

CONNECTICUT LAW JOURNAL



Published in Accordance with
General Statutes Section 51-216a

VOL. LXXXI No. 3

July 16, 2019

333 Pages

Table of Contents

CONNECTICUT REPORTS

Doe v. Cochran, 332 C 325	57
<i>Negligence; physician's failure to accurately report to patient results of patient's blood test for sexually transmitted diseases; action by patient's exclusive girlfriend who contracted STD from patient after defendant physician erroneously informed patient that he tested negative for STDs; motion to strike; whether plaintiff's complaint sounded in ordinary negligence; whether trial court incorrectly concluded that defendant owed no duty of care to plaintiff with respect to inaccurate reporting to patient of STD test results; whether health care provider who negligently misinforms patient, either directly or through designated staff member, that patient tested negative for STD such as genital herpes owes duty of care to identifiable third party who is engaged in exclusive romantic relationship with patient at time of STD testing and who foreseeably contracts STD as result of third party's reliance on health care provider's erroneous communication to patient; whether public policy considerations weighed in favor of recognition of third-party duty of care under circumstances of case.</i>	
Rockstone Capital, LLC v. Sanzo, 332 C 306	38
<i>Foreclosure; certification from Appellate Court; whether Appellate Court had jurisdiction over appeal from trial court's denial of request to foreclose on mortgage; whether Appellate Court had jurisdiction over defendants' cross appeal; whether certification was improvidently granted as to issue concerning Appellate Court's jurisdiction over cross appeal; whether Appellate Court correctly concluded that statutory (§ 52-352b [t]) homestead exemption did not apply to mortgage that secured preexisting judgment debt; whether mortgage was enforceable; claim that mortgage securing judgment debt was not consensual lien within meaning of § 52-352b (t).</i>	
State v. Jacques, 332 C 271	3
<i>Murder; whether trial court improperly denied defendant's motion to suppress; claim that defendant's right to be free from unreasonable searches and seizures under federal constitution was violated when police conducted warrantless search of defendant's apartment five days after lapse of defendant's month-to-month lease; whether trial court correctly concluded that defendant lacked subjective expectation of privacy in apartment at time of search; whether defendant's expectation of privacy in apartment was reasonable; expectation of privacy in relationship to leasehold interests, discussed.</i>	
Volume 332 Cumulative Table of Cases	127

CONNECTICUT APPELLATE REPORTS

Gudino v. Commissioner of Correction, 191 CA 263	53A
<i>Habeas corpus; claim that habeas court improperly dismissed count one of second petition for writ of habeas corpus as improper successive claim that was barred by doctrine of res judicata; whether petitioner sought to relitigate claims against his trial counsel on same legal grounds of ineffective assistance of counsel and sought same legal relief in second petition; claim that habeas court improperly denied count two of second habeas petition alleging ineffective assistance of prior habeas counsel on ground that petitioner failed to establish that he was prejudiced by trial counsel's allegedly deficient performance; whether habeas court properly determined that there was no reasonable probability that, but for trial counsel's</i>	

(continued on next page)

alleged failure to investigate and present to trial court certain mitigating information, trial court would have imposed original recommended sentence of twenty-five years of incarceration.

Harris v. Commissioner of Correction, 191 CA 238 28A

Habeas corpus; ineffective assistance of counsel; claim that habeas court abused its discretion in denying petition for certification to appeal and improperly concluded that petitioner's prior habeas and trial counsel were not ineffective for failing to obtain psychiatric records of one of state's witnesses; whether petitioner demonstrated that claim of ineffective assistance of habeas and trial counsel was adequate to deserve encouragement to proceed further.

Lewis v. Newtown, 191 CA 213 3A

Summary judgment; whether trial court properly granted motion for summary judgment on ground of governmental immunity pursuant to statute (§ 52-557n [a] [2] [B]); claim that trial court improperly concluded that complaint did not contain allegations of negligence directed at acts and omissions of defendants' faculty and staff during shooting at school; claim that trial court improperly concluded that plaintiffs failed to establish existence of genuine issue of material fact as to whether defendants' implementation of school security guidelines was discretionary; claim that trial court improperly determined that identifiable person-imminent harm exception to governmental immunity did not apply to defendants' claim of immunity; whether trial court improperly concluded that no genuine issue of material fact existed as to whether adoption of school security guidelines was discretionary act within defendants' general duty to manage and supervise employees and schoolchildren, and, therefore, protected by governmental immunity.

Mosby v. Board of Education, 191 CA 280 70A

Contracts; whether trial court properly granted motion to dismiss for improper service of process; whether plaintiff properly served defendant board of education pursuant to statute (§ 52-57 [b]); reviewability of claim that trial court improperly granted motion for summary judgment for lack of standing; failure to brief claim adequately.

Scott v. CCMC Faculty Practice Plan, Inc., 191 CA 251 41A

Medical malpractice; claim that trial court improperly permitted defendants to introduce evidence that, after surgery, plaintiff's pain substantially resolved due to syringx that had developed within his spinal cord to establish reduction in damages; claim that syringx evidence had to be categorized as "benefits evidence" under Restatement (Second) of Torts (§ 920) that was outside pleadings and contrary to public policy; whether trial court erred when it failed to give plaintiff's requested jury instructions regarding syringx evidence; claim that trial court's rulings were harmful because syringx evidence permeated case; claim that trial court's rulings were harmful because jury could have considered syringx evidence in its determination of liability.

(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.

State v. Mercer, 191 CA 288 78A
Sexual assault in first degree; unlawful restraint in first degree; claim that defendant was deprived of constitutional rights to due process and effective assistance of counsel during plea bargaining stage of proceedings because state initially charged defendant with crime predicated on misunderstanding of victim's age; whether record was adequate to conduct meaningful review of defendant's claim.
Volume 191 Cumulative Table of Cases 85A

CONNECTICUT PRACTICE BOOK

Adopted Practice Book Revisions 1PB

MISCELLANEOUS

Appointment of Trustee 3B
Posting Dates for the Dockets and Assignments for the 2019-2020 Court Year 1B
