

**Cumulative Table of Cases**  
**Connecticut Appellate Reports**  
**Volume 200**

*(Replaces Prior Cumulative Table)*

Autry v. Hosey . . . . .	795
<i>Negligence; whether trial court erred in finding that pedestrians struck by motor vehicles suffer greater emotional trauma than those involved in motor vehicle accidents as drivers or passengers and improperly calculated noneconomic damages based on this finding.</i>	
Borg v. Cloutier . . . . .	82
<i>Private nuisance; invasion of privacy; defamation; defamation per se; trespass; punitive damages; permanent injunction; motion for contempt; claim that trial court abused its discretion in failing to set aside jury's verdict; whether trial court failed to inquire adequately into possible juror misconduct; claim that trial court improperly awarded punitive damages to defendant; whether trial court correctly determined that permanent injunction was warranted; claim that trial court improperly held named plaintiff in contempt for failing to comply with its permanent injunction order.</i>	
Budrawich v. Budrawich . . . . .	229
<i>Dissolution of marriage; whether trial court properly found that defendant consented to court's request for extension of 120 day time period pursuant to rule of practice (§ 11-19) to issue decision on plaintiff's motion for order; whether trial court properly granted plaintiff's motion to modify alimony; whether trial court properly found that plaintiff met her burden to establish substantial change in circumstances; claim that trial court improperly granted plaintiff's motion to correct and issued corrected memorandum of decision; clarity of court's construction of alimony provision in dissolution judgment; whether language of alimony provision relieved plaintiff of burden to demonstrate substantial change in circumstances; mootness; claim that trial court improperly granted defendant's motion for downward modification of alimony.</i>	
Casiraghi v. Casiraghi . . . . .	771
<i>Marital dissolution; whether trial court's findings that plaintiff engaged in wilful violations of financial obligations were clearly erroneous; whether trial court abused its discretion in not considering plaintiff's defense of inability to pay or in not rejecting that defense before finding that failure to meet financial obligations was wilful; whether trial court's interpretation of parties' separation agreement was clearly erroneous.</i>	
Clinton v. Aspinwall . . . . .	205
<i>Breach of contract; motion to set aside verdict; motion for judgment notwithstanding verdict; whether trial court improperly construed agreement and erred in denying posttrial motions; whether trial court improperly instructed jury regarding provision of agreement; harmless error; whether trial court improperly awarded attorney's fees and costs.</i>	
Costanzo v. Plainfield . . . . .	755
<i>Recklessness; negligence; whether trial court erred in sustaining objections to notice of intent to pursue apportionment and apportionment complaint; whether first exception in provision of municipal liability statute (§ 52-557n (b) (8)) contains negligence standard; whether allegations set forth in complaint allege negligent conduct and fall within first exception of § 52-557n (b) (8); whether defendants could seek apportionment as to property owners and former tenants pursuant to apportionment statute (§ 52-572h (o)).</i>	
Davis v. Davis . . . . .	180
<i>Dissolution of marriage; whether trial court provided defendant with adequate notice that it might dispose of plaintiff's motion for modification of alimony at certain hearing; claim that trial court improperly ordered reimbursement to plaintiff for expenses related to fixing septic system at marital residence; claim that trial court abused its discretion by failing to consider plaintiff's conduct relative to defendant's efforts to make repairs himself; unreserved claim that trial court failed to apply unclean hands doctrine; whether trial court failed to apply statute</i>	

	<i>(§ 46b-224) governing suspension of child support order in calculating child support arrearage; claim that trial court improperly refused to deduct from arrearage amount for period of time parties' minor child was in defendant's custody.</i>	
Dempsey v. Cappuccino . . . . .		653
	<i>Child custody; mootness; claim that trial court improperly permitted defendant to have unsupervised visits with minor child and failed to find that defendant had substance abuse issues; whether subsequent trial court order rendered appeal moot; whether plaintiff failed to adequately brief claim regarding order of joint custody.</i>	
Deutsche Bank National Trust Co. v. Pototschnig . . . . .		554
	<i>Foreclosure; standing; whether trial court properly determined that plaintiff had standing to bring foreclosure action; claim that trial court failed to accord res judicata and collateral estoppel effect to New York court decision; claim that trial court erred in failing to consider whether trust for which plaintiff is trustee ever received note and mortgage; whether trial court abused its discretion in making certain evidentiary rulings.</i>	
Deutsche Bank National Trust Co. v. Shivers (Memorandum Decision) . . . . .		903
Diaz v. Commissioner of Correction . . . . .		524
	<i>Habeas corpus; whether habeas court abused its discretion in denying certification to appeal from judgment denying petition for writ of habeas corpus; whether habeas court improperly denied motion for evidentiary hearing to preclude certain testimony; claim that prosecutor at petitioner's criminal trials intentionally committed violations of Brady v. Maryland (373 U.S. 83); claim that prosecution of petitioner at second criminal trial constituted violation of right against double jeopardy; claim that defense counsel at second criminal trial had conflict of interest pursuant to statute (§ 54-1f); claim that counsel at second criminal trial rendered ineffective assistance.</i>	
Ferri v. Powell-Ferri. . . . .		63
	<i>Vexatious litigation; trusts; cross complaint; motion for summary judgment; whether trial court erred in determining that defendants had probable cause to bring cross complaint; whether trial court applied correct standard for determining whether defendants had probable cause to prosecute cross complaint; whether trial court properly determined that meritless action did not necessitate conclusion that it lacked probable cause or was frivolous; whether trial court correctly determined that lack of precedent in other jurisdictions did not render cross complaint as being without probable cause.</i>	
Giordano v. Giordano . . . . .		130
	<i>Dissolution of marriage; motion to modify alimony; motion for contempt; claim that trial court erred in interpreting separation agreement to include defendant's supplemental pension as basis for modification of alimony; claim that agreement unambiguously did not include supplemental pension as part of gross annual compensation; claim that trial court erred in failing to interpret separation agreement as distributing supplemental pension to defendant at time of dissolution; whether trial court abused its discretion in modifying alimony award; whether trial court improperly granted plaintiff's motion for contempt.</i>	
Goody v. Bedard. . . . .		621
	<i>Negligence; premises liability; motion for extension of time; summary judgment; claim that trial court abused its discretion in effectively denying plaintiff's third motion for extension of time to respond to defendant's motion for summary judgment; claim that trial court improperly granted motion for summary judgment; whether trial court erred in determining that there was no disputed issue of material fact that defendant did not owe duty of care to decedent.</i>	
Hill v. OSJ of Bloomfield, LLC. . . . .		149
	<i>Negligence; premises liability; business invitee; whether trial court properly imposed liability on defendant under mode of operation rule enunciated in Kelly v. Stop &amp; Shop, Inc. (281 Conn. 768), where boxes fell off shelf in defendant's store and struck plaintiff; whether evidence was sufficient to establish that affirmative act on part of defendant caused boxes to fall on plaintiff.</i>	
HSBC Bank USA, National Assn. v. Gilbert . . . . .		335
	<i>Foreclosure; whether trial court erred in granting motion for summary judgment as to liability; claim that genuine issue of material fact existed as to whether defendants received proper notice of default and acceleration of note; claim that trial court erred when it relied in part on representations of counsel as to facts related to error in conjunction with electronic filing; claim that trial court erred</i>	

*in relying on plaintiff's affidavits in support of motion for summary judgment; claim that plaintiff's affidavit of debt did not comply with holding of Jenzack Partners, LLC v. Stoneridge Associates, LLC (183 Conn. App. 128), because affiant lacked personal knowledge as to starting balance of debt.*

In re Elizabeth W. (Memorandum Decision) . . . . . 901

Jackson v. Yale University (Memorandum Decision) . . . . . 902

Larmel v. Metro North Commuter Railroad Co. . . . . 660

*Negligence; accidental failure of suit statute (§ 52-592 (a)); motion to dismiss; arbitration (§ 52-549u et seq.); claim that trial court failed to hold that plaintiff's action was viable pursuant to § 52-592 (a); whether Nunno v. Wixner (257 Conn. 671) was controlling.*

Lepeska v. Commissioner of Correction (Memorandum Decision) . . . . . 903

Maldonado v. Flannery . . . . . 1

*Negligence; personal injury; damages; motion for additur; claim that trial court abused its discretion in granting plaintiffs' joint motion for additur; failure of trial court to identify part of trial record that supported its conclusion that jury's failure to award noneconomic damages was unreasonable; whether jury reasonably could have determined that plaintiffs failed to prove any noneconomic damages for pain and suffering.*

Manere v. Collins . . . . . 356

*Breach of contract; breach of fiduciary duty; dissolution of limited liability company; claim that trial court improperly concluded that defendant limited liability company's counterclaim stated claim on which relief could be granted; whether defendant pleaded facts which sufficiently alleged claim of breach of fiduciary duty; whether trial court improperly applied six year statute of limitations to defendant's counterclaim; whether defendant properly alleged action for accounting; whether trial court improperly rejected plaintiff's application to dissolve defendant limited liability company on ground of oppression pursuant to statute (§ 34-267 (a) (5)).*

Marshall v. Marshall . . . . . 688

*Dissolution of marriage; whether trial court acted within scope of this court's remand order when it used methodology of reasonable compensation to determine plaintiff's pre-tax income in context of effectuating parties' separation agreement; whether trial court erred when it used plaintiff's reasonable compensation to determine his alimony obligation; claim that this court's previous determination that alimony calculation was to be made using pre-tax income was law of case; whether trial court improperly considered plaintiff's argument, which he did not advance in prior proceedings, that alimony obligation should be based on his reasonable compensation; whether trial court's determination of plaintiff's pre-tax income on basis of his reasonable compensation was clearly erroneous; whether trial court improperly modified alimony retroactively for period of four years prior to plaintiff's motion to modify alimony.*

McLoughlin v. Planning & Zoning Commission . . . . . 307

*Zoning; appeal from decision of defendant planning and zoning commission denying plaintiffs' application for special permit to construct crematory in industrial zone; claim that Superior Court improperly concluded that there was substantial evidence in record to support commission's denial of application; claim that commission improperly failed to consider special permit application on merits; whether commission predetermined its denial of application.*

Nationstar Mortgage, LLC v. Zanett (Memorandum Decision) . . . . . 901

Norwich v. Loskoutova (Memorandum Decision) . . . . . 902

Pentland v. Commissioner of Correction . . . . . 296

*Habeas corpus; whether habeas court properly dismissed petition for writ of habeas corpus for lack of subject matter jurisdiction; whether petitioner was in custody at time he filed habeas petition; claim that sentences petitioner was serving and sentence on convictions he had completed when he filed habeas petition should be treated as consecutive sentences under Garlotte v. Fordice (515 U.S. 39) for purpose of advancing his release date.*

Rider v. Rider . . . . . 466

*Quiet title; fraud; breach of fiduciary duty; whether trial court properly granted motions to dismiss for lack of subject matter jurisdiction because plaintiff lacked standing; claim that, because Probate Court lacked statutory (§ 45a-646) authority to appoint conservator, all subsequent actions of Probate Court were void ab initio; claim that plaintiff had standing to bring certain claims that he alleged arose subsequent to resolution of his bankruptcy proceedings.*

Ross v. Ross . . . . .	720
<i>Dissolution of marriage; motion for modification of alimony; motion for attorney's fees; claim that trial court abused its discretion in determining amount of modified unallocated alimony and child support order; failure to unbundle child support award from alimony award and to apply child support guidelines in modifying order; claim that trial court abused its discretion by ordering defendant to pay plaintiff's attorney's fees.</i>	
Ruscoe v. Commissioner of Correction (Memorandum Decision) . . . . .	901
Schuler v. Commissioner of Correction . . . . .	602
<i>Habeas corpus; ineffective assistance of counsel; whether habeas court abused its discretion in denying petition for certification to appeal from judgment denying petition for writ of habeas corpus because certification to appeal form contained no specified grounds for appeal; claim that habeas court reasonably should have concluded that petitioner intended to appeal from denial of ineffective assistance of counsel claim; whether habeas court improperly denied claim of ineffective assistance of counsel.</i>	
Silver v. Silver . . . . .	505
<i>Dissolution of marriage; claim that trial court abused its discretion by opening and modifying dissolution judgment in granting plaintiff's motion to "clarify and effectuate" dissolution judgment when plaintiff did not request such relief; whether trial court modified, rather than clarified, dissolution judgment; whether trial court properly exercised its statutory (§ 52-212a) authority to open and modify dissolution judgment.</i>	
Silver Hill Hospital, Inc. v. Kessler . . . . .	742
<i>Collections; claim that fact finder's conclusions were not based on evidence presented at trial; claim that fact finder improperly failed to consider defendant's contention that plaintiff had duty to contact Medicare to resolve coverage issue; whether trial court properly denied defendant's objections to fact finder's report; claim that hospital debt collection statute (§ 19a-673d) compelled judgment for defendant.</i>	
Sosa v. Robinson . . . . .	264
<i>Alleged deprivation of plaintiff's federal constitutional rights; whether trial court erred when it dismissed for lack of subject matter jurisdiction counts of complaint that sought compensatory relief against defendant correctional institution employee in his individual capacity; whether defendant was entitled to summary judgment on count of complaint that alleged retaliation where plaintiff failed to submit evidence to create genuine issue of material fact that there was causal connection between his protected first amendment activity and adverse employment action; whether plaintiff failed to demonstrate existence of genuine issue of material fact as to defendant's discriminatory intent where plaintiff's prior termination from job as commissary line worker constituted legitimate, nondiscriminatory reason for denial of his application for employment in commissary; whether plaintiff's takings claim failed as matter of law where plaintiff neither alleged nor submitted any evidence regarding appropriation of property or any evidence of unconstitutional taking.</i>	
Speer v. Skaats (Memorandum Decision) . . . . .	903
State v. Byrne (Memorandum Decision) . . . . .	902
State v. Castro . . . . .	450
<i>Murder; unpreserved claim that counsel's waiver of defendant's confrontation right was invalid because trial court failed to make finding that counsel's decision was legitimate trial tactic or part of prudent trial strategy; claim that right to confrontation can only be personally waived by defendant; claim that article first, § 8, of state constitution provides greater protection than federal constitution, rejected.</i>	
State v. Curet . . . . .	13
<i>Possession of narcotics with intent to sell; motion to suppress; whether trial court properly denied defendant's motion to suppress; whether trial court properly concluded that search was lawful under exigent circumstances exception to warrant requirement; whether trial court properly concluded that search was justified under emergency doctrine.</i>	
State v. Freddy T. . . . .	577
<i>Risk of injury to child; sexual assault in first degree; whether trial court abused its discretion by admitting into evidence portions of video recording of social worker's forensic interview with child; claim that forensic interview did not meet requirements of medical diagnosis and treatment exception to rule against hearsay as set forth in provision of Code of Evidence (§ 8-3 (5)).</i>	

State v. Rivera (AC 42388) . . . . . 401  
*Breach of peace in second degree; whether defendant's sufficiency claim was unreviewable because state claimed that defendant, through counsel, explicitly waived right to have state prove beyond reasonable doubt that altercation occurred in public place under applicable statute (§ 53a-181 (a) (1)) by conceding that element during closing argument; claim that evidence was insufficient to support finding that conduct giving rise to conviction occurred in public place for purposes of § 53a-181 (a) (1).*

State v. Rivera (AC 43411) . . . . . 487  
*Murder; conspiracy to commit assault in first degree; unlawful restraint in first degree; unlawful discharge of firearm; carrying pistol without permit; whether trial court abused its discretion in limiting defense counsel's closing arguments; whether trial court abused its discretion in admitting copy of cell phone recording containing defendant's confession; whether trial court should exercise supervisory powers to heighten requirements for admission of copies of digital evidence.*

State v. Robert B. . . . . 637  
*Unlawful restraint in first degree; breach of peace in second degree; whether defendant's claim that his rights to due process and fair trial were violated when witness testified as to defendant's prior bad acts and arrests was preserved and of constitutional magnitude; claim that defendant was denied fair trial due to prosecutorial impropriety; whether defendant's unpreserved claim that trial court erred by failing to instruct jury on lesser included offense of unlawful restraint in second degree was waived.*

State v. Syms. . . . . 55  
*Motion to correct illegal sentence; robbery in first degree; conspiracy to commit robbery in first degree; unpreserved claim that trial court violated defendant's rights to due process when it accepted his guilty pleas without advising him that sentence could run consecutively to unrelated sentence he was then serving; claim that combination of sentence of incarceration followed by special parole violated federal prohibition against double jeopardy.*

State v. Williams. . . . . 427  
*Sexual assault in first degree; sexual assault in fourth degree; risk of injury to child; claim that defendant was deprived of right to fair trial as result of prosecutorial impropriety during direct examination and closing arguments; unpreserved claim that there was insufficient evidence for jury to find beyond reasonable doubt that victim was under ten years of age at time of first sexual assault to support mandatory minimum sentence imposed by trial court pursuant to statute (§ 53a-70).*

Stilkey v. Zembko . . . . . 165  
*Statutory theft; whether trial court abused its discretion in applying continuing course of conduct doctrine; whether trial court was within its discretion to determine that no party was prejudiced by lapse in pleading specific statute of limitations or continuing course of conduct doctrine; claim that trial court improperly concluded that continuing course of conduct doctrine tolled statute of limitations; claim that trial court's findings that plaintiff had no knowledge of defendant's actions and had not consented to or authorized them were clearly erroneous.*