

**UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT**

ANTONIA TORCASIO,	x	
	:	
Plaintiff,	:	Civil No. 3:15-cv-0053 (AWT)
	:	
v.	:	
	:	
NEW CANAAN BOARD OF EDUCATION, TOWN	:	
OF NEW CANAAN, and BRUCE GLUCK,	:	
	:	
Defendants.	:	
	x	

ORDER RE MOTION FOR SUMMARY JUDGMENT AS TO COUNTERCLAIM

For the reasons set forth below, the Motion for Summary Judgment as to Defendant-Counterclaim Plaintiff New Canaan Board of Education's Counterclaim Against Plaintiff-Counterclaim Defendant (Doc. No. 103) is hereby DENIED.

A party seeking recovery for unjust enrichment must prove three elements: "(1) that the defendant[] [was] benefitted; (2) that the defendant[] unjustly did not pay the plaintiff for the benefits; and (3) that the failure of payment was to the plaintiff's detriment." Marlin Broad., LLC v. Law Office of Kent Avery, LLC, 101 Conn. App. 638, 648-49 (2007) (quoting Hartford Whalers Hockey Club v. Uniroyal Goodrich Tire Co., 231 Conn. 276, 283 (1994)). "A right of recovery under the doctrine of unjust enrichment is essentially equitable, its basis being that in a given situation it is contrary to equity and good conscience for one to retain a benefit which has come to him at

