

Cumulative Table of Cases
Connecticut Reports
Volume 332

(Replaces Prior Cumulative Table)

Aronow v. Freedom of Information Commission (Order)	910
Bank of America, N.A. v. Grogins (Order)	902
Benjamin v. Commissioner of Correction (Order)	906
Boisvert v. Gavis.	115
<i>Third-party petition for visitation; motion to dismiss for lack of subject matter jurisdiction; claim that defendant's postjudgment offer of visitation deprived court of subject matter jurisdiction; whether defendant established that his post-judgment offer of visitation was made in good faith and with intention of allowing visitation; whether trial court's contempt order was void for lack of subject matter jurisdiction; claim that statute (§ 46b-59) implicitly required trial court to include provision in visitation order directing third party to abide by fit parent's decisions regarding minor child's care during visitation; claim that due process clause compels trial court ordering third-party visitation to include provision requiring third party to abide by all of fit parent's decisions regarding minor child's care during visitation; whether § 46b-59 was unconstitutional as applied to facts of case; reviewability of claim that amount of visitation ordered by trial court violated defendant's fundamental parental rights under due process clause of fourteenth amendment to United States constitution.</i>	
Brewer v. Commissioner of Correction (Order)	903
Burg v. Northeast Specialty Corp. (Order)	910
Cancel v. Commissioner of Correction (Order)	908
Cimmino v. Marcoccia	510
<i>Writ of error; attorney misconduct and discipline; whether defendant in error Appellate Court violated ex post facto or due process clauses of United States constitution by issuing order that retroactively prohibited plaintiff in error attorney from engaging in certain conduct related to appellate representation; claim that Appellate Court selectively enforced attorney disciplinary rules and engaged in racially disparate treatment and retaliation against plaintiff in error.</i>	
De Almeida-Kenney v. Kennedy (Order)	909
Dept. of Transportation v. White Oak Corp.	776
<i>Arbitration; whether trial court properly denied postjudgment motion seeking determination as to whether judgment against plaintiff had been fully satisfied where defendant had obtained judgment against plaintiff awarding money damages, and comptroller, pursuant to statute (§ 12-39g), reduced amount of award by amount of taxes owed by defendant; claim that comptroller was collaterally estopped from withholding taxes owed to state and making such deduction in present case because plaintiff had failed to prove claim it had made relating to existence of same tax debt in separate arbitration proceeding; whether, pursuant to plain language of § 12-39g, comptroller had mandatory obligation to reduce payment by amount of taxes owed, unless they were subject of timely filed administrative appeal; failure of defendant to file administrative appeal challenging taxes.</i>	
Deroy v. Reck (Order)	907
Deutsche Bank National Trust Co. v. Speer (Order)	907
Doe v. Cochran	325
<i>Negligence; physician's failure to accurately report to patient results of patient's blood test for sexually transmitted diseases; action by patient's exclusive girlfriend who contracted STD from patient after defendant physician erroneously informed patient that he tested negative for STDs; motion to strike; whether plaintiff's complaint sounded in ordinary negligence; whether trial court incorrectly concluded that defendant owed no duty of care to plaintiff with respect to inaccurate reporting to patient of STD test results; whether health care provider who negligently misinforms patient, either directly or through designated staff member, that patient tested negative for STD such as genital herpes owes duty of care to identifiable third party who is engaged in exclusive romantic relationship with</i>	

<i>patient at time of STD testing and who foreseeably contracts STD as result of third party's reliance on health care provider's erroneous communication to patient; whether public policy considerations weighed in favor of recognition of third-party duty of care under circumstances of case.</i>	
Doe v. Dept. of Mental Health & Addiction Services (Order)	901
Fiano v. Old Saybrook Fire Co. No. 1, Inc.	93
<i>Negligence; summary judgment; vicarious liability; certification from Appellate Court; claim that Appellate Court improperly upheld trial court's granting of summary judgment in favor of defendant fire company and defendant town on ground that there was no genuine issue of material fact as to whether individual defendant was acting within scope of his employment with fire company at time of motor vehicle accident giving rise to plaintiff's action; claim that individual defendant, by being in close proximity to fire company's premises, provided benefit to fire company; interplay between workers' compensation law and doctrine of respondeat superior, discussed.</i>	
Fields v. Commissioner of Correction (Order)	904
Fisk v. Redding (Order)	911
Fletcher v. Lieberman (Order)	909
Gaffney v. Commissioner of Correction (Order)	903
Geriatrics, Inc. v. McGee	1
<i>Breach of contract; claim under Connecticut Uniform Fraudulent Transfer Act (CUFTA) (§ 52-552a et seq.); unjust enrichment; agency principles in context of power of attorney, discussed; whether trial court improperly rejected plaintiff's fraudulent transfer claim on ground that defendant's transfer of debtor's assets pursuant to power of attorney was not transfer made by debtor under CUFTA; whether trial court improperly failed to consider agency relationship between defendants and to apply agency principles in its analysis of plaintiff's CUFTA claim; whether trial court improperly rendered judgment for defendant on plaintiff's unjust enrichment claim.</i>	
Girolametti v. Michael Horton Associates, Inc.	67
<i>Construction; arbitration; res judicata; privity; summary judgment; certification from Appellate Court; whether Appellate Court properly reversed trial court's denial of defendant subcontractors' motions for summary judgment on ground that defendant subcontractors were in privity with defendant general contractor for purposes of res judicata; whether Appellate Court correctly concluded that plaintiffs' claims were barred by res judicata because they could have been raised during prior arbitration between plaintiffs and general contractor; whether Appellate Court properly adopted rebuttable presumption that subcontractors are in privity with general contractor on construction project for purposes of res judicata; claim that application of presumption of privity would be unfair; claim that Appellate Court improperly concluded, on basis of parties' contractual relationships, that defendant subcontractors were in privity with general contractor; claim that presumption of privity was ill suited for complexities of commercial construction industry; whether presumption of privity should apply under facts of present case; claim that Appellate Court's conclusion that general contractor was in privity with defendant subcontractors was inconsistent with arbitrator's factual finding that contract did not obligate general contractor to perform or to be responsible for all design and engineering aspects of construction project.</i>	
Girolametti v. VP Buildings, Inc. (See Girolametti v. Michael Horton Associates, Inc.) . .	67
Guijarro v. Antes (Order)	901
Harvey v. Department of Correction (Order)	905
Haughwout v. Tordenti	559
<i>First amendment; expulsion from state university on basis of statements and gestures concerning firearms, ammunition and shootings; writ of mandamus; claim that defendant university officials violated plaintiff's federal constitutional right to free speech by expelling him for violation of student code of conduct; whether trial court correctly concluded that plaintiff's statements and gestures rose to level of true threats; freedom of speech at public universities, in contemporary context of school shootings, discussed.</i>	
In re Natalia M. (Order)	912
In re Probate Appeal of Fumega-Serrano (Order)	906
Leon v. Commissioner of Correction (Order)	909
McKay v. Longman	394
<i>Enforcement of foreign judgment; whether plaintiff had standing to challenge, pursuant to statute ([Rev. to 2017] § 34-130), whether member of limited liability</i>	

company that executed mortgage agreement as company's agent possessed sufficient authority to bind company; whether trial court correctly determined that certain transfers of real property between limited liability companies of which defendant was either officer or equity holder constituted fraudulent transfers under provisions (§§ 52-552e and 52-552f) of Connecticut Uniform Fraudulent Transfer Act; whether Connecticut recognizes doctrine of reverse corporate veil piercing; three part test applicable when outsider seeks to invoke doctrine of reverse corporate veil piercing, discussed; whether trial court's determinations to apply or not to apply doctrine of reverse corporate veil piercing to various defendant companies were clearly erroneous.

Meletrich v. Commissioner of Correction	615
<i>Habeas corpus; certification from Appellate Court; whether petitioner's trial counsel rendered ineffective assistance by failing to call second alibi witness; whether Appellate Court correctly concluded that habeas court's denial of petition for certification to appeal did not constitute abuse of discretion.</i>	
Murphy v. Darien	244
<i>Negligence; summary judgment; claim that defendant railroad company negligently operated train on track immediately adjacent to boarding platform when another track was available; whether trial court correctly concluded that claim of negligent track selection was preempted under Federal Railroad Safety Act of 1970 (49 U.S.C. § 20101 et seq.); federal preemption of state laws, discussed.</i>	
Nietupski v. Del Castillo (Order)	913
Northrup v. Witkowski	158
<i>Negligence; claim that municipal defendants' failure to properly repair and maintain municipal catch basin caused flooding of plaintiffs' property; certification from Appellate Court; whether Appellate Court correctly concluded that trial court properly had granted motion for summary judgment filed by defendants on basis of governmental immunity; whether municipal duties with respect to storm drainage system are ministerial or discretionary in nature; Spitzer v. Waterbury (113 Conn. 84), to extent that it held that repair and maintenance of municipally owned drainage systems are ministerial rather than discretionary functions, overruled.</i>	
Office of Chief Disciplinary Counsel v. Miller (Order)	908
Oudheusden v. Oudheusden (Order)	911
Praisner v. State (Order)	905
Presidential Village, LLC v. Perkins	45
<i>Summary process; motion to dismiss; certification from Appellate Court; whether inclusion of undesignated charges for obligations other than rent in pretermination notice that asserted only nonpayment of rent as ground for termination of tenancy in federally subsidized housing rendered notice jurisdictionally defective; whether Appellate Court improperly reversed trial court's judgment of dismissal; claim that defect in pretermination notice was not jurisdictional; federal regulations (24 C.F.R. § 247) governing use and occupancy of federally subsidized housing and their relationship to protection of low income tenants, discussed.</i>	
Reclaimant Corp. v. Deutsch	590
<i>Conflict of laws; unjust enrichment; statutes of limitations (§§ 52-576 and 52-577); motion for summary judgment on ground that plaintiff failed to timely commence action; claim that plaintiff failed to commence action within three year limitation period set forth in § 17-607 (c) of Delaware Revised Uniform Limited Partnership Act; claim that trial court incorrectly determined that Delaware law rather than Connecticut law governed issue of whether plaintiff's unjust enrichment claims were time barred; whether statute of limitations for unjust enrichment claims properly is characterized as substantive or procedural for choice of law purposes; claim, as alternative ground for affirming trial court's judgment, that plaintiff's unjust enrichment claims were barred by three year limitation period in § 52-577 generally applicable to tort actions or under doctrine of laches.</i>	
Rockstone Capital, LLC v. Sanzo	306
<i>Foreclosure; certification from Appellate Court; whether Appellate Court had jurisdiction over appeal from trial court's denial of request to foreclose on mortgage; whether Appellate Court had jurisdiction over defendants' cross appeal; whether certification was improvidently granted as to issue concerning Appellate Court's jurisdiction over cross appeal; whether Appellate Court correctly concluded that statutory (§ 52-352b [1]) homestead exemption did not apply to mortgage that</i>	

	<i>secured preexisting judgment debt; whether mortgage was enforceable; claim that mortgage securing judgment debt was not consensual lien within meaning of § 52-352b (t).</i>	
Snell v. Norwalk Yellow Cab, Inc.		720
	<i>Negligence; doctrine of superseding cause; claim that defendant taxicab driver negligently left taxicab unattended in high crime area with key in ignition; certification from Appellate Court; whether Appellate Court correctly concluded that doctrine of superseding cause applies in cases in which intervening action of third party is criminally reckless; whether Appellate Court correctly determined that jury's responses to interrogatories were legally consistent; whether plaintiff was entitled to new trial.</i>	
Stamford Hospital v. Schwartz (Order)		911
State v. Bethea (Order)		904
State v. Dudley		639
	<i>Petition, pursuant to statute (§ 54-142d), to erase records relating to finding that defendant had violated terms of his probation; whether trial court improperly denied defendant's petition; claim that defendant was entitled to erasure of records because they purportedly pertained to conviction of offense that subsequently was decriminalized by legislature.</i>	
State v. Gonzalez (Order)		901
State v. Jacques		271
	<i>Murder; whether trial court improperly denied defendant's motion to suppress; claim that defendant's right to be free from unreasonable searches and seizures under federal constitution was violated when police conducted warrantless search of defendant's apartment five days after lapse of defendant's month-to-month lease; whether trial court correctly concluded that defendant lacked subjective expectation of privacy in apartment at time of search; whether defendant's expectation of privacy in apartment was reasonable; expectation of privacy in relationship to leasehold interests, discussed.</i>	
State v. Marcus H. (Order)		910
State v. Montanez (Order)		907
State v. Petion		472
	<i>Assault first degree; claim of evidentiary insufficiency; certification from Appellate Court; physical injury and serious physical injury, distinguished; disfigurement and serious disfigurement, distinguished; whether Appellate Court correctly concluded that evidence was sufficient for jury reasonably to have found that scar on victim's forearm constituted serious disfigurement for purposes of first degree assault; whether State v. LaFleur (307 Conn. 115), which requires that judgment of acquittal must be rendered if evidence is insufficient to support conviction of greater offense and jury was not instructed on lesser included offense, should be overruled in favor of rule under which judgment of conviction suffering from evidentiary insufficiency would be modified to reflect conviction of highest lesser included offense supported by evidence, unless defendant can prove that absence of jury instruction on that lesser included offense was prejudicial.</i>	
State v. Sinclair		204
	<i>Possession of narcotics with intent to sell by person who is not drug-dependent; claim that defendant's constitutional right to confrontation was violated; claim of prosecutorial improprieties; certification from Appellate Court; whether certain statements to which police officer testified at trial in discussing public motor vehicle inspection record constituted testimonial hearsay resulting in constitutional violation or were nontestimonial and evidentiary in nature; testimonial statements and nontestimonial statements, distinguished; whether Appellate Court correctly concluded that certain improper remarks by prosecutor during closing argument did not deprive defendant of due process right to fair trial.</i>	
State v. Walker		678
	<i>Felony murder; manslaughter first degree with firearm; attempt to commit robbery first degree; criminal possession of pistol or revolver; certification from Appellate Court; claim that Appellate Court incorrectly concluded that defendant's constitutional right to confrontation was not violated; whether testimony from forensics analyst relating to numerical DNA profile generated by another analyst or other analysts constituted testimonial hearsay; standard for determining whether hearsay statement is testimonial in nature, discussed.</i>	
State v. Weatherspoon		531
	<i>Sexual assault in cohabiting relationship; assault third degree; unpreserved claim that prosecutor's generic tailoring argument that jury should discredit defend-</i>	

ant’s testimony because it had been made “with the benefit of hearing all the testimony that came before” in closing argument to jury violated defendant’s right to confrontation under state constitution; generic and specific tailoring arguments, discussed; whether prosecutor’s tailoring argument was generic or specific; unpreserved claim that prosecutor’s generic tailoring argument constituted prosecutorial impropriety; whether defendant’s conviction should be reversed under plain error doctrine; claim that court should exercise its supervisory authority and adopt rule prohibiting generic tailoring arguments; claim that prosecutor engaged in prosecutorial impropriety when he purportedly conveyed to jury that it must find that police lied in order to find defendant not guilty.

Sutera v. Natiello (Order)	908
U.S. Bank National Assn. v. Blowers	656
<i>Mortgage foreclosure; motion to strike special defenses and counterclaims; certification from Appellate Court; whether Appellate Court correctly concluded that trial court’s application of provision in rules of practice (§ 10-10) that dictates that counterclaims must arise out of transaction that is subject of plaintiff’s complaint, required, in foreclosure context, consideration of whether special defense or counterclaim has some reasonable nexus to making, validity or enforcement of note or mortgage; whether Appellate Court incorrectly concluded that mortgagor’s allegations, made in connection with special defenses and counterclaims, did not provide legally sufficient basis for those special defenses and counterclaims; whether mortgagor’s allegations involved types of misconduct on part of mortgagee that bore sufficient connection to enforcement of note or mortgage; whether breach of binding loan modification may provide sufficient basis to withstand motion to strike in foreclosure action.</i>	
U.S. Bank National Assn. v. Kupczyk (Order)	904
U.S. Bank National Assn. v. Robles (Order)	906
Wells Fargo Bank, N.A. v. Fitzpatrick (Order)	912
Williams v. State (Order)	902
Wilmington Trust Co. v. Bachelder (Order)	903
Yuille v. Parnoff (Order)	902