

CLERK, SUPERIOR COURT
JUDICIAL DISTRICT OF STAMFORD-NORWALK
123 HOYT STREET
STAMFORD, CT 06905

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CLENDENEN & SHEA LLC
400 ORANGE STREET
NEW HAVEN, CT 06511

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CLENDENEN & SHEA LLC

Docket Number: FST-CV-14-6020809-S Notice Issued: 03/19/2015
Case Caption: WEYHER, III, HARRY F v. STRICKLAND, CHARLES Et Al

JDNO NOTICE

Sequence #: 1

ORDER REGARDING:

02/06/2015 120.00 MOTION TO COMPEL

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

ORDER: DENIED

The plaintiff's motion to compel (#120.00) is denied, and the defendants' objection thereto (#121.00) is sustained, in accordance with and in enforcement of the prior orders of the court (#101.86; #112.01).

The plaintiff has failed to comply with the provisions of General Statutes §52-410 in seeking an order

compelling the defendants to proceed with arbitration. See *Levine v.*

Advest, Inc. 244 Conn. 732, 740,

714 A.2d 649 (1998); *Success Centers, Inc. v. Huntington Learning Centers, Inc.*, 223 Conn. 761, 768,

613 A.2d 1320 (1992); *Zarchen v. Union Equipment Co.*, 20 Conn. Supp. 44, 121 A.2d 287 (1956). The

parties' December 15, 2010 retention letter agreement, which sets forth the provisions of the arbitration

agreement between the parties, is the controlling document under which the arbitration shall proceed.

"[A] person can be compelled to arbitrate a dispute only if, to the extent that, and in the manner which,

he has agreed so to do...." (Citations omitted; internal quotation marks omitted.) *Nussbaum v. Kimberly*

Timbers, Ltd., 271 Conn. 65, 72, 856 A.2d 364 (2004).

Judicial Notice (JDNO) was sent regarding this order.

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Judge: DONNA NELSON HELLER

Processed by: Eileen Condrón

FSTCV146020809S 3/

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