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CHARLES PRESTO, EXECUTOR (ESTATE
OF WILLIAM PRESTO), ET AL. *v.*
TEODOZJA PRESTO ET AL.
(AC 41545)

Lavine, Devlin and Bear, Js.

Syllabus

The plaintiff, as executor of the decedent's estate and in his individual capacity, sought a declaratory judgment as to certain real property that the decedent had devised to the defendants, the decedent's widow and stepsons, and that the plaintiff's brother, in his will, later devised to the decedent's widow. The brother's will was filed in the Probate Court, and the plaintiff objected to the will on the ground that it conflicted with the decedent's will as to who was to inherit the property. The trial court granted the defendants' motion to dismiss the plaintiff's action, concluding that the plaintiff's claims were not ripe for adjudication in the Superior Court because, at the time of the filing of the complaint, they were still pending before the Probate Court. The trial rendered judgment for the defendants, from which the plaintiff appealed to this court, which dismissed that portion of the appeal filed by the plaintiff in his capacity as executor of the decedent's estate. *Held* that the judgment of the trial court was affirmed; because the trial court thoroughly addressed the arguments raised in this appeal in its memorandum of decision, this court adopted the trial court's well reasoned decision as a statement of the facts and the applicable law on the issues.

Argued December 11, 2019—officially released February 25, 2020

Procedural History

Action seeking, inter alia, a declaratory judgment that the plaintiffs are entitled to certain real property under the decedent's will, and for other relief, brought to the Superior Court in the judicial district of Stamford-Norwalk, where the court, *Genuario, J.*, granted the defendants' motion to dismiss and rendered judgment thereon, from which the plaintiffs appealed to this court; thereafter, the court, *Genuario, J.*, issued an articulation of its decision; subsequently, the appeal was dismissed in part. *Affirmed.*

Charles Presto, self-represented, the appellant (plaintiff).

Peter V. Lathouris, with whom, on the brief, was *Michael P. Longo, Jr.*, for the appellees (defendants).

Opinion

PER CURIAM. The plaintiff Charles Presto, in his capacity as the executor of the estate of William Presto, and in his individual capacity,¹ appeals from the judgment dismissing his declaratory judgment action against the defendants, Teodozja Presto, Andrzej Mazurek, and Stanislaus Mazurek, for lack of subject matter jurisdiction on the ground that the claims raised were not ripe for adjudication. We affirm the judgment of the trial court.

The plaintiff's complaint contains the following allegations. The plaintiff is the executor of the estate of William Presto. William Presto died on March 24, 1998, and his will was entered into probate. William Presto, who was the father of the plaintiff and Robert Presto, the husband of Teodozja Presto, and the stepfather of Andrzej Mazurek and Stanislaus Mazurek, devised certain interests in his real property located at 10 Carleton Street, Greenwich (property), to Teodozja Presto and Robert Presto. Robert Presto died on September 5, 2016, and left a will in which he devised the property. His will was filed in the Greenwich Probate Court. The plaintiff objected to Robert Presto's will on the ground that it conflicted with their father's will as to who was to inherit the property.

The plaintiff's appeal concerns the parties' rights pursuant to William Presto's will, including whether Robert Presto had the right to devise the real property to Teodozja Presto upon his death. The plaintiff also seeks to be appointed executor of Robert Presto's estate in light of Teodozja Presto's alleged bad faith and unconscionable conduct. On May 31, 2017, the defendants filed a motion to dismiss the plaintiff's declaratory judgment action. On February 14, 2018, the court issued a memorandum of decision dismissing the action. The court concluded that the plaintiff's claims were not ripe for adjudication in the Superior Court because, at the time of the filing of the complaint, they were still pending before the Greenwich Probate Court.

Upon examination of the record on appeal and the briefs and arguments of the parties, we conclude that the judgment of the trial court dismissing the plaintiff's action should be affirmed. Because the court thoroughly addressed the arguments raised in this appeal, we adopt its well reasoned decision as a statement of the facts and the applicable law on the issues. See *Presto v. Presto*, Superior Court, judicial district of Stamford-Norwalk, Docket No. CV-17-5016650-S (February 14, 2018) (reprinted at 196 Conn. App. , A.3d). It would serve no useful purpose for this court to engage in any further discussion. See, e.g., *Woodruff v. Hemingway*, 297 Conn. 317, 321, 2 A.3d 857 (2010); *Geiger v. Carey*, 170 Conn. App. 459, 462, 154 A.3d 1093 (2017).

The judgment is affirmed.

¹ This court dismissed that portion of the appeal filed by the plaintiff in his capacity as the executor of the estate of William Presto; all references herein to the plaintiff are to Charles Presto in his individual capacity.
