

Cumulative Table of Cases
Connecticut Appellate Reports
Volume 199

(Replaces Prior Cumulative Table)

Amity Partners v. Woodbridge Associates, L.P.	1
<i>Contracts; summary judgment; best evidence rule; claim that trial court improperly determined that best evidence rule barred plaintiff's reliance on certain deposition testimony in support of its opposition to motion for summary judgment; whether plaintiff failed to satisfy its burden, pursuant to applicable rule (§ 10-3) of Connecticut Code of Evidence, to prove that deposition testimony was sufficient to establish former existence, present unavailability and contents of certain document.</i>	
Augustine v. CNAPS, LLC	725
<i>Negligence; premises liability; whether trial court properly rendered summary judgment for defendant; whether plaintiff presented sufficient evidence to allow jury to conclude that condition of stairs proximately caused her injuries.</i>	
Boyd v. Commissioner of Correction	575
<i>Habeas corpus; motion to dismiss; whether habeas court properly determined that it had subject matter jurisdiction over petition; whether petitioner had cognizable liberty interest in parole eligibility pursuant to statute (§ 54-125a (f)); claim that statutory (§ 18-7a (c)) good time credit earned reduced sentence used to calculate parole eligibility date; claim that statutory good time credit earned under § 18-7a (c) was not applied properly in violation of right to due process.</i>	
Brown v. Brown	134
<i>Dissolution of marriage; whether trial court properly granted postjudgment motion for reimbursement of unallocated support; whether language of separation agreement that was incorporated into dissolution judgment was clear and unambiguous; whether trial court abused its discretion in denying motion to modify child support when it concluded that reduction in earned income did not constitute substantial change in circumstances.</i>	
Budziszewski v. Connecticut Judicial Branch	518
<i>Habeas corpus; claim that habeas court improperly denied petition for writ of habeas corpus; whether habeas court properly concluded that petitioner was not prejudiced by advice of his attorney regarding immigration consequences of entering guilty plea.</i>	
Carpenter v. Daar	367
<i>Medical malpractice; motion to dismiss for lack of personal jurisdiction; whether plaintiff could cure defect in opinion letter by filing supplemental affidavit of opinion author rather than amending complaint; whether opinion letter of similar health care provider was legally insufficient under statute (§§ 52-190a (a) and 52-184c (b) and (c)) where author of opinion letter was specialist rather than general dentist and did not teach or practice general dentistry.</i>	
Carrico v. Mill Rock Leasing, LLC.	252
<i>Negligence; motion for summary judgment; claim that trial court improperly determined that counts against defendant alleged premises liability and not ordinary negligence; whether plaintiff alleged defendant owed duty because it owned or controlled premises or because that duty arose from snow services agreement it had with third-party land possessor.</i>	
Castle v. DiMugno	734
<i>Action to recover on promissory note; foreclosure; standing; subject matter jurisdiction; whether plaintiff lacked standing to enforce note and to foreclose on mortgage; whether plaintiff, who never possessed original note, was entitled to enforce note as successor to defendant's former husband pursuant to order of attachment and garnishment of note issued by trial court in plaintiff's prior action against him; whether statute (§ 42a-3-309) that governs enforcement of lost, destroyed or stolen instruments was directly applicable to situation underlying present case; whether plaintiff's possession of copy of note was sufficient to confer standing on her to enforce note; whether plaintiff could meet requirements of § 42a-3-309; whether plaintiff produced necessary and proper secondary evidence to create</i>	

	<i>genuine issue of material fact that she was owner of debt underlying mortgage; whether plaintiff had standing to foreclose on mortgage pursuant to statute (§ 52-329) or trial court's common-law powers of equity.</i>	
Chelsea Groton Bank v. Belltown Sports, LLC		294
	<i>Foreclosure; whether defendants could meet their burden of proving evidentiary basis to establish existence of genuine issue of material fact regarding unclear hands special defense; whether trial court properly determined that plaintiff's alleged misconduct failed to sufficiently relate to making, validity, or enforcement of mortgage.</i>	
Cohen v. Postal Holdings, LLC.		312
	<i>Summary judgment; negligence; private nuisance; whether defendant maintained control of property pursuant to terms of ground lease.</i>	
Crouzet v. First Baptist Church of Stonington.		532
	<i>Environmental contamination; real property; claim that trial court's determination that there was secondary source of oil contamination in plaintiff's basement was clearly erroneous; whether trial court's decision was based on speculation and was legally unsound.</i>	
DeMattio v. Plunkett		693
	<i>Breach of contract; violation of Home Improvement Act (§ 20-418 et seq.); judicial bias; whether trial court properly concluded that contract was invalid and unenforceable against defendants because contract did not have cancellation notice provision required by statutes (§§ 20-429 and 42-135a); claim that trial court made factual findings that were contrary to evidence; claim that trial court failed to find that defendants did not mitigate damages; whether trial court properly calculated damages award; claim that trial court acted in biased manner toward plaintiff.</i>	
D. S. v. R. S.		11
	<i>Application for relief from abuse; domestic violence restraining order; whether trial court erred in issuing domestic violence restraining order pursuant to statutory (§ 53a-181d) definition of stalking rather than definition of stalking in Princess Q. H. v. Robert H. (150 Conn. App. 105); reviewability of claim that trial court erroneously relied on testimony that plaintiff gave on behalf of minor child; harmfulness of trial court's ruling.</i>	
Falcigno v. Falcigno.		663
	<i>Breach of fiduciary duty; claim that trial court's finding that defendant proved fair dealing and full disclosure was clearly erroneous and inconsistent with its finding that defendant had made false representations to plaintiff; claim that trial court erred in finding that defendant proved by clear and convincing evidence that defendant engaged in fair dealing and full disclosure as to purchase of plaintiff's minority shares of stock; whether framework in Konover Development Corp. v. Zeller (228 Conn. 206) for fiduciaries was applicable; whether trial court improperly rendered judgment for plaintiff on defendant's counterclaim seeking attorney's fees.</i>	
Fazio v. Fazio		282
	<i>Dissolution of marriage; whether trial court improperly granted motion to modify or to terminate alimony; claim that trial court erred by concluding that it was bound by finding of cohabitation made by prior judge in case; whether trial court properly construed this court's remand order in prior appeal; claim that trial court erred by failing to make factual finding as to parties' intent regarding whether certain article of separation agreement incorporated remedial aspects of statute (§ 46b-86 (b)); claim that trial court erred by exceeding scope of remand order in prior appeal when it made unnecessary and binding factual findings concerning article of separation agreement not at issue.</i>	
500 North Avenue, LLC v. Planning Commission		115
	<i>Zoning appeal; whether Superior Court improperly concluded that there was substantial evidence in record to support planning commission's finding that plaintiff's proposed lot line adjustment of two adjacent lots constituted subdivision under statute (§ 8-18); claim that Superior Court improperly concluded that subdivision approval was required because proposed lot line revision was more than minor adjustment; claim that because plaintiff's proposed boundary line revision would create third part, it required subdivision approval.</i>	
Flood v. Flood		67
	<i>Dissolution of marriage; motions for modification of child support; whether trial court's finding that there had been substantial change in defendant's financial circumstances was clearly erroneous; whether trial court abused its discretion</i>	

	<i>in determining amount of defendant's child support obligation; claim that trial court erred by failing to consider and rule on defendant's motion for modification of child support obligation.</i>	
Godbout v. Attanasio		88
	<i>Official misconduct pursuant to statute (§ 12-170); motor vehicle tax assessment; claim that trial court improperly granted motion to dismiss on ground that it lacked subject matter jurisdiction because plaintiff failed to exhaust administrative remedies; claim that motion to dismiss was improper procedural vehicle to challenge legal sufficiency of complaint; claim that trial court improperly determined that the complaint was insufficiently pleaded.</i>	
In re Aisjaha N.		485
	<i>Child neglect; motion for continuance; claim that respondent mother's due process rights were violated by trial court's denial of motion for continuance of neglect proceeding.</i>	
In re Probate Appeal of Nguyen		498
	<i>Probate appeal; involuntary commitment; claim that Probate Court exceeded its statutory authority by involuntarily committing plaintiff because psychiatric hospital failed to comply with notice requirements set forth in statute (§ 17a-498 (e)); claim that Probate Court improperly admitted certain police report into evidence; harmless error; claim that Probate Court improperly admitted two physician's certificates into evidence; claim that Probate Court's findings that plaintiff was gravely disabled and that less restrictive placement was not available were clearly erroneous, arbitrary or capricious, characterized by abuse of discretion, or clearly unwarranted exercise of discretion.</i>	
Jeweler v. Wilton		842
	<i>Declaratory judgment; whether proposed boundary line adjustments with respect to certain real property required subdivision approval; whether trial court properly concluded that boundary line adjustments did not constitute subdivision pursuant to statute (§ 8-18); whether trial court properly concluded that plaintiffs' proposed boundary line adjustments constituted resubdivision under § 8-18.</i>	
Josephine Towers, L.P. v. Kelly		829
	<i>Summary process; motion to open judgment; motion to dismiss; claim that plaintiffs served insufficient notice to quit; whether trial court had subject matter jurisdiction to render judgment on ground of nuisance; claim that notice to quit did not adhere to statutory (§ 47a-23) requirements; whether trial court properly denied motions to dismiss and to open judgment.</i>	
Kovachich v. Dept. of Mental Health & Addiction Services		332
	<i>Employment discrimination; retaliation; mootness; claim that trial court improperly admitted into evidence settlement communications between parties and relied on those communications in finding defendant liable for violation of Connecticut Fair Employment Practices Act (§ 46a-51 et seq.); claim that trial court improperly precluded admission of plaintiff's deposition responses that had been amended by errata sheet; claim that trial court erred in concluding that all statements made by defendant's employees were admissible as statements made by party opponent.</i>	
Labissoniere v. Gaylord Hospital, Inc.		265
	<i>Medical malpractice; motion to dismiss; personal jurisdiction; subject matter jurisdiction; whether trial court lacked subject matter jurisdiction over defendant that was not legal entity when patient was treated; whether opinion letter authored by physician and general surgeon was by "similar health care provider" as defined by statute (§ 52-184c) when defendant physicians were board certified in internal medicine.</i>	
Mendes v. Administrator, Unemployment Compensation Act		25
	<i>Unemployment compensation; appeal from decision of Board of Review of Employment Security Appeals Division affirming decision finding plaintiff ineligible for certain unemployment benefits; motion to open; claim that trial court exceeded scope of its authority by assessing factual findings of appeals referee as adopted by board; whether plaintiff was required to file motion to correct board's factual findings pursuant to rule of practice (§ 22-4).</i>	
Norwalk Medical Group, P.C. v. Yee		208
	<i>Arbitration; application to vacate arbitration award; application to confirm arbitration award; claim that arbitration award was not mutual, final and definite due to failure of arbitrator to allocate arbitration costs, expenses and compensation and to set forth reasoned award with respect to attorney's fees.</i>	

Parisí v. Niblett	761
<i>Child custody; motion to modify; whether trial court properly applied provisions of Uniform Child Custody Jurisdiction and Enforcement Act (46b-115 et seq.) to determine whether court had subject matter jurisdiction to modify Florida court's custody order; whether trial court erred in concluding that it lacked subject matter jurisdiction to decide plaintiff's motion to modify child custody orders of foreign judgment without first conducting evidentiary hearing on unresolved factual issues.</i>	
Prime Locations of CT, LLC v. Rocky Hill Development, LLC.	642
<i>Declaratory judgment; claim that amendment to declaration creating common interest community association was void and unenforceable; whether provision (§ 47-236 (a) (1)) of Common Interest Ownership Act requiring 67 percent of vote to amend declaration was applicable; claim that trial court improperly concluded that defendant lot owner was entitled to connect his lot to association's drainage system.</i>	
State v. Coleman.	172
<i>Assault in first degree; robbery in first degree; criminal possession of firearm; whether state's three year delay in filing charges violated defendant's right to due process; claim that right to speedy trial under sixth amendment and right under Interstate Agreement on Detainers (§ 54-186 et seq.) to final disposition of case within 180 days from date on which defendant requested speedy disposition were violated; claim that three year delay caused defendant actual substantial prejudice and was unreasonable and unjustifiable; claim that state deliberately delayed arrest to gain tactical advantage; waiver of claims stemming from postarrest delay.</i>	
State v. Errol J.	800
<i>Risk of injury to child; cruelty to persons; claim that trial court erred by restricting defendant's cross-examination of state's expert witnesses, thereby violating his constitutional right to confrontation; whether trial court abused its discretion in sustaining prosecutor's objections to defense counsel's line of questioning with respect to certain expert witness; whether trial court properly admitted unredacted medical records and related testimony under medical diagnosis or treatment exception to hearsay rule; claim that several improper statements by prosecutor during closing argument violated defendant's constitutional right to fair trial; claim that trial court erred in failing to give jury instruction on statutory (§ 53a-18 (1)) parental justification defense with respect to situation prong of risk of injury to child charge; whether parental justification defense applied to situation prong of statute (§ 53-21 (a) (1)).</i>	
State v. Ingala	240
<i>Motion to suppress; whether trial court properly concluded that search was lawful under exigent circumstances exception to warrant requirement; whether trial court properly denied defendant's motion to suppress.</i>	
State v. Lopez	56
<i>Attempt to commit robbery in first degree; conspiracy to commit robbery in first degree; claim that trial court improperly admitted uncharged misconduct evidence; harmless error.</i>	
State v. Mayo.	166
<i>Breach of peace in second degree; whether evidence was sufficient to support defendant's conviction.</i>	
State v. Orr	427
<i>Violation of probation; whether claim that evidence was insufficient for trial court to find that defendant violated his probation was moot; unpreserved claim that state violated rule of Brady v. Maryland (373 U.S. 83) by failing to disclose photographs of scene of drug crimes that led to violation of probation charge; unpreserved claim that defendant was denied due process and fair trial because state failed to adhere to trial court's order to file motion to proceed with probation violation case before it tried drug charges; claim that defendant was denied constitutional right to notice of charges against him; unpreserved claim that defendant's rights were violated as result of state's failure to file bill of particulars; unpreserved claim that trial court's comments violated rule (2.10 (a)) of Code of Judicial Conduct applicable to public statements by judge; unpreserved claim that trial court abused its discretion when it granted state's motion to open violation of probation case to present evidence of drug charges.</i>	

State v. Romero	39
<i>Violation of probation; claim that trial court improperly declined to apply exclusionary rule pursuant to article first, § 7, of Connecticut constitution; whether warrantless search violated Connecticut constitution under certain condition of defendant's probation; whether defendant could reasonably be subjected to search of residence and possessions when probation officer had reasonable suspicion that defendant was violating conditions of probation.</i>	
State v. Sumler	187
<i>Murder; conspiracy to commit robbery in first degree; carrying pistol without permit; criminal possession of pistol or revolver; motion in limine; motion to suppress; unpreserved claim that trial judge violated defendant's constitutional right to due process by improperly failing to recuse himself from presiding over defendant's trial because he previously had signed search and seizure and arrest warrants against defendant; whether defendant could prevail pursuant to State v. Golding (213 Conn. 233); whether trial judge's failure to recuse himself constituted plain error; claim that trial court abused its discretion in admitting witness' testimony identifying defendant in surveillance video; whether witness' testimony constituted opinion on ultimate issue for jury; claim that trial court improperly denied motion to suppress certain statements defendant made to police officer; whether police officer's conversation with defendant constituted custodial interrogation for purposes of Miranda v. Arizona (384 U.S. 436).</i>	
Stephen S. v. Commissioner of Correction	230
<i>Habeas corpus; whether habeas court abused its discretion in rendering judgment declining to issue writ of habeas corpus; whether habeas petition was wholly frivolous on its face within meaning of applicable rule of practice (§ 23-24 (a) (2)); claim that habeas petition raised claims not raised in petitioner's two previous habeas petitions.</i>	
25 Grant Street, LLC v. Bridgeport	600
<i>Negligence; recklessness; statutory governmental immunity (§ 52-557n (b) (8)); whether trial court properly rendered summary judgment for defendant; statute of limitations; relation back doctrine, discussed.</i>	
Weaver v. Sena	852
<i>Child custody; whether trial court improperly granted motion to modify custody of parties' minor child without first finding that material change in circumstances had occurred; claim that trial court improperly determined that modification was in best interests of child; claim that trial court failed to follow recommendation of psychologist that child should continue to reside with plaintiff; unpreserved claim that trial court violated plaintiff's right to due process by unduly limiting her case-in-chief.</i>	
Whistnant v. Commissioner of Correction	406
<i>Habeas corpus; subject matter jurisdiction; claim that habeas court abused its discretion in denying petition for certification to appeal; reviewability of claim that habeas court improperly failed to conduct hearing before declining to issue writ of habeas corpus pursuant to applicable rule of practice (§ 23-24 (a) (1)); claim that habeas court improperly concluded that it lacked subject matter over claims in petition for writ of habeas corpus that retroactive application of 2013 amendment to parole eligibility statute (§ 54-125a (b) (2)) to petitioner violated ex post facto clause of federal constitution and petitioner's right to due process.</i>	