

**Cumulative Table of Cases**  
**Connecticut Appellate Reports**  
**Volume 196**

---

Al-Fikey v. Obaiah . . . . .	13
<i>Dissolution of marriage; claim that trial court's finding that defendant was at fault for irretrievable breakdown of marriage was clearly erroneous; whether trial court properly found that defendant was intentionally underemployed when calculating his earning capacity; claim that trial court erred in calculating support orders on basis of defendant's earning capacity rather than his actual income; claim that trial court improperly determined which properties were part of marital estate.</i>	
Bordiere v. Ciarcia Construction, LLC . . . . .	70
<i>Motion to open judgment; motion to substitute as party plaintiff; whether trial court erred in premising its decision to open judgment and to substitute executrix as plaintiff on statute (§ 52-107) permitting intervention in case that had reached final judgment; claim that right of survival statute (§ 52-599) provided trial court with broad discretion to grant executrix' untimely motion to substitute herself as plaintiff on showing of good cause.</i>	
Carabetta Organization, Ltd. v. Meriden . . . . .	147
<i>Summary judgment; res judicata; whether trial court properly rendered summary judgment for defendants where plaintiffs claimed that certain defendants conspired to secure defeat of plaintiffs' effort to obtain approval of leaseback agreement of certain real property that had been subject of four prior unsuccessful actions by plaintiffs; claim that plaintiffs' action was founded on different types of conduct by different defendants and different effects of that conduct.</i>	
Compass Bank v. Dunn . . . . .	43
<i>Foreclosure; whether trial court incorrectly granted motion for default for failing to disclose defense on ground that no "valid" defense was asserted; whether rule of practice (§ 13-19) allows trial court to pass on legal sufficiency of proposed defense; claim that defendants interposed valid defense to foreclosure action.</i>	
Dickau v. Mingrone . . . . .	59
<i>Property; breach of contract; claim that trial court erred in finding that city building department had not made determination regarding use and occupancy status of plaintiff's property; whether record was sufficient to support trial court's finding; claim that trial court erred in not finding that plaintiff established existence of damages.</i>	
Hogfeldt v. Board of Education (Memorandum Decision) . . . . .	901
Jepsen v. Camassar . . . . .	97
<i>Declaratory judgment; action seeking declaration that certain modifications made by beach association to restrictive covenants in beach deed were invalid; claim that trial court improperly denied plaintiffs' postjudgment motion for equitable relief because this court's order of remand in first appeal required trial court to address their claims for quiet title and injunctive relief; claim that trial court improperly denied postjudgment motion for fees and costs; claim that, even assuming that this court's mandate in first appeal did not encompass claims of certain plaintiffs to quiet title, equitable relief, and fees and costs, trial court improperly denied their motion to open to provide them with their requested relief; claim that trial court violated several state and federal constitutional rights of certain plaintiffs by failing to hear or grant their postjudgment motions.</i>	
Lemanski v. Commissioner of Motor Vehicles (Memorandum Decision) . . . . .	901
Nietupski v. Del Castillo . . . . .	31
<i>Marital dissolution; separation; claim that trial court violated free exercise clause of first amendment by rendering judgment of marital dissolution; whether trial court abused its discretion when it entered certain orders regarding minor child's travel and education as part of judgment of dissolution.</i>	
Peterson v. Torrington . . . . .	52
<i>Declaratory judgment; summary judgment; tax sale; whether appeal was moot; whether there was unchallenged, alternative ground for affirming judgment of</i>	

	<i>trial court; whether trial court could grant practical relief; whether Appellate Court was without subject matter jurisdiction.</i>	
Presto v. Presto . . . . .		22
	<i>Declaratory judgment; whether trial court properly granted motion to dismiss plaintiff's declaratory judgment action on ground that claims were not ripe for adjudication because they were pending before Probate Court at time complaint was filed in Superior Court; adoption of trial court's memorandum of decision as statement of facts and applicable law on issues.</i>	
Starboard Resources, Inc. v. Henry . . . . .		80
	<i>Interpleader; interpleader action to determine rights of defendants to certain shares of plaintiff's common stock; motion to dismiss; subject matter jurisdiction; standing; claim that trial court lacked subject matter jurisdiction over interpleader action; whether plaintiff lacked standing because its nonparty transfer agent allegedly held subject shares on plaintiff's behalf; claim that trial court improperly denied defendant companies' motion to dismiss for mootness; claim that trial court improperly rendered interlocutory judgment of interpleader; whether it was premature for this court to consider merits of parties' purportedly adverse claims to shares; whether trial court properly exercised its authority to remand matter to clarify arbitration award as to ownership of shares; whether trial court violated doctrine of functus officio.</i>	
Thompson v. Commission of Correction (Memorandum Decision) . . . . .		901
Turek v. Zoning Board of Appeals . . . . .		122
	<i>Zoning; claim that trial court incorrectly concluded that plaintiffs demonstrated legally cognizable hardship; claim that trial court erroneously determined that plaintiffs' application to zoning board for variance qualified under exception to hardship requirement set forth in Adolphson v. Zoning Board of Appeals (205 Conn. 703).</i>	
Wachovia Mortgage, FSB v. Toczek . . . . .		1
	<i>Foreclosure; motion for summary judgment as to liability; motion for judgment of strict foreclosure; motion to reargue; claim that trial court lacked subject matter jurisdiction because plaintiff did not have standing because it was not holder of subject note; claim that note was nonnegotiable instrument pursuant to relevant statute (§ 42a-3-104 (a)) because it was not for fixed amount of money and was governed by federal law; claim that trial court improperly granted plaintiff's motion for summary judgment as to liability; whether trial court abused its discretion by granting motion for judgment of strict foreclosure; whether plaintiff complied with requirement in applicable rule of practice (§ 23-18) that preliminary statement of monetary claim be filed no less than five days prior to hearing on motion for judgment of strict foreclosure; claim that trial court abused its discretion when it denied defendant's motion to reargue judgment of strict foreclosure.</i>	