

DOCKET NO: HHDCV116032094S

SUPERIOR COURT

DESALLE, JAMES Et Al
V.
WAL-MART STORES, INC. Et AlJUDICIAL DISTRICT OF HARTFORD
AT HARTFORD

10/14/2016

ORDERORDER REGARDING:
10/10/2014 217.00 OBJECTION TO REQUEST TO AMEND

The foregoing, having been considered by the Court, is hereby:

ORDER:

The objection to plaintiffs' request for leave to amend (No. 214) is overruled. The court finds that the second count in the proposed, second, amended complaint relates back to the allegations of the original complaint's allegations against Wal-Mart. All of the allegations against Wal-Mart arise from a "common nucleus of operative fact," which was the services performed by Wal-Mart on the subject vehicle on the date in question or services which Wal-Mart should have performed but did not do so. Wal-Mart has, of course, moved for summary judgment as to plaintiffs' first amended complaint (129.0), claiming that that complaint does not properly allege that Wal-Mart is, in the context of this case, a "product seller" pursuant to CGS Sec. 52-572m (a). If that were true, it would be improper and procedurally unfair, not to allow the plaintiffs to plead in the alternative by adding a common law negligence count.

Short Calendar Results Automated Mailing (SCRAM) Notice was sent on the underlying motion.

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Judge: GRANT H MILLER JR
Processed by: John OConnell