

200 Conn. App. 229 SEPTEMBER, 2020 233

Budrawich v. Budrawich

November 28, 2022. Alimony shall be modifiable as to amount if the wife earns less than \$100,000 per year. Alimony shall not be modifiable as to term.”

Postjudgment proceedings in this dissolution case resulted in two prior appeals. The first appeal is not relevant to our discussion. The second appeal concerned, *inter alia*, the trial court’s order requiring the parties to submit to arbitration to resolve their dispute concerning reimbursement for past expenses that each party had incurred on behalf of their minor children. *Budrawich v. Budrawich*, *supra*, 156 Conn. App. 630. On April 21, 2015, this court issued its decision, in which it concluded that “the [trial] court erred in ordering the parties to submit to arbitration to resolve their dispute over unreimbursed expenses because the parties did not execute a voluntary arbitration agreement.” *Id.*, 648. This court reversed the judgment only as to the order requiring the parties to submit to arbitration. *Id.*, 650.

The parties also filed several postjudgment motions. The defendant has appealed from the court’s rulings on his March 1, 2018 motion for reassignment of the plaintiff’s November 25, 2015 motion for order seeking reimbursement for the children’s expenses and unreimbursed medical expenses, the plaintiff’s April 20, 2017 motion to modify alimony and her December 6, 2017 motion to correct the court’s memorandum of decision rendered thereon, and the defendant’s March 23, 2018 motion to modify alimony. Additional facts and procedural history will be set forth as necessary.

I

The defendant’s first claim on appeal is that the court improperly denied his motion for reassignment of the plaintiff’s motion for order. Specifically, he argues that he did not consent to the court’s requested extension of time to issue its decision on the plaintiff’s motion for order and, therefore, his motion seeking to have the

NOTE: These pages (200 Conn. App. 233 and 234) are in replacement of the same numbered pages that appear in the Connecticut Law Journal of 22 September 2020.

234 SEPTEMBER, 2020 200 Conn. App. 229

Budrawich v. Budrawich

motion for order reassigned to another judge should have been granted. The plaintiff responds that the defendant has “waived any right to claim that matters before the court are reassigned” by his failure to respond to the court’s e-mails requesting an extension and to attend a status conference scheduled following his failure to respond to the e-mails. We agree with the defendant that the court improperly denied his motion for reassignment.

The following additional undisputed facts and procedural history are relevant to this claim. On November 25, 2015, the plaintiff filed a motion for order, alleging that she was owed reimbursement for the children’s extracurricular expenses and unreimbursed medical expenses. The court, *Sommer, J.*, held hearings over several days, beginning on August 8, 2016, and ending on September 27, 2017. Both parties filed posthearing memoranda of law on October 27, 2017. With the 120 day deadline to issue a decision on the plaintiff’s motion for order approaching; see Practice Book § 11-19; the case flow coordinator from the Stamford Superior Court e-mailed the parties on February 16, 2018, on behalf of Judge Sommer, to request a waiver of the 120 day deadline. The defendant did not respond to the e-mail. A status conference was scheduled for February 22, 2018. On that date, the plaintiff’s counsel appeared before the court, *Sommer, J.*, in Stamford.¹ Neither the plaintiff nor the defendant were present. The plaintiff’s counsel informed the court that the plaintiff was not present because she was ill, and that counsel did not know why the defendant was not present.

The court stated that the defendant “had been contacted with the request for the extension of time for

¹ The plaintiff was represented by counsel in the relevant proceedings before the trial court. The plaintiff also filed her own appearance in addition to counsel.