

DOCKET NO: FSTCV186036354S

SUPERIOR COURT

BYRD, JESSICA  
V.  
ECP INCORPORATED Et AlJUDICIAL DISTRICT OF STAMFORD  
AT STAMFORD

9/17/2018

ORDERORDER REGARDING:  
08/27/2018 119.00 OBJECTION TO REQUEST TO REVISE

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

ORDER:

1. This court disagrees with the claimed contention that a motion to strike cannot be directed to one of multiple defendants set forth in a single count. This court previously has observed that there is authority to strike a claim against one of many defendants set forth in a single count: "Thus, although *Rowe v. Godou*, 209 Conn. 273, 279, 550 A.2d 1073 (1988), is sometimes cited for the proposition that a motion to strike can only be used to attack the sufficiency of an entire count, the actual holding was that it had been improper to strike an entire count when the relevant count included legally-sufficient allegations as to at least some of the defendants. As was recognized in footnote 9 of that decision, despite the denial of a request to revise (presumably asking to have the complaint separated into counts directed to each of the defendants), the individual defendant 'still had the opportunity to move to strike the allegations of the complaint insofar as they purported to state a cause of action against it.'" *Krayeski v. Greenwich Hospital*, 112415 CTSUP, J.D. Stamford, FSTCV146022177S (November 24, 2015) (available on Judicial website at <http://civilinquiry.jud.ct.gov/DocumentInquiry/DocumentInquiry.aspx?DocumentNo=9730400>) – decision subsequently vacated on other grounds.

Therefore, the court generally applies a practical approach – the need for specificity of allegations versus unwieldiness. In this instance, the court believes that paragraph 28 exemplifies the need for individual counts in that it includes all defendants – including an individual described as a distributor – as responsible for improper design, manufacture, etc.

Therefore, the objection is overruled.

2. sustained

Judicial Notice (JDNO) was sent regarding this order.

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Judge: KENNETH B POVODATOR  
Processed by: Eileen Condron