

DOCKET NO: DBDCV196030430S

SUPERIOR COURT

ALVAREZ, ROSA
V.
CEMBRZYNSKI, SLAWOMIR Et AlJUDICIAL DISTRICT OF DANBURY
AT DANBURY

11/30/2020

ORDERORDER REGARDING:
11/18/2020 135.00 MOTION FOR ARBITRATION

The foregoing, having been considered by the Court, is hereby:

ORDER: DENIED

The plaintiff filed a November 18, 2020 joint motion for arbitration (#135.00). In the motion, the plaintiff asserts that the plaintiff and the defendants “by agreement, request permission of the court to refer the case to binding arbitration.” The defendants, in their November 25, 2020 objection to motion for arbitration (#136.00), indicate that “the plaintiff’s motion is not made at the request of all parties.... Consent to the motion was not obtained from the defendant.” (Emphasis in original.) General Statutes § 52–125f states: “In any civil action where the party who brought the action is asserting a claim for bodily injury arising out of a motor vehicle accident, the court, at the request of all parties to the civil action, may refer the matter to an arbitrator chosen by the parties or their attorneys. The arbitration shall include parameters limiting the damage award that an injured party may receive. The finding of the arbitrator shall be binding upon the parties to the civil action exclusively for the purposes of such civil action. The damage award, if any, of the arbitrator shall not be used by or against any party to the arbitration in any subsequent civil action or proceeding.” (Emphasis added.) As the applicable statute requires consent by all parties, and the defendant indicated that he did not consent to the joint motion for arbitration, the joint motion for arbitration fails to meet the statutory requirements and is hereby DENIED.

Judicial Notice (JDNO) was sent regarding this order.

439597

Judge: ROBERT A D ANDREA
Processed by: Vanessa Fertaly

This document may be signed or verified electronically and has the same validity and status as a document with a physical (pen-to-paper) signature. For more information, see Section I.E. of the *State of Connecticut Superior Court E-Services Procedures and Technical Standards* (<https://jud.ct.gov/external/super/E-Services/e-standards.pdf>), section 51-193c of the Connecticut General Statutes and Connecticut Practice Book Section 4-4.