
Week of March 6, 2017

Welcome to our Supreme and Appellate Court summaries webpage. On this page, I provide abbreviated summaries of decisions from the Connecticut Appellate Courts which highlight important issues and developments in Connecticut law, and provide practical practice pointers to litigants. I have been summarizing these court decisions internally for our firm for more than 10 years, and providing relevant highlights to my municipal and insurance practice clients for almost as long. It was suggested that a wider audience might appreciate brief summaries of recent rulings that condense often long and confusing decisions down to their basic elements. These summaries are limited to the civil litigation decisions. I may from time to time add commentary, and may even criticize a decision's reasoning. Such commentary is solely my own personal opinion. Pullman & Comley's [Appellate Practice Group](#) of which I am a member includes experienced appellate advocates in almost every area of the law. Should you have a need to consult about a potential appeal, please email me at emccreery@pullcom.com. I hope the reader finds these summaries helpful. – [Edward P. McCreery](#)

Posted March 7, 2017

Appellate Court Advance Release Opinions:

- AC39614 - [In re Harmony Q.](#)
- AC37573 - [Rosa v. Commissioner of Correction](#)
- AC37913 - [State v. Berthiaume](#)
- AC37913 Concurrence - [State v. Berthiaume](#)
- AC38219 - [21st Mortgage Corp. v. Schumacher](#)

Another decision dismissing a challenge to a foreclosure which asserted that the Plaintiff could not connect all the dots in the line of assignments (allonges) to the Promissory Note from the original lender to the present holder. It was enough that the Plaintiff had possession of the note and the last assignment was to itself.

- AC38397 - [State v. Ames](#)
- AC38289 - [McDonald v. McDonald](#)

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One brother sued his other brothers seeking a partition by sale of jointly owned land claiming that partition by division was impractical. The Trial Court rendered a judgment denying the request finding a sale impractical and not in the best interest of the parties. The brother tried again and refiled his lawsuit, this time requesting physical partition. The Trial Court properly rendered summary judgment to the defendants on the grounds that the second action was barred by the doctrine of collateral estoppel. One cannot file a second lawsuit the same as the first and seek alternative relief. He had his chance to seek the relief he wanted in the first lawsuit and he chose to seek only one remedy rather than plead the two remedies in the alternative.

- AC39616 - [State v. Carlos P.](#)
- AC38297 - [Ding v. Lazaro](#)

A Notice of Defective highway was sufficiently precise when it attached a police report with a sketch of the location of the purportedly defective manhole location.

- AC38826 - [Jolley v. Vinton](#)
- AC39276, AC39787 - [In re Henry P. B.-P.](#)
- AC39276, AC39787 Dissent - [In re Henry P. B.-P.](#)
- AC36749, AC37140, AC37141, AC37142, AC37143, AC37144, AC37145, AC37146, AC37147, AC37148, AC37149, AC37150, AC37151 - [R.T. Vanderbilt Co. v. Hartford Accident & Indemnity Co.](#)

To be summarized later.

- AC38789 - [State v. McCoy](#)
- AC39290 - [State v. Johnson](#)
- AC38085 - [Meridian Partners, LLC v. Dragone Classic Motorcars, Inc.](#)

Get your ducks lined up before you stipulate to a settlement. Here the Trial Court properly ordered the enforcement of a verbal settlement put on the record before the Trial Court despite later complaints that release terms could not be agreed upon and the defendant was now questioning whether the individuals who purported to be the members of the Plaintiff LLC, and who were to sign the settlement documents, really were all the members. These issues should have been resolved before placing the clear and unambiguous settlement terms on the record.

- AC38387 - [Disciplinary Counsel v. Sporn](#)

Two year suspension from the practice of law upheld for the failure to pursue immigration applications for three clients despite taking their money. As a result two of the clients were picked up by ICE and detained for several months away from their family. Failure to set up an IOTA account or to deposit client money in it, as well the harm suffered by the clients and a prior discipline record, justified the two year suspension. The Trial

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Court also properly granted a motion in limine to preclude the attorney from presenting expert testimony from an immigration attorney. Knowledge of immigration law was not needed to establish that the attorney violated the RPC by not diligently handling her clients' matters.

The facts and holdings of any case may be redacted, paraphrased or condensed for ease of reading. No summary can be an exact rendering of any decision, however, so interested readers are referred to the full decisions. The docket number of each case is a hyperlink to the Connecticut Judicial Department online slip opinion. © 2017 Pullman & Comley, LLC. All Rights Reserved.

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