

DOCKET NO: WWMCV186014636S

SUPERIOR COURT

DELGADILLO, DENNIS

JUDICIAL DISTRICT OF WINDHAM
AT PUTNAM

V.

MICHAEL A. WILSON CUSTOM
CARPENTRY & DESIGN, LLC Et Al

11/13/2020

ORDER

ORDER REGARDING:

10/16/2020 246.00 MOTION FOR WRITTEN DETERMINATION THAT APPEALED ISSUES
SIGNIFICANT TO OUTCOME PB SEC 61-4

The foregoing, having been considered by the Court, is hereby:

ORDER: DENIED

“When the trial court renders a judgment to which this section applies, such judgment shall not ordinarily constitute an appealable final judgment. Such a judgment shall only be considered an appealable final judgment only if the trial court makes a written determination that the issues resolved by the judgment are of such significance to the determination of the outcome of the case that the delay incident to the appeal would be justified, and the chief justice or chief judge of the court having appellate jurisdiction concurs.” P.B. § 61–4a.

“The policy concerns underlying the final judgment rule are to discourage piecemeal appeals and to facilitate the speedy and orderly disposition of cases at the trial court level. (Internal quotation marks omitted.) *Mazurek v. Great American Ins. Co.*, 284 Conn. 16, 33, 930 A.2d 682 (2007).” *O'Connor v. Med-Center Home Health Care, Inc.*, 308 Conn. 338, 244 (2011).

“In the language of Section 61–4, the right to bring an immediate interlocutory appeal from a trial court's ruling must be based on a threshold judicial determination that the issues resolved by that ruling are of such significance to the outcome of the case that the delay incident to the appeal would be justified.” *ShareAmerica, Inc. v. Ernst & Young, LLP*, Superior Court judicial district of Waterbury at Waterbury, Civil Complex Litigation Docket No. X02 CV93–0150132 (July 23, 1999, Sheldon, J.) [25 Conn. L. Rptr. 160]. “A major consideration for this court is the interplay between the claims that were ruled on in the motions to strike and the claims that remain pending in this case.” *Baker v. Cheshire*, Superior Court, judicial district of Ansonia/Milford at Milford, Docket No. CV 07–5013602S (July 11, 2008, Robinson, J.).

“...[T]he purpose of Section 61–4 is to create a narrow exception to our final judgment rule for those rare and special cases where interlocutory review of a trial court's pretrial ruling will resolve or greatly streamline the resolution of the entire case. In those limited circumstances, the purpose of the final judgment rule—to promote efficiency in the handling of cases by avoiding the added cost, delay and administrative burden of piecemeal litigation—is better served by granting the right to an immediate appeal than, as usual, postponing any appeal until the rights of all parties have been fully adjudicated in the trial court. Only if the trial judge, who knows the case personally and understands the interplay among its several claims, and the chief judge of the appellate court having jurisdiction, who knows the current status of his or her appellate docket, are mutually satisfied that the possible benefits of early appellate review exceed the likely costs and burdens of such review should the motion be granted. Other considerations include whether an appellate ruling would likely have the practical effect of ending the case in the trial court, so that the appellate court would not be faced with deciding the same case twice. See the discussion in *Royal Indemnity Company v. Terra Firma, Inc.*, 2006 Ct. Sup. 20624 (Beach, J.) [42 Conn. L. Rptr. 296]. *DiTeresi v. Stamford Health Sys., Inc.*, No. FSTCV065001340S, 2012 WL 898793, at *3–4 (Conn. Super. Ct. Feb. 24, 2012).

Regardless of the outcome of the sought after appeal, this case would continue against the remaining defendants. Consequently, this court denies the plaintiffs' motion for written determination

Short Calendar Results Automated Mailing (SCRAM) Notice was sent on the underlying motion.

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Judge: MATTHEW EDWARD AUGER

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