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RICKY A. MORNEAU *v.* STATE
OF CONNECTICUT ET AL.
(AC 35594)

Gruendel, Lavine and Sheldon, Js.

Argued December 5, 2013—officially released February 4, 2014

(Appeal from Superior Court, judicial district of New Britain, Pittman, J. [motions to cite in, to dismiss; judgment]; Wiese, J. [motion to open].)

Ricky A. Morneau, self-represented, the appellant (plaintiff).

Michael K. Skold, assistant attorney general, with whom, on the brief, was *George Jepsen*, attorney general, for the appellees (named defendant et al.).

Opinion

PER CURIAM. The plaintiff, Ricky A. Morneau, appeals from the judgment of the trial court, *Wiese, J.*, rendered when the court denied the plaintiff's motion to open the judgment, which he filed on October 5, 2012. Previously, on November 25, 2009, the trial court, *Pittman, J.*, rendered judgment of dismissal in favor of the defendants, the state of Connecticut and the State Marshal Commission,¹ due to the lack of subject matter jurisdiction on the ground of sovereign immunity. Judge Wiese found that the plaintiff's motion to open the judgment failed to comply with Practice Book § 17-4² and that the plaintiff had failed to demonstrate that any exception to the four month limitation in that rule was applicable. See General Statutes § 52-212a.³ On the basis of our review of the record, the briefs of the parties and their oral arguments in this court, we conclude that Judge Wiese did not abuse his discretion in denying the plaintiff's motion to open the judgment, which was filed almost three years after the judgment was rendered. We, therefore, affirm the judgment of the trial court.

The judgment is affirmed.

¹ The defendants Timothy Bennett and John Harvey, administrator of the estate of Albenie Gagnon, are not parties to this appeal.

² Practice Book § 17-4 (a) provides: "Unless otherwise provided by law and except in such cases in which the court has continuing jurisdiction, any civil judgment or decree rendered in the superior court may not be opened or set aside unless a motion to open or set aside is *filed within four months* succeeding the date on which notice was sent. The parties may waive the provisions of this subsection or otherwise submit to the jurisdiction of the court." (Emphasis added.)

³ General Statutes § 52-212a provides in relevant part: "Unless otherwise provided by law and except in such cases in which the court has continuing jurisdiction, a civil judgment . . . rendered in the Superior Court may not be opened or set aside unless a motion to open or set aside is filed *within four months* following the date on which it was rendered" (Emphasis added.); but see *Nelson v. Charlesworth*, 82 Conn. App. 710, 713, 846 A.2d 923 (2004) (judgment may be opened after four month limitation if judgment was obtained by fraud or mutual mistake).
