## Cumulative Table of Cases Connecticut Appellate Reports Volume 212

## (Replaces Prior Cumulative Table)

Apex Properties, LLC $v$ . Deutsche Bank National Trust Co. (Memorandum Decision) Arrico $v$ . Board of Education	902
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, noncompensible injuries; claim that board misconstrued commissioner's conclu-	
sion that further medical care of plaintiff's compensable injuries was palliative;	
claim that board, in denying plaintiff's motion for articulation or reconsidera- tion, violated statute (§ 51-183c) by denying his request for order that issues on	
remand be tried de novo before different commissioner.	617
Bennetta v. Derby	617
city's motion to strike; whether complaint failed to allege that city created nui-	
sance by some positive act as required by applicable statute (§ 52-557n (a)	
(1) (C)).	
Board of Education $v$ . Commission on Human Rights & Opportunities	578
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; reviewabil-	
ity 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 unpreserved claim	
in light of Supreme Court's decision in Connecticut Judicial Branch v. Gilbert	
(343 Conn. 90).	
Byrne v. Avery Center for Obstetrics & Gynecology, P.C	339
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).	
Campbell v. Porter	377
False arrest in violation of federal law (42 U.S.C. § 1983); civil conspiracy in	511
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.	
Cavanagh v. Richichi	402
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.	
Chapnick v. DiLauro	263
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.	

Desmond v. Yale-New Haven Hospital, Inc	274
Workers' compensation; motion to strike; whether trial court improperly struck com- plaints 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).	
Deutsche Bank National Trust Co. v. Davis (See Apex Properties, LLC v. Deutsche Bank National Trust Co.) (Memorandum Decision)	902
	694
Breach of contract; breach of implied covenant of good faith and fair dealing; motion	004
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; reviewabil-	
ity 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 counter-	
claim 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.	
	637
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.	
Fiorillo v. Hartford	291
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.	
	784
Dissolution of marriage; postjudgment proceedings; motion to modify alimony; whether trial court properly granted defendant's motion for modification of ali-	
mony; 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 statu-	
tory (§ 46b-82) criteria in granting defendant's motion to modify alimony.  Gervais v. JACC Healthcare Center of Danielson, LLC (Memorandum Decision)	902
	754
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 with-	
out 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.	
	147
Wrongful death; medical malpractice; bystander emotional distress; motion to dis- miss; claim that trial court improperly denied defendants' motion to dismiss;	
whether Claims Commissioner waived sovereign immunity with respect to plain-	
tiff's claims; claim that accidental failure of suit statute (§ 52-592) exempted	
plaintiff from two year statute of limitations for wrongful death action.	-01
Idlibi v. State Dental Commission	501
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 prop-	
erly determined that commission properly relied on own expertise in assessing	
evidence; whether trial court erred in concluding that commission properly per- mitted 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 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
In re Rabia K.  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.	556
In re Teagan KO.  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.	161
Jones v. Commissioner of Correction	117
Accidental failure of suit statute (§ 52-592); continuing course of conduct doctrine; motion for summary judgment; motion to enforce settlement agreement; claim that trial court erred in granting defendant insurance company's motion to enforce settlement agreement; whether trial court properly exercised its authority under Audubon Parking Associates Ltd. Partnership v. Barclay & Stubbs, Inc. (225 Conn. 804) to enforce settlement agreement; whether, under Waldman v. Beck (101 Conn. App. 669), trial court had authority to order precise form of relief agreed to by parties in settlement agreement; whether trial court properly concluded that clear, unambiguous, and enforceable agreement had been reached between plaintiff and defendant; whether trial court erred in finding settlement agreement was supported by valid consideration; claim that trial court improperly granted defendant bank's motion for summary judgment; whether trial court erred in concluding that § 52-592 was inapplicable and could not save plaintiff's otherwise untimely claims; whether trial court improperly concluded that continuing course of conduct doctrine was inapplicable to plaintiff's claims and could not toll applicable statutes of limitations; whether defendant bank owed continuing duty to plaintiff through special relationship between parties; whether trial court improperly concluded that plaintiff's claim of breach of covenant of good faith and fair dealing failed as matter of law; whether defendant bank acted in bad faith.	791
Li v. Yaggi	722

on or before commitment date as required pursuant to real estate contract, enti-	
tling defendants to retain deposits.	001
M. F. v. K. F. (Memorandum Decision).  Middlebury v. Fraternal Order of Police, Middlebury Lodge No. 34  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).	901 455
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 improperty 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 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.	
Pishal v. Pishal	607
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.	
Pringle v. Pattis	736
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.	
Robbins Eye Center, P.C. v. Commerce Park Associates, LLC	487
Sargent v. Casillo (Memorandum Decision)	901
Sease v. Commissioner of Correction	99
Speer $v$ . New London Property Group Trust (Memorandum Decision)	901
State v. Avoletta	309

tional public emolument, in violation of article first, § 1, of Connecticut constitu- tion; claim that General Assembly did not automatically waive state's sovereign immunity as to defendants' claim by remanding their claim to Claims Commis- sioner; claim that trial court erred in determining defendants' counterclaim was barred by doctrine of sovereign immunity.	
State v. Ghant	662
State v. Gray  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.	193
State v. Herman K	592
State v. Kyle A	239
VanDeusen v. Commissioner of Correction	427
Willis W. v. Office of Adult Probation  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.	628
W. K. v. M. S	532