

DOCKET NO: FSTCV195021964S

SUPERIOR COURT

HERZOG, GEOFF
V.
CUNHA, NICKOLAJUDICIAL DISTRICT OF STAMFORD
AT STAMFORD

10/21/2019

ORDERORDER REGARDING:
09/13/2019 104.00 OBJECTION TO REQUEST TO REVISE

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

ORDER:

The court tries to be solicitous of self-represented parties (*Argentinis v. Fortuna*, 134 Conn. App. 538, 539 (2012)) but the court also must be cognizant of the rights of a represented adversary, and cannot unduly infringe upon those rights (*Rutka v. City of Meriden*, 145 Conn. App. 202, 218 (2013)). Thus, while the court is prepared to overlook the failure to comply with Practice Book § 10-37 and especially the failure to identify specific objections to specific requests, the court must recognize that the defendant is entitled to appropriate notice of the facts upon which the plaintiff relies. That is especially so in connection with a claim based on defamation:

"In claiming defamation, certainty is required in the allegations as to the defamation and as to the person defamed; a complaint for defamation must, on its face, specifically identify what allegedly defamatory statements were [made], by whom, and to whom. A complaint is insufficient ... where, other than the bare allegation that the defendant's action caused injury to plaintiff's reputation, the complaint sets forth no facts of any kind indicating what defamatory statements, if any, were made, when they were made, or to whom they may have been made." *Tax Data Solutions, LLC v. O'Brien, J.D.* New Haven, NNHCV106016263 (February 6, 2013). (Internal quotation marks and citations, omitted.)

Consistent with this obligation of particularized pleading, the plaintiff is directed to revise his complaint to indicate the nature of the alleged defamatory statements (paraphrased if not verbatim), when they were made, and to whom they were made.

Judicial Notice (JDNO) was sent regarding this order.

433230

Judge: KENNETH B POVODATOR
Processed by: Ryan Flanagan

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