

Cumulative Table of Cases
Connecticut Appellate Reports
Volume 209

(Replaces Prior Cumulative Table)

A. D. v. B. R. (Memorandum Decision)	901
Aguiar v. Between-the-Bridges, LLC (Memorandum Decision)	902
Aldin Associates Ltd. Partnership v. State	741
<i>Writ of mandamus; sovereign immunity; underground storage tank petroleum clean-up program; claim that trial court improperly granted defendants' motion to dismiss action seeking adjudication of applications submitted by plaintiff seeking reimbursement for costs incurred in remediating certain of its properties; whether sovereign immunity barred plaintiff's claim for mandamus relief; whether state, either expressly or by force of necessary implication, waived sovereign immunity under applicable statute (§ 22a-449g); whether plaintiff alleged property interest protected under takings clause of state constitution.</i>	
Anderson v. Semple (Memorandum Decision)	905
Anim v. DaCosta (Memorandum Decision)	901
Austin v. Coin Depot Corp.	131
<i>Workers' compensation; appeal from decision of Compensation Review Board affirming decision of Workers' Compensation Commissioner; whether board erred in determining that commissioner properly concluded that defendant had discharged its obligations under applicable statute (§ 31-307a (c)); whether board correctly concluded that commissioner properly declined to apply negotiable instruments provisions of Uniform Commercial Code.</i>	
Baker v. Argueta	843
<i>Dissolution of marriage; whether defendant's claims related to trial court's finding of defendant's presumptive child support amount in court's original decision were rendered moot following issuance of court's corrected decision.</i>	
Bayview Loan Servicing, LLC v. Gallant	185
<i>Foreclosure; whether trial court properly denied motion to dismiss foreclosure action; whether substitute plaintiff's assignor had standing to bring foreclosure action at time it was commenced; whether substitute plaintiff's failure to produce original note in court was fatal to its foreclosure of mortgage; whether loss of note while in note assignor's possession affected substitute plaintiff's ability to foreclose mortgage.</i>	
Borg v. Cloutier (Memorandum Decision)	905
Briarwood of Silvermine, LLC v. Yew Street Partners, LLC	271
<i>Adverse possession; quiet title; trespass; motion to dismiss; whether trial court erred in dismissing plaintiffs' adverse possession claim pursuant to rule of practice (§ 15-8) because, when determining whether plaintiffs had established prima facie case, court incorrectly applied law of adverse possession; claim that trial court erred by rendering judgment for defendants on counterclaims seeking to quiet title and for trespass.</i>	
Brown v. New Milford Crossings, LLC (Memorandum Decision)	903
Cammarato v. Sacred Heart University, Inc. (Memorandum Decision)	902
Cokic v. Fiore Powersports, LLC	853
<i>Motion for attorney's fees; subject matter jurisdiction; whether trial court erred in awarding attorney's fees to defendant upon finding that plaintiff's claim against defendant was without merit and brought in bad faith; whether appeal should be dismissed as to portion brought by attorney who was not party to underlying action; whether trial court erred in awarding attorney's fees to defendant without scheduling hearing.</i>	
Corbo v. Savluk	351
<i>Negligence; hearsay; whether trial court erred in allowing defendant's attorney to question plaintiff about timing of her first consultation with counsel after motor vehicle accident; whether trial court erred in admitting letter that indicated that plaintiff had retained counsel to represent her in connection with motor vehicle accident under residual exception to hearsay rule.</i>	
Cordero v. Commissioner of Correction (Memorandum Decision)	903

Global Staffing Services, LLC v. Murray (Memorandum Decision)	904
Grzeszczyk v. Connecticut State Employees Retirement Commission	313
<i>Administrative appeal; whether trial court properly determined that record was sufficient to support declaratory ruling of defendant Connecticut State Employees Retirement Commission denying plaintiff's application for request of refund of certain retirement contributions; whether trial court properly determined that ruling of commission was consistent with applicable statutes (§§ 7-439g (a) and 7-440 (h)) and forms filed; claim that member of municipal employees retirement fund properly changed designation of his beneficiary.</i>	
Hospital Media Network, LLC v. Henderson	395
<i>Breach of fiduciary duty; claim that trial court exceeded scope of this court's remand order when it awarded damages to plaintiff; claim that trial court awarded damages that were predicated on factual findings that were not supported by record and were inequitable.</i>	
Housing Authority v. Stevens	569
<i>Summary process; whether trial court had subject matter jurisdiction over summary process action; whether defendant's conduct constituted serious nuisance pursuant to applicable statute (§ 47a-15 (C)); whether trial court made clearly erroneous factual findings that were result of implicit bias.</i>	
In re Amanda L.	1
<i>Termination of parental rights; whether trial court made factual findings required under statute (§ 17a-112 (j) (3) (B) and (k)); claim that trial court improperly terminated respondent parents' parental rights; claim that termination of parental rights was unconstitutional, unlawful, and fraudulent.</i>	
Jones v. Law Offices of William S. Palmieri, LLC (Memorandum Decision).	901
Lasso v. Valley Tree & Landscaping.	584
<i>Negligence; motion for summary judgment; whether trial court's determination that provisions of contract between defendant construction manager and town did not give rise to duty owed by construction manager to defendant landscaping company hired by town and to its employees was legally and logically correct and supported by language of contract; whether plaintiffs, in opposition to motion for summary judgment, submitted any admissible evidence demonstrating that construction manager's responsibilities under contract extended to tree removal work; whether construction manager, through its actions, assumed voluntary duty of care to landscaping company's employee, giving rise to common-law duty to ensure safe workplace practices; whether plaintiffs presented any evidence of conduct on part of construction manager demonstrating that it was in charge of project to remove trees or in any way directed activities of employees of landscaping company; viability of loss of consortium claim that was derivative of negligence claim.</i>	
Lebanon Historical Society, Inc v. Attorney General	337
<i>Quiet title; motion to dismiss; standing; subject matter jurisdiction; whether trial court correctly concluded that plaintiff lacked standing to bring action because it claimed no title or interest in parcel to which it sought to quiet title and to impose conservation and preservation restrictions, as required by statute (§ 47-31 (a)).</i>	
LendingHome Marketplace, LLC v. Traditions Oil Group, LLC	862
<i>Foreclosure; whether trial court abused its discretion in denying defendant's motion to open judgment of strict foreclosure; whether trial court abused its discretion in denying defendant's motion to reargue/reconsider its ruling on defendant's motion to open judgment.</i>	
Lippi v. United Services Automobile Assn.	524
<i>Breach of contract; motion for summary judgment; claim that trial court erred in concluding that there was no genuine issue of material fact as to whether plaintiffs were entitled to coverage under homeowners insurance policy issued by defendant; claim that trial court erred in concluding that plaintiffs' property did not suffer collapse as defined in homeowners insurance policy; claim that there was genuine issue of material fact as to whether damage to property resulting from cracking in basement walls constituted sudden caving in; whether trial court failed to apply correct standard in granting defendant's motion for summary judgment; whether trial court improperly shifted burden of proof to plaintiffs.</i>	
Lockhart v. NAI Elite, LLC	308
<i>Unpaid wages; whether trial court abused its discretion in awarding full amount of attorney's fees; claim that attorney's fees were excessive because plaintiff was only partially successful on his claims.</i>	

M. W. v. E. W. (Memorandum Decision)	905
Norwich v. Norwich Properties Realty, LLC (Memorandum Decision).	902
Ocwen Loan Servicing, LLC v. Mordecai	483
<i>Foreclosure; whether trial court abused its discretion in denying defendants' request to amend answer and special defenses; whether trial court improperly rendered summary judgment as to liability; whether trial court improperly rendered judgment of strict foreclosure.</i>	
O'Neill v. O'Neill.	165
<i>Dissolution of marriage; claim that periodic alimony and child support amounts exceeded defendant's net income; whether trial court's finding of defendant's net earning capacity was clearly erroneous; whether trial court improperly ordered that alimony would increase after plaintiff vacated marital residence; whether trial court had authority to award nonmodifiable alimony; claim that nonmodifiable alimony conflicted with cohabitation statute (§ 46b-86); whether trial court improperly awarded plaintiff marital residence without specifying that she would take property subject to all mortgages and liens of record; whether trial court improperly ordered that plaintiff could relocate with parties' minor children; whether trial court's order was ambiguous as to time period for periodic alimony.</i>	
Overley v. Overley.	504
<i>Dissolution of marriage; claim that trial court failed to award separate property credit for defendant's contribution to purchase of marital home; whether trial court improperly contravened parties' prenuptial agreement governing tax treatment of alimony payments; whether trial court abused its discretion in denying defendant's motion for continuance.</i>	
Parker v. Zoning Commission	631
<i>Administrative appeal; claim that Superior Court improperly concluded that zoning commission's approval of application to modify special permit did not constitute impermissible expansion of nonconforming structure; whether Superior Court improperly concluded that application to modify special permit did not constitute impermissible expansion of nonconforming use; claim that certain accessory uses in application to modify special permit were not permitted accessory uses under zoning regulations; whether Superior Court failed to require compliance with special permit standards in zoning regulations.</i>	
PHH Mortgage Corp. v. Kowalsky (Memorandum Decision).	903
Purnell v. Inland Wetlands & Watercourses Commission	688
<i>Appeal from decision by defendant inland wetlands and watercourses commission granting permit to conduct regulated activities pursuant to Inland Wetlands and Watercourses Act (§§ 22a-36 through 22a-45); whether commission's posthearing receipt and consideration of letter that referenced certain data, and conditioning of commission's approval of permit application on submission of additional material, violated plaintiffs' right to fundamental fairness; claim that commission improperly failed to conduct de novo review of every aspect of permit application; claim that Superior Court improperly concluded that substantial evidence supported commission's decision to approve permit application; claim that Superior Court improperly upheld approval of permit application in absence of finding by commission of feasible and prudent alternatives.</i>	
R. A. v. R. A.	327
<i>Dissolution of marriage; whether defendant's claim that trial court improperly included her minor child from previous relationship in custody order without accounting for rights of biological father was moot; whether trial court abused its discretion in crafting its visitation order; whether trial court relied on inaccurate information in fashioning its child support orders.</i>	
Reid v. Speer.	540
<i>Workers' compensation; appeal from decision of Compensation Review Board precluding defendant employer from contesting compensability of claim for work-related injuries; claim that defendant's filing of form contesting her liability as employer for plaintiff's injury would have constituted criminal conduct pursuant to statute (§ 31-290c); claim that Workers' Compensation Commissioner erred in certain factual findings.</i>	
S. A. v. D. G. (Memorandum Decision).	904
Silano v. Cooney (Memorandum Decision)	904
State v. Alvarez	250
<i>Sexual assault in fourth degree; risk of injury to child; motion to allow introduction of uncharged misconduct evidence; claim that trial court improperly admitted uncharged misconduct evidence; whether trial court erred in failing to disclose</i>	

	<i>certain confidential records relating to credibility of witness; whether trial court followed procedure required by State v. Esposito (192 Conn. 166) in disclosing confidential records to parties.</i>	
State v. Bouvier		9
	<i>Operating motor vehicle while under influence of intoxicating liquor; reckless driving; whether trial court properly denied defendant's motion to suppress certain statements made during police interrogation; claim that defendant had not been advised of his rights pursuant to Miranda v. Arizona (384 U.S. 436) before making statements in custodial interview; claim that trial court improperly determined that defendant implicitly had waived his Miranda rights; whether trial court abused its discretion in denying defendant's motion in limine to preclude testimony of arresting officers; whether trial court erred in sustaining state's objection to defense counsel's questions to arresting officer regarding finding of no probable cause to arrest made by Department of Motor Vehicles hearing officer; claim that hearing officer's finding of no probable cause to arrest could be introduced to impeach testimony of arresting officer; claim that hearing officer's finding of no probable cause to arrest was relevant and admissible to prove that there was no probable cause to arrest defendant.</i>	
State v. Butler		63
	<i>Risk of injury to child; breach of peace in second degree; statutory (§ 54-56l) supervised diversionary program for persons with psychiatric disabilities; subject matter jurisdiction; whether criminal court had power to open judgment of dismissal rendered by it after concluding that defendant had satisfactorily completed diversionary program; claim that statute (§ 52-212a) permitting opening of civil judgment on filing of motion to open within four months of date on which judgment was rendered also applied to criminal judgments.</i>	
State v. Carrillo		213
	<i>Sexual assault in third degree; sexual assault in fourth degree; risk of injury to child; whether defendant's due process right to fair trial was violated as result of unpreserved claims of prosecutorial impropriety.</i>	
State v. Holmes		197
	<i>Manslaughter in first degree with firearm; felony murder; motion to correct illegal sentence; whether trial court properly dismissed for lack of subject matter jurisdiction defendant's claim that charging document listed multiple homicide offenses in violation of constitutional prohibition against double jeopardy; whether defendant's claim attacked proceedings leading up to conviction instead of sentence or sentencing proceeding; whether trial court properly denied defendant's claim that his sentence for felony murder conviction was illegal; whether felony murder and manslaughter in first degree were separate crimes; whether sentencing court's decision to vacate less serious felony of manslaughter was proper.</i>	
State v. James K.		441
	<i>Risk of injury to child; whether trial court abused its discretion when it prohibited defense counsel from asking prospective jurors during voir dire to express opinions with respect to parents who kiss their children on lips; claim that trial court abused its discretion by admitting into evidence videotaped forensic interview of victim; whether trial court violated defendant's rights to due process, fair trial and to be convicted by means of unanimous verdict when it declined to use language in his written request for instructions to urge deadlocked jury to reach verdict; request that this court exercise supervisory authority over administration of justice to require trial courts to instruct deadlocked juries that they need not reach verdict and that jurors have right to disagree with respect to proper verdict.</i>	
State v. McKinney		363
	<i>Assault of elderly person in second degree; violation of probation; reviewability of claim that prior trial court abused its discretion in denying motion to correct illegal sentence; claim that trial court's decision not to consider second motion to correct illegal sentence negated withdrawal of appeal from denial of first motion to correct illegal sentence, thereby allowing defendant to renew challenge to denial of first motion to correct illegal sentence; reviewability of assertion that trial court erred in excluding testimony as to whether sock with rock in it was weapon; whether trial court abused its discretion in determining that testimony about incident six years earlier in which police officer allegedly hit defendant with baton was relevant; unpreserved claim that trial court improperly struck certain of defense counsel's statements during closing argument to jury and thereby violated defendant's sixth amendment right to effective assistance of counsel.</i>	

State v. Omar 283
Possession of narcotics with intent to sell by person who is not drug-dependent; sale of narcotics by person who is not drug-dependent; conspiracy to sell narcotics by person who is not drug-dependent; sale of controlled substance within 1500 feet of school; possession of controlled substance within 1500 feet of school; motion to correct illegal sentence; claim that trial court erred in denying defendant's motion to correct illegal sentence; whether trial court properly concluded that certain amendments to statutes (§§ 53a-28 (b) and 54-125e (b)) embodied in public act (P.A. 18-63) did not apply retroactively to render defendant's sentence imposing special parole void.

State v. Reed 873
Larceny in first degree; attempt to commit larceny in first degree; larceny in second degree; conspiracy to commit larceny in first degree; claim that trial court failed to instruct jury that specific intent requirement for any taking or appropriation of property in charge of larceny must also apply to wrongfulness element of offense; whether jury charge adequately conveyed appropriate levels of intent for both taking and retaining property in accordance with State v. Saez (115 Conn. App. 295); claim that trial court improperly instructed jury regarding victim's possible mental incapacity and his ability to consent to transfer of property to defendant.

State v. Rosario 550
Larceny in second degree; motion for extension of time to begin making restitution payments; claim that trial court committed plain error when it required defendant, as special condition of probation, to pay restitution; claim that trial court did not consider factors enumerated in applicable statute (§ 53a-28 (c)) before requiring defendant to pay restitution as special condition of probation; whether trial court abused its discretion by denying defendant's motion for extension of time within which to begin making restitution payments; claim that trial court violated defendant's due process right to fair trial when it questioned him and two of state's witnesses.

State v. Smith 296
Possession of narcotics with intent to sell; motion to correct illegal sentence; claim that trial court erred in denying defendant's motion to correct illegal sentence; claim that public act (P.A. 18-63) was clarifying legislation; claim that amendments of certain statutes (§§ 53a-28 (b) and 54-125e (b)) embodied in P.A. 18-63 should have been applied retroactively to render defendant's sentence imposing period of special parole void.

State v. Wilson 779
Murder; carrying pistol without permit; whether trial court erred when it instructed jury regarding adequacy of police investigation; whether defendant's instructional claim on appeal was substantially different from claim he raised at trial and, thus, was unpreserved; claim that defendant waived request for jury instruction on inadequacy of police investigation; whether trial court's use of model police investigative inadequacy instruction was harmful; whether trial court abused its discretion by admitting uncharged misconduct evidence.

United Public Service Employees Union, Cops Local 062 v. Hamden 116
Temporary injunction; whether trial court employed correct legal standard in granting plaintiff's application for temporary injunction.

Walzer v. Walzer 604
Dissolution of marriage; postjudgment motion for contempt; whether trial court abused its discretion in granting motion for contempt; whether trial court properly found that defendant's violation of court order was wilful; claim that trial court lacked jurisdiction to enter order regarding sale of certain real property on basis that it constituted improper modification of final property division; claim that trial court abused its discretion in issuing orders relating to sale of certain real property; claim that trial court's order setting terms of sale of certain real property violated defendant's right to due process.

White v. Commissioner of Correction 144
Habeas corpus; whether habeas court abused its discretion in denying petition for certification to appeal; claim that habeas counsel failed to procure testimony at habeas trial of witness who allegedly had perjured her testimony against petitioner at his criminal trial; claim that habeas counsel failed to procure testimony at habeas trial of witness whose testimony allegedly supported petitioner's claim that his trial counsel was ineffective and who could have impeached testimony of eyewitnesses at petitioner's criminal trial.

Wright v. Commissioner of Correction 50
Habeas corpus; ineffective assistance of counsel; whether habeas court correctly determined that petitioner's trial counsel rendered ineffective assistance by failing to present alibi defense.

Zakko v. Kasir 619
Dissolution of marriage; attorney's fees; claim that trial court abused its discretion in awarding plaintiff attorney's fees; whether it was reasonable for trial court to conclude that plaintiff lacked ample liquid funds to pay for her attorney's fees; claim that trial court relied on clearly erroneous factual finding in awarding plaintiff attorney's fees.

Zubrowski v. Commissioner of Correction. 828
Habeas corpus; whether habeas court properly denied petition for writ of habeas corpus; claim that trial counsel rendered ineffective assistance by failing to consult with and present testimony from crime scene reconstruction expert; claim that trial counsel rendered ineffective assistance by failing to consult with and present testimony of forensic toxicologist; claim that trial counsel rendered ineffective assistance by failing to adequately object to or otherwise seek to preclude prior misconduct testimony.