

DOCKET NO. LLI CV-15-6013124S : SUPERIOR COURT
RICHARD BLITZ, TRUSTEE OF THE
RICHARD BLITZ DEFINED BENEFIT
PENSION PLAN AND TRUST : J.D. OF LITCHFIELD
VS. : AT LITCHFIELD
GLEN LOVEJOY AND
KATHLEEN RIISKA-LOVEJOY : SEPTEMBER 13, 2016

MOTION FOR PARTIAL SUMMARY JUDGMENT

Defendants, Glen Lovejoy and Kathleen Riiska-Lovejoy, pursuant to Practice Book § 17-44, *et seq.*, hereby move for summary judgment on the Second Count of Plaintiff's Complaint.

This case arises out of a fire that burned down a structure located at 102 Simmons Pond Road, Colebrook, Connecticut on March 8, 2014. Plaintiff, Richard Blitz, Trustee of the Richard Blitz Defined Benefit Pension Plan and Trust (hereinafter "Blitz"), alleges that on such date Blitz was the owner of the subject premises and that Blitz suffered damages when Owen Lovejoy, Defendants' son, intentionally set fire to the structure. Tragically, Owen Lovejoy took his own life on September 19, 2014. In the Second Count of the

Complaint Blitz alleges that Defendants are liable for damage to the structure as a result of negligently supervising their son.

Defendants are entitled to judgement in their favor as a matter of law on Plaintiff's Second Count as they owed Blitz no duty of care based on the facts presented here. The issue of duty cannot be genuinely disputed because: (i) Owen Lovejoy did not possess a propensity to engage in fire-related conduct prior to March 8, 2014; (ii) Defendants did not know, and had no reason to know, whether their son possessed such propensity prior to March 8, 2014; and (iii) Defendants had no realistic ability or opportunity to control their seventeen year-old son from setting the fire.

Wherefore, Defendants respectfully request the Court grant their Motion for Summary Judgment. In support of this Motion Defendants attach the following:

- A. Memorandum of Law;
- B. Affidavit of Glen Lovejoy;
- C. Affidavit of Kathleen-Riiska Lovejoy
- D. Excerpts of the certified deposition transcript of Richard Blitz;
- E. Defendants' discovery responses; and

F. Unreported cases.

**THE DEFENDANTS,
GLEN LOVEJOY AND
KATHLEEN RIISKA-LOVEJOY**

By: _____

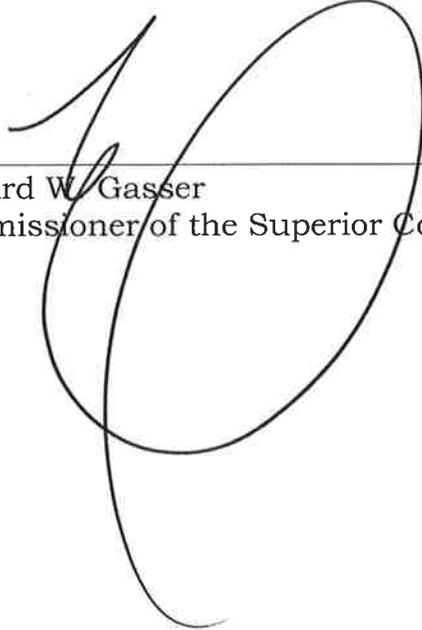
**Edward W. Gasser, Esq.
Gasser Law Firm, LLC
20 East Main Street
Avon, CT 06001-3823
Juris No. 421213
Telephone: 860-674-8342
Facsimile: 860-676-8912
egasser@gasserlaw.com**

CERTIFICATION

I hereby certify that a copy of the foregoing has been sent this date via electronic delivery to the following counsel of record accepting electronic delivery:

Zisca St. Clair, Esq.
Rome McGuigan PC
1 State Street
Hartford, CT 06103
zstclair@rms-law.com

Thomas G. Benneche, Esq.
885 Hopmeadow Street
Simsbury, CT 06070
tom@benneche.com



Edward W. Gasser
Commissioner of the Superior Court