



2022 Edition

# Injunctions and Restraining Orders in Connecticut

A Guide to Resources in the Law Library

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Judge Support Services, Law Library Services Unit*

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References to online legal research databases refer to in-library use of these databases.  
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# Introduction

## A Guide to Resources in the Law Library

- “Where injunctive relief is granted, the decree should be sufficiently clear and definite in its terms for the defendant to be able to determine with reasonable **certainty what conduct on his part is required or prohibited.**” [Adams v. Vaill](#), 158 Conn. 478, 485-486, 262 A.2d 169 (1969).
- “The following standard of review applies to the review of a trial court’s ruling on an injunction. The issuance of an injunction and the scope and quantum of injunctive relief rests in the sound discretion of the trier....**A prayer for injunctive relief is addressed to the sound discretion of the court and the court’s ruling can be reviewed only for the purpose of determining whether the decision was based on an erroneous statement of law or an abuse of discretion.**” [City of Stamford v. Ten Rugby Street, LLC](#), 164 Conn. App. 49, 81, 137 A.3d 781, (2016).
- “An injunction may be granted immediately, if the circumstances of the case demand it, or the court or judge may cause immediate notice of the application to be given to the adverse party, that he may show cause why the injunction **should not be granted.**” Conn. Gen. Stat. [§ 52-473](#)(a) (2021).
- “An action for an injunction being equitable, whether or not a plaintiff is entitled to relief is determined, not by the situation existing when it is begun, but by that which is developed at the trial.” [E.M. Loew’s Enterprises, Inc. v. International Alliance of Theatrical Stage Employees et al.](#), 127 Conn. 415, 419 (1941).
- “It [an action for an injunction] is a preventive remedy and not punishment for past conduct.” [William Schollhorn Co. v. Playthings Jewelry & Novelty Workers International Union](#), 14 Conn. Supp. 22, 27 (1946).
- “... the issue of whether an injunction is necessary in addition to a judgment, and the precise parameters of any injunction, have not been considered by the trial court. **In addition, the plaintiffs’ request for an injunction barring the commissioner from operating any buses over any of their designated routes may impact the separate, pending litigation concerning the extent of the plaintiffs’ operating rights under their certificates, including whether the plaintiffs’ rights over these routes are exclusive.** That dispute is not before us in the present appeal.” [Dattco, Inc. v. Commissioner of Transportation](#), 324 Conn. 39, 55, 151 A.3d 823 (2016).
- See [Domestic Violence and Civil Protection Orders in Connecticut](#) for coverage of family violence restraining orders, civil protection orders, and criminal protective orders.

# Section 1: Applications for Injunction

A Guide to Resources in the Law Library

## SCOPE:

- Bibliographic resources relating to the procedures used in obtaining a writ of injunction in Connecticut.

## SEE ALSO:

[Table 1: Types and forms of injunctions](#)  
[Table 2: Notice required for ex parte injunction](#)  
[Table 3: Extraordinary nature of injunctive relief](#)  
[Table 4: Standards for issuing of temporary injunction](#)

## DEFINITIONS:

- Equitable proceeding: **"Any judge of any court of equitable jurisdiction may, on motion, grant and enforce a writ of injunction, according to the course of proceedings in equity, in any action for equitable relief when the relief is properly demandable, returnable to any court, when the court is not in session. Upon granting of the writ, the writ shall be of force until the sitting of the court and its further order thereon unless sooner lawfully dissolved."** Conn. Gen. Stat. § [52-471\(a\)](#) (2021).
- Verified complaint: **"No injunction may be issued unless the facts stated in the application therefor are verified by the oath of the plaintiff or of some competent witness."** Conn. Gen. Stat. § [52-471\(b\)](#) (2021).
- Bond on issue of temporary injunction: **"No temporary injunction may be granted, except in favor of the state or of a public officer thereof in respect to any matter of a public nature, until the party making application therefor gives bond, with surety satisfactory to the court or judge granting the injunction, to the opposite party, to answer all damages in case the plaintiff fails to prosecute the action in which the injunction is applied for to effect; provided a bond need not be required when, for good cause shown, the court or a judge is of the opinion that a temporary injunction ought to issue without bond."** Conn. Gen. Stat. § [52-472](#) (2021).

## STATUTES:

You can visit your local law library or search the most recent [statutes](#) and [public acts](#) on the Connecticut General Assembly website to confirm that you are using the most up-to-date statutes.

- Conn. Gen. Stat. (2021)
  - [Chapter 916](#). Injunctions
    - § 52-471. Granting of injunction
    - § 52-472. Bond on issue of temporary injunction
    - § 52-473. Injunctions may be granted immediately or after notice
      - § 52-473a. Enjoining or restraining enforcement of certain environmental or public health laws. Ex parte orders prohibited. Appeal.
      - § 52-474. Interested persons may appear and be heard.
      - § 52-475. Dissolution of temporary injunction.
      - § 52-476. Continuance pending appeal.
      - § 52-477. Permanent injunction; stay pending appeal.
      - § 52-478. Removal of stay or dissolution of injunction.

- § 52-479. Reservation for advice. Dissolution of injunction.
- § 52-480. Injunction against malicious erection of structure.
- § 52-481. **Abatement of manufacturer's nuisance.** Temporary injunction.
- § 52-483. Injunction against sale on execution; adjournment of sale.

LEGISLATIVE:

[Office of Legislative Research](#) reports summarize and analyze the law in effect on the date of **each report's** publication. Current law may be different from what is discussed in the reports.

- *Connecticut Law on Spite Fences*, Julia Singer Bansal, Connecticut General Assembly, Office of Legislative Research Report, [2018-R-0061](#) (February 22, 2018).
- *Supreme Court Decision in the Dattco Case*, Paul Frishman, Connecticut General Assembly, Office of Legislative Research Report, [2017-R-0005](#) (January 9, 2017).
- *OLR Backgrounder: Searching Private Property for Zoning Violations When Consent is Withheld*, Julia Singer Bansal, Connecticut General Assembly, Office of Legislative Research Report, [2013-R-0008](#) (January 9, 2013).

COURT RULES:

Amendments to the Practice Book (Court Rules) are published in the [Connecticut Law Journal](#) and posted [online](#).

- Conn. Practice Book (2022)
  - [§ 4-5](#). Notice Required for Ex Parte Temporary Injunctions
  - [§ 11-9](#). Disclosure of Previous Applications

CIVIL PROCEDURES:

- Connecticut Superior Court Civil Procedures [Documents Required for an Ex Parte Temporary Injunction or a Temporary Injunction After Notice and Hearing](#)

FORMS:

- 2 Conn. Practice Book (October 1992)
  - [Form 104.4. Injunction Against Nuisance - Maintenance of Disposal Area \(Figure 1\)](#)
- 14A *Am Jur Pleading & Practice Forms* Injunctions, Thomson West, 2013 (Also available on Westlaw).
  - § 6. Complaint, petition, or declaration—For permanent injunction—Seeking temporary restraining order and preliminary injunction--General form
  - § 59. Notice of motion or application—For temporary restraining order
  - § 60. Notice of motion or application—For preliminary injunction
  - § 70. Order—To show cause why preliminary injunction should not issue--With temporary restraining order—General form
  - § 97. Bond or undertaking—For temporary restraining order

§ 103. Notice—Motion for additional bond for preliminary injunction

§ 104. Order—Requiring additional bond for preliminary injunction

- *Library of Connecticut Family Law Forms*, 2d ed., by MacNamara, Welsh, and George, editors, Connecticut Law Tribune, 2014.
  - Chapter 9. Forms 9-001—9-008.
    - 9-001. Application for Ex Parte Temporary Injunction
    - 9-002. Order of Ex Parte Temporary Injunction
    - 9-003. Affidavit in Support of Application for Ex Parte Temporary Injunction
    - 9-004. Application for Order to Show Cause (Re: Ex Parte Temporary Injunction)
    - 9-005. Order to Show Cause (Re: Ex Parte Temporary Injunction)
    - 9-006. Order of Service (Re: Ex Parte Temporary Injunction)
    - 9-007. Notice Pursuant to Practice Book § 4-5 (Re: Ex Parte Temporary Injunction)
    - 9-008. Summons (Re: Ex Parte Temporary Injunction)
- Connecticut Supreme and Appellate Court Records and Briefs:
  - o Sample Ex Parte Injunctions:
    - [Parrotta v. Parrotta](#), 119 Conn.App. 472, 988 A.2d 383 (2010)
    - [Sikand v. Wilson-Coker](#), 276 Conn. 618 (2006)
    - [TES Franchising, LLC v. Feldman](#), 286 Conn. 132, 943 A.2d 406 (2008)
  - o Sample Temporary Injunctions:
    - [Conservation Commission v. Red 11, LLC](#), 119 Conn. App. 377, 987 A.2d 398 (2010)
    - [Palozie v. Palozie](#), 283 Conn. 538, 927 A.2d 903 (2007)

CASES:

- [Kent Literary Club of Wesleyan University at Middletown et al. v. Wesleyan University et al.](#), 338 Conn. 189, 238, 257 **A.3d 874 (2021)**. "More stringent standards, however, govern the issuance of mandatory injunctions. Unlike a prohibitory injunction—an order of the court that merely maintains the status quo by restraining a party from the commission of some act—a mandatory injunction is a court order that commands a party to perform some affirmative act. E.g., *Tomasso Bros., Inc. v. October Twenty-Four, Inc.*, 230 Conn. 641, 652, 646 A.2d 133 (1994). 'Relief by way of mandatory injunction is an extraordinary remedy granted in the sound discretion of the court [but] only under compelling

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circumstances.”

- [Kuchta v. Arisian](#), 329 Conn. 530, 553, 187 A.3d 408, 422 (2018). “In seeking an injunction pursuant to [General Statutes] § 8-12, the town is relieved of the normal burden of proving irreparable harm and the lack of an adequate remedy at law because § 8-12 by implication assumes that no adequate alternative remedy exists and that the injury was irreparable.... The town need prove only that the statutes or ordinances were violated.... The proof of violations does not, however, deprive the court of discretion and does not obligate the court mechanically to grant the requested injunction for **every violation.**’ (Citations omitted; emphasis added.) *Gelinas v. West Hartford*, 225 Conn. 575, 588, 626 A.2d 259 (1993).”
- [Gemilli v. Gemilli](#), Superior Court, Judicial District of Stamford-Norwalk at Stamford, FA156025566S (July 2018) (2018 WL 3846392). “The record reflects that the Defendant failed to give the plaintiff’s counsel adequate notice pursuant to Practice Book Section 4-5. The plaintiff was therefore forced to file objections essentially to counter the defendant’s arguments without the benefit of seeing the applications prior to their filing. The court denied the defendant’s applications and scheduled hearings on both. Neither application was thereafter properly served upon the Plaintiff.”
- [Steroco, Inc. v. Szymanski](#), 166 Conn. App. 75, 87-88, 140 A.3d 1014 (2016). “A party seeking injunctive relief has the burden of alleging and proving irreparable harm and a lack of an adequate remedy at law...’ **Additionally, ‘[a] decision to grant or deny an injunction must be compatible with the equities in the case, which should take into account the gravity and willfulness of the violation, as well as the potential harm to the defendant.’**”
- [City of Stamford v. Ten Rugby Street, LLC](#), 164 Conn. App. 49, 81, 137 A.3d 781, (2016). “The following standard of review applies to the review of a trial court’s ruling on an injunction. The issuance of an injunction and the scope and quantum of injunctive relief rests in the sound discretion of the trier....**A prayer for injunctive relief is addressed to the sound discretion of the court and the court’s ruling can be reviewed only for the purpose of determining whether the decision was based on an erroneous statement of law or an abuse of discretion.**”
- [Dattco, Inc. v. Commissioner of Transportation](#), 324 Conn. 39, 151 A.3d 823 (2016). “...**The plaintiffs are four bus companies operating buses over routes in and around the cities of Hartford and New Britain. Each plaintiff holds a certificate of public convenience and necessity, granting it**

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authority to operate a bus service over a specified route. The certificates were issued under predecessor statutes to what is now General Statutes § 13b-80.” (p. 41).

“...the commissioner condemned the certificates pursuant to the state’s power of eminent domain, prompting the plaintiffs to file the actions that are the subject of this appeal. The plaintiffs each claim that the commissioner lacks the statutory authority to condemn their certificates. They seek permanent injunctive and other relief preventing the commissioner from carrying out the condemnations.” (p. 43)

- [Commissioner of Environmental Protection v. Underpass Auto Parts Company](#), 319 Conn. 80, 123 A.3d 1192 (2015). **“It bears noting that our conclusion that the trial court in the present case will be required to order remediation of the pollution pursuant to the applicable remediation standard regulations does not necessarily mean that the trial court is required to order strict compliance with the Water Pollution Control Act and its implementing regulations in all cases, no matter what the nature of the alleged violation. See *Conservation Commission v. Price*, 193 Conn. At 430, 479 A.2d 187 (“[t]he grant of jurisdiction to ensure compliance with a statute hardly suggests an absolute duty to do so under any and all circumstances, and a [trial] judge ...is not mechanically obligated to grant an injunction for every violation of law”). (p. 103-104)**

**“We also, conclude that, upon finding that a defendant has polluted the waters of the state, the trial court, as a practical matter, necessarily has discretion under §22a-430(d) to direct the precise contours and timing of the remediation process. After all, the primary remedy contemplated by the legislature under that provision is ‘injunctive relief,’ which, by its very nature, invokes the equitable authority of the court.” (p. 104)**

- [John Avery et al. v. Luis Medina et al.](#), 151 Conn. App. 433, 93 A.3d 1241 (2014). **“The plaintiffs claim that the court erred in concluding that the defendants’ stone wall was not a permanent structure, as that term is used in the restrictive covenant set forth in the defendants’ deed.” (p. 441)**

**“The plaintiffs next claim that the court erred in declining to award punitive damages and costs on the basis of the defendants’ intentional, wanton, and malicious violations of their rights.” (p. 449)**

**“...the case is remanded with direction to render judgment for the plaintiffs on their request for injunctive relief requiring the defendants to remove all portions of the stone wall that are within 100 feet of the westerly line of Winchester Road.” (p. 451)**



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- [Ray Weiner, LLC, et al. v. City of Bridgeport et al.](#), 150 Conn. App. 279, **288, 92 A. 3d 258 (2014)**. "In considering the irreparable harm element, we are guided by the principle that '[a]lthough ... absolute certainty is not required, it must appear that there is a substantial probability that but for the issuance of the injunction, the party seeking it will suffer irreparable harm.' (Internal quotation marks omitted.) *Sillitschanu v. Groesbeck*, 12 Conn.App. 57, 65, 529 A.2d 732 (1987), *aff'd*, 208 Conn. 312, 543 A.2d 737 (1988).
- [Michael C. Hoffman et al. v. Q 350, LLC et al.](#), Superior Court, Judicial District of Stamford-Norwalk at Stamford, No. FST-CV12-6014771-S (August 6, 2014) (58 Conn. L. Rptr. 883, 884) (2014 Conn. Super. LEXIS 2113) (2014 WL **4921638**). "A party seeking injunctive relief must demonstrate that: (1) it has no adequate remedy at law; (2) it will suffer irreparable harm without an injunction; (3) it will likely prevail on the merits; and (4) the balance of the equities tips in its favor. *Aqleh v. Cadle Rock Joint Venture II, L.P.*, 299 Conn. 84, 97-98 (2010) citing *Waterbury Teachers Ass'n v. Freedom in Information Commission*, 230 Conn. 441, 446 (1994)."
- [Jarjura for Comptroller v. State Elections Enforcement Commission](#), 51 Conn. Supp. 483, 429, 4 A3d. 356 (2010). "...The issuance of a temporary injunction is an 'extraordinary remedy' that courts [should grant] cautiously. *Hartford v. American Arbitration Assn.*, 174 Conn. 472, 476, 391 A2d. 137 (1978). 'The remedy by injunction is summary, peculiar, and extraordinary. An injunction ought not to be issued except for the prevention of great and irreparable mischief.' *Connecticut Assn. of Clinical Laboratories v. Connecticut Blue Cross, Inc.* 31 Conn. Sup. 110,113, 324 A2d. 288 (1973)."
- [Andrzejczyk v. Advo System, Inc.](#), 146 Conn. 428, 151 A.2d **881 (1959)**. "The defendant has appealed from a judgment enjoining it from erecting a fence which prevents the plaintiffs from using a driveway which is in part on the defendant's land and in part on land of the plaintiffs and **extends from the street to the rear of their premises.**" (p. 429-430)

**"To acquire a right of way by prescription, there must be a user which is open, visible, continuous and uninterrupted for fifteen years and made under a claim of right." (p. 431)**

**"In the instant case, the court could properly draw the inference from the situation of the parties and the nature and extent of the user that it was in fact adverse and under a claim of right." (p. 432)**

- [Gage v. Schavoit](#), 100 Conn. 652, 663-664, 124 A. 535 (1924). "The plaintiffs' third point, that the violation of the restrictions by them in matters claimed to be trivial is no defense to greater violations by defendant, is correct to the extent that such violations are not a complete equitable defense, and the trial court did not hold that they were such, but did consider them as evidencing the mind and disposition of plaintiffs as bearing upon the question of laches, in **noticing which they will be considered by us.**"

WEST KEY  
NUMBERS:

- Injunction #1001-1070 [Injunctions in general; Permanent injunctions in general]
- Injunction #1071-1120 [Preliminary, temporary, and interlocutory injunctions in general]
- Injunction #1121-1150 [Temporary restraining orders in general]
- Injunction #1151-1500 [Particular subjects of relief]
- Injunction #1501-1650 [Actions and proceedings]
- Injunction #1651-1710 [Bonds and other security]

ENCYCLOPEDIAS:

Encyclopedias and ALRs are available in print at some law library locations and accessible online at all law library locations.

Online databases are available for in-library use. Remote access is not available.

- 42 *Am Jur 2d* Injunctions, Thomson West, 2020 (Also available on Westlaw).
  - II. Principles governing issuance or denial
  - III. Kinds of rights protected and matters controllable
  - IV. Action or application for injunction; Pleading and Practice
- 43A *CJS* Injunctions, Thomson West, 2014 (Also available on Westlaw).
  - II. Principles governing issuance or denial
  - III. Grounds for relief
  - VIII. Damages arising from wrongful issuance of injunction
- 73 *A.L.R.2d* 854, *Furnishing of Bond As Prerequisite To Issuance of Temporary Restraining Order*, by F. M. English, Thomson West, 1960.
- 82 *A.L.R.2d* 1064, *Court's Lack of Jurisdiction of Subject Matter In Granting Injunction As A Defense In Action On Injunction Bond*, by C. R. McCorkle, Thomson West, 1962.
- 91 *A.L.R.2d* 1312, *Dismissal of Injunction Action or Bill Without Prejudice As Breach Of Injunction Bond*, by K. H. Larsen, Thomson West, 1963.
- 95 *A.L.R.2d* 1190, *Period For Which Damages Are Recoverable Or Are Computed Under Injunction Bond*, by J. R. Shepherd, Thomson West, 1964.
- 30 *A.L.R.4th* 273, *Recovery of Damages Resulting From Wrongful Issuance Of Injunction As Limited to Amount of Bond*, by Jay M. Zitter, Thomson West, 1984.

TEXTS &  
TREATISES:

Each of our law libraries own the Connecticut treatises cited. You can [contact](#) us or visit our [catalog](#) to determine which of our law libraries own the other treatises cited or to search for more treatises.

References to online databases refer to in-library use of these databases. Remote access is not available.

- 2 *Stephenson's Connecticut Civil Procedure*, 3<sup>rd</sup> ed., by Renee Bevacqua Bollier et al., Atlantic Law Book Co., 2002, with 2003 supplement.
  - Chapter 19. Extraordinary procedures, Sec. 227
    - a. General
    - b. Jurisdiction
    - c. Complaint
    - d. Order to show cause
    - e. Ex parte hearing
    - f. Bond
    - g. Issuance
    - h. Continuance, modification and dissolution
    - i. Stay or continuance of injunction pending appeal
    - j. Violation of injunctions
- 2 *Dupont on Connecticut Civil Practice*, by Ralph Dupont, 2021-2022 ed., LexisNexis.
  - Chapter 23. Miscellaneous remedies and procedures
    - § 23-50.17. Granting of injunction
    - § 23-50.18. Verified complaint required
    - § 23-50.19. Bond on issue of temporary injunction
    - § 23-50.20. Injunctions may be granted immediately or after notice
    - § 23-50.21. Temporary injunction issued *Ex Parte*
    - § 23-50.22. Interested persons may appear and be heard
    - § 23-50.23. Intervention; Injunction proceedings
    - § 23-50.24. Dissolution of temporary injunction
    - § 23-50.25. Motion to dissolve temporary injunction before return day
    - § 23-50.26. Continuance pending appeal
    - § 23-50.27. Permanent injunction; Stay pending appeal
    - § 23-50.28. Removal of stay or dissolution of injunction
    - § 23-50.29. Reservation for advice; Dissolution of injunction
- 2 *Connecticut Civil Procedure*, 2<sup>nd</sup> ed., by Edward L. Stephenson et al., Atlantic Law Book Company, 1971, with 1981 supplement.
  - Chapter 18. Specialized Procedures
    - § 267. Injunctions
    - § 268. Temporary injunctions
    - § 269. Status of temporary injunction pending appeal
    - § 270. Modification or dissolution of perm. injunction
    - § 271. Violation of injunction

Table 1: Types and Forms of Injunctions

Types and Forms of Injunctions	
<p>Restraining Order</p> <p>Temporary Restraining Order (TRO)</p>	<ul style="list-style-type: none"> <li>• <b>“issued . . . for the purpose of restraining the defendant for what should be a very brief period pending notice and hearing on a application for a temporary injunction.”</b> <a href="#">Inhabitants of Town of Lincolnville v. Perry</a>, 104 A.2d 884 (1954).</li> </ul> <p>For example, “Action to enjoin the defendant from taking by condemnation certain real property owned by the plaintiffs, <b>...where the court,..., granted the plaintiffs’ application from an ex parte temporary restraining order pending a hearing on the plaintiffs’ application for temporary injunctive relief..”</b> <a href="#">Aposporos v. Urban Redevelopment Commission of the City of Stamford</a>, 259 Conn. 563, 564, 790 A.2d 1167 (2002).</p> <ul style="list-style-type: none"> <li>• Sometimes granted ex parte (without notice) to the opposing party. See <a href="#">Table 2 for Notice requirements.</a></li> </ul>
<p>Temporary Injunction</p>	<ul style="list-style-type: none"> <li>• <b>“A temporary injunction is a preliminary order of the court, granted at the outset or during the pendency of an action, forbidding the performance of the threatened acts described in the original complaint until the rights of the parties respecting them shall have been finally determined by the court.”</b> <a href="#">Deming v. Bradstreet</a>, 85 Conn. 650, 659, 84 A. 116 (1912).</li> <li>• <b>“The primary purpose of a temporary injunction is to maintain the status quo until the rights of the various parties can be sorted out, after a full hearing on the merits.”</b> <a href="#">Danso v. University of Connecticut</a>, 50 Conn. Supp. 256, 261, 919 A.2d 110 (2007).</li> <li>• <b>“No temporary injunction may be granted without notice to the adverse party unless it clearly appears from the specific facts shown by affidavit or by verified complaint that irreparable loss or damage will result to the plaintiff before the matter can be heard on notice. It shall be sufficient, on such application for a temporary injunction, to present to the court or judge the original complaint containing the demand for an injunction, duly verified, without further complaint, application or motion in writing.”</b> Conn. Gen. Stat. <a href="#">§ 52-473(b)</a> (2021).</li> </ul>
<p>Permanent Injunction</p>	<ul style="list-style-type: none"> <li>• <b>“...Before a permanent injunction may be issued, it must be decided upon facts proved at trial.”</b> <a href="#">Gerdis v. Bloethe</a>, 39 Conn. Supp. 53, 55, 467 A.2d 689 (1983).</li> </ul>

	<ul style="list-style-type: none"><li>• <b>“Although there are three types of injunctions, we find it necessary here to highlight only one, the permanent injunction. A ‘permanent injunction’ issues after a court has rendered a final determination on the merits . . . . Notwithstanding the usual meaning of the term ‘permanent,’ a permanent injunction does not necessarily ‘last indefinitely.’ Instead, it ‘is one granted by the judgment which finally disposes of the injunction suit.’”</b> <a href="#">B &amp; P Enterprises v. Overland Equipment Co.</a>, 758 A.2d 1026 (Md. App. 2000).</li></ul>
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Table 2: Notice Required for Ex Parte Injunction

<p>Notice Required for Ex Parte Injunction</p> <p>Conn. Practice Book <a href="#">§ 4-5</a> (2022)</p>	
(a)	<p>No temporary injunction shall be granted without notice to each opposing party unless the applicant certifies one of the following to the court in writing:</p> <ul style="list-style-type: none"> <li>(1) facts showing that within a reasonable time prior to presenting the application the applicant gave notice to each opposing party of the time when and the place where the application would be presented and provided a copy of the application; or</li> <li>(2) the applicant in good faith attempted but was unable to give notice to an opposing party or parties, specifying the efforts made to contact such party or parties; or</li> <li>(3) facts establishing good cause why the applicant should not be required to give notice to each opposing party.</li> </ul>
(b)	<p>When an application for a temporary injunction is granted without notice or without a hearing, the court shall schedule an expeditious hearing as to whether the temporary injunction should remain in effect. Any temporary injunction which was granted without a hearing shall automatically expire thirty days following its issuance, unless the court, following a hearing, determines that said injunction should remain in effect.</p>
(c)	<p>For purposes of this rule, notice to the opposing party means notice to the opposing party's attorney if the applicant knows who the opposing party's attorney is; if the applicant does not know who the opposing party's attorney is, notice shall be given to the opposing party. If the temporary injunction is sought against the state of Connecticut, a city or town, or an officer or agency thereof, notice shall be given to the attorney general or to the city or town attorney or corporation counsel, as the case may be.</p>
(d)	<p>This section shall not apply to applications for relief from physical abuse filed pursuant to General Statutes § 46b-15 or to motions for orders of temporary custody in juvenile matters filed pursuant to General Statutes § 46b-129.</p>

Figure 1: Injunction against Nuisance - Maintenance of Disposal Area  
2 Conn. Practice Book (1992), Form 104.4

Complaint

1. The plaintiff at all times hereinafter mentioned has been the owner of a certain tract of land situated \_\_\_\_\_ in the town of \_\_\_\_\_ with a dwelling house occupied by the plaintiff and his family and other improvements thereon.

2. The town of \_\_\_\_\_ maintains a public dumping ground and disposal area near the plaintiff's land.

3. The defendant has permitted or caused the deposit of garbage, brush, refuse, metal, tires and other waste material at that area.

4. As a result thereof (a) Combustible materials at the area often ignite and burn and give off gases and smoke which are carried to the plaintiff's property. (b) Noxious and offensive odors arise from the area and drift onto the plaintiff's property. (c) The area has been and now is a breeding place for vermin, germs and other unsanitary and offensive creatures which come upon the plaintiff's property. (d) Waste paper, boxes and miscellaneous litter are carried by the wind or other means and are deposited on the plaintiff's property. (e) Garbage, bottles, cans, paper and other refuse fall on the adjacent highway from vehicles carrying materials to the area and are blown or otherwise deposited on to the plaintiff's property.

5. As a further result thereof, the smoke and gases have permeated the premises of the plaintiff, depositing grime and offensive materials upon the persons, clothes, personal household effects and other tangible property of the plaintiff, his family and guests, interfered with normal breathing and have endangered their health as well as causing them severe discomfort of mind and body, all of which interferes with the plaintiff's peaceful enjoyment and use of his property.

6. The acts complained of are a nuisance and have caused and will cause the plaintiff irreparable injury, in that they are continuous and recurrent and unless restrained will continue.

7. The plaintiff has no adequate remedy at law.

The plaintiff claims

1. A temporary and permanent injunction prohibiting and restraining the defendant from maintaining a nuisance on the area, and from using the area as a public dumping ground and from maintaining a disposal area thereon.

2. Damages.

*(Insert concluding provisions of ordinary writ)*

Oath

State of Connecticut

*(Town)*

County of \_\_\_\_\_

*(Date)*

Personally appeared *(name of plaintiff or other competent witness)* and made oath to the truth of the matters contained in foregoing complaint, before me

\_\_\_\_\_  
Notary Public

Application for Temporary Injunction And Order To Show Cause

The plaintiff in the above entitled action hereby makes application for a temporary injunction in accordance with his prayer for relief, and respectfully requests

that an injunction be issued forthwith for the following reasons (*state reasons*)

*or*

that the defendant be ordered to appear at an early date to show cause why the prayer for an injunction should not be granted.

Order To Show Cause

Whereas, the foregoing complaint with prayer and motion for a temporary injunction, duly verified, has been presented to the court (*or me, a judge of the superior court, the court not now being in session*), and

Whereas, upon application of the plaintiff, it appears that an order should be issued directing the defendant in this action to appear before the court (*or undersigned*) to show cause why a temporary injunction should not issue.

Now therefore, it is ordered that the defendant be summoned to appear before the Superior Court for the Judicial District of \_\_\_\_\_ (*or the undersigned or some other judge of that court*) in Court Room

\_\_\_\_\_ in the County Court House at (*location and address of court house*) on (*date and time of hearing*) then and there to show cause why a temporary injunction should not issue against him as prayed for in the foregoing complaint and application.

Dated at (*place and date*).

BY THE COURT (\_\_\_\_\_, J.)

\_\_\_\_\_  
Assistant Clerk

(or)

\_\_\_\_\_  
A Judge of the Superior Court



## Summons

To Any Proper Officer:

By authority of the state of Connecticut you are hereby commanded to summon the defendant in the foregoing action to appear before (the Hon. or some other judge of) the superior court at the place and time specified in the foregoing order, then and there to show cause why a temporary injunction should not be issued against him as prayed for in the foregoing complaint and application, by serving in the manner provided by statute for the service of process a true and attested copy of the foregoing writ and verified complaint, application, order and this summons on the defendant on or before (*last date for service*).

Hereof fail not, but due service and return make.

Dated at (*place and date*).

---

Commissioner of the Superior Court

(Caption of Case)

Temporary Injunction

The plaintiff's verified complaint and application for a temporary injunction having come before the Court (*or* undersigned, a judge of the Superior Court) pursuant to an order to show cause why a temporary injunction should not issue as prayed for and

the parties appeared and were fully heard

*or*

the defendant was duly notified of the order as appears by the officer's return endorsed thereon, but the defendant failed to appear

and it appearing to the court (*or* undersigned authority) that a temporary injunction ought to issue, and

the plaintiff having given a bond to the opposite party with surety satisfactory to the Court (*or* undersigned) in the sum of \$ \_\_\_\_\_ to answer all damages in case the plaintiff shall fail to prosecute the action to effect.

*or*

that, for good cause shown the Court (*or* undersigned) is of the opinion that the temporary injunction ought to issue without bond.

These are therefore, by authority of the state of Connecticut to command and enjoin you (*name of the defendant*) and each of your officers, servants, agents, and employees under penalty of \$ \_\_\_\_\_ to wholly and absolutely desist and refrain from (*insert statement of actions restrained*) until the return day of the writ and complaint and until further order of the court.

Dated at (*place and date*).

---

A Judge of the Superior Court  
or  
By The Court ( \_\_\_\_\_ , J.)

---

Assistant Clerk

Order Of Service

To Any Proper Officer:

By authority of the state of Connecticut, you are hereby commanded to give notice of the foregoing order of temporary injunction to the defendant, by serving upon him, in the manner provided by the statute for the service of process, a true and attested copy of the foregoing writ, complaint, temporary injunction and of this citation on or before \_\_\_\_\_ and return make to this court.

Dated at *(place and date)*.

By The Court ( \_\_\_\_\_ , J.)

or

\_\_\_\_\_  
Judge - Assistant Clerk

*All the foregoing applications made to a judge and his doings thereon must be certified to the court. P.B.1963, see Rules, Sec. 447; Form 101.11.*

Bond

Know All Men by These Presents, that [*name and address*], plaintiff in the above entitled action, as principal, and (*name and address of surety*), as surety, are holden and bound, jointly and severally, unto (*name and address of the defendant*) the penal sum of \$ \_\_\_\_\_, to which payment well and truly to be made, the obligors hereby bind themselves, their successors, heirs, executors and administrators, firmly by these presents.

The condition of this obligation is such that whereas (*name of the plaintiff*) has brought an action against (*name of the defendant*), the action being returnable to the superior court for the judicial district of \_\_\_\_\_, on (*return date*), demanding equitable relief as therein more fully appears, the writ being dated at \_\_\_\_\_ on \_\_\_\_\_, and signed by \_\_\_\_\_, commissioner of the superior court \_\_\_\_\_ : and

Whereas in the action an application was made for a temporary injunction and a temporary injunction, a copy of which is hereto annexed, was granted, upon condition that (*name of the plaintiff*) furnish a good and sufficient bond to the defendant.

Now therefore, if the plaintiff shall prosecute the action to effect this bond shall be void and of no effect; but if the plaintiff shall fail to prosecute the action to effect, then this bond shall be in full force and effect and obligors herein shall be bound to answer all damages accruing by reason of the issuance of the temporary injunction.

L.S.

L.S.

Approved,  
\_\_\_\_\_ Judge

Table 3: Extraordinary Nature of Injunctive Relief

Extraordinary Nature of Injunctive Relief	
An injunction is the exercise of an extraordinary power	<a href="#">Jarjura for Comptroller v. State Elections Enforcement Commission</a> , 51 Conn. Supp. 483, 429, 4 A3d. 356 (2010). "...The issuance of a temporary injunction is an 'extraordinary remedy' that 'courts [should grant] cautiously.'" <i>Hartford v. American Arbitration Assn.</i> , 174 Conn. 472,476, 391 A2d. 137 (1978). 'The remedy by injunction is summary, peculiar, and extraordinary. An injunction ought not to be issued except for the prevention of great and irreparable mischief.' <i>Connecticut Assn. of Clinical Laboratories v. Connecticut Blue Cross, Inc.</i> 31 Conn. Sup. 110,113, 324 A2d. 288 (1973)."
No adequate remedy at law	<a href="#">Geiger et al. v. Carey</a> , 170 Conn. App. 459, 495, 154 A.3d 1093 (2017). "The court finds that there is no adequate remedy at law for the harm sustained by the defendant because Gordon has <b>blocked the entrance to the defendant's driveway or to the right-of-way with snow.</b> "
Will suffer irreparable harm if not granted	<a href="#">Steroco, Inc. v. Szymanski</a> , 166 Conn. App. 75, 87, 140 A.3d 1014 (2016). " <b>The extraordinary nature of injunctive relief requires that</b> the harm complained of is occurring or will occur if the injunction is not granted. Although an absolute certainty is not required, it must appear that there is a substantial probability that but for the issuance of the injunction, the party seeking it will suffer <b>irreparable harm.</b> "  <a href="#">Pirtek USA, LLC v. Zaetz</a> , 408 F.Supp.2d 81, 82 (D. Conn. 2005). " <b>To establish 'irreparable harm,' party seeking preliminary injunctive relief must show that there is continuing harm which cannot be adequately redressed by final relief on merits and for which money damages cannot provide adequate compensation.</b> "
Laches	<a href="#">Caminis v. Troy</a> , 300 Conn. 297, 303, 12 A.3d 984 (2011). "The defendants disagree, claiming that the Appellate Court properly concluded that: (1) the trial court properly determined that laches <b>barred the plaintiffs' request for injunctive relief; and (2) laches similarly barred the plaintiffs' request for a declaratory judgment.</b> "
Sound discretion of the Court	<a href="#">Welles v. Lichaj</a> , 136 Conn. App. 347, 354, 46 A.3d 246 (2012). "'The issuance of an injunction and the scope and quantum of injunctive relief rests in the sound discretion of the trier....A prayer for injunctive relief is addressed to the sound discretion of the <b>court and the court's ruling can be reviewed only for the purpose</b> of determining whether the decision was based on an erroneous statement of law or an abuse of discretion.'" (Citations omitted; internal quotation marks omitted.) <i>New Breed Logistics, Inc. v. CT INDY NH TT, LLC</i> , 129 Conn. App. 563, 570-71, 19 A.3d 1275 (2011)."

Table 4: Standards for Issuance of Temporary Injunction

Standards for Issuance of Temporary Injunction <a href="#">Fleet National Bank v. Burke</a> , 45 Conn. Supp. 566, 569-571, 727 A.2d 823 (1998)	
Brief review of standards	A brief review of the well settled principles regarding the issuance of a temporary injunction would be helpful in placing this matter in context. (p. 569).
Primary purpose of a temporary injunction  Three requirements	"A temporary injunction is a preliminary order of the court, granted at the outset or during the pendency of an action, forbidding the performance of the threatened acts described in the original complaint until the rights of the parties respecting them shall have been finally determined by the court." <i>Deming v. Bradstreet</i> , 85 Conn. 650, 659, 84 A. 116 (1912). The primary purpose of a temporary injunction is to preserve the status quo and protect the moving party from immediate and irreparable harm until the rights of the parties can be determined after a full hearing on the merits. <i>Olcott v. Pendleton</i> , 128 Conn. 292, 295, 22 A.2d 633 (1941). The plaintiffs, to be entitled to such relief, must show: (1) probable success on the merits of their claim; (2) irreparable harm or loss; and (3) a favorable balancing of the results or harm which may be caused to one party or the other, as well as to the public, by the granting or denying of the temporary relief requested. See <i>Griffin Hospital v. Commission on Hospitals &amp; Health Care</i> , 196 Conn. 451, 457-58, 493 A.2d 229 (1985) (Griffin Hospital 1).
Exercise of extraordinary power  Extreme caution	The issuance of an injunction is the exercise of an extraordinary power which rests within the sound discretion of the court. . . . <i>Scoville v. Ronalter</i> , 162 Conn. 67, 74, 291 A.2d 222 (1971). See also <i>International Ass'n. of Firefighters, Local 786 v. Serrani</i> , 26 Conn. App. 610, 616, 602 A.2d 1067 (1992). This is so, even where the danger of irreparable injury has been demonstrated. <i>Hartford v. American Arbitration Assn.</i> , 174 Conn. 472, 477, 391 A.2d 137 (1978). Moreover, we must keep in mind the doctrine that "[c]ourts will act with extreme caution where the granting of injunctive relief will result in embarrassment to the operations of government." <i>Wood v. Wilton</i> , 156 Conn. 304, 310, 240 A.2d 904 (1968). Although the plaintiffs did not furnish a bond pursuant to General Statutes § 52-472, the court will assume, without deciding, that the plaintiffs have shown good cause for a waiver of a bond.
Danger of sustaining substantial and immediate injury	The court must analyze the facts proved by the plaintiffs in the light of the aforementioned principles, and determine, in the exercise of its discretion, whether a temporary injunction against the commissioner is warranted. The plaintiffs must show that they are in danger of sustaining substantial and immediate injury if the injunction is not granted. See <i>Los</i>

	<p><i>Angeles v. Lyons</i>, 461 U.S. 95, 101-102, 103 S.Ct. 1660, 75 L.Ed.2d 675 (1983). Past injury alone is insufficient, although it may support the likelihood of future recurrences; but, to obtain an injunction, the plaintiffs must demonstrate either present continuing injury or the likelihood of future injury. <i>O’Shea v. Littleton</i>, 414 U.S. 488, 495-96, 94 S.Ct. 669, 38 L.Ed.2d 674 (1974)”.</p>
Sample Injunctions	<ul style="list-style-type: none"> <li>• Connecticut Supreme and Appellate Court Records and Briefs: <ul style="list-style-type: none"> <li>○ Sample Ex Parte Injunctions: <ul style="list-style-type: none"> <li>➤ <u><i>Parrotta v. Parrotta</i></u>, 119 Conn.App.472, 988 A.2d 383 (2010).</li> <li>➤ <u><i>Sikand v. Wilson-Coker</i></u>, 276 Conn. 618 (2006)</li> <li>➤ <u><i>TES Franchising, LLC v. Feldman,</i></u> 286 Conn. 132, 943 A.2d 406 (2008).</li> </ul> </li> <li>○ Sample Temporary Injunctions: <ul style="list-style-type: none"> <li>➤ <u><i>Conservation Commission v. Red 11, LLC</i></u>, 119 Conn. App. 377, 987 A.2d 398 (2010).</li> <li>➤ <u><i>Palozie v. Palozie</i></u>, 283 Conn. 538, 927 A.2d 903 (2007).</li> </ul> </li> </ul> </li> </ul>

# Section 2: Modification and Dissolution of Injunction

A Guide to Resources in the Law Library

## SCOPE:

- Bibliographic resources relating to modification and dissolution of a writ of injunction in Connecticut, including permanent injunctions.

## DEFINITIONS:

### Dissolution or Modification

- Before return day: **"When a temporary injunction is granted in any action before its return day, it may be dissolved or modified by the Superior Court or by any judge of the Superior Court. A written motion for dissolution shall be preferred before the return day."** Conn. Gen. Stat. § [52-475\(a\)](#) (2021).
- "After the return day, a motion to dissolve a temporary injunction shall be addressed to the court location in which the action is pending, or, if the court at such location is not actually in session, to a judge thereof. If the judge is unable for any reason to hear the motion, it shall be heard and determined by the superior court at another location or by **any other judge of the Superior Court.**" Conn. Gen. Stat. § [52-475\(b\)](#) (2021) [Emphasis added]

### Disclosure of Previous Applications

- **"Upon making a motion or application to the court, or to a judge thereof before the return day of the action, (1) for an order appointing a receiver or an injunction, or (2) for a modification or dissolution of any such order or injunction, or (3) for issuance of a prejudgment remedy, or (4) for a reduction or dissolution of an attachment, if a motion or application for the same order or injunction has been previously made to the court or to any judge, such motion or application shall so recite. Nothing in this section shall be so construed as to preclude the making of more than one motion or application for the same or similar order or injunction or affect in any way the right of the applicant to have such motion or application passed upon on its merits."** Conn. Practice Book [§ 11-9](#) (2022).

## STATUTES:

You can visit your local law library or search the most recent [statutes](#) and [public acts](#) on the Connecticut General Assembly website to confirm that you are using the most up-to-date statutes.

- Conn. Gen. Stat. (2021)
  - [Chapter 916](#). Injunctions
    - § 52-475. Dissolution of temporary injunction
    - § 52-476. Continuance pending appeal
    - § 52-477. Permanent injunction; stay pending appeal
    - § 52-478. Removal of stay or dissolution of injunction

§ 52-479. Reservation for advice. Dissolution of injunction

COURT RULES:

Amendments to the Practice Book (Court Rules) are published in the [Connecticut Law Journal](#) and posted [online](#).

- Conn. Practice Book (2022)
  - [§ 4-5](#). Notice Required for Ex Parte Temporary Injunctions
  - [§ 11-9](#). Disclosure of Previous Applications

FORMS:

- 2 Conn. Practice Book (1997)
  - [Form 106.18. Motion to Dissolve Temporary Injunction \(Figure 2\)](#)
- 14A *Am Jur Pleading & Practice Forms Injunctions*, Thomson West, 2013 (Also available on Westlaw).
  - § 108. Notice of motion—For stay of injunction pending appeal
  - § 109. Notice of motion—To dissolve or modify temporary restraining order
  - § 111. Notice of motion—To extend temporary restraining order
  - § 112. Notice of motion—To dismiss complaint, or in the alternative, to deny motion for temporary restraining order
  - § 113. Notice of motion—To dissolve preliminary injunction—Failure to post bond
  - § 114. Affidavit—Stay of injunction pending appeal
  - § 115. Affidavit—In support of motion for extension of temporary restraining order
  - § 116. Motion—To dissolve preliminary injunction—Failure to post bond
  - § 117. Notice of motion and motion—To vacate or modify preliminary injunction—By defendant
  - § 118. Motion—To modify permanent injunction—By defendant
  - § 121. Motion—To dismiss complaint or, in the alternative, to deny motion for temporary restraining order
  - § 122. Order—Stay of injunction pending appeal
  - § 123. Order—Continuing temporary restraining order—Pursuant to continuance of hearing on application for preliminary injunction—Notice of hearing not given
  - § 125. Order—Dissolving temporary restraining order—Denying preliminary injunction
  - § 126. Order—Modifying preliminary injunction
  - § 127. Order—Denying motion to modify preliminary injunction—Continuing unmodified preliminary injunction in force
  - § 128. Order—Dissolving preliminary injunction—On **defendant's motion**



§ 133. Consent order—Extending temporary order

CASES:

Once you have identified useful cases, it is important to update the cases before you rely on them. Updating case law means checking to see if the cases are still good law. You can [contact your local law librarian](#) to learn about the tools available to you to update cases.

- [Avery v. Medina](#), 174 Conn. App. 507, 519–20, 163 A.3d 1271, 1279 (2017) “‘Courts have in general the power to fashion a remedy appropriate to the vindication of a prior ... judgment. ... Having found noncompliance, the court, in the exercise of its equitable powers, necessarily ha[s] the authority to fashion whatever orders [are] required to protect the integrity of [its original] judgment.’ (Internal quotation marks omitted.) *Gong v. Huang*, 129 Conn.App. 141, 154, 21 A.3d 474, cert. denied, 302 Conn. 907, 23 A.3d 1247 (2011). ‘This is so because [i]n a contempt proceeding, even in the absence of a finding of contempt, a trial court has broad discretion to make whole a party who has suffered as a result of another party’s failure to comply with the court order.’ (Emphasis omitted; internal quotation marks omitted.) *Fuller v. Fuller*, 119 Conn.App. 105, 115, 987 A.2d 1040, cert. denied, 296 Conn. 904, 992 A.2d 329 (2010). For the foregoing reasons, we conclude that the court did not modify the injunction judgment, but merely ordered the defendants to remove the stones in the setback **to effectuate its original judgment.**”
- [Rocque v. Farricielli](#), Superior Court, Judicial District of Hartford, No. HHD-CV99-0591020S (Jun. 24, 2013) (2013 WL 3630589). **“A court of equity has continuing jurisdiction** over injunctions and may modify or dissolve them even after the term in which they were rendered. If, after hearing on such motion, the court finds that justice requires a modification or dissolution because the grounds for which it was granted no longer exists, or because of changed circumstances, or other good cause, the court can so order. (Internal quotations omitted) R. Bollier and S. Busby, 2 *Stephenson’s Connecticut Civil Procedure* (3rd Ed.2002) § 227(h) citing *Adams v. Vaill*, 158 Conn. 478, 482, 262 A.2d 169 (1969). The court finds no valid justification for modifying or clarifying the prior orders of the court at this **time.**”
- [Hilton v. City of New Haven](#), 233 Conn. 701, 661 A.2d 973 (1995). **“New Haven’s first claim is that, in responding to its** 1992 motion for reconsideration, the trial court improperly failed to dismiss the 1989 injunctive order as moot. In particular, New Haven argues that the changes implemented by Spec. Sess. P.A. 92-16 rendered moot the 1989 order and deprived the court of subject matter jurisdiction to continue to monitor New Haven’s compliance **with the statute.**” (p. 725)

“Although it is true that the scope of New Haven’s statutory obligation to provide shelter is substantially limited by Spec. Sess. P.A. 92-16, the amendment does not alter the court’s ability to grant relief for New Haven’s failure to comply with

Once you have identified useful cases, it is important to update the cases before you rely on them. Updating case law means checking to see if the cases are still good law. You can [contact your local law librarian](#) to learn about the tools available to you to update cases.

the mandates of the new statute. Therefore, we conclude that the trial court properly denied New Haven's request to dismiss the 1989 order upon New Haven's motion for reconsideration." (p. 726)

- [Adams v. Vaill](#), 158 Conn. 478, 482, 262 A.2d 169 (1969). **"It cannot be doubted that courts have inherent power to change or modify their own injunctions where circumstances or pertinent law have so changed as to make it equitable to do so."**
- [Cott Beverage Corp. v. Canada Dry Ginger Ale](#), 21 Conn. Supp. 244, 245, 154 A.2d 140 (1959). **"There seems little doubt that under proper circumstances a permanent injunction may be modified or dissolved, even after the term in which it was rendered. *United States v. Swift & Co.*, 286 U.S. 106, 114; Restatement, 4 Torts § 943, comment e; 28 Am. Jur. 835, § 323; *Milk Wagon Drivers Union v. Meadowmoor Dairies, Inc.*, 312 U.S. 287, 298; *Ladner v. Siegel*, 298 Pa. 487. The well-recognized rule that a judgment may not be opened after the term in which it has been rendered (see *Cichy v. Kostyk*, 143 Conn. 688) is not applicable to the dissolution or modification of a permanent injunction, where the grounds for which it was granted no longer exist by reason of changed conditions. See above authorities. The court has the power to dissolve the injunction in the present case at any time if satisfied that circumstances have so changed as to render such action just and equitable."**
- [Olcott v. Pendleton](#), 128 Conn. 292, 295, 22 A.2d 633 (1941). **"...In deciding whether it should be granted or, if granted, whether it should be continued or dissolved, the court is called upon to balance the results which may be caused to one party or the other, and if it appears that to deny or dissolve it may result in great harm to the plaintiff and little to the defendant, the court may well exercise its discretion in favor of granting or continuing it, unless indeed, it is very clear that the plaintiff is without legal right."**

WEST KEY NUMBERS:

- Injunction #1001-1070 [Injunctions in general; Permanent injunctions in general]
- Injunction #1611-1650 [Continuing, modifying, or terminating]

ENCYCLOPEDIAS:

Encyclopedias and ALRs are available in print at some law library locations and accessible online at all law library locations.

- 42 *Am Jur 2d* Injunctions, Thomson West, 2020 (Also available on Westlaw).  
§§ 284-294. Continuance, modification, or dissolution of injunction
- 43A *CJS* Injunctions, Thomson West, 2014 (Also available on Westlaw).

Encyclopedias and ALRs are available in print at some law library locations and accessible online at all law library locations.

Online databases are available for in-library use. Remote access is not available.

#### TEXTS & TREATISES:

Each of our law libraries own the Connecticut treatises cited. You can [contact](#) us or visit our [catalog](#) to determine which of our law libraries own the other treatises cited or to search for more treatises.

References to online databases refer to in-library use of these databases. Remote access is not available.

## VI. Continuing, dissolving, vacating, or modifying injunctions

- 19 *A.L.R.3d* 403, *Appealability Of Order Granting, Extending, Or Refusing To Dissolve Temporary Restraining Order*, by K. H. Larsen, Thomson West, 1968.
- 19 *A.L.R.3d* 459, *Appealability Of Order Refusing To Grant Or Dissolve Temporary Restraining Order*, by K. H. Larsen, Thomson West, 1968.
- 2 *Stephenson's Connecticut Civil Procedure*, 3<sup>rd</sup> ed., by Renee Bevacqua Bollier et al., Atlantic Law Book Co., 2002, with 2003 supplement.
  - Chapter 19. Extraordinary procedures
    - § 227 Injunctions and temporary injunctions
      - h. Continuance, modification and dissolution
      - i. Stay or continuance of injunction pending appeal
- 2 *Dupont on Connecticut Civil Practice*, by Ralph Dupont, 2021-2022 ed., LexisNexis.
  - Chapter 23. Miscellaneous remedies and procedures
    - § 23-50.24. Dissolution of temporary injunction
    - § 23-50.25. Motion to dissolve temporary injunction before return day
    - § 23-50.26. Continuance pending appeal
    - § 23-50.27. Permanent injunction; Stay pending appeal
    - § 23-50.28. Removal of stay or dissolution of injunction
    - § 23-50.29. Reservation for advice; Dissolution of injunction
- 2 Connecticut Practice Series, *Connecticut Civil Practice Forms*, 4th ed., by Joel M. Kaye et al., Thomson West, 2004, with 2021 supplement (also available on Westlaw).
  - Authors' Comments following Form 106.18.** Motion to dissolve temporary injunction
    - o Previous applications
    - o Dissolution of temporary injunction
    - o Notice required for ex-parte temporary injunctions

Figure 2: Motion to dissolve temporary injunction

2 Conn. Practice Book (1997), Form 106.18

No. : Superior Court  
(First Named Plaintiff) : Judicial District of (or) G.A. No.  
v. : at  
(First Named Defendant) : (Date)

MOTION TO DISSOLVE TEMPORARY INJUNCTION

The defendant in the above entitled action respectfully represents

1. On the Superior Court (or the Honorable  
, a judge of the superior  
court) issued a temporary injunction in the above entitled action, as of record  
appears

2. *(State facts why injunction should be dissolved)*

3. *(State reasons for dissolution]*

Wherefore the defendant moves that the temporary injunction  
be dissolved.

Order

The foregoing motion having been heard, it is hereby ORDERED:  
GRANTED/DENIED.

THE COURT

BY: \_\_\_\_\_

Judge/Clerk

Certification

I hereby certify that a copy of the above was mailed on *(date)*

\_\_\_\_\_

to: (List pro se parties and counsel of record and their addresses.)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
(Name),  
(Attorney or Pro Se)

# Section 3: Enforcement of Injunction

A Guide to Resources in the Law Library

## SCOPE:

- Bibliographic resources relating to the enforcement of a writ of injunction in Connecticut.

## DEFINITIONS:

- **"An order of the court must be obeyed until it has been modified or successfully challenged."** [Jaconski v. AMF, Inc.](#), 208 Conn. 230, 234-235, 543 A.2d 728 (1988).
- **"Typically, the violation of an injunction is punished by the imposition of a penalty based upon compensatory damages."** [Crandall v. Gould](#), 244 Conn. 583, 592, 711 A.2d 682 (1998).
- **"There is, however, another means of punishing a violator and that is to deny him any aid from courts of the state where the injunction is granted in the assertion of rights growing out of the transaction in question until he has purged himself of the contempt."** [Wehrhane v. Peyton](#), 134 Conn. 486, 496, 58 A.2d 698 (1948).
- **"It is true that an injunction may be violated by indirect, as well as by direct, methods; and that one cannot escape punishment upon the ground that he did not violate the letter, if he violated the manifest spirit of the injunction."** [Deming v. Bradstreet](#), 85 Conn. 650, 658, 84 A. 116 (1912).

## STATUTES:

You can visit your local law library or search the most recent [statutes](#) and [public acts](#) on the Connecticut General Assembly website to confirm that you are using the most up-to-date statutes.

- Conn. Gen. Stat. (2021)
  - [Chapter 871](#). Courts
    - § 51-33. Punishment for contempt of court
    - § 51-33a. Criminal contempt
  - [Chapter 916](#). Injunctions

## COURT RULES:

Amendments to the Practice Book (Court Rules) are published in the [Connecticut Law Journal](#) and posted [online](#).

- Conn. Practice Book (2022)
  - [Chapter 1](#). Scope of Rules.
    - § 1-13A. Contempt
    - § 1-14. —Criminal contempt
    - § 1-16. —Summary criminal contempt
    - § 1-17. —Deferral of proceedings
    - § 1-18. —Nonsummary contempt proceedings
    - § 1-19. —Judicial authority disqualification in nonsummary contempt proceedings
    - § 1-20. —Where no right to jury trial in nonsummary proceeding
    - § 1-21. —Nonsummary judgment

§ 1-21A. —Civil contempt

FORMS:

- 2 Conn. Practice Book (1997)  
[Form 106.3. Motion for Contempt—Injunction \(Figure 3\)](#)
- 3A Connecticut Practice Series, *Connecticut Civil Practice Forms*, 4th ed., by Joel M. Kaye et al., Thomson West, 2004, with 2021 supplement (also available on Westlaw).  
Form S-154. Motion to show cause why defendant should not be punished for failure to obey injunction
- 14A *Am Jur Pleading & Practice Forms Injunctions*, Thomson West, 2013 (Also available on Westlaw).  
§ 86. Affidavit—Of contempt—Violation of preliminary injunction restraining or compelling action  
§ 87. Affidavit—Of contempt—Violation of preliminary injunction restraining action

CASES:

Once you have identified useful cases, it is important to update the cases before you rely on them. Updating case law means checking to see if the cases are still good law. You can [contact your local law librarian](#) to learn about the tools available to you to update cases.

- [Birkhold v. Birkhold](#), 343 Conn. 786, 811, 276 A.3d 414 (2022). “The present case involves allegations of indirect civil contempt. ‘A refusal to comply with an injunctive decree is an indirect contempt of court because it occurs **outside the presence of the trial court.**’ (Internal quotation marks omitted.) *Brody v. Brody*, 315 Conn. 300, 317, 105 A.3d 887 (2015). ‘[C]ivil contempt is committed when a person violates an order of [the] court which requires that person in specific and definite language to do or refrain **from doing an act or series of acts.**’ (Emphasis omitted; internal quotation marks omitted.) *Gabriel v. Gabriel*, 324 Conn. 324, 333, 152 A.3d 1230 (2016).”
- [Kent Literary Club of Wesleyan University at Middletown et al. v. Wesleyan University et al.](#), 338 Conn. 189, 238, 257 A.3d 874 (2021). “[W]e conclude that the trial court abused its discretion in issuing an injunction that requires Wesleyan (1) to reinstate the DKE House as a program housing option, (2) to enter into a new Greek Organization Standards Agreement with the plaintiffs, and (3) to afford the plaintiffs three years in which to coeducate. We reach this conclusion primarily because, depending on how the ambiguous terms of the trial court’s injunction are interpreted, either the order is unenforceable and, therefore, a nullity, or it impermissibly expands the terms of the parties’ contractual relationship beyond those to which they agreed.”
- [City of Stamford v. Ten Rugby Street, LLC](#), 164 Conn. App. 49, 81, 137 A.3d 781, (2016). “The trial court was within its discretion to grant the injunction requiring the removal of the crushers, even though it may also prevent the defendant from screening his own material using the **crushers. Screening the defendant’s own material was not** listed in the cease and desist order, but it was within the

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**court's discretion to determine that the only way to prevent the defendant from crushing in violation of the regulations was to order the removal of the crushers, even if they can also be used for screening."**

- [Commissioner of Environmental Protection et al. v. Farricielli et al.](#), 307 Conn. 787, 812-814, 59 A. 3d 789 (2013). **"Consistent with the trial court's apt observation that, 'it would certainly frustrate our judicial system if one subject to an injunction were able to avoid that injunction by simply transferring the parcel subject also to such injunction to a new corporation,' we conclude that the injunctions in this case must be viewed as in rem in nature with respect to subsequent tenants such as Modern, even when rendered in personam against the defendants in the underlying action. Thus, tenants who subsequently enter properties affected by injunctions imposed by courts to protect the public interest share the necessary identity of legal interest with the owners of such properties to render those orders enforceable against them as nonparties."**
- [Gattoni v. Zaccaro](#), 52 Conn. App. 274, 284-285, 727 A.2d 706 (1999). **"We agree with the plaintiffs that Gattoni was entitled to a hearing or trial before the trial court held him in contempt or imposed sanctions on him. Although it is clear that Gattoni did not comply with the injunction issued on March 3, 1998, ordering him to return the land involved to NSDA immediately, the failure to obey an injunction must be wilful to support a finding of contempt. 'The inability of a party to obey an order of the court, without fault on his part, is a good defense to the charge of contempt.'** *Mallory v. Mallory*, 207 Conn. 48, 57, 539 A.2d 995 (1988). A judgment of contempt cannot be based on representations of counsel in a motion, but must be supported by evidence produced in court at a proper proceeding. The defendants do not claim that Gattoni's failure to comply with the injunction was a criminal contempt that occurred in the presence of the court. In such a proceeding, a court can find a party in contempt on the basis of its own observations. In this case, only a civil or indirect contempt is involved. **'It is beyond question that` due process of law . . . requires that one charged with contempt of court be advised of the charges against him, have a reasonable opportunity to meet them by way of defense or explanation, have the right to be represented by counsel, and have a chance to testify and call other witnesses in his behalf, either by way of defense or explanation.'** *Cologne v. Westfarms Associates*, 197 Conn. 141, 150, 496 A.2d 476 (1985). **'[T]he evidence necessary to constitute the alleged contempt must have been established by sufficient proof in the trial court.'** *Potter v. Board of Selectmen*, 174 Conn. 195, 197, 384 A.2d 369 (1978). **'[T]he court had no power to proceed to a trial and judgment of condemnation in the**



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**absence of the accused.’ *Welsh v. Barber*, 52 Conn. 147, 157 (1884).”**

- [Walden v. Siebert](#), 102 Conn. 353, 358, 128 A. 702 (1925). **“It is the doing of the illegal act which is enjoined, and it makes no difference what means are employed by a defendant in so doing. These defendants were enjoined not to continue building the fence, and it was just as feasible to interrupt the work of an independent contractor as that of one who was not. If any damage ensued to them from such an interruption, the injunction had been granted upon filing of a substantial bond by plaintiffs, so that defendants were immune from loss in case they prevailed in the action.”**
- [Deming v. Bradstreet](#), 85 Conn. 650, 84 A. 116 (1912). **“A temporary injunction is a preliminary order of court, granted at the outset or during the pendency of an action, forbidding the performance of the threatened acts described in the original complaint until the rights of the parties respecting them shall have been finally determined by the court. It was therefore the duty of these defendants to read the temporary injunction in the light of the purpose of the original suit, as shown by the averments of the complaint and the relief prayed for in that suit. But it was not their duty to determine what order was required to be made in order to properly protect the rights of the parties during the pendency of the original action. That was a question for the judge making the preliminary order. In making that order, it was his duty to consider the averments and prayers for relief in the original action, to base his order upon them, and to frame it in such terms that, when fairly interpreted, the persons enjoined would clearly understand what acts they were restrained from doing.” (p. 659).**

**“Reading the injunction order either by itself, or in connection with the averments and prayers of the original complaint, we are of opinion that it does not so clearly prohibit the acts of the defendants, in paying the reporters under the circumstances stated, and under the authority of resolution 133, as required the court to adjudge them guilty of contempt.” (p. 660).**

WEST KEY NUMBERS:

- Injunction # 1711-1810 [Violation and enforcement]
  - # 1711-1760. Nature and factors of enforcement.
  - # 1761-1810 Proceedings for enforcement.

ENCYCLOPEDIAS:

- 42 *Am Jur 2d* Injunctions, Thomson West, 2020 (Also available on Westlaw).
  - §§ 296-301. Compliance with or violation and enforcement of injunction

Encyclopedias and ALRs are available in print at some law library locations and accessible online at all law library locations.

Online databases are available for in-library use. Remote access is not available.

### TEXTS & TREATISES:

Each of our law libraries own the Connecticut treatises cited. You can [contact](#) us or visit our [catalog](#) to determine which of our law libraries own the other treatises cited or to search for more treatises.

References to online databases refer to in-library use of these databases. Remote access is not available.

- 43A *CJS* Injunctions, Thomson West, 2014 (Also available on Westlaw).  
VII. Violation and punishment
- 91 *A.L.R. Fed.* 270, ***Media's Dissemination Of Material In Violation Of Injunction Or Restraining Order As Contempt—Federal Cases***, by Edward L. Raymond, Jr., Thomson West, 1989.
- 7 *A.L.R.4th* 893, *Violation Of State Court Order By One Other Than Party As Contempt*, Thomson West, 1981.
- 85 *A.L.R.3d* 895, *Right Of Injured Party To Award Of Compensatory Damages Or Fine In Contempt Proceedings*, Thomson West (1978).
- 2 ***Stephenson's Connecticut Civil Procedure***, 3<sup>rd</sup> ed., by Renee Bevacqua Bollier et al., Atlantic Law Book Co., 2002, with 2003 supplement.  
Chapter 19. Extraordinary procedures  
§ 227. Injunction and Temporary Injunctions  
h. Violations of injunctions
- 3 Connecticut Practice Series, *Connecticut Civil Practice Forms*, 4th ed., by Joel M. Kaye et al., Thomson West, 2004, with 2021 supplement (also available on Westlaw).  
**Authors' Comments following Form 606.3.** Motion for contempt- Injunctions
  - Civil contempt
  - Review of civil contempt by trial court
  - Criminal contempt distinguished
  - Defenses
  - Violations of injunction
- 3A Connecticut Practice Series, *Connecticut Civil Practice Forms*, 4th ed., by Joel M. Kaye et al., Thomson West, 2004, with 2021 supplement (also available on Westlaw).  
**Authors' Comments following Form S-154.** Motion to show cause why defendant should not be punished for failure to obey injunction
  - Injunctions-violations of, generally
  - Civil contempt, generally
  - Defenses
  - Subsequent dissolution of injunction

### Figure 3: Motion for Contempt—Injunction

2 Conn. Practice Book (1997), Form 106.3

#### MOTION FOR CONTEMPT - INJUNCTION

The plaintiff respectfully represents

1. The plaintiff brought this action returnable to this court on claiming a (temporary) injunction and other relief.
2. Thereafter a (temporary) injunction was issued by this court (*or the Hon. , a judge of this court*) as follows: (*Quote order contained in injunction, or annex a copy and refer to it as an exhibit attached*)
3. The injunction was duly served on the defendant as appears by return thereon endorsed.
4. Thereafter the defendant violated and disobeyed the (temporary) injunction in that (*state violation alleged*).

Wherefore the plaintiff requests

1. That the defendant be cited to show cause why he should not be adjudged in contempt for the violation and be punished therefor.
2. That he be compelled to (*state action defendant should take to restore situation to that in which it was when the injunction was issued*).

## Section 4: Specific Subjects of Injunctive Protection or Relief

A Guide to Resources in the Law Library

### SCOPE:

- Bibliographic resources relating to specific subjects of injunctive protection and relief in Connecticut.

### TREATED ELSEWHERE:

- Family violence restraining and protective orders, see [Domestic Violence and Civil Protection Orders in Connecticut](#) (Research Guide)

### STATUTES:

You can visit your local law library or search the most recent [statutes](#) and [public acts](#) on the Connecticut General Assembly website to confirm that you are using the most up-to-date statutes.

- Conn. Gen. Stat. (2021)  
Chapter 124. Zoning  
§ [8-8](#). Appeal from board to court. Mediation. Review by Appeal Court.

[Chapter 916](#). Injunctions

### LEGISLATIVE

[Office of Legislative Research](#) reports summarize and analyze the law in effect on the date of **each report's** publication. Current law may be different from what is discussed in the reports.

- *OLR Backgrounder: Connecticut Unfair Trade Practices Act*, Duke Chen, Connecticut General Assembly, Office of Legislative Research Report, [2011-R-0494](#) (December 29, 2011).
- *Enforcement of Zoning Orders*, Kevin E. McCarthy, Connecticut General Assembly, Office of Legislative Research Report, [2005-R-0406](#) (April 20, 2005).
- *F frivolous Appeals and Other Freedom of Information Issues*, Mary M. Janicki, Connecticut General Assembly, Office of Legislative Research Report, [99-R-0735](#) (July 15, 1999).

### COURT RULES:

Amendments to the Practice Book (Court Rules) are published in the [Connecticut Law Journal](#) and posted [online](#).

- Conn. Practice Book (2022)  
§ [4-5](#). Notice Required for Ex Parte Temporary Injunctions  
§ [11-9](#). Disclosure of Previous Applications

### FORMS:

- 2 Conn. Practice Book (1997)  
[Form 104.6. Injunction against interference with flow of surface waters](#) (Figure 4).  
[Form 104.5. Injunction to restrain violation of zoning ordinance](#) (Figure 5).

- 14A *Am Jur Pleading & Practice Forms* Injunctions, Thomson West, 2013 (Also available on Westlaw).
  - § 6. Complaint, petition, or declaration—For permanent injunction—Seeking temporary restraining order and preliminary injunction--General form
  - § 15. Complaint, petition, or declaration—For equitable relief from nuisance—Encroachment on adjacent property—Tree
  - § 16. Complaint, petition, or declaration—For equitable relief from nuisance—Interference with light, air or view—Spite fence
  - § 23. Complaint, petition, or declaration—For injunction and damages—Interference with **plaintiff's civil rights**
  - § 28. Complaint, petition, or declaration—For permanent injunction—Civil harassment
  - § 42. Ex parte motion—For temporary restraining order and order to show cause—Interference with property rights
  - § 48. Affidavit—In support of ex parte motion for temporary restraining order
  - § 55. Motion—To dismiss application for preliminary injunction—Various grounds
  - § 57. Answer—To complaint for injunction and damages—Denying unlawful interference with **plaintiff's civil rights**

#### CASES:

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#### Actions and other legal proceedings

- [United Public Service Employees Union, Cops Local 062 v. Town of Hamden et al.](#), 209 Conn. App. 116, 130, 267 A.3d 239 (2021). “The plaintiff in the present case, just as in *Nosik*, filed an application for a temporary injunction seeking to enjoin the defendant from continuing with the disciplinary proceedings against Eaton until the criminal proceedings are resolved. Both *Nosik* and the present case involve requests to enjoin ongoing administrative disciplinary proceedings—matters that were not pending on the court's own docket—premised entirely on the existence of parallel criminal proceedings pending in court. According to the Second Circuit, the proper standard to apply in such a case is the standard for adjudicating a temporary injunction. See *id.*”

For the foregoing reasons, we conclude that the court improperly reviewed the plaintiff's application for a temporary injunction pursuant to the standard for adjudicating a motion for a stay of civil proceedings. The court should have applied the familiar standard that governs an application for a temporary injunction. Application of the proper standard involves factual determinations that must be made by the trial court, such as whether the plaintiff will

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suffer irreparable harm in the absence of injunctive relief.”

- [N.D.R. Liuzzi, Inc. et al. v. Lighthouse Litho, LLC](#), 144 Conn. App. 613, 75 A. 3d 694 (2013). “On November 28, 2011, the clerk of the court issued a summary process execution for possession. On December 22, 2011, the defendant filed a motion to quash execution in the nature of a writ of audita querela and an application for an ex parte temporary injunction pursuant to General Statutes § 52-471, [fn2] seeking to restrain the plaintiffs from executing on the judgment until the motion to quash execution was decided or ‘until further order from the court.’ The court granted the defendant’s application for an ex parte temporary injunction **on the same day.**” (p. 616)

“[fn2] **General Statutes § 52-471 (a)** provides in relevant part: Any judge of any court of equitable jurisdiction may, on motion, grant and enforce a writ of injunction, according to the course of proceedings in equity, in any action for equitable relief when the relief is properly demandable, returnable to any court, when the court is not in session. . . . (Internal quotations omitted).” (p. 616, n.2)

- [Giulietti v. Giulietti](#), 65 Conn. App. 813, 847, 784 A.2d 905 (2001). “A **‘court has a duty, as well as power, to protect its jurisdiction over a controversy in order to decree complete and final justice between the parties and may issue an injunction for that purpose, restraining proceedings in other courts.’ (Internal quotation marks omitted.)** *Corbin v. Corbin*, 26 Conn. Sup. 443, 450, 226 A.2d 799 (1967). The court, therefore, clearly had jurisdiction to consider and grant the restraining order sought by the plaintiffs, which **was merely ancillary to the probate proceedings.**”
- [City of Waterbury v. Commission on Human Rights and Opportunities](#), 160 Conn. 226, 227-228, 278 A.2d 771 (1971). “The city of Waterbury brought this action against the commission on human rights and opportunities, an administrative agency of the state, the commission’s director, and three of the commission’s hearing examiners. In its complaint, the plaintiff sought temporary and permanent injunctions to prevent the defendants from proceeding with a hearing pursuant to General Statutes 53-36 on a complaint filed by an individual claiming that the Waterbury police department had violated 53-34 of the **General Statutes.**”

#### Corporate franchises

- [City of Groton v. Yankee Gas Services Co.](#), 224 Conn. 675, 681, 620 A.2d 771 (1993). “If a statute confers an exclusive franchise, an injunction is appropriate to prevent infringement of the franchise rights. *See New England*

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*Railroad Co. v. Central Railway & Electric Co.*, 69 Conn. 47, 55, 36 A. 1061 (1897).”

### Discrimination in the Workplace

- [Connecticut Judicial Branch v. Gilbert](#), 343 Conn. 90, 143, 272 A.3d 603 (2022). “As the trial court recognized, § 46a-86(a) clearly grants the commission the authority to issue reasonable injunctive relief tailored to eliminating the discriminatory practice and its effects.”

### Dogs

- *Adger v. Paw Haven LLC*, Superior Court, Judicial District of New Haven at New Haven, No. NNH-CV21-6115907-S (Aug. 10, 2022) (2022 WL 3225328). “At common law, property owners have the right to seek an injunction as well as damages for a nuisance affecting the enjoyment of their property.’ (Internal quotation marks omitted.) *Reichenbach v. Kraska Enterprises, LLC*, 105 Conn. App. 461, 468, 938 A.2d 1238 (2008). ‘In a nuisance action, the trier of fact may properly consider discomfort and annoyance.’ *Id.*, 471. In fact, ‘[i]nterference with the reasonable use and enjoyment of one’s property caused by the howling and barking of dogs has been held to constitute a nuisance which may be enjoined by the courts at the request of neighboring residents who are seriously annoyed.... Connecticut has early held that disturbing noises made by animals on adjoining properties may be a nuisance affording grounds for relief by means of injunction.... This is in accord with the general rule that every property owner has a duty to make a reasonable use of his own property so as to occasion no unnecessary damage or annoyance to his neighbor.’ (Citations omitted; internal quotation marks omitted.) *Herbert v. Smyth*, 155 Conn. 78, 81–82, 230 A.2d 235 (1967). Based upon the facts set forth above, the court finds that the plaintiffs have shown a likelihood of success on the merits and that some injunctive relief is appropriate.”

### Matters relating to property

- [Kloiber v. Jellen](#), 207 Conn. App. 616, 622-623, 263 A.2d 952 (2021). “By way of relief, they sought, inter alia, ‘[a]n immediate injunction requiring the defendants to cease and desist allowing the flow of their surface water runoff to enter over, under and onto’ the subject property. As our Supreme Court has explained, ‘[t]itle is an essential element in a plaintiff’s case, whe[n] an injunction is sought to restrain a trespass ....’ (Internal quotation marks omitted.) *Socha v. Bordeau*, 277 Conn. 579, 586, 893 A.2d 422 (2006). When both monetary damages for trespass and an injunction are sought, as is the case here, ‘both title to

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and possession of the disputed area must be proved ... and the burden of proving them is on the plaintiff.’ (Citations omitted.) *McCullough v. Waterfront Park Assn., Inc.*, 32 Conn. App. 746, 749, 630 A.2d 1372, cert. denied, 227 Conn. 933, 632 A.2d 707 (1993). Because the plaintiffs by their own admission do not hold title to the subject property, we conclude that they lack standing to maintain the trespass action alleged in their complaint.”

- [FirstLight Hydro Generating Co. v. Stewart](#), 328 Conn. 668, 685, 182 A.3d 67 (2018). “**The defendants also contend** that the trial court abused its discretion by ordering injunctive relief that was overly broad and exceeded the scope of the relief sought by the plaintiff. Specifically, the defendants assert that two of the structures that the trial court ordered the defendants to remove—namely, the lower patio and the adjacent retaining wall—were allowed under the permits previously issued by the plaintiff.

For the reasons that follow, consistent with the parties’ representations at oral argument before this court, we conclude that the trial court’s order must be read so as to require the defendants to remove the lower patio and the adjacent retaining wall only to the extent that they are currently not in compliance with the original permits and then to allow the defendants to rebuild those structures in a manner that complies with those permits.”

- [Lyme Land Conservation Tr., Inc. v. Platner](#), 325 Conn. 737, 753–54, 159 A.3d 666 (2017). “By broadly allowing for injunctive and equitable relief, the declaration and the two statutes clearly and unambiguously support the propriety of the trial court’s order. An injunction is an order for a party **to do ‘some** specified act or ... to undo some wrong or **injury’**; Black’s Law Dictionary (6th Ed. 1990); and is an equitable remedy whose issuance depends on a balancing of the equities between the parties. *Hartford Electric Light Co. v. Levitz*, 173 Conn. 15, 21, 376 A.2d 381 (1977). Similarly, a court’s power to order equitable relief is broad and **flexible**. ‘[C]ourts exercising their equitable powers are charged with formulating fair and practical remedies appropriate to the specific dispute.... In doing equity, [a] court has the power to adapt equitable remedies to the particular circumstances of each particular case.... [E]quitable discretion is not governed by fixed principles and definite rules.... Rather, implicit therein is conscientious judgment directed by law and reason and looking to a just **result.**’ (Citations omitted; internal quotation marks omitted.) *Wall Systems, Inc. v. Pompa*, 324 Conn. 718, 736, 154 A.3d 989 (2017). Here, the court entered a common-sense order that directed the property to be remediated in a way that would approximate its earlier condition, but absent elements that all parties considered to



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be undesirable. This order was well within the court's authority."

- [Geiger et al. v. Carey](#), 170 Conn. App. 459, 154 A.3d 1093 (2017). "...The deprivation from virtually the entire front yard of the plaintiffs of the lake view denies the plaintiff tenant his full enjoyment of the property. Further, such a deprivation is a harm for which there is no adequate remedy at law...Therefore, the court orders the defendant to remove the front most section of the fence....The defendant is further enjoined permanently from placing any additional structure on the site of this fence section ordered removed by this court." (p. 489)

"The court permanently enjoins Gordon Geiger from (1) storing materials on the right-of-way, (2) blocking access via the right-of-way...(3) sitting or loitering in the right-of-way, or (4) performing operations on the composition of the material in the right-of-way. Such activities have created and/or would create harm to the defendant for which there is no adequate remedy at law." (p. 494-495).

- [Chase and Chase, LLC v. Waterbury Realty, LLC](#), 138 Conn. App. 289, 295, 50 A.3d 968 (2012). "The court granted the plaintiff a permanent injunction barring the defendant 'from constructing any obstacle that would interfere with the plaintiff's use and enjoyment of said easement' and ordered the defendant to remove the remainder of 'the fence that it constructed on the boundary of the North Main and East Farm properties and [to] restore the East Farm Street driveway to its former condition in the area where the fence was constructed.'"
- [Hackbarth v. Hackbarth](#), 62 Conn. App. 490, 499, 767 A.2d 1276 (2001). "Without the use arrangement [for summer cottage], the purpose of the trust, namely, its summer use by the beneficiaries, would be thwarted. Injunctive relief was the only remedy because no adequate remedy at law existed. Damages were insufficient to obtain the requisite relief.

We conclude that the evidence was sufficient to show that irreparable harm would ensue unless the court awarded injunctive relief, that the plaintiffs had no adequate remedy at law and that the court neither abused its discretion in rendering its decision nor acted on an improper statement of the law."

#### Personal rights and duties

- [Buckner v. Shorehaven Golf Club, Inc.](#), 13 Conn. App. 503, 504, 537 A.2d 532 (1988). "It is an elementary doctrine that one who seeks injunctive relief must prove that absent

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the issuance of the injunction he will suffer irreparable harm. **'An injunction is a harsh remedy and our courts have consistently held that its issuance is only proper in order to prevent irreparable injury.'** *Everett v. Pabilonia*, 11 Conn. App. 171, 178, 526 A.2d 543 (1987), and cases cited therein. Further, it is beyond dispute that the granting or **denial of a request for injunctive relief 'is not mandatory but is within the sound discretion of the trial court.'** *Id.* In the present case, the trial court expressly found that **'the plaintiff has not suffered irreparable harm.'**"

#### Public officers

- [Fleet National Bank v. Burke](#), 45 Conn. Supp. 566, 570-571, 727 A.2d 823 (1998). **"Moreover, we must keep in mind the doctrine that '[c]ourts will act with extreme caution where the granting of injunctive relief will result in embarrassment to the operations of government.'** (Internal quotation marks omitted). *Wood v. Wilton*, 156 Conn. 304, 310, 240 A.2d 904 (1968)."

#### Public welfare

- [Commissioner of Correction v. Coleman](#), 303 Conn. 800, 811, 38 A. 3d 84 (2012). **"The defendant first claims that the permanent injunction violates his state common-law right to bodily integrity. Specifically, he contends that the trial court improperly determined that this right is outweighed by the commissioner's claimed interests in preserving life, preventing suicide, protecting innocent third parties and preserving the security and orderly administration of Connecticut prisons. We disagree."**
- [Stepney v. Town of Fairfield](#), 263 Conn. 558, 559, 821 A.2d 725 (2003). **"The dispositive issue in this appeal is whether the trial court had jurisdiction to consider the action by the plaintiff, Stepney, LLC, seeking to enjoin the defendant, the town of Fairfield, acting through the town's board of health and its director, Arthur Leffert, from enforcing a certain town health code ordinance. We conclude that, because the plaintiff failed to exhaust its administrative remedies, the trial court improperly exercised jurisdiction over this action. Accordingly, we reverse the trial court's judgment in favor of the plaintiff and order that the action be dismissed."**

#### Restrictive Covenants

- [Daswani Clothiers, LLC v. Matthew Benever et al.](#), Superior Court, Judicial District of Hartford at Hartford, No. HHD-CV20-6134255-S (September 28, 2021) (2021 WL 4912571). **"Daswani has no adequate remedy at law. 'Adequate remedy at law means a remedy vested in the complainant, to which he may, at all times, resort, at his**

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own option, fully and freely, without let or hindrance.’ (Internal quotation marks omitted.) *Cohen v. Second Taxing District*, Superior Court, judicial district of Stamford, Docket No. CV-05-4006295- S, 2005 WL 2496917, at \*4 (September 13, 2005, Karazin, J.). ‘[W]hile the plaintiff could maintain a claim for damages as to each violation that causes injury the difficulty of proof and the inefficiency of repetitive suits render inadequate the use of successive remedies at law, and injunctive relief is therefore warranted to protect the plaintiff from harm which the restrictive covenant was intended to prevent.’ (Internal quotation marks omitted.) *Sabatasso v. Bruno*, Superior Court, judicial district of New Haven, Docket No. CV-03-0284486- S, 2004 WL 886968, at \*3 (April 8, 2004, Tanzer, J.) [36 Conn. L. Rptr. 851].”

- *New Country Motor Car Group, Inc. et al. v. Paulo Vilca et al.*, Superior Court, Judicial District of Stamford-Norwalk at Stamford, No. FST-CV21-6051531-S (September 27, 2021) (2021 WL 4896153). “In cases seeking a temporary injunction to enforce a noncompetition provision in an employment agreement courts have concluded the first and second elements, lack of adequate remedy at law and irreparable harm, are moderated somewhat by the nature of the claim. See *ATI Engineering Services, LLC v. Millard*, 2018 WL 6016705 (Conn.Super. 2018) (Pierson, J.); *Sabatasso v. Bruno*, 2004 WL 886968 (Conn.Super. 2004) (Tanzer, J.) [36 Conn. L. Rptr. 851]; *POP Radio LP v. News America Marketing In- Store, Inc.*, 49 Conn.Sup. 566, 576 (2005) (Adams, J.) [40 Conn. L. Rptr. 332].”

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“There seems to be a split in the Superior Court decisions as to whether proof of imminent irreparable harm and inadequate remedy at law is necessary to enjoin breach of restrictive covenants in employment agreements with some courts holding those elements are assumed and others that some proof is necessary. This Court agrees with Judge Adams in *Pop Radio*, 49 Conn.Sup. at 576, that a ‘moderated level of proof’ applies and with Judge Brazzel-Massaro in *Xplore Technology*, 2010 WL 4277765, that there is a rebuttable presumption that these elements are satisfied in cases in which defendant goes to work for a competitor.”

### Uniform Trade Secrets Act

- *BTS, USA, Inc. v. Executive Perspectives, LLC*, 166 Conn. App. 474, 497, 142 A.3d 342 (2016). “The trial court found: ‘Alternatively, the plaintiff seeks injunctive relief. CUTSA [Connecticut Uniform Trade Secrets Act] does allow for the granting of injunctive relief, in appropriate cases, in addition to or in lieu of damages...§35-52(a). However, nor

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has [the] plaintiff established that injunctive relief is **appropriate.**”

### Wetlands and Watercourses

- Barbara Kelly, Inland Wetlands Officer et al. v. Laura Thweatt et al., Superior Court, Judicial District of Tolland at Rockville, No. TTD-CV19-5013098-S (February 22, 2021) (2021 WL 929947) (2021 Conn. Super. LEXIS 151). “The plaintiffs request a permanent injunction prohibiting the defendants from performing any further regulated activities, inclusive of filling and excavating, in or on the wetlands, upland review area and watercourse on the property. Cases that involve inland wetlands violations pursuant to General Statutes § 22a-36 et seq. do not require a finding of irreparable harm as a prerequisite for a permanent injunction. See *Conservation Commission of Simsbury v. Price*, 193 Conn. 414, 429, 479 A.2d 187 (1984). Based on the extensive degradation and damage caused by the defendants’ regulated activity and failure to take any remediation efforts, the court hereby enjoins the defendants from conducting any further regulated activity in or on the wetlands, upland review area and watercourses on the property.”

### Zoning Regulations

- Town of Enfield et al. v. Joseph H. Messier, Superior Court, Judicial District of Tolland at Rockville, No. TTD-CV19-6018273-S (April 15, 2021) (2021 WL 1912434) (2021 Conn. Super. LEXIS 640). “**In finding a violation of the regulations, this court must determine whether the violation satisfies the willfulness standard in accordance with § 8-12 to assess the damages and relief sought by the plaintiffs.** ‘A decision to grant or deny an injunction must be compatible with the equities in the case, which should take into account the gravity and willfulness of the violation, as well as the potential harm to the defendant ... In seeking an injunction pursuant to [General Statutes] § 8-12, the town is relieved of the normal burden of proving irreparable harm and the lack of an adequate remedy at law because § 8-12 by implication assumes that no adequate alternative remedy exists and that the injury was irreparable ... The town need prove only that the statutes or ordinances were violated ... *The proof of violations does not, however, deprive the court of discretion and does not obligate the court mechanically to grant the requested injunction for every violation.*”

### ENCYCLOPEDIAS:

- 42 *Am Jur 2d* Injunctions, Thomson West, 2020 (Also available on Westlaw).  
III. Kinds of Rights Protected and Matters Controllable  
§§ 49-52. In General

Encyclopedias and ALRs are available in print at some law library locations and accessible online at all law library locations.

Online databases are available for in-library use. Remote access is not available.

§§ 53-74. Property Rights  
§§ 75-112. Personal Rights  
§§ 113-115. Political Rights  
§§ 116-142. Contract Rights  
§§ 143-149. Violation of Criminal or Penal Laws  
§§ 150-176. Acts of Public Bodies or Officials  
§§ 177-205. Injunction against Institution or Maintenance of Judicial Proceedings  
§§ 219-230. Injunction Against Criminal Prosecutions and Arrests

- 43A *CJS* Injunctions, Thomson West, 2014 (Also available on Westlaw).
  - IV. Subjects of protection and relief
    - §§ 103-125. Actions and other legal proceedings
    - §§ 126-156. Property, conveyances, and incumbrances
    - §§ 157-192. Contracts
    - §§ 193-198. Corporate franchises, management, and dealings
    - §§ 205-265. Public entities, agencies, and officers; Government matters
    - §§ 266-276. Public welfare, property and rights
    - §§ 277-299. Personal rights and duties
    - §§ 300-307. Criminal acts, conspiracies, prosecutions, and judgments
- See [Table 5](#) for list of Annotations

## TEXTS & TREATISES:

Each of our law libraries own the Connecticut treatises cited. You can [contact](#) us or visit our [catalog](#) to determine which of our law libraries own the other treatises cited or to search for more treatises.

References to online databases refer to in-library use of these databases. Remote access is not available.

- 9A Connecticut Practice Series, *Land Use and Practice*, 4th ed., by Robert Fuller, Thomson West, 2015, with 2021 supplement (also available on Westlaw.)
  - Chapter 41. Injunctions and Temporary Restraining Orders
    - § 41.1. In general; stays of proceedings
    - § 41.2. Temporary restraining orders; General Statutes § 8-8
    - § 41.3. Municipal zoning enforcement
    - § 41.4. Temporary injunctions
    - § 41.5. Estoppel to enforce zoning regulations by injunction; municipal estoppel
    - § 41.6. Private zoning enforcement
    - § 41.7. Availability of other remedies
    - § 41.8. Other uses of injunction actions
- 2 Connecticut Practice Series, *Connecticut Civil Practice Forms*, 4th ed., by Joel M. Kaye et al., Thomson West, 2004, with 2021 supplement (also available on Westlaw).
  - Authors' Comments** following:
    - o Form 104.4. Injunction against nuisance
    - o Form 104.5. Injunction to restrain violation of zoning ordinance

- o Form 104.6. Injunction against interference with flow of surface waters
- 2 *Stephenson's Connecticut Civil Procedure*, 3<sup>rd</sup> ed., by Renee Bevacqua Bollier et al., Atlantic Law Book Co., 2002, with 2003 supplement.
  - Chapter 19. Extraordinary procedures
  - § 227. Injunction and Temporary Injunctions
- 5 *Zoning Law and Practice*, 4<sup>th</sup> ed., by E.C. Yokley, 2004, with 2012 supplement (also available on Lexis).
  - Chapter 28. Injunction

LAW REVIEWS:

Public access to law review databases is available on-site at each of our [law libraries](#).

- Eugene Volokh, *Overboard Injunctions against Speech (Especially in Libel and Harassment Cases)*, 45 Harv. J. L. & Pub. Pol'y 147 (2022).
- Eugene Volokh, *Anti-Libel Injunctions*, 168 U. Penn. L. Rev. 73 (2019).

Table 5: Selected ALR Annotations on Subjects of Injunctive Protection or Relief

Selected ALR Annotations on Subjects of Injunctive Protection or Relief	
Appeal and error	<ul style="list-style-type: none"> <li>85 <i>A.L.R.2d</i> 772, <i>Power Of The Court To Enjoin Enforcement Of Its Judgments As Affected By Previous Affirmance</i>, by D. E. Evins, Thomson West, 1962.</li> </ul>
Absentee voters' law	<ul style="list-style-type: none"> <li>97 <i>A.L.R.2d</i> 257, <b><i>Proceedings Under Absentee Voters' Laws</i></b>, by M. C. Dransfield, Thomson West, 1964.</li> </ul>
Animals	<ul style="list-style-type: none"> <li>90 <i>A.L.R.5th</i> 619, <i>Keeping Of Domestic Animals As Constituting Public Or Private Nuisance</i>, by Philip White, Jr., Thomson West, 2001.</li> </ul>
Attorneys leaving law firm	<ul style="list-style-type: none"> <li>1 <i>A.L.R.4th</i> 1164, <i>Rights Of Attorneys Leaving Firm With Respect To Firm Clients</i>, by Charles C. Marvel, Thomson West, 1980.</li> </ul>
Bankruptcy	<ul style="list-style-type: none"> <li>65 <i>A.L.R.2d</i> 550, <i>Financial Hardship Or Inability To Pay Taxes As Rendering Inapplicable Statutes Denying Relief By Injunction Against Assessment Or Collection Of Taxes</i>, by M. L. Cross, Thomson West, 1959.</li> <li>40 <i>A.L.R.2d</i> 663, <b><i>Bankruptcy Court's Injunction Against Mortgage Or Lien Enforcement Proceedings Commenced, Before Bankruptcy, In Another Court</i></b>, by W. J. Dunn, Thomson West, 1955.</li> </ul>
Child custody	<ul style="list-style-type: none"> <li>4 <i>A.L.R.2d</i> 7, <i>Jurisdiction To Award Custody Of Child Having Legal Domicil In Another State</i>, by J. V. Dempsey, Thomson West, 1949.</li> </ul>
<b>Children's</b> playground	<ul style="list-style-type: none"> <li>32 <i>A.L.R.3d</i> 1127, <b><i>Children's Playground As Nuisance</i></b>, by Jonathan M. Purver, Thomson West, 1970.</li> </ul>
Commercial development	<ul style="list-style-type: none"> <li>11 <i>A.L.R. Fed.</i> 556, <i>Standing Of Private Citizen, Association, Or Organization To Maintain Action In Federal Court For Injunctive Relief Against Commercial Development Or Activities, Or Construction Of Highways, Or Other Governmental Projects, Alleged To Be Harmful To Environment In Public Parks, Other Similar Areas, Or Wildlife Refuges</i>, by Jerald J. Director, Thomson West, 1972.</li> </ul>
Consumer protection	<ul style="list-style-type: none"> <li>115 <i>A.L.R.5th</i> 709, <i>Right To Private Action Under State Consumer Protection Act—Equitable Relief Available</i>, by Bob Cohen, Thomson West, 2004.</li> </ul>

Selected ALR Annotations [Cont'd]	
Covenant not to compete	<ul style="list-style-type: none"> <li>• 12 A.L.R.5th 847, <i>Enforceability, By Purchaser Or Successor Of Business, Of Covenant Not To Compete Entered Into By Predecessor And Its Employees</i>, Thomson West, 1993.</li> </ul>
Crops	<ul style="list-style-type: none"> <li>• 87 A.L.R.2d 732, <i>Validity, Construction, And Effect Of Contract Between Grower Of Vegetable Or Fruit Crops, And Purchasing Processor, Packer, Or Canner</i>, by H. C. Lind, Thomson West, 1963.  § 27. Suit in equity; specific performance or injunctive relief (p. 778).</li> </ul>
Customer lists	<ul style="list-style-type: none"> <li>• 28 A.L.R.3d 7, <b><i>Former Employee's Duty, In Absence Of Express Contract, Not To Solicit Former Employer's Customers Or Otherwise Use His Knowledge Of Customer Lists Acquired In Earlier Employment</i></b>, by K. H. Larsen, Thomson West, 1969.</li> </ul>
Discrimination	<ul style="list-style-type: none"> <li>• 136 A.L.R. Fed. 1, <i>Validity, Construction, and Application of § 302 of Americans with Disabilities Act (42 U.S.C.A. §12182), Prohibiting Discrimination on Basis of Disability by Owners or Operators of Places of Public Accommodation</i>, by John A. Bourdeau, Thomson West, 1997.</li> </ul>
Divorce and separation	<ul style="list-style-type: none"> <li>• 68 A.L.R.4th 929, <i>Divorce And Separation: Effect Of Court Order Prohibiting Sale Or Transfer Of Property On Party's Right To Change Beneficiary Of Insurance Policy</i>, by David P. Chapus, Thomson West, 1989.</li> <li>• 54 A.L.R.2d 1240, <i>Injunction Against Suit In Another State Or Country For Divorce Or Separation</i>, b E. H. Schopler, Thomson West, 1957.</li> </ul>
Eminent domain	<ul style="list-style-type: none"> <li>• 93 A.L.R.2d 465, <i>Injunction Against Exercise Of Power Of Eminent Domain</i>, by M. C. Dransfield, Thomson West, 1964.</li> </ul>
Environmental protection	<ul style="list-style-type: none"> <li>• 25 A.L.R.7th Art. 3, <i>Private Cause of Action Under State Hazardous Waste Regulations</i>, by George L. Blum, Thomson West, 2017.</li> <li>• 158 A.L.R. Fed. 519, <i>Requirement That There Be Continuing Violations To Maintain Citizen Suit Under Federal Environmental Protection Statutes—Post-Gwaltney Cases</i>, by Deborah F. Buckman, Thomson West, 1999.</li> <li>• 86 A.L.R.4th 401, <i>Validity, Construction, And Application Of State Hazardous Waste Regulations</i>, by William B. Johnson, Thomson West, 1991.</li> </ul> <p>[Superseded in part by 25 A.L.R.7th Art. 3, <i>Private Cause of Action Under State Hazardous Waste Regulations</i>, by George L. Blum, Thomson West, 2017.]</p>



Selected ALR Annotations [Cont'd]	
Invasion of privacy	<ul style="list-style-type: none"> <li>• 190 <i>A.L.R. Fed.</i> 385, <i>Validity, Construction, and Application of Foreign Intelligence Surveillance Act of 1978 (50 U.S.C.A. §§ 1801 et seq.) Authorizing Electronic Surveillance of Foreign Powers and Their Agents</i>, by John J. Dvorske, Thomson West, 2003.</li> </ul>
Job discrimination	<ul style="list-style-type: none"> <li>• 38 <i>A.L.R. Fed.</i> 27, <i>Appropriateness of particular forms of nonmonetary affirmative relief under § 706(g) of Civil Rights Act of 1964 (42 U.S.C.A. § 2000e-5(g), as against employers</i>, by Russell J. Davis, Thomson West, 1978.</li> </ul>
Names	<ul style="list-style-type: none"> <li>• 68 <i>A.L.R.3d</i> 1168, <i>Incorporation Of Company Under Particular Name As Creating Exclusive Right To Such Name</i>, by Wade R. Habeeb, Thomson West, 1976.</li> </ul>
Other states and foreign countries	<ul style="list-style-type: none"> <li>• 78 <i>A.L.R. Fed.</i> 831, <i>Propriety Of Federal Court Injunction Against Suit In Foreign Country</i>, by Robin Cheryl Miller, Thomson West, 1986.</li> <li>• 42 <i>A.L.R. Fed.</i> 592, <i>Propriety Of Injunction By Federal Court In Civil Action Restraining Prosecution Of Later Civil Action In Another Federal Court Where One Or More Parties Are, Same Issues Are, Or Allegedly Are, Same</i>, by Milton Roberts, Thomson West, 1979.</li> <li>• 54 <i>A.L.R.2d</i> 1240, <i>Injunction Against Suit In Another State Or Country For Divorce Or Separation</i>, by E. H. Schopler, Thomson West, 1957.</li> </ul>
Parking on private way	<ul style="list-style-type: none"> <li>• 37 <i>A.L.R.2d</i> 944, <i>Right to park vehicles on private way</i>, by M. O. Regensteiner, Thomson West, 1954.</li> </ul>
Property, Encroachment of	<ul style="list-style-type: none"> <li>• 65 <i>A.L.R.4th</i> 603, <i>Encroachment Of Trees, Shrubbery, Or Other Vegetation Across Boundary Line</i>, by Robert Roy, Thomson West, 1988.</li> </ul>
Publicity (pending court case)	<ul style="list-style-type: none"> <li>• 56 <i>A.L.R.4th</i> 1214, <i>Validity And Construction Of State <b>Court's</b> Order Precluding Publicity Or Comment About Pending Civil Case By Counsel, Parties Or Witnesses</i>, by Lori J. Henkel, Thomson West, 1987.</li> </ul>
Schools	<ul style="list-style-type: none"> <li>• 50 <i>A.L.R.3d</i> 340, <i>Validity And Construction Of Statute Or Ordinance Forbidding Unauthorized Persons To Enter Upon Or Remain In School Building Or Premises</i>, by Jeffrey F. Ghent, Thomson West, 1973.</li> </ul>
Trespass	<ul style="list-style-type: none"> <li>• 60 <i>A.L.R.2d</i> 310, <i>Injunction Against Repeated Or Continuing Trespass On Real Property</i>, by H. H. Henry, Thomson West, 1958.</li> </ul>

Selected ALR Annotations [Cont'd]	
UCC	<ul style="list-style-type: none"> <li>• 25 <i>A.L.R.4th</i> 239, <i>What constitutes fraud or forgery justifying refusal to honor, or injunction against honoring, letter of credit under UCC § 5-114(1)(2)</i>, by Michael A. DiSabatino, Thomson West, 1983.</li> </ul>
Water	<ul style="list-style-type: none"> <li>• 42 <i>A.L.R.3d</i> 426, <i>Property Of Injunctive Relief Against Diversion Of Water By Municipal Corporation Or Public Utility</i>, by Wade R. Habeeb, Thomson West, 1972.</li> </ul>
Zoning	<ul style="list-style-type: none"> <li>• 73 <i>A.L.R.4th</i> 870, <i>Laches As Defense By Governmental Entity To Enjoin Zoning Violation</i>, by Michael J. Yaworsky, Thomson West, 1989.</li> </ul>

Figure 4: Injunction against interference with flow of surface waters  
2 Conn. Practice Book (1997), Form 104.6

COMPLAINT

1. The plaintiff is the owner of a certain piece or parcel of land, with the appurtenances thereto, situated in the city of , and bounded and described as follows: *(here insert description)*. On the premises he has a large garage in which he stores and repairs automobiles.

2. The defendants are the owners of a contiguous piece of land which abuts the above mentioned property of the plaintiff on the south, which premises are described as follows: *(here insert description)*.

3. Abutting the above described premises of both parties to the east is and for a long time has been a railroad right of way on which are constructed tracks upon an embankment higher than the lands of the parties.

4. The natural slope of land across the premises of both parties is from the northwest to the southeast.

5. Prior to the construction of the railroad a small stream or water-course ran across the land of the plaintiff and away to the east over the land now occupied by the railroad but by reason of the building of the embankment it was deflected to the west and has ever since run in a definitely defined and marked course across the land of the defendant.

6. The change was made more than fifteen years before the occurrences hereafter stated and ever since the plaintiff has enjoyed and asserted the right to have the water in this watercourse pass off over the defendant's land, and the use of the watercourse over the defendant's land for that purpose has been open, continuous, uninterrupted, with the knowledge and acquiescence of the defendant and his predecessors in title and adversely to him and them.

7. Beginning on or about *(date)* the defendant has filled in the land on his premises for the entire distance it abuts upon the land of the plain-tiff until it is higher than the land of the plaintiff, and has filled in the channel of the watercourse and wholly obstructed it.

8. As a further result of the filling in of his premises by the defend-ant, he has caused the surface water which falls upon it, instead of flowing away to the south as it normally would, to flow northerly upon the land of the plaintiff, and thereby has greatly increased the volume of surface water coming upon the plaintiff's premises,

and has so filled his land as to cause the surface water coming upon the plaintiff's premises to flow thereon not in a natural diffused manner but in several well defined channels, which bring upon the plaintiff's premises dirt and silt and wash channels through it.

## Figure 5: Injunction to Restrain Violation of Zoning Ordinance

2 Conn. Practice Book (1997), Form 104.5

### COMPLAINT

1. The plaintiff is and for a long time has been the owner in fee simple of a certain tract of land with a dwelling house thereon located on *(state location)* which premises he has occupied and is now occupying as a private dwelling for himself and his family.

2. The defendant *(name of owner)*, is the owner of certain premises situated on *(state location)* directly opposite the premises of the plaintiff. The defendant *(name of lessee)*, has a leasehold interest in the premises and the defendant *(name of mortgagee)* has a mortgage thereon..

3. On *(date)*, the town of duly and lawfully adopted various building and zone regulations which, among other things, restrict the carrying on of trade, industry or business in certain areas in said town, and under these regulations the area of that part of the town in which the premises of the plaintiff and of the defendants are situated is restricted solely to the erection and use of buildings for residential purposes.

4. After the adoption of the regulations the defendant owner caused to be erected and constructed on his premises a building designed solely for business purposes, namely a store, and has leased the same to the defendant lessee, who has occupied and is now occupying the same in carrying on the business of selling meats and groceries.

5. Shortly after the defendant owner began to erect the building the plaintiff notified him that its construction was in violation of the building and zone regulations, and unless it desisted, the plaintiff would seek proper legal redress.

6. Thereafter the plaintiff, upon a number of occasions, requested the

zoning commission of the town, whose duty it is to enforce the regulations, to take steps to prevent the unlawful construction and use of the building, and has awaited action by it, but the commission has neglected and refused to take any action or proceedings whatsoever in the matter.

7. By reason of the use of the defendant's premises as alleged, the street in front of plaintiff's property is constantly throughout the daytime greatly congested by automobiles and trucks; automobiles park on the street in front of plaintiff's property and at times on his sidewalk and lawn, driving into the fence in front of his property and damaging the same; frequently in the night or very early morning trucks going to the place of business of the defendant lessee and unloading their goods make such a noise as to disturb the sleep, peace, quiet and comfort of the plaintiff. These conditions constitute a nuisance to the plaintiff; the value of his premises as a dwelling place is greatly impaired, and if they continue will be destroyed; and the plaintiff will suffer an irreparable injury for which he has no adequate remedy at law.

The plaintiff claims:

1. An injunction restraining the defendants and each of them from using or permitting to be used for business purposes the land and buildings owned by the defendant owner as above set forth.

2. Damages.

## Section 5: Appeal of Injunction

A Guide to Resources in the Law Library

### SCOPE:

- Bibliographic resources relating to the appeal of temporary and permanent injunctions.

### DEFINITIONS:

- “[T]he governing principles for our standard of review as it **pertains to a trial court’s discretion to grant or deny a request for an injunction [are]: A party seeking injunctive relief has the burden of alleging and proving irreparable harm and lack of an adequate remedy at law....A prayer for injunctive relief is addressed to the sound discretion of the court and the court’s ruling can be reviewed only for the purpose of determining whether the decision was based on an erroneous statement of law or an abuse of discretion....***Walton v. New Hartford*, 223 Conn. 155, 612 A.2d 1153 (1992). Therefore, unless the trial court abused its discretion, or failed to exercise its discretion; *Wehrhane v. Peyton*, 134 Conn. 486, 498, 58 A.2d 698 (1948); the **trial court’s decision must stand....***Advest, Inc. v. Wachtel*, 235 Conn. 559, 562-63, **668 A.2d 367 (1995).**” (Internal quotation marks omitted.) *AvalonBay Communities, Inc. v. Orange*, *supra*, **256 Conn. 566.**” [Pequonnock Yacht Club, Inc. v. Bridgeport](#), 259 Conn. 592, 598, 790 A.2d 1178 (2002).
- Appeal when judgment rendered averse to continuance of temporary injunction: **“When a temporary injunction has been granted and upon final hearing judgment has been rendered adverse to its continuance, either party may apply to the court rendering the judgment, representing that he intends to appeal the case to the court having jurisdiction and praying that the temporary injunction may be continued until the final decision therein. Unless the court is of the opinion that great and irreparable injury will be done by the further continuance of the injunction, or that the application was made only for delay and not in good faith, the court shall continue the injunction until a final decision is rendered in the court having jurisdiction.”** Conn. Gen. Stat. § [52-476](#) (2021).
- Appeal of permanent injunction: **“When judgment has been rendered for a permanent injunction ordering either party to perform any act, the court, upon an application similar to that mentioned in section 52-476, shall stay the operation of such injunction until a final decision in the court having jurisdiction, unless the court is of the opinion that great and irreparable injury will be done by such stay or that such application was made only for delay and not in good faith.”** Conn. Gen. Stat. § [52-477](#) (2021).

- Removal of stay or dissolution of injunction during appeal: **"the court in which** such case is pending may, if in its opinion the cause of justice so requires, dissolve such temporary injunction or remove the stay of such permanent injunction while such case is so pending in the supreme **court."** Conn. Gen. Stat. § [52-478](#) (2021).

#### STATUTES:

You can visit your local law library or search the most recent [statutes](#) and [public acts](#) on the Connecticut General Assembly website to confirm that you are using the most up-to-date statutes.

- Conn. Gen. Stat. (2021)
  - [Chapter 916](#). Injunctions
    - §52-476. Continuance pending appeal
    - §52-477. Permanent injunction; stay pending appeal
    - §52-478. Removal of stay or dissolution of injunction

#### COURT RULES:

Amendments to the Practice Book (Court Rules) are published in the [Connecticut Law Journal](#) and posted [online](#).

- Conn. Practice Book (2022)
  - [§ 61-11](#). Stay of Execution in Noncriminal Cases
  - [§ 61-12](#). Discretionary Stays

#### FORMS:

- *2 Am Jur Pleading & Practice Forms* Appeal and Error, Thomson West, 2013 (Also available on Westlaw).
  - § 211. Judgment dissolving injunction
  - § 212. Judgment dissolving injunction—Conditional if judgment affirmed
  - § 213. Judgment modifying injunction
  - § 214. Judgment modifying injunction—Conditional if judgment affirmed
- *14A Am Jur Pleading & Practice Forms* Injunctions, Thomson West, 2013 (Also available on Westlaw).
  - § 54. Affidavit- in support of motion for preliminary injunction- appeal pending
  - § 108 Notice of motion- for stay of injunction pending appeal
  - § 114. Affidavit- stay of injunction pending appeal
  - § 122. Order- stay of injunction pending appeal

#### CASES:

#### Prohibitory v. Mandatory Injunctions

- [Brennan v. Brennan Associates](#), 316 Conn. 677, 113 A.3d 957 (2015). "In *Tomasso Bros., Inc. v. October Twenty-Four, Inc.*, 230 Conn. 641, 652-54, 646 A.2d 133 (1994), this court explored what types of injunctions are automatically stayed by Practice Book (1994) § 4046, the predecessor to and functional equivalent of Practice Book § 61-11. This court traced the history of the automatic stay



Once you have identified useful cases, it is important to update the cases before you rely on them. Updating case law means checking to see if the cases are still good law. You can [contact your local law librarian](#) to learn about the tools available to you to update cases.

provision, noting that, generally, prohibitory injunctions, which restrain a party from commission of an act, were not automatically stayed pending appeal, while mandatory injunctions, which command a party to perform an act, were. **The primary purpose of these rules was to preserve the status quo during the pendency of the appeal...Under this view, therefore, in the case of [not automatically staying] a prohibitory injunction, the enjoined party was prevented from doing irreparable harm to the party that successfully sought the injunction; in the case of [automatically staying] a mandatory injunction, the enjoined party was not required to assume a burden until the equities had been conclusively established.'** At 653, 646 A.2d 133." (p. 760)

"Pursuant to *Tomasso Bros., Inc.*, the injunctive aspect of the judgment of dissociation in the present case—enjoining by prohibition, the plaintiff from continuing to be a partner—*was not automatically stayed pending appeal* notwithstanding the provisions of Practice Book § 61-11." [emphasis added in the original] (p. 761)

### Temporary Injunctions

- [Hammonasset Holdings, LLC v. Drake Petroleum Co.](#), Superior Court, Judicial District of Middletown, Docket No. MMXCV106003036 (May 8, 2012, Wiese, J.) (54 Conn. L. Rptr. 27, 29) (2012 WL 2044586) (2012 Conn. Super. LEXIS 1248). **"The court will next address whether Drake is entitled to a stay [of temporary injunction pending an appeal] pursuant to Practice Book § 61.12. In support of this alternative argument, Drake argues that the overall balance of equities favors the issuance of a stay. Specifically, it contends that, under the four-part test governing the balance of equities for a discretionary stay set forth in *Griffin Hospital v. Commission on Hospitals & Health Care*, 196 Conn. 451 (1985), (1) Drake is likely to succeed on the merits of its appeal, (2) Drake will suffer irreparable harm without the stay, (3) a stay will not harm the plaintiffs, and (4) a stay will best serve the public interest."**
- [Massachusetts Mutual Life Insurance Co. v. Blumenthal](#), 281 Conn. 805, 811, 917 A.2d 951 (2007). **"...the purpose of a temporary injunction is to '[maintain] the status quo while the rights of the parties are being determined.'** *Ulichny v. Bridgeport*, 230 Conn. 140, 147, 644 A.2d 347 (1994). Similarly, the denial of a temporary injunction is a determination that the status quo need not be maintained while the court determines the rights of the parties. By contrast, 'a permanent injunction effects a final determination of [those] rights.' *Id.* Under this well established law, therefore, the denial by the court of the

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plaintiff's application for a temporary injunction was merely an interlocutory order and is not a final judgment for purposes of appeal."

- [Rhode Island Hospital Trust National Bank v. Martin Trust](#), 25 Conn. App. 28, 28-30, n. 4, 592 A. 2d 417 (1991). "The issue here is whether a prejudgment remedy (PJR) may be extended to include a temporary injunction in order to permit an appeal of the temporary injunction under General Statutes § 52-278*l*. **We hold that it cannot.**" (p. 28-29)

"Temporary injunctions generally are not appealable because they are interlocutory in nature, but an exception exists if the temporary injunction meets the requirements of a final judgment. See *Doublewal Corporation v. Toffolon*, 195 Conn. 384, 389-90, 488 A. 2d 444 (1985)." (p. 29-30)

"[fn4] Immediate review of temporary injunctions is also authorized for appeals arising out of labor disputes; General Statutes § 31-118; *French v. Amalgamated Local Union 376*, 203 Conn. 624, 628 526 A. 2d 861 (1987); or for appeals involving matters of substantial public interest. *Laurel Park, Inc. v. Pac*, 194 Conn. 677, 678 n.1, 485 A. 2d 1272 (1984)." (p. 30, n.4)

- [H.O. Canfield Co. v. United Construction Workers](#), 134 Conn. 623, 626, 60 A.2d 176 (1948). "Section 5903 is based upon the possibility that the trial court acted erroneously in dissolving or modifying the temporary injunction in the trial on the merits. The purpose of the section is to preserve the status quo until the plaintiff's rights may ultimately be determined upon the appeal." [*Section 5903 is now Conn. Gen. Stat. § 52-476 (2021).*]

### Permanent Injunctions

- [Dattco, Inc. v. Commissioner of Transportation](#), 324 Conn. 39, 55-56, 151 A.3d 823 (2016). "We therefore conclude that the trial court improperly granted the commissioner's motion for summary judgment and that it improperly denied the plaintiffs' motion. This conclusion requires us to consider the appropriate remedy. In their complaint, the plaintiffs sought an injunction from the trial court preventing the commissioner from (1) condemning the certificates, and (2) operating any buses over the plaintiffs' designated routes. In their arguments to this court, the plaintiffs have argued that such relief is proper and necessary to protect their rights in the certificates. Nevertheless, the issue of whether an injunction is necessary in addition to a judgment, and the precise parameters of any injunction, have not been considered by the trial court. In addition, the plaintiffs' request for an injunction barring the commissioner from operating any

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buses over any of their designated routes may impact the separate, pending litigation concerning the extent of the **plaintiffs' operating rights under their certificates, including whether the plaintiffs' rights over these routes are** exclusive. That dispute is not before us in the present appeal. Accordingly, we conclude that a decision of whether any injunctive relief is necessary and the parameters of any injunctive relief, if granted, is a decision that must be made **in the first instance by the trial court on remand."**

- [Hunter Ridge, LLC, v. Planning and Zoning Commission of the Town of Newtown](#), 318 Conn. 431, 122 A.3d 533 (2016). **"The primary Issue in these appeals involves** whether the act [The Environmental Protection Act of 1971] empowers a trial court to enter an injunction in an administrative appeal of a zoning decision brought pursuant to General Statutes § 8-8, a power that the trial court otherwise would not have available to it...**The act does not** permit the intervenor to expand the remedies allowed in the underlying proceeding; it allows the intervenor to raise only those claims for relief otherwise permitted in the existing proceeding." (p. 436)

**"In a zoning appeal, the trial court may only 'reverse or affirm, wholly or partly, or may modify or revise the decision appealed from.'...It has no authority to enter injunctive relief."** (p. 439)

- [City of Stamford v. Ten Rugby Street, LLC](#), 164 Conn. App. 49, 81, 137 A.3d 781 (2016). **"...The injunction concludes with the broad statement that the court is granting 'a permanent injunction from continuing violations of zoning regulations.'"**
- [Sullivan v. McDonald](#), 281 Conn. 122, 913 A.2d 403 (2007). **"The Co-Chairs did not establish a specific date for a hearing, in part, because an injunction remains in place at this time prohibiting them from compelling Justice Sullivan's attendance."** (p. 126)

**"Accordingly, pursuant to this court's supervisory authority; Practice Book § 60-2; the orders of the trial court are hereby stayed pending further order of this court."** (p. 128)

WEST KEY NUMBERS:

- Appeal and Error
  - # 71(3) Decisions reviewable—Finality of determination—Interlocutory and intermediate decisions—Injunction
  - # 100 Decisions reviewable—Nature, scope, and effect of decision—Injunction
  - # 447 Effect of transfer of cause or proceedings therefor—Power and proceedings of lower court—Provisional remedies—Injunction

- # 458(3) Supersedeas or stay of proceedings—Right to supersedeas or stay in general—Injunction or appointment and proceedings of receiver
- # 488 Supersedeas or stay of proceedings—Scope and effect as stay—Injunction
- # 3040 Review—Considerations preliminary to conducting review—Necessity of determination by reviewing court—Particular questions and issues—Injunctive relief
- # 3661 Review—Scope and extent of review—Injunctive relief
- # 3662 Review—Scope and extent of review—Injunctive relief—Granting or refusing
- #3663 Review—Scope and extent of review—Injunctive relief—Continuing, vacating, or dissolving
- #3664 Review—Scope and extent of review—Injunctive relief—Preliminary injunction; temporary restraining order
- #3970 Review—Presumptions and burdens on review—Particular matters and rulings—Injunctive relief
- #4553 Harmless and reversible error—Particular errors—Remedial matters—Injunctive relief

ENCYCLOPEDIAS:

Encyclopedias and ALRs are available in print at some law library locations and accessible online at all law library locations.

- 42 *Am Jur 2d* Injunctions, Thomson West, 2020 (Also available on Westlaw).
  - VIII. Appellate Review
    - A. In general
    - B. Particular injunctions
    - C. Scope and extent of review

TEXTS & TREATISES:

Each of our law libraries own the Connecticut treatises cited. You can [contact](#) us or visit our [catalog](#) to determine which of our law libraries own the other treatises cited or to search for more treatises.

References to online databases refer to in-library use of these databases. Remote access is not available.

- Connecticut Practice Series, *Rules of Appellate Procedure*, by Wesley W. Horton and Kenneth J. Bartschi, 2021-2022 ed., Thomson West (also available on Westlaw).
  - § 61-11. Stay of execution in noncriminal cases. [*See Authors' Comments*]
  - § 61-12. Discretionary Stays. [*See Authors' Comments*]
- 2 *Stephenson's Connecticut Civil Procedure*, 3<sup>rd</sup> ed., by Renee Bevacqua Bollier et al., Atlantic Law Book Co., 2002, with 2003 supplement.
  - Chapter 19. Extraordinary procedures,
    - Sec. 227. Stay or continuance of injunction pending appeal
- 2 *Dupont on Connecticut Civil Practice*, by Ralph Dupont, 2021-2022 ed., LexisNexis.
  - § 23-50.26. Continuance pending appeal
  - § 23-50.27. Permanent injunction; Stay pending appeal
  - § 23-50.28. Removal of stay or dissolution of injunction

- 2 *Connecticut Civil Procedure*, 2<sup>nd</sup> ed., by Edward L. Stephenson et al., Atlantic Law Book Company, 1971, with 1981 supplement.
  - § 269. Status of temporary injunction pending appeal
    - a. Permanent injunction denied
    - b. Permanent prohibitory injunction granted
    - c. Permanent mandatory injunction granted
    - d. Removal of stay or dissolution of injunction