

Cumulative Table of Cases
Connecticut Appellate Reports
Volume 227

(Replaces Prior Cumulative Table)

Bank of New York Mellon v. Horsey	94
<i>Foreclosure; motion to set aside judgment; mootness; whether defendants filed at least two motions to open or similar motions pursuant to applicable rule of practice (§ 61-11 (g)) prior to filing their motion to set aside judgment; whether automatic appellate stay applied to toll running of law days; whether appeal was moot because this court could not provide defendant any practical relief after law days had passed and title to property had vested in plaintiff.</i>	
Benchmark Municipal Tax Services, Ltd. v. 899 ETG Associates, LLC	474
<i>Foreclosure; motion for summary judgment; standing; whether appeal should be dismissed as to defendant guarantors for lack of standing; whether trial court properly granted plaintiff's motion for summary judgment as to liability; whether affidavit submitted in opposition to plaintiff's motion for summary judgment sufficiently raised genuine issue of material fact as to defendants' special defense of unclean hands.</i>	
Briggs v. Briggs	531
<i>Dissolution of marriage; claim that trial court erred in awarding defendant entirety of his interest in limited partnership; claim that trial court abused its discretion in establishing parenting schedule that differed from those proposed by parties and guardian ad litem; claim that trial court erred in issuing orders concerning expenses and final decision-making authority related to extracurricular activities of parties' children.</i>	
Bucci v. Bridgeport	593
<i>Negligence; motion for summary judgment; claim that trial court improperly concluded that genuine issue of material fact did not exist with respect to whether police officer employed by defendant city was acting within scope of his employment at time of his allegedly negligent conduct; claim that trial court improperly determined that plaintiff's claim based on defendant's negligent hiring of police officer was barred by applicable statute of limitations (§ 52-584); whether trial court properly determined that plaintiff's claim that statute of limitations was tolled by continuing course of conduct doctrine failed on both procedural and substantive grounds.</i>	
Carty v. Merchant 99-111 Founders, LLC	683
<i>Premises liability; summary judgment; claim that trial court improperly granted defendant's motion for summary judgment on basis of ongoing storm doctrine; whether plaintiff met his burden to demonstrate existence of genuine issue of material fact as to whether fall was caused by condition that existed prior to ongoing storm; whether defendant had actual or constructive notice of allegedly preexisting condition.</i>	
Chelsea Groton Bank v. Gates Realty Holdings, LLC	583
<i>Writ of error; foreclosure by sale; claim that trial court improperly granted defendant in error's motion to forfeit plaintiff in error's deposit without affording nonparty plaintiff in error notice thereof and opportunity to be heard; whether second writ of error claiming that trial court improperly denied plaintiff in error's motion to intervene as of right was moot.</i>	
Dorfman v. Liberty Mutual Fire Ins. Co.	347
<i>Vexatious litigation; Connecticut Unfair Trade Practices Act (CUTPA) (§ 42-110a et seq.); Connecticut Unfair Insurance Practices Act (CUIPA) (§ 38a-815 et seq.); summary judgment; litigation privilege; claim that defendant insurance company's litigation conduct in prior action involving parties gave rise to common-law and statutory (§ 52-568 (1) and (2)) causes of action for vexatious litigation; claim that remedy for untrue or unfounded allegations in complaint alleging vexatious litigation was limited to sanctions under applicable statute (§ 52-99) and rule of practice (§ 10-5); claim that phrase, "asserts a defense," in § 52-568 should not be applied to defendant's answer, denial or plea; claim that trial court improperly rendered summary judgment as to vexatious litigation counts of</i>	

complaint when court applied improper legal standard in making probable cause determination; claim that trial court, in relying on prior probable cause determination, improperly rendered summary judgment on CUTPA and CUIPA counts of complaint; § 674 of Restatement (Second) of Torts and continuation theory of common-law and statutory vexatious litigation actions, discussed.

585 Main Street, LLC v. Premier Auto, LLC (See *Meineke Bristol, LLC v. Premier Auto, LLC*) 64

Gateway Development/East Lyme, LLC v. Duong 38

Summary process; claim that trial court improperly concluded that plaintiff sublessor was not required to provide defendant sublessees with pretermination notice and opportunity to cure default for nonpayment of rent pursuant to terms of sublease agreement; claim that trial court improperly relied on terms of sublease agreement and failed to consider evidence of parties' course of performance in its interpretation of agreement.

Grotto, Inc. v. Liberty Mutual Ins. Co. 314

Negligent misrepresentation; negligence; violation of Connecticut Unfair Insurance Practices Act (§ 38a-815 et seq.); violation of Connecticut Unfair Trade Practices Act (§ 42-110a et seq.); summary judgment; res judicata; whether trial court improperly granted defendant's motion for summary judgment; claim that trial court improperly concluded that doctrine of res judicata barred action.

JPMorgan Chase Bank, N.A. v. Durante 617

Motion for attorney's fees and costs; whether rule of practice (§ 11-21) governing motions for attorney's fees applies to claims for attorney's fees sought pursuant to contract; claim that trial court improperly granted plaintiff's motion for attorney's fees and costs because motion was not timely filed under Practice Book § 11-21 and plaintiff failed to provide sufficient showing of excusable neglect that would support trial court's exercise of discretion in considering untimely motion.

LaSalle v. Commissioner of Correction. 520

Habeas corpus; claim that habeas court abused its discretion in denying petition for certification to appeal; whether habeas court properly exercised its discretion in determining that petitioner had failed to establish good cause to excuse untimely filing of second state habeas petition sufficient to overcome statutory (§ 52-470 (d) and (e)) presumption of unreasonable delay.

Mariamamma Babu, LLC v. Premier Auto, LLC (See *Meineke Bristol, LLC v. Premier Auto, LLC*) 64

Meineke Bristol, LLC v. Premier Auto, LLC 64

Breach of contract; mootness; whether failure to challenge trial court's alternative ground for excluding certain evidence at trial rendered portion of appeal moot; whether plaintiff provided adequate record to review its claim that trial court erred in determining that it failed to prove its breach of contract claim.

Moore v. Commissioner of Correction 487

Habeas corpus; claim that habeas court erroneously rejected petitioner's claim that state violated his right to due process by failing to disclose alleged cooperation agreement with witness and knowingly soliciting witness' allegedly false and misleading testimony and allowing that testimony to stand uncorrected; request by petitioner that this court revisit prior ruling on motion for review or, alternatively, take judicial notice of certain evidence that was not before habeas court.

New London v. Speer 221

Action to collect municipal water and sewer fees; bankruptcy; counterclaim; motion to dismiss; subject matter jurisdiction; claim that trial court improperly granted plaintiff's motion to dismiss; claim that trial court improperly concluded that it lacked subject matter jurisdiction to adjudicate counterclaim seeking damages pursuant to federal statute (11 U.S.C. § 362 (k)) for violation of automatic stay imposed by United States Bankruptcy Code; whether 11 U.S.C. § 362 (k) provides independent cause of action for damages that survives disposition of underlying bankruptcy case; whether cause of action for damages under 11 U.S.C. § 362 (k) is within exclusive jurisdiction of federal courts under federal statute (28 U.S.C. § 1334).

Premier Auto, LLC v. American Trading Co. (See *Meineke Bristol, LLC v. Premier Auto, LLC*) 64

Prescott v. Gilshteyn 553

Application for prejudgment remedy; assault; battery; intentional infliction of emotional distress; intimidation based on bigotry or bias; whether trial court erred in awarding plaintiff prejudgment remedy for emotional distress damages; whether trial court abused its discretion in admitting testimony of witness who was

expert in issues related to racism and social justice; whether there was sufficient evidence before trial court to support its determination that there was probable cause to believe that defendant's actions and/or statements were motivated in whole or substantial part by plaintiff's race; claim that it was plain error for trial court to grant application for prejudgment remedy in case involving freedom of speech and first amendment principles.

Ryder v. JPMorgan Chase Bank, National Assn. 114
Breach of contract; motion to set aside verdict; motion for judgment notwithstanding verdict; motion for additur; motion to consolidate; whether plaintiff's claims that trial court improperly denied motions to set aside verdict and for judgment notwithstanding verdict were preserved; whether plaintiff's claim that trial court improperly precluded him from presenting evidence relevant to damages incurred after certain date was reviewable; claim that trial court improperly denied motions to set aside verdict and for additur; whether there was reasonable basis in evidence for jury's verdict; claim that trial court improperly denied plaintiff's postverdict motion to consolidate underlying action with defendant's related foreclosure action.

S. C. v. J. C. 326
Dissolution of marriage; claim that trial court erred in granting defendant's postdissolution motion to continue previously issued emergency order of temporary custody; claim that trial court erred in granting defendant's postdissolution motion for contempt for plaintiff's failure to comply with court order requiring her to transfer physical custody of parties' minor child to defendant.

State v. Anthony V. 281
Manlaughter first degree with firearm; claim that evidence was insufficient to support judgment of conviction; unpreserved claim that trial court's failure to instruct jury on general intent constituted plain error; whether consequences of trial court's instructional error were so grievous as to be fundamentally unfair or manifestly unjust, depriving defendant of fair trial and reliable verdict.

State v. Bolden 636
Evading responsibility in operation of motor vehicle; misconduct with motor vehicle; tampering with physical evidence; claim that evidence was insufficient, with respect to tampering charge, to prove beyond reasonable doubt that defendant believed that criminal investigation was about to be instituted and that defendant had concealed motor vehicle with purpose to impair its availability in state's investigation; whether, pursuant to State v. Kitchens (299 Conn. 447), defendant waived claim that trial court's refusal to answer jury's questions during its deliberations resulted in unconstitutional enlargement of charged crimes.

State v. Brelsford 53
Motion for sentence modification; whether trial court abused its discretion in finding that defendant had failed to establish good cause to modify his sentence pursuant to statute (§ 53a-39).

State v. Cruz 75
Assault first degree; criminal possession of firearm; carrying pistol without permit; motion for joinder; unpreserved claim that defendant's rights to confrontation and fair trial were violated when state misrepresented in motion to join for trial defendant's case with case against codefendant that evidence in both cases was cross admissible.

State v. Purvis 188
Possession of controlled substance with intent to sell by person who is not drug-dependent; possession of controlled substance; possession of drug paraphernalia with intent to use; claim that evidence adduced at trial was insufficient to sustain conviction of possession of controlled substance with intent to sell and possession of drug paraphernalia with intent to use; claim that pieces of plastic surrounding bits of crack cocaine were not "bags" and could not constitute drug paraphernalia as defined in statute (§ 21a-240 (2) (A)); whether defendant's conviction of both possession of controlled substance with intent to sell and possession of controlled substance violated his constitutional protection against double jeopardy and deprived him of fair trial.

State v. Roberts 159
Reckless endangerment second degree; threatening second degree; breach of peace second degree; intimidation based on bigotry or bias third degree; harassment second degree; motion to withdraw plea; whether trial court correctly concluded that its plea canvass of defendant was sufficient; whether trial court erred in failing to hold evidentiary hearing with respect to defendant's claim of ineffective

assistance of counsel prior to ruling on motion to withdraw plea; whether trial court properly determined that defendant failed to demonstrate ineffective assistance of counsel.

State v. Tahir L. 653

Sexual assault fourth degree; risk of injury to child; claim that defendant's right to due process was violated because trial court's preliminary jury instructions were not tailored to issues in case and did not define reasonable doubt; claim that defendant's right to due process was violated because trial court's final jury instructions failed to give propensity instruction, instructed jury that it could consider victims' affidavits substantively rather than solely for impeachment purposes, and improperly instructed jury on elements of fourth degree sexual assault; claim that trial court improperly admitted into evidence photographs of victims at their ages when abuse began and of defendant's gun safe; claim that prosecutor improperly used term "sexual assault" on direct examination of victims; claim that prosecutor improperly suggested that defendant's abuse of victim caused her breast cancer.

Walters v. Servidio 1

Express easement; implied easement; obstruction of easement; trespass; slander of title; nuisance or disturbance of right pursuant to statute (§ 47-41); claim that trial court improperly determined that plaintiffs could not prevail on their claims of express easement, easement by implication, or obstruction of purported easement with regard to defendants' property; claim that trial court improperly determined that any implied easement rights granted to plaintiffs by property map were extinguished pursuant to Marketable Record Title Act (§ 47-33b et seq.); claim that trial court improperly determined that defendants prevailed on counts of counterclaim alleging trespass, slander of title, and violation of § 47-41.

Walton v. Walton 251

Dissolution of marriage; contempt; claim that trial court improperly found defendant in contempt for various alleged violations of automatic orders and pendente lite orders; claim that trial court improperly denied defendant's request for production of appraisal completed by appraiser retained by plaintiff; claim that trial court improperly awarded plaintiff his entire federal pension without assigning value to it; claim that trial court improperly distributed marital estate in disproportionate and inequitable manner.