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SCHALLER, J., concurring. Although I agree that the judgment of the trial court must be reversed, I believe that the decision of our Supreme Court in *Shay v. Rossi*, 253 Conn. 134, 749 A.2d 1147 (2000), is dispositive. In *Shay*, our Supreme Court defined language identical to that in the present case, and the *Shay* decision clearly encompasses the allegations of intentional misconduct at issue in this appeal. *Id.*, 180–82. We are bound by our Supreme Court’s definition of the language at issue in this case. See *Boretti v. Panacea Co.*, 67 Conn. App. 223, 231, 786 A.2d 1164 (2001), cert. denied, 259 Conn. 918, A.2d (2002). Accordingly, I would base our holding on the *Shay* decision alone, omitting the statutory discussion, the attempt to ascertain the intent of the *Shay* court and the discussion of legislative history. With those provisos, I respectfully concur in the result reached by the majority.
