

CONNECTICUT LAW JOURNAL



Published in Accordance with
General Statutes Section 51-216a

VOL. LXXIX No. 31

January 30, 2018

256 Pages

Table of Contents

CONNECTICUT REPORTS

Lucenti v. Laviero, 327 C 764	2
<i>Personal injury; certification from Appellate Court; whether Appellate Court properly upheld trial court's decision to grant summary judgment in favor of defendant employers; whether claim by plaintiff employee seeking to recover damages for personal injuries sustained during course of employment was barred by exclusivity provision (§ 31-284 [a]) of Workers' Compensation Act (§ 31-275 et seq.); contours of proof necessary to establish substantial certainty exception to § 31-284 (a), discussed; whether trial court correctly concluded that no genuine issue of material fact existed as to whether defendants subjectively believed that injury was substantially certain to result from rigging excavator.</i>	
Picard v. Guilford House, LLC (Order), 327 C 1002.	50
State v. Davis (Order), 327 C 1001	49
State v. Fuller (Order), 327 C 1001	49
State v. Pettitt (Order), 327 C 1002	50
State v. Ramos (Order), 327 C 1003.	51
State v. Wade (Order), 327 C 1002	50
Teixeira v. Home Depot, Inc. (Order), 327 C 1001	49
Volume 327 Cumulative Table of Cases	53
Martinez v. New Haven, 328 C 1.	63
<i>Negligent supervision; claim, pursuant to statute (§ 52-557n), that defendant city and defendant board of education were negligent in failing to properly supervise students in auditorium; whether trial court improperly determined that plaintiff schoolchild, who at school during school hours, satisfied imminent harm to identifiable persons exception to governmental immunity; whether plaintiff failed to satisfy imminent harm prong of that exception because he failed to prove that it was apparent to defendants that claimed dangerous condition, namely, students running with safety scissors, was so likely to cause harm that clear and unequivocal duty to act immediately was created; claim that defendants failed to plead governmental immunity as special defense in operative answer; whether trial court, which never expressly ruled on defendants' request to amend their answer to include governmental immunity as special defense, implicitly granted request to amend answer and overruled objection thereto.</i>	
State v. Josepchs, 328 C 21	83
<i>Cruelty to animals; claim that statute (§ 53-247 [a]) prohibiting person from unjustifiably injuring animal requires proof that defendant had specific intent to injure animal; whether trial court properly concluded that § 53-247 (a) required only general intent to engage in conduct in question; claim that § 53-247 (a) was unconstitutionally vague as applied to defendant's conduct; whether defendant's conduct clearly came within unmistakable core of conduct prohibited under § 53-247 (a); whether evidence was sufficient to convict defendant pursuant to § 53-247 (a).</i>	
Volume 328 Cumulative Table of Cases	101

CONNECTICUT APPELLATE REPORTS

Doyle v. Aspen Dental of Southern CT, PC, 179 CA 485	109A
<i>Dental malpractice; motion to dismiss for lack of personal jurisdiction; whether opinion letter of similar health care provider was legally insufficient under statute</i>	

(continued on next page)

(§§ 52-190a [a] and 52-184c) where author of opinion letter was not board certified, trained and experienced in same specialty as defendant oral surgeon; claim that plaintiff could rely solely on website of Department of Public Health to determine dentist's credentials as evidence of good faith effort to attach opinion letter by similar health care provider.

Fagan v. Stamford, 179 CA 440 64A
Pensions; whether board acted arbitrarily, capriciously, or in abuse of its discretion in approving 50 percent disability pension to plaintiff pursuant to city's charter; whether record contained substantial evidence to support board's determination that plaintiff did not meet requirements for enhanced disability pension under collective bargaining agreement; whether board acted arbitrarily, capriciously, or in abuse of its discretion in denying request for board to reconsider plaintiff's application for 75 percent disability pension under collective bargaining agreement.

Heredia v. Commissioner of Correction (Memorandum Decision), 179 CA 906 128A
 Lane v. Cashman, 179 CA 394 18A
Zoning; whether trial court improperly struck revised third special defense alleging that defendants had legally protected nonconforming right to use their property as farm; claim that question of whether any constitutionally protected nonconforming use of property existed was beyond scope of zoning board and, thus, constituted exception to exhaustion doctrine that permitted defendants to bypass available administrative relief; claim that trial court improperly granted motions to preclude certain evidence; failure of defendants to adequately analyze how trial court rulings granting motions to preclude certain evidence likely affected result of trial.

Northeast Family Federal Credit Union v. Jean (Memorandum Decision), 179 CA 904 126A
 PHH Mortgage Corp. v. Stock (Memorandum Decision), 179 CA 905 127A
 State v. Esquilin, 179 CA 461. 85A
Violation of probation; reviewability of unpreserved claim that trial court violated defendant's right to due process by admitting drug test reports into evidence without requiring state to introduce results through testimony of analysts who performed testing; whether defendant provided adequate record for review of unpreserved claim where record was silent as to state's reasons for not producing drug test analysts as witnesses at probation revocation hearing; whether state had notice of due process claim not raised at trial.

State v. Fernandez (Memorandum Decision), 179 CA 905 127A
 State v. Fulcher (Memorandum Decision), 179 CA 905. 127A
 State v. Vivo (Memorandum Decision), 179 CA 906. 128A
 U.S. Bank National Assn. v. Christophersen, 179 CA 378 2A
Foreclosure; standing; whether plaintiff had standing to commence foreclosure action; whether plaintiff was holder of subject note and entitled to enforce it at time action was commenced; claim that trial court denied defendant's right to due process and abused its discretion by relying on plaintiff's affidavit of debt in rendering modified judgment of strict foreclosure; whether court failed to consider defendant's concerns over amount of debt; claim that trial court abused its discre-

(continued on next page)

CONNECTICUT LAW JOURNAL

(ISSN 87500973)

Published by the State of Connecticut in accordance with the provisions of General Statutes § 51-216a.

Commission on Official Legal Publications
 Office of Production and Distribution
 111 Phoenix Avenue, Enfield, Connecticut 06082-4453
 Tel. (860) 741-3027, FAX (860) 745-2178
 www.jud.ct.gov

RICHARD J. HEMENWAY, *Publications Director*Published Weekly – Available at <http://www.jud.ct.gov/lawjournal>

Syllabuses and Indices of court opinions by
 ERIC M. LEVINE, *Reporter of Judicial Decisions*
 Tel. (860) 757-2250

The deadline for material to be published in the Connecticut Law Journal is Wednesday at noon for publication on the Tuesday six days later. When a holiday falls within the six day period, the deadline will be noon on Tuesday.

tion in denying motion for continuance; whether court erred in failing to rule on request for judgment of foreclosure by sale; whether court improperly concluded that it lacked authority pursuant to statute (§ 49-15 [b]) to modify judgment; whether § 49-15 (a) (1) conferred authority on court to modify judgment.

Valley National Bank v. Private Transerve, LLC, 179 CA 479 103A

Foreclosure; breach of personal guarantees; claim that plaintiff bank did not have standing; claim that genuine issue of material fact existed as to whether plaintiff owned debt when action was commenced; unpreserved claim that action was initiated under improper corporate name; whether defendants established that certain evidentiary rulings at hearing in damages relied on clearly erroneous factual findings or that trial court abused its discretion in granting plaintiff permission to file amended complaint.

Volume 179 Cumulative Table of Cases 129A

SUPREME COURT PENDING CASES

Summaries 1B

NOTICES OF CONNECTICUT STATE AGENCIES

Social Services, Dept. of 1C

MISCELLANEOUS

Notice of Suspension of Attorney 1D
Notice of Resignation of Attorney 2D
