

SUPREME COURT
STATE OF CONNECTICUT

NO. S.C. 17728

WILLIAM J. SULLIVAN

v.

ANDREW J. MCDONALD ET AL.

: MARCH 9, 2007

ORDER

Since the date of our last order in this matter, January 12, 2007, we have been informed by counsel for the principal parties that Justice Sullivan has voluntarily testified before the judiciary committee regarding the delay of the release of the decision in *Clerk of the Superior Court v. Freedom of Information Commission*, 278 Conn. 28, 895 A.2d 743 (2006). On that basis, Justice Sullivan has filed a motion dated March 1, 2007 requesting that the appeal be dismissed as moot and that we remand the appeal to the trial court with direction that orders issued by the trial court be vacated. In response, the defendants have joined Justice Sullivan's request that the trial court's judgment be vacated. In this pleading dated March 2, 2007, counsel for the defendants also stated: "Thus, it appears that both the Co-Chairs and Justice Sullivan now agree that the appeal has become moot and that the trial court's judgment should be vacated." We agree.

As a consequence of Justice Sullivan's voluntary testimony before the judiciary committee, there is no practical relief this court could afford the appellants. Thus, the

matter has become moot. *Newton v. Barnett*, 146 Conn. 344, 346, 150 A.2d 821 (1959). Additionally, we agree that because the defendants have been deprived of the opportunity for appellate review of the trial court's judgment, the orders of the trial court should be vacated. *Private Healthcare Systems, Inc v. Torres*, 278 Conn. 291, 303, 898 A.2d 768 (2006).

Accordingly, the appeal is dismissed. The orders and judgment entered by the trial court quashing the subpoena and enjoining the defendants are vacated and the matter is remanded with direction to the trial court to dismiss the complaint.

BY THE COURT,

MICHELE T. ANGERS
CHIEF CLERK

NOTICE SENT: MARCH 9, 2007
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CLERK, WATERBURY SUPERIOR COURT, (CV064010696S)

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