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REBECCA MERRILL *v.* NRT NEW
ENGLAND, INC., ET AL.
(SC 18763)

Rogers, C. J., and Norcott, Palmer, Zarella, Eveleigh and Vertefeuille, Js.

Argued January 2—officially released January 29, 2013

Thomas E. Crosby, for the appellants (named defendant et al.).

John R. Lambert, for the appellee (plaintiff).

Opinion

PER CURIAM. The defendants, NRT New England, Inc., NRT New England, LLC, Karen A. Godfrey and V. Holly Hoyt,¹ filed a motion to dismiss the action brought by the plaintiff, Rebecca Merrill, on the ground that the trial court lacked personal jurisdiction because of insufficient service of process. The trial court granted the motion and the plaintiff appealed from the judgment of dismissal to the Appellate Court. *Merrill v. NRT New England, Inc.*, 126 Conn. App. 314, 12 A.3d 575 (2011). The defendants claimed on appeal that the trial court lacked both personal jurisdiction and subject matter jurisdiction over the plaintiff's claims. *Id.*, 318. The Appellate Court concluded that the trial court had subject matter jurisdiction; *id.*, 322; and that the defendants had waived any claim that the trial court lacked personal jurisdiction. *Id.*, 323. Accordingly, the Appellate Court reversed the judgment of the trial court. *Id.* We then granted the defendants' petition for certification to appeal to this court, limited to the following issues: (1) "Did the Appellate Court properly determine that General Statutes §§ 52-72 and 52-46a did not deprive the [trial] court of subject matter jurisdiction?"; and (2) "Did the Appellate Court properly determine that the defendants waived any challenge to a lack of in personam jurisdiction?" *Merrill v. NRT New England, Inc.*, 300 Conn. 925, 925–26, 15 A.3d 629 (2011).

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

The appeal is dismissed.

¹ Another party named as a defendant, Marilyn Noyes, did not appear in the trial court and is not involved in this appeal. References herein to the defendants are to NRT New England, Inc., NRT New England, LLC, Godfrey and Hoyt.
