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JULIO GUTIERREZ v. DANIEL MOSOR

The plaintiff's petition for certification to appeal from the Appellate Court, 206 Conn. App. 818 (AC 43881), is denied.

Deborah V. Jekot and Jack G. Steigelfest, in support of the petition.

Decided December 21, 2021

**JOSHUA CRUZ v. COMMISSIONER
OF CORRECTION**

The petitioner Joshua Cruz' petition for certification to appeal from the Appellate Court, 206 Conn. App. 17 (AC 43961), is denied.

Deborah G. Stevenson, assigned counsel, in support of the petition.

Erika L. Brookman, senior assistant state's attorney, in opposition.

Decided December 21, 2021

**HIGH WATCH RECOVERY CENTER, INC. v.
DEPARTMENT OF PUBLIC
HEALTH ET AL.**

The plaintiff's petition for certification to appeal from the Appellate Court, 207 Conn. App. 397 (AC 43546), is granted, limited to the following issues:

"1. Did the Appellate Court properly follow this court's decisions in *Middlebury v. Dept. of Environmental Protection*, 283 Conn. 156, 927 A.2d 793 (2007), and *Summit Hydropower Partnership v. Commissioner of Environmental Protection*, 226 Conn. 792, 629 A.2d 367 (1993), in concluding that a certificate of

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need hearing conducted by the Department of Public Health pursuant to General Statutes § 19a-639a (f) (2) was not a ‘contested case,’ as defined by the Uniform Administrative Procedure Act, General Statutes § 4-166 (4)?

“2. If the answer to the first certified question is ‘yes,’ did the Appellate Court correctly conclude that the plaintiff’s letter requesting that it be granted intervenor status in a certificate of need hearing that had been scheduled and noticed pursuant to General Statutes § 19a-639a (f) was not a legally sufficient request for a public hearing pursuant to subsection (e) of that statute?”

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

Proloy K. Das, Paul E. Knag and Emily McDonough Souza, in support of the petition.

Kerry Anne Colson, assistant attorney general, and *Jeffrey J. Mirman*, in opposition.

Decided December 21, 2021

DANNY MOBLEY *v.* COMMISSIONER
OF CORRECTION

The petitioner Danny Mobley’s petition for certification to appeal from the Appellate Court, 207 Conn. App. 901 (AC 43734), is denied.

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

Deborah G. Stevenson, assigned counsel, in support of the petition.

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Timothy F. Costello, senior assistant state's attorney, and *Kevin M. Black, Jr.*, special deputy assistant state's attorney, in opposition.

Decided December 21, 2021

STRAZZA BUILDING AND CONSTRUCTION,
INC. *v.* JENNIFER G. HARRIS,
TRUSTEE, ET AL.

The petition of the named defendant and the defendant Jennifer G. Harris for certification to appeal from the Appellate Court, 207 Conn. App. 649 (AC 43958), is granted, limited to the following issues:

“1. Did the Appellate Court correctly determine that there existed a genuine issue of material fact as to whether the plaintiff general contractor was in privity with its subcontractor for the purposes of *res judicata*, despite the fact that, in a separate proceeding against the subcontractor, the trial court found that no money was due to the general contractor, and pursuant to General Statutes § 49-33 (f), the subcontractor was statutorily subrogated to the rights of the general contractor?”

“2. Did the Appellate Court correctly determine that the presumption of privity set forth in *Girolametti v. Michael Horton Associates, Inc.*, 332 Conn. 67, 208 A.3d 1223 (2019), was inapplicable to the present case and that no ‘flow up’ obligation extended from a subcontractor to a general contractor?”

Bruce L. Elstein, in support of the petition.

Anthony J. LaBella, in opposition.

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STATE OF CONNECTICUT *v.* TONY ESPINAL

The defendant's petition for certification to appeal from the Appellate Court, 208 Conn. App. 369 (AC 41554), is denied.

Pamela S. Nagy, supervisory assistant public defender, in support of the petition.

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

Decided December 21, 2021

SCOTT SWAIN *v.* COMMISSIONER
OF CORRECTION

The petitioner Scott Swain's petition for certification to appeal from the Appellate Court, 208 Conn. App. 902 (AC 42277), is denied.

Scott Swain, self-represented, in support of the petition.

Sarah Hanna, senior assistant state's attorney, in opposition.

Decided December 21, 2021

SCOTT MENARD *v.* STATE OF CONNECTICUT
DARREN CONNOLLY *v.* STATE
OF CONNECTICUT

The petition of the plaintiffs Scott Menard and Darren Connolly for certification to appeal from the Appellate Court, 208 Conn. App. 303 (AC 42342), is granted, limited to the following issues:

"1. Did the Appellate Court correctly determine that the plaintiffs' post-traumatic stress disorder with physi-

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cal manifestations is not a compensable bodily injury under General Statutes § 38a-336 (a) (1) (A)?

“2. Did the Appellate Court correctly determine that the common-law rule precluding double recovery required that the underinsured motorist damages awarded to the plaintiff Darren Connolly be reduced by the amount that a third party paid to Connolly in settlement of a Dram Shop Act claim?”

Daniel J. Krisch and Jeffrey L. Ment, in support of the petition.

Lorinda S. Coon, in opposition.

Decided December 21, 2021

STATE OF CONNECTICUT *v.* JASMIN I. LUNA

The defendant’s petition for certification to appeal from the Appellate Court, 208 Conn. App. 45 (AC 43097), is denied.

Laila M. G. Haswell, senior assistant public defender, in support of the petition.

Kathryn W. Bare, senior assistant state’s attorney, in opposition.

Decided December 21, 2021

ELLIS ROBINSON ET AL. *v.* WILLIAM
TINDILL ET AL.

The defendants’ petition for certification to appeal from the Appellate Court, 208 Conn. App. 255 (AC 43995), is denied.

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

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Michael A. Zizka, in support of the petition.

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AMMAR A. IDLIBI *v.* DEPARTMENT OF
CHILDREN AND FAMILIES

The plaintiff's petition for certification to appeal from the Appellate Court (AC 45008) is denied.

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

Ammar A. Idlibi, self-represented, in support of the petition.

Colleen B. Valentine, assistant attorney general, in opposition.

Decided December 21, 2021

WIOLETTA KRAHEL *v.* MARIUSZ CZOCH

The plaintiff's petition for certification to appeal from the Appellate Court (AC 45017) is denied.

Yakov Pyetranker, in support of the petition.

Jeffrey D. Ginzberg, in opposition.

Decided December 21, 2021

CITY OF NEW HAVEN *v.* 20 GERRISH
AVENUE, LLC, ET AL.

The petition of Jerome T. Dunbar for certification to appeal from the Appellate Court (AC 44683) is denied.

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Jerome T. Dunbar, self-represented, in support of the petition.

Decided December 21, 2021

STATE OF CONNECTICUT *v.*
JERMAINE LEE COWAN

The defendant's petition for certification to appeal from the Appellate Court, 208 Conn. App. 710 (AC 42450), is denied.

Jermaine Lee Cowan, self-represented, in support of the petition.

James M. Ralls, assistant state's attorney, in opposition.

Decided January 4, 2022

CITY OF HARTFORD POLICE DEPARTMENT *v.*
COMMISSION ON HUMAN RIGHTS
AND OPPORTUNITIES ET AL.

The named defendant's petition for certification to appeal from the Appellate Court, 208 Conn. App. 755 (AC 43420), is granted, limited to the following issue:

"Did the Appellate Court properly reverse the trial court's judgment upholding the decision of the human rights referee on the basis that the evidence was insufficient to support a determination of intentional discrimination?"

Michael E. Roberts and *Megan K. Grant*, in support of the petition.

Daniel J. Krisch, in opposition.

Decided January 4, 2022

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CITY OF HARTFORD POLICE DEPARTMENT *v.*
COMMISSION ON HUMAN RIGHTS
AND OPPORTUNITIES ET AL.

The defendant Khoa Phan's petition for certification to appeal from the Appellate Court, 208 Conn. App. 755 (AC 43420), is granted, limited to the following issue:

"Did the Appellate Court properly reverse the trial court's judgment upholding the decision of the human rights referee on the basis that the evidence was insufficient to support a determination of intentional discrimination?"

James V. Sabatini, in support of the petition.

Daniel J. Krisch, in opposition.

Decided January 4, 2022

LUIS A. SANTANA, JR. *v.* COMMISSIONER
OF CORRECTION

The petitioner Luis A. Santana, Jr.'s petition for certification to appeal from the Appellate Court, 208 Conn. App. 460 (AC 43687), is denied.

Naomi T. Fetterman, assigned counsel, in support of the petition.

Thadius L. Bochain, deputy assistant state's attorney, in opposition.

Decided January 4, 2022

JAMAAL COLTHERST *v.* COMMISSIONER
OF CORRECTION

The petitioner Jamaal Coltherst's petition for certification to appeal from the Appellate Court, 208 Conn. App. 470 (AC 43864), is denied.

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Michael W. Brown, assigned counsel, in support of the petition.

Laurie N. Feldman, deputy assistant state's attorney, in opposition.

Decided January 4, 2022

JULIO TORRES *v.* COMMISSIONER
OF CORRECTION

The petitioner Julio Torres' petition for certification to appeal from the Appellate Court, 208 Conn. App. 803 (AC 43902), is denied.

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

Jonathan M. Sousa, deputy assistant state's attorney, in opposition.

Decided January 4, 2022

BENJAMIN F. ET AL. *v.* DEPARTMENT OF
DEVELOPMENTAL SERVICES ET AL.

The plaintiffs' petition for certification to appeal from the Appellate Court, 208 Conn. App. 423 (AC 44025), is denied.

Benjamin M. Wattenmaker and *John M. Wolfson*, in support of the petition.

Emily V. Melendez, assistant attorney general, in opposition.

Decided January 4, 2022
