

DOCKET NO. HHD CV 23 5077664 S : SUPERIOR COURT
 SUNTOMO, LLC : J. D. OF HARTFORD
 V. : AT HARTFORD
 JIL PROPERTIES AND REMODELING LLC,
 ET AL : MAY 15, 2024

MEMORANDUM OF DECISION

On May 8, 2024, the court heard the plaintiff's sole member's testimony and received exhibits at a remote hearing in damages. This matter concerns claims for damages arising from a home improvement contract.

I

Background

The plaintiff's complaint alleges various claims against three limited liability companies and two individuals, including breach of contract; breach of the duty of good faith and fair dealing; unjust enrichment; violation of the Connecticut Home Improvement Act, General Statutes Sections 20-418 et seq.; violation of the Connecticut Unfair Trade Practices Act, General Statutes Sec. 42a-110b et seq. (CUTPA); and piercing the corporate veil.

On July 13, 2023, the defendants were defaulted for failure to appear. See #104.86. The defendants were not present for the hearing.

II

Discussion

In a case tried to the court, "[t]he . . . judge, as the trier of facts, is the sole arbiter of the credibility of witnesses and the weight to be given to their testimony. (Internal quotation marks omitted.) *Taylor v. Commissioner of Correction*, 324 Conn. 631, 637, 133 A.3d 1264 (2017).

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 HARTFORD, J.D.
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“A default admits the material facts that constitute a cause of action . . . and entry of default, when appropriately made, conclusively determines the liability of a defendant.” (Internal quotation marks omitted.) *Argentinis v. Fortuna*, 134 Conn. App. 538, 545-46, 39 A.3d 1207 (2012).

“It is axiomatic that the burden of proving damages is on the party claiming them.” (Internal quotation marks omitted.) *Lawson v. Whitey’s Frame Shop*, 241 Conn. 678, 689, 697 A.2d 1137 (1997). “The determination of damages involves a question of fact. . . .” (Internal quotation marks omitted.) *Id.*, 690. “When damages are claimed, they are an essential element of the plaintiff’s proof and must be proved with reasonable certainty. . . .” (Internal quotation marks omitted.) *Argentinis v. Fortuna*, *supra*, 134 Conn. App. 549.

“[T]he trial court has broad discretion in determining damages. . . .” (Internal quotation marks omitted.) *Bhatia v. Debek*, 287 Conn. 397, 418–19, 948 A.2d 1009 (2008). “Mathematical exactitude in the proof of damages is often impossible, but the plaintiff must nevertheless provide sufficient evidence for the trier to make a fair and reasonable estimate.” (Internal quotation marks omitted.) *Id.*, 419.

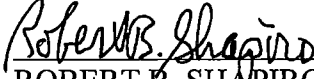
The court has reviewed the testimony and full exhibits presented by the plaintiff. As a result of the failure to complete the project, the plaintiff has proved that it incurred monetary damages in the amount of \$217,005.93. Pursuant to CUTPA, reasonable attorney’s fees may be awarded. In the exercise of its discretion, the court awards the sum of \$4,056.25 for attorney’s fees.

2

CONCLUSION

1. Judgment may enter for the plaintiff and against the defendants as follows:
\$217,005.93 as damages, plus \$4,056.25 for attorney's fees, for a total of \$221,062.18.
2. Costs to be assessed by the Clerk.
3. Weekly payments of \$35.00 are to commence by June 17, 2024.

BY THE COURT



ROBERT B. SHAPIRO
JUDGE TRIAL REFEREE

Checklist for Clerk

Docket Number: HHD CV23-5077664S

Case Name: Suntomo v. JJJ

Memorandum of Decision dated: 5/15/2024

File Sealed: Yes No X

Memo Sealed: Yes No X

This Memorandum of Decision may be released to the Reporter of Judicial Decisions for Publication XXXX

This Memorandum of Decision may NOT be released to the Reporter of Judicial Decisions for Publication

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Superior Court Case Look-up
Civil/Family
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Small Claims

[e](#) HHD-CV23-5077664-S

SUNMOTO LLC v. J.J.L PROPERTIES AND REMODELING LLC Et Al

Prefix/Suffix:
[none]

Case Type: C90 File Date: 04/17/2023 Return Date: 06/06/2023

Attorney/Firm Juris Number Look-up [☞](#)

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By Party Name
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By Attorney/Firm Juris Number
By Property Address

Information Updated as of: 05/15/2024

Case Information

Short Calendar Look-up
By Court Location
By Attorney/Firm Juris Number
Motion to Seal or Close
Calendar Notices

Case Type: C90 - Contracts - All other
Court Location: HARTFORD JD
List Type: HEARINGS IN DAMAGES (HD)
Trial List Claim: 08/07/2023
Last Action Date: 05/09/2024 (The "last action date" is the date the information was entered in the system)

Court Events Look-up
By Date
By Docket Number
By Attorney/Firm Juris Number

Disposition Information

Legal Notices
Pending Foreclosure Safes [☞](#)

Disposition Date:
Disposition:
Judge or Magistrate:

Understanding
Display of Case Information

Party & Appearance Information

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Comments

Party	No Fee Party	Category
P-01 SUNMOTO LLC Attorney: ROMANO PARKER & ASSOCIATES (420035) File Date: 04/17/2023 41 NEW BRITAIN AVENUE ROCKY HILL , CT 06067		Plaintiff
P-02 SUNTOMO LLC Attorney: e ROMANO PARKER & ASSOCIATES (420035) File Date: 09/05/2023 41 NEW BRITAIN AVENUE ROCKY HILL , CT 06067		Plaintiff - Substituted
D-01 J.J.L PROPERTIES AND REMODELING LLC Non-Appearing		Defendant
D-02 M AND S PINE LLC Non-Appearing		Defendant
D-03 J.J.L INVESTMENTS Non-Appearing		Defendant
D-04 MATTHEW KAPONIS Non-Appearing		Defendant
D-05 AMBER OLESKI Non-Appearing		Defendant

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- For civil cases filed prior to 2014, court orders and judicial notices that are electronic are available publicly over the internet. Orders can be viewed by selecting the link to the order from the list below. Notices can be viewed by clicking the **Notices** tab above and selecting the link.*

