

CONNECTICUT LAW JOURNAL



Published in Accordance with
General Statutes Section 51-216a

VOL. LXXXI No. 7

August 13, 2019

290 Pages

Table of Contents

CONNECTICUT REPORTS

<p><i>Snell v. Norwalk Yellow Cab, Inc.</i>, 332 C 720</p> <p><i>Negligence; doctrine of superseding cause; claim that defendant taxicab driver negligently left taxicab unattended in high crime area with key in ignition; certification from Appellate Court; whether Appellate Court correctly concluded that doctrine of superseding cause applies in cases in which intervening action of third party is criminally reckless; whether Appellate Court correctly determined that jury's responses to interrogatories were legally consistent; whether plaintiff was entitled to new trial.</i></p> <p><i>State v. Walker</i>, 332 C 678</p> <p><i>Felony murder; manslaughter first degree with firearm; attempt to commit robbery first degree; criminal possession of pistol or revolver; certification from Appellate Court; claim that Appellate Court incorrectly concluded that defendant's constitutional right to confrontation was not violated; whether testimony from forensics analyst relating to numerical DNA profile generated by another analyst or other analysts constituted testimonial hearsay; standard for determining whether hearsay statement is testimonial in nature, discussed.</i></p> <p><i>U.S. Bank National Assn. v. Blowers</i>, 332 C 656</p> <p><i>Mortgage foreclosure; motion to strike special defenses and counterclaims; certification from Appellate Court; whether Appellate Court correctly concluded that trial court's application of provision in rules of practice (§ 10-10) that dictates that counterclaims must arise out of transaction that is subject of plaintiff's complaint, required, in foreclosure context, consideration of whether special defense or counterclaim has some reasonable nexus to making, validity or enforcement of note or mortgage; whether Appellate Court incorrectly concluded that mortgagor's allegations, made in connection with special defenses and counterclaims, did not provide legally sufficient basis for those special defenses and counterclaims; whether mortgagor's allegations involved types of misconduct on part of mortgagee that bore sufficient connection to enforcement of note or mortgage; whether breach of binding loan modification may provide sufficient basis to withstand motion to strike in foreclosure action.</i></p> <p>Volume 332 Cumulative Table of Cases</p>	<p>66</p> <p>24</p> <p>2</p> <p>123</p>
---	---

CONNECTICUT APPELLATE REPORTS

<p><i>Connecticut Center for Advanced Technology, Inc. v. Bolton Works, LLC</i>, 191 CA 842</p> <p><i>Summary process; claim that trial court lacked subject matter jurisdiction because plaintiff failed to return process to court at least three days before return date as required by statute (§ 47a-23a); whether statute (§ 52-72) permits amendment of civil process in context of summary process action to correct improper return date when correct return date has passed; whether summary process actions constitute civil actions for purposes of amendment of process pursuant to § 52-72.</i></p> <p><i>DeRose v. Jason Robert's, Inc.</i>, 191 CA 781</p> <p><i>Arbitration; whether trial court properly denied motion to vacate arbitration award; claim that trial court improperly found that arbitrator had effectively defaulted defendants for failure to appear at arbitration hearing; whether trial court erred by ruling on motion to vacate arbitration award without holding evidentiary hearing; reviewability of claim that trial court improperly granted motion to quash subpoena duces tecum directed at arbitrator; failure to brief claim ade-</i></p>	<p>132A</p> <p>71A</p>
---	------------------------

(continued on next page)

quately; whether arbitrator failed to address entirety of arbitration submission where award was silent as to defendants' special defenses, set-offs and counter-claim; claim that arbitrator's award violated explicit, well-defined, dominant public policy of state favoring arbitration as efficient and expeditious alternative to litigation and doctrine of laches; claim that arbitrator's award constituted manifest disregard of law; claim that arbitrator's award should be vacated pursuant to statute (§ 52-418 [a] [4]).

Garden Homes Management Corp. v. Town Plan & Zoning Commission, 191 CA 736 . . . 26A

Zoning; denial of application for approval of proposed affordable housing development; claim that defendant zoning commission, in denying affordable housing application, had satisfied its burden pursuant to statute (§ 8-30g) on basis of concerns as to fire safety and pedestrian and traffic safety; claim that named plaintiff's revised site plans, viewed in their entirety, did not sufficiently address zoning commission's prior concerns and raised new concerns as to fire safety and pedestrian and traffic safety that outweighed town's need for affordable housing; claim that trial court improperly declined to review certain evidence that it determined exceeded scope of its remand order; claim that zoning commission satisfied its burden under § 8-30g to show that its concerns on remand as to named plaintiff's revised application outweighed town's need for affordable housing.

State v. Burton, 191 CA 808 98A

Murder; criminal possession of firearm; carrying pistol without permit; motion to suppress; hearsay; claim that trial court improperly denied motion to suppress certain evidence seized by police from bedroom of defendant's girlfriend; whether trial court's finding that defendant's girlfriend and girlfriend's mother voluntarily consented to search of bedroom was clearly erroneous; credibility of witnesses; claim that trial court improperly excluded certain testimony and documents concerning inability of two eyewitnesses to identify defendant in photographic array as shooter; whether trial court improperly determined that § 8-5 (2) of Connecticut Code of Evidence was hearsay exception applicable to nonidentification evidence; whether business records exception to hearsay rule set forth in § 8-4 (a) of Connecticut Code of Evidence did not apply to inference that eyewitnesses could not identify defendant from photographic array; whether trial court abused its discretion in concluding that video recording of interview between an eyewitness and police was not sufficiently reliable or trustworthy to support its admission under residual exception to hearsay rule set forth in § 8-9 of Connecticut Code of Evidence.

White v. Latimer Point Condominium Assn., Inc., 191 CA 767 57A

Permanent injunction; claim that trial court rendered judgment that was neither legally correct nor factually supported by record; whether record could be read to support court's conclusion that plaintiff failed to meet burden; whether trial court properly found that plaintiff did not prove case; claim that trial court disregarded case law; failure of plaintiff to seek articulation of bases of trial court's decision.

Wilton Campus 1691, LLC v. Wilton, 191 CA 712 2A

Tax appeals; whether, pursuant to statute (§ 12-63c [d]), plaintiff property owners were required to provide assessor with annual income and expense reports regard-

(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.

ing properties by certain date; whether assessor improperly imposed late filing penalties under § 12-63c (d) on plaintiffs retroactively, after assessor signed grand list, pursuant to statute (§ 12-60) that governs corrections to grand list due to clerical omission or mistake; whether trial court improperly concluded that although assessor had violated statute (§ 12-55 [b]) that requires assessor to make any assessment required by law prior to signing grand list, only redress for assessor's failure to comply with provisions of § 12-55 (b) was to postpone right of plaintiffs to appeal action to assessor until succeeding grand list, and that penalty prescribed for in § 12-63c (d) makes no provision for removal of penalty imposed by legislature, regardless of action taken by assessor; whether, pursuant to § 12-55 (b), imposition of late filing penalty constitutes assessment required by law and, as such, it must be made by assessor prior to taking oath; whether assessor lacked statutory authority to impose late filing penalties after he took oath; whether late adjustments were invalid and prevented any recovery of taxes based thereon; claim that language in § 12-55 (a) demonstrated legislative intent to exclude, by implication, late penalties under § 12-63c (d) as required assessment; whether trial court improperly concluded that delayed imposition of late filing penalties did not correct clerical omission or mistake, rendering § 12-60 inapplicable; claim that plaintiffs were not harmed by assessor's imposition of late filing penalties because plaintiffs were able to seek review of assessor's imposition of penalties by appealing to board.

Wilton River Park North, LLC v. Wilton (See Wilton Campus 1691, LLC v. Wilton), 191 CA 712	2A
Wilton River Park 1688, LLC v. Wilton (See Wilton Campus 1691, LLC v. Wilton), 191 CA 712	2A
Volume 191 Cumulative Table of Cases	141A

MISCELLANEOUS

Notice of Procedures—Family Matters	3B
Notice of Reprimand	1B
Notice of Suspension of Attorney and Appointment of Trustee.	2B