

## ORDERS

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THE BANK OF NEW YORK MELLON *v.*  
ACHYUT M. TOPE ET AL.\*

The named defendant's petition for certification to appeal from the Appellate Court, 202 Conn. App. 540 (AC 40959), is granted, limited to the following issues:

"1. Did the Appellate Court correctly conclude that the named defendant's challenge to the plaintiff's standing to prosecute this action, and, thus, the trial court's subject matter jurisdiction to adjudicate the matter, represented an improper collateral attack on one or more of the earlier judgments rendered by the trial court in favor of the plaintiff?

"2. If the answer to the first certified question is 'no,' should the judgment of the Appellate Court be affirmed on the alternative ground that the trial court properly had denied the named defendant's motion to open, in which the named defendant claimed that the trial court lacked subject matter jurisdiction."

ECKER, J., did not participate in the consideration of or decision on this petition.

*Thomas P. Willcutts*, in support of the petition.

*William R. Dziedzic*, in opposition.

Decided October 12, 2021

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THE RESERVE REALTY, LLC, ET AL. *v.*  
WINDEMERE RESERVE, LLC, ET AL.

The plaintiffs' petition for certification to appeal from the Appellate Court, 205 Conn. App. 299 (AC 38167), is granted, limited to the following issues:

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\* This order supersedes this court's prior order from June 1, 2021. See *Bank of New York Mellon v. Tope*, 336 Conn. 950, 251 A.3d 618 (2021).

902

ORDERS

339 Conn.

“1. Did the Appellate Court correctly determine that the commercial real estate brokerage agreements were unenforceable because the terms of those agreements did not satisfy the requirement in General Statutes § 20-325a (c) that any such agreements state ‘the duration of the authorization’ contained therein?”

“2. Did the trial court correctly determine that the listing agreements were contracts for the personal services of Jeanette Haddad and, therefore, that the defendants were not liable to any of the plaintiffs for brokerage commissions, even if the agreements had been enforceable by Jeanette Haddad during her lifetime?”

*Daniel E. Casagrande*, in support of the petition.

*J. Christopher Rooney, Marc Kurzman and Drew J. Cunningham*, in opposition.

Decided October 12, 2021

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THE RESERVE REALTY, LLC, ET AL. *v.*  
BLT RESERVE, LLC, ET AL.

The plaintiffs’ petition for certification to appeal from the Appellate Court, 205 Conn. App. 299 (AC 38440), is granted, limited to the following issues:

“1. Did the Appellate Court correctly determine that the commercial real estate brokerage agreements were unenforceable because the terms of those agreements did not satisfy the requirement in General Statutes § 20-325a (c) that any such agreements state ‘the duration of the authorization’ contained therein?”

“2. Did the trial court correctly determine that the listing agreements were contracts for the personal services of Jeanette Haddad and, therefore, that the named defendant was not liable to any of the plaintiffs for

339 Conn.

ORDERS

903

brokerage commissions, even if the agreements had been enforceable by Jeanette Haddad during her lifetime?”

*Daniel E. Casagrande*, in support of the petition.

*J. Christopher Rooney, Marc Kurzman and Drew J. Cunningham*, in opposition.

Decided October 12, 2021

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THE RESERVE REALTY, LLC, ET AL. *v.*  
WINDERMERE RESERVE, LLC, ET AL.

The plaintiffs’ petition for certification to appeal from the Appellate Court, 205 Conn. App. 299 (AC 38442), is granted, limited to the following issues:

“1. Did the Appellate Court correctly determine that the commercial real estate brokerage agreements were unenforceable because the terms of those agreements did not satisfy the requirement in General Statutes § 20-325a (c) that any such agreements state ‘the duration of the authorization’ contained therein?”

“2. Did the trial court correctly determine that the listing agreements were contracts for the personal services of Jeanette Haddad and, therefore, that the named defendant was not liable to any of the plaintiffs for brokerage commissions, even if the agreements had been enforceable by Jeanette Haddad during her lifetime?”

*Daniel E. Casagrande*, in support of the petition.

*J. Christopher Rooney, Marc Kurzman and Drew J. Cunningham*, in opposition.

Decided October 12, 2021

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904

ORDERS

339 Conn.

STATE OF CONNECTICUT *v.* EARL ARNOLD

The defendant's petition for certification to appeal from the Appellate Court, 205 Conn. App. 863 (AC 40489), is denied.

MULLINS, J., did not participate in the consideration of or decision on this petition.

*Adele V. Patterson*, senior assistant public defender, in support of the petition.

*Matthew A. Weiner*, assistant state's attorney, in opposition.

Decided October 12, 2021

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MICHAEL DEVINE, ADMINISTRATOR (ESTATE OF TIMOTHY DEVINE) *v.* LOUIS FUSARO, JR., ET AL.

The defendants' petition for certification to appeal from the Appellate Court, 205 Conn. App. 554 (AC 42164), is granted, limited to the following issue:

"Did the Appellate Court correctly conclude that, when a court determines whether sovereign immunity bars a claim against state officials or employees for actions taken in the exercise of their duties, the test set forth in *Spring v. Constantino*, 168 Conn. 563, 362 A.2d 871 (1975), 'has no applicability' when a plaintiff designates that the state officials or employees have been sued in their individual capacities?"

KELLER J., did not participate in the consideration of or decision on this petition.

339 Conn.

ORDERS

905

*Clare Kindall*, solicitor general, and *Colleen B. Valentine* and *Alayna M. Stone*, assistant attorneys general, in support of the petition.

*Trent A. LaLima*, in opposition.

Decided October 12, 2021

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SILAS HARRIS *v.* COMMISSIONER  
OF CORRECTION

The petitioner Silas Harris' petition for certification to appeal from the Appellate Court, 205 Conn. App. 837 (AC 42165), is denied.

*Vishal K. Garg*, in support of the petition.

*Nancy L. Chupak*, senior assistant state's attorney, in opposition.

Decided October 12, 2021

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LPP MORTGAGE LTD. *v.* UNDERWOOD TOWERS  
LIMITED PARTNERSHIP ET AL.

The named defendant's petition for certification to appeal from the Appellate Court, 205 Conn. App. 763 (AC 43542), is denied.

*Richard P. Weinstein*, in support of the petition.

*Wesley W. Horton*, *Thomas W. Witherington*, *Nicholas P. Vegliante*, *John G. McJunkin*, pro hac vice, and *J. David Folds*, pro hac vice, in opposition.

Decided October 12, 2021

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906

ORDERS

339 Conn.

LPP MORTGAGE LTD. *v.* UNDERWOOD TOWERS  
LIMITED PARTNERSHIP ET AL.

The petition of the defendant CDC Management Corporation for certification to appeal from the Appellate Court, 205 Conn. App. 763 (AC 43542), is denied.

*Richard P. Weinstein*, in support of the petition.

*Wesley W. Horton, Thomas W. Witherington, Nicholas P. Vegliante, John G. McJunkin*, pro hac vice, and *J. David Folds*, pro hac vice, in opposition.

Decided October 12, 2021

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LLP MORTGAGE LTD. *v.* UNDERWOOD TOWERS  
LIMITED PARTNERSHIP ET AL.

The petition of the defendant city of Hartford for certification to appeal from the Appellate Court, 205 Conn. App. 763 (AC 43575), is denied.

*David S. Hoopes and Jay R. Lawlor*, in support of the petition.

*Wesley W. Horton, Thomas W. Witherington, Nicholas P. Vegliante, John G. McJunkin*, pro hac vice, and *J. David Folds*, pro hac vice, in opposition.

Decided October 12, 2021

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MARIE FAIN *v.* BETHANY BENAK ET AL.

The petition of the defendant Department of Administrative Services for certification to appeal from the Appellate Court, 205 Conn. App. 734 (AC 43898), is granted, limited to the following issue:

“Did the Appellate Court correctly determine that the trial court had properly held that the unavoidable

339 Conn.

ORDERS

907

accident doctrine did not apply to the facts of this case, in which the named defendant claimed that she was not negligent because she lost control of her vehicle due to an unexpected tire blowout?”

*James E. Coyne*, in support of the petition.

*Anthony D. Sutton*, in opposition.

Decided October 12, 2021

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ALLISON C. CONKLIN ET AL. *v.* TEACHERS  
INSURANCE COMPANY ET AL.

The plaintiffs’ petition for certification to appeal from the Appellate Court, 205 Conn. App. 904 (AC 44107), is denied.

*Keith Yagaloff*, in support of the petition.

*Raymond T. DeMeo* and *Jessica A. R. Hamilton*, in opposition.

Decided October 12, 2021

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PEDRO CARRASQUILLO *v.* COMMISSIONER  
OF CORRECTION

The petitioner Pedro Carrasquillo’s petition for certification to appeal from the Appellate Court, 206 Conn. App. 195 (AC 42537), is denied.

*Robert L. O’Brien*, assigned counsel, in support of the petition.

*Robert J. Scheinblum*, senior assistant state’s attorney, in opposition.

Decided October 12, 2021

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908

ORDERS

339 Conn.

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ROGER FENNER *v.* COMMISSIONER  
OF CORRECTION

The petitioner Roger Fenner's petition for certification to appeal from the Appellate Court, 206 Conn. App. 488 (AC 43267), is denied.

*Deren Manasevit*, assigned counsel, in support of the petition.

*Rocco A. Chiarenza*, assistant state's attorney, in opposition.

Decided October 12, 2021

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YOUR MANSION REAL ESTATE, LLC *v.*  
RCN CAPITAL FUNDING, LLC

The defendant's petition for certification to appeal from the Appellate Court, 206 Conn. App. 316 (AC 43922), is denied.

*Matthew B. Gunter*, in support of the petition.

Decided October 12, 2021

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LAUREL B. BELLERIVE *v.* THE  
GROTTO, INC., ET AL.

The named defendant's petition for certification to appeal from the Appellate Court, 206 Conn. App. 702 (AC 44138), is denied.

*James P. Brennan*, in support of the petition.

Decided October 12, 2021

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339 Conn.

ORDERS

909

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ACORN DEVELOPERS, LLC *v.* PAUL PINTO ET AL.

The defendants' petition for certification to appeal from the Appellate Court (AC 44642) is denied.

*Bruce L. Elstein*, in support of the petition.

Decided October 12, 2021

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