</i>	
Sclafani Properties, LLC v. Sport-N-Life Distributing, LLC . . . . .		292
	<i>Breach of lease; attorney trial referee; attorney's fees; claim that trial court erred when it failed to include in its judgment for plaintiff amount for unpaid real estate taxes because it improperly accepted attorney trial referee's finding that plaintiff provided no evidence of such unpaid taxes; claim that trial court abused its discretion in its award of attorney's fees.</i>	
State v. Auburn W. . . . .		558
	<i>Harassment in second degree; stalking in second degree; whether trial court improperly determined that defendant forfeited right to self-representation on basis of lack of competence; whether trial court abused its discretion in concluding that defendant had mental illness or mental incapacity.</i>	
State v. Brown . . . . .		630
	<i>Assault in first degree; claim that state presented insufficient evidence to disprove defendant's theory of self-defense; credibility of witnesses.</i>	
State v. Crafter . . . . .		732
	<i>Assault in first degree; motion for judgment of acquittal; claim that evidence presented at trial was insufficient to establish that defendant intended to cause serious physical injury to victim; claim that trial court committed plain error by failing to provide defense of others instruction, sua sponte, to jury.</i>	
State v. Dyous . . . . .		253
	<i>Petition to extend psychiatric commitment of acquittee to jurisdiction of Psychiatric Security Review Board; claim that trial court's findings that, at time of state's petition, acquittee was mentally ill and dangerous to himself or others were clearly erroneous; claim that trial court improperly granted state's petition to extend acquittee's commitment.</i>	
State v. Harris . . . . .		530
	<i>Murder; robbery in first degree; carrying pistol without permit; whether trial court improperly admitted uncharged misconduct evidence; unpreserved claims on appeal; plain error doctrine; whether alleged prosecutorial impropriety deprived defendant of his due process right to fair trial; claim that defendant was deprived of his right to due process because materially favorable evidence was withheld.</i>	
State v. Jackson . . . . .		489
	<i>Violation of probation; claim that evidence was insufficient to support finding that defendant violated his probation; claim that there was insufficient evidence to prove defendant had constructive possession of narcotics that formed basis for his arrest; claim that two instances in which defendant failed to report to Office of Adult Probation were de minimis and insufficient to support finding of violation of probation; reviewability of claim that trial court erred in admitting hearsay testimony during probation revocation hearing; whether trial court abused its discretion in admitting hearsay statements; whether trial court abused its discretion in imposing sentence of six years of incarceration.</i>	
State v. Leniart. . . . .		591
	<i>Murder; capital felony; whether trial court's improper exclusion of videotape evidence violated defendant's constitutional rights to confrontation and to present defense.</i>	

State v. Magaraci . . . . .	305
<i>Assault in first degree; claim that state presented insufficient evidence to disprove defendant's theory of self-defense; credibility of witnesses; whether jury reasonably could have concluded that defendant was initial aggressor and that he had ability to safely retreat; whether defendant waived claim that trial court improperly charged jury on self-defense.</i>	
State v. Marrero . . . . .	90
<i>Home invasion; burglary in first degree; assault in second degree; whether defendant was denied due process right to fair trial as result of prosecutorial improprieties; claim that prosecutor used excessive leading questions during direct examination of victim; reviewability of claim that prosecutor improperly refreshed witness' recollection by showing witness document that was different from document he purported to show witness; claim that prosecutor improperly commented during closing argument about victim's inconsistent statements as to cause of her injuries; whether trial court abused its discretion by admitting into evidence recordings of defendant's phone calls to incarcerated girlfriend; claim that trial court improperly prevented defendant from exploring state's ability to authenticate his voice on recordings; claim that trial court abused its discretion by instructing jury on consciousness of guilt.</i>	
State Marshal Assn. of Connecticut, Inc. v. Johnson . . . . .	392
<i>Declaratory action; motion to dismiss; claim that trial court improperly determined that plaintiff lacked associational standing; whether plaintiff established that its members were classically or statutorily aggrieved by challenged conduct; whether trial court abused its discretion in denying plaintiff's motion for reargument and reconsideration.</i>	
State v. Morlo M. . . . .	748
<i>Assault in first degree; risk of injury to child; unlawful restraint in first degree; whether state failed to prove that defendant caused victim serious physical injury, and, thus, that evidence was insufficient to support conviction of assault in first degree; whether evidence was insufficient to support conviction of risk of injury to child, where defendant was charged under portion of risk of injury statute (§ 53-21 (a) (1)) that required that he have general intent to perform act that created situation that put children's health and morals at risk of impairment; whether evidence was sufficient to support conviction of unlawful restraint in first degree; claim that defendant's intent to unlawfully restrain victim was not independent from defendant's intent to assault victim.</i>	
State v. Robert H. . . . .	276
<i>Risk of injury to child; corpus delicti or corroboration rule; claim that evidence was insufficient to support guilty verdict on second charge of risk of injury because common-law corpus delicti rule prevented defendant from being convicted solely on basis of his uncorroborated confession that more than one such incident occurred in absence of independent proof regarding second incident.</i>	
Stubbs v. ICare Management, LLC . . . . .	511
<i>Employment discrimination; claim that trial court erred in rendering summary judgment for defendants; whether trial court improperly concluded that plaintiff failed to establish prima facie case of discrimination as there was genuine issue of material fact as to whether termination of plaintiff's employment was pretextual and as to whether, at time plaintiff's employment was terminated, plaintiff was qualified to perform essential functions of job, following reasonable accommodation of leave of absence; whether trial court improperly rendered summary judgment on plaintiff's reasonable accommodation claims as there was genuine issue of material fact as to whether plaintiff could perform essential functions of job with accommodation of leave of absence to have and recover from surgery.</i>	
Wells Fargo Bank, N.A. v. Melahn. . . . .	151
<i>Foreclosure; whether appeal from trial court's striking of special defenses was taken from final judgment; whether trial court relied on making, validity and enforcement test as expounded in U.S. Bank National Assn. v. Blowers (332 Conn. 656); whether claim that plaintiff failed to send defendant timely notice of entry of judgment of foreclosure sufficiently related to enforcement of note or mortgage.</i>	
Winakor v. Savalle. . . . .	792
<i>Breach of contract; violation of Connecticut Unfair Trade Practices Act (CUTPA) (§ 42-110a et seq.); violation of Home Improvement Act (§ 20-418 et seq.); attorney's fees; whether trial court properly determined that defendant was liable under CUTPA on basis of underlying violation of Home Improvement Act; claim</i>	

*that work performed by defendant was part of new home construction and, thus, fell within statutory exception contained in § 20-419 (4); claim that definition of home improvement included work performed on land regardless of whether there is existing building; claim that there was no basis for plaintiff's recovery of attorney's fees and costs in connection with alleged CUTPA violation, as there was no violation of § 20-418 et seq.; whether trial court improperly rendered judgment for plaintiff on breach of contract claim; whether trial court's findings were clearly erroneous.*

Y. L. v. G. C. (Memorandum Decision) . . . . . 901