
Appellate Court Notes: Week of October 31, 2016

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 November 23, 2016

Appellate Court Advance Release Opinions:

- AC37216 - [Olson v. Mohammadu](#)

A prior appeal in this case concluded that the defendant, former husband, was entitled to seek modification of alimony and support when he voluntarily moved from Florida to Connecticut to be closer to his child, but was forced to take a pay cut with his new job. A voluntary relocation does not automatically disqualify one from claiming a *substantial change in circumstances*. The motives for the move must be considered as well. This decision arose from a subsequent appeal after remand when the Trial Court took evidence on the modification and still denied the request. The Appellate Court concluded that the Trial Court did not commit error when it still refused to reduce the defendant's alimony and child support obligations. The evidence showed that with side jobs the defendant had managed to bring his Connecticut income to within 15% of his old Florida income, and he no longer had the expense of long distance child visitation. This decision also held the Trial Court was within its rights to direct the ex-husband to pay half of the wife's appellate legal fees for the second appeal as she did not have liquid assets to pay the same without dipping into the child support payments. She was not required to first dip into her retirement account to pay her appellate lawyer before the ex-husband could be forced to pay.

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- AC38010 - [Flomo v. Commissioner of Correction](#)
 - AC38367 - [State v. Andriulaitis](#)
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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. © 2016 Pullman & Comley, LLC. All Rights Reserved.

The factual summary, or even the legal conclusions, of any case may be summarized, redacted, paraphrased or altered at the author's discretion for ease of reading. Accuracy of the summary cannot be guaranteed and the viewer is referred to the actual case for an exact reading. The Docket number should be a link to the full decision.