

# CONNECTICUT LAW JOURNAL



Published in Accordance with  
General Statutes Section 51-216a

VOL. LXXXIII No. 20

November 16, 2021

166 Pages

## Table of Contents

### CONNECTICUT REPORTS

Bank of New York Mellon v. Gilmore (Order), 339 C 913 . . . . .	131
Clements v. Aramark Corp., 339 C 402 . . . . .	2
<i>Workers' compensation; determination by Workers' Compensation Commissioner that plaintiff's injury did not arise out of her employment; certification from Appellate Court; whether Appellate Court properly reversed decision of Compensation Review Board, which had upheld commissioner's decision; whether injury that plaintiff sustained while working for defendant employer was compensable when plaintiff fell from standing position on level floor as result of her purely personal medical condition that was wholly unrelated to her employment; Savage v. St. Aeden's Church (122 Conn. 343), to extent that it held that idiopathic fall on level surface occurring during course of employment is per se compensable, overruled.</i>	
Cohen v. Statewide Grievance Committee, 339 C 503 . . . . .	103
<i>Attorney discipline; challenge to reprimand of plaintiff by defendant Statewide Grievance Committee; whether rule 3.3 (a) (1) of Rules of Professional Conduct did not apply to plaintiff while acting as court-appointed trustee of estate; whether defendant's reviewing committee incorrectly concluded that amended final accounting submitted by plaintiff to Probate Court constituted false statement in violation of rule 3.3 (a) (1); whether evidence supporting conclusion that plaintiff violated rule 3.3 (a) (1) was sufficient to support conclusion that her conduct was dishonest in violation of rule 8.4 (3) of Rules of Professional Conduct.</i>	
DeMaria v. Bridgeport, 339 C 477 . . . . .	77
<i>Personal injury; action pursuant to municipal defective highway statute (§ 13a-149) to recover for injuries plaintiff sustained in fall on sidewalk owned by city defendant; certification from Appellate Court; whether Appellate Court incorrectly concluded that trial court had improperly admitted into evidence, pursuant to statute (§ 52-174 (b)) setting forth medical treatment records exception to hearsay rule, treatment records and final report containing medical opinion on causation and extent of plaintiff's injuries when city was unable to cross-examine author of records and report; claim that medical report was not admissible because it was made in contemplation of litigation; Rhode v. Milla (287 Conn. 731), and Millium v. New Milford (310 Conn. 711), to extent they suggested that opportunity to cross-examine author of medical record prepared for purposes of diagnosis, treatment or care of patient is prerequisite for admission of such record, disavowed.</i>	
Finney v. Commissioner of Correction (Order), 339 C 915 . . . . .	133
Frantzen v. Davenport Electric (Order), 339 C 914 . . . . .	132
Nussbaum v. Dept. of Energy & Environmental Protection (Order), 339 C 915 . . . . .	133
Rockstone Capital, LLC v. Caldwell (Order), 339 C 914 . . . . .	132
State v. Collins (Order), 339 C 914 . . . . .	132
State v. Gordon (Order), 339 C 913 . . . . .	131
State v. Watson, 339 C 452 . . . . .	52
<i>Strangulation second degree; assault third degree; unlawful restraint first degree; threatening second degree; certification from Appellate Court; whether Appellate Court correctly concluded that defendant's constitutional right to jury trial was not violated when trial court, rather than jury, determined that assault and unlawful restraint charges were not "upon the same incident" as strangulation charge for purposes of second degree strangulation statute (§ 53a-64bb (b)); claim that</i>	

(continued on next page)

*language in § 53a-64bb (b) prohibiting person from being found guilty of strangulation second degree “upon the same incident” as unlawful restraint or assault is element of second degree strangulation under Apprendi v. New Jersey (530 U.S. 466) and its progeny that must be found by jury beyond reasonable doubt.*

Thornton v. Bradley, 339 C 495 . . . . . 95

*Motion to quash; whether plaintiffs’ withdrawal of subpoena to depose defendant rendered moot defendant’s appeal to this court from judgment of Appellate Court dismissing as frivolous her appeal from trial court’s denial of her motion to quash subpoena; whether vacatur of Appellate Court’s judgment was appropriate when defendant, through no fault of her own, was unable to obtain judicial review of Appellate Court’s judgment.*

Volume 339 Cumulative Table of Cases . . . . . 135

**CONNECTICUT APPELLATE REPORTS**

Mase v. Riverview Realty Associates, LLC, 208 CA 719 . . . . . 3A

*Foreclosure; motion to dismiss; claim that trial court erred in denying defendant’s motion to dismiss; claim that judgment of strict foreclosure was defective; claim that trial court’s appointment of receiver was improper; whether appeal should be dismissed because it was not taken from final judgment.*

Volume 208 Cumulative Table of Cases . . . . . 17A

**NOTICES OF CONNECTICUT STATE AGENCIES**

DSS—Notice of SPA—Behavioral Health Provider Rate Increase. . . . . 1B

**MISCELLANEOUS**

Attorney Discipline . . . . . 1C

**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](http://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.