

# CONNECTICUT LAW JOURNAL



Published in Accordance with  
General Statutes Section 51-216a

VOL. LXXXII No. 11

September 15, 2020

180 Pages

## Table of Contents

### CONNECTICUT APPELLATE REPORTS

Borg v. Cloutier, 200 CA 82 . . . . .	30
<i>Private nuisance; invasion of privacy; defamation; defamation per se; trespass; punitive damages; permanent injunction; motion for contempt; claim that trial court abused its discretion in failing to set aside jury's verdict; whether trial court failed to inquire adequately into possible juror misconduct; claim that trial court improperly awarded punitive damages to defendant; whether trial court correctly determined that permanent injunction was warranted; claim that trial court improperly held named plaintiff in contempt for failing to comply with its permanent injunction order.</i>	
Davis v. Davis, 200 CA 180 . . . . .	128
<i>Dissolution of marriage; whether trial court provided defendant with adequate notice that it might dispose of plaintiff's motion for modification of alimony at certain hearing; claim that trial court improperly ordered reimbursement to plaintiff for expenses related to fixing septic system at marital residence; claim that trial court abused its discretion by failing to consider plaintiff's conduct relative to defendant's efforts to make repairs himself; unpreserved claim that trial court failed to apply unclean hands doctrine; whether trial court failed to apply statute (§ 46b-224) governing suspension of child support order in calculating child support arrearage; claim that trial court improperly refused to deduct from arrearage amount for period of time parties' minor child was in defendant's custody.</i>	
Ferri v. Powell-Ferri, 200 CA 63 . . . . .	11
<i>Vexatious litigation; trusts; cross complaint; motion for summary judgment; whether trial court erred in determining that defendants had probable cause to bring cross complaint; whether trial court applied correct standard for determining whether defendants had probable cause to prosecute cross complaint; whether trial court properly determined that meritless action did not necessitate conclusion that it lacked probable cause or was frivolous; whether trial court correctly determined that lack of precedent in other jurisdictions did not render cross complaint as being without probable cause.</i>	
Giordano v. Giordano, 200 CA 130 . . . . .	78
<i>Dissolution of marriage; motion to modify alimony; motion for contempt; claim that trial court erred in interpreting separation agreement to include defendant's supplemental pension as basis for modification of alimony; claim that agreement unambiguously did not include supplemental pension as part of gross annual compensation; claim that trial court erred in failing to interpret separation agreement as distributing supplemental pension to defendant at time of dissolution; whether trial court abused its discretion in modifying alimony award; whether trial court improperly granted plaintiff's motion for contempt.</i>	
Hill v. OSJ of Bloomfield, LLC, 200 CA 149 . . . . .	97
<i>Negligence; premises liability; business invitee; whether trial court properly imposed liability on defendant under mode of operation rule enunciated in Kelly v. Stop &amp; Shop, Inc. (281 Conn. 768), where boxes fell off shelf in defendant's store and struck plaintiff; whether evidence was sufficient to establish that affirmative act on part of defendant caused boxes to fall on plaintiff.</i>	
State v. Syms, 200 CA 55 . . . . .	3
<i>Motion to correct illegal sentence; robbery in first degree; conspiracy to commit robbery in first degree; unpreserved claim that trial court violated defendant's rights to due process when it accepted his guilty pleas without advising him that</i>	

(continued on next page)

*sentence could run consecutively to unrelated sentence he was then serving; claim that combination of sentence of incarceration followed by special parole violated federal prohibition against double jeopardy.*

*Stilkey v. Zembko*, 200 CA 165. . . . . 113

*Statutory theft; whether trial court abused its discretion in applying continuing course of conduct doctrine; whether trial court was within its discretion to determine that no party was prejudiced by lapse in pleading specific statute of limitations or continuing course of conduct doctrine; claim that trial court improperly concluded that continuing course of conduct doctrine tolled statute of limitations; claim that trial court's findings that plaintiff had no knowledge of defendant's actions and had not consented to or authorized them were clearly erroneous.*

*State v. Lori T.* (replacement pages), 197CA 675–676. . . . . iii

Volume 200 Cumulative Table of Cases . . . . . 153

**SUPREME COURT PENDING CASES**

Summaries . . . . . 1A

**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.