

CONNECTICUT LAW JOURNAL



Published in Accordance with
General Statutes Section 51-216a

VOL. LXXXI No. 30

January 21, 2020

263 Pages

Table of Contents

CONNECTICUT REPORTS

Bank of New York Mellon v. Ruttkamp (Order), 334 C 916	102
Kondjoua v. Commissioner of Correction (Order), 334 C 915	101
NetScout Systems, Inc. v. Gartner, Inc., 334 C 396	2
<i>Defamation; Connecticut Unfair Trade Practices Act (§ 42-110a et seq.); claim that defendant engaged in deceptive business practice by conducting pay to play scheme in which it rated vendors in its market research reports in biased manner, on basis of amount of consulting services that vendors purchased from defendant; whether trial court properly granted defendant's motion for summary judgment on ground that allegedly false statements made by defendant in market research report constituted protected speech under first amendment to United States constitution; whether allegedly defamatory statements constituted expressions of opinion or were factual or implied undisclosed facts.</i>	
State v. Cecil (Order), 334 C 915	101
State v. Collymore, 334 C 431	37
<i>Felony murder; attempt to commit robbery first degree; conspiracy to commit robbery first degree; criminal possession of firearm; prior inconsistent statements; statutory (§ 54-47a) immunity from prosecution in exchange for testimony during state's case-in-chief; fifth amendment right against self-incrimination; motion for reconsideration in light of this court's decision in State v. Dickson (322 Conn. 410), pursuant to which in-court identification that has not been preceded by successful identification during nonsuggestive identification procedure must be prescreened by trial court; certification from Appellate Court; claim that defendant's rights to due process and to compulsory process were violated when state declined to extend immunity that it had granted under § 54-47a to certain witnesses during state's case-in-chief to their testimony during defendant's case-in-chief; whether state's alleged violation of § 54-47a was constitutional in nature; defendant's failure to establish that testimony that he was prevented from offering owing to state's decision not to extend immunity beyond its case-in-chief was not cumulative; whether state's purported revocation of immunity or trial court's warnings to witnesses regarding lack of clarity of law regarding whether immunity extended to their testimony as defense witnesses was so threatening or coercive as to drive those witnesses from witness stand; claim that defendant's right to due process was violated, pursuant to Dickson, when two witnesses purportedly gave first time in-court identification testimony about him; scope of rule announced in Dickson, discussed; whether defendant's identity as shooter was at issue with respect to criminal charges against him for purposes of determining whether purported first time in-court testimony of two witnesses violated defendant's right to due process; whether admission of such testimony was harmless beyond reasonable doubt.</i>	
State v. Joseph (Order), 334 C 915	101
Volume 334 Cumulative Table of Cases	103

CONNECTICUT APPELLATE REPORTS

Bank of New York Mellon v. Mazzeo, 195 CA 357	25A
<i>Foreclosure; claim that plaintiff bank lacked standing; claim that plaintiff bank failed to establish that it was holder of note at time it commenced present action; whether trial court improperly concluded that plaintiff bank proved its prima</i>	

(continued on next page)

facie case; claim that plaintiff bank did not demonstrate that it was owner of debt; claim that plaintiff bank did not prove that all conditions precedent to foreclosure, as established by note and mortgage, had been satisfied; claim that plaintiff bank did not demonstrate that it provided defendants with notice of default, as required by note and mortgage.

Chief Disciplinary Counsel v. Burbank, 195 CA 416 84A

Attorney presentment; appeal from judgment of trial court suspending respondent attorney pursuant to applicable rule of practice (§2-39) for respondent’s misconduct in judicial proceedings in Maine; claim that trial court erred in determining that respondent failed to demonstrate by clear and convincing evidence that reciprocal suspension of law license was violation of federal constitutional rights to petition government without fear of reprisal; whether attorney acting as self-represented litigant should be held to different standard of professional conduct than that applied to attorney acting on behalf of client; claim that trial court’s finding that respondent failed to demonstrate by clear and convincing evidence cognizable defense to Maine disciplinary proceedings was clearly erroneous.

Hunter v. Shrestha, 195 CA 393 61A

Third-party petition for visitation; motion to dismiss; subject matter jurisdiction; whether trial court properly dismissed for lack of subject matter jurisdiction plaintiffs’ petition for visitation as to defendant’s minor child; whether petition satisfied jurisdictional pleading requirements set forth in Roth v. Weston (259 Conn. 202); whether plaintiffs failed to plead requisite level of harm under second element of Roth; whether allegations in petition rose to level of abuse, neglect or abandonment contemplated by Roth.

In re Yolanda V., 195 CA 334. 2A

Termination of parental rights; claim that trial court improperly concluded that respondent mother failed to achieve requisite degree of personal rehabilitation required by applicable statute (§ 17a-112); claim that trial court improperly concluded that termination of mother’s parental rights was in best interests of children; whether record contained sufficient evidence for trial court to conclude that mother had not corrected several factors that led to initial commitment of minor children; whether mother remained unable to serve as safe, nurturing, and responsible parent capable of assuming care of three minor children.

Rackowski v. McFarlane, 195 CA 402 70A

Negligence; summary judgment; claim that trial court improperly rendered summary judgment in favor of defendant landlord; whether lease agreement between defendant landlord and tenant, whose dog bit plaintiff on leased property, imposed duty of care on landlord; whether there was genuine issue of material fact as to whether plain language of lease required defendant landlord to investigate behavioral propensities of tenant’s dog and whether lease created duty on part of landlord to third persons who might encounter dog on subject property; whether obligations under lease were limited to its signatories and did not extend to third persons; claim that relevant language of lease created genuine issue of material fact as to whether defendant landlord retained control over property and, therefore, whether

(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.

lease imposed duty of care on landlord to keep in reasonably safe condition those portions of property over which she reserved control; whether plaintiff's reliance on Giacalone v. Housing Authority (306 Conn. 399) was misplaced.

Romeo v. Bazow, 195 CA 378 46A

Third-party petition for visitation; motion to dismiss; subject matter jurisdiction; whether trial court properly dismissed for lack of subject matter jurisdiction plaintiffs' petition for visitation rights as to defendant's minor children; claim that that trial court improperly failed to consider plaintiffs' expert witness disclosure in ruling on motion to dismiss; whether trial court properly limited its consideration to allegations contained in petition and attached affidavit; whether petition satisfied jurisdictional pleading requirements set forth in Roth v. Weston (259 Conn. 202); whether plaintiffs failed to plead requisite level of harm under second jurisdictional element of Roth; whether allegations in petition rose to level of abuse, neglect or abandonment contemplated by Roth or specified type of harm that children would suffer if plaintiffs were denied visitation.

State v. Randy G., 195 CA 467 135A

Violation of probation; claim that trial court abused its discretion by admitting into evidence police report concerning defendant's prior arrest related to underlying conviction; whether trial court properly admitted police report as reliable hearsay; claim that trial court abused its discretion in refusing to admit into evidence police report that was related to victim's criminal complaint against her previous boyfriend; whether report would have impeached victim's credibility; whether police report failed to show any bias or prejudice on victim's part against defendant; claim that exclusion of police report violated defendant's due process right to confront witnesses against him.

State v. Watson, 195 CA 441 109A

Murder; sale of narcotics; claim that state presented insufficient evidence to disprove defenses of self-defense and defense of premises beyond reasonable doubt; whether trial court was required to find defendant's claims credible; claim that trial court improperly precluded testimony of expert witness; whether proffered expert testimony involved knowledge that was common to average person; whether trial court improperly subjected expert testimony to test for admissibility set forth in State v. Porter (241 Conn. 57); whether expert testimony was premised on scientific studies.

Volume 195 Cumulative Table of Cases 147A

MISCELLANEOUS

Personnel Notice—States Attorney Fairfield JD. 1B

Personnel Notice—Superior Court Operation—Small Claims/Motor Vehicle Magistrate Appointments 1B