Cumulative Table of Cases Connecticut Appellate Reports Volume 176

(Replaces Prior Cumulative Table)

A Better Way Wholesale Autos, Inc. v. Rodriguez	392
Arbitration; whether trial court properly denied application to vacate arbitration award; whether submission to arbitrator was unrestricted; whether issue of	
possession and title to vehicle was within scope of submission; whether arbitrator,	
by ordering return of vehicle to plaintiff, exceeded power by rendering award	
that was beyond unrestricted submission of parties; reviewability of claim that	
trial court improperly ordered plaintiff to pay attorney's fees and costs; failure	
to brief claim adequately.	
Aldin Associates Ltd. Partnership v . Hess Corp	461
Contracts; claim that defendant franchisor violated Connecticut Petroleum Product	
Franchise Act (§ 42-133j et seq.) and Connecticut Unfair Trade Practices Act	
(CUTPA) (§ 42-110a et seq.), and breached implied covenant of good faith and	
fair dealing; whether trial court improperly sustained objection to claim for jury	
trial; whether trial court erroneously found that plaintiff failed to prove damages	
with sufficient degree of certainty; whether plaintiff failed to prove by preponder-	
ance of evidence that it did not intend to be bound by jury waiver provisions in	
franchise agreements; whether jury trial waivers were void under Connecticut	
Petroleum Product Franchise Act; claim that trial court abused discretion by	
failing to overrule objection to jury trial claim on ground that objection was	
untimely; whether trial court's finding that plaintiff failed to provide evidence needed to compute damages with reasonable certainty was clearly erroneous;	
whether trial court improperly conflated question of damages with question of	
causation; whether trial court's finding that CUTPA claim failed because plaintiff	
did not present sufficient evidence of ascertainable loss was clearly erroneous.	
Amica Mutual Ins. Co. v. Piquette	559
Declaratory judgment; action to determine scope of coverage provided under automo-	
bile insurance policy; whether wife's loss of consortium claim should be consid-	
ered separately from husband's bodily injury claim for purposes of per person	
limitation in policy; claim that policy language was ambiguous and required	
that policy be construed against plaintiff; whether trial court properly granted	
motion for summary judgment; whether trial court properly applied Izzo v.	
Colonial Penn Ins. Co. (203 Conn. 305), to facts of present case.	C A
Cariglio v. Dept. of Social Services (See Freese v. Dept. of Social Services)	64
Dejana v. Dejana	104
ment motion for contempt; claim that defendant failed to pay plaintiff full amount	
due for unallocated alimony and child support as required under parties' separa-	
tion agreement; whether claim on appeal that trial court should have awarded	
plaintiff arrearage consisting of 30 percent of defendant's compensation from	
stock incentive program for additional unallocated alimony and support owed	
was preserved and reviewable; whether trial court properly determined that lan-	
guage of separation agreement governing unallocated alimony and child support	
was clear and unambiguous, and required defendant to pay unallocated alimony	
and child support based on percentage of base salary and annual incentive cash	
bonus, and to use entirety of any income received from stock incentive program	
to fund college education expenses of parties' son; whether income received from	
stock incentive program constituted form of bonus compensation under separa-	
tion agreement.	248
Dinino v. Federal Express Corp	440
tion Act (§ 31-293a); summary judgment; claim court erred in concluding there	
was no genuine issue of material fact regarding motor vehicle exception based	
on coworker's alleged negligence; claim court erred in concluding there was no	
genuine issue of material fact regarding substantial certainty exception for	
employer's alleged intentional tort.	

Financial Freedom Acquisition, LLC v. Griffin	314
Freese v. Dept. of Social Services. Administrative appeals; appeals to trial court, pursuant to statute (§ 4-183 [a]), from decisions of defendant Department of Social Services denying applications for Medicaid benefits filed by plaintiffs on behalf of their mothers, both of whom died before defendant rendered final decisions in underlying administrative proceedings; whether trial court improperly dismissed appeals and determined that because plaintiffs' decedents died before they brought appeals and because plaintiffs did not bring appeals as executors or administrators of decedents' estates, plaintiffs lacked standing; whether trial court improperly denied requests to cure jurisdictional defect by substituting plaintiffs, in capacities as estate fiduciaries, as plaintiffs in administrative appeals pursuant to remedial savings statute (§ 52-109); claim that plaintiffs had standing pursuant to state regulations (§ 17b-10-1) to assert decedents' rights in representative capacities; whether state regulations could diminish standing requirements set forth in enabling statutes; whether, pursuant to enabling statute (§ 17b-61 [b]), person who applied for fair hearing may appeal from decision to Superior Court provided that person is aggrieved; whether plaintiffs failed to plead facts establishing aggrievement; whether plaintiffs failed to allege facts establishing standing to appeal under right of survival statute (§ 52-599); whether trial court improperly granted motions to dismiss instead of giving plaintiffs opportunity to cure jurisdictional defect by allowing substitution; whether trial court improperly denied substitution on ground that plaintiffs' administrative appeals were not legally cognizable actions capable of being cured by §§ 52-109 or 52-599 because they were commenced by parties without authorization to sue and, consequently, were nullities; failure of trial court to determine whether failure of plaintiffs in each case to bring actions in capacities as fiduciaries of decedents' estates was due to e	64
Fuller v. Baldino	451
Gostyla v. Chambers Negligence; whether trial court abused discretion in admitting expert testimony concerning causation; whether biomechanical engineer expert witness was qualified to testify as to whether motor vehicle collision caused plaintiff's injuries; whether record was adequate to determine whether evidentiary impropriety was harmful.	506
Kenneson v. Eggert	296

to whether plaintiff could establish claim for fraudulent nondisclosure; whether, to establish claim of fraudulent nondisclosure, plaintiff had to prove that parties' relationship imposed duty on defendant to disclose; whether trial court abused discretion in denying motions for compliance; whether trial court properly determined that documents sought by plaintiff were protected by attorney-client privilege and work product doctrine.	
Lugo v. Lugo	149
Luongo Construction & Development, LLC v. MacFarlane. Contracts; unfair trade practices; claim that trial court improperly denied motions to dismiss that were based on prior pending action doctrine; whether court properly denied motion for summary judgment as to counterclaim; whether court improperly failed to consider claim concerning prior pending action doctrine in denying motion for summary judgment; whether nonmoving party had no obligation to submit evidence establishing existence of genuine issue of material fact where party moving for summary judgment failed to establish that no genuine issue of material fact existed; whether court abused discretion in awarding punitive damages pursuant to unfair trade practices act (42-110a et seq.).	272
McClancy v. Bank of America, N.A	408
Presidential Village, LLC v. Perkins	493
Rockhill v. Danbury Hospital	39
St. Joseph's High School, Inc. v. Planning & Zoning Commission	570

could not serve as sole basis for denying special permit application; whether planning and zoning commission may deny special permit application on basis of general standards set forth in zoning regulations, even when all technical requirements of regulations have been met; whether substantial evidence existed in record on which commission, in its discretion, could have relied in concluding that school did not meet its burden of demonstrating compliance with general standards in zoning regulations; whether commission reasonably could have concluded that school failed to demonstrate that proposed use would not adversely affect neighboring residential properties due to noise and light emissions, vehicular and pedestrian traffic, and parking issues; whether commission could have concluded that school did not establish that proposed use would not adversely affect neighboring property values, character of adjacent neighborhood or quality of life of residents.	
Simmons v. Weiss	94
Medical malpractice; motions to dismiss; motion to open judgment of dismissal; jurisdiction; claim that trial court improperly opened judgment of dismissal more than four months after judgment was rendered when no exception to statutory (§ 52-212a) four month limitation period for opening judgments was applicable; whether trial court improperly granted plaintiffs motion to open judgment because court lacked authority to open judgment; whether trial court properly concluded that compelling equitable circumstances required court to rectify injustice by opening judgment.	
State v. Acampora	202
Assault of disabled person in third degree; disorderly conduct; whether trial court abused discretion when it determined that defendant knowingly, intelligently and voluntarily waived right to counsel and invoked right to self-representation; claim that court violated defendant's constitutional right to counsel when it permitted him to represent himself at arraignment and during plea negotiations without obtaining valid waiver of right to counsel; reviewability of claim raised for first time in reply brief; claim that court's canvass at pretrial hearing was inadequate because court did not engage in comprehensive discussion with defendant concerning elements of each pending charge; whether court reasonably could have concluded that defendant understood nature of charges pending against him; whether court sufficiently apprised defendant of general dangers and disadvantages associated with self-representation; claim that court improperly denied motion to open evidence; whether evidence defendant sought to admit related to collateral matter and would not have been admissible in case-in-chief; whether impeachment of testimony on collateral matter through extrinsic evidence was permitted under rules of evidence.	
State <i>v</i> . Boyd	437
Disorderly conduct; interfering with officer; sufficiency of evidence; whether state presented sufficient evidence from which jury reasonably could have found that defendant specifically intended to cause victim inconvenience, annoyance or alarm to support conviction of disorderly conduct; claim that trial court improperly failed to instruct jury concerning definition of terms when it set forth elements of interfering with officer.	
State v. Elmer G	343
restraining order; whether evidence was sufficient to support conviction of sexual assault in second degree; whether evidence was sufficient to support conviction of three counts of criminal violation of restraining order; claim that state failed to prove restraining orders applied to victim; whether there was sufficient evidence to prove defendant knew terms of restraining orders; claim that prosecutorial improprieties deprived defendant of right to fair trial; whether defendant, in claiming that certain questions by prosecutor constituted improper attempts to bolster victim's credibility, was attempting to transform unpreserved evidentiary claim into constitutional claim of prosecutorial impropriety.	
State v. Holmes	156
Felony murder; home invasion; conspiracy to commit home invasion; criminal possession of pistol or revolver; claim that trial court improperly overruled objection, pursuant to Batson v. Kentucky (476 U.S. 79), to state's use of peremptory challenge to strike African-American prospective juror; whether court properly denied Batson challenge and determined that state's use of peremptory challenge to exclude prospective juror from jury was not tainted by purposeful racial discrimination; whether court's factual conclusion that prosecutor did not act	

133

518

537

with discriminatory intent in exercising peremptory challenge was clearly erroneous; request for Appellate Court to modify prior decision of Supreme Court holding that venireperson's expressed fear of police is race neutral ground for exercising peremptory challenge; reviewability of claim that trial court improperly admitted tape-recorded statement of witness as prior inconsistent statement pursuant to State v. Whelan (200 Conn. 743), where defendant failed to adequately brief how he was prejudiced by erroneous evidentiary ruling; claim, pursuant to Doyle v. Ohio (426 U.S. 610), that state improperly infringed on defendant's constitutional right to remain silent when it cross-examined defendant at trial about defendant's failure to disclose to police at time of arrest certain exculpatory information that he later testified to at trial; whether defendant could prevail on abandoned Doyle claim pursuant to State v. Golding (213 Conn. 233); whether
abandoned Doyle claim pursuant to State v . Golding (213 Conn. 233); whether inquiry violated rule set forth in Doyle.

State v. Jason B	236
Motion to correct illegal sentence; claim that sentencing court improperly ordered	
defendant's sentences for sexual assault first degree and unlawful restraint first	
degree to run consecutively on basis of inaccurate information or considerations	
not contained in record; whether trial court properly dismissed motion to correct	
when comments made by sentencing court could not reasonably be viewed as	
information that was inaccurate or outside record; failure of defendant to present	
colorable claim that sentence had been imposed in illegal manner.	

Violation of probation; claim that trial court erroneously found that defendant violated condition of probation that he not violate any criminal law; whether trial court's findings that defendant violated probation by committing criminal impersonation and larceny third degree were clearly erroneous; credibility determinations; claim that state did not establish that defendant wilfully or intentionally violated probation or any laws; whether language of statute governing violation of probation (§ 53a-32) demonstrates that legislature did not intend to make wilfulness element of probation violation; whether trial court abused discretion by admitting evidence of other crimes committed by defendant to show common scheme or plan; whether strict rules of evidence apply to probation violation proceedings; whether trial court properly determined that evidence regarding prior crimes was relevant to inference that defendant intended to keep deposit; whether trial court abused discretion in revoking probation and imposing sentence of sixty months incarceration.

State v. Steele	1
Robbery in first degree; conspiracy to commit robbery in first degree; conspiracy to commit larceny in third degree; whether evidence was sufficient to support conviction of robbery in first degree as principal; whether trial court improperly admitted lay testimony from witness concerning historic cell site analysis by not requiring witness to be qualified as expert; whether admission of lay testimony was harmless beyond reasonable doubt; cumulative evidence; whether conviction of and sentences on conspiracy to commit robbery and conspiracy to commit larceny charges, which arose out of single agreement to rob bank, violated defendant's right against double jeopardy.	
Thomson v. Dept. of Social Services	122
Disability discrimination; claim that defendant employer failed to provide plaintiff employee with reasonable accommodation; whether trial court improperly rendered summary judgment for defendant employer; claim that plaintiff presented sufficient evidence to support prima facie case of discrimination; claim that plaintiff's request for leave was reasonable accommodation that would have enabled her to perform essential functions of her job; whether defendant was given opportunity to engage in required interactive process with plaintiff regarding reasonable accommodation for her disability.	122
Wilkins v. Connecticut Childbirth & Women's Center	420
Medical malpractice; claim that defendant was negligent in care and treatment of plaintiff immediately after delivery of child and in postdelivery care; whether trial court abused discretion in submitting threshold jury interrogatory asking jury to determine whether plaintiff had in fact sustained fourth degree laceration and/or severe tear of vaginal tissue, perineal skin and muscle, and anal sphincter muscle during labor and delivery; whether trial court abused discretion in answering jury question; whether trial court's use of first interrogatory and answer to jury question were consistent with language of complaint, evidence elicited at trial and arguments; whether interrogatory was permissible in order to elicit determination of material threshold fact.	