

SUPREME COURT OF CONNECTICUT

Beth Keller v. Richard Keller, 323 Conn. 398

147 A.3d 146 (2016) · No. SC 19537 · Decided October 25, 2016

OPINION

PER CURIAM.

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***** BETH KELLER v. RICHARD KELLER (SC 19537) Palmer, Zarella, Eveleigh, McDonald, Espinosa, Robinson and Vertefeuille, Js.* Argued September 22—officially released October 25, 2016
Brendon P. Levesque, with whom was Karen L. Dowd, for the appellant (plaintiff).

Steven R. Dembo, with whom were Caitlin E. Kozloski and, on the brief, P. Jo Anne Burgh, for the appellee (defendant). Opinion PER CURIAM. In the course of this protracted marital dissolution action between the plaintiff, Beth Keller, and the defendant, Richard Keller, the trial court entered an order of contempt against the plaintiff on the ground that she had failed to provide the defendant with her new address after she moved to another residence with the parties’ three minor children, in violation of the automatic orders under Practice Book § 25-5 (a)(2)1 and a court order containing the parties’ parenting agreement.

The plaintiff appealed from the contempt order to the Appellate Court, claiming that neither authority literally applied to the facts of the present case. *Keller v. Keller*, 158 Conn. App. 538, 547, 119 A.3d 1213 (2015). Specifically, the plaintiff contended that: (1) § 25-5 (a) (2) was inapplicable because its notice requirement is limited to a move from the marital home, not subsequent changes of residence; and (2) the defendant's actual knowledge of the location of her current residence satisfied the notice requirements of the court order.

Id., 546–47. Following the Appellate Court's judgment affirming the contempt order; *id.*, 548; the plaintiff appealed to this court upon our grant of certification. *Keller v. Keller*, 319 Conn. 906, 122 A.3d 638 (2015).

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. * This case originally was scheduled to be argued before a panel of this court consisting of Justices Palmer, Zarella, Eveleigh, McDonald, Espinosa, Robinson and Vertefeuille. 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 Practice Book § 25-5 (a) provides in relevant part: “In all cases involving a child or children, whether or not the parties are married or in a civil union... (2) A party vacating the family residence shall notify the other party or the other party's attorney, in writing, within forty-eight hours of such move, of an address where the relocated party can receive communication.

This provision shall not apply if and to the extent there is a prior, contradictory order of a judicial authority....”