

**Cumulative Table of Cases
Connecticut Appellate Reports
Volume 202**

(Replaces Prior Cumulative Table)

A & R Enterprises, LLC v. Sentinel Ins. Co., Ltd.	224
<i>Insurance; alleged breach of commercial automobile insurance policy; reviewability of claim that trial court erred in concluding that recovery of full cost of repairs to insured's vehicle was precluded by insured's failure to comply with voluntary payment provision of insurance policy issued by defendant; claim that trial court erred in concluding that defendant's reliance on insured's alleged noncompliance with voluntary payment provision of policy did not constitute improper attempt to steer insured to defendant's preferred auto repair shop in violation of applicable statute (§ 38a-354 (b)).</i>	
A Better Way Wholesale Autos, Inc. v. Thibodeau (Memorandum Decision)	903
Bank of America, National Assn. v. Sorrentino (Memorandum Decision)	903
Bank of New York Mellon v. Tope	540
<i>Foreclosure; motion to open and vacate judgment; claim that trial court erred in denying motion to open and vacate on ground that plaintiff lacked standing and court lacked subject matter jurisdiction; whether this court was presented with collateral attack on foreclosure judgment; whether facts and circumstances constituted exceptional case in which lack of jurisdiction was so manifest as to warrant review.</i>	
Belco v. 23 Fair Street Operations, LLC (Memorandum Decision)	905
Bozelko v. Statewide Construction, Inc.	577
<i>Writ of error; standing; aggravement; claim that trial court erred in determining that defendants in underlying action to quiet title were owners of certain real property; whether plaintiff in error lacked standing to challenge trial court's judgment.</i>	
Carter v. Hardy (Memorandum Decision)	905
Coleman v. Commissioner of Correction	563
<i>Habeas corpus; whether habeas court abused its discretion in denying petition for certification to appeal; whether petitioner failed to show good cause pursuant to statute (§ 52-470) for delay in filing petition for writ of habeas corpus.</i>	
Collibee v. Bitteker (Memorandum Decision)	901
Collins v. Commissioner of Correction	789
<i>Habeas corpus; claim that petitioner was denied constitutional right to counsel free from conflict of interest; whether conflict of interest claim was procedurally defaulted; claim that trial counsel had financial incentive not to retain expert witnesses because petitioner and his family were unable to pay costs of same; claim that trial counsel provided ineffective assistance by failing to investigate or present testimony of potential eyewitness.</i>	
Commissioner of Public Health v. Colandrea	815
<i>Petition to enforce subpoena duces tecum seeking production of patient records from defendant dentist; whether trial court abused its discretion by finding that defendant's noncompliance with subpoena was wilful; whether trial court abused its discretion by awarding attorney's fees to plaintiff pursuant to statute (§ 52-256b (a)); reviewability of claim that trial court's order permitting plaintiff to search defendant's office violated fourth amendment to United States constitution.</i>	
Cordero v. Commissioner of Correction (Memorandum Decision)	908
Davis v. Commissioner of Correction (Memorandum Decision)	904
DeLeo v. Equale & Cirone, LLP	650
<i>Breach of fiduciary duty; whether trial court's subordinate findings of fact regarding noncompete provision in partnership agreement were clearly erroneous; claim that trial court should not have invalidated noncompete provision because parties had equal bargaining power and entered into partnership agreement voluntarily; whether trial court properly concluded that noncompete provision in partnership agreement was not enforceable as unreasonable restraint of trade.</i>	

Dwyer v. Commissioner of Correction (Memorandum Decision)	907
Felder v. Commissioner of Correction	503
<i>Habeas corpus; whether habeas court properly dismissed petition for writ of habeas corpus for petitioner's failure to establish good cause pursuant to statute (§ 52-470 (e)) for delay of more than two years in filing successive petition; claim that habeas court abused its discretion in determining that petitioner's assertion that he was unaware of and had never been informed of filing deadline was insufficient to compel conclusion that petitioner met his burden to establish good cause; claim that federal habeas petition was "prior petition" within meaning of § 52-470 (d), thereby tolling time limits in § 52-470 (d) to file successive petition.</i>	
Figueroa v. Commissioner of Correction	54
<i>Habeas corpus; claim that trial counsel rendered ineffective assistance in failing to request alibi instruction; claim that appellate counsel rendered ineffective assistance in failing to raise claim that petitioner's sixth amendment right to trial by jury was violated; whether habeas court properly dismissed petitioner's claim that his constitutional right to trial by jury was violated because it was procedurally defaulted.</i>	
Fronsaglia v. Fronsaglia	769
<i>Dissolution of marriage; financial orders; claim that trial court abused its discretion in issuing its financial orders by making grossly disproportionate property distribution in plaintiff's favor and assigning majority of marital debt to defendant; whether there was sufficient evidence to support trial court's finding as to defendant's actual earnings; claim that trial court erred by basing its alimony award solely on defendant's gross income rather than on his net income; claim that trial court abused its discretion by awarding alimony to plaintiff to punish defendant for his purported misdeeds.</i>	
Godbout v. Freedom of Information Commission (Memorandum Decision)	908
Godfrey v. Commissioner of Correction	684
<i>Habeas corpus; murder; death penalty; frustration of purpose doctrine; whether habeas court properly determined that petitioner was not entitled to habeas relief with respect to collateral attack on guilty plea because he failed to prove that principal purpose for entering into guilty plea with agreed on sixty year sentence was substantially frustrated by subsequent abolition of death penalty and that he had assumed risk that law might change in his favor; whether petitioner was fully aware of consequences of his plea; whether terms of plea agreement were ambiguous; amelioration doctrine, discussed.</i>	
Gould v. Commissioner of Correction (Memorandum Decision)	901
HSBC Bank USA, National Assn. v. Hines (Memorandum Decision)	903
In re Josiah D.	234
<i>Termination of parental rights; claim that trial court committed reversible error by failing to notify respondent father that it would be drawing adverse inference from his decision not to testify; request for this court to exercise its supervisory authority over administration of justice to require notice to parent beyond what is required by rule of practice (§ 35a-7A).</i>	
In re Kameron N. (AC 44079)	628
<i>Termination of parental rights; claim that Indian tribe, of which respondent father was member, did not receive adequate notice of termination of parental rights proceeding in violation of Indian Child Welfare Act of 1978 (25 U.S.C. § 1901 et seq.).</i>	
In re Kameron N. (AC 44086)	637
<i>Termination of parental rights; claim that notice to Indian tribe of involuntary nature of termination of parental rights proceedings was inadequate, in violation of Indian Child Welfare Act of 1978 (25 U.S.C. § 1901 et seq.); whether trial court abused its discretion by denying motion to open evidence; whether trial court's determination that termination of respondent mother's parental rights was in child's best interest was clearly erroneous.</i>	
In re Marcquan C.	520
<i>Motion to revoke commitment; claim that trial court abused its discretion by ordering respondent mother to participate in psychological evaluation; whether trial court's order requiring respondent to participate in psychological evaluation constituted final judgment for purposes of appeal.</i>	
In re Miyuki M.	851
<i>Termination of parental rights; unpreserved claim that trial court denied respondent mother her right to due process when it failed to canvass her pursuant to In re Yasiel R. (317 Conn. 773) before accepting into evidence exhibit containing</i>	

stipulation of facts; unreserved claim under State v. Golding (213 Conn. 233); whether trial court's failure to conduct separate canvass prior to admission of exhibit constituted plain error or required exercise of this court's supervisory authority over administration of justice; whether trial court erred in denying motion to transfer guardianship of minor child to maternal grandmother.

In re November H. 106
Termination of parental rights; claim that trial court's finding that respondent father lacked normal and healthy parent-child bond with his child was internally inconsistent with finding that there was no parent-child relationship; whether there was clear and convincing evidence that father failed to achieve sufficient degree of personal rehabilitation as would encourage belief that within reasonable time he could assume responsible position in life of child; claim that trial court's finding that additional time was necessary for father to form normal and healthy parent-child bond was clearly erroneous; claim that trial court's finding that father would be responsible for providing housing and financial support to child within reasonable time was clearly erroneous; whether conduct of child's mother and Commissioner of Children and Families required trial court to consider interference exception to statute (§17a-112 (j) (3) (D)) in determining that father lacked normal and healthy parent-child bond with child; whether trial court made improper comparison between father and child's foster parent in determining that father failed to sufficiently rehabilitate.

In re Phoenix A. 827
Termination of parental rights; claim that trial court erred by finding that respondent father was unable or unwilling to benefit from reunification services pursuant to statute (§ 17a-112 (j) (1)); whether, because father failed to challenge on appeal trial court's finding that Department of Children and Families made reasonable efforts at reunification, one of two separate and independent bases for upholding trial court's determination that § 17a-112 (j) (1) had been satisfied, father's claim was moot; claim that trial court erred by finding that father had failed to achieve sufficient degree of personal rehabilitation so as to encourage belief that he could assume responsible position in life of minor child within reasonable time; claim that trial court erred by determining that termination of father's parental rights was in best interest of minor child.

Indoor Billboard Northwest, Inc. v. M2 Systems Corp. 139
Unjust enrichment; assignment of rights under promissory note; whether trial court improperly rendered judgment in favor of individual who was not plaintiff and had not assigned to plaintiff his interest in promissory note that was executed in his favor; unreserved claim that trial court could not properly consider setoff issue without first permitting defendant to review plaintiffs' tax returns; whether trial court abused its discretion in rejecting special defense of unclean hands; whether trial court's factual finding that promissory note had been amended was clearly erroneous; whether evidence supported trial court's finding that plaintiffs were entitled to recover under theory of unjust enrichment; claim that plaintiffs failed to prove that defendant unjustly did not pay them for benefit defendant received; claim that plaintiffs did not prove that defendant's failure to pay them was to plaintiffs' detriment; whether trial court's finding that defendant's loan obligation was satisfied in part with use of plaintiffs' funds was clearly erroneous; whether trial court erred in finding that plaintiffs satisfied defendant's debt despite plaintiffs' failure to produce evidence of written discharge of promissory note; whether trial court properly denied plaintiffs' postjudgment motion for attorney's fees and expenses.

Ingram v. Commissioner of Correction (Memorandum Decision). 905

International Investors v. Town Plan & Zoning Commission 582
Zoning; whether trial court improperly concluded that special permit granted to developer remained valid on basis that it could not be temporally limited; whether zoning statute (§ 8-2 (a)) extended authority to plan and zoning commission to restrict duration of special permit; claim that trial court improperly concluded that special permit, once recorded pursuant to statute (§ 8-3d), "runs with the land" and is valid indefinitely.

Jan G. v. Semple. 202
Alleged deprivation of plaintiff inmate's federal constitutional rights; motion to dismiss; claim that trial court improperly concluded that it lacked subject matter and personal jurisdiction over plaintiff's claims brought against defendants in their individual capacities; whether defendants were entitled to statutory (§ 4-165 (a)) immunity; whether trial court properly dismissed plaintiff's claims

	<i>brought pursuant to federal statute (42 U.S.C. § 1983) on basis of doctrine of qualified immunity; claim that trial court improperly concluded that it lacked subject matter jurisdiction over plaintiff's claims brought against defendants in their official capacities on basis of doctrine of sovereign immunity.</i>	
Kaminski v. Commissioner of Correction (Memorandum Decision)		902
Kelsey v. Commissioner of Correction		21
	<i>Habeas corpus; claim that habeas court abused its discretion in dismissing successive petition for writ of habeas corpus for failure to show good cause pursuant to statute (§ 52-470) for unreasonable delay in filing petition; whether habeas court improperly concluded that petitioner failed to sufficiently establish good cause for delay in filing successive petition; whether lack of personal knowledge of statutory deadline set forth in § 52-470 and lack of access to law library or legal resources sufficiently rebutted presumption of unreasonable delay; whether habeas court properly weighed relevant factors in dismissing successive petition.</i>	
LaPierre v. Mandell & Blau, M.D.'s, P.C.		44
	<i>Medical malpractice; motion to dismiss; personal jurisdiction; claim that trial court erred in granting motion to dismiss for lack of personal jurisdiction; whether trial court properly dismissed action for failing to comply with statute (§ 52-190a) that governs medical malpractice actions; whether allegations of complaint satisfied test set forth in Boone v. William W. Backus Hospital (272 Conn. 551) for determining whether claim sounds in medical malpractice.</i>	
Lewis v. Freedom of Information Commission		607
	<i>Administrative appeal; alleged violation of Freedom of Information Act (§ 1-200 et seq.); whether trial court properly granted motion to dismiss appeal for lack of subject matter jurisdiction on ground that plaintiff failed to file administrative appeal in Superior Court within forty-five days after final decision of defendant Freedom of Information Commission has been mailed, as required by statute (§ 4-183 (c)).</i>	
Lindquist v. Agwunobi (Memorandum Decision)		909
Madigan v. Columbia Dental, P.C. (Memorandum Decision)		907
McCall v. Sopneski		616
	<i>Negligence; motion for summary judgment; whether trial court properly rendered summary judgment on ground that defendant automobile dealer was immune from liability pursuant to statute (§ 14-60) for damages allegedly caused by vehicle loaned to customer.</i>	
Meyers v. Middlefield		264
	<i>Administrative appeal; employment termination pursuant to statute (§ 20-260); whether trial court improperly determined that record was sufficient to support decision of town's Board of Selectmen to terminate plaintiff's employment as town's building official; claim that board's decision terminating plaintiff's employment violated public policy and constituted wrongful discharge.</i>	
Miller v. Burby (Memorandum Decision)		901
Morales v. Commissioner of Correction (Memorandum Decision)		906
Morganti Group, Inc. v. Concrete Superstructures, Inc. (Memorandum Decision)		906
MSW Associates, LLC v. Planning & Zoning Dept.		707
	<i>Zoning; whether trial court erred by holding that zoning regulations' limitation of solid waste facilities only to those in certain zone and in existence as of certain date violated statute (§ 22a-208b (b)) barring zoning laws from prohibiting construction, alteration or operation of any type of solid waste facility; whether plaintiff lacked standing to claim violation of § 22a-208b (b).</i>	
Newtown v. Ostrosky		13
	<i>Foreclosure; whether trial court properly denied motion to reargue and for reconsideration of judgment of foreclosure by sale; claim that foreclosure judgment should be opened and vacated; claim that default for failure to plead entered by court clerk was invalid and could not serve as basis for foreclosure judgment; adoption of trial court's memorandum of decision as statement of facts and applicable law.</i>	
Northeast Builders Supply & Home Centers, LLC v. RMM Consulting, LLC		315
	<i>Breach of contract; motion to strike; whether trial court properly granted plaintiff's motion to strike certain counts of defendant's counterclaim because those counts involved different set of facts distinct from those necessary to adjudicate sole issue in complaint; whether trial court's finding that plaintiff was seller of building materials was clearly erroneous; whether trial court's finding that individual defendants were buyers under credit agreement was clearly erroneous; whether trial court applied proper standard in analyzing defendants' defense of</i>	

revocation; whether trial court misapplied provision (§ 42a-2-714) of Uniform Commercial Code; whether trial court's award of damages was clearly erroneous.

Norwich v. Brenton Family Trust (Memorandum Decision) 905

OneWest Bank, N.A. v. Ceslik 445

Foreclosure; motion for summary judgment as to liability; motion for judgment of strict foreclosure; motion to dismiss; motion for judgment; standing; reviewability of claim that trial court erred in rejecting defendant's special defense of laches; claim that trial court erred in denying defendant's motion for judgment; whether trial court properly determined that substitute plaintiff had standing to foreclose mortgage; claim that trial court erred in crediting obviously fraudulent and defective assignments of mortgage; claim that trial court erred in denying defendant's motion to dismiss; reviewability of claim that defendant was denied due process in connection with his postappeal motion for judgment.

Palmer v. Commissioner of Correction (Memorandum Decision) 902

Reliable Mechanical Contractors, LLC v. Ricketts (Memorandum Decision) 902

Roberts v. Commissioner of Correction (Memorandum Decision) 904

Rose v. Commissioner of Correction 436

Habeas corpus; whether habeas court abused its discretion in dismissing petition for writ of habeas corpus for petitioner's failure to show good cause pursuant to statute (§ 52-470) for delay of more than one year in refileing petition that previously had been withdrawn; claim that habeas court's findings were clearly erroneous as to advice petitioner's counsel had provided about need to refile petition and relevant time limits as it related to refileing.

Sauve v. Commissioner of Motor Vehicles (Memorandum Decision) 906

Seaport Capital Partners, LLC v. Speer 487

Writ of error; claim that trial court improperly granted motion for protective order and held plaintiff in error liable to defendant in error for certain sum; reviewability of plaintiff in error's claims and dismissal of writ of error for failure to comport brief and appendix with appellate rules of practice.

Seramonte Associates, LLC v. Hamden 467

Tax appeal; claim that penalty imposed on property owner by town assessor pursuant to statute (§ 12-63c (d)) for failure to submit certain tax forms by required date was improper; whether trial court properly rendered summary judgment; whether trial court properly granted motion to strike; claim that word "submit" as used in § 12-63c (a) was ambiguous; claim that penalty set forth in § 12-63c (d) violated excessive fines clauses of both federal and state constitutions.

State v. Edwards 384

Burglary in first degree; robbery in first degree; conspiracy to commit larceny in first degree; assault in second degree; larceny in second degree; whether evidence was sufficient to support jury's finding that value of stolen property in defendant's possession exceeded \$10,000 as required by statute (§ 53a-123); whether victim's testimony on its own was sufficient to support jury's finding of value of property; whether evidence was sufficient to establish that defendant knew property in his possession was stolen; whether trial court improperly admitted hearsay testimony from police detective regarding surveillance video; whether defendant was harmed by admission of challenged testimony; whether trial court abused its discretion in precluding defense counsel from cross-examining victim about unrelated incident in which she was convicted of possession of narcotics; claim that trial court's jury instruction concerning reasonable doubt constituted structural error.

State v. Ervin B. 1

Threatening in second degree; claim that evidence was insufficient to support finding that defendant made physical threat against his wife for purposes of conviction of threatening in second degree in violation of statute (§ 53a-62 (a) (1)).

State v. Ferrazzano-Mazza 411

Operating motor vehicle while under influence of intoxicating liquor or drugs; operating motor vehicle without license; claim that trial court improperly excluded evidence that defendant had offered to take blood test in lieu of Breathalyzer test and gave jury limiting instruction that it could not consider her offer to take blood test as relevant to any issue in case; whether there was reasonable possibility that jury was misled by trial court's limiting instruction; claim that trial court improperly denied defendant's request to charge jury on field sobriety acts; whether there was reasonable possibility that jury was misled by trial court's refusal to adopt defendant's requested instruction.

State v. \$4137 in United States Currency (Memorandum Decision)	904
State v. Njoku	491
<i>Sexual assault in fourth degree; tampering with witness; claim that trial court abused its discretion in denying motion to modify condition of probation prohibiting defendant from assuming employment position with authority over females and accessing their personal information; whether defendant's claim constituted legally cognizable dispute; claim that trial court's denial of motion to modify condition of probation barring defendant from using social media violated defendant's first amendment rights; whether defendant's claim was ripe for review.</i>	
State v. Sayles	736
<i>Felony murder; conspiracy to commit robbery in first degree; criminal possession of pistol or revolver; carrying pistol without permit; motion to suppress; whether trial court improperly denied motion to suppress evidence obtained from defendant's cell phone; claim that evidence from cell phone was discovered as result of violation of Miranda v. Arizona (384 U.S. 436); request that this court adopt prophylactic rule under state constitution that would render inadmissible incriminating evidence obtained after criminal suspect invokes right to counsel or to have counsel present and police continue to use deceptive tactics to undermine those rights; whether trial court erred in concluding that police had probable cause to seize cell phone at police station pursuant to exigent circumstances exception to fourth amendment's warrant requirement; claim that police should not have relied on informant's self-serving statements to establish probable cause to search cell phone; reviewability of claim that warrant application to search cell phone contained materially false information pursuant to Franks v. Delaware (438 U.S. 154).</i>	
State v. Williams	355
<i>Larceny in first degree; whether trial court abused its discretion in admitting certain reports into evidence pursuant to statutory (§ 52-180) business records exception to rule against hearsay; whether trial court abused its discretion in sustaining various evidentiary objections by state to certain documents and testimony that defendant proffered at trial; whether trial court abused its discretion by denying defendant's request for certificates pursuant to statute (§ 54-82i (c)) to subpoena out-of-state witnesses and by considering timeliness of defendant's request.</i>	
Sutton v. Ocean State Job Lot of Willimantic, LLC (Memorandum Decision)	908
Taber v. Taber (Memorandum Decision)	907
Vogue v. Administrator, Unemployment Compensation Act	291
<i>Unemployment compensation; whether trial court properly dismissed appeal from decision of Employment Security Board of Review; whether plaintiff was liable for certain unpaid unemployment compensation contributions under Unemployment Compensation Act (§ 31-222 et seq.); whether board and trial court properly applied part B of ABC test under § 31-222 (a) (1) (B) (ii) (II) in concluding that tattoo artist was plaintiff's employee; whether record contained substantial evidence for board to have determined that provision of tattoo services was within plaintiff's usual course of business and part of its business enterprise; claim that board and trial court focused solely on plaintiff's advertisements and not on other findings that did not support board's determination.</i>	
Wittman v. Intense Movers, Inc.	87
<i>Corporate dissolution; breach of fiduciary duty; notice to purchase shares of company pursuant to statute (§ 33-900 (b)); motion to enforce settlement agreement; whether defendants established that trial court improperly enforced settlement agreement.</i>	