

DOCKET NO.: HHB CV 15-6029045-S : SUPERIOR COURT  
ANTHONY GEORGER : J. D. OF NEW BRITAIN  
V. : AT NEW BRITAIN  
SHELDON B. CROSBY, ET AL : OCTOBER 7, 2016

**MEMORANDUM OF LAW IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT**

Pursuant to Practice Book §17-44, §17-45 and §17-49 the defendants, Sheldon Crosby and Hilary Donald (hereinafter "defendants"), hereby move that summary judgment enter in their favor in the above-referenced matter because they did not owe a duty to the plaintiff at the time of the subject incident.

**I. UNDISPUTED FACTS**

This case arises from a physical altercation which took place early in the morning hours of August 20, 2013 at a residence owned Hilary Donald and Sheldon Crosby while they were away on vacation in Rhode Island. (Complaint, ¶¶ 1-9 (**Exhibit A**), Depo. James Donald, Pgs. 31, Lines 19-25, Pgs. 32-33 (**Exhibit B**). Mrs. Donald's son and Mr. Crosby's stepson, James Donald had hosted a small gathering of friends at the residence on the evening in question. James had invited AJ Georger and Eric Strom to his home as the boys had completed their Senior Year at Farmington High School and were very shortly going their separate ways. (Complaint, ¶¶ 1-9). The physical altercation arose between AJ Georger, Joshua Schwartz and Eric Strom. (Complaint, ¶¶ 1-9) James Donald testified that he was with his mother and stepfather in Rhode Island but told them

that he had to work that evening and would be staying at his father's home, also in Farmington, on the evening in question. (Depo. James Donald, Pgs. 31, Lines 19-25, Pgs. 32-33) It was previously understood and scheduled that James would be staying with his father on the evening at question in Farmington. At the last minute, James told his father that he would be remaining in Rhode Island with his mother and stepfather. (Depo. James Donald, Pgs. 31, Lines 19-25, Pgs. 32-33)

It is undisputed that Hilary Donald and Sheldon Crosby had no idea that James Donald was staying at their residence alone on the evening in question. (Depo. James Donald, Pgs. 31, Lines 19-25, Pgs. 32-33) It is also undisputed that neither Hilary Donald nor Sheldon Crosby had any knowledge whatsoever that said gathering was taking place at their home on the subject evening. (Depo. James Donald, Pgs. 31, Lines 19-25, Pgs. 32-33) It is further undisputed that neither Hilary Donald nor Sheldon Crosby had invited, or given James Donald permission to invite AJ Georger, or anyone else for that matter to their home on the night in question. (Depo. James Donald, Pgs. 31, Lines 19-25, Pgs. 32-33) In conclusion, it is undisputed that Hilary Donald and Sheldon Crosby neither invited AJ Georger to the subject premises on the night in question, nor permitted him to be present on the subject premises on the night in question. (Depo. James Donald, Pgs. 31, Lines 19-25, Pgs. 32-33)

## II. APPLICABLE LAW

Summary judgment is properly granted where the pleadings, affidavits, and any other proof submitted establish that there exists no genuine issue of material fact and that the moving party is entitled to judgment as a matter of law. Practice Book § 17-49. *Miller v. United Technologies Corp.*, 233 Conn. 732, 744-45 (1995). A material fact is “one which will make a difference in the result of the case.” *Barrett v. Southern Connecticut Gas. Co.*, 172 Conn. 362, 378 (1977). “Although the party seeking summary judgment has the burden of showing the nonexistence of any material fact... a party opposing summary judgment must substantiate this adverse claim by showing that there is a genuine issue of material fact together with the evidence disclosing the existence of such an issue...” (Internal quotation marks omitted). *Home Ins. Co. v. Aetna Life & Casualty Co.*, 235 Conn. 185, 202 (1995). Mere assertions of fact are insufficient to establish the existence of a material fact and, therefore, cannot refute evidence properly presented to the court in support of a motion for summary judgment. *Id.* When a motion for summary judgment is supported by affidavits and other documents, the non-moving adverse party, by affidavit or as otherwise provided by the Practice Book, “must set forth specific facts showing that there is a genuine issue for trial...” *Kakadelis v. DeFabritis*, 191 Conn. 276, 280 (1983).

“The motion for summary judgment is designed to eliminate the delay and expense of litigating an issue when there is no real issue to be tried.” *Wilson v. City of*

*New Haven*, 213 Conn. 277, 279 (1989). If parties were forced to try such cases, “the desire for judicial efficiency inherent in the summary judgment procedure would be frustrated...” *Fernandez v. Estate of Ayers*, 56 Conn. App. 332, 334-335 (2000).

The Connecticut Supreme Court has established that entrant status is determined as to each potential defendant. *Corcoran v. Jacovino*, 61 Conn. 462, 290 A.2d 225 (1971). Accordingly, the duty owed to a plaintiff by a particular defendant depends upon the plaintiff’s status *with respect to that particular defendant* at the time of their injury. *Id.* at 228 [emphasis added]. There is no legal precedent to support the premise that James Donald would have the ability to extend an invitation on behalf of his parents (mother and stepfather) not only without their consent, but with the knowledge that they expressly did not consent to him inviting friends over the house in their absence, and did not even consent to him being in the house alone in their absence. Absent an actual invitation from Hilary Donald and Sheldon Crosby, AJ Georger was a trespasser *as to these defendants*. Without inviting AJ Georger to their home or giving permission for him to be there, AJ Georger was a trespasser as to Sheldon Crosby and Hilary Donald at the time of the incident complained of.

It is further well-established law in Connecticut that “the possessor of real estate owes no duty to trespassers ... to keep the property in a reasonably safe condition for their use....” *Morin v. Bell Court Condominium Assn., Inc.* 223 Conn. 323, 328, 612 A.2d 1197 (1992), quoting D. Wright, J. Fitzgerald & W. Ankerman, Connecticut Law of Torts

(3d Ed.) § 47, p. 110. The only duty a landowner owes to a trespasser whose presence is undiscovered is a duty not to injure intentionally. *Morin v. Bell Court Condominium Assn., Inc.*, supra, at 328, 612 A.2d 1197; see also W. Prosser & W. Keeton, Torts (5th Ed.) § 60, p. 416. The only potential exception is where the landowner knows or should know that trespassers regularly come onto his or her property.

### **III. SHELDON CROSBY AND HILARY DONALD OWED NO DUTY TO PLAINTIFF WITH RESPECT TO EVENTS DESCRIBED IN COMPLAINT**

It is undisputed that Hilary Donald and Sheldon Crosby did not invite AJ Georger to their home, nor did they grant permission for James Donald to invite AJ Georger to their home on the date in question. There is no allegation that Mrs. Donald and Mr. Crosby owed Mr. Georger a duty due to frequent or regular trespassers on the property that they had reason to know of.

There are no allegations in the Complaint that Hilary Donald or Sheldon Crosby injured AJ Georger intentionally. As such, neither Hilary Donald nor Sheldon Crosby had any duty to the plaintiff with respect to the events described in the Complaint.

### **IV. HILARY DONALD AND SHELDON CROSBY ARE ENTITLED TO SUMMARY JUDGMENT**

Given that Mr. Georger was a trespasser as to Hilary Donald and Sheldon Crosby at the time of the subject incident, the only duty that they owed to him was not to intentionally harm him. There are no allegations in the Complaint that Hilary Donald

and/or Sheldon Crosby intentionally harmed the plaintiff. As such, Hilary Donald and Sheldon Crosby respectfully request that this Court enter summary judgment in their favor.

THE DEFENDANTS,  
HILARY DONALD & SHELDON CROSBY

BY           /s/425887          

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**CERTIFICATION**

I hereby certify that on the 7th day of October, 2016 a copy of the foregoing has been mailed to the following counsel and pro se parties of record:

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/s/425887  
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# EXHIBIT A

RETURN DATE: JUNE 2, 2015 : SUPERIOR COURT  
ANTHONY GEORGER : J. D. OF NEW BRITAIN  
VS. : AT NEW BRITAIN  
SHELDON B. CROSBY, HILARY W.  
DONALD, JAMES DONALD, ERIC  
STROM and JOSHUA SCHWARTZ : APRIL 15, 2015

COMPLAINT

COUNT ONE: NEGLIGENCE AS TO THE DEFENDANT, SHELDON B. CROSBY

1. The plaintiff, Anthony Georger, is an individual residing in Unionville, Connecticut.
2. Upon information and belief, the defendant, Sheldon B. Crosby, is an individual residing in Farmington, Connecticut.
3. Upon information and belief, the defendant, Hilary W. Donald, is an individual residing in Farmington, Connecticut.
4. Upon information and belief, the defendant, James Donald, is an individual residing in Farmington, Connecticut.
5. Upon information and belief, the defendant, Eric Strom, is an individual residing in Farmington, Connecticut.
6. Upon information and belief, the defendant, Joshua Schwartz, is an individual residing in West Hartford, Connecticut.

7. On or about August 20, 2013 the defendant, Sheldon B. Crosby, and the defendant, Hilary W. Donald, were the owners of the premises located at 14 Colton Street in Farmington, Connecticut (hereinafter referred to as "the premises").

8. On or about August 20, 2013 the plaintiff, Anthony Georger was invited to the premises by the defendants Sheldon B. Crosby and Hilary W. Donald's son, defendant, James Donald, for a gathering with other individuals.

9. At said time and place, the plaintiff was negligently and carelessly assaulted by the defendants, James Donald, Eric Strom and Joshua Schwartz, on the premises, causing the plaintiff to sustain and suffer personal injuries and losses.

10. At all relevant times, the defendant, Sheldon B. Crosby, had a duty to supervise gatherings on the premises and the attendees thereof.

11. The defendant, Sheldon B. Crosby, failed to exercise reasonable care and/or supervision of the gathering and the attendees thereof, and, as a result of such negligence, the plaintiff was assaulted and sustained the personal injuries more fully described below.

12. As a further consequence of the defendant, Sheldon B. Crosby's, negligence as aforesaid, the plaintiff sustained the following severe injuries: right mandibular parasymphysis fracture; left mandibular subcondylar fracture; right superior orbital rim fracture; right orbital roof fracture; right frontal sinus fracture; laceration to his head; multiple abrasions to posterior of his head, base of skull and right knee; loss of consciousness; concussion; BB pellet imbedded into the plaintiff's left hand; multiple contusions; headaches; blurred vision; fatigue; reduced stamina; emotional distress, including ongoing distress with significant mood lability involving

depression and anxiety, as well as periods of irritability and agitation; and a decline in ability to focus and concentrate, and said injuries, and the effects thereof, are, or may be, permanent in nature.

13. As a further consequence of the defendant, Sheldon B. Crosby's negligence, the plaintiff was obliged to expend substantial sums of money for medical care and treatment, hospital care, drugs and medicine, x-rays, and will be obliged to expend further sums of money for such purposes in the future, all to his further loss and damage.

14. As a further result of the defendant, Sheldon Crosby's negligence, the plaintiff has been and will be in the future unable to perform some of life's daily activities, as he had prior to the occurrence, all of which have caused and will cause him in the future great loss and damage.

15. The defendant, Sheldon B. Crosby, is liable for said damages.

COUNT TWO: NEGLIGENCE AS TO THE DEFENDANT, HILARY W. DONALD

1. Paragraphs 1-9 inclusive of Count One are hereby made paragraphs 1-9 of Count Two as if more fully set forth herein.

10. At all relevant times, the defendant, Hilary W. Donald, had a duty to supervise gatherings on her property and the attendees thereof.

11. The defendant, Hilary W. Donald, failed to exercise care and/or supervision of the gathering and the attendees thereof, and as a result of such negligence, the plaintiff was assaulted and sustained the personal injuries more fully described below.

12. As a further consequence of the defendant, Hilary W. Donald's, negligence as aforesaid, the plaintiff sustained the following severe injuries: right mandibular parasymphysis

fracture; left mandibular subcondylar fracture; right superior orbital rim fracture; right orbital roof fracture; right frontal sinus fracture; laceration to his head; multiple abrasions to posterior of his head, base of skull and right knee; loss of consciousness; concussion; BB pellet imbedded into the plaintiff's left hand; multiple contusions; headaches; blurred vision; fatigue; reduced stamina; emotional distress, including ongoing distress with significant mood lability involving depression and anxiety, as well as periods of irritability and agitation; and a decline in ability to focus and concentrate, and said injuries, and the effects thereof, are, or may be, permanent in nature.

13. As a further consequence of the defendant, Hilary W. Donald's negligence, the plaintiff was obliged to expend substantial sums of money for medical care and treatment, hospital care, drugs and medicine, x-rays, and will be obliged to expend further sums of money for such purposes in the future, all to his further loss and damage.

14. As a further result of the defendant, Hilary W. Donald's negligence, the plaintiff has been and will be in the future unable to perform some of life's daily activities, as he had prior to the occurrence, all of which have caused and will cause him in the future great loss and damage.

15. The defendant, Hilary W. Donald, is liable for said damages.

COUNT THREE: NEGLIGENCE AS TO THE DEFENDANT JAMES DONALD

1. Paragraphs 1-9 inclusive of Count One are hereby made paragraphs 1-9 of Count Three as if more fully set forth herein.

10. At all relevant times, the defendant, James Donald, had a duty to supervise gatherings on his property and the attendees thereof.

11. The defendant, James Donald, failed to exercise care and/or supervision of the gathering and the attendees thereof, and as a result of such negligence, the plaintiff was assaulted and sustained the personal injuries more fully described below.

12. As a further consequence of the defendant, James Donald's, negligence as aforesaid, the plaintiff sustained the following severe injuries: right mandibular parasymphysis fracture; left mandibular subcondylar fracture; right superior orbital rim fracture; right orbital roof fracture; right frontal sinus fracture; laceration to his head; multiple abrasions to posterior of his head, base of skull and right knee; loss of consciousness; concussion; BB pellet imbedded into the plaintiff's left hand; multiple contusions; headaches; blurred vision; fatigue; reduced stamina; emotional distress, including ongoing distress with significant mood lability involving depression and anxiety, as well as periods of irritability and agitation; and a decline in ability to focus and concentrate, and said injuries, and the effects thereof, are, or may be, permanent in nature.

13. As a further consequence of the defendant, James Donald's negligence, the plaintiff was obliged to expend substantial sums of money for medical care and treatment, hospital care, drugs and medicine, x-rays, and will be obliged to expend further sums of money for such purposes in the future, all to his further loss and damage.

14. As a further result of the defendant, James Donald's negligence, the plaintiff has been and will be in the future unable to perform some of life's daily activities, as he had prior to the occurrence, all of which have caused and will cause him in the future great loss and damage.

15. The defendant, James Donald, is liable for said damages.

COUNT FOUR: SOCIAL HOST LIABILITY AS TO THE DEFENDANT, JAMES DONALD

1. Paragraphs 1-8 inclusive of Count One are hereby made paragraphs 1-8 of this Count Four as if more fully set forth herein.

9. At said time and place, the defendant, James Donald, served as social host for and presided over the gathering.

10. At said time and place, the defendant, James Donald, did not take measures to prevent consumption of alcohol by minors but rather, allowed, accommodated and provided a venue for underage drinking at the gathering.

11. The defendant, James Donald, tolerated and facilitated underage drinking at the gathering on the premises and, as a result, the plaintiff was assaulted and sustained various injuries as more fully described below.

12. As a further consequence of the defendant, James Donald's, negligence as aforesaid, the plaintiff sustained the following severe injuries: right mandibular parasymphysis fracture; left mandibular subcondylar fracture; right superior orbital rim fracture; right orbital roof fracture; right frontal sinus fracture; laceration to his head; multiple abrasions to posterior of his head, base of skull and right knee; loss of consciousness; concussion; BB pellet imbedded into the plaintiff's left hand; multiple contusions; headaches; blurred vision; fatigue; reduced

stamina; emotional distress, including ongoing distress with significant mood lability involving depression and anxiety, as well as periods of irritability and agitation; and a decline in ability to focus and concentrate, and said injuries, and the effects thereof, are, or may be, permanent in nature.

13. As a further consequence of the defendant, James Donald's negligence, the plaintiff was obliged to expend substantial sums of money for medical care and treatment, hospital care, drugs and medicine, x-rays, and will be obliged to expend further sums of money for such purposes in the future, all to his further loss and damage.

14. As a further result of the defendant, James Donald's negligence, the plaintiff has been and will be in the future unable to perform some of life's daily activities, as he had prior to the occurrence, all of which have caused and will cause him in the future great loss and damage.

15. The defendant, James Donald, is liable for said damages.

COUNT FIVE: SOCIAL HOST LIABILITY AS TO THE DEFENDANT, SHELDON B. CROSBY

1. Paragraphs 1-8 inclusive of Count One are hereby made paragraphs 1-8 of this Count Five as if more fully set forth herein.

9. At said time and place, the defendant, Sheldon B. Crosby, served as social host for and presided over the gathering.

10. At said time and place, the defendant, Sheldon B. Crosby, did not take measures to prevent consumption of alcohol by minors but rather, allowed, accommodated and provided a venue for underage drinking at the gathering.

11. The defendant, Sheldon B. Crosby, tolerated and facilitated underage drinking at the gathering on the premises and, as a result, the plaintiff was assaulted and sustained various injuries as more fully described below.

12. As a further consequence of the defendant, Sheldon B. Crosby's, negligence as aforesaid, the plaintiff sustained the following severe injuries: right mandibular parasymphysis fracture; left mandibular subcondylar fracture; right superior orbital rim fracture; right orbital roof fracture; right frontal sinus fracture; laceration to his head; multiple abrasions to posterior of his head, base of skull and right knee; loss of consciousness; concussion; BB pellet imbedded into the plaintiff's left hand; multiple contusions; headaches; blurred vision; fatigue; reduced stamina; emotional distress, including ongoing distress with significant mood lability involving depression and anxiety, as well as periods of irritability and agitation; and a decline in ability to focus and concentrate, and said injuries, and the effects thereof, are, or may be, permanent in nature.

13. As a further consequence of the defendant, Sheldon B. Crosby's negligence, the plaintiff was obliged to expend substantial sums of money for medical care and treatment, hospital care, drugs and medicine, x-rays, and will be obliged to expend further sums of money for such purposes in the future, all to his further loss and damage.

14. As a further result of the defendant, Sheldon B. Crosby's negligence, the plaintiff has been and will be in the future unable to perform some of life's daily activities, as he had prior to the occurrence, all of which have caused and will cause him in the future great loss and damage.

15. The defendant, Sheldon B. Crosby, is liable for said damages.

COUNT SIX: SOCIAL HOST LIABILITY AS TO THE DEFENDANT, HILARY W. DONALD

1. Paragraphs 1-8 inclusive of Count One are hereby made paragraphs 1-8 of this Count Six as if more fully set forth herein.

9. At said time and place, the defendant, Hilary W. Donald, served as social host for and presided over the gathering.

10. At said time and place, the defendant, Hilary W. Donald, did not take measures to prevent consumption of alcohol by minors but, rather, allowed, accommodated and provided a venue for underage drinking at the gathering.

11. The defendant, Hilary W. Donald, tolerated and facilitated underage drinking at the gathering on the premises and, as a result, the plaintiff was assaulted and sustained various injuries, more fully described below.

12. As a further consequence of the defendant, Hilary W. Donald's, negligence as aforesaid, the plaintiff sustained the following severe injuries: right mandibular parasymphysis fracture; left mandibular subcondylar fracture; right superior orbital rim fracture; right orbital roof fracture; right frontal sinus fracture; laceration to his head; multiple abrasions to posterior of his head, base of skull and right knee; loss of consciousness; concussion; BB pellet imbedded into the plaintiff's left hand; multiple contusions; headaches; blurred vision; fatigue; reduced stamina; emotional distress, including ongoing distress with significant mood lability involving depression and anxiety, as well as periods of irritability and agitation; and a decline in ability to

focus and concentrate, and said injuries, and the effects thereof, are, or may be, permanent in nature.

13. As a further consequence of the defendant, Hilary W. Donald's negligence, the plaintiff was obliged to expend substantial sums of money for medical care and treatment, hospital care, drugs and medicine, x-rays, and will be obliged to expend further sums of money for such purposes in the future, all to his further loss and damage.

14. As a further result of the defendant, Hilary W. Donald's negligence, the plaintiff has been and will be in the future unable to perform some of life's daily activities, as he had prior to the occurrence, all of which have caused and will cause him in the future great loss and damage.

15. The defendant, Hilary W. Donald, is liable for said damages.

COUNT SEVEN: NEGLIGENT ASSAULT AS TO THE DEFENDANT, JAMES DONALD

1-8. Paragraphs 1-8 inclusive of Count One are hereby made paragraphs 1-8 of Count Seven as if more fully set forth herein.

9. At said time and place, the plaintiff was negligently and carelessly assaulted, which included being shot with a BB Gun by the defendant, James Donald, on the premises, causing the plaintiff to sustain and suffer personal injuries and losses.

10. As a result of the negligent actions of the defendant, James Donald, the plaintiff sustained the following severe injuries: right mandibular parasymphysis fracture; left mandibular subcondylar fracture; right superior orbital rim fracture; right orbital roof fracture; right frontal sinus fracture; laceration to his head; multiple abrasions to posterior of his head, base of skull

and right knee; loss of consciousness; concussion; BB pellet imbedded into the plaintiff's left hand; multiple contusions; headaches; blurred vision; fatigue; reduced stamina; emotional distress, including ongoing distress with significant mood lability involving depression and anxiety, as well as periods of irritability and agitation; and a decline in ability to focus and concentrate, and said injuries, and the effects thereof, are, or may be, permanent in nature.

11. As a further consequence of the negligent actions of the defendant, James Donald, the plaintiff was obliged to expend substantial sums of money for medical care and treatment, hospital care, drugs and medicine, x-rays, and will be obliged to expend further sums of money for such purposes in the future, all to his further loss and damage.

12. As a further result of the negligent actions of the defendant, James Donald, the plaintiff has been and will be in the future unable to perform some of life's daily activities, as he had prior to the occurrence, all of which have caused and will cause him in the future great loss and damage.

13. The defendant, James Donald, is liable for said damages.

COUNT EIGHT: INTENTIONAL ASSAULT AS TO THE DEFENDANT, JAMES DONALD

1-8. Paragraphs 1-8 inclusive of Count One are hereby made paragraphs 1-8 of Count Eight as if more fully set forth herein.

9. At said time and place, the plaintiff was willfully, wantonly, and maliciously assaulted, including being shot with a BB Gun by the defendant, James Donald, on the premises, causing the plaintiff to sustain and suffer personal injuries and losses.

10. As a result of the willful, wanton and malicious conduct of the defendant, James Donald, the plaintiff sustained the following severe injuries: right mandibular parasymphysis fracture; left mandibular subcondylar fracture; right superior orbital rim fracture; right orbital roof fracture; right frontal sinus fracture; laceration to his head; multiple abrasions to posterior of his head, base of skull and right knee; loss of consciousness; concussion; BB pellet imbedded into the plaintiff's left hand; multiple contusions; headaches; blurred vision; fatigue; reduced stamina; emotional distress, including ongoing distress with significant mood lability involving depression and anxiety, as well as periods of irritability and agitation; and a decline in ability to focus and concentrate, and said injuries, and the effects thereof, are, or may be, permanent in nature.

11. As a further consequence of the willful, wanton and malicious conduct of the defendant, James Donald, the plaintiff was obliged to expend substantial sums of money for medical care and treatment, hospital care, drugs and medicine, x-rays, and will be obliged to expend further sums of money for such purposes in the future, all to his further loss and damage.

12. As a further result of the willful, wanton and malicious conduct of the defendant, James Donald, the plaintiff has been and will be in the future unable to perform some of life's daily activities, as he had prior to the occurrence, all of which have caused and will cause him in the future great loss and damage.

13. The defendant, James Donald, is liable for said damages.

COUNT NINTH: NEGLIGENT ASSAULT AS TO THE DEFENDANT, ERIC STROM

1-8. Paragraphs 1-8 inclusive of Count One are hereby made paragraphs 1-8 of Count Nine as if more fully set forth herein.

9. At said time and place, the plaintiff was negligently and carelessly assaulted, including being hit with a lacrosse stick by the defendant, Eric Strom, on the premises, causing the plaintiff to sustain and suffer personal injuries and losses.

10. As a result of the negligent actions of the defendant, Eric Strom, the plaintiff sustained the following severe injuries: right mandibular parasymphysis fracture; left mandibular subcondylar fracture; right superior orbital rim fracture; right orbital roof fracture; right frontal sinus fracture; laceration to his head; multiple abrasions to posterior of his head, base of skull and right knee; loss of consciousness; concussion; BB pellet imbedded into the plaintiff's left hand; multiple contusions; headaches; blurred vision; fatigue; reduced stamina; emotional distress, including ongoing distress with significant mood lability involving depression and anxiety, as well as periods of irritability and agitation; and a decline in ability to focus and concentrate, and said injuries, and the effects thereof, are, or may be, permanent in nature.

11. As a further consequence of the negligent actions of the defendant, Eric Strom, the plaintiff was obliged to expend substantial sums of money for medical care and treatment, hospital care, drugs and medicine, x-rays, and will be obliged to expend further sums of money for such purposes in the future, all to his further loss and damage.

12. As a further result of the negligent actions of the defendant, Eric Strom, the plaintiff has been and will be in the future unable to perform some of life's daily activities, as he

had prior to the occurrence, all of which have caused and will cause him in the future great loss and damage.

13. The defendant, Eric Strom, is liable for said damages.

COUNT TEN: INTENTIONAL ASSAULT AS TO THE DEFENDANT, ERIC STROM

1-8. Paragraphs 1-8 inclusive of Count One are hereby made paragraphs 1-8 of Count Ten as if more fully set forth herein.

9. At said time and place, the plaintiff was willfully, wantonly, and maliciously assaulted, including being hit with lacrosse stick by the defendant, Eric Strom, on the premises, causing the plaintiff to sustain and suffer personal injuries and losses.

10. As a result of the willful, wanton and malicious conduct of the defendant, Eric Strom, the plaintiff sustained the following severe injuries: right mandibular parasymphysis fracture; left mandibular subcondylar fracture; right superior orbital rim fracture; right orbital roof fracture; right frontal sinus fracture; laceration to his head; multiple abrasions to posterior of his head, base of skull and right knee; loss of consciousness; concussion; BB pellet imbedded into the plaintiff's left hand; multiple contusions; headaches; blurred vision; fatigue; reduced stamina; emotional distress, including ongoing distress with significant mood lability involving depression and anxiety, as well as periods of irritability and agitation; and a decline in ability to focus and concentrate, and said injuries, and the effects thereof, are, or may be, permanent in nature.

11. As a further consequence of the willful, wanton and malicious conduct of the defendant, Eric Strom, the plaintiff was obliged to expend substantial sums of money for medical

care and treatment, hospital care, drugs and medicine, x-rays, and will be obliged to expend further sums of money for such purposes in the future, all to his further loss and damage.

12. As a further result of the willful, wanton and malicious conduct of the defendant, Eric Strom, the plaintiff has been and will be in the future unable to perform some of life's daily activities, as he had prior to the occurrence, all of which have caused and will cause him in the future great loss and damage.

13. The defendant, Eric Strom, is liable for said damages.

COUNT ELEVEN: NEGLIGENT ASSAULT AS TO THE DEFENDANT, JOSHUA SCHWARTZ

1-8. Paragraphs 1-8 inclusive of Count One are hereby made paragraphs 1-8 of Count Nine as if more fully set forth herein.

9. At said time and place, the plaintiff was negligently and carelessly assaulted by the defendant, Joshua Schwartz, on the premises, causing the plaintiff to sustain and suffer personal injuries and losses.

10. As a result of the negligent actions of the defendant, Joshua Schwartz, the plaintiff sustained the following severe injuries: right mandibular parasymphysis fracture; left mandibular subcondylar fracture; right superior orbital rim fracture; right orbital roof fracture; right frontal sinus fracture; laceration to his head; multiple abrasions to posterior of his head, base of skull and right knee; loss of consciousness; concussion; BB pellet imbedded into the plaintiff's left hand; multiple contusions; headaches; blurred vision; fatigue; reduced stamina; emotional distress, including ongoing distress with significant mood lability involving

depression and anxiety, as well as periods of irritability and agitation; and a decline in ability to focus and concentrate, and said injuries, and the effects thereof, are, or may be, permanent in nature.

11. As a further consequence of the negligent actions of the defendant, Joshua Schwartz, the plaintiff was obliged to expend substantial sums of money for medical care and treatment, hospital care, drugs and medicine, x-rays, and will be obliged to expend further sums of money for such purposes in the future, all to his further loss and damage.

12. As a further result of the negligent actions of the defendant, Joshua Schwartz, the plaintiff has been and will be in the future unable to perform some of life's daily activities, as he had prior to the occurrence, all of which have caused and will cause him in the future great loss and damage.

13. The defendant, Joshua Schawartz, is liable for said damages.

COUNT TWELVE: INTENTIONAL ASSAULT AS TO THE DEFENDANT, JOSHUA SCHWARTZ

1-8. Paragraphs 1-8 inclusive of Count One are hereby made paragraphs 1-8 of Count Ten as if more fully set forth herein.

9. At said time and place, the plaintiff was willfully, wantonly, and maliciously assaulted by the defendant, Joshua Schwartz, on the premises, causing the plaintiff to sustain and suffer personal injuries and losses.

10. As a result of the willful, wanton and malicious conduct of the defendant, Joshua Schwartz, the plaintiff sustained the following severe injuries: right mandibular parasymphysis

fracture; left mandibular subcondylar fracture; right superior orbital rim fracture; right orbital roof fracture; right frontal sinus fracture; laceration to his head; multiple abrasions to posterior of his head, base of skull and right knee; loss of consciousness; concussion; BB pellet imbedded into the plaintiff's left hand; multiple contusions; headaches; blurred vision; fatigue; reduced stamina; emotional distress, including ongoing distress with significant mood lability involving depression and anxiety, as well as periods of irritability and agitation; and a decline in ability to focus and concentrate, and said injuries, and the effects thereof, are, or may be, permanent in nature.

11. As a further consequence of the willful, wanton and malicious conduct of the defendant, Joshua Schwartz, the plaintiff was obliged to expend substantial sums of money for medical care and treatment, hospital care, drugs and medicine, x-rays, and will be obliged to expend further sums of money for such purposes in the future, all to his further loss and damage.

12. As a further result of the willful, wanton and malicious conduct of the defendant, Joshua Schwartz, the plaintiff has been and will be in the future unable to perform some of life's daily activities, as he had prior to the occurrence, all of which have caused and will cause him in the future great loss and damage.

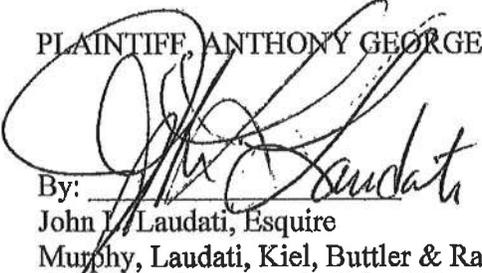
13. The defendant, Joshua Schawartz, is liable for said damages.

RETURN DATE: JUNE 2, 2015 : SUPERIOR COURT  
ANTHONY GEORGER : J. D. OF NEW BRITAIN  
VS. : AT NEW BRITAIN  
SHELDON B. CROSBY, HILARY W.  
DONALD, JAMES DONALD, ERIC  
STROM and JOSHUA SCHWARTZ : APRIL 15, 2015

AMOUNT IN DEMAND

The amount, legal interest, or property in demand is greater than \$15,000.00,  
exclusive of interest and costs.

PLAINTIFF, ANTHONY GEORGER

By:   
John I. Laudati, Esquire  
Murphy, Laudati, Kiel, Buttler & Rattigan  
10 Talcott Notch Road, Suite 210  
Farmington, CT 06032  
(860) 674-8296  
Juris No. 104060

# EXHIBIT B

Donald

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Q Thank you. Did your stepfather know that you were having guests over at your mom's house?

A No.

Q Where was your stepfather that evening?

A With my mom in Rhode Island.

Donald

1 Q What is in Rhode Island?

2 A We were on vacation.

3 Q Do you own a house up there?

4 A No.

5 Q Or rather do your parent's own a  
6 house?

7 A No.

8 Q Renting a house?

9 A No.

10 Q You don't --

11 A (Continuing) Staying at a place by  
12 the beach.

13 Q Okay. And what did you tell your  
14 step-dad was going on that night?

15 A I really didn't tell him anything.

16 Q What --

17 A I --

18 Q -- about --

19 A -- didn't --

20 Q -- your --

21 A -- really --

22 Q -- mom -- I'm sorry.

23 A -- communicate with him.

24 THE REPORTER: Would you repeat  
25 that.

Donald

1           A     I didn't communicate with my step-dad  
2 about it.

3           Q     Had you communicated with your mom  
4 about it?

5           A     I had told her, she was the one I had  
6 talked to. I told her I had work that night  
7 and I was going back to work and that I would  
8 be staying at my father's house.

9           Q     Okay. Where does your father live  
10 relative to --

11          A     He lives on Farmington Avenue. The  
12 corner of Farmington and Main Street at the  
13 Elm Tree Inn.

14          Q     And what was the address that you  
15 were residing at when this party occurred?

16          A     14 Colton Street.

17          Q     Farmington?

18          A     Yeah.

19          Q     And what did you tell your father?

20          A     I told him I was staying in Rhode  
21 Island, I didn't have work that night.

22          Q     Do you recall when A.J. Georger  
23 arrived at your house that evening?

24          A     The time I do not, I know he was the  
25 last one to come though.