

DOCKET NO: FSTCV196043460S

SUPERIOR COURT

VIGILANT INSURANCE COMPANY A/S/O
LISA GABRIELE DIP Et Al
V.
PSA METAL SHEET, LLC Et Al

JUDICIAL DISTRICT OF STAMFORD
AT STAMFORD

12/30/2019

ORDER

ORDER REGARDING:
11/12/2019 103.00 MOTION TO DISMISS PB 10-30

No Counsel Present. No Parties Present.

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

ORDER: DENIED

While the original attempt at service was clearly defective and if not supplemented might result in a lack of jurisdiction over the movant, the movant has given the court, at this stage any basis to conclude that the second attempt at service was not effectuated at the abode of the movant. The sole enunciated basis for seeking dismissal is that the second attempt at service occurred after the statute of limitation expired and that the plaintiff cannot under the present circumstances avail itself of the tolling provisions of the applicable statute. That may be (though the court does not so decide in this procedural context). But the issue of whether or not this case was brought soon enough to avoid what may be a bona fide statute of limitations defense, does not deprive the court of jurisdiction. Since the movant has not enunciated a claim that deprives the court of jurisdiction, the motion to dismiss must be denied.

Judicial Notice (JDNO) was sent regarding this order.

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Judge: ROBERT LOUIS GENUARIO
Processed by: Ryan Flanagan

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