

Thompson v. Rizzitelli, 10 CV 71 (JBA)

1/13/2012 – ELECTRONIC ENDORSEMENT DENYING PLAINTIFF’S MOTION FOR SUMMARY JUDGMENT AGAINST DEFENDANTS JOHN ORAZIETTI, RON SILL AND JOYCE SILL (Dkt. #93) AND PLAINTIFF’S MOTION TO STRIKE ANSWER TO AMENDED COMPLAINT BY DEFENDANTS JOHN ORAZIETTI, RON SILL AND JOYCE SILL (Dkt. #101).

Familiarity is presumed with the multiple rulings filed in this vastly over-litigated lawsuit (see, e.g., Dkts. ##25, 40, 52, 67, 72, 74, 118, 120, 133, 146, 170; see also Dkts. ##8, 31, 41, 50, 110, 161 (referring most of this lawsuit suit to this Magistrate Judge)).

At issue here is the nine-day delay of defendants John Orazietti, Ron Sill and Joyce Sill in filing their Answer and Affirmative Defenses (Dkt. #98). As appropriately argued by defense counsel, this delay does not rise to the level of egregious conduct that merits the granting of summary judgment against them or the striking of their Answer and Affirmative Defense. (Dkts. ##99 & 104).

Accordingly, Plaintiff’s Motion for Summary Judgment Against Defendants John Orazietti, Ron Sill and Joyce Sill (Dkt. #93) and Plaintiff’s Motion to Strike Answer to Amended Complaint by Defendants John Orazietti, Ron Sill and Joyce Sill (Dkt. #101) are denied.

The parties are free to seek the district judge’s review of this recommended ruling. See 28 U.S.C. § 636(b)(**written objection to ruling must be filed within fourteen calendar days after service of same**); FED. R. CIV. P. 6(a) & 72; Rule 72.2 of the Local Rule for United States Magistrate Judges, United States District Court for the District of Connecticut; Small v. Secretary of HHS, 892 F.2d 15, 16 (2d Cir. 1989)(**failure to file timely objection to Magistrate Judge’s recommended ruling may preclude further appeal to Second Circuit**).