JAMES A. HARNAGE *v.* RAQUEL TORRES ET AL.
(AC 36647)

Beach, Keller and Pellegrino, Js.

Argued January 21—officially released March 10, 2015

(Appeal from Superior Court, judicial district of New London, Cosgrove, J.)

James A. Harnage, self-represented, the appellant (plaintiff).

Madeline A. Melchionne, assistant attorney general, with whom, on the brief, were *George Jepsen*, attorney general, and *Terrence M. O'Neill*, assistant attorney general, for the appellees (defendants).

Opinion

PER CURIAM. In this appeal, the self-represented plaintiff, James A. Harnage, claims that the trial court, *Cosgrove*, *J.*, improperly granted the motion for summary judgment filed by the defendants, Deputy Warden Raquel Torres and Warden Anthony Coletti, and denied his cross motion for summary judgment. In the underlying action, the plaintiff claimed that the defendants violated his constitutional right to free speech and access to the courts when they opened, in his presence, his letter marked "Attorney-Client Privileged Communication," which he had designated as legal mail.[1] The plaintiff alleges that the envelope contained correspondence as well as origami flowers. On appeal, the plaintiff claims that the court (1) improperly found that the opening of his outgoing mail did not violate his first amendment right to freedom of speech and right of access to the courts, (2) improperly considered the opening of his outgoing mail as an isolated incident, (3) improperly decided not to consider his liberty interest in light of his claim that it is standard prison policy and custom to forbid the opening of outgoing legal mail, (4) improperly failed to consider his claim that his legal mail was intercepted and opened in retaliation for exercising his right of access to the courts and his good faith participation in the inmate administrative remedies process, and (5) committed clear error in finding that the defendants followed their procedures for handling outgoing privileged correspondence.

Our examination of the record on appeal and the briefs and arguments of the parties persuades us that the judgment of the trial court should be affirmed. Because the trial court's memorandum of decision fully addresses the arguments raised in the present appeal, we adopt its concise and well reasoned decision as a proper statement of the relevant facts and the applicable law on the issues. See *Harnage* v. *Torres*, 53 Conn. Supp. 313, A.3d (2013). It would serve no useful purpose for us to repeat the discussion contained therein. See, e.g. *Council 4*, *AFSCME*, *AFL-CIO* v. *State Ethics Commission*, 304 Conn. 672, 673, 41 A.3d 656 (2012); *Woodruff* v. *Hemingway*, 297 Conn. 317, 321, 2 A.3d 857 (2010); *Tuite* v. *Hospital of Central Connecticut*, 141 Conn. App. 573, 575, 61 A.3d 1187 (2013); *Nestico* v. *Weyman*, 140 Conn. App. 499, 500, 59 A.3d 337 (2013); *Green* v. *DeFrank*, 132 Conn. App. 331, 332, 33 A.3d 754 (2011).

The judgment is affirmed.

[1] At the trial court, the plaintiff also asserted claims of breach of fiduciary duty and intentional infliction of emotional distress. The trial court ruled that, because the plaintiff could not establish either a substantial claim that the defendants had violated his constitutional rights or had acted in excess of their statutory authority, the plaintiff's claims were barred by the doctrine of sovereign immunity. The court also concluded there was no fiduciary duty between the defendants and the plaintiff, nor could the defendants' conduct be construed to rise to the level of extreme or outrageous.