

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

D.M., a minor, by and through :
her parent and next friend, :
A.B., and A.B., :
 :
Plaintiffs, :

v. : No. 3:04cv1718 (SRU) (WIG)

DESISTO SCHOOLS, INC. (d/b/a :
The DeSisto School), BUTTERFLY II :
LAND CORPORATION, FW OF SARATOGA, :
INC. (d/b/a Four Winds-Saratoga), :
 :
Defendants. :

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**Ruling on Plaintiffs' Motion for Reconsideration of
Court's Ruling on Second Amended Application
for Prejudgment Remedy and Motion for Disclosure
of Assets of Butterfly II Land Corporation [Doc. # 63]**

____ On March 10, 2005, this Court denied without prejudice Plaintiffs' Second Amended Motion for Prejudgment Remedy and Disclosure of Assets, addressed to Defendant Butterfly II Land Corporation, the owner the property on which the DeSisto School was located. Plaintiffs now move for reconsideration of that order on the ground of newly discovered evidence, that being a representation in an Administrative Consent Order, entered into between DeSisto Schools, Inc., and the Commonwealth of Massachusetts, that DeSisto Schools, Inc., was the owner of the property known as the DeSisto School, located on Route 183 in Stockbridge, Massachusetts.

This Consent Order was entered into under the Massachusetts

Oil and Hazardous Material Release Prevention Act, Mass. Gen. Laws ch. 21E. Under that Act, an "owner" of a site is defined as "any person owning or operating such site." Mass. Gen. Laws. ch. 21E, § 2(a)(2). DeSisto Schools, Inc., as the tenant and operator of the school at the site would fall within the definition of "owner." Thus, the statement in the Consent Order that DeSisto Schools, Inc., was the owner of the property was not incorrect, nor does it contradict the facts that were presented to the Court at the March 10th hearing, nor does it establish that Butterfly II is the alter ego of DeSisto Schools, Inc., or vice versa.

The Court adheres to its earlier ruling denying Plaintiffs' Motion for Prejudgment Remedy and Disclosure of Assets as to Butterfly II, and denies Plaintiffs' Motion for Reconsideration [Doc. # 63].

SO ORDERED, this 28th day of June, 2005, at Bridgeport, Connecticut.

/s/ William I. Garfinkel
WILLIAM I. GARFINKEL,
United States Magistrate Judge