



KeyCite Yellow Flag - Negative Treatment
Disagreement Recognized by [Romag Fasteners, Inc. v. Fossil, Inc.](#),
D.Conn., August 14, 2014

121 Conn.App. 105
Appellate Court of Connecticut.

George TAYLOR
v.
David KING.

No. 30471

Argued Feb. 9, 2010.

Decided May 11, 2010.

Synopsis

Background: Homeowner brought action against builder for breach of contract, breach of warranty, negligent infliction of emotional distress, unjust enrichment, and a violation of Unfair Trade Practices Act (UTPA). Builder filed counterclaim. The Superior Court, Judicial District of New London, Peck, J., entered judgment in favor of homeowner for \$110,000 and against builder on counterclaims, awarded homeowner \$50,498.08 for attorney's fees and \$3880.58 for costs, and denied homeowner's request for punitive damages. Builder appealed.

Holdings: The Appellate Court, [Schaller, J.](#), held that:

[1] trial court had 120-days from date of last hearing to enter judgment;

[2] real estate agent was qualified to testify regarding diminution in value of home;

[3] builder was a contractor under Home Improvement Act;

[4] homeowner did not waive requirements of Home Improvement Act by not signing contract with builder;

[5] homeowner did not act in bad faith by bringing action;

[6] trial court did not abuse its discretion in awarding attorney fees under UTPA; and

[7] trial court improperly awarded expert witness fees for construction expert.

Affirmed in part, reversed in part, and remanded.

Procedural Posture(s): On Appeal.

West Headnotes (23)

[1] Judgment Time for Rendition

“Completion date of trial” was date of hearing at which trial court last heard argument on issues of punitive damages, attorney fees, and costs before it rendered judgment on those issues, and, thus, trial court had 120-days from that date to enter judgment, although it earlier entered judgment on the merits of homeowner's action against contractor; arguments made at hearing could be considered in the rendering of a decision, and purpose of statute was to set time limit for trial court to render a judgment on the merits, not to for issuance of final judgment for purposes of appeal. [C.G.S.A. § 51-183b](#).

2 Cases that cite this headnote

[2] Appeal and Error Determination of Controversy

Judgment on claim under Connecticut Unfair Trade Practices Act (CUTPA) claim is not final, for purposes of appeal, until issue of punitive damages has been resolved. [C.G.S.A. § 42-110a et seq.](#)

3 Cases that cite this headnote

[3] Judgment Time for Rendition

Statute requiring Superior Court judge to render judgment not later than 120 days from completion date of trial sets time limit for court to render judgment on merits of a case, rather than deadline for court to issue final judgment for purposes of appeal. [C.G.S.A. § 51-183b](#).

3 Cases that cite this headnote