

D.N.: CV-14-6049044-S

NUCAP INDUSTRIES, INC. <u>et al.</u> ,)	SUPERIOR COURT
)	
Plaintiffs,)	JUDICIAL DISTRICT
)	OF NEW HAVEN
V.)	AT NEW HAVEN
)	
PREFERRED TOOL AND DIE, INC., et al.,)	
)	
Defendants.)	SEPTEMBER 17, 2014

MOTION TO DISMISS OR TRANSFER

Pursuant to P.B. 1998 §§ 10-30, et seq., and P.B. 1998 § 12-1, Defendants Preferred Tool and Die, Inc. and Preferred Automotive Components, a division of Preferred Tool and Die (“Defendants”) hereby move to dismiss this action, or, in the alternative, to transfer it to the Judicial District of Waterbury at Waterbury, and state as reasons therefor:

1. Plaintiffs Nucap Industries, Inc. and Nucap US, Inc. (“Plaintiffs”) filed this action in an improper venue. As alleged by Plaintiffs in their complaint, venue is proper in this Judicial District because Defendant Robert A. Bosco, Jr. (“Bosco”) is a resident of this Judicial District and “a substantial part of the transactions and events giving rise to this action” took place in this Judicial District. July 21, 2014 Complaint at ¶ 15. Plaintiffs nonetheless neglect to make a single allegation of any act occurring within this Judicial District. In contrast, Plaintiffs allege that Bosco resides in Wolcott, which lies in the Judicial District of Waterbury. Id. at ¶ 12; Conn. Gen. Stat. § 51-344(12). As a result, the action should be dismissed, or, in the alternative, transferred pursuant to P.B. 1998 § 12-1 to the Judicial District of Waterbury at Waterbury, the most appropriate venue.

ORAL ARGUMENT REQUESTED
TESTIMONY NOT REQUIRED

2. Pursuant to P.B. 1998 §§ 10-31(a) and 11-10(2), a memorandum of law accompanies this motion.

WHEREFORE, this action should be dismissed, or, in the alternative, transferred to the Judicial District of Waterbury at Waterbury.

THE DEFENDANTS
PREFERRED TOOL AND DIE, INC. and
PREFERRED AUTOMOTIVE
COMPONENTS
BY THEIR ATTORNEY

/s/Stephen J. Curley/102917
Stephen J. Curley (of counsel)
Brody Wilkinson PC
2507 Post Road
Southport, CT 06890
(203) 319-7100
Juris No. 102917

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing was sent via electronic delivery, pursuant to express written consent, on this 17th day of September, 2014, to all counsel and pro se parties of record, including:

Stephen W. Aronson, Esq.
Robinson & Cole LLP
280 Trumbull Street
Hartford, CT 06103-3597

David A. DeBassio, Esq.
Hinckley Allen & Snyder LLP
20 Church Street
Hartford, CT 06103

/s/Stephen J. Curley
Stephen J. Curley