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BERDON, J., dissenting. For the reasons set forth in my dissent to the companion case of *America's Wholesale Lender v. Pagano*, 87 Conn. App. 474, A.2d (2005), I am unable to distinguish this case from *Dyck O'Neal, Inc. v. Wynne*, 56 Conn. App. 161, 742 A.2d 393 (1999). Accordingly, I believe we should affirm the judgment of the trial court. I therefore respectfully dissent.
