

Monroe v. Ostrosky, 191 CA 474 64A
Injunction; appeal from judgment of trial court denying motion to open and vacate court's prior judgment that had been rendered in favor of plaintiff town and several of its agencies and employees; action seeking injunctive relief compelling defendant to comply with two cease and desist orders, which alleged violations of zoning and inland wetlands regulations; claim that defendant did not have notice of, and opportunity to be heard at, evidentiary hearing.

Newtown v. Ostrosky, 191 CA 450 40A
Injunction; action seeking injunctive relief compelling defendant to comply with two cease and desist orders, which alleged violations of zoning and inland wetlands regulations; claim that trial court lacked subject matter jurisdiction to determine municipal boundaries and that motion to dismiss, therefore, should have been granted because court's judgment necessarily determined boundary line; claim that trial court erred in denying motion to open because defendant had not received notice of, and did not have opportunity to be heard at, evidentiary hearing on merits of action; claim that, because court has continuing jurisdiction to enforce and to modify its injunctive orders, judgment was not subject to four month rule and could validly be revisited at any time.

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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>

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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.

whether trial court's instruction constituted impermissible two-inference instruction that improperly diluted state's burden of proof; whether inferences instruction constituted obvious and undebatable error so as to establish manifest injustice or fundamental unfairness pursuant to plain error doctrine; claim that trial court erred in failing to disclose victim's school records following in camera review; whether victim's undisclosed school records contained information that was exculpatory or probative of victim's credibility.

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