

Cumulative Table of Cases
Connecticut Reports
Volume 349

(Replaces Prior Cumulative Table)

Ajdini v. Frank Lill & Son, Inc.	1
<i>Workers' compensation benefits; claim that Compensation Review Board improperly upheld decision of Workers' Compensation Commission administrative law judge, who precluded defendant employer from contesting liability as to plaintiff's claims for workers' compensation benefits; whether employer had timely filed with administrative law judge its notice of intention to contest plaintiff's right to compensation benefits pursuant to statute (§ 31-294c (b)).</i>	
Amado v. Commissioner of Correction (Order)	911
Avon v. Sastre (Order)	905
Bank of America, National Assn. v. Sorrentino (Order)	915
Banks v. Commissioner of Correction (Order)	922
Bartolotta v. Human Resources Agency of New Britain, Inc. (Order)	908
Bosque v. Commissioner of Correction (Order)	922
Brewer v. Commissioner of Correction (Order)	910
Cardoza v. Waterbury (Order)	911
Centrix Management Co., LLC v. Fosberg	765
<i>Summary process; attorney's fees; claim that trial court lacked discretion to award defendant tenant, as prevailing party, reasonable attorney's fees pursuant to statute (§ 42-150bb) governing attorney's fees in actions based on consumer contracts or leases; whether trial court had discretion to award defendant only up to maximum amount of attorney's fees that plaintiff landlord could have recovered pursuant to terms of lease agreement.</i>	
Chabad Lubavitch of Western and Southern New England, Inc. v. Shemtov	695
<i>Summary process; claim that trial court erred in failing to enforce arbitration agreement; whether plaintiff was bound by arbitration agreement signed by plaintiff's founder and president; whether trial court erred in denying defendants' motion to stay proceedings and to compel arbitration; whether plaintiff's action fell within scope of arbitration agreement.</i>	
Cooke v. Williams	451
<i>Legal malpractice; fraud; certification from Appellate Court; whether Appellate Court improperly upheld trial court's dismissal of plaintiff's legal malpractice claim against defendant attorney and defendant law firm for lack of subject matter jurisdiction; whether appellate or postconviction relief from underlying conviction was necessary element of claim of legal malpractice filed by criminally convicted plaintiff against his former habeas counsel; whether plaintiff's legal malpractice claim challenged validity of his underlying conviction; whether Appellate Court properly reversed trial court's judgment with respect to trial court's dismissal of plaintiff's fraud claim against defendants.</i>	
Davis v. Commissioner of Correction (Order)	917
Demarco v. Charter Oak Temple Restoration Assn., Inc. (Order)	923
Delgado v. Commissioner of Correction (Order)	902
Dept. of Public Health v. Estrada	223
<i>Administrative appeal; alleged retaliation by plaintiff employer against defendant employee for employee's purported whistleblower disclosure; certification from Appellate Court; whether defendant Commission on Human Rights and Opportunities had subject matter jurisdiction to adjudicate employee's whistleblower retaliation claim brought pursuant to statute (§ 4-61dd); whether commission waived and abandoned several merits arguments by failing to raise or brief them before this court or Appellate Court; claim that employee's disclosure concerned misconduct in municipal government to which § 4-61dd does not apply; whether employee was entitled to whistleblower protection under § 4-61dd for reporting her own error; whether employee failed to prove that employer's adverse personnel actions were result of employee's reporting of her errors rather than fact that employee had made such errors.</i>	

Deutsche Bank AG v. Vik.	120
<i>Tortious interference with business expectancy; litigation privilege; motion to dismiss; certification from Appellate Court; whether plaintiff's appeal was rendered moot by virtue of this court's decision in Deutsche Bank AG v. Sebastian Holdings, Inc. (346 Conn. 564); whether Appellate Court incorrectly determined that plaintiff's claims against defendants were barred by litigation privilege.</i>	
Deutsche Bank National Trust Co. v. Heidel (Order)	914
Dolor v. Kwong (Order)	923
Donald G. v. Commissioner of Correction (Order)	902
Dur-A-Flex, Inc. v. Dy	513
<i>Breach of noncompete agreement; breach of common-law duty of confidentiality; misappropriation of trade secrets in violation of Connecticut Uniform Trade Secrets Act (CUTSA) (§ 35-50 et seq.); malicious misappropriation; civil conspiracy; injunctive relief; sanctions; attorney's fees; claim that trial court incorrectly concluded that certain defendants did not misappropriate plaintiff's trade secrets in violation of CUTSA; whether certain defendants "used" plaintiff's trade secrets within meaning of statute (§ 35-51 (b) (2) (B) (iii)) defining "misappropriation"; whether trial court's finding that certain defendants did not know or have reason to know that named defendant had misappropriated plaintiff's trade secrets was clearly erroneous; claim that trial court improperly granted motion for summary judgment on plaintiff's civil conspiracy claims as to certain defendants on ground that it was procedurally improper for trial court to grant motion for summary judgment during trial and on ground that those civil conspiracy claims were preempted by CUTSA; claim that trial court improperly denied plaintiff's request to enjoin certain defendants from using plaintiff's trade secrets in future; whether trial court abused its discretion in imposing monetary penalty on plaintiff and awarding attorney's fees to defendants as sanctions for attempted spoliation of evidence; whether amount of sanctions and attorney's fees was grossly disproportionate to harm suffered by defendants and trial court; whether trial court abused its discretion in awarding attorney's fees to certain defendants pursuant to statute (§ 35-54) on ground that plaintiff's claims of misappropriation against them were made in bad faith; claim that trial court misconstrued knowledge requirement in § 35-51 (b) (2) (B) (iii) as requiring proof only that defendants knew or should have known that trade secret had been misappropriated rather than knowledge of trade secret itself; claim that trial court failed to properly balance defendants' interest in pursuing their livelihoods in area of their greatest expertise with plaintiff's interest in protecting itself from unfair competition when it determined that they had misappropriated plaintiff's trade secrets; claim that plaintiff failed to identify its trade secrets with sufficient particularity in its complaint and its responses to certain interrogatories; whether trial court applied incorrect standard in crafting its orders of monetary and injunctive relief as to certain defendants; claim that trial court's injunctive relief was impermissibly vague and restrictive; claim that trial court improperly limited testimony of plaintiff's damages expert; whether trial court correctly determined that noncompete agreement between plaintiff and at-will employee was unenforceable for lack of consideration; whether trial court correctly determined that CUTSA preempted plaintiff's claim that named defendant violated common-law duty of confidentiality; claim that trial court improperly rendered judgment for certain defendants on civil conspiracy claims on ground that those claims were preempted by CUTSA; claim that trial court incorrectly concluded that certain defendants did not act maliciously in misappropriating plaintiff's trade secrets; whether plaintiff was entitled to punitive damages and attorney's fees pursuant to statute (§ 35-53 (b)) governing damages for malicious misappropriation.</i>	
Dur-A-Flex, Inc. v. Dy	612
<i>Breach of noncompete agreement; breach of common-law duty of confidentiality; violation of Connecticut Uniform Trade Secrets Act (CUTSA) (§ 35-50 et seq.); summary judgment; whether trial court incorrectly determined that noncompete agreement was unenforceable as matter of law; claim that noncompete agreement was enforceable because defendant had reaffirmed his promise not to compete; claim that trial court improperly rendered judgment for defendant on claim of breach of duty of confidentiality on ground that it was preempted by CUTSA; decision in companion case, Dur-A-Flex, Inc. v. Dy (349 Conn. 513), dispositive of issues on appeal.</i>	

Epright v. Liberty Mutual Ins. Co. 679
Writ of error; certification from Appellate Court; whether trial court improperly sanctioned plaintiff in error law firm for conducting ex parte communications with expert witness previously disclosed by opposing party; whether, under rule of practice (§ 13-4) governing expert discovery, attorney may be sanctioned for ex parte communications with opposing party's disclosed expert witness; whether § 13-4 was reasonably clear in prohibiting ex parte communications with another party's disclosed expert witness; request that this court exercise its supervisory authority over administration of justice to prohibit such ex parte communications.

Feaser v. Landress (Order) 904

Gonzalez v. Commissioner of Correction (Order) 921

Grant v. Commissioner of Correction (Order) 912

Green v. Paz (Order) 918

Green Tree Servicing, LLC v. Clark (Order) 913

Greer v. State (Order) 908

Hartford v. Johnson (Order) 920

Homebridge Financial Services, Inc. v. Jakubiec (Order) 909

In re A. H. (Order) 918

In re Denzel W. (Order) 918

In re M. S. (Order) 920

In re P. M. (Order) 919

In re Timothy B. (Order) 919

In re Wendy G.-R. (Order) 916

In re Zayden J. (Order) 916

James P. v. Commissioner of Correction (Order) 911

J. B. v. Y. H. (Order) 905

J. F. v. M. F. (Order) 919

Kuselias v. Zingaro & Cretella, LLC (Order) 916

Markley v. State Elections Enforcement Commission 67
Public campaign financing under statutory (§ 9-700 et seq.) Citizens' Election Program; first amendment; administrative appeal to trial court from decision of defendant, State Elections Enforcement Commission, assessing fines against plaintiffs, candidates for state legislative office in 2014 general election, for violating certain statutes and regulations governing campaign financing and Citizens' Election Program; unconstitutional conditions doctrine, discussed; claim that defendant had violated plaintiffs' first amendment rights by enforcing applicable statutes and regulations to preclude publicly funded candidates from using candidate committee funds to pay for campaign communications that, as rhetorical device, invoked name of candidate in different electoral race; whether communications at issue were prohibited functional equivalent of express advocacy for defeat of another candidate or, instead, were constitutionally protected messages in direct furtherance of publicly funded candidates' own campaigns.

Marshall v. Marshall (Order) 902

M&T Bank v. Lewis 9
Foreclosure; motion to strike; motion to dismiss appeal; whether federal filed rate doctrine implicates subject matter jurisdiction; whether trial court improperly struck special defenses of unclean hands and breach of implied covenant of good faith and fair dealing; whether defendant's allegations concerning conduct of plaintiff bank in purchasing force placed property insurance for defendant's property arose from making, validity or enforcement of mortgage; whether allegations were otherwise legally sufficient to plead valid special defenses of unclean hands and breach of implied covenant of good faith and fair dealing.

Modzelewski's Towing & Storage, Inc. v. Commissioner of Motor Vehicles (Order) 921

M. T. v. C. T. (Order) 915

Nationstar Mortgage, LLC v. Zanett (Order) 913

9 Pettipaug, LLC v. Planning & Zoning Commission 268
Zoning; appeal from decision of defendant planning and zoning commission amending its zoning regulations; motion to dismiss; summary judgment; certification from Appellate Court; whether trial court correctly determined that defendant's publication of legal notice of its decision to amend certain zoning regulations did not comply with statute (§ 8-3 (d)) requiring that such notice be published "in a newspaper having a substantial circulation in the municipality"; meaning

	<i>of terms “substantial circulation” and “general circulation,” discussed; test for determining whether newspaper is one of general or substantial circulation, discussed.</i>	
Northland Investment Corp. v. Public Utilities Regulatory Authority		35
	<i>Administrative appeal; utilities; appeal to trial court from supplemental decision of defendant, Public Utilities Regulatory Authority (PURA), which found that plaintiff/landlord’s use of ratio utility billing (RUB) was not authorized by statute (§ 16-262e (c)); whether trial court erred in upholding PURA’s determination that § 16-262e (c) prohibits plaintiff’s proposed use of RUB methodology to recoup building wide utility costs by billing tenants for their estimated, proportionate share of total cost of utilities; claim that, if § 16-262e (c) prohibits landlords from utilizing RUB methodology, then it must also prohibit “building in” approach deemed acceptable by PURA.</i>	
Norwich v. Brenton Family Trust (Order)		905
131 Beach Road, LLC v. Town Plan & Zoning Commission		647
	<i>Zoning; appeal from decision of defendant plan and zoning commission denying plaintiff’s request for text amendment to town’s zoning regulations and conditionally approving plaintiff’s request for approval of site plan and issuance of certificate of zoning compliance for proposed affordable housing development; claim that trial court incorrectly concluded that zoning commission had failed to meet its burden under affordable housing statute (§ 8-30g (g)) of demonstrating that condition placed on approval of plaintiff’s affordable housing application was necessary to protect a substantial public interest that outweighed need for affordable housing; whether visual impact of proposed affordable housing development on neighboring historic district was significant so as to override need for public housing in town; claim that trial court incorrectly concluded that zoning commission was required to apply § 8-30g to plaintiff’s request for text amendment to zoning regulations that would create new permissible use for affordable housing in district zoned exclusively for single family dwellings.</i>	
Rapp v. Commissioner of Correction (Order)		909
Reed v. Commissioner of Correction (Order)		921
R. G.-R. v. S. R. (Order)		923
Rios v. Commissioner of Correction (Order)		910
Rodriguez v. Hartford (Orders)		907
Seaport Capital Partners, LLC v. Speer (Order)		909
Smith v. Gerace (Order)		917
Stanley v. Grant (Order)		903
Stanley v. Quiros (Order)		903
State v. Andres C.		300
	<i>Sexual assault third degree; risk of injury to child; certification from Appellate Court; claim that defendant was entitled to disclosure of contents of complainant’s handwritten journals, existence of which first came to light during trial, because they constituted “statement” under relevant rules of practice (§§ 40-13A and 40-15 (1)); whether complainant adopted or approved her journals as her statement for purposes of rules of practice; claim that defendant’s rights under Brady v. Maryland (373 U.S. 83) were violated insofar as prosecutors delegated review of complainant’s journals for exculpatory and impeachment material to nonlawyer investigator employed by state’s attorney’s office; request that this court adopt prophylactic rule under federal constitution requiring prosecutor to personally review for impeachment or exculpatory information any purportedly exculpatory or impeachment material that first comes to light during trial.</i>	
State v. Bember		417
	<i>Felony murder; attempt to commit robbery first degree; carrying pistol or revolver without permit; claim that trial court abused its discretion in permitting state to question certain witnesses about specific terms of their cooperation agreements with state during direct examination; claim that prosecutor impermissibly vouched for cooperating witnesses’ credibility by introducing truthfulness provisions of their cooperation agreements, eliciting testimony from them that their attorneys were present in courtroom during their testimony, and referencing their previous testimony in other cases on behalf of state; claim that trial court abused its discretion in concluding that cooperating witnesses’ testimony was sufficiently reliable to be admissible at trial pursuant to statute (§ 54-86p) governing reliability and admissibility of jailhouse informant testimony; whether trial court abused its discretion in opening reliability hearing to allow state to introduce certain evidence; harmlessness of trial court’s improper consideration</i>	

of its own assessment of cooperating witnesses' testimony in another case in determining that their proposed testimony was sufficiently reliable to be admitted at trial in present case; claim that trial court's denial of defendant's motion to suppress recording of jailhouse phone call and .22 caliber revolver seized by police as result of information acquired from recording violated defendant's rights under fourth amendment to the United States constitution.

State v. Bennings (Orders) 906

State v. Connecticut State University Organization of Administrative Faculty, AFSCME, Council 4, Local 2836, AFL-CIO 148

Application to vacate arbitration award; motion to confirm arbitration award; termination of employment; whether trial court improperly vacated arbitration award reinstating grievant to his position as state university's director of student conduct on ground that award violated public policy; factors that reviewing court should consider in evaluating whether arbitration award reinstating discharged employee violates public policy enumerated in Burr Road Operating Co. II, LLC v. New England Health Care Employees Union, District 1199 (316 Conn. 618), discussed.

State v. Lueders (Order) 920

State v. Roberts (Order) 912

State v. Webber (Order) 915

Supronowicz v. Eaton (Order) 904

Tatum v. Commissioner of Correction 733

Habeas corpus; res judicata; certification from Appellate Court; claim that trial court's admission of unduly suggestive and unreliable eyewitness identification evidence in petitioner's underlying criminal case violated his due process rights; claim that advances in science of eyewitness identifications since petitioner's conviction highlighted unreliability of eyewitness identifications in his criminal case and called into question validity of petitioner's conviction; whether habeas court incorrectly determined that State v. Guilbert (306 Conn. 218) and State v. Dickson (322 Conn. 410), latter of which overruled this court's holding regarding in-court identifications in petitioner's direct appeal, could not be applied retroactively to petitioner's due process and actual innocence claims; framework set forth in Teague v. Lane (489 U.S. 288) for evaluating whether new constitutional rule applies retroactively on collateral review, discussed.

Vertefeuille v. Good Foundation, Inc. (Order) 901

Viering v. Groton Long Point Assn., Inc. (Order) 901

U.S. Bank National Assn. v. Blackman (Order) 904

Vecchiarino v. Potter (Order) 906

Vega v. Commissioner of Correction (Order) 914

Wahba v. JPMorgan Chase Bank, N.A. 483

Foreclosure; certification from Appellate Court; claim, as alternative ground for affirming Appellate Court's judgment, that doctrine of res judicata barred trial court from entertaining plaintiff's request that trial court modify judgment of strict foreclosure and order foreclosure by sale; whether Appellate Court incorrectly concluded that trial court lacked authority to entertain plaintiff's request that trial court modify judgment of strict foreclosure and order foreclosure by sale; whether Appellate Court incorrectly concluded that, even if trial court had authority on remand to order foreclosure by sale, plaintiff was required to file motion to open judgment of strict foreclosure and to present evidence that value of subject property had substantially increased since date of original judgment before trial court could exercise that authority; to extent that Appellate Court held in Connecticut National Bank v. Zuckerman (31 Conn. App. 440) that reviewing court's order affirming judgment of strict foreclosure and remanding case to trial court for setting of new law days precludes trial court from opening judgment and ordering foreclosure by sale, overruled.

William W. Backus Hospital v. Stonington 713

Tax appeal; applications for charitable and hospital tax exemptions pursuant to statute (§ 12-81 (7) and (16)) for certain personal property that plaintiff hospital used to provide outpatient rehabilitation services at rehabilitation facility located in defendant town; whether plaintiff's personal property, even if exempt from taxation under § 12-81 (7) or (16), was nevertheless taxable under statute (§ 12-66a) that permits municipalities to tax any personal property incident to the rendering of health care services if such personal property is located at real property that was "acquired by a health system"; whether suite in which rehabili-

tation facility was located was “acquired” for purposes of § 12-66a when it was leased, rather than purchased, by plaintiff; whether plaintiff hospital was “health system,” as defined by statute ((Supp. 2024) § 19a-508c (a) (5)).

Williams v. Commissioner of Correction (Order)	901
Williams v. Mansfield (Order)	908
Woodbridge Newton Neighborhood Environmental Trust v. Connecticut Siting Council .	619

Application for certificate of environmental compatibility and public need pursuant to Public Utility Environmental Standards Act (§ 16-50g et seq.); whether trial court properly dismissed plaintiff’s appeal from decision of defendant siting council approving application of defendant telecommunications company to construct cell phone tower in certain location; claim that plaintiff nonprofit association of real property owners lacked standing, as intervenor pursuant to statute (§ 22a-19), to raise issue of property values; claim that council had improperly declined to consider impact of proposed tower on private property values; whether private property values are among enumerated or unenumerated statutory (§ 16-50p (a) (3) (B)) criteria that siting council is required to consider in acting on application; claim that council’s decision was unsupported by substantial evidence.