

Norwalk, Complex Litigation Docket, Docket No. FST-X08-CV-22-6058541 (July 21, 2023, Ozalis, J.)

After a trial on April 30, 2024, in which the court weighed all the evidence and determined the credibility of the witnesses, the court finds that the entry and detainer action should be dismissed and that plaintiff has provided no credible evidence as to any damages she allegedly claimed to have suffered relating to personal property she allegedly had at the Property.

I.

FACTUAL FINDINGS

The court has weighed all the evidence and assessed the testimony and credibility of the witnesses and finds the following facts:

1. The plaintiff's husband Andrew Friedman, was the sole member of 12 Old Mill Road, LLC which owned the Cobbs Mill Inn, located at 12 Old Mill Road, Weston, Connecticut. Andrew Friedman died on February 27, 2016. The executor of his Estate, Thomas Sargent, listed the Property for sale and a Purchase Agreement for the Property was entered into on January 29, 2021. The Probate Court approved the sale of the Property to Cleves & Siquenza on April 22, 2021.

2. On June 23, 2021, the Probate Court ordered the plaintiff to leave the Property. On June 23, 2021, the executor of Andrew Friedman's Estate, acting as the agent for 12 Old Mill Road LLC, locked the plaintiff out of the Property.

3. In January 2022, the plaintiff gained access to the Property and remained in possession of the Property until she was finally evicted in November 2023.

4. On January 27, 2022, defendant Cleves & Siquenza purchased the Property by warranty deed. After receiving title, the plaintiff discovered that Laura Friedman and Anthony Villano had unlawfully taken possession of the Property (a few weeks earlier). Laura Friedman had locked all the doors to the Property with steel cable and pad locks locking the defendant out. Laura Friedman remained in possession until November 2023, when she was finally evicted.

5. Defendant Cleves & Siquenza did not lock out Laura Friedman from the Property at any time and she was in possession of the Property at all times relevant to this action.

6. In her filings in this action, she originally claimed one billion dollars of possessions were stolen by defendants and missing. (Complex Litigation Application Docket No. 137.00). At trial the value of her possessions was reduced to \$200,000.

II.

LEGAL STANDARD

General Statutes § 47a-43 (a) provides, in relevant part: “When any person (1) makes forcible entry into any land, tenement or dwelling unit and with a strong hand detains the same, or (2) having made a peaceable entry, without the consent of the actual possessor, holds and detains the same with force and strong hand, or (3) enters into any land, tenement or dwelling unit and causes damage to the premises or damage to or removal of or detention of the personal property of the possessor, or (4) when the party put out of possession would be required to cause damage to the premises or commit a breach of the peace in order to regain possession, the party thus ejected, held out of possession, or suffering damage may exhibit his complaint to any judge of the Superior Court.”

“The process of forcible entry and detainer, provided by our statutes, is in its nature an action by which one in possession and enjoyment of any land, tenement or dwelling unit, and

who has been forcibly deprived of it, may be restored to the possession and enjoyment of that property. This process is for the purpose of restoring one to a possession which has been kept from him by force. . .” *Commerce Break Co. v. Scinto*, 196 Conn. 30 (1985).

“A plaintiff suing under the forcible entry and detainer statute must prove his *actual* possession of the land or property from which he claims to have been dispossessed. . . . The question of whether the plaintiff was in actual possession at the time of the defendant’s entry is one for the trier of fact. . . . Generally, the inquiry is whether the individual has exercised the dominion and control that owners of like property usually exercise. . . . [I]t is not necessary that there be a continuous personal presence on the land by the person maintaining the action. There, however, must be exercised at least some actual physical control, with the intent and apparent purpose of asserting dominion.” (Emphasis in original; internal quotation marks omitted.) *Quinto v. Boccanfusco*, 139 Conn. App. 129, 134, 54 A.3d 1069 (2012).

General Statutes § 47a-45a titled “Finding. Judgment. Costs. Title to Land not affect.” provides in relevant part: “(a) If it is found (1) that a forcible entry has been made into the land, tenement or dwelling unit, or (2) that the same are detained with force and strong hand or (3) that damage has been caused to the premises or damage to the removal or detention of the personal property of the possessor, or (4) that the party put out of possession would be required to cause damage to the premises or commit a breach of the peace in order to regain possession, as complained of, the judge shall render judgment that the complainant be restored to, and resealed of, the premises or that the personal property removed or detained be returned to the complainant, and shall award a writ of restitution accordingly . . .”

III.

DISCUSSION

The plaintiff testified that she was in possession of and resided at the Property from January 2022 until she was legally evicted in November 2023, which was the entire time period of her lockout claim as against defendant Cleves & Siquenza. Thus, defendant Cleves & Siquenza cannot be found to have been in possession of the Property during this time or that it made a forcible entry into the Property. The defendant only regained control of the Property after going to court and obtaining a proper summary process eviction order and plaintiff was given proper notice to remove her possessions.

The Court also finds that the plaintiff has not met her burden of proving by a fair preponderance of the evidence that defendant Cleves & Siquenza removed and/or caused damage to her personal property. The plaintiff had no credibility as to the possessions she claimed were removed or damaged by defendant Cleves & Siquenza or their value. Plaintiff initially claimed in this case that she had one billion dollars worth of possessions at the Property. At trial, plaintiff claimed she had \$200,000 in possessions at the Property. The plaintiff offered no credible evidence as to the personal possessions she claimed were located at the Property, the value of such possessions, and what possessions were actually missing or damaged. Her testimony on this subject was vague and unsubstantiated. It is undisputed that in November 2023 the plaintiff retrieved whatever belongings she had at the Property.

Accordingly, this Court finds that the plaintiff has failed to prove by a fair preponderance of the evidence all of the elements of her lockout claim. Judgment shall enter in defendant Cleves & Siquenza's favor on plaintiff's February 4, 2022 Lockout Complaint and the Court also finds that the plaintiff had no factual basis to bring this claim.

With respect to defendant 12 Old Mill Road, LLC, the plaintiff was not in possession of the Property at the time of this defendant's entry into the Property on June 23, 2021. On June 23, 2021, the Probate Court ordered and decreed that Thomas Sargent, as executor, was the sole person with any legal right of entry into the Cobbs Mill Inn (the Property) and that he had the right to bar persons from entry into the Property. (Trial Ex. X.) Defendant 12 Old Mill Road, LLC, through Thomas Sargent, carried out that Order and barred the plaintiff from entering the Property. In January 2022, in violation of the Probate Court Order, the plaintiff somehow found her way back into the Property and remained in possession of the Property until November 2023. Plaintiff had initially claimed in this case that she had one billion dollars worth of possessions at the Property. At trial, plaintiff claimed she had \$200,000 in possessions at the Property. Plaintiff's testimony as to the possessions she had at the Property and their value was vague, unsubstantiated and not credible at all. The plaintiff's evidence as to stolen or damaged personal property was simply not credible. In November 2023, the plaintiff retrieved whatever personal property she had at the Property.

As plaintiff has not carried her burden of proving by a fair preponderance of the evidence that she was in possession of the Property on June 23, 2021 or that defendant 12 Old Mill Road, LLC caused damage to or removal of plaintiff's personal property, judgment enters in favor of defendant 12 Old Mill Road, LLC on plaintiff's June 23, 2021 Complaint. The Court also finds that the plaintiff had no factual basis to bring this claim.

IV.

CONCLUSION

Based on the foregoing, this Court enters judgment in favor of the defendants 12 Old Mill Road, LLC and Cleves & Siquenza Properties, LLC on plaintiff's June 23, 2021 and February 4, 2022 Lockout Complaints.

BY THE COURT



OZALIS, J.

*Decision entered in
accordance with the
foregoing. 5/9/2024.*

*J. Nicholson
Court Officer*

All counsel notified.

*Copy mailed to all
self-represented
parties.*