

DOCKET NO. FBT-CV23-6129483-S : SUPERIOR COURT  
GIOVANI VALENTIN PPA DEBORA RAMOS : J. D. OF BRIDGEPORT  
V. : AT BRIDGEPORT  
BIG DREAMS ELEC LLC, ET AL : MAY 29, 2024

OFFICE OF THE CLERK  
SUPERIOR COURT  
2024 MAY 29 3:21  
JUDICIAL DISTRICT  
OF BRIDGEPORT

**MEMORANDUM OF DECISION RE:**  
**DEFENDANTS' MOTION TO STRIKE (#121.00, 3/25/24)**

A hearing on the defendants Aleksandr Vergules, Rodika Vergules and Joanna Lopez, hereinafter referred to as "the defendants," motion to strike the third, fourth and fifth counts of THE plaintiff's complaint was heard before the undersigned on May 20, 2024.

This lawsuit results from injuries allegedly suffered by the minor plaintiff on November 5, 2021 while he was enrolled and attending the defendant's daycare facility located at 789 Reservoir Avenue in Bridgeport, Connecticut.

The plaintiff alleges that the minor's highchair tipped over, causing him the injuries and damages alleged in the complaint.

In count one of the instant complaint, the plaintiff alleges negligence on the part of the co-defendant Big Dreams ELC LLC, a limited liability corporation under the laws of the State of Connecticut, which allegedly operated the daycare center.

Specifically, the plaintiff alleges that the defendant, its agents, servants, and/or employees were negligent for failure to supervise the minor plaintiff and/or the staff, failed to maintain the appropriate ratio of staff to toddlers and children, and had an inappropriate highchair for the minor plaintiff and/or failed to have functioning cameras in the facility.

Notice sent to all  
counsel and RJD.  
5/29/24 [Signature] Asst. Clerk

The second count of the plaintiff's complaint alleges the same negligent acts on the part of Kiddykare Inc., which allegedly owned the facility.

The third count alleges the same negligent acts against Aleksandr Vergules, his agents, servants, and/or employees, further alleging that they owned, possessed and controlled the daycare center.

The fourth count alleges the same negligent acts against Joanna Lopez, her agents, servants, and/or employees, further alleging that they owned, possessed and controlled the daycare center.

The fifth count alleges the same negligent acts against Rodika Vergules, her agents, servants, and/or employees, further alleging that the owned, possessed and controlled the daycare center.

The defendants filed the instant motion to strike the third, fourth and fifth counts of the plaintiff's complaint on the grounds that those counts fail to state any legally cognizable claim against the defendants in their individual capacities.

Further, the defendants argue that the plaintiff Did not allege that the defendants acted outside their roles as members of the limited liability company, and, as such, they are not subject to personal liability solely by being a member of the limited liability company.

The purpose of a motion to strike is to test the legal sufficiency of the allegations set forth in the challenged pleading. *Ferryman v. Groton*, 212 Conn. 138, 142 (1989); Conn. Practice Book § 10-39.

A motion to strike may be used to challenge the legal sufficiency of a complaint or of any one of the counts thereof. Conn. Practice Book § 10-39(a)(1); *Ivey, Barnum & O'Mara v. Indian Harbor Properties*, 190 Conn. 528 (1983).

In ruling on a motion to strike, the trial court may only consider those grounds raised in the motion. *Blancato v. Feldstar Corp.*, 203 Conn. 34, 44 (1987).

Additionally, in ruling on such a motion, 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 necessarily implied from the allegations are taken as admitted.” *Id.* at 83.

The court, when ruling on a motion to strike, may not be aided by assumptions of fact not therein alleged. *Liffedahl Bros., Inc. vs. Grisby*, 215 Conn. 345, 348 (1990).

Members of limited liability companies such as the defendants herein are shielded from liability.

Specifically, C.G.S § 34-251a(a) provides, that “[a] member or manager is not personally liable, directly or indirectly, by way of contribution or otherwise, for a debt, obligation or other liability of the company solely by reason of being or acting as a member or manager.”

Further, a member cannot be held liable by virtue of his membership in the limited liability company alone. He must do more than merely be a member in order to be liable personally. *Sturm v. Harb Dev., LLC*, 298 Conn. 124, 136–37 (2010). (emphasis added).

“[A]n LLC grants its investors limited liability such that a member is not personally liable for any debt, obligation or liability of the [LLC], except that a member or manager may

become personally liable by his or her acts or as a member.” *Benjamin v. Island Mgmt., LLC*, 341 Conn. 189, 206 n.17 (2021) (emphasis added).

A claim shall be stricken where a plaintiff improperly attempts to hold members or managers of a limited liability company liable without alleging facts supporting personal liability.” *Iljazi v. Dauti*, No. FBTCV156053103, 2016 WL 1038721, at \*1-3 (Conn. Super. Ct. Feb. 11, 2016). *Malone v. D and R, LLC*, No. CV040834225, 2004 WL 2943111, at \*4 (Conn. Super. Ct. 3 (Nov. 10, 2004). *Turner v. Dry Dock Bar & Grill, LLC*, No. FSTCV176033298S, 2018 WL 3118250, at \*4 (Conn. Super. Ct. June 6, 2018).

In the instant matter, the plaintiff has not alleged specific allegations of negligence against the defendants that are in any way different from those of the defendant limited liability company. As such, those claims do not meet the above tests that require facts supporting personal liability.

To the extent that to the extent that the plaintiffs recited the same allegations against the limited liability company as against the individual defendants and owners of the limited liability company itself, the claims against the owner/defendants must be stricken. *Woodstock Sustainable Farms LLC v. Lemieux Ins. & Fin. Services, LLC*, No. WWM-CV21-6022661-S, 2022 WL 1553555 (Conn. Super. Ct. May 10, 2022).

For those reasons, the defendants’ motion to strike counts three, four and five of the plaintiff’s complaint is granted.



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GOULD, J.