
The “officially released” date that appears near the beginning of each opinion is the date the opinion will be published in the Connecticut Law Journal or the date it was released as a slip opinion. The operative date for the beginning of all time periods for filing postopinion motions and petitions for certification is the “officially released” date appearing in the opinion.

All opinions are subject to modification and technical correction prior to official publication in the Connecticut Reports and Connecticut Appellate Reports. In the event of discrepancies between the advance release version of an opinion and the latest version appearing in the Connecticut Law Journal and subsequently in the Connecticut Reports or Connecticut Appellate Reports, the latest version is to be considered authoritative.

The syllabus and procedural history accompanying the opinion as it appears in the Connecticut Law Journal and bound volumes of official reports are copyrighted by the Secretary of the State, State of Connecticut, and may not be reproduced and distributed without the express written permission of the Commission on Official Legal Publications, Judicial Branch, State of Connecticut.

KEYIN WORTH *v.* CHRISTOPHER PICARD ET AL.
(AC 45090)

Alvord, Prescott and Suarez, Js.

Syllabus

The plaintiff sought to recover, inter alia, damages against the defendant attorney in connection with the enforcement of a summary process execution for possession of real property in which she was residing. State marshals ejected the plaintiff from the residence and removed and placed into storage her personal property. The plaintiff alleged that the defendant, who was the attorney for the mortgagee who obtained the summary process execution following a judgment of strict foreclosure, engaged in impropriety with respect to the eviction and the removal of her personal property from the residence. The trial court granted the defendant's motion for summary judgment, concluding that the plaintiff's claims were barred by absolute immunity arising from the litigation privilege and that the plaintiff failed to adduce any competent admissible evidence that would create an issue of fact as to whether the defendant had ever been to the home from which the plaintiff was removed or had been in possession of any of her property. The plaintiff appealed to this court, claiming that the court improperly concluded as a matter of law that her claims were barred by absolute immunity pursuant to the litigation privilege. *Held* that this court dismissed the plaintiff's appeal as moot, the plaintiff having failed to challenge every independent basis on which the trial court granted the defendant's motion for summary judgment; moreover, even if this court were to agree with the plaintiff that the court improperly concluded that the litigation privilege applied, it would be unable to afford her any practical relief in connection with that claim in light of the trial court's conclusion that, even if the litigation privilege did not apply, on the basis of the undisputed facts, the defendant was entitled as a matter of law to judgment in his favor.

Argued February 2—officially released April 4, 2023

Procedural History

Action to recover damages for, inter alia, the defendants' alleged negligence, and for other relief, brought to the Superior Court in the judicial district of Waterbury, where the court, *Roraback, J.*, granted the named defendant's motion for summary judgment and rendered judgment thereon, from which the plaintiff appealed to this court. *Appeal dismissed.*

Keyin Worth, self-represented, the appellant (plaintiff).

Victoria L. Forcella, for the appellee (named defendant).

Opinion

PER CURIAM. The plaintiff, Keyin Worth,¹ brought the underlying civil action against the defendant Christopher Picard.² The plaintiff appeals from the judgment rendered in the defendant's favor after the court granted his motion for summary judgment.³ The plaintiff claims that the court improperly concluded as a matter of law that, pursuant to the litigation privilege, the plaintiff's claims were barred by absolute immunity. We dismiss the appeal as moot.

The record reflects the following procedural history. In her amended complaint, the plaintiff alleged claims against the defendant sounding in negligence, negligent infliction of emotional distress, housing discrimination in violation of General Statutes § 46a-64c, unlawful entry and detainer in violation of General Statutes § 47a-43, conversion, and a violation of the Connecticut Unfair Trade Practices Act, codified in General Statutes § 42-110a et seq.⁴ The plaintiff's claims were related to events that allegedly occurred on March 27, 2018, when state marshals enforced a summary process execution for possession of real property in which the plaintiff was residing, thereby ejecting her from the residence and removing and placing into storage her personal property from the residence. In broad terms, the plaintiff's claims were related to her belief that the defendant, who was the attorney for the mortgagee who obtained the summary process execution following a judgment of strict foreclosure of the subject property, engaged in impropriety with respect to the eviction and the removal of her personal property from the residence.⁵ Thereafter, the defendant denied liability and raised eleven special defenses. With respect to each special defense, the plaintiff left the defendant to his proof.

On January 4, 2021, the defendant filed a motion for summary judgment accompanied by a memorandum of law and exhibits. In his memorandum of law, the defendant argued that, with respect to each cause of action directed at him, the plaintiff was unable to demonstrate that a genuine issue of material fact existed, and that he was entitled as a matter of law to judgment in his favor. Alternatively, the defendant argued that he was entitled to judgment in his favor because he was immune from suit pursuant to the litigation privilege as elucidated in *Scholz v. Epstein*, 198 Conn. App. 197, 232 A.3d 1155 (2020), *aff'd*, 341 Conn. 1, 266 A.3d 127 (2021). On March 22, 2021, the plaintiff filed an objection to the defendant's motion for summary judgment and exhibits. On May 17, 2021, the court, *Roraback, J.*, held a hearing on the motion.

On September 13, 2021, the court granted the defendant's motion for summary judgment. The court concluded, on the basis of the facts before it that were not disputed by the plaintiff's submissions in opposition to

the motion for summary judgment, that the plaintiff's claims were barred by absolute immunity arising from the litigation privilege. The court thereafter stated that, "[e]ven if this court were to conclude that the immunity granted by the litigation privilege did not attach to one or more counts directed against the moving defendant, he would still be entitled to summary judgment in his favor on all counts. This is because the plaintiff has failed to adduce any competent admissible evidence that would create an issue of fact as to whether [the defendant] has ever been to the home from which she was removed or been in possession of any of her property." This appeal followed.

In the plaintiff's principal appellate brief, she challenges the court's judgment in favor of the defendant on the grounds that the court improperly relied on *Scholz v. Epstein*, supra, 198 Conn. 197, and concluded that the litigation privilege applied. The plaintiff, however, does not challenge one of the independent grounds on which the judgment was based, namely, that, even in the absence of the litigation privilege, the defendant was entitled to judgment in his favor with respect to every count directed at him.

Because the plaintiff does not challenge every independent basis on which the court granted the defendant's motion for summary judgment, we consider whether the present appeal is moot.⁶ "Mootness is a question of justiciability that must be determined as a threshold matter because it implicates [this] court's subject matter jurisdiction A determination regarding . . . [this court's] subject matter jurisdiction is a question of law . . . [and, therefore] our review is plenary. . . . [I]t is not the province of appellate courts to decide moot questions, disconnected from the granting of actual relief or from the determination of which no practical relief can follow. . . . In determining mootness, the dispositive question is whether a successful appeal would benefit the plaintiff or defendant in any way. . . .

"Where an appellant fails to challenge all bases for a trial court's adverse ruling on [her] claim, even if this court were to agree with the appellant on the issues that [she] does raise, we still would not be able to provide [her] any relief in light of the binding adverse finding[s] [not raised] with respect to those claims. . . . Therefore, when an appellant challenges a trial court's adverse ruling, but does not challenge all independent bases for that ruling, the appeal is moot." (Citation omitted; internal quotation marks omitted.) *Bongiorno v. J & G Realty, LLC*, 211 Conn. App. 311, 322, 272 A.3d 700 (2022). In the present appeal, even if we were to agree with the plaintiff that the court improperly concluded that the litigation privilege applied, we would be unable to afford her any practical relief in connection with that claim in light of the court's conclusion that,

even if the litigation privilege did not apply, on the basis of the undisputed facts, the defendant was entitled as a matter of law to judgment in his favor. Having concluded that the claim is moot, we must dismiss the appeal. See, e.g., *Wendy V. v. Santiago*, 319 Conn. 540, 548, 125 A.3d 983 (2015) (after concluding that claim is moot, proper remedy is to dismiss appeal for lack of subject matter jurisdiction).

The appeal is dismissed.

¹ The plaintiff was a self-represented litigant during the proceedings before the trial court and appears in a self-represented capacity in this appeal.

² In this appeal, we refer to Picard as the defendant. The defendant is a member of the bar of this state. The plaintiff named him as a defendant “as attorney and as individual.”

The plaintiff also named Edward DiLieto and Willie Davis, Jr., both of whom are state marshals, as defendants in their individual and official capacities. Initially, the court, *Roraback, J.*, dismissed the plaintiff’s complaint with respect to the claims brought against DiLieto and Davis, and the plaintiff challenged that ruling in this appeal. After the plaintiff brought this present appeal, however, the court vacated its dismissal of the action with respect to the claims that were brought against DiLieto and Davis. As a result, on November 29, 2022, the plaintiff withdrew the portion of her appeal in which she challenged the judgment rendered in favor of these defendants. In this opinion, we need not, and do not, address the plaintiff’s appellate claims that pertain to DiLieto and Davis.

The plaintiff also named Edmar Services, LLC, as a defendant. On February 19, 2019, the plaintiff withdrew her complaint with respect to Edmar Services, LLC.

³ The plaintiff’s brief is not a model of clarity. We note that, with respect to the defendant, the plaintiff also argues that the court erred in “granting [the defendant’s] motion for order to conceal the truth and to bar [the] plaintiff from conducting proper discovery when [the defendant] is a self-represented . . . litigant [and] does not enjoy any immunity and privilege.” The plaintiff thereafter argues that “[g]ranteeing [the defendant’s] motion for protection put [her] in furtherance of injustice.”

To the extent that the plaintiff has attempted to raise a distinct claim of error concerning a ruling made by the trial court, she has failed to clearly identify the ruling at issue and the trial court’s factual legal basis for the ruling. She also has not provided the standard of review that this court should apply or an independent and reasoned argument supported by citation to the record and relevant legal authority. See Practice Book § 67-4.

It is well settled that our appellate courts “are not obligated to consider issues that are not adequately briefed. . . . Whe[n] an issue is merely mentioned, but not briefed beyond a bare assertion of the claim, it is deemed to have been waived. . . . In addition, mere conclusory assertions regarding a claim, with no mention of relevant authority and minimal or no citations from the record, will not suffice.” (Citations omitted; internal quotation marks omitted.) *Connecticut Coalition Against Millstone v. Connecticut Siting Council*, 286 Conn. 57, 87, 942 A.2d 345 (2008). Although this court is solicitous of self-represented parties and construes the rules of practice liberally in their favor; see, e.g., *Gutierrez v. Mosor*, 206 Conn. App. 818, 835, 261 A.3d 850, cert. denied, 340 Conn. 913, 265 A.3d 926 (2021); the latitude shown to self-represented parties does not lead us to overlook the significant briefing defects with which we are presented here.

⁴ The court struck a seventh count, sounding in legal malpractice.

⁵ We note that, in conjunction with her original complaint, the plaintiff filed an application for a temporary injunction and a restraining order to prevent the defendants from disposing of her personal property. Thereafter, the court issued orders concerning the personal property.

⁶ On July 26, 2022, after the plaintiff filed her appellant’s brief, this court ordered the parties, sua sponte, “to address whether the portion of the appeal challenging the trial court’s September 13, 2021 judgment in favor of the defendant . . . should be dismissed as moot because the plaintiff has challenged only one of the two independent bases for that judgment.” In his appellee’s brief, the defendant argues that the appeal is moot. In her reply brief, the plaintiff argues that the appeal is not moot because, in her appellant’s brief, she adequately challenged both independent bases for the court’s judgment. We disagree with the plaintiff. Also, to the extent that

the plaintiff, for the first time in her reply brief, challenges the court's determination with respect to the merits of her claims, such arguments are unreviewable. It is well settled that "[a] plaintiff cannot use his reply brief to resurrect a claim that he has abandoned by failing to adequately brief it in his principal appellate brief." *Robb v. Connecticut Board of Veterinary Medicine*, 204 Conn. App. 595, 613 n.23, 254 A.3d 915, cert. denied, 338 Conn. 911, 259 A.3d 654 (2021).
