

DOCKET NO: HHBCV156028450S

GUERRERA, DONATO Et Al  
V.  
ROBINSON, ALYSIA

SUPERIOR COURT

JUDICIAL DISTRICT OF NEW BRITAIN  
AT NEW BRITAIN

ORDER 423182

8/10/2015

ORDER

ORDER REGARDING:  
04/09/2015 102.00 MOTION TO STRIKE

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

ORDER:

The court granted the plaintiff's motion for reargument regarding this court's May 26, 2015 decision granting the defendant's motion to strike the third count of plaintiff's complaint for failure to state a claim in recklessness. The court heard the reargument at short calendar on August 10, 2015.

The court continues to find the so-called minority view that a plaintiff must plead specific facts above and beyond the facts constituting mere negligence in support of a statutory recklessness claim to be the more persuasive and relies on and has adopted the reasoning articulated by Judge Lager in *Hopwood v. Sciarretta*, Superior Court, judicial district of Ansonia-Milford at Derby, Docket No. CV-01-0075934-S (July 11, 2002, Lager, J.) (32 Conn. L. Rptr. 474, 475-76), and by Judge Sommer in *Rogers v. Dellop*, Superior Court, judicial district of Fairfield at Bridgeport, Docket No. CV-12 6032092S, (May 8, 2013, Sommer, J.) (2013 Ct. Sup. 1244), there concerning.

The plaintiff alleges in both the first and third counts of his complaint that the defendant "drove her vehicle into said intersection through a red traffic signal, and violently struck the driver's side of Mr. Guerrero's vehicle with great force, suddenly and without warning, causing the injuries and damages described below" and "that she failed to yield the right of way to plaintiff." In the third count, plaintiff alleges in addition that the defendant acted "deliberately or with reckless disregard" and "deliberately or consciously disregarded the safety of others by operating her vehicle in an unreasonable manner and/or at an unreasonable rate of speed through a red traffic signal into a busy intersection and violently struck Mr. Guerrero's vehicle with great force."

The court is reminded that in ruling upon a motion to strike, the Court must construe the facts "in a manner most favorable to the pleader." *Amodio v. Cunningham*, 182 Conn. 80, 82 (1980). "[A]ll well pleaded facts and those facts necessarily implied from the allegations are taken as admitted." *Id.* at 83. Upon review, the court finds that when taken as true and construed in a manner most favorable to the plaintiff, the above referenced allegations and the reasonable inferences that may be drawn therefrom are minimally sufficient to allege the requisite mental state for the imposition of statutory damages under General Statutes §14-295. Accordingly, the court's prior ruling granting the motion to strike is vacated, and the motion to strike is hereby denied.

Copies mailed to all parties.

423182

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Judge: MARCIA J GLEESON  
Processed by: R. Schmitt