

Cumulative Table of Cases
Connecticut Appellate Reports
Volume 212

(Replaces Prior Cumulative Table)

<p>Arrico v. Board of Education</p> <p style="padding-left: 2em;"><i>Workers' compensation; appeal from decision of Compensation Review Board, which reversed in part Workers' Compensation Commissioner's decision to approve form 36 filed by defendants seeking to discontinue or to reduce plaintiff's workers' compensation benefits; claim that board misconstrued commissioner's decision as including finding that plaintiff was totally disabled as result of preexisting, noncompensable injuries; claim that board misconstrued commissioner's conclusion that further medical care of plaintiff's compensable injuries was palliative; claim that board, in denying plaintiff's motion for articulation or reconsideration, violated statute (§ 51-183c) by denying his request for order that issues on remand be tried de novo before different commissioner.</i></p>	<p>1</p>
<p>Bennetta v. Derby</p> <p style="padding-left: 2em;"><i>Public nuisance; motion to strike; claim that trial court erred in granting defendant city's motion to strike; whether complaint failed to allege that city created nuisance by some positive act as required by applicable statute (§ 52-557n (a) (1) (C)).</i></p>	<p>617</p>
<p>Board of Education v. Commission on Human Rights & Opportunities</p> <p style="padding-left: 2em;"><i>Employment discrimination; whether trial court properly dismissed plaintiff's appeal and affirmed decision of defendant Commission on Human Rights and Opportunities; claim that trial court improperly affirmed commission's award of back pay because award was not supported by substantial evidence; reviewability of claim that award of emotional distress damages was improper because commission was not authorized to award compensatory damages pursuant to statute (§ 46a-58) in employment discrimination cases that fall within scope of applicable statute (§ 46a-60); request that this court exercise its supervisory authority over administration of justice to review plaintiff's unreserved claim in light of Supreme Court's decision in Connecticut Judicial Branch v. Gilbert (343 Conn. 90).</i></p>	<p>578</p>
<p>Byrne v. Avery Center for Obstetrics & Gynecology, P.C.</p> <p style="padding-left: 2em;"><i>Negligent infliction of emotional distress; breach of contract; breach of duty of patient confidentiality; claim that trial court improperly limited testimony of defendant's expert witness; claim that trial court improperly admitted medical report into evidence; claim that trial court improperly charged jury concerning future non-economic damages; claim that trial court improperly denied defendant's request for jury interrogatory that differentiated between past and future damages; claim that trial court improperly granted plaintiff's motion for offer of judgment interest pursuant to applicable statute (§ 52-192a).</i></p>	<p>339</p>
<p>Campbell v. Porter</p> <p style="padding-left: 2em;"><i>False arrest in violation of federal law (42 U.S.C. § 1983); civil conspiracy in violation of federal law (42 U.S.C. § 1985 (3)); intentional infliction of emotional distress; whether evidence was sufficient to support jury's verdict for defendant city and city police officer on false arrest claim; whether trial court improperly granted motion to strike civil conspiracy claim; claim that jury erred in failing to award punitive damages for intentional infliction of emotional distress despite returning verdict for plaintiff on that claim.</i></p>	<p>377</p>
<p>Cavanagh v. Richichi</p> <p style="padding-left: 2em;"><i>Partition of real property; whether trial court abused its discretion in its calculation of its award of just compensation to plaintiff; claim that trial court abused its discretion in failing to award plaintiff compensation for defendants' use and occupancy of property.</i></p>	<p>402</p>
<p>Chapnick v. DiLauro</p> <p style="padding-left: 2em;"><i>Nuisance; special motions to dismiss under anti-SLAPP statute (§ 52-196a); whether trial court erred in granting defendants' special motions to dismiss as to claims of nuisance.</i></p>	<p>263</p>

Desmond v. Yale-New Haven Hospital, Inc.	274
<i>Workers' compensation; motion to strike; whether trial court improperly struck complaints in three actions plaintiff employee brought against defendant employer as barred by exclusivity provision (§ 31-284 (a)) of Workers' Compensation Act (§ 31-275 et seq.), where plaintiff had claimed defendant's conduct constituted employment discrimination pursuant to statute (§ 31-290a).</i>	
D2E Holdings, LLC v. Corp. for Urban Home Ownership of New Haven	694
<i>Breach of contract; breach of implied covenant of good faith and fair dealing; motion to open judgment; claim that trial court incorrectly determined that defendant did not act in bad faith by failing to create necessary documents and to provide them to plaintiff in accordance with real estate agreement and by accepting plaintiff's deposit without intent to transfer title to certain properties; reviewability of claim that trial court improperly rendered judgment for counterclaim defendant on counterclaim plaintiff's breach of contract counterclaim; claim that trial court incorrectly determined that management agreement between counterclaim plaintiff and counterclaim defendant was nullity because counterclaim plaintiff did not exist at time agreement was executed; claim that trial court incorrectly determined that plaintiff failed to make threshold showing of fraud in order to warrant limited discovery and hearing on motion to open judgment.</i>	
Epright v. Liberty Mutual Ins. Co.	637
<i>Writ of error; claim that trial court improperly granted motion for sanctions for failure to comply with discovery rules; whether plaintiff in error complied with rule of practice (§ 13-4) governing disclosure of expert witnesses; whether Practice Book § 13-4 clearly prohibited attorney's ex parte communications with expert witness disclosed by opposing party.</i>	
Fiorillo v. Hartford	291
<i>Breach of contract; motion for contempt; claim that defendant diminished health insurance benefits to which plaintiffs were entitled in violation of settlement agreement; whether defendant violated settlement agreement by changing third-party administrator of plaintiffs' health-care benefits without plaintiffs' written consent; whether settlement agreement was clear and unambiguous.</i>	
Fogel v. Fogel	784
<i>Dissolution of marriage; postjudgment proceedings; motion to modify alimony; whether trial court properly granted defendant's motion for modification of alimony; claim that trial court erred in finding that defendant's termination from his employment was involuntary; claim that trial court abused its discretion in declining to consider phantom income allocated to defendant in determining his ability to pay alimony; claim that trial court failed to consider applicable statutory (§ 46b-82) criteria in granting defendant's motion to modify alimony.</i>	
Gervais v. JACC Healthcare Center of Danielson, LLC (Memorandum Decision).	902
Ghio v. Liberty Ins. Underwriters, Inc.	754
<i>Writ of error; subject matter waiver rule; adoption of subject matter waiver rule as law in Connecticut; claim that trial court abused its discretion in finding that plaintiffs in error waived attorney-client privilege as to certain documents without holding evidentiary hearing and reviewing relevant documents; claim that subject matter waiver rule does not apply when privileged communications were disclosed in compliance with court order; claim that defendant in error had duty to preserve attorney-client privilege and, thus, could not have waived privilege by producing communications.</i>	
Gilman v. Shames	147
<i>Wrongful death; medical malpractice; bystander emotional distress; motion to dismiss; claim that trial court improperly denied defendants' motion to dismiss; whether Claims Commissioner waived sovereign immunity with respect to plaintiff's claims; claim that accidental failure of suit statute (§ 52-592) exempted plaintiff from two year statute of limitations for wrongful death action.</i>	
Idlibi v. State Dental Commission.	501
<i>Administrative appeal; appeal from decision of defendant State Dental Commission, which found that plaintiff failed to meet applicable standard of care; claim that trial court lacked subject matter jurisdiction to hear plaintiff's administrative appeal for lack of service pursuant to statute (§ 4-183); whether trial court properly determined that commission properly relied on own expertise in assessing evidence; whether trial court erred in concluding that commission properly permitted expert testimony from dentist who was not board certified and similar health care provider as defined pursuant to statute (§ 52-184c); claim that trial court improperly dismissed challenges to commission's findings that plaintiff</i>	

failed to obtain informed consent for placing more than one steel crown on minor patient's teeth; claim that commission acted in excess of its statutory (§ 20-114 (a) (2)) authority by ordering disciplinary sanctions as remedy for alleged violation of standard of care; claim that commission improperly found that plaintiff failed to adequately chart caries and decalcifications; claim that there were unresolved inconsistencies in commission's decision; unpreserved claim that trial court's decision to dismiss appeal violated right to fundamental fairness.

In re Marcquan C. 564
Motion to revoke commitment; claim that trial court erred in finding that cause for commitment continued to exist.

In re Rabia K. 556
Child neglect; mootness; whether appeal challenging trial court's decision adjudicating minor child neglected and committing minor child to custody and care of petitioner Commissioner of Children and Families was moot when, after appeal was filed, trial court granted minor child's motion to revoke commitment and thereby reunited child to mother's care; whether vacatur of trial court's judgment regarding adjudication of neglect was appropriate.

In re Teagan K.-O. 161
Termination of parental rights; reviewability of claim that trial court lacked authority to terminate respondent mother's parental rights pursuant to statute (§ 17a-112) because minor child was not in custody of petitioner Commissioner of Children and Families; whether respondent mother's claim that dismissal of neglect petition vitiated statutory predicate for order of temporary custody constituted impermissible collateral attack on order of temporary custody; claim that trial court lacked jurisdiction to adjudicate petition for termination of parental rights because order of temporary custody was not final custody determination for purposes of establishing jurisdiction under Uniform Child Custody Jurisdiction and Enforcement Act (§ 46b-115 et seq.) and because there was no mechanism by which order of temporary custody could become final custody determination.

Jones v. Commissioner of Correction. 117
Habeas corpus; claim that habeas court abused its discretion in denying petition for certification to appeal; claim that habeas court deprived petitioner of his constitutional and statutory rights by failing to admit into evidence or to consider transcripts of petitioner's underlying criminal trial; claim that habeas court improperly concluded that petitioner's trial counsel did not provide ineffective assistance; claim that habeas court improperly concluded that there was no violation of Brady v. Maryland (373 U.S. 83) at petitioner's underlying criminal trial.

Li v. Yaggi 722
Contracts; whether trial court properly determined that plaintiffs failed to provide adequate notice to defendants of inability to obtain written mortgage commitment on or before commitment date as required pursuant to real estate contract, entitling defendants to retain deposits.

M. F. v. K. F. (Memorandum Decision). 901

Middlebury v. Fraternal Order of Police, Middlebury Lodge No. 34 455
Labor law; administrative appeal; whether trial court properly dismissed plaintiff's administrative appeal from decision of defendant State Board of Labor Relations finding that plaintiff violated Municipal Employees Relations Act (§ 7-467 et seq.); claim that board improperly determined that it had jurisdiction over defendant union's prohibited practice complaint; claim that decision of board violated plaintiff's rights under Home Rule Act (§ 7-188); claim that board should have applied contract coverage standard as adopted by National Labor Relations Board in MV Transportation, Inc. (368 N.L.R.B. No. 66).

Nardozzi v. Perez 546
Fraudulent misrepresentation; computer crime; absolute immunity; litigation privilege; whether trial court erred in denying defendant's motion to dismiss on basis of absolute immunity.

New Milford v. Standard Demolition Services, Inc. 30
Breach of contract; claim that trial court misapplied state and federal environmental regulations; claim that trial court erred in failing to find that defendant's obligations under parties' contract were impossible to perform; claim that trial court improperly determined that plaintiff lawfully had terminated contract; claim that evidence of certain change orders executed by plaintiff in connection with subsequent contract with another contractor, pursuant to which plaintiff agreed to modify terms of contract, constituted admissions that plaintiff's contract with

	<i>defendant was defective and could not be performed by defendant as written; claim that trial court erred in making its award of damages to plaintiff.</i>	
Pishal v. Pishal		607
	<i>Dissolution of marriage; motion to modify alimony; whether trial court improperly relied on rule of practice (§ 15-8) in denying defendant's motion to modify alimony; claim that trial court improperly weighed evidence and applied incorrect legal standard; claim that trial court abused its discretion in declining to terminate alimony on basis of plaintiff's alleged cohabitation with third party or to modify alimony on basis of alleged substantial change in defendant's financial circumstances.</i>	
Pringle v. Pattis		736
	<i>Legal malpractice; ripeness; exoneration rule; subject matter jurisdiction; motion to dismiss; claim that trial court improperly dismissed plaintiff's complaint for lack of subject matter jurisdiction on basis of exoneration rule; whether Connecticut courts have adopted exoneration rule; whether plaintiff's claims relating to fee dispute, forfeiture agreements and voluntariness of his guilty pleas were collateral to his convictions.</i>	
Robbins Eye Center, P.C. v. Commerce Park Associates, LLC		487
	<i>Negligence; order to compel; claim that trial court erred in granting plaintiff's motion to compel defendant to deliver to plaintiff escrowed funds and certain other payments to satisfy judgment award granted in plaintiff's favor; claim that trial court improperly concluded that lease provision limiting remedies of tenant did not apply to plaintiff or to plaintiff's negligence claim against defendant.</i>	
Sargent v. Casillo (Memorandum Decision)		901
Sease v. Commissioner of Correction.		99
	<i>Habeas corpus; claim that habeas court abused its discretion in denying petition for certification to appeal; whether it was premature to decide whether judgment of habeas court should be reversed on merits; whether habeas court erred in determining that no prejudice to petitioner had been established under Strickland v. Washington (466 U.S. 668); whether there was reasonable probability that petitioner's sentence would have been less severe in light of mitigating evidence that was presented at habeas trial and not presented at sentencing; remand to habeas court for making of underlying factual findings from record and for determination, based on those findings, of whether petitioner has shown that counsel's representation at sentencing constituted constitutionally deficient performance.</i>	
Speer v. New London Property Group Trust (Memorandum Decision)		901
State v. Avoletta		309
	<i>Declaratory judgment; sovereign immunity; claim that trial court improperly concluded that certain special legislation (Special Acts 2017, No. 17-4) authorizing defendants' claim to proceed before Claims Commissioner constituted unconstitutional public emolument, in violation of article first, § 1, of Connecticut constitution; claim that General Assembly did not automatically waive state's sovereign immunity as to defendants' claim by remanding their claim to Claims Commissioner; claim that trial court erred in determining defendants' counterclaim was barred by doctrine of sovereign immunity.</i>	
State v. Ghant		662
	<i>Unlawful restraint in first degree; assault in third degree; threatening in second degree; persistent offender; whether trial court violated defendant's sixth amendment right to self-representation; waiver of right to self-representation; whether trial court abused its discretion in limiting scope of cross-examination of victim.</i>	
State v. Gray		193
	<i>Possession of narcotics with intent to sell; claim that trial court improperly denied defendant's pretrial motion to dismiss charges against him or, in alternative, to suppress any evidence relating to currency seized during his arrest; whether police department's failure to preserve potentially exculpatory evidence violated defendant's right to due process under factors set forth in State v. Asherman (193 Conn. 695); whether trial court abused its discretion by denying defendant's postverdict motions for new trial or, in alternative, mistrial, based on state's alleged violation of Brady v. Maryland (373 U.S. 83); claim that trial court abused its discretion by permitting state to present enlarged lab photograph of narcotics and related witness testimony on rebuttal.</i>	
State v. Herman K.		592
	<i>Assault in first degree; carrying dangerous weapon; motion to recuse; claim that trial court improperly denied defendant's motion to recuse at his sentencing</i>	

hearing; claim that sentencing judge was obligated to recuse himself when he learned from presentence investigation report of prior plea offer because there was appearance of partiality; claim that sentencing judge used wrong standard in resolving motion to recuse.

State v. Kyle A. 239

Burglary in first degree; criminal mischief in first degree; threatening in second degree; criminal violation of protective order; tampering with witness; attempt to commit criminal violation of protective order; claim that state presented insufficient evidence that defendant committed burglary in first degree; claim that state’s theory of case, that defendant entered or remained unlawfully in victim’s home because victim expressly forbid him from entering home, was not legally viable; claim that evidence was insufficient to prove beyond reasonable doubt that defendant was armed with dangerous instrument; claim that trial court’s instruction concerning charge of burglary in first degree constituted plain error.

VanDeusen v. Commissioner of Correction 427

Habeas corpus; claim that petitioner’s trial counsel provided ineffective assistance by neglecting to request jury instruction regarding elements of sentence enhancement statute (§ 53-202k) and statutory (§ 53a-3 (19)) definition of firearm, or by failing to object to instruction trial court gave; unpreserved claim that petitioner was prejudiced by trial counsel’s failure to request that jury be instructed as to definition of firearm in § 53a-3 (19) because sentence enhancement under § 53-202k would not have applied if weapon used was assault weapon.

Willis W. v. Office of Adult Probation 628

Habeas corpus; claim that habeas court improperly dismissed petition for writ of habeas corpus for lack of subject matter jurisdiction; claim that habeas court erred in declining to apply savings statute (§ 52-593a) to petition; claim that habeas court erred in concluding petitioner did not meet jurisdictional “in custody” requirement of statute (§ 52-466 (a)) despite fact that, at time he filed petition, he was being deprived of his liberty as result of two standing criminal protective orders.

W. K. v. M. S. 532

Application for civil protection order; whether trial court erred when it, sua sponte, took judicial notice of contents of summary process complaint filed against defendant without giving him notice and opportunity to be heard; claim that trial court erred by finding defendant less credible because he did not appear at hearing; whether trial court’s errors harmed defendant.