Cumulative Table of Cases Connecticut Reports Volume 343

(Replaces Prior Cumulative Table)

AGW Sono Partners, LLC v. Downtown Soho, LLC. Breach of commercial lease agreement; unjust enrichment; damages; claim that trial court incorrectly concluded that defendants had failed to establish, by preponderance of evidence, that their breach of contract was excused by doctrines of impossibility and frustration of purpose, in light of certain executive orders issued by governor that limited various commercial activities at bar and restaurants throughout the state during public health and civil preparedness emergencies that governor declared in response to COVID-19 pandemic; whether executive orders restricting operations of defendants' restaurant rendered performance of lease agreement impossible as matter of law; whether shutdown and restrictions compelled by executive orders frustrated purpose of lease agreement; claim that trial court improperly assigned plaintiff lessor, as nonbreaching party, burden of proving that it had mitigated its damages in attempting to lease premises to new lessee; whether lessor or lessee bears burden of proving that lessor failed to undertake commercially reasonable efforts to mitigate its damages when lessee breached lease agreement.	309
Aurora Loan Services, LLC v. Gabriel (Order)	911
Baker v. Argueta (Order)	901
Bank of America, National Assn. v. Sorrentino (Order)	912
Bank of New York Mellon v. Horsey (Order)	909
Barlow v. Commissioner of Correction	347
determined that petitioner had met his burden of establishing prejudice; whether,	
but for trial counsel's deficient performance during pretrial plea negotiations,	
there was a reasonable probability that petitioner would have accepted trial	
court's plea offer; claim that habeas court improperly relied on earlier decision	
by Appellate Court that trial court's performance was deficient; whether there was	
sufficient contemporaneous evidence from time of underlying plea negotiations	
to substantiate petitioner's after-the-fact testimony that he would have accepted	
plea offer if he had been adequately advised.	005
Bernblum v. Grove Collaborative, LLC (Order)	925 928
Bova v. Commissioner of Correction (Order)	917
Centerplan Construction Co., LLC v. Hartford.	368
Contract for construction of baseball stadium; breach of contract; counterclaim for	500
breach of contract and breach of covenant of good faith and fair dealing; whether	
plaintiff developer waived its right to contest errors by defendant city that	
occurred prior to execution of term sheet; whether city maintained control of	
and responsibility for stadium design and architectural firm's work from time	
that city contracted with plaintiffs until time that city assigned to plaintiffs its	
agreement with architectural firm; whether language in city's assignment of	
its agreement with architectural firm to plaintiffs plainly and unambiguously	
provided that plaintiffs had legal control of and responsibility for architectural firm and stadium design upon execution of that assignment until term sheet	
was executed; whether assignment's plain and unambiguous language established	
that city retained all obligations as to architectural firm arising out of architec-	
tural firm's services before assignment was executed; whether term sheet was	
unclear as to whether city or plaintiffs had control of architectural firm and	
stadium design after execution of term sheet until time that city terminated	
its contractual relationship with plaintiffs; whether term sheet unambiguously	
divested plaintiff builder of right, in its agreement with developer, to notice and	
opportunity to cure any default prior to termination.	000
Chase v. Commissioner of Correction (Order)	903
C. L. v. J. E. (Order)	905 906
cockayne v. bristor mospital, me. (order)	900

Connecticut Judicial Branch v. Gilbert. Employment discrimination; claims of employment discrimination in violation of Connecticut Fair Employment Practices Act (§ 46a-60), violation of general antidiscrimination statute (§ 46a-58 (a)), and violation of Title VII of Civil Rights Act of 1964, as amended by Title VII of Civil Rights Act of 1991 (42 U.S.C. § 2000e et seq.), as predicate for claim under § 46a-58 (a); whether trial court properly sustained in part and reversed in part Judicial Branch's administrative appeal from decision of defendant Commission on Human Rights and Opportunities awarding named defendant back pay, interest, and emotional distress damages in connection with named defendant's claim that branch discriminated against her on basis of gender; whether trial court incorrectly concluded that commission was authorized to award emotional distress damages and attorney's fees in employment discrimination action under general antidiscrimination statute (§ 46a-58 (a)) and that statute's civil remedies provision (§ 46a-86 (c)); whether commission exceeded its authority under federal law by adjudicating Title VII claim; claim that state law precludes commission from awarding damages for Title VII violations under §§ 46a-58 (a) and 46a-86 (c); whether trial court incorrectly concluded that state waived its sovereign immunity with respect to recovery of prejudgment and postjudgment interest on awards under § 46a-86; whether trial court incorrectly concluded that commission should have precluded named defendant from recovering emotional distress damages as sanction for purported violations of human rights referee's discovery orders; whether trial court improperly admitted certain testimony that went beyond mere gardenvariety emotional distress; whether trial court improperly vacated injunction requiring plaintiff to give named defendant option of returning to original work location, after she was transferred to other locations in retaliation for lodging harassment complaint.	919 90
Conroy v. Idlibi	201
Crouzet v. First Baptist Church of Stonington	88
Davis v. Davis (Order) Dept. of Public Health v. Estrada (Order) Deutsche Bank National Trust Co. v. Siladi (Order) Digital 60 & 80 Merritt, LLC v. Board of Assessment Appeals (Order). Dolan v. Dolan (Order). Fairlake Capital, LLC v. Lathouris (Order). Fenstermaker v. Fenstermaker (Order). Fulcher v. Commissioner of Correction (Order) Gassesse v. University of Connecticut (Order) Gawlik v. Malloy (Order). Gleason v. Durden (Order). Glover v. Bausch & Lomb, Inc. Claims under failure to warn provision of Connecticut Product Liability Act (CPLA) (§ 52-572q) and Connecticut Unfair Trade Practices Act (CUTPA) (§ 42-110a et seq.); appeal from judgment of United States District Court for District of Connecticut dismissing plaintiffs' complaint to United States Court of Appeals for Second Circuit; certification of questions of law from Second Circuit; whether cause of action exists under failure to warn provision of CPLA based on manufacturer's alleged failure to report adverse events to federal regulator, such as federal Food and Druq Administration; whether exclusivity provision (§ 52-572n) of	917 921 918 926 924 928 915 918 914 919 921 513

CLEA bars claim under CC11A based on dilegations that manufacturer decep-	
tively and aggressively marketed and promoted product despite knowing that it	
presented substantial risk of injury.	
Gonzalez v . Commissioner of Correction (Order)	922
Gottesman v. Kratter (Order)	918
Hospital Media Network, LLC v. Henderson (Order)	916
Housing Authority v. Stevens (Order)	907
Icelo-Hernandez v . Commissioner of Correction (Order)	911
Ill v. Manzo-Ill (Order)	909
In re Aisjaha N	642
Motion for permanent legal guardianship; respondent mother's appeal from decision of trial court vesting permanent legal guardianship of minor child in her maternal grandmother after remote hearing on motion; reviewability of respondent mother's unpreserved claim that she was denied due process of law under fourteenth amendment to United States constitution by virtue of trial court's failure to ensure that she was present by two-way video technology at remote hearing; respondent mother's invitation for this court to exercise its supervisory authority over administration of justice to adopt rule requiring that trial court, before conducting virtual hearing or trial in child protection case, ensure that parties either appear by two-way videoconferencing technology or waive right to do so,	
after brief canvass.	0.40
In re Annessa J. Termination of parental rights; trial on petition to terminate parental rights held remotely via Microsoft Teams; motions for posttermination visitation; certification from Appellate Court; whether Appellate Court correctly concluded that respondent mother had failed to establish that she had fundamental right under article first, § 10, and article fifth, § 1, of Connecticut constitution to in person courtroom trial on petition to terminate her parental rights; whether Appellate Court incorrectly concluded that record was inadequate to review respondent mother's unpreserved claim that she was denied right to physically confront witnesses against her at virtual termination of parental rights trial, in violation of due process clause of fourteenth amendment to United States constitution; whether Appellate Court improperly expanded standard set forth in this court's decision in In re Ava W. (336 Conn. 545) for deciding motions for posttermination visitation and improperly reversed trial court's rulings on respondents' motions for posttermination visitation on ground that trial court had failed to comply	642
with that standard.	010
In re Christian C. (Order) (See In re Lucia C.)	912
In re Lucia C. (Order)	912
In re Vada V	730
Termination of parental rights; claims that trial court violated respondents' rights under article first, § 10, and article fifth, § 1, of Connecticut constitution by conducting termination of parental rights trial virtually rather than in person; claims that respondents' were denied right to physically confront witnesses against them at virtual trial, in violation of due process clause of fourteenth amendment to United States constitution; claims under federal constitution or state and federal constitutions that state did not provide respondents with adequate devices and internet connection to participate both visually and by audio in termination proceeding.	
J. E. v. C. L. (Order)	907
J. K. v. M. G. (Order)	915
Jones v. Law Offices of William S. Palmieri, LLC (Order)	920
Kaddah v. Commissioner of Correction (Order)	928
Kaufman v. Synnott (Order)	923
Kelsey v . Commissioner of Correction	424
Habeas corpus; certification from Appellate Court; claim that habeas court improp-	
erly dismissed successive petition for writ of habeas corpus that was filed more than two years beyond limitation period set forth in statute (§ 52-470 (d) (1)) on ground that petitioner failed to establish good cause to overcome rebuttable presumption of unreasonable delay; whether Appellate Court correctly concluded that habeas court's good cause determination is reviewed on appeal for abuse of discretion; whether Appellate Court correctly concluded that habeas court did not abuse its discretion in finding that petitioner failed to establish good cause;	
whether lack of personal knowledge of law or change in law is relevant to good cause determination.	

Kling v. Hartford Casualty Ins. Co. (Order)	926
LendingHome Marketplace, LLC v. Traditions Oil Group, LLC (Order)	927
Lewis v. Commissioner of Correction (Order)	924
Lopez v. William Raveis Real Estate, Inc.	31
Housing discrimination; claim that defendant real estate salesperson unlawfully	
discriminated on basis of plaintiff's lawful source of income, in violation of	
statute (§ 46a-64c (a) (1) and (3)), by making certain statements regarding	
plaintiff's participation in Section 8 Housing Choice Voucher Program; whether	
trial court improperly applied ordinary listener standard in considering context	
of real estate salesperson's statements in determining if they conveyed any prefer-	
ence, limitation, or discrimination based on lawful source of income; whether	
real estate broker was vicariously liable for statements of real estate salesperson	
pursuant to statute (§ 20-312a); whether owners of property were vicariously	
liable for statements of real estate salesperson.	
Lucky 13 Industries, LLC v. Commissioner of Motor Vehicles (Order)	908
Maldonado v. Flannery	150
Negligence; personal injury; additur; certification from Appellate Court; whether	100
trial court abused its discretion in granting plaintiffs' joint motion for additurs	
on ground that jury verdict awarding plaintiffs economic damages but zero	
noneconomic damages was internally inconsistent; claim that Appellate Court	
incorrectly concluded that trial court failed to sufficiently explain in its memo-	
randum of decision evidentiary and logical basis for its decision; claim that	
Appellate Court incorrectly concluded that trial court had abused its discretion	
by granting plaintiffs' joint motion for additurs.	
Mercado v. Castro-Cruz (Order)	913
Mozzochi v. Purtill (Order)	911
MTGLQ Investors, L.P. v. Lakner (Order)	913
Newtown v . Gaydosh (Order)	920
Nutmeg State Crematorium, LLC v. Dept. of Energy & Environmental Protection (Order)	906
O'Brien v. Commissioner of Correction (Order)	907
O'Donnell v. AXA Equitable Life Ins. Co. (Order)	910
Olorunfunmi v. Commissioner of Correction (Order)	929
O'Reagan v. Commissioner of Correction (Order)	926
Ortiz v. Commissioner of Correction (Order)	927
O'Sullivan v. Haught (Order)	930
Overly v. Overly (Order)	901
Parker v. Zoning Commission (Order)	908
Patterson v. Commissioner of Correction (Order)	925
Purnell v. Inland Wetlands & Watercourses Commission (Order)	908
Quint v. Commissioner of Correction (Order)	922
Rafi v. Yale University School of Medicine (Order)	903
Reyes v. State (Order)	908
Roach v. Transwaste, Inc. (Order)	924
Salce v. Cardello (Order)	902
Saunders v. Commissioner of Correction]
Habeas corpus; claim that petitioner's due process rights were violated on ground	
that he was incompetent at time of his criminal trial; certification from Appellate	
Court; whether Appellate Court correctly concluded that procedural default doc-	
trine applies to competency claims; whether Appellate Court correctly concluded	
that petitioner failed to allege sufficient cause and prejudice to overcome proce-	
dural defaults; whether mental incompetency is internal to habeas petitioner;	
whether habeas court correctly determined that petitioner had failed to allege	
sufficient prejudice to survive motion to dismiss.	
Seder v. Errato (Order)	917
State v. Abraham	470
Home invasion; attempt to commit assault first degree; reckless endangerment first	110
degree; risk of injury to child; claim that evidence was insufficient to establish	
that defendant was perpetrator of crimes of conviction; claim that jury's guilty	
verdict of attempt to commit assault first degree and reckless endangerment first	
degree was legally inconsistent; unpreserved claim that convictions of home	
invasion and attempt to commit assault first degree violated constitutional prohi-	
bition against double jeopardy.	40-
State v. Alexander	495
Felonymurder; attempttocommitrobberyfirstdegree; conspiracytocommitrobbery	
first degree; carrying pistol without permit; claim that trial court improperly	

denied motion for new trial with respect to certain offenses of which the defendant had been convicted; whether defendant's statements during police interrogation improperly were admitted into evidence because police continued to question him after he made equivocal statement that arguably could be construed as request for counsel; whether improper admission of statements made during interrogation was harmless beyond reasonable doubt.	
State v. Butler (Order) State v. Cusson (Order). State v. Daniel M. (Order) State v. Goode (Order) State v. Gray (Order)	904 913 906 925 929
State v. Hargett Murder; certification from Appellate Court; whether Appellate Court correctly concluded that trial court had not abused its discretion in excluding certain testimony as irrelevant and inadmissible hearsay and in excluding from evidence certain toxicology report indicating that murder victim had drugs in his system at time of his death; claim that Appellate Court incorrectly concluded that trial court had not violated defendant's right to due process by declining to give jury instruction on self-defense; whether Appellate Court incorrectly concluded that trial court had not abused its discretion in declining to dismiss case or to exclude alleged murder weapon from evidence as sanction for state's late disclosure of that evidence.	604
State v. Jones (Order). State v. Kyle A. (Order). State v. Marrero. Home invasion; burglary first degree; assault second degree; certification from Appellate Court; claim that Appellate Court incorrectly concluded that prosecutor did not engage in prosecutorial impropriety by using leading questions during his direct examination of hostile witness; certification improvidently granted. State v. Morel-Vargas	901 930 468
Sexual assault first degree; unpreserved claim that defendant's conviction must be reversed on ground that defendant did not personally inform trial court that he was waiving his right to testify; whether trial court was constitutionally required to obtain on-the-record vaiver of right to testify from defendant, himself, whether right to testify is personal constitutional right that can be waived only by defendant himself and not by defense counsel acting on behalf of defendant; whether right to testify is among personal constitutional rights that require affirmative waiver on record by criminal defendant, himself; exercise of supervisory authority over administration of justice to require, prospectively, that trial court either canvass defendant or, in certain circumstances, inquire of defense counsel whether counsel adequately advised defendant regarding waiver of right to testify; reviewability of claim that prosecutor committed improprieties during her direct examination of victim by virtue of prosecutor's allegedly excessive use of leading questions, in violation of defendant's right to fair trial.	
State v. Myers	447
State v. Ortiz	566

convictions only as unnamed felonies punishable by more than one year of imprisonment; claim that trial court improperly declined to give requested instruction; whether trial court improperly omitted word "conclusively" in its instruction on use of evidence of defendant's uncharged misconduct. State v. Police	274
Robbery first degree; assault first degree; conditional plea of nolo contendere; claim that trial court improperly denied defendant's motion to dismiss information; whether John Doe arrest warrant that identified suspect on basis of general physical description and mixed partial DNA profiles violated particularity requirement of fourth amendment to United States constitution; whether John Doe arrest warrant served to toll applicable statute of limitations; whether record was adequate for review of defendant's unpreserved claim that John Doe arrest warrant identifying suspect through mixed partial DNA profiles violated particularity requirement of fourth amendment; whether trial court properly relied on subsequent DNA reports in determining that prior DNA report, which police had relied on to establish probable cause for John Doe arrest warrant, identified suspect with particularity.	
State v. Prudhomme (Order)	902
State v. Rivera	745
Murder; conspiracy to commit assault first degree; unlawful restraint first degree; unlawful discharge of firearm; carrying pistol or revolver without permit; certification from Appellate Court; whether Appellate Court incorrectly concluded that trial court had not abused its discretion in admitting into evidence DVD containing audio recording of defendant's alleged confession; claim that audio recording was inadequately authenticated and, therefore, was inadmissible under Connecticut Code of Evidence (§ 9-1); claim that unavailability of original recording rendered subsequent electronic copies of that recording inadmissible under best evidence rule; claim that Appellate Court incorrectly concluded that trial court had not abused its discretion when it directed jury to disregard portions of defense counsel's closing argument concerning prosecutor's failure	110
to ask certain witness for in-court identification of defendant; whether any error	
on part of trial court was harmless.	
State v. Schlosser (Order)	923
State v. Siler (Order)	912
State <i>v.</i> Stephanie U. (Orders)	904
State v. Sumler (Order)	916
State v. Tony O. (Order)	921
State v. Torres	208
Murder; carrying pistol without permit; claim that trial court improperly excluded	
evidence that state's witness was assaulted before defendant's first trial, in viola- tion of defendant's sixth amendment rights to present defense and to confront witnesses against him; whether defendant met his burden of proving that trial	
court's improper exclusion of evidence relating to assault of state's witness was harmful; claim that trial court violated defendant's sixth amendment right to confrontation and rules of evidence by preventing defendant from impeaching state's witness with evidence of her prior criminal convictions.	
Stratford Police Dept. v. Board of Firearms Permit Examiners	62
Application for issuance of state pistol permit; administrative appeal; appeal from trial court's judgment reversing decision of named defendant, Board of Firearms Permit Examiners, ordering issuance of pistol permit to defendant; denial by	-
plaintiff police department of pistol permit application on basis of applicant's	
plaintiff police department of pistol permit application on basis of applicant's prior conviction of criminal possession of controlled substance in New York:	
prior conviction of criminal possession of controlled substance in New York; whether trial court incorrectly concluded that statute (§ 29-28 (b) (2) (B)) auto-	
prior conviction of criminal possession of controlled substance in New York; whether trial court incorrectly concluded that statute (§ 29-28 (b) (2) (B)) automatically disqualifies pistol permit applicant with out-of-state conviction that	
prior conviction of criminal possession of controlled substance in New York; whether trial court incorrectly concluded that statute (§ 29-28 (b) (2) (B)) automatically disqualifies pistol permit applicant with out-of-state conviction that is equivalent to conviction under statute (§ 21a-279) proscribing possession	
prior conviction of criminal possession of controlled substance in New York; whether trial court incorrectly concluded that statute (§ 29-28 (b) (2) (B)) automatically disqualifies pistol permit applicant with out-of-state conviction that is equivalent to conviction under statute (§ 21a-279) proscribing possession of controlled substance from receiving permit; whether trial court improperly	
prior conviction of criminal possession of controlled substance in New York; whether trial court incorrectly concluded that statute (§ 29-28 (b) (2) (B)) automatically disqualifies pistol permit applicant with out-of-state conviction that is equivalent to conviction under statute (§ 21a-279) proscribing possession of controlled substance from receiving permit; whether trial court improperty substituted its judgment for that of board following board's determination that	
prior conviction of criminal possession of controlled substance in New York; whether trial court incorrectly concluded that statute (§ 29-28 (b) (2) (B)) automatically disqualifies pistol permit applicant with out-of-state conviction that is equivalent to conviction under statute (§ 21a-279) proscribing possession of controlled substance from receiving permit; whether trial court improperly substituted its judgment for that of board following board's determination that applicant was suitable person to obtain pistol permit.	Q1 <i>A</i>
prior conviction of criminal possession of controlled substance in New York; whether trial court incorrectly concluded that statute (§ 29-28 (b) (2) (B)) automatically disqualifies pistol permit applicant with out-of-state conviction that is equivalent to conviction under statute (§ 21a-279) proscribing possession of controlled substance from receiving permit; whether trial court improperly substituted its judgment for that of board following board's determination that applicant was suitable person to obtain pistol permit. Tajay H. v. Commissioner of Correction (Order)	914
prior conviction of criminal possession of controlled substance in New York; whether trial court incorrectly concluded that statute (§ 29-28 (b) (2) (B)) automatically disqualifies pistol permit applicant with out-of-state conviction that is equivalent to conviction under statute (§ 21a-279) proscribing possession of controlled substance from receiving permit; whether trial court improperly substituted its judgment for that of board following board's determination that applicant was suitable person to obtain pistol permit. Tajay H. v. Commissioner of Correction (Order)	905
prior conviction of criminal possession of controlled substance in New York; whether trial court incorrectly concluded that statute (§ 29-28 (b) (2) (B)) automatically disqualifies pistol permit applicant with out-of-state conviction that is equivalent to conviction under statute (§ 21a-279) proscribing possession of controlled substance from receiving permit; whether trial court improperly substituted its judgment for that of board following board's determination that applicant was suitable person to obtain pistol permit. Tajay H. v. Commissioner of Correction (Order)	