

DOCKET NO: MMXCV196026523S

SUPERIOR COURT

PETERMAN, WILLIAM
V.
THRELOFF, ELIZABETH A. Et AlJUDICIAL DISTRICT OF MIDDLESEX
AT MIDDLETOWN

7/21/2020

ORDERORDER REGARDING:
11/12/2019 105.00 MOTION TO STRIKE

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

ORDER: GRANTED

Familiarity with the allegations of the complaint and the standard for a motion to strike is assumed.

“The essential elements of a cause of action in negligence are well established: duty; breach of that duty; causation; and actual injury.” RK, Constructors, Inc. v. Fusco Corp., 231 Conn. 381, 384 (1994).

It is alleged that the defendant, Four Hundred Plus LLC (Keller) was the agent for the defendant Threloffs. It is also alleged that the plaintiff was represented by his own agent, one Harrington Real Estate.

The court concludes that the plaintiff has failed to allege sufficient facts to establish that the defendant Keller owed the plaintiff a duty. Certainly Keller, as the Threloffs' agent, had a duty to tell them about a known condition on the plaintiff's property. The court cannot find that Keller's duty was also owed, or extended to the plaintiff.

The complaint is bereft of any allegations regarding actions by Keller directed to the plaintiff, such as a misrepresentation made to the plaintiff, which possibly could give rise to a claim for breach of a duty.

Judicial Notice (JDNO) was sent regarding this order.

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Judge: EDWARD S DOMNARSKI
Processed by: Shalom Davis

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