CONNECTICUT LAW JOURNAL

Published in Accordance with General Statutes Section 51-216a

VOL. LXXXVI No. 27 December 31, 2024 114 Pages

Table of Contents

CONNECTICUT REPORTS

CONNECTICUT APPELLATE REPORTS

MISCELLANEOUS

(continued on next page)

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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

JOSEPH DIBENEDETTO, *Publications Deputy Director*

Published Weekly – Available at https://www.jud.ct.gov/lawjournal

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ORDERS

CONNECTICUT REPORTS

Vol. 350

STATE OF CONNECTICUT EX REL. JEREMIAH DUNN, CHIEF STATE ANIMAL CONTROL OFFICER *v.* JOANN CONNELLY ET AL.

The named defendant's petition for certification to appeal from the Appellate Court, 228 Conn. App. 458 (AC 46113), is denied.

Trey Mayfield, pro hac vice, and *Garrett Denniston*, in support of the petition.

Daniel M. Salton, assistant attorney general, in opposition.

Decided December 17, 2024

DONNA DUSO ET AL. *v.* TOWN OF GROTON

The defendant's petition for certification to appeal from the Appellate Court, 228 Conn. App. 390 (AC 46527), is granted, limited to the following issues:

"1. Did the Appellate Court correctly determine that the nature and scope of health insurance coverage for the plaintiffs, who are retired employees of the defendant, included health savings account contributions that are made to the accounts of the defendant's current employees under the applicable collective bargaining agreement?

"2. Did the Appellate Court properly uphold the trial court's damages award?"

MULLINS, C. J., and ALEXANDER, J., did not participate in the consideration of or decision on this petition.

Kyle J. Zrenda, in support of the petition.

Jacques J. Parenteau, in opposition.

Decided December 17, 2024

JAMEELA ANDROULIDAKIS *v.* GOSHEN MORTGAGE, LLC, ET AL.

The plaintiff's petition for certification to appeal from the Appellate Court, 228 Conn. App. 903 (AC 46860), is denied.

Jameela Androulidakis, self-represented, in support of the petition.

Decided December 17, 2024

TOWN OF BROOKFIELD ET AL. *v.* HOLLENE GOHN

The defendant's petition for certification to appeal from the Appellate Court, 228 Conn. App. 578 (AC 46897), is denied.

MULLINS, C. J., did not participate in the consideration of or decision on this petition.

Hollene Gohn, self-represented, in support of the petition.

Barbara M. Schellenberg, in opposition.

Decided December 17, 2024

STATE OF CONNECTICUT *v.* ANGELO REYES

The defendant's petition for certification to appeal from the Appellate Court, 229 Conn. App. 121 (AC 46750), is denied.

Naomi T. Fetterman, assigned counsel, in support of the petition.

Jonathan M. Sousa, assistant state's attorney, in opposition.

Decided December 17, 2024

STATE OF CONNECTICUT *v.* TIMOTHY A. LEE

The defendant's petition for certification to appeal from the Appellate Court, 229 Conn. App. 195 (AC 46751), is denied.

Cameron L. Atkinson, in support of the petition.

Laurie N. Feldman, assistant state's attorney, in opposition.

Decided December 17, 2024

ROBERTO A. *v.* COMMISSIONER OF CORRECTION

The respondent's petition for certification to appeal from the Appellate Court, 229 Conn. App. 104 (AC 46884), is denied.

Timothy F. Costello, supervisory assistant state's attorney, in support of the petition.

Robert L. O'Brien, assigned counsel, in opposition.

Decided December 17, 2024

IN RE CHARLI M.

The respondent father's petition for certification to appeal from the Appellate Court, 229 Conn. App. 72 (AC 47510), is denied.

Matthew C. Eagan, assigned counsel, in support of the petition.

Samuel J. Shapiro, assistant attorney general, in opposition.

Decided December 17, 2024

Cumulative Table of Cases
Connecticut Reports
Volume 350

(Replaces Prior Cumulative Table)

CONNECTICUT APPELLATE REPORTS

Vol. 229

CASES ARGUED AND DETERMINED

IN THE

APPELLATE COURT

OF THE

STATE OF CONNECTICUT

IN RE S. G. ET AL.*
(AC 47745)

Seeley, Westbrook and Palmer, Js.

Syllabus

The respondent mother appealed from the trial court's judgments rendered for the petitioner, the Commissioner of Children and Families, terminating

* In accordance with the spirit and intent of General Statutes § 46b-142 (b) and Practice Book § 79a-12, the names of the parties involved in this appeal are not disclosed. The records and papers of this case shall be open for inspection only to persons having a proper interest therein and upon order of the court.

her parental rights with respect to her minor children. The mother claimed, inter alia, that the court improperly determined that she had failed to achieve a sufficient degree of personal rehabilitation within the meaning of the statute (§ 17a-112 (j) (3) (B) (i)). *Held*:

The trial court's determination that the respondent mother failed to achieve the degree of personal rehabilitation required by § 17a-112 (j) (3) (B) (i) was supported by sufficient evidence in the record.

The trial court's finding that the termination of the respondent mother's parental rights was in the best interests of the children was not clearly erroneous, as there was sufficient evidence in the record to support that determination, even given the existence of a bond between the mother and the children.

Argued November 12—officially released December 24, 2024**

Procedural History

Petitions by the Commissioner of Children and Families to terminate the respondents' parental rights with respect to their minor children, brought to the Superior Court in the judicial district of Litchfield, Juvenile Matters, and transferred to the judicial district of New London, Juvenile Matters at Waterford, where the cases were tried to the court, *Hoffman*, *J.*; judgments terminating the respondents' parental rights, from which the respondent mother appealed to this court. *Affirmed.*

David B. Rozwaski, assigned counsel, for the appellant (respondent mother).

Monica O'Connell, assistant attorney general, with whom, on the brief, were *William Tong*, attorney general, and *Nisa Khan*, assistant attorney general, for the appellee (petitioner).

Opinion

SEELEY, J. The respondent mother,[1] Elizabeth G., appeals from the judgments of the trial court rendered

** December 24, 2024, the date that this decision was released as a slip opinion, is the operative date for all substantive and procedural purposes.

[1] Christopher G., the father of the minor children, is not involved in this appeal. The trial court found that Christopher G. "had not sufficiently rehabilitated . . . to the extent [he] could assume a responsible position in [the children's] lives in view of their ages and needs, or within a reasonable period of time thereafter" and that "termination of [his] parental rights" is

in favor of the petitioner, the Commissioner of Children and Families (commissioner), terminating her parental rights with respect to her minor children, M and S (collectively, children). On appeal, the respondent claims that the court erred when it determined that (1) she had failed to achieve a sufficient degree of personal rehabilitation within the meaning of General Statutes § 17a-112 (j) (3) (B) (i), and (2) termination of her parental rights was in the children's best interests.[2] We disagree and, accordingly, affirm the judgments of the court.

The following relevant facts, which the court found by clear and convincing evidence, and procedural history are relevant to this appeal. M was born in May, 2017, and S in August, 2019. The respondent and the children's father, Christopher G. (father), "have been involved with [the Department of Children and Families (department)] since 2019. The first [report to the department] was made on August 26, 2019, following the birth of [S] . . . . It was noted [that the respondent] illicitly used Percocet and codeine and [that, after S was born, the child] spent nine days in [the neonatal intensive care unit] with withdrawal symptoms." S was born prematurely and addicted to opioids, which was found to correlate with the respondent's substance use during her pregnancy. The department's investigation revealed that the father was aware of the respondent's substance use during her pregnancy. Thereafter, the commissioner filed neglect petitions on October 3, 2019, and the children were placed under an order of protective supervision from February 5, 2020, until September 2, 2020.

in the best interests of the children. Accordingly, the court terminated his parental rights as to both children. He has not appealed from that judgment. Our references in this opinion to the respondent are to the mother only.

[2] The attorney for the minor children filed a statement adopting the brief filed by the commissioner.

"The second [report to the department] was made . . . on October 27, 2020, [when it] received a Careline[3] report from the Root Center [for Advanced Recovery (Root Center)] after [the respondent] self disclosed [that] she was actively using fentanyl at night while the children were sleeping." (Footnote added.) A third report to the department was made by the Winchester Police Department (police department) on January 17, 2021, after the respondent and the father "were found disoriented in the home" on January 14, 2021, when police officers had gone to the family's home in response to a call for medical assistance that the respondent had placed regarding the father. Upon arriving at the home, the police found the father in a disoriented state, and the respondent "told the police that the father had done 'a bag of stuff in the bedroom.' " The father was hospitalized with a suspected overdose and, the next day, the respondent turned a bag of fentanyl over to the police, stating that she believed it was what the father had ingested the day before. Two days later, the respondent "reported to [the police department that] the father was at the hospital for a couple of hours and there were high levels of arsenic in his system." That same day, she also turned additional bags of a powdery substance over to the police department. The father admitted to the respondent that he had used heroin on January 14, 2021, and the police reported that the children were in the home on that day, at the time the father was suspected to have overdosed.[4] This resulted in the department entering into a safety plan with the respondent and the father on January 19, 2021, which

[3] "Careline is a department telephone service that mandatory reporters and others may call to report suspected child abuse or neglect." (Internal quotation marks omitted.) *In re Niya B.*, 223 Conn. App. 471, 478 n.7, 308 A.3d 604, cert. denied, 348 Conn. 958, 310 A.3d 960 (2024).

[4] Toxicology screening of the father indicated that there was no arsenic present in the father's system on January 14, 2021, but that he tested positive for fentanyl and heroin on that day.

required that the father not be left unsupervised with the children and that the respondent supervise all contact between the children and the father pending the fulfillment of certain releases of records from her treatment providers to the department.

Shortly afterward, on February 2, 2021, the department was notified by the police that, on January 27, 2021, the police department had "received two separate calls [regarding] the family. The first call was from the father, who indicated [that] there was a dispute with the [family's] landlord over rent due, and [the] second call was from a concerned citizen [reporting] that [the respondent] was asleep in a car in [the] parking lot of [a] laundromat and [was later] seen driving erratically. The police arrived at the home, and the father was [found] alone with the children in violation of the safety plan." Thereafter, on February 3, 2021, the commissioner filed neglect petitions and sought orders of temporary custody, all of which were granted by the court. Also on February 3, 2021, the court ordered preliminary specific steps for the respondent to facilitate her reunion with the children.[5]

[5] The preliminary specific steps required the respondent, inter alia, to keep all appointments set by or with the department; to cooperate with the department's home visits; to let the department know where she and the children are at all times; to take part in counseling and make progress toward both parenting and individual treatment goals; to submit to a substance abuse evaluation and follow the recommendations about treatment, including inpatient treatment if necessary, aftercare and relapse prevention; to submit to random drug testing; not to use illegal drugs or abuse alcohol or medicine; to cooperate with service providers recommended for counseling, in home support services, and substance abuse assessment and treatment; to cooperate with court-ordered evaluations or testing; to sign, within thirty days, releases allowing the department to communicate with service providers to check on her attendance, cooperation, and progress toward identified goals, and for use in future court proceedings; to get and/or maintain adequate housing and a legal income; immediately to let the department know about any changes in the makeup of the household; to get and/or cooperate with a restraining/protective order and/or other appropriate safety plan to avoid more domestic violence incidents; not to get involved with the criminal justice system; to cooperate with the children's therapy; to visit the children

On July 14, 2021, the court adjudicated the children neglected, committed them to the care and custody of the commissioner, and ordered final specific steps for the respondent.[6] Approximately one year later, on July 29, 2022, the commissioner filed petitions to terminate the parental rights of both the respondent and the father as to each child. With respect to the respondent, the termination petitions alleged, inter alia, that, pursuant to § 17a-112 (j) (3) (B) (i), the children previously had been adjudicated neglected and the respondent had failed to achieve a degree of personal rehabilitation as would encourage the belief that, within a reasonable period of time, given the ages and needs of the children, she could assume a responsible position in their lives.

The termination of parental rights trial concerning both petitions was held on July 17 and 21 and December 4, 2023, and March 14, 2024. During the trial, counsel for the commissioner presented testimony from Shannon Hedden, a clinician at Healing Hoofbeats who had worked with the children; Kelly McGinley-Hurley, a department services coordinator assigned to the case; Larissa Turner, a department social worker assigned to the case; Stephen Humphrey, an expert in clinical and forensic psychology who had completed a court-ordered evaluation of the respondent, the father and the children; and Sarah Laisi Lavoie, a visitation supervisor at Connecticut Family Support Services who had supervised visitation sessions between the respondent, the father and the children.[7] The father did not testify,

as often as the department permits and demonstrate appropriate parent/child interactions during visits; to inform the department, within thirty days, of information concerning any person whom she would like the department to consider as a placement resource for the children; and to tell the department the names and addresses of the children's grandparents.

[6] The final specific steps were identical to the preliminary specific steps. See footnote 5 of this opinion.

[7] Turner also was called as a witness by the attorney for the minor children, who did not present testimony from any other witnesses.

and his counsel presented testimony from Araly Espinal, a visitation coach at Quality Parenting Center who had worked with the family, and the father's mother. The respondent did not testify or present testimony from any witnesses.

At trial, the evidence presented detailed the respondent's history of substance use, her unstable housing and employment, the children's needs, and the respondent's relationship with the children and can be summarized as follows. Regarding the children's needs and their relationship with the respondent, Hedden testified that the children referred to the respondent as "Liz," that the children's foster parents are attentive to their emotional needs, that "[the children] struggle with knowing what attachment is," and that "the foster parents are giving them a structured place where they can feel like a child and start to kind of develop into their own individual personalities without having to feel like it's going to get pulled away from them again." Hedden further testified that the children "need that stability and structure [a]nd . . . the foster parents can provide that for them."

Laisi Lavoie testified that the children were happy to see the respondent during most visits and had a "playful" relationship with her but that there were frequent concerns about the respondent's ability to comply with the rules for visits, such as those requiring the respondent not to whisper or give candy to the children. Similarly, Espinal testified that the respondent never missed a visit, that the children were happy to see the respondent at visits, that the respondent came prepared for the visits and that the respondent kept the children fully engaged at visits; however, she also indicated that the respondent had issues complying with program rules. For example, Espinal stated that during one visit, the respondent applied makeup to M and removed an

eyepatch that S was wearing, despite being instructed not to do so.

As to the respondent's substance use history, McGinley-Hurley testified that the respondent has a "history of misuse of opiates and fentanyl dat[ing] back to her [being] an early teenager," that she had observed "a pattern of inconsistent treatment engagement with . . . respect to [the respondent]," and that the respondent was "actively testing positive for illicit substances . . . from March of 2022 . . . through the end of March, 2023, at the Root Center." With respect to visits with the children, she testified that the respondent brought items from her home despite being given instructions to the contrary because of the risk that the items might be contaminated with fentanyl. She also testified that confronting the respondent about this "would lead to a verbally aggressive outburst" by the respondent.

Turner testified that the respondent had been subject to two evictions, refused a hair test in April, 2023, was not employed, and had rescinded "any active releases . . . that would allow [the department] to reach out to [the respondent's] service providers." Lastly, Humphrey testified that he diagnosed the respondent with "opiate use disorder, severe" based on her "chronic use of substances . . . over several decades," and, if not for those issues, "there likely would not be [a] substantial child protection concern." In his court-ordered psychological evaluation, which was admitted into evidence, Humphrey explained that, although the respondent has a positive relationship with her children and, if clean and sober, she would have the capacity to understand and meet the children's needs, given the severity of her substance use problems, the children should remain in foster care. He concluded in his report that before reunification could take place, the respondent would have to, inter alia, "remain engaged in outpatient substance abuse treatment [and] continue to test negative

for illicit substances or unprescribed medications," both of which she has failed to do.

On April 22, 2024, the court issued a memorandum of decision in which it terminated the respondent's and the father's parental rights with respect to the children.[8] After setting forth the procedural history and making the relevant jurisdictional findings, the court stated that it "ha[d] carefully considered the termination of parental rights petitions, the criteria set forth in the relevant General Statutes, the applicable case law, as well as all

[8] We note that " '[p]roceedings to terminate parental rights are governed by § 17a-112. . . . Because a respondent's fundamental right to parent his or her child is at stake, [t]he statutory criteria must be strictly complied with before termination can be accomplished and adoption proceedings begun.' . . . Section 17a-112 (j) provides in relevant part that '[t]he Superior Court, upon notice and hearing . . . may grant a petition filed pursuant to this section if it finds by clear and convincing evidence that (1) the [d]epartment . . . has made reasonable efforts to locate the parent and to reunify the child with the parent in accordance with subsection (a) of section 17a-111b, unless the court finds in this proceeding that the parent is unable or unwilling to benefit from reunification efforts, except that such finding is not required if the court has determined at a hearing pursuant to section 17a-111b, or determines at trial on the petition, that such efforts are not required, (2) termination is in the best interest of the child, and (3) . . . (B) the child (i) has been found by the Superior Court . . . to have been neglected, abused or uncared for in a prior proceeding . . . and the parent of such child has been provided specific steps to take to facilitate the return of the child to the parent pursuant to section 46b-129 and has failed to achieve such degree of personal rehabilitation as would encourage the belief that within a reasonable time, considering the age and needs of the child, such parent could assume a responsible position in the life of the child . . . .' " (Citation omitted.) *In re Niya B.*, 223 Conn. App. 471, 487–88, 308 A.3d 604, cert. denied, 348 Conn. 958, 310 A.3d 960 (2024).

"Under § 17a-112, a hearing on a petition to terminate parental rights consists of two phases: the adjudicatory phase and the dispositional phase. During the adjudicatory phase, the trial court must determine whether one or more of the . . . grounds for termination of parental rights set forth in § 17a-112 [(j) (3)] exists by clear and convincing evidence. . . . If the trial court determines that a statutory ground for termination exists, then it proceeds to the dispositional phase. During the dispositional phase, the trial court must determine whether termination is in the best interests of the child. . . . The best interest determination also must be supported by clear and convincing evidence." (Internal quotation marks omitted.) Id., 476 n.5.

the evidence and testimony presented, the demeanor and credibility of the witnesses, the evidence, and the arguments of counsel according to the standards of law." In addition, the court took "judicial notice of the entire record of the prior nondelinquency proceedings, including pleadings, petitions, social studies, status reports, evaluations, court memoranda and specific steps, as well as the dates and contents of the court's findings, orders, ruling and judgments." The court made its findings regarding the petitions for termination of parental rights "by clear and convincing evidence." Specifically, the court found by clear and convincing evidence that (1) the department had made reasonable efforts to locate the respondent and to reunify the respondent with her children and, further, that the respondent was unable and unwilling to benefit from the reunification efforts, (2) the commissioner established that a statutory ground for termination exists, namely, that the respondent had failed to achieve a sufficient level of personal rehabilitation as required by § 17a-112 (j) (3), and (3) termination of the respondent's parental rights was in the best interests of the children. This appeal followed.

In this appeal, the respondent challenges the court's finding concerning the statutory ground of failure to rehabilitate within the meaning of § 17a-112 (j) (3) and its best interests finding. We now address each claim in turn.[9]

[9] Even though the respondent's appellate brief contains those two issues in the statement of issues and is organized as addressing those two issues only, in her brief she makes several references to the efforts the department made at reunification while arguing that the court erred in finding that she failed to rehabilitate. To the extent that those references as well as certain statements by the respondent's counsel at oral argument before this court can be construed as a challenge to the court's finding that the department made reasonable efforts to reunify the respondent with the children, we conclude that such a claim is inadequately briefed and, therefore, decline to review it. See *State* v. *Buhl*, 321 Conn. 688, 724, 138 A.3d 868 (2016) ("Analysis, rather than mere abstract assertion, is required in order to avoid abandoning an issue by failure to brief the issue properly. . . . [F]or this

I

The respondent first claims that, during the adjudicatory phase, the court improperly determined that she had failed to achieve a sufficient degree of personal rehabilitation within the meaning of § 17a-112 (j) (3) (B) (i). Specifically, the respondent argues that the court erred in reaching this determination because she "has continued to try and address her substance abuse issues [and] [w]hile . . . still engaged in addressing those issues, she has consistently maintained her visitation and her relationship with her children and has demonstrated the ability during visits to engage in appropriate activities and boundary setting and, more importantly, [has] demonstrat[ed] love and affection for her children." We are not persuaded.

court judiciously and efficiently to consider claims of error raised on appeal . . . the parties must clearly and fully set forth their arguments in their briefs." (Citation omitted; internal quotation marks omitted.)). Moreover, even if this court were to review the claim, it would dismiss it as moot because the respondent failed to challenge the court's determination that she was unable or unwilling to benefit from the department's reunification efforts. See *In re Autumn O.*, 218 Conn. App. 424, 432–33, 292 A.3d 66 ("[T]he department must prove either that it has made reasonable efforts to reunify or, alternatively, that the parent is unwilling or unable to benefit from reunification efforts. . . . Because either finding, standing alone, provides an independent basis for satisfying § 17a-112 (j) (1) . . . in cases in which the trial court concludes that both findings have been proven, a respondent on appeal must demonstrate that both determinations are improper. If the respondent fails to challenge either one of those independent alternative bases . . . the trial court's ultimate determination that the requirements of § 17a-112 (j) (1) were satisfied remains unchallenged and intact. . . . In such instances, the appeal is moot, as resolution of a respondent's claim of error in her favor could not [afford] her any practical relief." (Emphasis omitted; internal quotation marks omitted.)), cert. denied, 346 Conn. 1025, 294 A.3d 1026 (2023); see also *In re A'vion A.*, 217 Conn. App. 330, 353–58, 288 A.3d 231 (2023) (dismissing as moot portion of appeal challenging court's finding that department made reasonable efforts to reunify respondent with children when respondent did not also challenge court's alternative finding that respondent was unable or unwilling to benefit from reunification efforts, as "either finding, standing alone, provides an independent basis for satisfying § 17a-112 (j) (1)" (internal quotation marks omitted)).

The following additional facts and procedural history are relevant to our resolution of this claim. The respondent reported that she started to abuse pain medication around the time she was in the twelfth grade, that her "drug of choice" was pills, which later led to her use of heroin, and that she has been addicted to narcotics since she was eighteen. A toxicology screen of the respondent revealed that, on January 14, 2021, the date that the father overdosed while at home with the children, she tested positive for cocaine and fentanyl. Between the date that the children were removed from the respondent's custody—February 3, 2021—to the date that the court rendered its judgments terminating her parental rights—April 22, 2024—the department referred the respondent to a number of services, including for parenting, substance abuse and mental health treatment.

In its memorandum of decision, the court summarized the respondent's engagement with the services referred to her, stating: "[The respondent] did not engage in mental health treatment from the onset of this case until July 8, 2021. [The respondent] attended mental health treatment at Tides of Mind [Counseling] from July 8, 2021, until September 30, 2021. [The respondent] discontinued treatment with Tides of Mind [Counseling] upon entry into inpatient treatment. [The respondent] has not engaged in mental health treatment since September, 2021. [The respondent] reported to [the department] that she was in therapy at the Connecticut Counseling Center, but [the department] could not confirm due to [the respondent's] failure to sign releases of information.

"As to substance abuse treatment, [the respondent] was engaged with the Root Center from the onset of this case until April, 2021, [when the respondent] self discharged . . . and it was recommended [that] she

engage in outpatient services. [The respondent] reportedly attended an intake with Lisa Haut, however, information from that appointment was not available because [the respondent] did not sign a release of information. [The respondent] self-reported [that] she did not engage in any services with [Haut]. As a result of the lack of toxicology screens and continued concerns regarding parental insight into her substance abuse, the department facilitated a Regional Resource Group Consultation on September 20, 2021. On September 27, 2021, a referral was made to Screening and Brief Intervention Referral to Treatment (SBIRT). [The respondent] did not cooperate with the referral. As a result of [the respondent's] noncompliance to submit to [toxicology] screens it was recommended that [she] submit to a hair test. [The respondent] did not comply with the request. On October 20, 2021, [the respondent] was admitted [as an] inpatient at the Stonington Institute [but] . . . was [discharged] on October 24, 2021. In November, [2021], the department recommended [that the respondent] reengage in substance abuse treatment and begin an [intensive outpatient program] at [the Midwestern Connecticut Council of Alcoholism]. [The respondent] did not comply. [The respondent] said she engaged in [an intensive outpatient program], but the department was unable to verify this because [the respondent] did not sign a release of information. In March of 2022, [the respondent] indicated [that] she reengaged in [services at the Root Center] but revoked her releases on June 17, 2022. [The respondent] then reinstated her releases and her last [toxicology] screen on July 5, 2022, tested positive for fentanyl and opiates. The department met with [Root Center staff] on July 15, 2022, and, on August 19, 2022, it was reported [that the respondent's] attendance had been consistent and she had not missed any medication dates; however, [the respondent] continued to test positive for opiates and fentanyl.

"[The respondent] . . . submitted to the court-ordered evaluation with [Humphrey] on March 22 and 29, 2022. [Humphrey] opined that the primary child protection concern was [the respondent's] . . . opioid use disorder but [that] there was potential for rehabilitation in a time frame conducive to reunification. As a result of the evaluation, it was recommended [that the respondent] . . . comply with a hair test every ninety days, engage in treatment for six months, demonstrate abstinence from substances, regularly visit with the children and refrain from acts that would form the basis for an arrest, [so] then efforts for reunification might begin. [The respondent] was referred for a hair test on July 19, 2022, [however, she] did not submit to the test until July 26, 2022. The hair test reflected a positive result for fentanyl. [The respondent] did not comply with any subsequent requests for a hair test.

"The Root Center's September, 2022 report noted that [the respondent] was unsuccessfully discharged from intensive outpatient treatment on August 11, 2022, as [she] discontinued treatment on her own. [The respondent's] [toxicology] screen [from] August 8, 2022, tested positive for opiates and fentanyl and her [toxicology] screen [from] September 1, 2022, was positive for fentanyl and norfentanyl. The Root Center's October, 2022 report noted [that the respondent] again restricted her releases and . . . [that she] was discharged . . . [because she] discontinued treatment. [The respondent] was [again referred] for [an intensive outpatient program] on September 29, 2022; however, she did not reengage. The department had trouble obtaining updates in November and December, 2022, due to the lack of releases signed by [the respondent].

"In January, 2023, it was reported [that the respondent] had been [taking a daily dose of] methadone but [a urine sample collected from her on November 4, 2022], tested positive for marijuana, opiates, fentanyl

and heroin. [The respondent] attended an intake for [an intensive outpatient program] on December 27, 2022, but did not attend any sessions. The February, [2023] update from the Root [Center] indicated [that the respondent had been] unsuccessfully discharged for lack of attendance. [A urine sample collected from the respondent] on January 25, 2023, was positive for fentanyl and heroin. In June, 2023, the department attempted to get an update from the Root Center and was informed [that the respondent had] revoked her release [earlier in the month] and was no longer engaged with the Root Center. It was later learned that [the respondent] had been unsuccessfully discharged from intensive outpatient treatment at the Root Center in January, 2023. [The respondent] did not reengage in the recommended treatment. In March, 2023, [a urine sample collected from the respondent] tested positive for methadone and norfentanyl. [The respondent's toxicology] screens [from] April and May, [2023], were positive for methadone only. On June 29, 2023, the father informed [the department] that he and [the respondent] stop[ped] engaging [with] the Root Center in June, 2023, and . . . stated: '[The respondent and I] took the next step in [our] sobriety and shed the medication crutch.'

"[The respondent] . . . [has] not [been] referred to the . . . Family Time Program since June of 2021 due to [her] lack of progress in services and [her] active substance use. [The respondent] . . . [was] referred to parenting services and supervised visitation [at the] Quality Parenting Center on February 9, 2023. It is noted [that the respondent] . . . [came] prepared for the visits; however, there [were] concerns with [the respondent's] . . . ability to adhere to the [program's] rules and expectations. Of note is that on March 20, 2023, [the respondent] was asked several times not to remove [S's] eyepatch, which [he] is required to wear, but [the respondent] continued to remove it. During another

visit that took place with [the Quality Parenting Center] on June 22, 2023, it was reported [that the respondent] presented as 'rude' throughout the visit . . . [Quality Parenting Center staff] observed many cuts and bruises on [her] hands, and the visit ended early because [the respondent] did not feel well. As of July 6, 2023, [the respondent] had outstanding criminal charges for [two separate counts of larceny in the sixth degree, one count of larceny in the third degree, and one count of] stealing a firearm."

In adjudicating whether the respondent had failed to achieve sufficient rehabilitation within the meaning of § 17a-112 (j) (3) (B) (i), the court set forth the relevant legal standard and then summarized the results of the respondent's efforts to rehabilitate, stating: "[The respondent] has a history with [the department] dating back to 2019. [The respondent] has a long history of substance abuse dating back to her early teenage years. . . .

"As to personal rehabilitation, as noted in detail above, [the respondent] has failed to participate or make progress in any [of the] recommended services. Despite multiple referrals and attempts to engage [the respondent] in treatment, to address her substance use, mental health, and parenting, she has not followed through with recommended services. [The respondent] has continued to show limited insight into her children's needs. . . .

"There is no better example of the unfortunate consequences of [the respondent's] failure to stay sober than her failure to comply with the recommendations of the court-ordered psychological evaluation. The evaluation indicated that if [the respondent] was able to demonstrate [that] she had remained drug free and was attending substance abuse treatment for a period [of] six months, reunification would be a viable option. . . .

[The respondent] continues to show little insight into how her substance abuse impacts her ability to provide a safe and stable environment for her children. . . . As to parenting, it appears [the respondent] . . . [has] engaged in parenting services and [has] regularly attended the scheduled visitation. [However, concerns remain] that [the respondent] . . . continue[s] to have limited insight into the problems that led to the removal of the children. . . .

"[The respondent] . . . [is] unable to parent [the children] and serve as their [caretaker]. [She] [is] unable to meet the developmental, emotional, educational and medical and moral needs of [the] children. [She] cannot provide for the shelter, nurturance, safety and security of the children. . . . [The respondent does not have] stability in [her] own [life] to enable [her] to care for [the children]. . . . [The respondent] has [not] made significant progress toward personal rehabilitation and clearly cannot assume a responsible position in [the children's] lives considering their ages and needs." (Citation omitted.) Thus, the court found that the "evidence clearly and convincingly establishes" that the commissioner "met [her] burden of proof [of establishing] that [the respondent] . . . [has] failed to rehabilitate in that, given the ages and needs of [the children] [she] cannot assume a responsible position in [the children's lives] within a reasonable period of time [as] [she] continue[s] to fail to demonstrate the ability to rehabilitate despite being offered ongoing services."

In making this finding, the court emphasized that its "paramount consideration . . . is the issue of stability and permanency for [the children]. . . . [The children's] need for permanence far outweighs any remote chance that [the respondent] . . . may rehabilitate in the far distant future. . . . [The children] cannot afford to wait for [the respondent] to rehabilitate. . . .

"[The department] has provided compelling evidence that [the children] need permanency and stability now.[10] . . . Thus, the evidence clearly and convincingly establishes that as of the end of the trial of this matter, [the respondent] . . . had not sufficiently rehabilitated [herself] to the extent [she] could assume a responsible position in [the children's] lives in view of their ages and needs, or within a reasonable period of time thereafter." (Citation omitted; footnote added.)

We next set forth the relevant standard of review and legal principles. "Failure to achieve a sufficient degree of personal rehabilitation is one of the seven statutory grounds on which parental rights may be terminated under § 17a-112 (j) (3). Section 17a-112 (j) permits a court to grant a petition to terminate parental rights 'if it finds by clear and convincing evidence that . . . (3) . . . (B) the child [(i)] has been found by the Superior Court . . . to have been neglected . . . in a prior proceeding . . . and the parent of such child has been provided specific steps to take to facilitate the return of the child to the parent . . . and has failed to achieve such degree of personal rehabilitation as would encourage the belief that within a reasonable time, considering the age and needs of the child, such parent could assume a responsible position in the life of the child . . . .' " *In re A'vion A.*, 217 Conn. App. 330, 347, 288 A.3d 231 (2023).

"The trial court is required, pursuant to § 17a-112, to analyze the [parent's] rehabilitative status as it relates

[10] In addition to the previously discussed testimony of Hedden on this subject, social studies conducted by the department were also admitted into evidence. In an addendum to one of those social studies, dated June 29, 2023, the social worker concluded that "[the respondent was] unable to provide a safe, nurturing home environment free of substance use for [the] . . . children," that "[M] and [S] are in need of a permanent and stable living arrangement in order to grow and develop in a healthy manner," and that, after approximately two years in the commissioner's custody, "[t]o allow additional time for [the respondent] to rehabilitate is contrary to the best interests of the children and their need for permanency."

to the needs of the particular child, and further . . . such rehabilitation must be foreseeable within a reasonable time. . . . The statute does not require [a parent] to prove precisely when [he or she] will be able to assume a responsible position in [his or her] child's life. Nor does it require [him or her] to prove that [he or she] will be able to assume full responsibility for [his or her] child, unaided by available support systems. It requires the court to find, by clear and convincing evidence, that the level of rehabilitation [he or she] has achieved, if any, falls short of that which would reasonably encourage a belief that at some future date [he or she] can assume a responsible position in [his or her] child's life. . . . Personal rehabilitation as used in [§ 17a-112 (j) (3) (B) (i)] refers to the restoration of a parent to his or her former constructive and useful role as a parent. . . . [I]n assessing rehabilitation, the critical issue is not whether the parent has improved [his or her] ability to manage [his or her] own life, but rather whether [he or she] has gained the ability to care for the particular needs of the child at issue. . . .

"During the adjudicatory phase of a termination proceeding, a court generally is limited to considering only evidence that occurred before the date of the filing of the petition or the latest amendment to the petition, often referred to as the adjudicatory date. . . . Nevertheless, it may rely on events occurring after the [adjudicatory] date . . . [in] considering the issue of whether the degree of rehabilitation is sufficient to foresee that the parent may resume a useful role in the child's life within a reasonable time. . . .

"A conclusion of failure to rehabilitate is drawn from both the trial court's factual findings and from its weighing of the facts in assessing whether those findings satisfy the failure to rehabilitate ground set forth in § 17a-112 (j) (3) (B). Accordingly . . . the appropriate standard of review is one of evidentiary sufficiency,

that is, whether the trial court could have reasonably concluded, upon the facts established and the reasonable inferences drawn therefrom, that the cumulative effect of the evidence was sufficient to justify its [ultimate conclusion]. . . . When applying this standard, we construe the evidence in a manner most favorable to sustaining the judgment of the trial court. . . . We will not disturb the court's subordinate factual findings unless they are clearly erroneous. . . . Thus, [i]t is not the function of this court to sit as the [fact finder] when we review the sufficiency of the evidence . . . . In making this determination, [t]he evidence must be given the most favorable construction in support of the [judgment] of which it is reasonably capable. . . . In other words, [i]f the [trial court] could reasonably have reached its conclusion, the [judgment] must stand, even if this court disagrees with it." (Citations omitted; footnote omitted; internal quotation marks omitted.) *In re Niya B.*, 223 Conn. App. 471, 488–90, 308 A.3d 604, cert. denied, 348 Conn. 958, 310 A.3d 960 (2024).

In the present case, the respondent has not challenged the court's subordinate factual findings as being clearly erroneous. Instead, she points to the evidence of her interactions with her children and argues that it "undermines confidence in the trial court's conclusions and decision." Because the respondent has not challenged any of the court's factual findings in support of its determination that she had failed to rehabilitate within the meaning of § 17a-112 (j) (3) (B), we limit our review to whether the record contains sufficient evidence from which the trial court reasonably could have concluded, upon the facts established and the reasonable inferences drawn therefrom, that the respondent failed to rehabilitate. See *In re Autumn O.*, 218 Conn. App. 424, 434, 292 A.3d 66 ("[w]e review the trial court's subordinate factual findings for clear error, and review its finding that the respondent failed to

rehabilitate for evidentiary sufficiency" (internal quotation marks omitted)), cert. denied, 346 Conn. 1025, 294 A.3d 1026 (2023).

Moreover, "[i]t is well established that a respondent's failure to acknowledge the underlying personal issues that form the basis for the department's concerns indicates a failure to achieve a sufficient degree of personal rehabilitation. See *In re Kamora W.*, 132 Conn. App. 179, 190, 31 A.3d 398 (2011) (respondent refused to acknowledge drug or alcohol problem); *In re Jocquyce C.*, 124 Conn. App. 619, 626–27, 5 A.3d 575 (2010) (respondent failed to acknowledge habitual involvement with domestic violence); *In re Christopher B.*, 117 Conn. App. 773, 784, 980 A.2d 961 (2009) (respondent blamed others for problems); *In re Jermaine S.*, 86 Conn. App. 819, 834, 863 A.2d 720 (respondent's inability to admit she had substance abuse problem thwarted her ability to achieve rehabilitation), cert. denied, 273 Conn. 938, 875 A.2d 43 (2005); *In re Sheila J.*, 62 Conn. App. 470, 481, 771 A.2d 244 (2001) (respondent failed to recognize her need for recommended counseling). . . . [A]s a general proposition, the failure to acknowledge and make progress in addressing the issues that led to a child's removal may be one of many contributing factors to a court's determination that a parent has failed to achieve a sufficient degree of personal rehabilitation." (Citation omitted; internal quotation marks omitted.) *In re Niya B.*, supra, 223 Conn. App. 491–92; see also *In re Nevaeh G.-M.*, 217 Conn. App. 854, 877, 290 A.3d 867 ("[i]n determining whether a parent has achieved sufficient personal rehabilitation, a court may consider whether the parent has corrected the factors that led to the initial commitment, regardless of whether those factors were included in specific expectations ordered by the court or imposed by the department" (internal quotation marks omitted)), cert. denied, 346 Conn. 925, 295 A.3d 418 (2023); *In re Janazia S.*, 112

Conn. App. 69, 95, 961 A.2d 1036 (2009) ("[a]lthough the standard is not full rehabilitation, the parent must show more than *any* rehabilitation" (emphasis in original; internal quotation marks omitted)).

"Construing the record before us in the manner most favorable to sustaining the judgment of the trial court, as we are obligated to do"; *In re Anthony S.*, 218 Conn. App. 127, 148, 290 A.3d 901 (2023); we conclude that there is sufficient evidence in the record to support the court's finding that the respondent had failed to achieve a sufficient degree of personal rehabilitation as would encourage the belief that, considering the ages and needs of the children, she could assume a responsible position in their lives within a reasonable time. The overwhelming evidence that was before the court establishes that the respondent is a longtime and active user of fentanyl, heroin and opiates. The evidence also shows that the respondent's struggles with substance use, particularly fentanyl and heroin, and her lack of insight in understanding how her continued substance use has negatively impacted the well-being and safety of the children were the primary concerns of the department throughout its involvement with the respondent. In particular, the evidence clearly established that, despite the department's efforts to assist the respondent with addressing her substance use, she remained an active user of fentanyl and heroin from the time that the children were placed in the commissioner's custody in February, 2021, to the time of trial.[11] The respondent's failure to acknowledge or correct her problem with substance use is also demonstrated through her documented refusal to consistently submit to toxicology

[11] The respondent tested positive for fentanyl and heroin at various times in 2021. In 2022, the respondent tested positive for fentanyl and opiates in July, fentanyl in August and September, and fentanyl and opiates in November. The respondent's substance use continued into 2023, as she tested positive for fentanyl in January and March of 2023.

screening[12] or to sign releases relating to her substance abuse treatment, which continued into 2023.[13] Indeed, the respondent's noncompliance in this regard was as frequent as her positive toxicology results.

The court also found that, due to the children's need for permanence and stability, "[the children] cannot afford to wait for [the respondent] to rehabilitate." See *In re Amneris P.*, 66 Conn. App. 377, 385, 784 A.2d 457 (2001) (affirming trial court's determination that respondent failed to rehabilitate because, "[a]lthough the respondent may have achieved a level of stability within her limitations, the court had more than sufficient evidence to support a finding that her personal gains were not made in a timely way so as to assist her child" and, therefore, "[t]he court's finding that the child should not be further burdened by having to wait for her mother to achieve the level of competency necessary to parent her was fully supported by the evidence"). An addendum to one of the social studies admitted into evidence indicates that "[the respondent has] limited insight into [the] children's current development, needs, and age appropriate behaviors." Although the respondent asserts in her appellate brief that "the law 'sets no particular time' " as to when she must be able to assume a responsible position in her children's lives, the evidence concerning the children's need for permanency and stability supports the court's determination that she would not be able to do so within a reasonable

[12] For instance, the respondent refused to submit to a hair test on May 18, 2023, and the department was unable to obtain the results of the respondent's toxicology screens as recently as June, 2023, the month prior to the commencement of the termination trial.

[13] Similarly, given the respondent's recent evictions—two months before the termination trial, the respondent was in the process of being evicted from her home, after having previously been evicted from her prior home—the court could have reasonably inferred that the respondent failed to acknowledge her lack of parental insight into how her substance use impacted her ability to provide the children with a stable home.

time, given the ages and needs of the children and given her failure to acknowledge and make progress in addressing the issues that led to the removal of the children.

In summary, the totality of the evidence sufficiently establishes that the factors that led to the children's initial commitment—the respondent's substance use and her lack of insight—have not been corrected or even properly acknowledged by the respondent and that the children's need for permanence and stability outweighed the potential that the respondent may rehabilitate at some undefined point in the future. Accordingly, we conclude that the evidence, when construed in the manner most favorable to sustaining the court's judgments, is sufficient to support the court's determination that the respondent failed to achieve such a degree of personal rehabilitation as would encourage the belief that, within a reasonable time, she could assume a responsible position in the children's lives.

II

Next, the respondent claims that during the dispositional phase, the court erred in determining that the termination of her parental rights was in the children's best interests. Specifically, the respondent argues that "[t]he evidence clearly demonstrated that the [respondent] expresses love and affection for [the] children, is concerned for [the] children's health and well-being, provides food and activities for the children during the visits, and, while the children are not able to live with her, the [respondent] during visits with the children . . . engage[s] [them] in creative and meaningful activities, provide[s] structure and redirection when needed, and demonstrate[s] appropriate love and affection toward the children." She further argues that "[t]here has not been any evidence that would address the impact and consequences of the children never being

able to see the [respondent] again" and that she and the father "have been the one constant in the children's lives [and] have been nurturing and giving to [the] children to the best of their abilities and circumstances." Conversely, the commissioner argues that the respondent's "affection for her children is not enough to find clear error in the . . . court's best interest[s] determination," which "is not clearly erroneous because there is sufficient evidence in the record to support it." We agree with the commissioner.

The following additional facts and procedural history are relevant to our resolution of this claim. The children have been in foster care since they were removed from the respondent's custody, and, at the time the court rendered its decision, the children were in their fourth foster placement. The first foster home requested the children's removal in August, 2021, due to a lack of a specific time frame in which the children would be reunified. The children were subsequently placed in their second foster home; however, that home requested the children's removal after "receiving badgering emails and phone calls from the parents." The children were then placed in their third foster home, but, in December, 2022, those foster parents requested removal of the children after the foster parents received "verbally aggressive emails" from the respondent and the father, including one "acknowledg[ing] [that the respondent and the father knew] where the foster parents . . . lived." The foster parents also became aware that the respondent and the father had moved within four miles of the foster parents' home.[14] Thereafter, the children were placed in their fourth foster home, where they have since resided. At trial, Turner testified that the children's present foster home "is free of any safety

[14] The court found that it was reported to the department that the respondent "was 'absolutely giddy' over the fact that the children were being disrupted from their [third foster placement]."

concerns," that the children "are very bonded to the foster parents [whom they] refer to . . . as 'mom' and 'dad,' " and that the children "express that they are happy [and] . . . that they don't want to go anywhere else but live on the farm [where their foster home is located]."

In the portion of its memorandum of decision concerning disposition, the court made findings pursuant to § 17a-112 (k)[15] and then analyzed whether the termination of the respondent's parental rights was in the children's best interests, stating: "In determining whether terminating [the respondent's] . . . parental rights would be in the best interests of [the children] the court has considered various factors as to each child. The court must look at each child's interest in

[15] General Statutes § 17a-112 (k) provides: "Except in the case where termination of parental rights is based on consent, in determining whether to terminate parental rights under this section, the court shall consider and shall make written findings regarding: (1) The timeliness, nature and extent of services offered, provided and made available to the parent and the child by an agency to facilitate the reunion of the child with the parent; (2) whether the [department] has made reasonable efforts to reunite the family pursuant to the federal Adoption and Safe Families Act of 1997, as amended from time to time; (3) the terms of any applicable court order entered into and agreed upon by any individual or agency and the parent, and the extent to which all parties have fulfilled their obligations under such order; (4) the feelings and emotional ties of the child with respect to the child's parents, any guardian of such child's person and any person who has exercised physical care, custody or control of the child for at least one year and with whom the child has developed significant emotional ties; (5) the age of the child; (6) the efforts the parent has made to adjust such parent's circumstances, conduct, or conditions to make it in the best interest of the child to return such child home in the foreseeable future, including, but not limited to, (A) the extent to which the parent has maintained contact with the child as part of an effort to reunite the child with the parent, provided the court may give weight to incidental visitations, communications or contributions, and (B) the maintenance of regular contact or communication with the guardian or other custodian of the child; and (7) the extent to which a parent has been prevented from maintaining a meaningful relationship with the child by the unreasonable act or conduct of the other parent of the child, or the unreasonable act of any other person or by the economic circumstances of the parent."

sustained growth, develop[ment], well-being, and in the continuity and stability of his or her environment . . . the ages and needs of each child, the length and nature of his or her stage of foster care, the contact and lack thereof [between each child and the respondent], the potential benefit or detriment of [the child] retaining a connection with his or her biological [parent]; [the child's] genetic bond with [the biological parent] . . . and the seven statutory factors [in § 17a-112 (k)] and the court's findings thereon.[16] The court has also balanced each child's intrinsic need for stability and permanence against the potential benefits of maintaining a connection with [the respondent]. . . .

[16] The court made the following written findings pursuant to § 17a-112 (k) "by clear and convincing evidence" as to the respondent: (1) the respondent was offered the services described previously in this opinion by the department; (2) the department made reasonable efforts to reunify the respondent with the children; (3) "[t]here continues to be concerns of ongoing substance use and mental health concerns . . . [and the respondent] has not followed through with any recommended services"; (4) "M . . . is emotionally bonded to both [the respondent and the father and she] expresses excitement over her visitation with [them] and asks about her return to their care . . . [M] is also bonded with her . . . foster parents [as] [s]he looks to them for affection and appears comfortable in their care . . . [S] appears comfortable and bonded to [the respondent] and the father during his time with them, however, he does not display signs of distress upon separation . . . [S] is also bonded to his . . . foster parents [as] [h]e looks to them for affection and appears comfortable in their care"; (5) "S . . . is four years old [and] M . . . is six years old"; (6) the respondent has not "followed through with . . . services [recommended] . . . by the department . . . [t]here continues to be ongoing substance use and mental health concerns . . . [t]he department's efforts to make appropriate assessments are hindered by the lack of compliance with services and lack of compliance [with] signing releases of information, the [p]arents continue to use substances, have unaddressed mental health concerns and have engaged in criminal activity [and] [a]s a result, neither [of them] will be able [to] establish a caregiving role within a reasonable period of time given the children's needs and ages"; and (7) the respondent "has not been prevented from maintaining a meaningful relationship with her children by the conduct of the father or the unreasonable act of any other person or by her economic circumstances [as her] lack of engagement/progress in services to address her mental health, substance abuse and parenting have interfered with her ability to be the primary caretaker of her children."

"The court finds that termination of [the respondent's] . . . parental rights is in the best interests of [the children]. The convincing and clear evidence has established that [the respondent] . . . [is] in no better position today to provide for [the children] than [she was] at the time of their removal. The problems that led to the [children's] removal have not been rectified and the prospects of improvement are bleak especially in light of [the respondent's] lack of progress [with] services to address her mental health, substance abuse and parenting . . . .

"[This] conclusion is supported by the testimony of the witnesses as well as the information contained in the exhibits presented at the . . . trial. [The children] desperately need the permanency and stability that they have in their foster home. Termination of parental rights will bring that much needed stability and permanency to them and an opportunity to have . . . healthy and emotionally stable [lives]. [The children's] needs are those of all children. They have an interest in sustained growth, development, well-being and a continuous, stable environment. Accordingly, based upon the clear and convincing evidence presented, the court finds that it is in [the children's] best interests to terminate the parental rights of [the respondent] . . . ."[17] (Citations omitted; footnote added.)

Our standard of review in a challenge to a trial court's best interest determination in a proceeding to terminate parental rights is well established. "[A]n appellate tribunal will not disturb a trial court's finding that termination of parental rights is in a child's best interest unless

[17] The court also noted that, "[a]t the conclusion of the trial, the attorney for the minor children requested that the court . . . terminate the parental rights of [the respondent] . . . as to [the children] as it was in [their] best interests . . . to do so."

that finding is clearly erroneous.[18] . . . We do not examine the record to determine whether the trier of fact could have reached a conclusion other than the one reached. . . . [Rather] every reasonable presumption is made in favor of the trial court's ruling. . . . In the dispositional phase of a termination of parental rights hearing, the emphasis appropriately shifts from the conduct of the parent to the best interest of the child. . . . In the dispositional phase . . . the trial court must determine whether it is established by clear and convincing evidence that the continuation of the respondent's parental rights is not in the best interest of the child. In arriving at this decision, the court is mandated to consider and make written findings regarding seven factors delineated in . . . § 17a-112 [(k)]. . . . The seven factors serve simply as guidelines for the court and are not statutory prerequisites that need to be proven before termination can be ordered." (Footnote in original; internal quotation marks omitted.) *In re Autumn O.*, supra, 218 Conn. App. 442. "Indeed . . . [t]he balancing of interests in a case involving termination of parental rights is a delicate task and, when supporting evidence is not lacking, the trial court's ultimate determination as to a child's best interest is entitled to the utmost deference. . . . [A] trial court's determination of the best interests of a child will not be overturned on the basis of one factor if that determination is otherwise factually supported and legally sound." (Internal quotation marks omitted.) *In re Aubrey K.*, 216 Conn. App. 632, 654–55, 285 A.3d 1153 (2022), cert. denied, 345 Conn. 972, 286 A.3d 907 (2023).

"Our appellate courts have recognized that long-term stability is critical to a child's future health and development . . . ." (Internal quotation marks omitted.) *In re*

[18] "A finding is clearly erroneous when either there is no evidence in the record to support it, or the reviewing court is left with the definite and firm conviction that a mistake has been made. . . . On appeal, our function is to determine whether the trial court's conclusion was factually supported

Anthony H., 104 Conn. App. 744, 767, 936 A.2d 638 (2007), cert. denied, 285 Conn. 920, 943 A.2d 1100 (2008). "In addition to considering the seven factors listed in § 17a-112 (k), [t]he best interests of the child include the child's interests in sustained growth, development, well-being, and continuity and stability of [his or her] environment. . . . Furthermore, in the dispositional stage, it is appropriate to consider the importance of permanency in children's lives. . . . The respondent's efforts to rehabilitate, although commendable, speak to [her] own conduct, not the best interests of the child. . . . [W]hatever progress a parent arguably has made toward rehabilitation is insufficient to reverse an otherwise factually supported best interest finding. . . . Additionally, although the respondent may love her children and share a bond with them, *the existence of a bond between a parent and a child, while relevant, is not dispositive of a best interest determination*." (Citations omitted; emphasis added; internal quotation marks omitted.) *In re Autumn O.*, supra, 218 Conn. App. 444. "Our courts consistently have held that even when there is a finding of a bond between parent and a child, it still may be in the child's best interest to terminate parental rights." *In re Rachel J.*, 97 Conn. App. 748, 761, 905 A.2d 1271, cert. denied, 280 Conn. 941, 912 A.2d 476 (2006).

The essence of the respondent's argument is that the court's best interest determination is clearly erroneous because a strong bond exists between her and the children.[19] Our case law, however, treats the existence of

and legally correct." (Internal quotation marks omitted.) *In re Autumn O.*, supra, 218 Conn. App. 442 n.13.

[19] Aside from this central argument, the respondent also argues that the court's best interest determination was clearly erroneous because, "[a]lthough the trial court noted in its decision that . . . a loving relationship between a parent and child does not preclude termination of parental rights, when the court balances that bond against the children's need for permanency and stability . . . [t]he evidence in this case is that the . . . children have had at least four different placements in foster care." We reject this argument because, as previously discussed, it was the respondent's deliber-

such a bond as relevant to a court's best interest determination, but not dispositive. See *In re Autumn O.*, supra, 218 Conn. App. 444. Consequently, so long as there is sufficient evidence to support the court's reliance on other factors, its best interest determination is entitled to deference. See id., 443–45 (affirming best interest determination, which was challenged as clearly erroneous based on respondent's "strong relationship" with children, because "ample evidence in the record" supported "court's conclusion that it was in the best interests of the minor children to terminate the respondent's parental rights" due to children's need for "a safe home environment"). In the present case, the court expressly set forth the "various factors" that it considered when making its best interest determination. In particular, the court weighed "each child's interest in sustained growth, development, well-being, and in the continuity and stability of his or her environment . . . the ages and needs of each child, the length and nature of his or her stage of foster care, the contact and lack thereof [between each child and the respondent], the potential benefit or detriment of [the child] retaining a connection with [the respondent], his or her genetic bond" with the respondent and its findings under § 17a-112 (k).

The court explicitly factored the existence of a bond between the respondent and the children into its best interest analysis. It ultimately determined, however, that, despite the existence of any such bond, the termination of the respondent's parental rights was necessary to provide the children with "much needed stability and permanency" and the "opportunity to have a healthy and emotionally stable life." There was sufficient evidence in the record to support that determination, as the evidence at trial established that, during the time

ate conduct in disrupting the children's foster placements that caused such instability.

that the respondent consistently demonstrated an inability to maintain her sobriety or to meaningfully engage with the services referred to her by the department, the children were "thriv[ing]" in their present foster placement, a home that "is free of any safety concerns" and where the children "are very bonded to the foster parents [whom] [t]hey refer to . . . as 'mom' and 'dad.' " In addition, such evidence established that this is the children's fourth foster placement, with their prior placements having been intentionally disrupted by the respondent's conduct, and the testimony provided by Hedden emphasized that the children "need . . . stability and structure" and that "the foster parents can provide that for them." The court's decision to assign the greatest weight in its best interest analysis to the children's need for permanence and stability cannot be considered clearly erroneous simply because a bond exists between the respondent and the children. See *In re Rachel J.*, supra, 97 Conn. App. 761; see also *In re Anthony H.*, supra, 104 Conn. App. 763–68 (rejecting respondent's argument that because she has strong bond with children, and one child "had a number of different foster parents in the [time] he has been in the petitioner's custody," trial court's best interest determination was clearly erroneous, and concluding instead that "the court properly found that she has failed to undertake the rehabilitative steps outlined for her or to take advantage of the services provided to her in a timely manner so that she could be reunified with the children [and as] [t]he best interests of the children call for permanency").

We conclude that the court's finding, by clear and convincing evidence, that the termination of the respondent's parental rights is in the best interests of the children, even given the existence of a bond between the respondent and the children, is not clearly erroneous. Accordingly, in light of the evidence in the record

before us, especially concerning the respondent's substance use, her failure to make any progress toward sobriety and the children's need for stability and permanency, we conclude that the court's finding that it is in the children's best interests to terminate the respondent's parental rights is factually supported and legally sound. We, therefore, will not substitute our judgment for that of the trial court.

The judgments are affirmed.

In this opinion the other judges concurred.

Cumulative Table of Cases
Connecticut Appellate Reports
Volume 229

(Replaces Prior Cumulative Table)

CONNECTICUT APPELLATE REPORTS

Vol. 230

CASES ARGUED AND DETERMINED

IN THE

APPELLATE COURT

OF THE

STATE OF CONNECTICUT

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UNIFOODS, S.A. DE C.V. *v.* JULIA MAGALLANES ET AL.
(AC 46166)

Moll, Seeley and Bear, Js.

Syllabus

The plaintiff appealed from the trial court's grant of summary judgment for the defendants M and C, the owners of F Co. The plaintiff, which had obtained a federal court judgment against F Co. and its successor in interest, I Co., claimed that M and C had fraudulently concealed and transferred business assets and income in an effort to avoid the judgment. *Held*:

The trial court properly determined that M and C had satisfied their burden of proving that no genuine issue of material fact existed that the plaintiff's claims were time barred under the one year and four year limitation periods of the Connecticut Uniform Fraudulent Transfer Act (§ 52-552j (1) and (2)).

The plaintiff failed to establish the existence of a genuine issue of material fact as to when it discovered or reasonably could have discovered the allegedly fraudulent transfers within the limitation period of § 52-552j (1) or the tolling provision of the statute (§ 52-595) governing fraudulent concealment.

An unsworn declaration by the plaintiff's export director did not constitute competent evidence of any fraudulent transfer, as it was not based on personal knowledge, lacked a foundation for its claims and relied on speculation and conjecture.

Argued September 19—officially released December 31, 2024

Procedural History

Action for, inter alia, a declaratory judgment setting aside allegedly fraudulent conveyances by the defendants, and for other relief, brought to the Superior Court in the judicial district of Stamford-Norwalk, where the court, *Hon. Kenneth B. Povodator*, judge trial referee, granted in part the defendants' motion to strike; subsequently, the court, *Hon. Kenneth B. Povodator*, judge trial referee, granted the defendants' motion for summary judgment and rendered judgment thereon, from which the plaintiff appealed to this court; thereafter, this court dismissed the appeal as to CIMA Sales Strategies, LLC; subsequently, the court, *Menon*, *J.*, granted the parties' motion for a stay. *Affirmed.*

Thomas W. Mott, for the appellant (plaintiff).

Catherine R. Keenan, for the appellees (named defendant et al.).

Opinion

MOLL, J. The plaintiff, Unifoods, S.A. de C.V., appeals from the summary judgment rendered by the trial court in favor of the defendants Julia Magallanes and Calvin Cordulack on counts two through five of the plaintiff's operative complaint asserting violations of the Connecticut Uniform Fraudulent Transfer Act (CUFTA), General Statutes § 52-552a et seq.[1] On appeal, the plaintiff

[1] CIMA Sales Strategies, LLC, is also a defendant in the present action. On May 5, 2023, this court ordered, sua sponte, the parties to file supplemental memoranda addressing whether this appeal should be dismissed in part for lack of a final judgment only as to CIMA Sales Strategies, LLC, because there were counts of the plaintiff's operative complaint—counts one and six—that remained pending against it. See Practice Book § 61-3; *Phillips* v. *Hebron*, 201 Conn. App. 810, 817–18, 244 A.3d 964 (2020). In their respective supplemental memoranda filed in compliance with this court's briefing order, the parties agreed that no final judgment exists as to CIMA Sales Strategies, LLC. On June 7, 2023, this court dismissed the appeal in part for lack of a final judgment only as to CIMA Sales Strategies, LLC. On May 8, 2024, the trial court, *Menon*, *J.*, granted a joint motion filed by the parties seeking to stay the trial court proceedings pending this court's resolution of this appeal, with the current stay in effect through January 20, 2025.

claims that the court improperly concluded that (1) the defendants satisfied their initial burden of demonstrating that no genuine issues of material fact existed and that, as a matter of law, the plaintiff's fraudulent transfer claims were time barred pursuant to General Statutes § 52-552j,[2] and (2) after shifting the burden of proof to the plaintiff, the plaintiff had not established the existence of genuine issues of material fact regarding the timeliness of its claims. We disagree and, accordingly, affirm the judgment of the trial court.

The following facts, which are undisputed, and procedural history are relevant to our resolution of this appeal. In July, 2008, the defendants formed Incredible Foods Group, LLC (IFG). On October 23, 2013, IFG commenced arbitration proceedings against the plaintiff alleging that the plaintiff had breached a sublicense agreement executed by IFG and the plaintiff in November, 2011. The plaintiff then filed a counterclaim alleging, inter alia, that IFG failed to repay loans that the plaintiff had made to it. On July 24, 2014, the arbitrator issued a final award rejecting IFG's claims and awarding the plaintiff a total of $568,104.30, which included damages, attorney's fees and interest, and administrative fees and expenses. On August 11, 2014, Magallanes formed iSell Unlimited, LLC (iSell).[3]

In the interest of simplicity, we refer to Magallanes and Cordulack collectively as the defendants.

[2] General Statutes § 52-552j provides: "A cause of action with respect to a fraudulent transfer or obligation under sections 52-552a to 52-552*l*, inclusive, is extinguished unless action is brought: (1) Under subdivision (1) of subsection (a) of section 52-552e, within four years after the transfer was made or the obligation was incurred or, if later, within one year after the transfer or obligation was or could reasonably have been discovered by the claimant; (2) under subdivision (2) of subsection (a) of section 52-552e or subsection (a) of section 52-552f, within four years after the transfer was made or the obligation was incurred; or (3) under subsection (b) of section 52-552f, within one year after the transfer was made or the obligation was incurred."

[3] The defendants averred in respective personal affidavits, which are part of the record, that Cordulack was not a member of, and had no interest in, iSell. In an unsworn declaration of a representative of the plaintiff, which

On September 5, 2014, IFG filed with the United States District Court for the Eastern District of New York (District Court) a petition to vacate in part the arbitration award. The plaintiff opposed IFG's petition and sought to confirm the arbitration award. On July 6, 2015, the plaintiff filed a motion for joinder of iSell as a successor in interest to IFG, which motion was granted by a federal magistrate judge and affirmed by the District Court. By way of decisions filed on September 29 and October 2, 2015, the District Court denied IFG's petition to vacate the arbitration award and confirmed the award against IFG and iSell. The aggregate amount of the District Court's judgment, including attorney's fees that were subsequently awarded, was $579,244.30. No appeals were taken from these decisions.

On October 26, 2015, iSell filed a voluntary chapter 7 bankruptcy petition (bankruptcy petition) in the United States Bankruptcy Court for the District of Connecticut (Bankruptcy Court). The bankruptcy petition disclosed (1) a bank account at Stamford Bank & Trust valued at $50 as iSell's only asset and (2) $573,550 in unsecured nonpriority claims, including judgment debt owed to the plaintiff in the amount of $568,100,[4] as iSell's only liabilities. On October 29, 2015, a certificate of notice (notice) was issued by the Bankruptcy Noticing Center,

is also part of the record, the plaintiff's representative stated that iSell was "formed by Magallanes *and/or* Cordulack . . . ." (Emphasis added.) As the trial court, *Hon. Kenneth B. Povodator*, judge trial referee, noted in its decision granting the defendants' motion for summary judgment, when coupled with the defendants' averments, "the 'or' aspect of the plaintiff's submission is validated (undisputed), and the 'and' version appears to lack any supporting evidence."

[4] In granting the defendants' motion for summary judgment, the trial court, *Hon. Kenneth B. Povodator*, judge trial referee, stated that the discrepancy between the $568,100 judgment debt listed in the bankruptcy petition and the $579,244.30 awarded to the plaintiff by the District Court was "primarily, if not solely, attributable to the noninclusion of attorney's fees [in the bankruptcy petition] that were awarded to the plaintiff."

providing information about the bankruptcy petition and a scheduled meeting of creditors, which notice the plaintiff acknowledges that it received.[5]

On October 30, 2015, Magallanes formed CIMA Sales Strategies, LLC (CIMA). Magallanes is a manager and member of, and the agent for service of process for, CIMA, and, at all relevant times, directly or indirectly, Magallanes has wholly or partially controlled CIMA's business activities.[6]

On January 31, 2016, the bankruptcy trustee filed a report of no distribution, reporting that there was no property available for distribution to creditors of iSell's bankruptcy estate over and above that exempted by law and certifying that the estate had been fully administered. The report of no distribution further reflected that $50 in assets were abandoned and that $573,550 in claims were scheduled to be discharged. The bankruptcy case was closed on April 4, 2016.[7]

[5] The meeting of creditors was held on January 6, 2016. In her affidavit submitted in support of the defendants' motion for summary judgment, Magallanes averred that the plaintiff did not attend this meeting. The plaintiff did not present evidence rebutting this averment.

[6] On the basis of their evidentiary submissions filed in connection with the defendants' motion for summary judgment, the parties do not dispute that Magallanes formed CIMA on October 30, 2015. In its operative complaint, the plaintiff alleged that (1) CIMA was registered with the Secretary of the State on October 30, 2015, (2) "Magallanes is the agent for service of process and a 'manager' of . . . CIMA, and upon information and belief is a member, beneficial owner, and/or partner of CIMA," and, (3) "[a]t all relevant times, Magallanes, directly or indirectly, has controlled in whole or in part the business activities of CIMA." In her answer, Magallanes admitted that (1) CIMA was formed on October 30, 2015, (2) "Magallanes is the principal, a manager, a member, and the agent for service of process for . . . CIMA," and, (3) as the plaintiff alleged, "[a]t all relevant times, Magallanes, directly or indirectly, has controlled in whole or in part the business activities of CIMA." In his answer, Cordulack denied knowledge of these facts alleged in the operative complaint.

[7] Neither IFG nor iSell is a party to the present action. It is undisputed that IFG was dissolved in December, 2014. As for iSell, the Secretary of the State's records, of which we may take judicial notice; see *Kloiber* v. *Jellen*, 207 Conn. App. 616, 626–27, 263 A.3d 952 (2021); reflect that Magallanes filed articles of dissolution on April 11, 2017, providing that iSell's effective

The plaintiff commenced the present action against Cordulack on June 13, 2020, and subsequently cited in Magallanes and CIMA on August 23, 2020.[8] The plaintiff's complaint dated August 18, 2020 (operative complaint), contained six counts, of which counts two through five are relevant to this appeal.[9] In count two,

date of dissolution was April 4, 2016. In her affidavit submitted in support of the defendants' motion for summary judgment, Magallanes averred that iSell no longer exists without specifying the date on which iSell was dissolved. In an unsworn declaration of a representative of the plaintiff, which is also part of the record, the plaintiff's representative stated that, on the basis of the Secretary of the State's records, iSell was dissolved on April 11, 2017.

[8] According to the state marshal's return of service filed with the trial court on June 19, 2020, the defendants and CIMA were served with the plaintiff's original complaint, dated June 1, 2020, by abode service on June 13, 2020. On June 29, 2020, Magallanes and CIMA filed a motion to dismiss the original complaint against them for lack of personal jurisdiction on the basis of insufficient service of process. On July 14, 2020, anticipating that the motion to dismiss would be granted, the plaintiff filed a motion to cite in Magallanes and CIMA as party defendants in the present action, which the trial court, *Hon. Kevin Tierney*, judge trial referee, granted on July 28, 2020. As reflected in the state marshal's subsequent return of service filed with the court on August 26, 2020, service of the plaintiff's operative complaint, dated August 18, 2020, was effectuated on Magallanes and CIMA by abode service on August 23, 2020.

[9] In count one of the operative complaint, the plaintiff alleged that CIMA was holding assets and/or property subject to a constructive trust for the benefit of the plaintiff and that CIMA would be unjustly enriched were it permitted to retain those assets and/or property. In count six, the plaintiff sought to domesticate the District Court's judgment, alleging that the defendants and CIMA were liable for the satisfaction of that judgment. On August 31, 2020, the defendants and CIMA moved to strike counts one and six, along with portions of the prayer for relief. On August 12, 2021, the trial court, *Hon. Kenneth B. Povodator*, judge trial referee, granted in part the motion to strike, striking the portion of count six directed to the defendants, as well as portions of the relief requested by the plaintiff. That ruling is not at issue in this appeal.

We note that no judgment has been rendered on the stricken sixth count as to the defendants. "It is well established that [t]he granting of a motion to strike . . . ordinarily is not a final judgment . . . ." (Internal quotation marks omitted.) *Dressler* v. *Riccio*, 205 Conn. App. 533, 537 n.2, 259 A.3d 14 (2021). Nevertheless, because the summary judgment rendered in the defendants' favor disposed of the remaining counts of the operative complaint against them, a final judgment exists as to the defendants. See id.

the plaintiff asserted a claim of fraudulent transfer in violation of General Statutes § 52-552e (a) (1)[10] of CUFTA against Magallanes and CIMA. In count three, the plaintiff asserted a claim of fraudulent transfer in violation of § 52-552e (a) (2) and/or General Statutes § 52-552f[11] of CUFTA against Magallanes and CIMA. In support of counts two and three, the plaintiff alleged in relevant part that "some or all of the business, property, customers, assets, powers, privileges, and/or obligations of iSell . . . now . . . belong to CIMA pursuant to a fraudulent transfer from iSell, through . . . Magallanes, to CIMA for no consideration or nominal consideration contemporaneous with iSell's bankruptcy filing. . . . Magallanes has intentionally and purposely attempted to hide and conceal . . . a . . . fraudulent conveyance of business assets and income in an effort to avoid the plaintiff's judgment against IFG and iSell.

(appeal was taken from final judgment, notwithstanding that motion for judgment on stricken count had not been adjudicated, because remaining counts were disposed of by way of summary judgment).

[10] General Statutes § 52-552e (a) provides: "A transfer made or obligation incurred by a debtor is fraudulent as to a creditor, if the creditor's claim arose before the transfer was made or the obligation was incurred and if the debtor made the transfer or incurred the obligation: (1) With actual intent to hinder, delay or defraud any creditor of the debtor; or (2) without receiving a reasonably equivalent value in exchange for the transfer or obligation, and the debtor (A) was engaged or was about to engage in a business or a transaction for which the remaining assets of the debtor were unreasonably small in relation to the business or transaction, or (B) intended to incur, or believed or reasonably should have believed that he would incur, debts beyond his ability to pay as they became due."

[11] General Statutes § 52-552f provides: "(a) A transfer made or obligation incurred by a debtor is fraudulent as to a creditor whose claim arose before the transfer was made or the obligation was incurred if the debtor made the transfer or incurred the obligation without receiving a reasonably equivalent value in exchange for the transfer or obligation and the debtor was insolvent at that time or the debtor became insolvent as a result of the transfer or obligation.

"(b) A transfer made by a debtor is fraudulent as to a creditor whose claim arose before the transfer was made if the transfer was made to an insider for an antecedent debt, the debtor was insolvent at that time and the insider had reasonable cause to believe that the debtor was insolvent."

. . . By virtue of the fraud, actual or constructive, of iSell and . . . Magallanes . . . CIMA is a successor in interest to IFG and iSell and improperly holds assets and/or property contrary to equity and good conscience." To further support count two, the plaintiff alleged, inter alia, that Magallanes and iSell transferred assets to CIMA with the actual intent to hinder, delay, or defraud the plaintiff. To further support count three, the plaintiff alleged, inter alia, that Magallanes transferred iSell's assets to CIMA without receiving a reasonably equivalent value in return, leaving iSell unable to meet its obligations to the plaintiff.

In count four of the operative complaint, the plaintiff alleged that Magallanes violated § 52-552e (a) (1) of CUFTA, inter alia, by knowingly transferring assets belonging to IFG and/or iSell to herself and/or to others with the actual intent to hinder, delay, or defraud the plaintiff. In count five, the plaintiff alleged that Cordulack violated § 52-552e (a) (1) of CUFTA, inter alia, by knowingly (1) transferring assets belonging to IFG and/or iSell to himself and/or to others with the actual intent to hinder, delay, or defraud the plaintiff, and/or (2) conspiring with and/or allowing Magallanes to transfer assets belonging to IFG and/or its successors to herself and/or to others with the actual intent to hinder, delay, or defraud the plaintiff.

On February 9, 2022, the defendants each filed an answer denying the material allegations of the plaintiff's respective claims against them. Additionally, the defendants each asserted special defenses alleging that the plaintiff's claims were time barred pursuant to the limitations provisions of § 52-552j. Magallanes contended that (1) counts two and four of the operative complaint were time barred under subsection (1) of § 52-552j and (2) count three was time barred under subsection (2) of § 52-552j. Cordulack claimed that count five was time

barred pursuant to § 52-552j (1). The plaintiff did not file replies to the defendants' special defenses.

On June 16, 2022, the defendants filed a motion for summary judgment, accompanied by a supporting memorandum of law, as to counts two through five of the operative complaint on the ground that the plaintiff's fraudulent transfer claims were brought outside of the applicable limitations period of § 52-552j.[12] To support the motion, the defendants submitted personal affidavits along with several appended exhibits, including a copy of the bankruptcy petition. As to count two, the defendants asserted that (1) the plaintiff expressly alleged that the purported fraudulent transfers were "contemporaneous" with iSell's October 26, 2015 bankruptcy filing, such that the four year limitations period of § 52-552j (1) expired on October 26, 2019,[13] or, alternatively, (2) if the term "contemporaneous" were broadly construed, the limitations period terminated on April 4, 2020, four years after the close of iSell's bankruptcy case. Insofar as the separate one year limitations period of § 52-552j (1) applied, the defendants contended that (1) the plaintiff received notice of the bankruptcy petition by way of the notice issued on October 29, 2015, such that it discovered or reasonably could have discovered any purported fraudulent transfers at that time, or (2) in the alternative, if the notice were not received by the plaintiff, then the plaintiff

[12] As an additional special defense directed to count four of the operative complaint, Magallanes alleged that, insofar as count four raised a common-law fraudulent transfer claim, it was time barred by the three year limitations period of General Statutes § 52-577. Cordulack asserted a substantively similar special defense directed to count five. The applicability of § 52-577 was not addressed by the parties or by the court in connection with the defendants' motion for summary judgment, and the parties do not rely on § 52-577 on appeal. Thus, we need not address § 52-577 further.

[13] The defendants stated that the plaintiff "had until October 29, 2019, to bring a timely claim for fraudulent transfer under . . . § 52-552e (a) (1)." We construe the defendants' reference to October 29, 2019, rather than to October 26, 2019, to be a scrivener's error.

unequivocally was aware of the bankruptcy proceedings by no later than April 18, 2019, when the plaintiff acknowledged iSell's bankruptcy while deposing Cordulack as part of postjudgment proceedings in the District Court, such that April 18, 2020, was the "most outside possible date" on which the limitations period expired. With respect to count three, incorporating their reasoning as to count two, the defendants maintained that the plaintiff's claim was extinguished pursuant to § 52-552j (2) either on October 26, 2019, or April 4, 2020.

As to counts four and five of the operative complaint, the defendants contended that the plaintiff expressly alleged that the purported transfers occurred "prior to the [October 26, 2015] iSell bankruptcy filing," such that the four year limitations period of § 52-552j (1) expired no later than October 26, 2019. Insofar as the separate one year limitations period of § 52-552j (1) applied, the defendants maintained that it was "indisputable" that the plaintiff knew of iSell's bankruptcy proceedings on or before April 18, 2019, when the plaintiff referenced the bankruptcy proceedings during Cordulack's deposition, such that the plaintiff's claims could have been brought no later than April 18, 2020. All of the dates identified by the defendants as possible terminal dates for the applicable limitations period preceded the plaintiff's commencement of the present action against them.

On July 29, 2022, the plaintiff filed a memorandum of law in opposition to the defendants' motion for summary judgment. To support its memorandum of law, the plaintiff submitted an unsworn declaration of Javier Perezgrovas Robles Gil (Perezgrovas),[14] the plaintiff's

[14] The unsworn declaration, which Perezgrovas executed in Mexico, was submitted in accordance with the Uniform Unsworn Foreign Declarations Act, General Statutes § 1-65aa et seq. See General Statutes § 1-65bb (6) (" 'Sworn declaration' means a declaration in a signed record given under oath. 'Sworn declaration' includes a sworn statement, verification, certificate or affidavit."); General Statutes § 1-65bb (7) (" '[u]nsworn declaration' means a declaration in a signed record that is not given under oath, but is given

export director, appended to which were excerpts from Magallanes' responses to interrogatories and to requests for production, dated May 27, 2021, propounded in the present action. The plaintiff refuted the defendants' contention that the relevant limitations period vis-à-vis its fraudulent transfer claims started to run on October 26, 2015, the date of iSell's bankruptcy filing, because the defendants' evidentiary submissions failed to demonstrate a lack of any genuine issues of material fact as to when (1) the alleged fraudulent transfers took place and (2) the plaintiff discovered or reasonably could have discovered said transfers. Moreover, the plaintiff asserted that it first discovered an alleged fraudulent transfer in 2020, when, through a private investigator hired by its attorneys, it learned that Magallanes had formed CIMA.

The plaintiff further contended that iSell fraudulently disclosed in the bankruptcy petition only one asset, a Stamford Bank & Trust bank account valued at $50, which was not an accurate and complete representation of iSell's financial affairs. According to the plaintiff, iSell improperly failed to disclose several additional assets in the bankruptcy petition, namely, (1) a bank account at Citibank (Citibank account), the records of which the plaintiff had subpoenaed in 2019, (2) used furniture, which, according to Magallanes' interrogatory responses, CIMA "took over" after the furniture had been abandoned by IFG, iSell, and the bankruptcy trustee, and (3) a services agreement with an entity known as Empacadora San Marcos USA, Ltd. (services

under penalty of perjury"); General Statutes § 1-65cc ("[s]ections 1-65aa to 1-65hh, inclusive, apply to an unsworn declaration by a declarant who at the time of making the declaration is physically located outside the boundaries of the United States whether or not the location is subject to the jurisdiction of the United States"); General Statutes § 1-65dd ("[i]f a law of this state requires or permits use of a sworn declaration, an unsworn declaration meeting the requirements of sections 1-65aa to 1-65hh, inclusive, has the same effect as a sworn declaration").

agreement), which (a) IFG had assigned to iSell in August, 2014, and that, according to Perezgrovas' unsworn declaration, iSell later had transferred to CIMA at or around the time of the filing of the bankruptcy petition, and (b) the plaintiff discovered in 2022. The plaintiff additionally argued that Magallanes failed to disclose her formation of CIMA to the bankruptcy trustee.

The plaintiff maintained that, as a result of the defendants' alleged acts of fraudulently concealing and transferring assets, (1) the bankruptcy trustee did not discover any additional assets prior to filing the report of no distribution on January 31, 2016, and (2) it was "impossible" for the plaintiff to have discovered the purported fraudulent transfers on the basis of the bankruptcy petition. The plaintiff further argued that there were genuine issues of material fact as to whether the defendants "intentionally concealed the plaintiff's causes of action to further avoid the [District Court's] judgment," thereby invoking the tolling provisions of General Statutes § 52-595.[15]

On September 6, 2022, the defendants filed a reply memorandum, appended to which were the plaintiff's responses to interrogatories and requests for production, dated December 8, 2020, propounded in the present action. In response to the plaintiff's argument that they failed to demonstrate that there were no genuine issues of material fact concerning, inter alia, the dates of any alleged fraudulent transfers, the defendants contended that (1) they "[could not] prove a negative, nor [was] it their obligation to do so," (2) they were relying on the allegations of the operative complaint to assert

[15] General Statutes § 52-595 provides: "If any person, liable to an action by another, fraudulently conceals from him the existence of the cause of such action, such cause of action shall be deemed to accrue against such person so liable therefor at the time when the person entitled to sue thereon first discovers its existence."

their statute of limitations defenses, and (3) the plaintiff's failure to present any evidence of a transfer, let alone a fraudulent transfer, could not operate to create genuine issues of material fact. The defendants maintained that they denied the existence of any fraudulent transfers and presented evidence that, other than $50 in a bank account, iSell had no assets at the time of its bankruptcy filing, such that "any purported fraudulent transfer . . . would have occurred before the bankruptcy . . . ." In addition, the defendants iterated that the plaintiff had received notice of the bankruptcy proceedings in 2015, such that, insofar as the one year limitations period of § 52-552j (1) applied, the plaintiff's claims were extinguished in 2016.

The defendants further asserted that the plaintiff failed to meet its burden to submit any competent evidence establishing genuine issues of material fact undermining their statute of limitations defenses. With regard to iSell's bankruptcy proceedings, the defendants argued that the plaintiff had "no basis, other than supposition, to claim that iSell or Magallanes engaged in fraud" because (1) neither the bankruptcy trustee nor the Bankruptcy Court made any findings of any wrongdoing during the bankruptcy proceedings, (2) the plaintiff did not seek to reopen the bankruptcy case to assert fraud, (3) the January 31, 2016 report of no distribution reflected that the bankruptcy trustee, after " '[making] a diligent inquiry into the financial affairs of [iSell] and the location of the property belonging to the [bankruptcy] estate,' " found no assets other than $50 in a bank account, and (4) the plaintiff presented no evidence as to what documentation the bankruptcy trustee had requested or received.

With regard to the plaintiff's fraudulent concealment argument predicated on § 52-595, the defendants contended that the plaintiff had offered no evidence of any transfer, let alone a fraudulent transfer, that the

defendants allegedly concealed. As to the Citibank account, the defendants asserted that, although the record reflected that the plaintiff had subpoenaed Citibank records in 2019, the plaintiff failed to submit evidence that iSell actually owned a Citibank account that was open and funded at the time of the bankruptcy proceedings. With regard to the services agreement, the defendants argued that the plaintiff failed to provide any evidence of the value of the agreement, that it was transferred fraudulently, or whether the bankruptcy trustee was aware of it.[16] Additionally, the defendants argued that the trial court should disregard Perezgrovas' unsworn declaration because, inter alia, it was not made upon personal knowledge.

On December 1, 2022, the court, *Hon. Kenneth B. Povodator*, judge trial referee, ordered, sua sponte, the parties to file supplemental memoranda addressing the effect, if any, of Governor Ned Lamont's Executive Order No. 7G (executive order)[17] on the court's analysis. The court stated that the defendants had identified dates in April, 2020, as potential terminal dates for the expiration of the applicable limitations period and that the executive order presumptively suspended any limitations period that would have run on those dates. The

[16] In their September 6, 2022 reply memorandum, the defendants did not expressly address the used furniture identified by the plaintiff in its memorandum of law in opposition to their motion for summary judgment.

[17] Executive Order No. 7G, § 2 (March 19, 2020), issued during the COVID-19 pandemic, provides in relevant part: "Notwithstanding any provision of the Connecticut General Statutes or of any regulation, local rule or other provision of law, I hereby suspend, for the duration of this public health and civil preparedness emergency, unless earlier modified or terminated by me, all statutory (1) location or venue requirements; (2) time requirements, statutes of limitations or other limitations or deadlines relating to service of process, court proceedings or court filings; and (3) all time requirements or deadlines related to the Supreme, Appellate and Superior courts or their judicial officials to issue notices, hold court, hear matters and/or render decisions . . . ." This provision expired on March 1, 2021. See Executive Order No. 10A, § 5 (February 8, 2021).

court further stated that, "[i]f a modified argument as to alternate dates (dates unaffected by the executive order) is required based on the acknowledged inapplicability of the April [2020] dates, that also may be submitted."

On December 14, 2022, the parties filed supplemental memoranda in compliance with the court's briefing order. The plaintiff argued that, pursuant to the executive order, any limitations period scheduled to expire in April, 2020, was suspended on March 19, 2020, and remained suspended when it commenced the present action against the defendants. In contrast, the defendants argued that the executive order was immaterial to the court's analysis because there were no genuine issues of material fact that the plaintiff's fraudulent transfer claims were extinguished prior to the issuance of the executive order. As to counts two, four, and five of the operative complaint, the defendants maintained that, pursuant to § 52-552j (1), the statute of limitations expired on one of the following dates: (1) October 29, 2016, one year after the notice had been mailed to the plaintiff; (2) October 26, 2019, four years after iSell's bankruptcy filing; or (3) January 31, 2020, four years after the filing of the bankruptcy trustee's report of no distribution. As to count three, the defendants asserted that, pursuant to § 52-552j (2), the statute of limitations expired on October 26, 2019, four years after iSell's bankruptcy filing.

In addition, the defendants acknowledged that, in initially moving for summary judgment, they identified "alternative" dates in April, 2020, on which the limitations period governing the plaintiff's fraudulent transfer claims expired. They explained, however, that, "[a]fter the plaintiff submitted its objection [to the defendants' motion for summary judgment] and [Perezgrovas'] unsworn declaration . . . it became readily apparent that the alternative arguments made by the defendants

were unnecessary and that the court did not need to reach the alternative arguments because there [were] no genuine issue[s] of material fact that [1] any alleged 'fraudulent' transfer from iSell to any third party occurred on or before October 26, 2015," and (2) the plaintiff knew or reasonably could have known about any such transfer on October 29, 2015, or on January 31, 2016.

On December 20, 2022, the court granted the defendants' motion for summary judgment on counts two through five of the operative complaint.[18] Preliminarily, the court observed that, with regard to fraudulent transfer claims, "the date or dates of transfers generally are known or knowable, and any claim of concealment usually has an identified date of learning of the claimed concealed fraudulent transfer. [The present action] has a highly unusual—potentially approaching unique—quality in that there is no identified date (with competent evidence) of transfer/conveyance of any competently identified material property that is being challenged by the plaintiff as a claimed fraudulent transfer. Indeed, it goes even further than a lack of specificity as to when a transfer occurred; there is a lack of competent evidence as to what was transferred or conveyed that might give rise to a fraudulent transfer/conveyance claim. In that context, it is not surprising that a specific date cannot be identified, since a transfer of specified property on a given date presupposes an ability to identify the property transferred (as well as the fact of a transfer having occurred); it is something of an oxymo-

[18] The court also rendered summary judgment in favor of CIMA, which had joined the defendants' motion for summary judgment. We limit our discussion to the defendants because this appeal has been dismissed as to CIMA. See footnote 1 of this opinion.

Additionally, the court stated that it heard argument on the motion for summary judgment on September 12, 2022. No transcript has been filed in this appeal, and, pursuant to Practice Book § 63-4 (a) (3), the plaintiff certified that no transcript was deemed necessary for this appeal.

ron to speak of a specified date of transfer of property if the property itself cannot be identified." As the court recognized, the defendants denied the existence of any transfer giving rise to the plaintiff's fraudulent transfer claims, and, in asserting their statute of limitations defenses, they relied on the plaintiff's allegations that the purported fraudulent transfers occurred at about the time of iSell's bankruptcy filing and/or the District Court's judgment. The court proceeded to conclude that the defendants had "established, at least on a prima facie basis, the absence of any transfer within a potentially relevant (and timely) time period other than as claimed by the plaintiff—the plaintiff's own allegations relating to transfers are in terms of events more than four years prior to the commencement of [the present action]."

Having concluded that the defendants satisfied their prima facie burden, the court stated that "the burden shift[ed] to the plaintiff to establish a material issue of fact, either as to a fraudulent transfer within the statutory limitations period or an act of concealment relating to an actionable fraudulent concealment within the statutory period." The court then determined that the plaintiff had failed to offer competent evidence of a fraudulent transfer of "material proportion" within any applicable limitations period.[19]

The court rejected the plaintiff's reliance on the several assets it identified as having been fraudulently transferred in arguing that genuine issues of material fact existed as to the defendants' statute of limitations defenses. As to the Citibank account, the court stated that, although the record reflected that the plaintiff had subpoenaed Citibank in 2019 for bank records regarding

[19] The court noted that the plaintiff had approximately two years since the commencement of the present action against the defendants to conduct discovery and had not requested additional time to conduct discovery pursuant to our rules of practice.

iSell, the plaintiff failed to identify any funds found in any such account or a transfer of funds from any such account. Moreover, the court determined that the concealment of any "trivial" transaction from the Citibank account would not constitute a "concealment of facts for the purpose of obtaining delay on the [plaintiff's] part in filing a complaint on [its] cause of action." (Internal quotation marks omitted.)

Turning to the used furniture in the possession of CIMA that IFG and iSell previously had owned, the court determined that (1) Magallanes' interrogatory responses contained the only evidence in the record of the furniture's value, which was less than $200, (2) the bankruptcy trustee "apparently deemed that furniture to be not worth the effort of treatment as an asset for purposes of winding up [iSell's] bankruptcy estate," and (3) the furniture "fail[ed] to be of concern to the court because there [was] no plausibility to any claim that the transfer of the furniture may have been part of an attempt to deprive the plaintiff of property that it could have obtained in partial satisfaction of its judgment, and, even if that supposition were to be deemed unreasonable, the court has little doubt that it fail[ed] to represent a material issue of fact." (Emphasis omitted.) Like the Citibank account, the court deemed any transaction of the used furniture to be "trivial," such that the concealment of any such transfer was not a "concealment of facts for the purpose of obtaining delay on the [plaintiff's] part in filing a complaint on [its] cause of action." (Internal quotation marks omitted.)

With respect to the services agreement, the court first determined that, although the record reflected that IFG had transferred the agreement to iSell in 2014, there was no competent evidence establishing that iSell later transferred the agreement to CIMA.[20] The court acknowledged that Perezgrovas stated in his unsworn declara-

[20] A copy of the services agreement was not made part of the record.

tion that, "[u]pon information and belief, at some point in time the services agreement . . . was ultimately transferred to CIMA, which the plaintiff only learned about in May of 2022 when the defendants voluntarily disclosed that fact in the course of this litigation." The court rejected these statements because they were not predicated on Perezgrovas' personal knowledge and there was no indication of the source of the information upon which Perezgrovas relied. Setting aside its determination that Perezgrovas' statements did not constitute competent evidence, the court determined that the plaintiff failed to present evidence concerning (1) the value of the services agreement, (2) whether the services agreement was subject to execution by the plaintiff, and (3) whether the services agreement was transferable without consent. As the court explained, "[i]f the [services] agreement were not an asset of material value that could be obtained by way of postjudgment execution, [then] the transfer [thereof] could not be material, and the failure to disclose (or the affirmative act of concealment) could not be material to a statute of limitations tolling argument."[21]

In addition, the court discounted the plaintiff's argument that, during iSell's bankruptcy proceedings, Magallanes improperly had failed to disclose her formation of CIMA. The court determined that there was no "obvious nexus" between this argument and the plaintiff's fraudulent transfer claims because (1) there was no "apparent 'transfer' " of an asset in connection with CIMA's formation and, in any event, (2) any such transfer necessarily would have occurred when CIMA was formed in 2015,

[21] With respect to iSell's Stamford Bank & Trust bank account, the court stated that (1) the account was disclosed in the bankruptcy petition and, thus, not concealed, and (2) assuming arguendo that the account was concealed and transferred, it was a "trivial" asset such that its transfer did not constitute a "concealment of facts for the purpose of obtaining delay on the [plaintiff's] part in filing a complaint on [its] cause of action." (Internal quotation marks omitted.)

and there was no evidence that the formation of CIMA and CIMA's business operations had been concealed.

In summary, the court concluded that "[t]he plaintiff ha[d] not established the existence of a potentially fraudulent transfer (of material proportion) by competent evidence, and ha[d] not identified the date of such a transfer as coming within a permissible period of time for purposes of a statute of limitations analysis (again by competent evidence)—with the latter essentially a natural consequence of the former."[22] This appeal followed. Additional facts and procedural history will be set forth as necessary.

Before turning to the plaintiff's claims, we set forth the following applicable standard of review and legal principles. "In seeking summary judgment, it is the movant who has the burden of showing the nonexistence of any issue of fact. The courts are in entire agreement that the moving party for summary judgment has the burden of showing the absence of any genuine issue as to all the material facts, which, under applicable principles of substantive law, entitle [the movant] to a judgment as a matter of law. The courts hold the movant to a strict standard. To satisfy [its] burden the movant must make a showing that it is quite clear what the truth is, and that excludes any real doubt as to the existence of any genuine issue of material fact. . . .

[22] In opposing the defendants' motion for summary judgment, the plaintiff further argued that (1) the motion was filed one day late in violation of the court's operative scheduling order and (2) Cordulack's deposition testimony adduced in connection with the District Court proceedings, a transcript of which was appended to his affidavit, constituted inadmissible hearsay. In response, the defendants contended that (1) the motion for summary judgment was filed in the late evening on June 15, 2022, which belated filing caused no prejudice to the plaintiff, and (2) Cordulack's deposition testimony was admissible. The court did not address these arguments in its decision granting the motion for summary judgment, and the plaintiff on appeal has not raised any claims of error predicated on these issues. Thus, these issues are not before us for consideration.

As the burden of proof is on the movant, the evidence must be viewed in the light most favorable to the opponent. . . . When documents submitted in support of a motion for summary judgment fail to establish that there is no genuine issue of material fact, the nonmoving party has no obligation to submit documents establishing the existence of such an issue. . . . Once the moving party has met its burden, however, the opposing party must present evidence that demonstrates the existence of some disputed factual issue. . . . It is not enough, however, for the opposing party merely to assert the existence of such a disputed issue. Mere assertions of fact . . . are insufficient to establish the existence of a material fact and, therefore, cannot refute evidence properly presented to the court under Practice Book § [17-45]. . . . Our review of the trial court's decision to grant [or to deny a] motion for summary judgment is plenary. . . .

"[I]n the context of a motion for summary judgment based on a statute of limitations special defense, [the movant] typically [meets its] initial burden of showing the absence of a genuine issue of material fact by demonstrating that the action had commenced outside of the statutory limitation period. . . . When the [nonmovant] asserts that the limitations period has been tolled by an equitable exception to the statute of limitations, the burden normally shifts to the [nonmovant] to establish a disputed issue of material fact in avoidance of the statute. . . . Put differently, it is then incumbent upon the party opposing summary judgment to establish a factual predicate from which it can be determined, as a matter of law, that a genuine issue of material fact exists." (Citation omitted; internal quotation marks omitted.) *Kuselias* v. *Zingaro & Cretella, LLC*, 224 Conn. App. 192, 207–208, 312 A.3d 118, cert. denied, 349 Conn. 916, 316 A.3d 357 (2024).

Section 52-552j, which applies to the plaintiff's fraudulent transfer claims, contains three limitations provisions, the first two of which are relevant to this appeal. The first limitations provision governs claims of fraudulent transfer in violation of § 52-552e (a) (1) of CUFTA, as asserted in counts two, four, and five of the operative complaint, and requires such claims to be brought "within four years after the transfer was made . . . or, if later, within one year after the transfer . . . was or could reasonably have been discovered by the claimant . . . ." General Statutes § 52-552j (1). The second limitations provision applies to claims of fraudulent transfer in violation of § 52-552e (a) (2) or § 52-552f (a) of CUFTA, as asserted in count three, and requires such claims to be brought "within four years after the transfer was made . . . ."[23] General Statutes § 52-552j (2).

Additionally, § 52-595, on which the plaintiff relies, codifies the tolling doctrine of fraudulent concealment. See *Reyes* v. *State*, 222 Conn. App. 538, 550, 306 A.3d 515 (2023). "With respect to fraudulent concealment under § 52-595, [t]he question . . . is whether the [plaintiff] [has] adduced any credible evidence that [the defendants] fraudulently concealed the existence of the [plaintiff's] cause of action. . . . Under our case law, to prove fraudulent concealment, the [plaintiff] [was]

[23] The third limitations provision of § 52-552j governs claims of fraudulent transfer in violation of § 52-552f (b) of CUFTA, which concerns a transfer to an insider for an antecedent debt, and requires such claims to be brought "within one year after the transfer was made . . . ." General Statutes § 52-552j (3). In her special defense directed to count three of the operative complaint, Magallanes asserted that count three was time barred under both the four year limitations period of § 52-552j (2) and the one year limitations period of § 52-552j (3). Additionally, in moving for summary judgment, the defendants contended that both § 52-552j (2) and (3) applied to count three. In rendering summary judgment in the defendants' favor, the court did not reference the one year limitations period of § 52-552j (3), and none of the parties addresses on appeal the applicability of § 52-552j (3) to count three. Thus, with respect to count three, our analysis is limited to the limitations period set forth in § 52-552j (2).

required to show: (1) [the defendants'] actual awareness, rather than imputed knowledge, of the facts necessary to establish the [plaintiff's] cause of action; (2) [the defendants'] intentional concealment of these facts from the [plaintiff]; and (3) [the defendants'] concealment of the facts for the purpose of obtaining delay on the [plaintiff's] part in filing a complaint on [its] cause of action." (Internal quotation marks omitted.) Id., 550–51. "Our Supreme Court further has explained that, [t]o meet this burden, it [is] not sufficient for the [plaintiff] to prove merely that it [is] more likely than not that the defendants had concealed the cause of action. Instead, the [plaintiff] [must] prove fraudulent concealment by the more exacting standard of clear, precise, and unequivocal evidence." (Internal quotation marks omitted.) *Tunick* v. *Tunick*, 201 Conn. App. 512, 553, 242 A.3d 1011 (2020), cert. denied, 336 Conn. 910, 244 A.3d 561 (2021).

I

The plaintiff first claims that the trial court improperly determined that the defendants satisfied their initial burden of demonstrating no genuine issues of material fact that the present action was commenced against the defendants outside of the applicable limitations periods of § 52-552j, whereupon the court shifted the burden to the plaintiff to prove the existence of genuine issues of material fact concerning the timeliness of its fraudulent transfer claims. As to counts two through five of the operative complaint, the plaintiff contends that the defendants failed to establish the lack of any genuine issues of material fact that its claims were brought outside of the four year limitations period of § 52-552j (1) or (2), as applicable. With respect to counts two, four, and five only, the plaintiff further asserts that the defendants failed to establish any genuine issues of material fact that its claims were brought outside of

the separate one year limitations period of § 52-552j (1). We are not persuaded.

A

With regard to the four year limitations period, the plaintiff maintains that the defendants did not establish the lack of any genuine issues of material fact as to when the purported fraudulent transfers occurred, and identified several possible transfer dates and the corresponding dates on which the governing limitations period expired. We disagree.

As the court explained in its decision, the defendants denied the existence of any fraudulent transfers and relied on the allegations of the operative complaint to assert their statute of limitations defenses. In the operative complaint, the plaintiff alleged that unspecified assets belonging to iSell were fraudulently transferred on unidentified dates. The plaintiff alleged in support of counts two and three that the purported transfers at issue were "contemporaneous with iSell's [October 26, 2015] bankruptcy filing," whereas it alleged in support of counts four and five that the purported transfers at issue had occurred while Magallanes or Cordulack were "engaged in arbitration and litigation in the [District Court] and prior to the iSell bankruptcy filing . . . ." In other words, the plaintiff's allegations expressly related to fraudulent transfers that occurred before or contemporaneously with iSell's bankruptcy filing on October 26, 2015. Accordingly, we agree with the court that the defendants demonstrated, on the basis of the allegations in the operative complaint alone, that no genuine issues of material fact existed that the purported fraudulent transfers occurred more than four years prior to the commencement of the present action against the defendants in 2020.

Moreover, we are not convinced by the plaintiff's contention that the defendants' reliance in their summary judgment submissions on various possible terminal dates for the applicable limitations period created genuine issues of material fact. It is apparent that the defendants' dependence on multiple dates was a function of the indeterminate nature of the plaintiff's allegations regarding the details and the timing of the claimed fraudulent transfers.[24] As we have concluded, however, relying on the plaintiff's own allegations, the defendants ultimately demonstrated that no genuine issues of material facts existed that the alleged fraudulent transfers occurred more than four years before the plaintiff had filed the present action against the defendants.

In sum, insofar as the four year limitations period of § 52-552j (1) or (2) applied to the plaintiff's fraudulent

[24] The plaintiff further contends that (1) the defendants, in moving for summary judgment, identified dates in April, 2020, as potential terminal dates for the applicable limitations periods, and (2) pursuant to the executive order, any limitations periods that were scheduled to expire in April, 2020, were suspended until March 1, 2021, after the commencement of the present action against the defendants, such that the defendants' failure to demonstrate no genuine issues of material fact as to the dates of the fraudulent transfers was fatal to their motion for summary judgment. In their supplemental brief filed in response to the court's December 1, 2022 briefing order, the defendants clarified that they were no longer asserting that any limitations period was scheduled to expire in April, 2020, such that the executive order was not germane to their motion for summary judgment. Indeed, in the December 1, 2022 briefing order, the court invited the parties to present "modified argument[s] as to alternate dates (dates unaffected by the executive order) [if] required based on the acknowledged inapplicability of the April [2020] dates . . . ." For these reasons, the plaintiff's contention is unavailing.

The plaintiff also claims that, even if the defendants satisfied their initial burden of proof, the court improperly failed to determine whether any dates in April, 2020, were "dispositive" for purposes of the defendants' statute of limitations defenses, which determination was necessary in order to resolve whether the executive order applied. When the court's decision is reasonably construed in its entirety, however, it is clear that the court determined there to be no genuine issues of material fact that no limitations period was scheduled to expire in April, 2020, such that the executive order did not apply.

transfer claims, we conclude that the court properly determined that the defendants satisfied their initial burden to prove that no genuine issues of material fact existed and that the plaintiff's claims were time barred pursuant to these provisions.

B

With regard to counts two, four, and five only, the plaintiff also contends that the defendants failed to demonstrate the absence of genuine issues of material fact that the plaintiff's claims were asserted outside of the one year limitations period of § 52-552j (1). We disagree.

In moving for summary judgment, the defendants contended that the notice,[25] issued on October 29, 2015, informed the plaintiff of iSell's bankruptcy proceedings, such that the plaintiff did or reasonably could have discovered any purported fraudulent transfers as a result of its receipt of the notice. Accordingly, the defendants maintained that the plaintiff's claims in counts two, four, and five of the operative complaint were not timely under the one year limitations period of § 52-552j (1).

We conclude that the notice constituted sufficient evidence to sustain the defendants' initial burden to demonstrate no genuine issues of material fact vis-à-vis the one year limitations period of § 52-552j (1). The notice, which the plaintiff admits to having received,[26] unequivocally alerted the plaintiff that iSell had filed the bankruptcy petition, which listed the plaintiff as a

[25] The defendants submitted a copy of the notice in support of their motion for summary judgment.

[26] Although the plaintiff concedes that it received the notice, the record is silent as to the date of receipt. Nevertheless, as the defendants argued in their summary judgment submissions and maintain on appeal, under the Federal Rules of Bankruptcy Procedure, "[s]ervice by mail of process, any other document, or notice is complete upon mailing." Fed. R. Bankr. P. 9006 (e).

creditor and iSell's assets at the time as comprising $50 in a bank account. Pursuant to the notice, the plaintiff reasonably could have discovered any purported fraudulent transfers made by iSell, particularly given the proximity of the bankruptcy filing to the District Court's judgment rendered against iSell less than one month prior. The plaintiff commenced the present action against the defendants in 2020, more than one year after the notice was issued.[27] Thus, the plaintiff's claim fails.[28]

In sum, we conclude that the court properly determined that the defendants satisfied their initial burden of establishing that there were no genuine issues of material fact as to the applicable limitations provisions of § 52-552j and that the plaintiff's fraudulent transfer claims were untimely under these provisions. We further conclude that, upon determining that the defendants had met their initial burden, the court correctly shifted the burden to the plaintiff to establish the existence of genuine issues of material fact as to whether its claims were time barred under § 52-552j.

[27] In the alternative, the bankruptcy trustee's report of no distribution filed on January 31, 2016, notice of which the plaintiff acknowledges having received and evidence of which was submitted by the defendants in support of their motion for summary judgment, also would have served to alert the plaintiff of any purported fraudulent transfers by iSell. The plaintiff initiated the present action against the defendants more than one year after the report of no distribution was filed and, thus, outside of the one year limitations period of § 52-552j (1).

[28] The plaintiff further maintains that the court overlooked the one year limitations period of § 52-552j (1) in granting the defendants' motion for summary judgment. The court did not address expressly whether the defendants met their burden as to this provision; however, the court acknowledged that the notice was issued following iSell's bankruptcy filing. Assuming arguendo that the court did not adequately consider this issue, we decide it on the merits because the defendants properly raised it in their summary judgment submissions and our review on appeal is plenary. See *Wilmington Trust, National Assn.* v. *N'Guessan*, 214 Conn. App. 229, 234, 279 A.3d 310 (2022) (concluding, as matter of law, that defendant could not prevail on merits of claims of res judicata and collateral estoppel raised in objection to motion for summary judgment that trial court did not address).

II

The plaintiff next claims that the trial court, after shifting the burden to it, improperly concluded that it failed to establish genuine issues of material fact as to whether its fraudulent transfer claims were timely pursuant to § 52-552j. The plaintiff maintains that its evidentiary submissions demonstrated that the bankruptcy petition did not accurately reflect iSell's assets, and, therefore, there were genuine issues of material fact as to (1) when the plaintiff discovered or reasonably could have discovered the purported fraudulent transfers for purposes of the one year limitations period of § 52-552j, as applicable to counts two, four, and five of the operative complaint, and (2) whether the defendants fraudulently concealed causes of action for purposes of the tolling provisions of § 52-595, as applicable to count three.[29] Specifically, the plaintiff identifies (1) the Citibank account, (2) the used furniture, and (3) the services agreement as assets that the defendants omitted from the bankruptcy petition and fraudulently concealed.[30] Additionally, the plaintiff relies on Magallanes' formation of CIMA to argue further that genuine issues of material fact existed. We are not persuaded.

[29] The plaintiff does not claim on appeal that its evidentiary submissions created genuine issues of material fact as to whether any purported fraudulent transfers occurred within the four years preceding the commencement of the present action against the defendants. See General Statutes § 52-552j (1) and (2).

[30] In their reply brief to the plaintiff's memorandum of law in opposition to their motion for summary judgment, the defendants argued that the plaintiff's fraudulent concealment claim pursuant to § 52-595 was not properly before the court because the plaintiff had failed to specially plead it. See *Mountaindale Condominium Assn., Inc.* v. *Zappone*, 59 Conn. App. 311, 319 n.11, 757 A.2d 608 ("[i]n order to raise a claim of fraudulent concealment, the party challenging a statute of limitations defense must affirmatively plead it" (internal quotation marks omitted)), cert. denied, 254 Conn. 947, 762 A.2d 903 (2000). The court did not address this argument in its decision. The defendants on appeal did not present this issue as an alternative ground for affirmance; see Practice Book § 63-4 (a) (1); and, although they cursorily raise this issue in their appellate brief, it is not adequately briefed. See *Worth* v. *Picard*, 218 Conn. App. 549, 551 n.3, 292 A.3d 754 (2023) ("[i]t is well

Preliminarily, we set forth the following additional relevant legal principles. Practice Book § 17-45 (a) provides: "A motion for summary judgment shall be supported by appropriate documents, including but not limited to affidavits, certified transcripts of testimony under oath, disclosures, written admissions and other supporting documents." Practice Book § 17-46 provides in relevant part: "Supporting and opposing affidavits shall be made on personal knowledge, shall set forth such facts as would be admissible in evidence, and shall show affirmatively that the affiant is competent to testify to the matters stated therein. . . ." "Section 17-46 sets forth three requirements necessary to permit the consideration of material contained in affidavits submitted in a summary judgment proceeding. The material must: (1) be based on personal knowledge; (2) constitute facts that would be admissible at trial; and (3) affirmatively show that the affiant is competent to testify to the matters stated in the affidavit. . . . Affidavits that fail to meet the criteria of . . . § 17-46 are defective and may not be considered to support the judgment. Defects in affidavits include such things as assertions of facts or conclusory statements." (Citation omitted; internal quotation marks omitted.) *Atlantic St. Heritage Associates, LLC* v. *Atlantic Realty Co.*, 216 Conn. App. 530, 550, 285 A.3d 1128 (2022). "Personal knowledge" is defined to mean "[k]nowledge gained through firsthand observation or experience, as distinguished from a belief based on what someone else has said." Black's Law Dictionary (12th Ed. 2024) p. 1041. Averments qualified by the clause "upon information and belief" are not predicated upon personal knowledge. See, e.g., *Walker* v. *Housing Authority*, 148 Conn. App. 591, 599–600, 85 A.3d 1230 (2014) (averment preceded by phrase to "the best of my information and

settled that our appellate courts are not obligated to consider issues that are not adequately briefed" (internal quotation marks omitted)). Accordingly, we deem this issue to be abandoned.

belief" reflected lack of personal knowledge). We construe these legal principles to apply with equal force to Perezgrovas' unsworn declaration.

A

We first consider the Citibank account. In her affidavit, Magallanes averred that she received notice from Citibank, which she identified as "iSell's bank," that the plaintiff had served Citibank with a subpoena seeking bank statements and other documents regarding IFG and iSell. Appended to the affidavit was a copy of a letter received by Citibank, dated June 3, 2019, with the subpoena enclosed. In his unsworn declaration, citing Magallanes' affidavit, Perezgrovas stated that "iSell apparently . . . had a bank account at Citibank . . . yet no bank account at Citibank was disclosed or listed in [the] bankruptcy petition." (Citations omitted.) The court concluded that, to the extent that such an account existed, the plaintiff failed to submit evidence of an account balance or the transfer of any funds from any such account to the defendants, and, therefore, the evidence concerning the Citibank account did not create any genuine issues of material fact.

We agree with the court's reasoning, which the plaintiff fails to address substantively in its appellate briefs. Although there were evidentiary submissions in the record reflecting that the Citibank account existed, the plaintiff failed to submit any other evidence regarding the account, including evidence of a transfer of funds from the account. Without competent evidence of any such transfer, the plaintiff could not demonstrate that it later discovered a purported fraudulent transfer involving the Citibank account for purposes of the one year limitations period of § 52-552j (1) or the tolling provisions of § 52-595. Accordingly, we conclude that the evidence regarding the Citibank account did not assist the plaintiff in sustaining its burden to establish

a genuine issue of material fact as to the defendants' statute of limitations defenses.

B

We next address the used furniture. In an interrogatory response propounded by Magallanes on May 27, 2021, Magallanes stated that "CIMA had no assets at the time of its inception on October 30, 2015. CIMA took over the used furniture abandoned by IFG and then iSell, which the iSell bankruptcy trustee also abandoned. The fair market value of those furnishings was less than $200." In his unsworn declaration, Perezgrovas stated that, "[i]n [the] bankruptcy petition, iSell represented that it had no office equipment, furnishings, or supplies," which contradicted Magallanes' interrogatory response. The court concluded that the used furniture was not a "material" asset, such that the plaintiff could not rely on it to create a genuine issue of material fact.

The plaintiff contests the court's determination that the assets it identified as having been fraudulently transferred, including the used furniture, had to be "material" in order to establish a genuine issue of material fact. Assuming arguendo that the court's "materiality" analysis as to the used furniture was legally incorrect,[31] we conclude that the plaintiff's claim fails, as a matter of law, on a separate ground that, although not addressed by the court, necessarily arises because the focus of our examination is on whether the plaintiff sustained its burden to demonstrate a genuine issue of material

[31] The court also applied this "materiality" analysis in rejecting the plaintiff's reliance on the other assets that it identified as having been fraudulently transferred. The plaintiff challenges the propriety of the court's analysis globally. We need not address the validity of the court's "materiality" analysis because (1) as to the used furniture, we assume, without deciding, that the court's analysis was improper, and (2) as to the other assets, addressed in parts II A and C of this opinion, we dispose of the plaintiff's claims on grounds that are not dependent on the court's materiality analysis.

fact as to the one year limitations period of § 52-552j (1), as well as the tolling provisions of § 52-595. See *Edgewood Properties, LLC* v. *Dynamic Multimedia, LLC*, 226 Conn. App. 583, 596–97, 319 A.3d 123 ("[w]e may affirm the judgment of the court if it reached the right result, even if it did so for the wrong reason" (internal quotation marks omitted)), cert. denied, 350 Conn. 905, 323 A.3d 344 (2024).

On the basis of Perezgrovas' unsworn declaration and Magallanes' interrogatory response, the plaintiff first discovered or reasonably could have discovered the purported fraudulent transfer of the used furniture on May 27, 2021, the date of Magallanes' interrogatory response. Pursuant to the one year limitations period of § 52-552j (1), a claimant must assert a fraudulent transfer cause of action "within one year after the transfer . . . was or could reasonably have been discovered by the claimant . . . ." General Statutes § 52-552j (1). Applying the plain and unambiguous language of this provision; see General Statutes § 1-2z ("The meaning of a statute shall, in the first instance, be ascertained from the text of the statute itself and its relationship to other statutes. If, after examining such text and considering such relationship, the meaning of such text is plain and unambiguous and does not yield absurd or unworkable results, extratextual evidence of the meaning of the statute shall not be considered."); to comply with the one year limitations period of § 52-552j (1), the plaintiff was required to bring a fraudulent transfer claim predicated on the used furniture within one year *after* May 27, 2021. The plaintiff commenced the present action against the defendants and filed its operative complaint in 2020, *before* the one year limitations period of § 52-552j (1) began to run.

The same reasoning applies to § 52-595, which provides that a fraudulently concealed cause of action "shall be deemed to accrue . . . at the time when the

person entitled to sue thereon first discovers its existence." General Statutes § 52-595. Applying the plain and unambiguous language of the statute; see General Statutes § 1-2z; a cause of action for a fraudulent transfer on the basis of the used furniture accrued on May 27, 2021. The plaintiff initiated the present action against the defendants and filed its operative complaint in 2020, *before* any such fraudulent transfer claim had accrued.

In sum, whether applying the one year limitations period of § 52-552j (1) or the tolling provisions of § 52-595, no fraudulent transfer claim premised on the used furniture could have been brought properly prior to May 27, 2021. The plaintiff commenced the present action against the defendants and filed its operative complaint in 2020; ergo, any fraudulent transfer claim predicated on the used furniture fell outside of the applicable limitations periods. Indeed, it would strain logic to conclude that, for statute of limitations purposes, the plaintiff raised a timely fraudulent transfer claim on the basis of its discovery of an asset *after* it had asserted its cause of action.[32] Accordingly, we conclude that the plaintiff did not demonstrate the existence of any genuine issues of material fact vis-à-vis the defendants' statute of limitations defenses on the basis of the used furniture.

C

We next consider the services agreement. According to Magallanes' affidavit, the services agreement was conveyed from IFG to iSell on August 15, 2014. Per Perezgrovas' unsworn declaration, "[u]pon information and belief, at some point in time the services agreement

[32] To pursue a fraudulent transfer claim predicated on the used furniture, the plaintiff, following its discovery of the used furniture, had to timely (1) file an amended complaint in the present action or (2) commence a new action. The plaintiff did neither.

. . . was ultimately transferred to CIMA, which the plaintiff only learned about in May of 2022 when the defendants voluntarily disclosed that fact in the course of this litigation." The court concluded that Perezgrovas' unsworn declaration did not constitute competent evidence of a transfer of the services agreement to CIMA, such that no genuine issues of material fact arose on the basis of the services agreement. As the court explained: "[T]here is the competency-disqualifying 'upon information and belief' [clause]. Further, there is no indication of the source of that purported information—how it came to be known by [Perezgrovas]—and no identified source for the claimed recent disclosure. . . . Magallanes' affidavit contains no such information, and the interrogatory responses in the record also do not seem to contain relevant information; did some unidentified person tell [Perezgrovas] that there had been an unidentified form of 'disclosure'?"

The plaintiff maintains on appeal that (1) the bankruptcy petition did not disclose the services agreement or its purported transfer to CIMA and (2) the plaintiff did not discover the purported transfer of the services agreement to CIMA until 2022. Additionally, the plaintiff generally challenges the court's determination that Perezgrovas' unsworn declaration was not competent evidence.

We agree with the court that, insofar as it discussed the services agreement, Perezgrovas' unsworn declaration did not constitute competent evidence of any fraudulent transfer. With respect to the services agreement, Perezgrovas' statements were qualified by the phrase, "[u]pon information and belief," which, as the court repeatedly iterated in its decision, effectively negated any personal knowledge. Without competent evidence of a fraudulent transfer of the services agreement to

CIMA, the plaintiff could not meet its burden to demonstrate a later discovery of any such transfer in accordance with the one year limitations period of § 52-552j (1) or the tolling provisions of § 52-595. Accordingly, we conclude that the plaintiff failed to establish any genuine issues of material fact as to the defendants' statute of limitations defenses predicated on its evidentiary submissions regarding the services agreement.[33]

D

Finally, the plaintiff relies on Perezgrovas' unsworn declaration to argue that it was unaware of any purported fraudulent transfers or concealment of assets until 2020, when a private investigator hired by its attorneys discovered that Magallanes had formed CIMA. Perezgrovas stated in relevant part: "It was [the private investigator's] investigation that revealed to [the plaintiff] in 2020 that Magallanes had formed now a second successor entity, CIMA, to continue the business of IFG and iSell. It was at this time [that the plaintiff] learned that CIMA was conducting much of the same business as iSell and IFG as a food broker, was owned by Magallanes, maintained the same business address as iSell and IFG, and maintained many of the same business relationships iSell and IFG once had. [The plaintiff] filed suit within months after discovering this information." Perezgrovas further stated: "Upon information and belief CIMA performs the same business as iSell and

[33] Additionally, the plaintiff's claim fails pursuant to the rationale applicable to the used furniture set forth in part II B of this opinion. In his unsworn declaration, Perezgrovas stated that the plaintiff did not discover the purported fraudulent transfer of the services agreement to CIMA until May, 2022. Accordingly, pursuant either to the one year limitations period of § 52-552j (1) or the tolling provisions of § 52-595, a fraudulent transfer claim predicated on the services agreement could not be properly brought before the putative date of discovery in May, 2022, setting aside the lack of a specific date in the record. The plaintiff commenced the present action against the defendants and filed its operative complaint in 2020, well before its purported discovery of the services agreement in May, 2022.

is a successor in interest to iSell that was formed for the purpose of continuing in business while avoiding the [District Court] judgment." The court rejected the plaintiff's reliance on Perezgrovas' unsworn declaration insofar as it addressed CIMA's formation and business operations, stating in relevant part that (1) Perezgrovas did not set forth a foundation for his knowledge concerning the nature and the operation of CIMA's business, and, in any event, (2) there was no apparent transfer of assets implicated by CIMA's formation.

The plaintiff contends that "it is reasonable to conclude that iSell intentionally only listed one asset [in the bankruptcy petition] in order to conceal the transfer of assets and [the] continuation of business under newly formed CIMA." As noted in part II C of this opinion, the plaintiff also generally challenges the court's determination that Perezgrovas' unsworn declaration was not competent evidence.

We agree with the court's analysis. First, beyond identifying himself as the plaintiff's export director, Perezgrovas did not adequately detail how he was capable of discussing CIMA's business operations. Indeed, Perezgrovas stated that his knowledge about CIMA was predicated "[u]pon information and belief," ostensibly including information gleaned from the private investigator. This was insufficient to establish the personal knowledge necessary for his unsworn declaration to be deemed competent evidence in this regard.

Second, at best, Perezgrovas' statements in his unsworn declaration concerning CIMA relied on speculation and conjecture to indicate the existence of fraudulent transfers, such that they did not aid the plaintiff in sustaining its burden.[34] See *Forestier* v. *Bridgeport*, 223 Conn. App.

[34] In her affidavit, Magallanes averred that "CIMA is a food broker, representing emerging food brands into the Hispanic market and also offer[ing] business consulting and trade marketing agency to Hispanic food brand companies. . . . I have built this business based on my strong relationships with the Hispanic food brand companies. Without me personally, there is

298, 332, 308 A.3d 102 (2024) ("Although the court must view the inferences to be drawn from the facts in the light most favorable to the party opposing the motion . . . a party may not rely on mere speculation or conjecture as to the true nature of the facts to overcome a motion for summary judgment. . . . A party opposing a motion for summary judgment must substantiate its adverse claim by showing that there is a genuine issue of material fact together with the evidence disclosing the existence of such an issue." (Internal quotation marks omitted.)). For these reasons, we conclude that the plaintiff did not prove the existence of genuine issues of material fact vis-à-vis the defendants' statute of limitations defenses predicated on its evidentiary submission regarding CIMA's formation and business operations.

In sum, we conclude that the court (1) properly determined that the defendants satisfied their initial burden to demonstrate no genuine issues of material fact that the plaintiff's fraudulent transfer claims were brought outside of the applicable limitations periods of § 52-552j and, therefore, as a matter of law, time barred, and (2) after shifting the burden of proof to the plaintiff, properly determined that the plaintiff failed to establish any genuine issues of material fact avoiding the application of § 52-552j. Accordingly, we further conclude that the court properly granted the defendants' motion for summary judgment as to counts two through five of the operative complaint.

The judgment is affirmed.

In this opinion the other judges concurred.

no business for CIMA." These averments do not advance the plaintiff's proposition that CIMA's formation and business operations evidenced fraudulent transfers.

JAMES L. CETRAN *v.* TOWN OF WETHERSFIELD (AC 46660)

Bright, C. J., and Alvord and Suarez, Js.

Syllabus

The plaintiff appealed from the judgment of the trial court dismissing his appeal, brought pursuant to statute (§ 7-278), from the decision of the Wethersfield Town Council approving his dismissal as chief of police for the defendant town. The plaintiff claimed, inter alia, that the court improperly concluded that it lacked subject matter jurisdiction over his cause of action because the appeal was moot. *Held:*

This court affirmed the judgment of the trial court on the alternative ground that the plaintiff's administrative appeal was brought against the wrong party, as the plaintiff was required pursuant to § 7-278 to name the authority having the power of dismissal, namely, the town council, and, accordingly, the trial court lacked jurisdiction over the action and dismissal was warranted on that basis.

Argued October 15—officially released December 31, 2024

Procedural History

Appeal from the decision of the Wethersfield Town Council dismissing the plaintiff from his position as chief of police, brought to the Superior Court in the judicial district of New Britain, where the court, *Hon. Joseph M. Shortall*, judge trial referee, granted the defendant's motion to dismiss the appeal and rendered judgment thereon, from which the plaintiff appealed to this court. *Affirmed.*

Rachel M. Baird, for the appellant (plaintiff).

Kenneth R. Slater, Jr., for the appellee (defendant).

Opinion

ALVORD, J. The plaintiff, James L. Cetran, appeals from the judgment of the trial court rendered in favor of the defendant, the town of Wethersfield, following the granting of the defendant's motion to dismiss the plaintiff's cause of action for lack of subject matter

jurisdiction. On appeal, the plaintiff claims that the court improperly concluded that it lacked subject matter jurisdiction over the plaintiff's cause of action, which was captioned "Appeal," because the appeal was moot. We affirm the judgment on the alternative ground that the court lacked subject matter jurisdiction because the plaintiff named and served the incorrect party.

The following facts, as alleged in the plaintiff's operative complaint, and procedural history are relevant to this appeal. The plaintiff was employed as the chief of police for the defendant. He entered into a "Retirement Agreement" (agreement) with the defendant in January, 2021, the terms of which required him to "submit, in writing, to the Town Manager and the Wethersfield Town Council [(town council)] his notice of retirement with an effective retirement date of August 31, 2021 . . . ."[1] Under conditions specified in the agreement, the retirement date could be extended to December 31, 2021. However, the plaintiff could "not remain employed with the Town beyond the commencement date of the new Chief or December 31, 2021, whichever [came] first."

The plaintiff further alleged the following in the operative complaint. In May, 2021, he informed the town manager that he was "rescinding his notice of intent to retire." The next month, the plaintiff received notice that the defendant had recommended his dismissal. "The notice alleged as cause the following: 'Breach of Retirement Agreement dated January 13, 2021, by [the plaintiff].' " A special meeting of the town council subsequently was held on June 15, 2021, in order to conduct "a hearing regarding the recommended dismissal of [the plaintiff] as required by [General Statutes] § 7-278." The

[1] The plaintiff submitted to the trial court a copy of the agreement together with his objection to the defendant's motion to dismiss.

town council expressed that the plaintiff's alleged breach constituted "just cause" to dismiss the plaintiff in accordance with § 7-278. "On June 16, 2021, [the plaintiff] was denied access to his work computer and a police officer came to [the plaintiff's] home to collect his badge and his police vehicle."

In July, 2021, the plaintiff commenced the present action by way of a complaint captioned "Appeal," which represented that the action was an appeal filed pursuant to § 7-278. In the summons, the plaintiff identified the "Town of Wethersfield" as the sole defendant. A marshal served the defendant by leaving a copy of the summons and complaint with the town clerk. In September, 2021, the defendant filed a motion to dismiss for lack of subject matter jurisdiction because the administrative agency whose decision was appealed—the town council—was neither named nor served in the plaintiff's appeal. In that motion, the defendant argued that the town council was the one and only proper defendant for the appeal. Following briefing by the parties and oral argument, the trial court, *Knox*, *J.*, denied the defendant's motion to dismiss. In its memorandum of decision, the court found that, "[b]ecause § 7-278 does not mandate the serving of a particular party, the nonjoinder of the town council in the present matter, whether they are a necessary party or not, does not require dismissal for lack of subject matter jurisdiction. . . . The defendant does not claim that [it] was improperly named a party to the appeal. . . . The [defendant] was properly served with the plaintiff's appeal pursuant to . . . § 7-278. In this case, the plaintiff was employed by the [defendant] and was discharged from his position of head of police for the [defendant], the named party." (Citations omitted; footnote omitted; internal quotation marks omitted.)

In February, 2023, the plaintiff filed a "Revised Amended Appeal." The defendant filed a second motion

to dismiss in March, 2023, arguing that the court lacked subject matter jurisdiction over the administrative appeal on the basis that the appeal was moot. The trial court, *Hon. Joseph M. Shortall*, judge trial referee, granted the motion. The court determined that "it [could not] afford the plaintiff the relief of reinstatement because of his voluntary termination as of December 31, 2021," and that the court was "without power to provide the only relief that would allow the plaintiff to avoid the collateral consequences he anticipates." Because it determined that the plaintiff's appeal was moot and it could not "enable the plaintiff to avoid the collateral consequences of his termination," the court dismissed the appeal. This appeal followed.

The plaintiff claims on appeal that the court erred in dismissing the plaintiff's administrative appeal as moot. The defendant disagrees and argues, as an alternative ground on which to affirm the judgment, that the plaintiff's administrative appeal was brought against the wrong party. In his reply brief, the plaintiff set forth arguments opposing the defendant's claim that the administrative appeal should be dismissed on this alternative ground. The record is adequate to reach the merits of the alternative ground on which the defendant relies and, because we agree with the defendant that the administrative appeal was brought against the wrong party, we affirm the judgment dismissing the appeal on that basis. Accordingly, we do not reach the merits of the plaintiff's claim that the court improperly dismissed his administrative appeal as moot.

We begin by setting forth the applicable standard of review and the relevant legal principles. "The standard of review for a court's decision on a motion to dismiss [under Practice Book § 10-30 (a) (1)] is well settled. A motion to dismiss tests, inter alia, whether, on the face of the record, the court is without jurisdiction. . . . [O]ur review of the court's ultimate legal conclusion

and resulting [determination] of the motion to dismiss will be de novo. . . . When a . . . court decides a jurisdictional question raised by a pretrial motion to dismiss, it must consider the allegations of the [complaint] in their most favorable light. . . . In this regard, a court must take the facts to be those alleged in the [complaint], including those facts necessarily implied from the allegations, construing them in a manner most favorable to the pleader. . . . The motion to dismiss . . . admits all facts which are well pleaded, invokes the existing record and must be decided upon that alone. . . . In undertaking this review, we are mindful of the well established notion that, in determining whether a court has subject matter jurisdiction, every presumption favoring jurisdiction should be indulged." (Internal quotation marks omitted.) *Fiorita, Kornhaas & Co., P.C.* v. *Vilela*, 219 Conn. App. 881, 891, 297 A.3d 236 (2023).

"Appeals to courts from administrative agencies exist only under statutory authority. . . . A statutory right to appeal may be taken advantage of only by strict compliance with the statutory provisions by which it is created. . . . Such provisions are mandatory, and, if not complied with, the appeal is subject to dismissal." (Internal quotation marks omitted.) *Chestnut Point Realty, LLC* v. *East Windsor*, 158 Conn. App. 565, 570, 119 A.3d 1229 (2015), aff'd, 324 Conn. 528, 153 A.3d 636 (2017). "[T]he failure to name a statutorily mandated, necessary party in the citation is a jurisdictional defect which renders the administrative appeal subject to dismissal." *Simko* v. *Zoning Board of Appeals*, 205 Conn. 413, 421, 533 A.2d 879 (1987), aff'd en banc, 206 Conn. 374, 583 A.2d 202 (1988). "[W]hen the statute authorizing the appeal requires a designated person to be made a party . . . the failure to do so constitute[s] noncompliance with its terms and thus involve[s] subject matter jurisdiction." *Fong* v. *Planning & Zoning Board of*

Appeals, 212 Conn. 628, 637, 563 A.2d 293 (1989); see also *Southern New England Telephone Co.* v. *Board of Tax Review*, 31 Conn. App. 155, 160–62, 623 A.2d 1027 (1993) (finding jurisdictional defect because plaintiff named town board rather than naming town as required by statute).

When a town council is acting in its administrative capacity, its decisions can be treated as those of an administrative agency. See *West Hartford Interfaith Coalition, Inc.* v. *Town Council*, 228 Conn. 498, 505–506 n.10, 636 A.2d 1342 (1994) (explaining how town council, acting in its capacity as town's zoning authority, may exercise legislative or administrative function); *Bartlett* v. *Rockville*, 150 Conn. 428, 429–30, 190 A.2d 690 (1963) (stating that town council acts in administrative capacity when removing officers under town ordinance). The Wethersfield Town Charter provides that the town council is "[t]he governing body of the town," which "exercise[s] and perform[s] all the rights, powers, duties and obligations of the town." Wethersfield Town Charter, c. III, § 301. "The Council may provide by ordinance for the exercise of any of the administrative powers of the former Board of Selectmen not otherwise assigned by this Charter, by the Manager or some other officer, board or agency." Id. "The Manager shall appoint and may remove . . . all officers and employees of the departments and agencies of the town . . . subject to the approval of the Council." Id., c. IV, § 404. The town council was acting in its administrative capacity when it approved the town manager's recommendation to remove the plaintiff from his position as chief of police for the defendant. Therefore, the town council's decision can be treated as that of an administrative agency.

An appeal from the town council's decision must comply with applicable statutory provisions, because the town council was acting as an administrative agency

when it approved the plaintiff's dismissal. See *Chestnut Point Realty, LLC* v. *East Windsor*, supra, 158 Conn. App. 570. The head of a police department has a statutory right to appeal a dismissal under § 7-278 and therefore must file an appeal in accordance with that statute. Id. Section 7-278 provides that "[n]o active head of any police department of any town, city or borough shall be dismissed unless there is a showing of just cause by the authority having the power of dismissal and such person has been given notice in writing of the specific grounds for such dismissal and an opportunity to be heard in his own defense, personally or by counsel, at a public hearing before such authority. Such public hearing, unless otherwise specified by charter, shall be held not less than five nor more than ten days after such notice. Any person so dismissed may appeal within thirty days following such dismissal to the superior court for the judicial district in which such town, city or borough is located. Service shall be made as in civil process. Said court shall review the record of such hearing, and, if it appears upon the hearing upon the appeal that testimony is necessary for an equitable disposition of the appeal, it may take evidence or appoint a referee or a committee to take such evidence as it directs and report the same to the court with his or its findings of fact, which report shall constitute a part of the proceedings upon which the determination of the court shall be made. The court, upon such appeal, and after a hearing thereon, may affirm the action of such authority, or may set the same aside if it finds that such authority acted illegally or arbitrarily, or in the abuse of its discretion, with bad faith, malice, or without just cause."

The Wethersfield Town Charter stipulates that the removal of officers is "subject to the approval of the Council." Wethersfield Town Charter, c. IV, § 401. Additionally, the town council is "the authority" before

which the plaintiff had a public hearing. See General Statutes § 7-278. Therefore, the town council—not the defendant—is "the authority having the power of dismissal" as required by § 7-278. In order to appeal the decision of the town council's approval of his dismissal, the plaintiff was required to name and serve the town council. The plaintiff, however, named and served the town as the sole defendant. Accordingly, the plaintiff did not comply with the statutory requirements.

Because the plaintiff failed to comply with § 7-278 by filing his captioned "Appeal" against the wrong party, we conclude that the trial court lacked jurisdiction over the action and, thus, dismissal was warranted on that basis.

The judgment is affirmed.

In this opinion the other judges concurred.

STATE OF CONNECTICUT *v.* NATHANIEL T.* (AC 47331)

Bright, C. J., and Moll and Seeley, Js.

Syllabus

The defendant appealed from the judgment of the trial court denying his motion to modify the lifetime sex offender registration requirement of his probation. He claimed, inter alia, that the trial court improperly denied his motion to modify his probation. *Held*:

The trial court did not abuse its discretion in denying the defendant's motion to modify a condition of his probation, as the court correctly determined that the clear and unambiguous language of the registration statute (§ 54-251 (a)) regarding mandatory registration for life for a person who is convicted of sexual assault in the first degree in violation of statute (§ 53a-70 (a) (2)) prohibited the court from granting the defendant's motion to modify.

* In accordance with our policy of protecting the privacy interests of the victims of sexual abuse and the crime of risk of injury to a child, we decline to use the defendant's full name or to identify the victim or others through whom the victim's identity may be ascertained. See General Statutes § 54-86e.

The trial court's denial of the defendant's motion to modify was proper with respect to his claim that he would not have agreed to plead guilty if he had been informed of the lifetime registration requirement, as a motion to modify was not the proper procedural vehicle to raise a claim regarding a guilty plea.

This court declined to review the defendant's claims that the sentencing court improperly denied him the opportunity to present mitigating evidence and imposed an illegal and unconstitutional sentence, as his evidentiary claim was unpreserved and the defendant did not request review of his unpreserved constitutional claim pursuant to *State* v. *Golding* (213 Conn. 233), and his claim was inadequately briefed.

Argued November 18—officially released December 31, 2024

Procedural History

Substitute information charging the defendant with one count each of the crimes of sexual assault in the first degree and risk of injury to a child, brought to the Superior Court in the judicial district of Fairfield, geographical area number two, where the defendant was presented to the court, *Rodriguez*, *J.*, on a plea of guilty; judgment of guilty in accordance with the plea; thereafter, the court, *Dayton*, *J.*, denied the defendant's motion to modify probation, and the defendant appealed to this court. *Affirmed.*

Nathaniel T., self-represented, the appellant (defendant).

Brett R. Aiello, assistant state's attorney, with whom, on the brief, were *Joseph Corradino*, state's attorney, and *Michael DeJoseph*, supervisory assistant state's attorney, for the appellee (state).

Opinion

PER CURIAM. The self-represented defendant, Nathaniel T., who had been convicted of sexual assault in the first degree and risk of injury to a child for which he was sentenced to a period of incarceration, followed by a period of special parole and a period of probation, appeals from the judgment of the trial court denying his motion to modify the condition of his probation that

he comply with all sex offender registry requirements, namely, the requirement that, upon being released from confinement, he register his name and address with the Commissioner of Emergency Services and Public Protection and that such registration be maintained for the duration of his life (lifetime sex offender registration). The defendant claims that the court, *Dayton, J.*, improperly denied his motion to modify the lifetime sex offender registration requirement of his probation. In addition, with respect to the underlying sentencing proceedings, the defendant claims that the court, *Rodriguez, J.*, improperly denied him the opportunity to present certain mitigating evidence and imposed an illegal and unconstitutional sentence. We disagree and, accordingly, affirm the judgment of the court.

It is unnecessary for the purposes of this appeal to recount the details of the crimes for which the defendant was convicted. It is sufficient to note that, in June, 2001, the defendant pleaded guilty under the *Alford* doctrine[1] to one count of sexual assault in the first degree in violation of General Statutes § 53a-70 (a) (2)[2] and one count of risk of injury to a child in violation of General Statutes § 53-21 (a) (2),[3] in connection with

[1] "Under *North Carolina* v. *Alford*, 400 U.S. 25, 91 S. Ct. 160, 27 L. Ed. 2d 162 (1970), a criminal defendant is not required to admit his guilt, but consents to being punished as if he were guilty to avoid the risk of proceeding to trial. . . . A guilty plea under the *Alford* doctrine is a judicial oxymoron in that the defendant does not admit guilt but acknowledges that the state's evidence against him is so strong that he is prepared to accept the entry of a guilty plea nevertheless." (Emphasis omitted; internal quotation marks omitted.) *State* v. *Faraday*, 268 Conn. 174, 204–205, 842 A.2d 567 (2004).

[2] Although § 53a-70 was the subject of amendments in 2002 and 2015; see Public Acts 2002, No. 02-138, § 5; Public Acts 2015, No. 15-211, § 16; those amendments have no bearing on the merits of this appeal. In the interest of simplicity, we refer to the current revision of the statute.

[3] Although § 53-21 was the subject of amendments in 2002, 2007, 2013 and 2015; see Public Acts 2002, No. 02-138, § 4; Public Acts 2007, No. 07-143, § 4; Public Acts 2013, No. 13-297, § 1; Public Acts 2015, No. 15-205, § 11; those amendments have no bearing on the merits of this appeal. In the interest of simplicity, we refer to the current revision of the statute.

the sexual assault of his daughter. On August 30, 2001, the court, *Rodriguez*, *J.*, sentenced the defendant to ten years of incarceration, execution suspended after five years, followed by ten years of special parole and twenty years of probation to commence after the period of special parole.[4] A condition of the defendant's special parole and probation obligated him to comply with all of the requirements for sex offender registration under state law. Because the defendant had been convicted of a violation of § 53a-70 (a) (2), he was required, pursuant to General Statutes § 54-251,[5] to register as a sex offender and to maintain that registration for his life.

[4] In August, 2011, the defendant filed a motion to correct an illegal sentence. After argument on the motion, the court, *Rodriguez*, *J.*, vacated the defendant's August 30, 2001 sentence and imposed a modified sentence of a total effective term of ten years of incarceration, execution suspended after five years, with five years of special parole and thirty-four years of probation.

[5] General Statutes § 54-251 applies to any person who has been convicted of a "criminal offense against a victim who is a minor," which is defined by General Statutes § 54-250 (2) to include violations of §§ 53a-70 (a) (2) and 53-21 (a) (2). Section 54-251 (a) provides in relevant part: "Any person who has been convicted . . . of a criminal offense against a victim who is a minor . . . and is released into the community on or after October 1, 1998, shall, within three days following such release or, if such person is in the custody of the Commissioner of Correction, at such time prior to release as the commissioner shall direct, and whether or not such person's place of residence is in this state, register such person's name, identifying factors, criminal history record, residence address and electronic mail address, instant message address or other similar Internet communication identifier, if any, with the Commissioner of Emergency Services and Public Protection, on such forms and in such locations as the commissioner shall direct, and shall maintain such registration for ten years from the date of such person's release into the community, except that any person who has one or more prior convictions of any such offense or who is convicted of a violation of subdivision (2) of subsection (a) of section 53a-70 shall maintain such registration for life. . . ."

Although § 54-251 was the subject of amendments in 2002, 2005, 2006, 2007, 2011 and 2015; see Public Acts, Spec. Sess., May, 2002, No. 02-7, § 79; Public Acts 2005, No. 05-146, § 5; Public Acts 2006, No. 06-187, §§ 34 through 36; Public Acts 2006, No. 06-196, § 292; Public Acts, Spec. Sess., June, 2007, No. 07-4, § 90; Public Acts 2011, No. 11-51, § 134 (a); Public Acts 2015, No. 15-211, § 5; Public Acts 2015, No. 15-213, § 4; those amendments have no

In May, 2023, the defendant filed a motion to terminate probation, which the court, *Russo*, *J.*, granted in part, resulting in the defendant's term of probation being reduced by nine years. Several months thereafter, the defendant filed the present "motion to modify sex offender registration" dated December 21, 2023, which is the subject of this appeal. In his motion, the defendant argues that he "is no longer a threat to society," that he has "completed multiple sex offender classes," and that he has "good accomplishments" and is in compliance with the conditions of his probation. The court heard argument on the motion on January 17, 2024, at which time the defendant reiterated that he had completed "extensive programs," obtained certificates, and is "no threat to society," and further asserted that he had been told by the court during his plea canvass that the period of sex offender registration would be for only ten years. The court, *Dayton*, *J.*, denied the defendant's motion on the ground that his lifetime sex offender registration requirement is "a statutory requirement" given his conviction under § 53a-70 (a) (2).

On appeal, the defendant argues, inter alia, that the court's denial of his motion was improper because (1) "[he] has been registered [as a sex offender] for [twenty] years . . . has completed . . . [sexual offender registration] classes with certificates . . . and is in compl-[iance] with probation," of which he "has only two years . . . remaining," and (2) the sentencing judge and his trial counsel "never mentioned" the lifetime sex offender registration requirement, and if he had known that his guilty plea required lifetime registration on the sex offender registry, "he never would have [taken] the plea deal."

"It is well settled that the denial of a motion to modify probation will be upheld so long as the trial court did

bearing on the merits of this appeal. In the interest of simplicity, we refer to the current revision of the statute.

not abuse its discretion. . . . On appeal, a defendant bears a heavy burden because every reasonable presumption should be given in favor of the correctness of the court's ruling. . . . The mere fact that the denial of a motion to modify probation leaves a defendant facing a lengthy probationary period with strict conditions is not an abuse of discretion. Rather, [r]eversal is required only where an abuse of discretion is manifest or where injustice appears to have been done." (Citations omitted; internal quotation marks omitted.) *State* v. *Denya*, 149 Conn. App. 714, 718, 89 A.3d 455 (2014).

First, as to the defendant's argument that the court improperly denied his motion because he has been compliant with the conditions of his probation and has completed sexual offender registration classes, these facts cannot establish an abuse of discretion, as the court's decision adhered to the mandatory requirement for lifetime sex offender registration pursuant to § 54-251 (a).[6] Although motions to modify probation are ordinarily governed by General Statutes § 53a-30 (c),[7] § 54-251 (a) expressly provides that "any person . . . who

[6] "[I]nsofar as we must construe statutes to resolve the defendant's claim, [i]ssues of statutory interpretation constitute questions of law over which the court's review is plenary. The process of statutory interpretation involves the determination of the meaning of the statutory language as applied to the facts of the case, including the question of whether the language does so apply. . . . When construing a statute, [the court's] fundamental objective is to ascertain and give effect to the apparent intent of the legislature. . . . In other words, we seek to determine, in a reasoned manner, the meaning of the statutory language as applied to the facts of [the] case, including the question of whether the language actually does apply. . . . In seeking to determine that meaning, General Statutes § 1-2z directs us first to consider the text of the statute itself and its relationship to other statutes. If, after examining such text and considering such relationship, the meaning of such text is plain and unambiguous and does not yield absurd or unworkable results, extratextual evidence of the meaning of the statute shall not be considered." (Internal quotation marks omitted.) *Commissioner of Public Health* v. *Colandrea*, 221 Conn. App. 631, 654, 302 A.3d 370 (2023), cert. denied, 348 Conn. 932, 306 A.3d 474 (2024).

[7] General Statutes § 53a-30 (c) provides in relevant part: "At any time during the period of probation or conditional discharge, after hearing and

is convicted of a violation of subdivision (2) of subsection (a) of section 53a-70 shall maintain such registration for life." The court correctly determined that this clear and unambiguous statutory language prohibited it from granting the defendant's motion to modify his lifetime sex offender registration requirement because his underlying conviction is for, inter alia, a violation of § 53a-70 (a) (2).

Second, the defendant's argument that the court improperly denied his motion because he would not have agreed to plead guilty if the court or his trial counsel had informed him about the lifetime registration requirement is not properly before the court on a motion to modify probation. A motion to modify probation is not the proper procedural vehicle to raise a claim regarding a guilty plea. Moreover, at this juncture, the defendant's option to raise such a challenge to the underlying guilty plea would be limited, such as by way of a petition for a writ of habeas corpus,[8] as the window for filing a direct appeal has long since passed. See Practice Book § 63-1 (a).[9] Accordingly, we conclude that the court's denial of the defendant's motion was proper.

for good cause shown, the court may modify or enlarge the conditions, whether originally imposed by the court under this section or otherwise, and may extend the period, provided the original period with any extensions shall not exceed the periods authorized by section 53a-29. . . ."

[8] We note, however, that if the defendant brings a petition for a writ of habeas corpus, he may face procedural hurdles related to, inter alia, any habeas petitions that he previously filed but withdrew.

[9] We also note that, pursuant to our Supreme Court's holding in *State* v. *Pentland*, 296 Conn. 305, 994 A.2d 147 (2010), the trial court's failure to inform the defendant of the lifetime sex offender registration requirement is immaterial to his requested relief. In *Pentland*, the Supreme Court held that statutory sex offender registration requirements must be complied with even when the court fails to inform the defendant of such a requirement at sentencing. See id., 314. Indeed, whereas the court in the present case at least alluded to registration "for a period of at least ten years," the sentencing judge in *Pentland* actually "mistakenly informed" the defendant "that the offenses of which he had been convicted did not require him to register as a sex offender." Id., 308. Nevertheless, our Supreme Court recognized that, "[b]ecause the defendant pleaded guilty to an offense the commission of

Finally, we decline to review the defendant's remaining evidentiary claim because it is unpreserved, as the defendant has raised the claim for the first time on appeal. See *Deutsche Bank Trust Co. Americas* v. *Burke*, 218 Conn. App. 542, 547 n.4, 292 A.3d 81 (declining to review claim raised for first time on appeal), cert. denied, 347 Conn. 904, 297 A.3d 567 (2023); see also *White* v. *Mazda Motor of America, Inc.*, 313 Conn. 610, 619, 99 A.3d 1079 (2014) (recognizing that "[o]ur appellate courts, as a general practice, will not review claims made for the first time on appeal"). We also decline to review the defendant's unpreserved claim that his sentence is unconstitutional under General Statutes § 53a-31 (a).[10] The defendant has not requested review of his unpreserved constitutional claim pursuant to *State* v. *Golding*, 213 Conn. 233, 239–40, 567 A.2d 823 (1989), as modified by *In re Yasiel R.*, 317 Conn. 773, 781, 120 A.3d 1188 (2015), either in name or substance. See *State* v. *Abramovich*, 229 Conn. App. 213, 218, A.3d (2024). The defendant has failed to provide any analysis or citation to authority demonstrating why a period of probation, following a period of special parole,

which triggers the registration requirement, it would be manifestly inconsistent with the public safety purpose of the statutory scheme to construe § 54-251 (a) as exempting the defendant from that requirement merely because the court did not comply with the [statute's] mandatory advisement provision." Id., 314. More importantly, the *Pentland* court also recognized that when a defendant whose lifetime registration is required by § 54-251 (a) "seeks relief from the registration requirement itself . . . we do not have the authority to relieve him of that requirement in light of his conviction . . . ." Id., 315.

[10] General Statutes § 53a-31 (a) provides: "A period of probation or conditional discharge commences on the day it is imposed, unless the defendant is imprisoned, in which case it commences on the day the defendant is released from such imprisonment. Multiple periods, whether imposed at the same or different times, shall run concurrently."

Although § 53a-31 (a) was the subject of an amendment in 2015; see Public Acts 2015, No. 15-211, § 1; that amendment has no bearing on the merits of this appeal. In the interest of simplicity, we refer to the current revision of the statute.

is unconstitutional under § 53a-31 (a). His claim, therefore, is inadequately briefed. "We will not engage in *Golding* . . . review on the basis of . . . an inadequate brief." (Internal quotation marks omitted.) Id., 219.

The judgment is affirmed.

Cumulative Table of Cases
Connecticut Appellate Reports
Volume 230

NOTICES

Notice of Certification as Authorized House Counsel

Upon recommendation of the Bar Examining Committee, in accordance with § 2-15A of the Connecticut Practice Book, notice is hereby given that the following individuals have been certified by the Superior Court as Authorized House Counsel for the organization named:

Certified as of November 29, 2024:

Andrew Veter	Kolmar Americas, Inc.

Certified as of December 4, 2024:

Rebecca Hughes	Altus Power, Inc.
George N. Mathew	Sikorsky Aircraft Corporation

Certified as of December 5, 2024:

Andrew G. Melick	Linde, Inc.

Certified as of December 9, 2024:

Justin J. Knapp	Silver Point Capital, L.P.

Hon. Elizabeth A. Bozzuto
Chief Court Administrator

Notice of Reinstatement of Attorney

Pursuant to Practice Book §2-54(b), notice is hereby given that on December 4, 2024, in HHD-CV-13-6045715-S, the application for reinstatement to the practice of law in Connecticut of Guy McDonough, Juris #412463 of Winooski, VT was GRANTED with the following conditions:

The applicant shall be required to have a law practice monitor for a period of one year from the date of his readmission. The applicant shall provide the court, by way of a supplemental filing and the Office of Chief Disciplinary Counsel with the name of the law practice monitor, within 30 days of the date of this decision.

The law practice monitor shall be an attorney admitted to the Connecticut Bar and in good standing in the State of Connecticut. Attorney Suzanne B. Sutton shall not serve as a law practice monitor for the applicant.

For a period of one year from the date of his readmission, the applicant shall engage in individual counseling with a mental health professional no less than twice per month, with a focus on maintaining his sobriety. The mental health professional shall determine in her or his sole judgment whether more frequent counseling is appropriate.

For a period of one year from the date of his readmission, the applicant shall attend weekly Alcoholics Anonymous meetings and provide his law practice monitor proof of compliance.

During the one-year period, the applicant shall provide to the law practice monitor the name and contact information of his mental health professional. In addition, the applicant shall provide a written authorization to allow the law practice monitor to speak with the mental health professional to ensure his compliance with all treatment recommendations.

For a period of one year from the date of his readmission, the applicant shall submit to random alcohol testing via a Soberlink device.

So ordered.

By the Court
Hon. Susan Quinn Cobb
Hon. Stuart Rosen
Hon. Thamar Esperance-Smith

Revised Law Journal Deadlines for Issues Published January 2025 through December 2025

To submit material to the Connecticut Law Journal please send a Word file to: **COLPLJ@JUD.CT.GOV**

The deadline for submitting material is Wednesday at noon for publication in the Law Journal on the Tuesday six days later.

If one or more holidays fall within the 6 day time period, the deadline will change as noted in bold type in the following deadline listing:

Law Journal Publication Date (every Tuesday)	Deadline Date (at 12:00 Noon)
January 7, 2025	**Tuesday, December 31, 2024**
January 14, 2025	Wednesday, January 8, 2025
January 21, 2025	**Tuesday, January 14, 2025**
January 28, 2025	Wednesday, January 22, 2025
February 4, 2025	Wednesday, January 29, 2025
February 11, 2025	**Tuesday, February 4, 2025**
February 18, 2025	**Tuesday, February 11, 2025**
February 25, 2025	Wednesday, February 19, 2025
March 4, 2025	Wednesday, February 26, 2025
March 11, 2025	Wednesday, March 5, 2025
March 18, 2025	Wednesday, March 12, 2025
March 25, 2025	Wednesday, March 19, 2025
April 1, 2025	Tuesday, March 26, 2025
April 8, 2025	Wednesday, April 2, 2025
April 15, 2025	Wednesday, April 9, 2025
April 22, 2025	**Tuesday, April 15, 2025**
April 29, 2025	Wednesday, April 23, 2025
May 6, 2025	Wednesday, April 30, 2025
May 13, 2025	Wednesday, May 7, 2025
May 20, 2025	Wednesday, May 14, 2025
May 27, 2025	**Tuesday, May 20, 2025**
June 3, 2025	Wednesday, May 28, 2025
June 10, 2025	Wednesday, June 4, 2025
June 17, 2025	Wednesday, June 11, 2025
June 24, 2025	Tuesday, June 17, 2025
July 1, 2025	**Tuesday, June 24, 2025**
July 8, 2025	Wednesday, July 2, 2025
July 15, 2025	Wednesday, July 9, 2025

July 22, 2025	Wednesday, July 16, 2025
July 29, 2025	Wednesday, July 23, 2025
August 5, 2025	Wednesday, July 30, 2025
August 12, 2025	Wednesday, August 6, 2025
August 19, 2025	Wednesday, August 13, 2025
August 26, 2025	Wednesday, August 20, 2025
September 2, 2025	**Tuesday, August 26, 2025**
September 9, 2025	Wednesday, September 3, 2025
September 16, 2025	Wednesday, September 10, 2025
September 23, 2025	Wednesday, September 17, 2025
September 30, 2025	Wednesday, September 24, 2025
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