

CONNECTICUT APPELLATE COURT

Hohorst v. Easton

AC 47671 · No. AC 47671 · Decided February 17, 2026

SUMMARY

The Connecticut Appellate Court reviewed summary judgments entered for the Town of Easton and Aquarion Water Company in a homeowner’s negligence and nuisance action arising from flooding. The court affirmed judgment for the town on the negligence claim and for Aquarion, but reversed judgment for the town on the nuisance claim because genuine issues remained regarding whether the town affirmatively created or participated in creating the nuisance and because it waived its statute of limitations defense. The matter was remanded for further proceedings on the nuisance claim against the town.

CASE DETAILS

COURT	Connecticut Appellate Court
WRITING FOR THE COURT	Bishop, J.; Cradle, C. J.; Westbrook, J.
JURISDICTION	Connecticut Appellate Court
DECIDED	February 17, 2026
DOCKET	AC 47671
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Homeowner appealed from judgments granting the defendants' separate motions for summary judgment in an action alleging negligence and nuisance arising from flooding, and from the denial of her motion for reargument or reconsideration of the summary judgment in favor of Aquarion.
STANDARD OF REVIEW	Summary judgment is reviewed de novo, with the evidence viewed in the light most favorable to the nonmoving party; the appellate court determines whether the trial court's conclusions were legally and logically correct and supported by the record. A ruling on a motion for reargument or reconsideration is reviewed for abuse of discretion.
PRECEDENTIAL VALUE	Published and precedential Connecticut Appellate Court opinion
PARTIES	Robin Hohorst v. Town of Easton, Aquarion Water Company, Aquarion Water Company of Connecticut

TOPICS

nuisance

municipal liability

summary judgment

statute of limitations

standard of review

PRACTICE AREAS

municipal liability

negligence

nuisance

civil procedure

appellate procedure

QUESTIONS PRESENTED

1. Whether the town was entitled to governmental immunity on the plaintiff's negligence claim because the town's maintenance of storm-drain easements and drainage infrastructure was discretionary rather than ministerial.
2. Whether summary judgment was proper on the plaintiff's nuisance claim against the town where the pleadings and evidence raised a genuine issue of material fact as to whether the town, by a positive act, created or participated in creating the nuisance.
3. Whether the town waived its statute-of-limitations defense to the nuisance claim by failing to plead that defense as a special defense.
4. Whether Aquarion was entitled to summary judgment because the evidence showed no genuine issue of material fact as to whether its conduct contributed to the flooding.
5. Whether the appellate court should review the denial of the plaintiff's motion for reargument or reconsideration concerning Aquarion's summary judgment.

HOLDINGS

1. The town was entitled to summary judgment on the negligence claim because, absent a charter provision, ordinance, regulation, rule, policy, or other directive prescribing the manner of maintaining the drainage system, the town's maintenance duty was discretionary and fell within governmental immunity.
2. The town was not entitled to summary judgment on the nuisance claim on governmental-immunity grounds because the record presented a genuine issue of material fact as to whether the town, by a positive act, created or participated in creating the nuisance.
3. The town waived its statute-of-limitations defense to the nuisance claim by failing to plead it as a special defense; therefore, summary judgment could not be sustained on the alternative ground that the claim was barred by Conn. Gen. Stat. § 52-577.
4. Aquarion was entitled to summary judgment because the record contained no genuine issue of material fact that its conduct contributed to the flooding of the plaintiff's property.
5. The court declined to review the denial of the plaintiff's motion for reargument or reconsideration concerning Aquarion because Aquarion was properly granted summary judgment.

KEY QUOTATIONS

“The discretionary act exception to the statutory abrogation of governmental immunity applies to the

plaintiff's negligence claim against the town."

"We therefore conclude, on the basis of the materials presented to the trial court, that there is a genuine issue of material fact regarding whether the town, by positive act, either created or participated in creating a nuisance resulting in damage to the plaintiff."

"We therefore conclude that there were no genuine issues of material fact as to whether Aquarion's conduct contributed to the flooding of the property on September 25, 2018."

FACTUAL BACKGROUND

Robin Hohorst owned a home in Easton that was subject to two town storm-drain easements. During a September 25, 2018 storm, nearly six inches of rain fell in the watershed, overwhelming the town's drainage system and flooding Hohorst's property, destroying her driveway and damaging her basement. Hohorst alleged that Easton's design, construction, maintenance, and diversion of water through the drainage system created a nuisance and that Aquarion's reservoir operations contributed to the flooding. The summary-judgment evidence attributed the flooding to inadequate town drainage capacity and did not establish that Aquarion's conduct contributed to the event.

PROCEDURAL HISTORY

The plaintiff filed an action in the Superior Court for the judicial district of Fairfield concerning flooding damage to her property. The trial court granted Aquarion's motion for summary judgment, later granted the Town of Easton's motion for summary judgment on the negligence and nuisance counts, entered judgment for the defendants, and denied the plaintiff's motion for reargument or reconsideration. The Connecticut Appellate Court reversed as to the nuisance count against the town, affirmed the judgments in all other respects, and remanded for further proceedings.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Reverse the judgment as to count two of the third amended complaint and remand with direction to deny the Town of Easton's motion for summary judgment as to that count and conduct further proceedings according to law. Affirm the judgment in all other respects.

CASES CITED

- Adams v. Aircraft Spruce & Specialty Co., 215 Conn. App. 428, 440-41, 283 A.3d 42, cert. denied, 345 Conn. 970, 286 A.3d 448 (2022)
- Begley v. State, 234 Conn. App. 820, 827-28, 344 A.3d 982, cert. granted, 354 Conn. 902, A.3d (2026)
- Beneduci v. Valadares, 73 Conn. App. 795, 807, 812 A.2d 41 (2002)
- Brennan v. West Haven, 151 Conn. 689, 693-94, 202 A.2d 134 (1964)

- Cazenovia Creek Funding I, LLC v. White Eagle Society of Brotherly Help, Inc., Group 315, Polish National Alliance, 351 Conn. 722, 731, 333 A.3d 508 (2025)
- Center Drive-In Theatre, Inc. v. Derby, 166 Conn. 460, 464-66, 352 A.2d 304 (1974)
- Commissioner of Mental Health & Addiction Services v. Saeedi, 143 Conn. App. 839, 854, 71 A.3d 619 (2013)
- Cue Associates, LLC v. Cast Iron Associates, LLC, 111 Conn. App. 107, 112, 958 A.2d 772 (2008)
- DiMiceli v. Cheshire, 162 Conn. App. 216, 223-25, 131 A.3d 771 (2016)
- Dreier v. Upjohn Co., 196 Conn. 242, 245, 492 A.2d 164 (1985)
- Emmerson v. Super 8 Motel-Stamford, 59 Conn. App. 462, 468-69, 757 A.2d 651 (2000)
- Joseph v. Commissioner of Correction, 153 Conn. App. 570, 574, 102 A.3d 714, cert. denied, 315 Conn. 911, 106 A.3d 304 (2014)
- Kuselias v. Zingaro & Cretella, LLC, 224 Conn. App. 192, 222, 312 A.3d 118, cert. denied, 349 Conn. 916, 316 A.3d 357 (2024)
- Metropolitan District v. Mott, 235 Conn. App. 449, 463, 346 A.3d 1064 (2025)
- Northrup v. Witkowski, 332 Conn. 158, 182-85, 188, 190, 210 A.3d 29 (2019)
- Picco v. Voluntown, 295 Conn. 141, 146, 989 A.2d 593 (2010)
- Ready v. New Canaan, 232 Conn. App. 487, 493-94 & n.1, 336 A.3d 1252 (2025)
- Rodriguez v. Hartford, 224 Conn. App. 314, 331, 312 A.3d 85, cert. denied, 349 Conn. 907, 313 A.3d 512 (2024)
- Rubin v. Brodie, 228 Conn. App. 617, 654, 325 A.3d 1096 (2024)
- Silberstein v. 54 Hillcrest Park Associates, LLC, 135 Conn. App. 262, 273, 41 A.3d 1147 (2012)
- Stewart v. Old Republic National Title Ins. Co., 218 Conn. App. 226, 242, 291 A.3d 1051 (2023)
- Valentine v. LaBow, 95 Conn. App. 436, 452-53, 897 A.2d 624, cert. denied, 280 Conn. 933, 909 A.2d 963 (2006)
- Vogel v. Maimonides Academy of Western Connecticut, Inc., 58 Conn. App. 624, 631, 754 A.2d 824 (2000)