

WWM-CV22-6023233-S : SUPERIOR COURT
TRANTOLO & TRANTOLO, LLC : JUDICIAL DISTRICT OF WINDHAM
v. : AT PUTNAM, CONNECTICUT
CAROLANNE ROWE : MARCH 18, 2024

TRANSCRIPT OF PROCEEDINGS

EXCERPT
3:17 TO 3:22

BEFORE THE HONORABLE ERIK T. LOHR, JUDGE

A P P E A R A N C E S :

Representing the Plaintiffs:

ATTORNEY MICHAEL BONNANO
Geraghty & Bonnano LLC
38 Granite Street
New London, Connecticut 06230

FILED

APR 18 2024

SUPERIOR COURT
JUDICIAL DISTRICT OF WINDHAM

Representing the Defendant:

ATTORNEY CAROLANNE ROWE
Self-represented party

Recorded and Transcribed By:
Erin Baxter
Court Recording Monitor Trainee
120 School Street
Danielson, Connecticut 06239

IDNO Sent to all Counsel of Record on 4/18/2024. J. Sullivan, et al

1 THE COURT: This is a motion to dismiss based
2 on, as we've clarified, subject matter jurisdiction.
3 The Court has inquired of the defendant as to the
4 specific basis for the motion to dismiss and the
5 defendant has, during the course of argument here
6 today, conceded that the Court did have jurisdiction
7 over the claims as initially filed. There was
8 further questioning as to how, if at all, the Court
9 could lose jurisdiction over the claims, and the
10 Court sees no basis for the loss of jurisdiction over
11 these claims.

12 Loss of jurisdiction could be something such as
13 mootness. That is not present here, and so the Court
14 concludes that it has jurisdiction over the
15 particular class of claims being alleged by the
16 plaintiffs and therefore the motion to dismiss is
17 denied. Of course, I mean, I don't need to say that
18 it's denied without prejudice because, almost by
19 definition, a motion to dismiss -- actually, by
20 definition a motion to dismiss on the basis of
21 subject matter jurisdiction can be filed at any time,
22 even for the first time on appeal, if the Court
23 lacked jurisdiction to hear the class of claims being
24 raised or somehow lost jurisdiction or somehow the
25 claim was not justiciable. All of those things
26 implicate subject matter jurisdiction.

27 But the Court concludes that it does have

1 subject matter jurisdiction over these claims and
2 therefore the motion to dismiss, docket entry 183, is
3 denied, and the plaintiffs' opposition to the motion
4 to dismiss, which the Court will view as an objection
5 to the motion to dismiss, which can be found at
6 docket entry 186, the objection to the motion to
7 dismiss, which is entitled "Plaintiffs' Memorandum of
8 Law in Opposition to Defendant's Motion to Dismiss,"
9 that objection is sustained. And that is all.

10 ATTY. BONNANO: Thank you, Judge.

11 THE COURT: All right.

12 ATTY. ROWE: Thank you.

13 THE COURT: That's all for the transcript. And
14 what we'll do -- what I will do is I will contact
15 caseflow and have this put down for a case status
16 conference, at which time we'll deal with a
17 scheduling order. But there is nothing that prevents
18 the filing of a certificate of closed pleadings.
19 There is nothing that will impede discovery in this
20 matter. All of those restrictions are off. Yes,
21 Attorney Rowe?

22 ATTY. ROWE: And with regards to a motion for
23 summary judgment, anything to impede that from being
24 filed?

25 THE COURT: Oh, no. A motion for summary
26 judgment, under the Practice Book, can be filed at
27 any time. But what would be necessary for that would

1 be evidence.

2 ATTY. ROWE: Okay. Thank you:

3 ATTY. BONNANO: Judge, again, I try to be a
4 stickler on the rules to the extent I can, especially
5 when they work for me. There is a restriction on
6 filing summary judgment motions without permission
7 with trial scheduled.

8 THE COURT: Yes, if trial is scheduled, but I
9 don't believe trial is scheduled in this.

10 ATTY. BONNANO: No, no, we don't have --

11 ATTY. ROWE: No.

12 THE COURT: Right.

13 ATTY. BONNANO: Let me see here. Yeah, we don't
14 have --

15 THE COURT: Attorney Bonnano, I just -- look,
16 Attorney Bonnano is correct that the restriction -- I
17 mean, the restrictions would be the restrictions that
18 are in the Practice Book, and if a trial date had
19 been scheduled, then yes, one party or the other or
20 both would need permission of the Court to file for
21 summary judgment.

22 ATTY. BONNANO: Thank you, Judge.

23 THE COURT: Is there anything further?

24 ATTY. ROWE: That's it. Thank you very much,
25 Your Honor.

26 THE COURT: Attorney Bonnano?

27 ATTY. BONNANO: Thank you, Your Honor. I'll

1 take the Court's implied non-addressing of my request
2 for fees and costs associated with this as denied as
3 well. It was a speaking motion during argument.

4 THE COURT: It is denied without prejudice
5 because that can be raised at a later point in the
6 proceedings, but not now. I'm not going to grant
7 that now.

8 ATTY. BONNANO: Thank you, Your Honor.

9 THE COURT: And actually, Madam Court Monitor,
10 go ahead and take that all the way to the end so that
11 the transcript will contain all of this.

12 THE COURT MONITOR: Yes, Your Honor.

13 THE COURT: All right. We are adjourned.

14 ATTY. BONNANO: Thank you, Judge.

15 ATTY. ROWE: Thank you.

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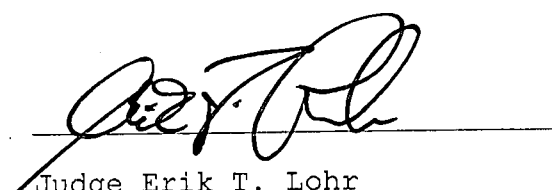
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BY THE COURT:

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Judge Erik T. Lohr

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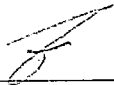
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C E R T I F I C A T I O N

I hereby certify the foregoing pages are a true and correct transcription of the audio recording of the above-referenced case, heard in Superior Court, Judicial District of Windham, Putnam, Connecticut, before the Honorable Erik T. Lohr, Judge, on the 18th day of March, 2024.

Dated this 16th day of April, 2024 in Danielson,
Connecticut.



Erin Baxter
Court Recording Monitor Trainee