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JULIE M. SOWELL *v.* DEIRDRE H.
DICARA ET AL.
(SC 19534)

Palmer, Zarella, Eveleigh, McDonald, Espinosa and Robinson, Js.*

Argued September 22—officially released October 25, 2016

Dennis M. Buckley, with whom was *George E. Mendillo*, for the appellant (plaintiff).

Jeffrey J. Tinley, with whom, on the brief, was *Amita P. Rossetti*, for the appellees (named defendant et al.).

Opinion

PER CURIAM. In the course of a civil action pending between the plaintiff, Julie M. Sowell, and the defendants Southbury-Middlebury Youth and Family Services, Inc. (Southbury-Middlebury), Dierdre H. DiCara, and Mary Jane McClay,¹ the plaintiff sought to support her challenge to Southbury-Middlebury's counterclaim against her by filing an application, pursuant to General Statutes § 33-1089, to determine the validity of the election of its directors and officers. The plaintiff now appeals, upon our grant of her petition for certification,² from the judgment of the Appellate Court dismissing her appeal from the decision of the trial court granting the defendants' motion to dismiss the application. In the present appeal, the plaintiff claims that the Appellate Court improperly concluded that the trial court's dismissal of the application was not an appealable final judgment under the first or second prong of *State v. Curcio*, 191 Conn. 27, 31, 463 A.2d 566 (1983).

After examining the entire record on appeal and considering the briefs and oral arguments of the parties, we have determined that the appeal should be dismissed on the ground that certification was improvidently granted.

The appeal is dismissed.

* This case originally was scheduled to be argued before a panel of this court consisting of Justices Palmer, Zarella, Eveleigh, McDonald, Espinosa and Robinson. Although Justices Espinosa and Robinson were not present at oral argument, they have read the briefs and appendices, and have listened to a recording of oral argument prior to participating in this decision.

¹ DiCara and McClay are, respectively, the executive director and the chairperson of the board of directors of Southbury-Middlebury, which is a nonprofit corporation that has been dissolved and is winding up its affairs. Although Regional School District Number 15 is also a defendant in this case, it is not a party to the present appeal. Accordingly, all references to the defendants hereinafter are to Southbury-Middlebury, DiCara, and McClay.

² We granted the plaintiff's petition for certification limited to the following issue: "Did the Appellate Court properly dismiss the appeal for lack of a final judgment?" *Sowell v. DiCara*, 319 Conn. 906, 122 A.3d 639 (2015).
