

**UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT**

ELLEN FRITZ,
Plaintiff,

V.

THE EYE CENTER, ET AL.,
Defendants.

:
:
:
:
:
:
:
:
:

CIVIL CASE NO.
3:10-CV-33 (JCH)

NOVEMBER 17, 2010

RULING ON MOTION FOR RELIEF FROM JUDGMENT [Doc. No. 29]

By Ruling dated August 11, 2010, the court granted defendants' Motion to Dismiss all counts of plaintiff Ellen Fritz's Complaint. See Ruling (Doc. No. 26). The court provided Fritz with leave to replead her claim of intentional infliction of emotion distress no later than September 2, 2010, if she had a legal and factual basis to do so. Id. at 10. Fritz did not replead her claim within the allotted time, and the court entered judgment in favor of the defendants on September 10, 2010.

On October 4, 2010, Fritz moved for relief from the judgment issued by the court on the grounds that Fritz's counsel, Vincent Mase, Sr., was unable to meet the court's deadline due to "walking pneumonia." The court finds that the significant illness of Fritz's counsel constitutes "excusable neglect" under Federal Rule of Civil Procedure 60(b)(1). When a party demonstrates excusable neglect, the court is permitted to relieve that party from a final judgment or order.

Plaintiff's Motion for Relief from Judgment (**Doc. No. 29**) is **GRANTED**. The clerk is directed to reopen the case, and the court gives Fritz leave to replead her intentional infliction of emotional distress claim by **December 8, 2010**.

SO ORDERED.

Dated at Bridgeport, Connecticut, this 17th day of November 2010.

/s/ Janet C. Hall
Janet C. Hall
United States District Judge