

**Cumulative Table of Cases**  
**Connecticut Reports**  
**Volume 346**

*(Replaces Prior Cumulative Table)*

Bank of America, National Assn. v. Sorrentino (Order) . . . . .	927
Bank of New York Mellon v. Fisher (Order) . . . . .	926
Bank of New York Mellon v. Mercier (Order) . . . . .	905
Barthelemy v. Commissioner of Correction (Order) . . . . .	913
Bayview Loan Servicing, LLC v. Gallant (Order) . . . . .	922
Berka v. Middletown (Order) . . . . .	906
Britto v. Bimbo Foods, Inc. (Order) . . . . .	921
Capital Financial Management, LLC v. Craw (Order) . . . . .	916
Carpenter v. Daar . . . . .	80
<i>Dental malpractice; motion to dismiss; certification from Appellate Court; claim that Appellate Court improperly upheld trial court’s judgment dismissing dental malpractice action for failure to comply with statute (§ 52-190a) requiring that good faith opinion letter from similar health care provider be attached to complaint; whether Morgan v. Hartford Hospital (301 Conn. 388) should be overruled insofar as it held that motion to dismiss challenging adequacy of opinion letter under § 52-190a implicates court’s personal jurisdiction; whether endodontist who authored opinion letter was “similar health care provider” to defendant general dentist under applicable statute (§ 52-184c).</i>	
Cerame v. Lamont . . . . .	422
<i>Declaratory and injunctive relief; motion to dismiss; subject matter jurisdiction; standing; certification of question of law from United States District Court for District of Connecticut pursuant to statute (§ 51-199b (d)); whether personal, noncommercial speech alleged in plaintiff’s complaint fell within scope of statute (§ 53-37) that criminalizes ridiculing or holding up to contempt any person or class of persons on account of creed, religion, color, denomination, nationality, or race through speaker’s advertisement.</i>	
Cheswold (TL), LLC, BMO Harris Bank, N.A. v. Kwong (Order) . . . . .	910
Connecticut Dermatology Group, PC v. Twin City Fire Ins. Co. . . . .	33
<i>Insurance; declaratory judgment; summary judgment; action for judgment declaring that defendant insurers were required to provide coverage under certain commercial insurance policies for losses plaintiffs sustained as result of their suspension of business operations during COVID-19 pandemic; claim that trial court incorrectly concluded that plaintiffs’ claimed losses were subject to exclusion in insurance policy for loss or damage caused by presence, growth, or spread of virus; whether there was genuine issue of material fact as to whether insurance policies did not cover plaintiffs’ claimed losses because plaintiffs did not suffer “direct physical loss” of covered property; whether phrase “direct physical loss” of property was ambiguous as applied to losses incurred from suspension of business operations during COVID-19 pandemic.</i>	
Crump v. Commissioner of Correction (Order) . . . . .	926
CT Freedom Alliance, LLC v. Dept. of Education . . . . .	1
<i>Action seeking injunctive and declaratory relief from governmental mandate that children wear face masks in school during public health and civil preparedness emergency that governor declared in response to COVID-19 pandemic pursuant to statute (§§ 19a-131a and 28-9); motion to dismiss appeal as moot; whether plaintiffs’ claims were reviewable pursuant to capable of repetition, yet evading review exception or voluntary cessation exception to mootness doctrine; claim that issuance of school mask mandate violated requirements under Uniform Administrative Procedure Act (§ 4-166 et seq.) of notice and opportunity to be heard; claim that governor unlawfully extended executive order multiple times; claim that General Assembly improperly delegated legislative power to governor in violation of separation of powers provision of Connecticut constitution; claim that mask mandate violated rights of schoolchildren to free public education under Connecticut constitution.</i>	

Derblom v. Archdiocese of Hartford . . . . .	333
<i>Charitable gifts; constructive trusts; standing; certification from Appellate Court; whether Appellate Court properly upheld judgment of trial court, which dismissed plaintiffs' action for lack of standing; claim that Appellate Court incorrectly determined that testamentary charitable bequest was unrestricted, when donor's will made gift to donee archdiocesan school or its "successor, for its general uses and purposes"; claim that Appellate Court incorrectly concluded that plaintiffs, as putative beneficiaries of donor's testamentary bequest, did not have standing to enforce terms of that bequest under special interest exception to common-law rule conferring exclusive authority to enforce terms of charitable gift on state attorney general.</i>	
Devine v. Fusaro . . . . .	29
<i>Wrongful death; sovereign immunity; certification from Appellate Court; whether Appellate Court properly reversed judgment of trial court, which dismissed plaintiff's action on ground that it was barred by doctrine of sovereign immunity pursuant to four factor test set forth in Spring v. Constantino (168 Conn. 563); claim that Appellate Court incorrectly concluded that, when court determines whether sovereign immunity bars claim against state officials for actions taken in exercise of their duties, Spring test is not applicable when plaintiff designates that state officials have been sued in their individual capacities; appeal dismissed on ground that certification was improvidently granted.</i>	
Dobie v. New Haven . . . . .	487
<i>Highway defect; negligence; motion to dismiss for lack of subject matter jurisdiction; certification from Appellate Court; whether Appellate Court correctly concluded that trial court improperly had denied defendant's posttrial motion to dismiss for lack of subject matter jurisdiction; whether concession by defendant city's counsel before Appellate Court that trial court had properly denied pretrial motion to dismiss equated to concession that trial court also had properly denied posttrial motion to dismiss, when facts alleged in complaint differed from facts established at trial; whether Appellate Court correctly concluded that highway defect statute (§ 13a-149) was plaintiff's exclusive remedy for injuries that he sustained when he drove vehicle over uncovered manhole on municipal roadway maintained by defendant city.</i>	
Donald v. Commissioner of Correction (Order) . . . . .	911
D. S. v. D. S. (Order) . . . . .	924
Downing v. Dragone (Order) . . . . .	903
Dunn v. Northeast Helicopters Flight Services, LLC . . . . .	360
<i>Wrongful termination of employment; summary judgment; certification from Appellate Court; whether Appellate Court improperly upheld trial court's decision to grant defendant employer's motion for summary judgment; whether Appellate Court correctly concluded that public policy contained in statute (§ 31-73 (b)), which prohibits employer from demanding any "sum of money" from employee upon "representation or . . . understanding" that employee must comply with demand to continue employment, was inapplicable to undisputed facts of case; whether phrase "sum of money," as used in § 31-73 (b), was limited to money derived from or directly related to employment relationship; whether phrase "representation or . . . understanding," as used in § 31-73 (b), encompassed both unilateral and bilateral understandings, as well as implicit and explicit representations, that continued employment is conditioned on employee's acceptance of employer's demand; whether plaintiff employee presented sufficient evidence to support his assertion that defendant had violated § 31-73 (b) by demanding share of fees that plaintiff expected to collect in connection with plaintiff's purportedly independent business.</i>	
Federal National Mortgage Assn. v. Trojan (Order) . . . . .	922
Fischer v. People's United Bank, N.A. (Order) . . . . .	904
Garces v. Haydusky (Order) . . . . .	918
Gershon v. Back . . . . .	181
<i>Choice of law; dissolution of marriage; motion to open and set aside final judgment of divorce rendered by New York court and registered in Connecticut Superior Court pursuant to statute (§ 46b-71 (a)); certification from Appellate Court; whether Appellate Court correctly concluded that New York rule requiring party seeking to modify or vacate separation agreement that survives final judgment of divorce to file plenary action on contract, was substantive and not procedural for choice of law purposes; whether plaintiff's motion to open and set aside was governed by New York's plenary action rule; whether Appellate Court correctly</i>	

*concluded that trial court should have denied rather than dismissed plaintiff's motion to open and vacate New York divorce judgment.*

Gervais v. JACC Healthcare Center of Danielson, LLC (Order) . . . . . 910

Goshen Mortgage, LLC v. Androulidakis (Order) . . . . . 908

Greenfield v. Commissioner of Correction (Order) . . . . . 901

Hartford Fire Insurance Co. v. Moda, LLC . . . . . 64

*Insurance; declaratory judgment; summary judgment; action for judgment declaring that plaintiff insurer was not obligated to cover certain business losses suffered by defendant companies during COVID-19 pandemic; claim that trial court incorrectly concluded that defendants' business losses were subject to exclusion in insurance policy for loss or damage caused by presence, growth, or spread of virus; whether, under Connecticut law, there was genuine issue of material fact as to whether insurance policy did not cover defendants' business losses because their property did not suffer direct physical loss; decision in companion case, Connecticut Dermatology Group, PC v. Twin City Fire Ins. Co. (346 Conn. 33), dispositive of issue on appeal; whether trial court correctly concluded that, under New York law, insurance policy providing coverage for "direct physical loss or direct physical damage to" insured property did not cover defendants' business losses during COVID-19 pandemic.*

Horrocks v. Keepers, Inc. (Order) . . . . . 902

Houghtaling v. Benevides (Order) . . . . . 924

Idlibi v. Hartford Courant Co. (Order) . . . . . 908

In re Eric M. (Order) . . . . . 921

In re Kylie P. (Order) . . . . . 926

In re Nevaeh G.-M. (Order) . . . . . 925

Jefferson Solar, LLC v. FuelCell Energy, Inc. (Order) . . . . . 917

JPMorgan Chase Bank, National Assn. v. Essaghof (Order) . . . . . 909

Laiuppa v. Moritz (Order) . . . . . 906

Markatos v. Zoning Board of Appeals. . . . . 277

*Zoning; motion to intervene; intervention as of right; whether trial court abused its discretion in denying proposed intervenors' motion to intervene in plaintiffs' administrative appeal on ground that motion was untimely.*

Mazza v. Mazza (Order) . . . . . 904

Menard v. State . . . . . 506

*Underinsured motorist benefits; certification from Appellate Court; whether Appellate Court correctly concluded that plaintiffs were not entitled to recover underinsured motorist benefits for their alleged post-traumatic stress disorder; whether trial court arbitrarily rejected opinion of plaintiffs' therapist regarding plaintiffs' alleged post-traumatic stress disorder; whether Appellate Court correctly concluded that trial court should have reduced trial court's damages awards by amounts received as pretrial settlement for claim pursuant to Dram Shop Act (§ 30-102); claim that dram shop settlement payments are collateral sources for which reduction of trial court's awards was appropriate.*

Metropolitan District Commission v. Marriott International, Inc. (Order) . . . . . 918

Reserve Realty, LLC v. BLT Reserve, LLC (see Reserve Realty, LLC v. Windemere Reserve, LLC) . . . . . 391

Nationstar Mortgage, LLC v. Zanett (Order) . . . . . 917

Nationwide Mutual Ins. Co. v. Pasiak. . . . . 216

*Insurance; declaratory judgment action; whether plaintiff insurance companies were obligated to defend and indemnify defendant business owner under personal umbrella insurance policy for damages awarded in tort action brought against him; whether trial court properly applied preponderance of evidence standard to determine whether plaintiffs established that business pursuits exclusion in umbrella policy barred coverage; whether trial court should have construed business pursuits exclusion in favor of defendant, as insured, unless it had "high degree of certainty" that insurance policy language clearly and unambiguously excluded claim; whether trial court improperly found in plaintiffs' favor after they allegedly failed to produce new, credible evidence that was not raised during first trial in declaratory judgment action; whether record, viewed as whole, contained evidence that supported factual findings of trial court; whether trial court improperly found in plaintiffs' favor on public policy grounds.*

Pollard v. GEICO General Ins. Co. (Order) . . . . . 910

Renstrup v. Renstrup (Order) . . . . .	915
Reserve Realty, LLC v. Windemere Reserve, LLC . . . . .	391
<i>Breach of contract; anticipatory breach; antitrust; claim that plaintiffs could not recover brokerage fees under certain real estate listing agreements because those agreements were unenforceable; certification from Appellate Court; whether listing agreements satisfied statutory (§ 20-325a (c)) requirement that commercial real estate listing agreements specify “the duration of the [brokerage] authorization”; whether listing agreements were personal service contracts that required personal performance of named broker.</i>	
Ross v. Commissioner of Correction (Order) . . . . .	915
Russo v. Thornton (Order) . . . . .	921
Santander Bank, N.A. v. Clark (Order) . . . . .	922
Schaghticoke Tribal Nation v. State (Order) . . . . .	901
Smorodska v. Commissioner of Correction (Order) . . . . .	907
Speer v. Norwich (Order) . . . . .	914
Speer v. U.S. Bank Trust, N.A. (Order) . . . . .	911
Stanley v. Commissioner of Correction (Order) . . . . .	919
State v. Ardizzone (Order) . . . . .	905
State v. Billings (Order) . . . . .	907
State v. Calhoun . . . . .	288
<i>Murder; claim that trial court improperly declined to give jailhouse informant instruction, requested by defense counsel, for eyewitnesses to shooting who were incarcerated at time of trial; claim that trial court improperly admitted into evidence entirety of incarcerated witnesses’ cooperation agreements with state; whether provisions in cooperation agreements served to impermissibly vouch for credibility of witnesses; whether trial court abused its discretion in permitting prosecutor to use witnesses’ cooperation agreements, during direct examination and before witnesses had been impeached; claim that trial court improperly declined to allow defense counsel to cross-examine witness regarding certain details of prior arrest.</i>	
State v. Charles L. (Order) . . . . .	920
State v. Curet . . . . .	306
<i>Possession of narcotics with intent to sell; conditional plea of nolo contendere; certification from Appellate Court; claim that trial court improperly denied defendant’s motion to suppress certain evidence seized by police following their warrantless entry into her apartment; whether officers’ warrantless entry was justified under exigent circumstances exception to warrant requirement of fourth amendment to United States constitution; whether officers’ warrantless entry was justified under emergency aid doctrine; whether, under totality of facts known to officers at time of their entry, it was objectively reasonable for them to believe that someone in defendant’s apartment was in need of emergency medical assistance.</i>	
State v. Delacruz-Gomez (Order) . . . . .	925
State v. Foster (Order) . . . . .	920
State v. Griffin (Order) . . . . .	917
State v. Henry (Order) . . . . .	913
State v. Hurdle (Order) . . . . .	923
State v. Juan A. G.-P. . . . .	132
<i>Aggravated sexual assault of minor; risk of injury to child; claim that trial court violated defendant’s federal constitutional right to confrontation by not ordering disclosure of victims’ psychiatric records to defense; request that this court conduct independent review of victims’ psychiatric records to determine whether trial court correctly determined that records contained no exculpatory or relevant impeachment material; whether trial court’s failure to order disclosure of victims’ psychiatric records was harmless error; claim that trial court violated defendant’s right to confrontation by precluding defense counsel from questioning victims’ mothers about their applications for certain visas available to undocumented immigrants who are victims of crimes if they assist in investigation and prosecution of those crimes; claim that trial court improperly instructed jury that, if evidence was subject to two different interpretations, jury was not required to accept interpretation consistent with innocence or that consistent with guilt; claim that trial court improperly failed to instruct jury in accordance with instruction 2.6-11 of Connecticut’s model criminal jury instructions.</i>	
State v. King . . . . .	238
<i>Operating motor vehicle while under influence of intoxicating liquor or drugs; sentence enhancement pursuant to statute (§ 14-227a (g)) for repeat offenders; certi-</i>	

*fiction from Appellate Court; whether Appellate Court properly upheld defendant's sentence enhancement under § 14-227a (g); whether essential elements of Florida's driving under influence statute (§ 316.193 (1)) were "substantially the same" as elements of Connecticut's operating under influence statute, § 14-227a (a), for purposes of sentence enhancement; whether essential element in Florida statute requiring "actual physical control" of vehicle was "substantially the same" as "operating" motor vehicle element in § 14-227a (a); definitions of "essential elements" and "substantially the same," as used in § 14-227a (g), discussed.*

State v. Kosuda-Bigazzi (Order) . . . . . 913

State v. Marcello E. (Order) . . . . . 901

State v. McLaurin (Order) . . . . . 903

State v. Michael R. . . . . 432

*Sexual assault first degree; risk of injury to child; employing minor in obscene performance; assault third degree; criminal violation of protective order; stalking first degree; claim that trial court abused its discretion when it granted state's motion for joinder and consolidated charged sexual offenses and nonsexual offenses for trial; whether evidence of sexual offenses was cross admissible to prove nonsexual offenses; unpreserved claim that statute (§ 53a-196a (a) (1)) prohibiting employment of minor in obscene performance was unconstitutionally vague as applied to defendant; unpreserved claim that photographs that served as evidence of defendant's violation of § 53a-196a (a) (1) were not obscene and, therefore, warranted protection under first amendment to United States constitution; whether reasonable person would have anticipated that defendant's conduct in directing nine year old girl to model in suggestive poses and to take photographs of herself partially and fully nude constituted violation of § 53a-196a (a) (1); claim that trial court's exclusion of video recordings of forensic interviews violated defendant's rights to confrontation and to present defense; claim that evidence was insufficient to support defendant's conviction of third degree assault, violation of protective order, and first degree stalking.*

State v. Stanley (Order). . . . . 916

State v. Sumler (Order). . . . . 914

State v. White (Order) . . . . . 918

Strazza Building & Construction, Inc. v. Harris . . . . . 205

*Foreclosure of mechanic's liens; res judicata; summary judgment; certification from Appellate Court; whether Appellate Court incorrectly concluded that presumption of privity between general contractors and subcontractors that this court recognized in Girolametti v. Michael Horton Associates, Inc. (332 Conn. 67), was inapplicable in present case, in which plaintiff general contractor sought to foreclose mechanic's liens against defendants, one of which owned property on which general contractor performed renovation work, when plaintiff was not party to prior action between defendant and subcontractor.*

Stenner v. Commissioner of Correction (Order) . . . . . 914

Tracey v. Miami Beach Assn. (Order). . . . . 919

Tremont Public Advisors, LLC v. Materials Innovation & Recycling Authority (Order) . . . . . 906

U.S. Bank National Assn. v. O'Hara (Order) . . . . . 908

Wahba v. JPMorgan Chase Bank, N.A. (Order) . . . . . 912

Waterbury v. Administrator, Unemployment Compensation Act (Order) . . . . . 903

Waterford v. Traylor (Order). . . . . 923

Wells Fargo Bank, N.A. v. Vollenweider (Order) . . . . . 916