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## Week of June 5, 2017

### June 5, 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](mailto:emccreery@pullcom.com). I hope the reader finds these summaries helpful. – Edward P. McCreery

Posted July 6, 2017

### Appellate Court Advance Release Opinions:

- AC36604 - [Sousa v. Sousa](#)

Former wife failed to prove fraud by clear and convincing evidence in order to set aside the divorce decree years later. She claimed the husband improperly and knowingly undervalued his police pension at only \$30,000, but that amount only reflected his total contributions. His benefit was calculated based upon years of service which amounted to \$45,000 per year. But the true method of the pension's benefit calculation had been disclosed to her before the decree was finalized, whether she read it or not. Further, she had agreed to give up her rights in the pension shortly after the divorce in return for the ex-husband not immediately terminating her alimony for her co-habiting.

- AC38267 - [Burnell v. Chorches](#)

Appeal of probate decree was properly dismissed under 45a-186 because it is not enough to "serve" the appeal within 30 days. Rather it must also be filed with the court within that time frame. An untimely appeal implicates the subject matter jurisdiction of the Superior Court.

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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. © 2017 Pullman & Comley, LLC. All Rights Reserved.*

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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.