

DOCKET NO. FBT-CV21-611108-S

OFFICE OF THE CLERK  
SUPERIOR COURT

SUPERIOR COURT

MARYANN MUSOLINO

2024 MAY 30 P 3: 29

J. D. OF BRIDGEPORT

V.

JUDICIAL DISTRICT  
OF BRIDGEPORT

AT BRIDGEPORT

KENNETH THRON and  
PONUS YACHT CLUB, INC.

MAY 30, 2024

**MEMORANDUM OF DECISION RE:**  
**DEFENDANT PONUS YACHT CLUB'S MOTION FOR SUMMARY JUDGMENT**  
**(#117.00, 9/29/23)**

A hearing on the defendant Ponus Yacht Club, hereinafter referred to as "the defendant's," motion for summary judgment was heard before the undersigned on May 20, 2024.

This lawsuit results from an alleged physical assault, harassment and intimidation on November 25, 2019 at the defendant's premises located at 41 Bateman Way in Stamford, Connecticut.

After a previous motion to strike was granted, the remaining claims by the plaintiff are that members of the club harassed and intimidated her after the alleged incident, and that the defendant is liable for those alleged actions.

The defendant has submitted five affidavits in support of the instant motion, within all of which the individual members deny the allegations, and, moreover, indicate that if they did engage in the behavior it was in their individual capacity, and not on behalf of the defendant, nor were their actions authorized or sanctioned by the defendant. Thus, the defendant argues, there is no genuine issue of material fact, and the defendant is entitled to summary judgment.

The purpose of summary judgment is "to dispose of actions in which there is no genuine issue as to any material fact." *Batick v. Seymour*, 186 Conn. 632, 646-47, 443 A.2d 471(1982).

5/30/24: JDNO sent. Notice to RJD,  
Jean-Louise Asst. Clerk

Summary judgment is a means by which to dispose of cases involving frivolous issues in a speedy manner, thereby conserving judicial resources. *Town Bank and Trust Company v. Benson*, 176 Conn. 304, 306-07, 407 A.2d 971 (1978); *United Oil Company v. Urban Development, Commissioner of City of Stamford*, 158 Conn. 364, 375-76, 26 A.2d 596 (1969).

The only question before the court when considering a motion for summary judgment is whether there exists a question of fact. *Batick*, 186 Conn. at 646-67, 443 A.2d 471 (1982).

Connecticut Practice Book § 17-49 provides that:

“The judgment sought shall be rendered forthwith if the pleadings, affidavits, and any other proof submitted show that there is no genuine issue as to any material fact and that the moving party is entitled to judgment as a matter of law.”

While the defendant has submitted the above-referenced affidavits in support of the instant motion, the plaintiff, in the sixth and seventh counts of her complaint, alleges that the actions of the members occurred while they were acting in their official positions on behalf of the defendant.

Taken together, the affidavits and the plaintiff’s claims create a clear genuine issue of material fact, and, for those reasons, the defendant’s motion is denied.



---

GOULD, J.