

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

NABIL GHAWI,

Plaintiff,

v.

LAW OFFICES HOWARD LEE SCHIFF, P.C.,

Defendant.

Civil No. 3:13-cv-115 (JBA)

February 3, 2016

NOTICE OF *SUA SPONTE* DISMISSAL OF CUTPA CLAIM

On December 1, 2014, this Court granted in part and denied in part [Doc. # 64] Defendant's motion to dismiss. With respect to Plaintiff's claim that Defendant violated CUTPA, the Court held that while Plaintiff had not adequately alleged that he had suffered an ascertainable loss with respect to "lost reputation, lost time, and lost opportunities," his CUTPA claim survived the motion to dismiss to the extent that he claimed monetary damages in the form of charges for incoming calls. (Ruling on Mot. to Dismiss at 11.) However, in ruling on the parties' motions for summary judgment, the Court noted that "Mr. Ghawi ha[d] produced no evidence that he was charged for calls to his 5122 line." (Ruling on Cross Mots. Summ. J. [Doc. # 172] at 8.) Because Defendant did not move for judgment on the CUTPA claim in its motion for summary judgment, the Court did not enter judgment at that time.

Nonetheless, in light of the Court's dismissal of Mr. Ghawi's CUTPA claim to the extent it rested on losses other than monetary losses in the form of phone charges, and the Court's finding that Mr. Ghawi has introduced no evidence that he in fact received phone charges, the Court hereby notifies the parties of its intent to *sua sponte* dismiss the

CUTPA claim (Count V of Plaintiff's Amended Complaint [Doc. # 208]). The parties' responses, if any, shall be filed no later than February 5, 2016 at 5 p.m.

IT IS SO ORDERED.

/s/
Janet Bond Arterton, U.S.D.J.

Dated at New Haven, Connecticut this 3rd day of February, 2016.