

DOCKET NO: LLICV196021315S

SUPERIOR COURT

TAZZA, KATRIN
V.
ERICSON INSURANCE SERVICES LLCJUDICIAL DISTRICT OF LITCHFIELD
AT TORRINGTON

1/29/2020

ORDERORDER REGARDING:
09/13/2019 108.00 MOTION TO STRIKE

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

ORDER:

The defendant has moved to strike counts one, two, and four of the plaintiff's revised complaint. Subsequent to the filing of the motion, the plaintiff withdrew counts two and four. As such, the defendant's motion is only applicable to count one which alleges a breach of fiduciary duty.

In that count, the plaintiff alleges that the defendant, who is in the business of selling insurance, breached its fiduciary duty to ensure that the plaintiff had adequate insurance coverage in place relative to a barn on the plaintiff's premises which was lost to fire.

The elements of a breach of fiduciary duty claim are: "[1] [t]hat a fiduciary relationship existed which gave rise to . . . a duty of loyalty . . . an obligation . . . to act in the best interests of the plaintiff, and . . . an obligation . . . to act in good faith in any matter relating to the plaintiff; [2] [t]hat the defendant advanced his or her own interests to the detriment of the plaintiff; [3] [t]hat the plaintiff sustained damages; [and] [4] [t]hat the damages were proximately caused by the fiduciary's breach of his or her fiduciary duty." (Emphasis omitted.) *Rendahl v. Peluso*, 173 Conn. App. 66, 100, 162 A.3d 1 (2017).

Reading the revised complaint most favorably to the plaintiff reveals the she has not alleged that the defendant advanced its own interests to the detriment of the plaintiff. Accordingly, the defendant's motion to strike count one is granted

Judicial Notice (JDNO) was sent regarding this order.

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Judge: DAN SHABAN

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