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Law Libraries

2013 Edition

Injunctions and Restraining Orders in Connecticut

A Guide to Resources in the Law Library

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Introduction

A Guide to Resources in the Law Library

- "An injunction has been well described as a judicial process whereby a party is required to do or refrain from doing a particular thing." Inhabitants of Town of Lincolnville v. Perry, 104 A.2d 884 (Maine, 1954).

- "The issuance of an injunction is the exercise of an extraordinary power which rests within the sound discretion of the court, and the justiciable interest which entitles one to seek redress in an action for injunctive relief is at least one founded on the imminence of substantial and irreparable injury." Scoville v. Ronalter, 162 Conn. 67, 74, 291 A.2d 222 (1971).

- "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. Stats. § 52-473(a) (2013).

- "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 issuance of an injunction and the scope and quantum of injunctive relief rests in the sound discretion of the trier." Krulikowski et al v. Polycast Corporations, 153 Conn. 661, 669, 220 A.2d 449 (1966).

- *See* Domestic Violence in Connecticut for coverage of family violence restraining and 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

CURRENCY:

- 2013 Edition

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. Stats. § 52-471(a) (2013).

- **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. Stats. § 52-471(b) (2013).

- **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. Stats. § 52-472 (2013).

STATUTES:

Note: 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. Stats. (2013)
  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.
§ 52-482 Repealed.
§ 52-483. Injunction against sale on execution; adjournment of sale.

COURT RULES:

- Conn. Practice Book (2013 ed.)
  § 4-5. Notice Required for Ex Parte Temporary Injunctions
  § 11-9.Disclosure of Previous Applications

FORMS:

- 2 Conn. Practice Book (October 1992)
  Form 104.4. Injunction Against Nuisance - Maintenance of Disposal Area (Figure 1)

- 14A Am Jur Pleading & Practice (2002) *Injunctions*
  § 6. Complaint, petition, or declaration—For permanent injunction—Seeking temporary restraining order and preliminary injunction--General form
  § 50. Notice of motion or application—For temporary restraining order
  § 51. Notice of motion or application—For preliminary injunction
  § 61. Order—To show cause why preliminary injunction should not issue-—With temporary restraining order—General form
  § 88. Bond or undertaking—For temporary restraining order
  § 94. Notice—Motion for additional bond for preliminary injunction
  § 95. Order—Requiring additional bond for preliminary injunction

  (AmJur Pleading and Practice Forms is also available online in the Law Libraries' databases; updated quarterly)

- Thomas D. Colin, Editor, Library of Connecticut Family Law Forms, (2008).
  Forms #5-001—#5-018 Restraining Orders and Injunctions

- Connecticut Superior Court Civil Procedures
  Documents Required for an Ex Parte Temporary Injunction
  Documents Required for a Temporary Injunction After Notice and Hearing

- Connecticut Supreme and Appellate Court Records and Briefs:

  - 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)

- 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:

Note: 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.

- Tighe v. Town of Berlin , 259 Conn. 83, 87 (2002). "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, 165, 612 A.2d 1153 (1992). Therefore, unless the trial court has 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. . . ."
- Jarjura for Comptroller v. State Elections Enforcement Commission, 51 Conn. Sup. 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).
- DeCecco v. Beach, 174 Conn. 29, 33, 381 A.2d 543 (1977). "The plaintiff was entitled to an injunction for the removal of the last four sections of the fence closest to the river, under the statute providing for the removal of any structure erected by a landowner with malicious intent to injure the owner or lessee of the adjoining property. Under a proper finding of facts, based upon the evidence presented, including an on-site view of the premises, the trial court was justified in concluding that the defendant acted from malicious motives, with a design to injure the plaintiff unnecessarily in the use and enjoyment of her property."
- Andrzejczyk v. Advo System, Inc., 146 Conn. 428, 429-430, 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."
  "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. Schavoir, 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."

- Empire Transportation Co. v. Johnson, 76 Conn. 79, 82, 55 A. 587 (1903). "The mere allegation that irreparable injury would ensue is, however, not sufficient, unless facts are stated showing the apprehension to be well founded."

WEST KEY NUMBERS:

- Injunction #132-159.5 [Preliminary and interlocutory injunctions- Grounds and proceedings to procure]
- Injunction # 189-200 [Permanent injunctions]

ENCYCLOPEDIAS:

- 42 Am Jur 2d (2010). *Injunctions*
  II. Principles governing issuance or denial
  III. Kinds of rights protected and matters controllable
  IV. Action or application for injunction; Pleading and Practice

  (AmJur 2d is also available online in the Law Libraries' databases; updated quarterly)

- 43A CJS (2004) *Injunctions*
  II. Principles governing issuance
  VIII. Damages arising from wrongful issuance of injunction

  (CJS *is also available online in the Law Libraries' databases; updated quarterly*)

- Annotation, *Furnishing Of Bond As Prerequisite To Issuance Of Temporary Restraining Order*, 73 ALR2d 854 (1960).

- Annotation, *Court's Lack Of Jurisdiction Of Subject Matter In Granting Injunction As A Defense In Action On Injunction Bond*, 82 ALR2d 1064 (1962).

- Annotation, *Dismissal Of Injunction Action Or Bill Without Prejudice As Breach Of Injunction Bond*, 91 ALR2d 1312 (1963).

- Annotation, *Period For Which Damages Are Recoverable Or Are Computed Under Injunction Bond*, 95 ALR2d 1190 (1964).

- Jay M. Zitter, Annotation, *Recovery Of Damages Resulting From Wrongful Issuance Of Injunction As Limited To Amount Of Bond*, 30 ALR4th 273 (1984).

- Annotation, *Furnishing Of Bond As Prerequisite To Issuance Of Temporary Restraining Order*, 73 ALR2d 854 (1960).

TEXTS & TREATISES:

- 2 Renee Bevacqua Bollier and Susan V. Busby, Stephenson's Connecticut Civil Procedure (3rd ed. 2002).
  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 Ralph P. Dupont, Dupont on Connecticut Civil Practice (2012-2013 ed.).
  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 person 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 date
  § 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 Edward L. Stephenson. Connecticut Civil Procedure (2d ed., 1981).
  Chapter 18. Specialized Procedures
  § 267. Injunctions
  § 268. Temporary injunctions
  § 269. Status of temporary injunction pending appeal
  § 270. Modification or dissolution of permanent injunction
  § 271. Violation of injunction

Table 1: Types and Forms of Injunctions

Types and Forms of Injunctions	
Restraining Order Temporary Restraining Order (TRO)	• "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." Inhabitants of Town of Lincolnville v. Perry, 104 A.2d 884 (1954). **For example**, "Action to enjoin the defendant from taking by condemnation certain real property owned by the plaintiffs, …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…" Aposporos v. Urban Redevelopment Commission of the City of Stamford, 259 Conn. 563, 564, 790 A.2d 1167 (2002). • Sometimes granted ex parte (without notice) to the opposing party. *See* Table 2 for Notice requirements.
Temporary Injunction	• "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." Deming v. Bradstreet, 85 Conn. 650, 659, 84 A. 116 (1912). • " 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." Danso v. University of Connecticut, 50 Conn. Sup. 256, 261, 919 A.2d 110 (2007). • "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." Conn. Gen. Stats. § 52-473(b) (2013).

Permanent Injunction	• "…Before a permanent injunction may be issued, it must be decided upon facts proved at trial."Gerdis v. Bloethe, 39 Conn. Sup. 53, 55, 467 A.2d 689 (1983). • "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 & P Enterprises v. Overland Equipment Co., 758 A.2d 1026 (Md. App. 2000).

Table 2: Notice Required for Ex Parte Injunction

Notice Required for Ex Parte Injunction Conn. Practice Book § 4-5 (2013 ed.)	
(a)	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: (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 (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 (3) facts establishing good cause why the applicant should not be required to give notice to each opposing party.
(b)	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.
(c)	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.
(d)	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.

Figure 1: Form 104.4. Injunction against Nuisance - Maintenance of Disposal Area

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	Jarjura for Comptroller v. State Elections Enforcement Commission, 51 Conn. Sup. 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).
No adequate remedy at law	Avalonbay Communities, Inc. v. Orange, 256 Conn. 557, 582, 775 A.2d 284 (2001). "Because there is no statutory right to appeal from the adoption of a project plan under chapter 132 of the General Statutes, there is no adequate remedy at law. See *Stocker v. Waterbury*, 154 Conn. 446, 449, 226 A.2d 514 (1967). In such a statutory context, where the trial court has made factual findings of bad faith on the part of the defendants, the granting of an injunction may be proper."
Will suffer irreparable harm if not granted	Pirtek USA, LLC v. Zaetz, D. Conn. 2005, 408 F.Supp.2d 81, 82. "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." Karls v. Alexandra Realty Corp., 179 Conn. 390, 402, 426 A.2d 784 (1980). "The extraordinary nature of injunctive relief requires that 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 irreparable harm."
Laches	Caminis v. Troy, 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 barred the plaintiffs' request for injunctive relief; and (2) laches similarly barred the plaintiffs' request for a declaratory judgment."

Sound discretion of the Court	Welles v. Lichaj, 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 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." (Citations omitted; internal quotation marks omitted*.) New Breed Logistics, Inc. v. CT INDY NH TT, LLC*, 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 Fleet National Bank v. Burke, 45 Conn. Sup. 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." *Deming v. Bradstreet*, 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. *Olcott v. Pendleton*, 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 *Griffin Hospital v. Commission on Hospitals & Health Care*, 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. . . . *Scoville v. Ronalter*, 162 Conn. 67, 74, 291 A.2d 222 (1971). See also *International Ass'n. of Firefighters, Local 786 v. Serrani*, 26 Conn. App. 610, 616, 602 A.2d 1067 (1992). This is so, even where the danger of irreparable injury has been demonstrated. *Hartford v. American Arbitration Assn.* , 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." *Wood v. Wilton*, 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 *Los Angeles v. Lyons*, 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. *O'Shea v. Littleton*, 414 U.S. 488, 495-96, 94 S.Ct. 669, 38 L.Ed.2d 674 (1974)".
Sample Injunctions	• 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)

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.

CURRENCY:

- 2013 Edition

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. Stats. § 52-475(a) (2013).

- "**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. Stats. § 52-475(b) (2013) [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. (2013 ed.)

STATUTES:

Note: 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. Stats. (2013)
  - 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

- Conn. Practice Book (2013 ed.)
  - § 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 (2002) *Injunctions*
  § 99. Notice of motion—For stay of injunction pending appeal
  § 100. Notice of motion—To dissolve or modify temporary restraining order
  § 102. Notice of motion—To extend temporary restraining order
  § 103. Notice of motion—To dismiss complaint, or in the alternative, to deny motion for temporary restraining order
  § 104. Notice of motion—To dissolve preliminary injunction—Failure to post bond
  § 105. Affidavit—Stay of injunction pending appeal
  § 106. Affidavit—In support of motion for extension of temporary restraining order
  § 107. Motion—To dissolve preliminary injunction—Failure to post bond
  § 108. Notice of motion and motion—To vacate or modify preliminary injunction—By defendant
  § 109. Motion—To modify permanent injunction—By defendant
  § 110. Motion—To dismiss complaint or, in the alternative, to deny motion for temporary restraining order
  § 112. Order—Stay of injunction pending appeal
  § 113. Order—Continuing temporary restraining order—Pursuant to continuance of hearing on application for preliminary injunction—Notice of hearing not given
  § 115. Order—Dissolving temporary restraining order—Denying preliminary injunction
  § 116. Order—Modifying preliminary injunction
  § 117. Order—Denying motion to modify preliminary injunction—Continuing unmodified preliminary injunction in force
  § 118. Order—Dissolving preliminary injunction—On defendant's motion
  § 122. Consent order—Extending temporary order

  (AmJur Pleading and Practice Forms is also available online in the Law Libraries' databases; updated quarterly)

CASES:

- Olcott v. Pendleton, 128 Conn. 292, 295, 22A2d 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

Note: 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.

right."

- Hilton v. City of New Haven, 233 Conn. 701, 725, 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."

  "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 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. Sup. 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."

WEST KEY NUMBERS:

- Injunction #160-188 [Preliminary and interlocutory injunctions- continuing, modifying, vacating, or dissolving]
- Injunction # 189-200 [Permanent injunctions]

ENCYCLOPEDIAS:

- 42 Am Jur 2d (2010) *Injunctions*
  §§ 283-295. Continuance, modification, or dissolution of injunction

  (AmJur 2d is also available online in the Law Libraries' databases; updated quarterly)

- 43A CJS (2004) *Injunctions*
  §§ 368-397. Continuing, dissolving, vacating, or modifying

injunctions

(CJS is also available online in the Law Libraries' databases; updated quarterly)

- Annotation, *Appealability Of Order Granting, Extending, Or Refusing To Dissolve Temporary Restraining Order*, 19 ALR3d 403 (1968).

- Annotation, *Appealability Of Order Refusing To Grant Or Dissolve Temporary Restraining Order*, 19 ALR3d 459 (1968).

TEXTS & TREATISES:

- 2 Renee Bevacqua Bollier and Susan V. Busby, Stephenson's Connecticut Civil Procedure (3rd ed. 2002).
  Chapter 19. Extraordinary procedures
  § 227 Injunctions and temporary injunctions
  h.Continuance, modification and dissolution
  i.Stay or continuance of injunction pending appeal

- 2 Ralph P. Dupont, Dupont on Connecticut Civil Procedure (2012-2013 ed.).
  Chapter 23. Miscellaneous remedies and procedures
  § 23-50.24. Dissolution of temporary injunction
  § 23-50.25. Motion to dissolve temporary injunction before return date
  § 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 Joel M. Kaye and Wayne D. Effron, Connecticut Practice Series, Connecticut Practice Forms (4th ed. 2004).
  Authors' Comments following Form 106.18. Motion to dissolve temporary injunction
  - Previous applications
  - Dissolution of temporary injunction
  - Notice required for ex-parte temporary injunctions

Figure 2: Motion to dissolve temporary injunction

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.

CURRENCY:

- 2013 Edition

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:

Note: 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. Stats. (2013)
  - Chapter 871. Courts
  - § 51-33. Punishment for contempt of court
  - § 51-33a. Criminal contempt
  - Chapter 916. Injunctions

COURT RULES:

- Conn. Practice Book (2013 ed.)
  - § 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 Joel M. Kaye and Wayne D. Effron, Connecticut Practice Series, Connecticut Practice Forms (4th ed. 2004).
  Form S-154. Motion to show cause why defendant should not be punished for failure to obey injunction

- 14A Am Jur Pleading & Practice Forms (2002) *Injunctions*
  § 77. Affidavit—Of contempt for violation of preliminary injunction
  § 78. Affidavit—Of contempt for violation of preliminary injunction—Another form

  (AmJur Pleading and Practice Forms is also available online in the Law Libraries' databases; updated quarterly)

CASES:

Note: 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.

- 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 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 enured 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, 659, 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:

- Injunctions # 216-233 [Violations and punishment]
  - # 216. Nature and elements of violation
  - # 221. Knowledge or notice
  - # 222. Ability to obey
  - # 223. Acts or conduct constituting violation
  - # 224. Excuse and justification
  - # 230. Proceedings

ENCYCLOPEDIAS:

- 42 Am Jur 2d (2010). *Injunctions*
  §§ 296-301. Compliance with or violation and enforcement of injunction

  (AmJur2d is also available online in the Law Libraries' databases; updated quarterly)

- 43A CJS (2004) *Injunctions*
  §§ 398-440. Violation and punishment

(CJS is also available online in the Law Libraries' databases; updated quarterly)

- Edward L. Raymond, Annotation, *Media's Dissemination Of Material In Violation Of Injunction Or Restraining Order As Contempt—Federal Cases*, 91 ALR Federal 270 (1989).

- Annotation, Violation Of State Court Order By One Other Than Party As Contempt, 7 ALR4th 893 (1981).

- Annotation, *Right Of Injured Party To Award Of Compensatory Damages Or Fine In Contempt Proceedings*, 85 ALR3d 895 (1978).

TEXTS & TREATISES:

- 2 Renee Bevacqua Bollier and Susan V. Busby, Stephenson's Connecticut Civil Procedure (3rd ed. 2002).
  Chapter 19. Extraordinary procedures
  § 227. Injunction and Temporary Injunctions
  h.Violations of injunctions

- 3 Joel M. Kaye and Wayne D. Effron, Connecticut Practice Series, Connecticut Practice Forms (4th ed. 2004).
  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 Joel M. Kaye and Wayne D. Effron, Connecticut Practice Series, Connecticut Practice Forms (4th ed. 2004).
  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

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.

CURRENCY:

- 2013 Edition

TREATED ELSEWHERE:

- Family violence restraining and protective orders *see* http://www.jud.state.ct.us/lawlib/Notebooks/Pathfinders/DomesticViolence/domviolence.htm

STATUTES:

Note: 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. Stats. (2013)
  Chapter 124. Zoning
  § 8-8. Appeal from board to court. Mediation. Review by Appeal Court.
  Chapter 916. Injunctions

COURT RULES:

- Conn. Practice Book (2013 ed.)
  § 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 (2002). *Injunctions*
  § 6. Complaint, petition, or declaration—For permanent injunction—Seeking temporary restraining order and preliminary injunction--**General form**
  § 12. Complaint, petition, or declaration—For equitable relief from nuisance—Encroachment on adjacent property—**Tree**
  § 13. Complaint, petition, or declaration—For equitable relief from nuisance—Interference with light, air or view—**Spite fences**
  § 20. Complaint, petition, or declaration—For injunction and damages—Interference with **plaintiff's civil rights**
  § 25. Complaint, petition, or declaration—For permanent injunction—**Civil harassment**
  § 37. Ex parte motion—For temporary restraining order and order to show cause—**Interference with property**

rights
§ 40. **Affidavit**—In support of ex parte motion for temporary restraining order
§ 46. **Motion**—To dismiss application for preliminary injunction—Various grounds
§ 48. **Answer**—To complaint for injunction and damages—Denying unlawful interference with plaintiff's civil rights

(AmJur Pleading and Practice Forms is also available online in the Law Libraries' databases; updated quarterly)

CASES:

Note: 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.

Actions and other legal proceedings

- 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."

Matters relating to property

- 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."

Contracts

- Jenkins v. Indemnity Insurance Co. of North America, 152 Conn. 249, 260, 205 A.2d 780 (1964). "The claims for relief included a prayer for a mandatory injunction compelling the defendant to pay Patricia the amount of her judgment. Such an unusual prayer for relief should have alerted the court and both parties to the impropriety of this declaratory judgment action. Injunctive relief to compel the payment of Patricia's judgment would ordinarily be denied on the ground of an adequate remedy at law in a direct action by Patricia under 38-175. See cases such as *Holt v. Wissinger*, 145 Conn. 106, 116, 139 A.2d 353."

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

Public Officers

- Fleet National Bank v. Burke, 45 Conn. Sup. 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

- 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."

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 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.'"

WEST KEY NUMBERS:

- *Injunctions 212K*
  - # 25-33. Actions and other legal proceedings
  - # 34-56. Matters relating to property
  - # 57-63. Contracts
  - # 64-73. Corporate franchises, management, and dealings
  - # 74-88. Public officers and entities
  - # 89-93. Public welfare, property, and rights
  - # 94-101. Personal rights and duties
  - # 102-105. Matters relating to criminal acts

ENCYCLOPEDIAS:

- 42 Am Jur 2d (2010). *Injunctions*
  - III. Kinds of Rights Protected and Matters Controllable
  - §§ 49-52. In General
  - §§ 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

  (AmJur2d is also available online in the Law Libraries' databases; updated quarterly)

- 43A CJS (2004) *Injunctions*
  - IV. Subjects of protection and relief
  - §§ 93-115. Actions and other legal proceedings
  - §§ 116-146. Property, conveyances, and incumbrances
  - §§ 147-183. Contracts
  - §§ 184-191. Corporate franchises, management, and dealings
  - §§ 192-241. Public entities, agencies, and officers; Government matters
  - §§ 242-252. Public welfare, property and rights
  - §§ 253-275. Personal rights and duties
  - §§ 276-283. Criminal acts, conspiracies, prosecutions, and judgments

  (CJS is also available online in the Law Libraries' databases; updated quarterly)

- *See* Table 5 for list of Annotations

TEXTS & TREATISES:

- 9A Robert A. Fuller, Connecticut Practice Series, Land Use and Practice (3rd ed. 2009-2010).
  Chapter 41. Injunctions and Temporary Restraining Orders
  § 41.1. In general; Stays of proceedings
  § 41.2. Temporary restraining orders; C.G.S.A. § 8-8
  § 41.3. Municipal zoning enforcement
  § 41.4. Temporary injunction
  § 41.5. Estoppel to enforce zoning regulations by injunction
  § 41.6. Private zoning enforcement
  § 41.7. Availability of other remedies
  § 41.8. Other uses of injunction actions

- 2 Joel M. Kaye and Wayne D. Effron, Connecticut Practice Series, Connecticut Practice Forms (4th ed. 2010).
  Authors' Comments following:
  - Form 104.4. Injunction against nuisance
  - Form 104.5. Injunction to restrain violation of zoning ordinance
  - Form 104.6. Injunction against interference with flow of surface waters

- 2 Renee Bevacqua Bollier and Susan V. Busby, Stephenson's Connecticut Civil Procedure (3rd ed. 2002).
  Chapter 19. Extraordinary procedures
  § 227. Injunction and Temporary Injunctions

- 5 E.C.Yokley, Zoning Law and Practice (4th ed. 2012).
  Chapter 28. Injunction

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

Selected ALR Annotations Subjects of Injunctive Protection or Relief	
Appeal and error	• Annotation, *Power Of The Court To Enjoin Enforcement Of Its Judgments As Affected By Previous Affirmance*, 85 ALR2d 772 (1962).
Absentee voters' law	• Annotation, *Proceedings Under Absentee Voters' Laws*, 97 ALR2d 257 (1964).
Animals	• Philip White, Jr., Annotation, *Keeping Of Domestic Animals As Constituting Public Or Private Nuisance*, 90 ALR5th 619 (2001).
Attorneys leaving law firm	• Charles C. Marvel, Annotation, *Rights Of Attorneys Leaving Firm With Respect To Firm Clients*, 1 ALR4th 1164 (1980).
Bankruptcy	• Annotation, *Financial Hardship Or Inability To Pay Taxes As Rendering Inapplicable Statutes Denying Relief By Injunction Against Assessment Or Collection Of Taxes*, 65 ALR2d 550 (1959). • Annotation, *Bankruptcy Court's Injunction Against Mortgage Or Lien Enforcement Proceedings Commenced, Before Bankruptcy, In Another Court*, 40 ALR2d 663 (1955).
Child custody	• Annotation, *Jurisdiction To Award Custody Of Child Having Legal Domicil In Another State*, 4 ALR2d 7 (1949).
Children's playground	• Jonathan M. Purver, Annotation, *Children's Playground As Nuisance*, 32 ALR3d 1127 (1970).
Commercial development	• Jerald J. Director, Annotation, *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*, 11 ALR Federal 556 (1972).
Consumer protection	• Bob Cohen, Annotation, *Right To Private Action Under State Consumer Protection Act—Equitable Relief Available*, 115 ALR5th 709 (2004).
Covenant not to compete	• Annotation, *Enforceability, By Purchaser Or Successor Of Business, Of Covenant Not To Compete Entered Into By Predecessor And Its Employees*, 12 ALR5th 847 (1993).

Selected ALR Annotations [Cont'd]	
Crops	• Annotation, *Validity, Construction, And Effect Of Contract Between Grower Of Vegetable Or Fruit Crops, And Purchasing Processor, Packer, Or Canner*, 87 ALR2d 732 (1963) § 27. Suit in equity; specific performance or injunctive relief (p. 778).
Customer lists	• Annotation, *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*, 28 ALR3d 7 (1969).
Discrimination	• John A. Bourdeau, Annotation, *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*, 136 ALR Federal 1 (1997).
Divorce and separation	• David P. Chapus, Annotation, *Divorce And Separation: Effect Of Court Order Prohibiting Sale Or Transfer Of Property On Party's Right To Change Beneficiary Of Insurance Policy*, 68 ALR4th 929 (1989). • Annotation, *Injunction Against Suit In Another State Or Country For Divorce Or Separation* 54 ALR2d 1240 (1957).
Eminent domain	• Annotation, *Injunction Against Exercise Of Power Of Eminent Domain*, 93 ALR2d 465 (1964).
Environmental protection	• Deborah F. Buckman, Annotation, *Requirement That There Be Continuing Violations To Maintain Citizen Suit Under Federal Environmental Protection Statutes—Post-Gwaltney Cases*, 158 ALR Federal 519 (1999). • William B. Johnson, Annotation, *Validity, Construction, And Application Of State Hazardous Waste Regulations*, 86 ALR4th 401 (1991).
Invasion of privacy	• John J. Dvorske, *Annotation, 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*, 190 ALR Federal 385 (2003).
Job discrimination	• Russell J. Davis, Annotation. *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*, 38 ALR Federal 27 (1978).
Licenses	• Michael A. Rosenhouse, *Annotation, Validity And Construction Of State Statutory Provisions Forbidding Court To Stay, Pending Review, Judgment Or Order Revoking Or Suspending Professional, Trade, Or Occupational License*, 42 ALR4th 516 (1985).

Selected ALR Annotations [Cont'd]	
Names	• Wade R. Habeeb, Annotation, *Incorporation Of Company Under Particular Name As Creating Exclusive Right To Such Name*, 68 ALR3d 1168 (1976).
Other states and foreign countries	• Robin Cheryl Miller, Annotation, *Propriety Of Federal Court Injunction Against Suit In Foreign Country*, 78 ALR Federal 831 (1986). • Milton Roberts, Annotation, *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*, 42 ALR Federal 592 (1979). • Annotation, *Extraterritorial Recognition Of, And Propriety Of Counterinjunction Against, Injunction Against Action In Courts Of Other States*, 74 ALR2d 828 (1960). • Annotation*, Injunction Against Suit In Another State Or Country For Divorce Or Separation,* 54 ALR 2d 1240 (1957).
Parking on private way	• Annotation, Right to park vehicles on private way, 37 ALR2d 944 (1954).
Property, Encroachment of	• Robert Roy, Annotation*, Encroachment Of Trees, Shrubbery, Or Other Vegetation Across Boundary Line*, 65 ALR4th 603 (1988).
Publicity (pending court case)	• Lori J. Henkel, Annotation, *Validity And Construction Of State Court's Order Precluding Publicity Or Comment About Pending Civil Case By Counsel, Parties Or Witnesses*, 56 ALR4th 1214 (1987).
Schools	• Jeffrey F. Ghent, Annotation, *Validity And Construction Of Statute Or Ordinance Forbidding Unauthorized Persons To Enter Upon Or Remain In School Building Or Premises*, 50 ALR3d 340 (1973).
Trespass	• Annotation, *Injunction Against Repeated Or Continuing Trespass On Real Property*, 60 ALR2d 310 (1958).
UCC	• Michael A. DiSabatino, Annotation, *What constitutes fraud or forgery justifying refusal to honor, or injunction against honoring, letter of credit under UCC § 5-114(1)(2)*, 25 ALR4th 239 (1983).
Water	• Wade R. Habeeb, Annotation, *Property Of Injunctive Relief Against Diversion Of Water By Municipal Corporation Or Public Utility*, 42 ALR3d 426 (1972).
Zoning	• Michael J. Yaworsky, Annotation*, Laches As Defense By Governmental Entity To Enjoin Zoning Violation*, 73 ALR4th 870 (1989).

Figure 4: Injunction against interference with flow of surface water

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

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.

CURRENCY:

- 2013 Edition

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. Wachte*l, 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. Stats. § 52-476 (2013)

- **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. Stats. § 52-477 (2013)

- **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. Stats. § 52-478 (2013)

STATUTES:

Note: 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. Stats. (2013)
  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:

- Conn. Practice Book (2013 ed.)
  § 61-11. Stay of Execution in Noncriminal Cases
  § 61-12. Discretionary Stays

FORMS:

- 14A Am Jur Pleading & Practice (2002)
  Injunctions
  § 45. Affidavit- in support of motion for preliminary injunction- appeal pending
  § 99 Notice of motion- for stay of injunction pending appeal
  § 105. Affidavit- stay of injunction pending appeal
  § 112. Order- stay of injunction pending appeal
  Appeal and Error
  § 239. Judgment dissolving injunction
  § 240. Judgment dissolving injunction- another form
  § 241. Judgment modifying injunction
  § 242. Judgment modifying injunction- another form

  (AmJur Pleading and Practice Forms is also available online in the Law Libraries' databases; updated quarterly)

CASES:

Note: 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.

Temporary Injunctions

- H.O. Canfield Co. v. United Construction Workers, 134 Conn. 623, 626, 60 A.2d 176 (1948). "Section 5903 [now Conn. Gen. Stats. § 52-476 (2013)] 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."

- 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)"... Under this well established law, therefore, the denial by the court of the plaintiff's application for a temporary injunction was merely an interlocutory order and is not a final judgment for purposes of appeal."

- Hammonasset Holdings, LLC v. Drake Petroleum Co., Superior Court, judicial district of Middletown, Docket No. CV106003036 (May 8, 2012, Wiese, J.), (54 Conn. L. Rptr. 27), (2012 WL 2044586 (Conn. Super.)) "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…"

Permanent Injunctions

- Sullivan v. McDonald, 281 Conn. 122, 126, 127, 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."
  " 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…"

- Tomasso Brothers, Inc. v. October Twenty-Four, Inc., 230 Conn. 641, 657,658, 646 A.2d 133 (1994). "Furthermore, practical considerations lead us to conclude that in the case of both prohibitory and mandatory injunctions, the enjoined party ought to be required to request the trial court to rule on a stay pending appeal, and that absent such a request, the injunctions ought to be considered in effect."
  "We therefore conclude that the permanent prohibitory injunction in the case was not automatically stayed pending appeal. The trial court therefore acted within its authority when it held the defendants in contempt of court for failing to obey the injunction, despite the pendency of the defendants' appeal."

WEST KEY NUMBERS:

- Appeal and Error
  # 71(3) Injunction
  # 100 Injunction
  # 837(3) Review of order granting, refusing, or dissolving injunction
  # 874(2) Appeal from orders relating to injunctions
  # 954 Injunction

ENCYCLOPEDIAS:

- 42 Am Jur 2d (2010). *Injunctions*
  VIII. Appellate Review
  A. In general
  B. Particular injunctions

C. Scope and extent of review

(AmJur 2d is also available online in the Law Libraries' databases; updated quarterly)

TEXTS & TREATISES:

- Wesley W. Horton and Kenneth J. Bartschi, Connecticut Practice Series, Rules of Appellate Procedure (2012).
  Rule 61-11. Stay of execution in noncriminal cases. *[See Authors' Comments]*
  Rule 61-12. Discretionary Stays *[See Authors' Comments]*

- 2 Renee Bevacqua Bollier and Susan V. Busby, Stephenson's Connecticut Civil Procedure (3rd ed. 2002).
  Chapter 19. Extraordinary procedures, Sec. 227
  Stay or continuance of injunction pending appeal

- 2 Ralph P. Dupont, Dupont on Connecticut Civil Practice (2012-2013 ed.).
  § 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 Edward L. Stephenson. Connecticut Civil Procedure (2d ed., 1981).
  § 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