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E AND M CUSTOM HOMES, LLC *v.* ALBERTO
NEGRON ET AL.
(SC 19118)

Rogers, C. J., and Palmer, Eveleigh, McDonald, Espinosa and Vertefeuille, Js.

Argued October 30—officially released November 25, 2014

David V. DeRosa, for the appellant (plaintiff).

Raphael Deutsch, with whom, on the brief, was *Raymond J. Antonacci*, for the appellees (named defendant et al.).

Opinion

PER CURIAM. The plaintiff, E & M Custom Homes, LLC, brought an action seeking the foreclosure of a mechanic's lien on certain real property belonging to the defendants Alberto Negron and Luz Maria Negron¹ in connection with services that the plaintiff had provided related to the construction of a single-family residence on the property. The defendants filed a counterclaim alleging that the plaintiff had breached its contract with the defendants, that it had failed to comply with the provisions of General Statutes § 20-417c (4), (6) and (7) applicable to new home construction contractors, and that these statutory violations constituted a per se violation of the Connecticut Unfair Trade Practices Act, General Statutes § 42-110a et seq. The trial court rendered judgment for the defendants on the plaintiff's mechanic's lien claim and for the defendants, in part, on their counterclaim. Thereafter, the plaintiff filed a motion for reconsideration, which the trial court granted in part and, accordingly, reduced the amount of the damages award. The plaintiff then appealed to the Appellate Court, which affirmed the judgment of the trial court. *E & M Custom Homes, LLC v. Negron*, 140 Conn. App. 92, 112, 59 A.3d 262 (2013). We granted the plaintiff's petition for certification to appeal to this court on the following issue: "Did the Appellate Court properly affirm the trial court's award of damages on the defendants' counterclaim when the plaintiff claims that the amount due under the contract exceeds the amount of damages claimed by the defendants?" *E & M Custom Homes, LLC v. Negron*, 308 Conn. 912, 61 A.3d 1099 (2013).

After examining the record on appeal and after considering the briefs and the arguments of the parties, we have concluded that the appeal in this case should be dismissed on the ground that certification was improvidently granted. See *Booth v. Flanagan*, 220 Conn. 453, 454, 599 A.2d 380 (1991); *Lawler v. Lawler*, 212 Conn. 117, 118, 561 A.2d 128 (1989).

The appeal is dismissed.

¹ CitiMortgage, Inc., which was substituted for the original mortgagee of the property, was also a defendant in the underlying action. We refer herein to Alberto Negron and Luz Maria Negron as the defendants.
