CONNECTICUT

LAW

JOURNAL



Published in Accordance with General Statutes Section 51-216a

VOL. LXXX No. 16

October 16, 2018

185 Pages

Table of Contents

CONNECTICUT REPORTS

Conroy v. Idlibi (Order), 330 C 921	37 37 38 35 39 38 38 38 35 4
was required to give jury for it to determine whether defendant was guilty of crime of illegal practices in campaign financing, discussed. State v. Ortiz (Order), 330 C 920 Suntech of Connecticut, Inc. v. Lawrence Brunoli, Inc., 330 C 342. Breach of contract; certification from Appellate Court; whether Appellate Court correctly concluded that trial court did not commit harmful error by precluding testimony from plaintiff's fact witness as to certain observations and perceptions or by declining to permit plaintiff's offer of proof; appeal dismissed on ground that certification was improvidently granted. Wells Fargo Bank, N.A. v. Lorson (Order), 330 C 920	36 2 36 41
CONNECTICUT APPELLATE REPORTS	
Britton v. Commissioner of Correction, 185 CA 388	2A

(continued on next page)

and, therefore, barred by doctrine of res judicata; whether habeas court improperly determined that petitioner's statutory and constitutional rights to effective assistance of first habeas counsel were not violated; claim that first habeas counsel rendered ineffective assistance with respect to investigation of trial counsel's assistance regarding suppression of petitioner's statement to police; claim that first habeas counsel was ineffective for having failed to investigate and subpoena witnesses to demonstrate that first responders to crime scene mishandled victim's body; claim that first habeas counsel rendered ineffective assistance by failing to introduce exculpatory evidence to show contradiction between certain witness'

statements and trial testimony; claim that first habeas counsel was ineffective by failing to raise Salamon claim. Martinez v. Premier Maintenance, Inc., 185 CA 425. 39A Employment discrimination; whether trial court improperly granted motion for summary judgment; whether trial court improperly applied pretext model of analysis under McDonnell Douglas Corp. v. Green (411 U.S. 792) and Texas Dept. of Community Affairs v. Burdine (450 U.S. 248), rather than mixed-motive model of analysis under Price Waterhouse v. Hopkins (490 U.S. 228) in determining whether plaintiff established prima facie case of employment discrimination in violation of statute ([Rev. to 2011] § 46a-60 [a] [1]); whether trial court properly determined that there were no genuine issues of material fact as to whether defendant harbored bias or discriminatory intent on basis of plaintiff's religion; whether trial court improperly granted motion for summary judgment on claim that defendant retaliated against plaintiff in violation of statute ([Rev. to 2011] § 46a-60 [a] [4]) for having referred to coworker as pastor; claim that plaintiff engaged in protected activity when he referred to coworker as pastor; claim that plaintiff raised genuine issue of material fact that his reference to coworker as pastor constituted informal complaint when defendant fired coworker. Muckle v. Pressley, 185 CA 488 Negligence; action to recover damages for diminished value of motor vehicle; claim that trial court, in awarding damages, improperly denied claim for prejudgment interest and that applicable statutes (§§ 37-3a and 37-3b) do not extinguish common-law right to prejudgment interest in this type of civil action; whether, under present statutory framework, trial court properly denied request for prejudgment interest; whether, under § 37-3a, prejudgment interest may be recovered in negligence actions; whether § 37-3b provides for award of only postjudgment interest in negligence cases; whether plaintiff was entitled to prejudgment interest pursuant to statute (§ 52-192a) that governs offers of compromise; whether current statutory framework limits automatic award of interest in negligence actions to postjudgment time periods; claim that §§ 37-3a and 37-3b have not abrogated commonlaw right to prejudgment interest; whether plaintiff established that prejudgment interest in negligence cases existed under common law. Seaside National Bank & Trust v. Lussier, 185 CA 498. 112A Foreclosure; request for continuance pursuant to applicable rule of practice (§ 17-47); claim that trial court improperly granted motion for summary judgment as to liability; claim that trial court violated defendant's constitutional right to procedural due process by denying defendant opportunity to depose plaintiff's affiant; claim that trial court abused its discretion in denying request for continuance and granting motion for protective order; whether affidavit submitted by defendant in opposition to motion for summary judgment provided sufficient evidence to create genuine issue of fact regarding liability; whether trial court abused its discretion by denying defendant opportunity to depose plaintiff's affiant; whether trial court abused its discretion in overruling defendant's objection to plaintiff's motion for judgment of strict foreclosure.

(continued on next page)

CONNECTICUT LAW JOURNAL

(ISSN 87500973)

Published by the State of Connecticut in accordance with the provisions of General Statutes § 51-216a.

Commission on Official Legal Publications Office of Production and Distribution 111 Phoenix Avenue, Enfield, Connecticut 06082-4453 Tel. (860) 741-3027, FAX (860) 745-2178 www.jud.ct.gov

RICHARD J. HEMENWAY, Publications Director

 $Published \ Weekly-Available \ at \ \underline{\text{https://www.jud.ct.gov/lawjournal}}$

Syllabuses and Indices of court opinions by Eric M. Levine, Reporter of Judicial Decisions Tel. (860) 757-2250

The deadline for material to be published in the Connecticut Law Journal is Wednesday at noon for publication on the Tuesday six days later. When a holiday falls within the six day period, the deadline will be noon on Tuesday.

State v. Mendez, 185 CA 476	90A
Felony murder; robbery in first degree; reviewability of claim that trial court improperly granted appellate counsel's motion for leave to withdraw appearance filed pursuant to applicable rule of practice (§ 62-9 [d]); failure of defendant to comply with § 62-9 (d) by filing motion for review of trial court's decision; failure of defendant to raise or adequately brief any claim that directly challenged judgment of conviction.	
Walenski v. Connecticut State Employees Retirement Commission, 185 CA 457	71A
Administrative appeal; subject matter jurisdiction; spousal retirement benefits pursuant to State Employees Retirement Act (§ 5-152 et seq.); claim that trial court improperly determined that it lacked subject matter jurisdiction over appeal; law of case doctrine; claim that trial court improperly dismissed appeal because plaintiff appealed from final decision by administrative agency in accordance with applicable statute (§ 4-166 [5] [A] and [C]); whether appeal was taken from agency determination in contested case; whether plaintiff possessed statutory or regulatory right to have defendant Connecticut State Employees Retirement Commission decide her rights or privileges in hearing; whether governing statutes or applicable regulations required commission to hold hearing to determine plaintiffs rights or privileges in hearing; whether fact that hearing was in fact held before commission rendered appeal as having been taken from final decision under act.	
Volume 185 Cumulative Table of Cases	127A
SUPREME COURT PENDING CASES	
Summaries	1B
MISCELLANEOUS	
Notice of Resignation of Attorney	1C