

CONNECTICUT LAW JOURNAL



Published in Accordance with
General Statutes Section 51-216a

VOL. LXXX No. 42 April 16, 2019 154 Pages

Table of Contents

CONNECTICUT REPORTS

Day v. Seblatnigg (Order), 331 C 913	57
Eastern Savings Bank, FSB v. Toor (Order), 331 C 916	60
Hynes v. Jones, 331 C 385	3
<i>Probate appeal; whether trial court properly dismissed plaintiff's appeal from Probate Court's denial of motion to dismiss guardianship proceedings; whether Probate Court had jurisdiction to monitor or approve use of money from September 11th Victim Compensation Fund previously paid to plaintiff as representative payee for benefit of minor child; history and purpose of September 11th Victim Compensation Fund, discussed.</i>	
Mangiafico v. Farmington, 331 C 404	22
<i>Action seeking, inter alia, damages and injunctive relief pursuant to federal statute (42 U.S.C. § 1983); alleged taking of property in violation of federal and state constitutions; motion to dismiss; motion for summary judgment; certification from Appellate Court; whether Appellate Court improperly upheld trial court's dismissal of plaintiff's § 1983 claims for lack of subject matter jurisdiction on ground that plaintiff was required but failed to exhaust state administrative remedies prior to bringing § 1983 claims in state court; reviewability of alternative ground for affirming Appellate Court's judgment that plaintiff's takings claims were not ripe for judicial review because there purportedly had not been final administrative decision; Laurel Park, Inc. v. Pac (194 Conn. 677) and Pet v. Dept. of Health Services (207 Conn. 346), to extent they held that exhaustion of state administrative remedies is jurisdictional prerequisite to filing of § 1983 action for injunctive relief, overruled; this court's conclusion in Port Clinton Associates v. Board of Selectmen (217 Conn. 588) that lack of final administrative decision in § 1983 action alleging unlawful taking is jurisdictional defect that may be raised for first time on appeal, abandoned.</i>	
McClain v. Commissioner of Correction (Order), 331 C 914	58
Ross v. Commissioner of Correction (Order), 331 C 915	59
State v. Ruiz (Order), 331 C 915	59
State v. Stephenson (Order), 331 C 914	58
State v. Walker (Order), 331 C 914	58
Volume 331 Cumulative Table of Cases	61

CONNECTICUT APPELLATE REPORTS

Dicker v. Dicker, 189 CA 247	15A
<i>Dissolution of marriage; motion for contempt; claim that trial court erred in finding that plaintiff had violated its medical reimbursement order and in finding, on that basis, that she owed defendant certain unpaid unreimbursed medical expenses; whether trial court erred in finding that defendant's accounting summaries as to amounts he had paid for medical expenses of parties' children were credible; claim that defendant's medical expense summaries were unsubstantiated and irreconcilable with record; whether trial court erred in its method of calculation of amounts that parties owed to each other; claim that trial court abused its discretion in denying motion for contempt; whether trial court's finding that defendant was not in contempt for withholding from plaintiff certain payment he owed for children's extracurricular activities was supported by record; whether trial court abused its discretion by permitting defendant unilaterally to deduct</i>	

(continued on next page)

undisputed unpaid unreimbursed medical expenses owed by plaintiff from future payments defendant owed to plaintiff for children's extracurricular activities; whether trial court's remedial order was manifestly unreasonable; claim that trial court abused its discretion in denying motion to reargue; whether trial court correctly concluded that plaintiff had ample opportunity to submit any relevant evidence prior to final hearing on parties' motions but chose not to do so; claim that trial court violated plaintiff's due process right to be heard when it denied her motion for contempt before she had rested her case-in-chief; whether it was within discretion of trial court to deny plaintiff's claim for contempt where there was adequate factual basis to explain defendant's failure to honor prior court orders.

Levine v. Hite, 189 CA 281 49A

Personal injury; whether plaintiff's due process rights were violated when trial court reconsidered, sua sponte, ruling of prior trial court and permitted defendants to engage in further discovery; whether trial court abused its discretion in rendering judgment of nonsuit against plaintiff for failing to comply with three previous court orders concerning discovery; whether trial court abused its discretion when it ruled on defendants' motion for judgment of nonsuit prior to considering plaintiff's motion for order of sanctions against defendants' counsel.

PMC Property Group, Inc. v. Public Utilities Regulatory Authority, 189 CA 268 36A

Administrative appeal; appeal from trial court's judgment affirming in part decision of defendant Public Utilities Regulatory Authority, which found that plaintiffs had engaged in unauthorized submetering of electricity and imposed sanctions; claim that trial court erred in deferring to authority's definition of electric submetering because authority previously had not established what constitutes electric submetering and, thus, its definition was not time-tested; whether trial court properly determined that, due to technical nature of definition, it was appropriate to defer to authority's definition of submetering; claim that trial court erred in concluding that heating and air conditioning system fell within authority's definition of submetering because definition of submetering in authority's previous decision was applicable only to submetering in context of public gas utilities and, thus, was not applicable to electric submetering; claim that fundamental component of electric submetering is furnishing of electric service by nonutility such that electric service is physical delivery through wires of electricity to end user for consumption, combined with measuring electric consumption with electric submeter.

Silano v. Cooney, 189 CA 235 3A

Defamation per se; libel per se; slander per se; whether trial court properly rendered judgment in favor of defendant business owner on plaintiff's claims of slander per se and libel per se; claim that trial court applied law incorrectly when it concluded that harassment in second degree in violation of statute (§ 53a-183) did not involve moral turpitude; whether trial court's finding that business owner's statements to police were not defamatory because they were true was clearly erroneous.

(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 <https://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.

Volume 189 Cumulative Table of Cases 73A

NOTICES OF CONNECTICUT STATE AGENCIES

DEEP—Notice of Extension of Open Season for Scup. 8B
State Elections Enforcement Commission—Declaratory Ruling 2019-02. 1B

MISCELLANEOUS

Bar Examining Committee—Regulation Amendment. 1C
