

DOCKET NO: HHDCV166073070S

SUPERIOR COURT

WISNIEWSKI, DOROTA Et Al
V.
HARTFORD HEALTHCARE
CORPORATION Et AlJUDICIAL DISTRICT OF HARTFORD
AT HARTFORD

2/19/2020

ORDERORDER REGARDING:
09/27/2019 143.00 MOTION TO STRIKE

Counsel of record

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

ORDER: DENIED

The plaintiff has moved to strike the defendants' special defense of the statute of limitations. In accordance with Practice Book § 10-50, the statute of limitations must be raised by way of special defense. "A claim that an action is barred by the lapse of the statute of limitations must be pleaded as a special defense, not raised by a motion to strike." *Forbes v. Ballaro*, 31 Conn. App. 235, 239, 624 A.2d 389 (1993). Although *Forbes v. Ballaro* recites two exceptions to this general rule, neither one applies in the present case. *Id.* The resolution of the viability of this defense, as raised by the plaintiff's motion to strike, is more appropriately raised by way of a motion for summary judgment.

Judicial Notice (JDNO) was sent regarding this order.

412190

Judge: A SUSAN PECK

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