DOCKET NO. FBT CV23-6125327-S	OFFICE OF THE CLERK SUPERIOR COURT	SUPERIORCOURT
MARIA NAVARRETE	2024 APR 22 P 3:59	J. D. OF BRIDGEPORT
V.	JUDICIAL DISTRICT OF BRIDGEPORT	AT BRIDGEPORT
U-HAUL COMPANY OF ARIZONA, et al	:	APRIL 22, 2024

MEMORANDUM OF DECISION RE:
DEFENDANT WOODWARD'S MOTION TO STIKE
(#127.00, 1/16/24)

A hearing on the defendant Woodward's, hereinafter "the defendant's" motion to strike the second and third counts of the plaintiff's complaint was heard before the undersigned on April 8, 2024.

This lawsuit results from a motor vehicle accident that allegedly occurred on December 12, 2021 on Interstate 95 northbound in Exit 6 in Connecticut.

At that time and place, the plaintiff was traveling in the right lane when she slowed and stopped, whereby she was struck in the rear by a motor vehicle operated by the defendant, allegedly causing her injuries and damages.

In count one of her complaint, the plaintiff alleges that the accident and her resulting injuries and damages were caused by the carelessness and/or negligence of the defendant in that he failed to properly apply his brakes to avoid a collision; failed to honk a horn to provide a warning; failed to keep his motor vehicle under reasonable and proper control; failed to keep a proper lookout; was inattentive to his surroundings; failed to turn his motor vehicle to the left or to the right to avoid a collision; operated a motor vehicle in such proximity to another vehicle as to follow too closely and to obstruct or impede traffic, in violation of C.G.S. Sec. 14-240; operated a motor vehicle at a rate of speed greater than was reasonable, having regard to the

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width, traffic and use of the highway, in violation of C.G.S. Sec. 14-218a; he wove in and out of traffic, and/or he followed too closely.

In count two of her complaint, the plaintiff alleges that the accident and her injuries and damages were caused by the willful, wanton and reckless conduct of the defendant, in that he was driving while distracted and/or using a cellular device, in violation of C.G.S. Sec. 14-296aa; he followed too closely, in violation of C.G.S. Sec. 14-240; he was weaving in and out of traffic, in violation of C.G.S. Sec. 14-222, as well as repeating her common law allegations of negligence as delineated in the first count of her complaint.

In count three of her complaint, the plaintiff alleges that the accident and her injuries and damages were caused by the defendant's willful, wanton, deliberate and reckless actions, in that he followed more closely than was reasonable and prudent, in violation of C.G.S. Sec. 14-240a; he operated a motor vehicle a rate of speed greater than was reasonable, in violation of C.G.S. Sec. 14-218a, and/or he operated his motor vehicle recklessly, in violation of C.G.S. Sec. 14-222.

The defendant moved to strike counts two and three on the grounds that they fail to state a cause of action for recklessness.

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. *Lifjedahl Bros., Inc.* vs. *Grisby*, 215 Conn. 345, 348 (1990).

Regarding the claims in the second and third counts of the plaintiff's complaint, it is noted that "a claim of recklessness is insufficient as a matter of law when the conduct alleged to have been reckless does not rise to the extreme departure of ordinary care necessary to support a legally cognizable claim of recklessness." *Angiollino* v. *Buckmiller*, 102 Conn.App. 697,705, 927 A.2d 312 (2007).

Further, "there is wide difference between negligence and a reckless disregard of the rights or safety of others, and a complaint should employ language explicit enough to clearly inform the court and opposing counsel that reckless misconduct is relied on." *Kostiuk* v. *Queally*, 159 Conn. 91, 94, 267 A.2d 452 (1970).

As to those counts, the allegations do not state such highly unreasonable conduct or an extreme departure from ordinary care to rise above the claims of negligence per *Angiollio* and *Kostiuk*, above.

For those reasons, the defendant's motion to strike counts two and three of the plaintiff's complaint is granted.

GOULD, J.