

**UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT**

LORRAINE LARSON, EXECUTRIX OF THE	:	
ESTATE OF GLADYS BYCZAJKA,	:	
Plaintiff,	:	
	:	
v.	:	7:08-cv-455 (WWE)
	:	
BRIGHTEN GARDENS,	:	
Defendant.	:	

RULING ON DEFENDANT’S MOTION TO STRIKE

Following this Court’s ruling granting in part defendant’s motion for judgment on the pleadings (Doc. #21) and plaintiff’s subsequent filing of an amended complaint (Doc. #22), defendant has moved to strike portions of that amended complaint that allegedly do not comply with the Court’s previous ruling (Doc. #24). Specifically, defendant contends that paragraphs 9(a), 9(d) and 10(a) fail to follow the instructions of the Court’s previous ruling. Plaintiff agrees that paragraph 10(a) should be stricken.

The Court’s previous ruling dismissed plaintiff’s allegations based on claims of medical malpractice. Specifically, the Court ruled that plaintiff’s claims that defendant did not properly supervise and check on plaintiff while she used the bathroom could not be sustained because plaintiff had failed to meet the requirements of section 52-190a(a) of the Connecticut General Statutes by not including an opinion of a health care provider that defendant’s conduct was negligent.

Paragraphs 9(a) and 9(d) of the amended complaint claims that plaintiff’s decedent’s injuries were due to (1) defendant having inadequate staff to provide the necessary services to their residents such as checking on their status and helping them

