STATE OF CONNECTICUT

DOCKET NO. LLI-CV21-5014019-S	:	SUPERIOR COURT
	:	
JON A. GOODWIN	:	JUDICIAL DISTRICT OF LITCHFIELD
	:	
V.	:	AT TORRINGTON
	:	
RAYMOND J. MILOT JUNIOR, ET AL	:	MAY 27, 2026

MEMORANDUM OF DECISION RE:
DEFENDANT'S MOTION FOR SUMMARY JUDGMENT

The defendant, Raymond J. Milot Junior,[1] moves for summary judgment as to counts five, six, seven, eleven, twelve, eighteen, nineteen, twenty, twenty-one, twenty-two, and thirty-three of the plaintiff Jon A. Goodwin's complaint sounding in slander, defamation, false light invasion of privacy, assault, battery, and intentional infliction of emotional distress. For the reasons set forth below, the defendant's motion is granted in its entirety.

I. FACTS & PROCEDURAL HISTORY

In his complaint filed on October 21, 2021, the plaintiff alleges that he began living with Christine Jowdy in late September 2019 and, at the time, Jowdy shared physical custody of N,[2] H, and C—all minor children—with the defendant. Compl., Count Eighteen, ¶¶ 39-40. The plaintiff alleges that from September 30, 2019, to a date uncertain, the defendant stalked the plaintiff by obtaining private information about him from N, H, and C, including photographs

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[1] The plaintiff initially commenced this action against seven defendants: Raymond J. Milot Junior, Joanna M. Iurato, Robert Khalil, Karen Hardy-Massaro, H, N, and C. Throughout the course of the litigation, the plaintiff's claims against all defendants other than Raymond J. Milot Junior have either been withdrawn or dismissed and, therefore, any reference to the defendant in this memorandum of decision refers to Raymond J. Milot Junior.

[2] In view of the Supreme Court's policy of protecting the privacy interests of juveniles, the court refers to the children involved in this matter by their initials. See, e.g., *Boisvert* v. *Gavis*, 332 Conn. 115, 121 n.3, 210 A.3d 1 (2019); *Frank* v. *Dept. of Children & Families*, 312 Conn. 393, 396 n.1, 94 A.3d 588 (2014).

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and videos of the plaintiff and his property taken within the plaintiff's residence without the plaintiff's knowledge or consent. Compl., Count Eighteen, ¶ 41. The plaintiff alleges that the defendant used the information to initiate complaints of child abuse against him with the Department of Children and Families (DCF). Compl., Count Eighteen, ¶ 42.

The plaintiff also alleges that on October 10, 2019, Dr. Joanne Iurato told the defendant and DCF that the plaintiff abused N by placing him in a "basket hold." Compl., Count One, ¶ 3. The plaintiff alleges that because of Dr. Iurato's statement, he was subjected to investigative proceedings by DCF and suffered harm to his reputation. Compl., Count One, ¶ 5. The plaintiff alleges that the defendant repeated Dr. Iurato's statement that the plaintiff had abused N to people whose identities are known and not known by the plaintiff, including the plaintiff's neighbors and other members of the community. Compl., Count Five, ¶ 12. The plaintiff also alleges that the defendant stated to others that the plaintiff was subject to an investigation by DCF for abusing N. Compl., Count Six, ¶ 15.

The plaintiff further alleges that, during the evening of October 31, 2019, N informed the plaintiff that the defendant intended to "get him." Compl., Count Eleven, ¶ 21. According to the plaintiff, on November 1, 2019, when H was staying at Jowdy's and the plaintiff's residence, the defendant met with H outside of the home. Compl., Count Eleven, ¶ 22. The plaintiff alleges that during their meeting, the defendant encouraged H to instigate a physical altercation with N to cause the plaintiff to restrain N so that H could record the restraint on her phone to instigate a false report of child abuse to DCF and law enforcement agencies. Compl., Count Eleven, ¶ 22. The plaintiff claims that immediately after meeting with the defendant, H began agitating N and he thereafter attacked her with bolts taped between his fingers that protruded approximately one inch from his fist. Compl., Count Eleven, ¶ 23. The plaintiff alleges that Jowdy blocked N and then summoned him to assist her. Compl., Count Eleven, ¶ 23. The plaintiff claims that as soon as he removed the bolts from N's fists, H began videotaping the plaintiff who was restraining N. Compl., Count Eleven, ¶ 23. Jowdy called the police. Compl., Count Eleven, ¶ 23. H spoke with the police and showed them a picture but failed to show them the videotape. Compl., Count Eleven, ¶ 23. According to the plaintiff, the police were not convinced that any crime had occurred. Compl., Count Eleven, ¶ 23. The plaintiff alleges that H then brought her phone to school and reported to a staff member that the plaintiff had abused N and showed the staff member the video of the plaintiff restraining N. Compl., Count Eleven, ¶ 24. The staff member contacted DCF and reported H's allegation. Compl., Count Eleven, ¶ 24.

The plaintiff further alleges that on November 3, 2019, the defendant, in the presence of H and N, told a police officer that the plaintiff was a "psycho," "abusive" and "under investigation by DCF." Compl., Count Eighteen, ¶ 42 (d). The plaintiff claims that N and H told him that the defendant was obtaining a restraining order against the plaintiff and would "use poison" on the plaintiff and Jowdy. Compl., Count Eighteen, ¶ 42 (e)-(f).

The plaintiff alleges that, as a result of the defendant's conduct, he has suffered harm to his reputation and has been unable able to raise capital for a current venture, his ability to raise capital in the future from members of his community has been impaired, causing him to take time away from work, and he has been subjected to threats, embarrassment, humiliation, anxiety, scorn, derision, ridicule and emotional distress. Compl., Count Eighteen, ¶ 46.

The plaintiff sued the defendant for slander, defamation, false light invasion of privacy, assault, battery, and intentional infliction of emotional distress. The defendant filed an answer denying the plaintiff's claims on June 10, 2022. See Docket Entry No. 138.00. On January 5, 2026, the defendant filed a motion for summary judgment as to counts five, six, seven, eleven, twelve, eighteen, nineteen, twenty, twenty-one, twenty-two, and thirty-three. See Docket Entry No. 181.00. The plaintiff filed an objection to the defendant's motion on February 4, 2026. See Docket Entry No. 186.00. The court heard oral argument on the defendant's motion and the plaintiff's objection thereto on March 23, 2026, and May 4, 2026.

II. LEGAL STANDARD

Practice Book § 17-49 provides that summary judgment "shall be rendered forthwith if the pleadings, affidavits and any other proof submitted show that there is no genuine issue as to any material fact and that the moving party is entitled to judgment as a matter of law." "The motion for summary judgment is designed to eliminate the delay and expense of litigating an issue when there is no real issue to be tried. . . . However, since litigants ordinarily have a constitutional right to have issues of fact decided by a jury . . . the moving party for summary judgment is held to a strict standard . . . of demonstrating his entitlement to summary judgment." (Citation omitted; footnote omitted; internal quotation marks omitted.) *Grenier* v. *Commissioner of Transportation*, 306 Conn. 523, 534-35, 51 A.3d 367 (2012).

"In deciding a motion for summary judgment, the trial court must view the evidence in the light most favorable to the nonmoving party." (Internal quotation marks omitted.) *Bozelko* v. *Papastavros*, 323 Conn. 275, 282, 147 A.3d 1023 (2016). "In seeking summary judgment, it is the movant who has the burden of showing the nonexistence of any issue of fact. The courts are in entire agreement that the moving party for summary judgment has the burden of showing the absence of any genuine issue as to all the material facts, which, under applicable principles of substantive law, entitle[s] him to a judgment as a matter of law. The courts hold the movant to a strict standard. To satisfy his burden the movant must make a showing that it is quite clear what the truth is, and that excludes any real doubt as to the existence of any genuine issue of material fact. . . . As the burden of proof is on the movant, the evidence must be viewed in the light most favorable to the opponent. . . . When documents submitted in support of a motion for summary judgment fail to establish that there is no genuine issue of material fact, the nonmoving party has no obligation to submit documents establishing the existence of such an issue. . . . Once the moving party has met its burden, however, the opposing party must present evidence that demonstrates the existence of some disputed factual issue. . . . It is not enough, however, for the opposing party merely to assert the existence of such a disputed issue. Mere assertions of fact . . . are insufficient to establish the existence of a material fact and, therefore, cannot refute evidence properly presented to the court under Practice Book § 380 [now § 17-45]." (Internal quotation marks omitted.) *Fiano* v. *Old Saybrook Fire Co. No. 1, Inc.*, 332 Conn. 93, 101, 209 A.3d 629 (2019).

"A material fact is one that will make a difference in the result of the case. . . . To establish the existence of a material fact, it is not enough for the party opposing summary judgment merely to assert the existence of a disputed issue. . . . The issue must be one which the party opposing the motion is entitled to litigate under [his] pleadings and the mere existence of a factual dispute apart from the pleadings is not enough to preclude summary judgment." (Citations omitted; internal quotation marks omitted.) *Trotta* v. *Branford*, 26 Conn. App. 407, 412-13, 601 A.2d 1036 (1992). "A genuine issue has been variously described as a triable, substantial or real issue of fact . . . and has been defined as one which can be maintained by substantial evidence." (Citation omitted; internal quotation marks omitted.) *United Oil Co.* v. *Urban Redevelopment Commission*, 158 Conn. 364, 378, 260 A.2d 596 (1969).

Our Supreme Court has explained that "[a]t some point in a lawsuit even [self-represented] litigants must make clear to the court their claims and the facts that they believe entitle them to specific relief. The summary judgment stage is an appropriate juncture to identify the real issues in a case. . . . [T]he principle that a plaintiff may rely only [on] what he has alleged is basic. . . . In order to administer justice fairly, this court cannot allow [self-represented] litigants . . . to try on new claims throughout the appellate process in the hope of finding one that fits." (Citations omitted; internal quotation mark omitted.) *Idlibi* v. *Hartford Courant Co.*, 350 Conn. 557, 572, 325 A.3d 1048 (2024).

In the present case, the defendant argues that, even assuming that all of the plaintiff's allegations are true, the plaintiff still cannot prevail on his claims of slander, defamation, false light invasion of privacy, assault, battery, and intentional infliction of emotional distress. For the following reasons, this court agrees and grants summary judgment in favor of the defendant on said claims.

III. DISCUSSION

a. The Plaintiff's Allegations Do Not Support a Claim for Slander or Defamation

The defendant first seeks summary judgment as to counts five, six, eleven, and eighteen, alleging slander per se and defamation per se. "A defamatory statement is defined as a communication that tends to harm the reputation of another as to lower him in the estimation of the community or to deter third persons from associating or dealing with him . . . . Defamation is comprised of the torts of libel and slander: slander is oral defamation and libel is written defamation. . . .

"At common law, [t]o establish a prima facie case of defamation, the plaintiff must demonstrate that: (1) the defendant published a defamatory statement; (2) the defamatory statement identified the plaintiff to a third person; (3) the defamatory statement was published to a third person; and (4) the plaintiff's reputation suffered injury as a result of the statement. . . . Each statement furnishes a separate cause of action and requires proof of each of the elements for defamation." (Citations omitted; emphasis omitted; footnote omitted; internal quotation marks omitted.) *Stevens* v. *Khalily,* 220 Conn. App. 634, 641-42, 298 A.3d 1254, cert. denied, 348 Conn. 915 A.3d 260 (2023).

"Statements deemed defamatory per se are ones in which the defamatory meaning of the speech is apparent on the face of the statement. . . . Our state has generally recognized two classes of defamation per se: (1) statements that accuse a party of a crime involving moral turpitude or to which an infamous penalty is attached, and (2) statements that accuse a party of improper conduct or lack of skill or integrity in his or her profession or business and the statement is calculated to cause injury to that party in such profession or business." (Internal quotation marks omitted.) Id., 646-47.

In *Mercer* v. *Cosley,* 110 Conn. App. 283, 286-87, 955 A.2d 550 (2008), the defendant was sued for libel after reporting in a news broadcast that the plaintiff was a prison inmate suing the medical services director for denying him erectile dysfunction drugs. The defendant moved for summary judgment, which was granted. Id., 289. On appeal, the Appellate Court affirmed, noting the existence of a complaint filed against the Department of Correction's director of clinical services wherein the plaintiff alleged that the state had discriminated against him in denying his request for testosterone gel for the treatment of HIV-hypogonadism and erectile dysfunction. Id., 300-301.

In affirming the granting of summary judgment, the Appellate Court stated that "[a]lthough the determination of whether an allegedly libelous statement is substantially true [can be] one for the jury . . . both the common law and the First Amendment [to the United States constitution] submit the issue to close scrutiny when appropriate. Summary judgment, therefore is often granted to defendants on the issue of *substantial truth*. . . . [T]he rule in Connecticut is that *the truth of an allegedly libelous statement of fact provides an absolute defense*. . . . Contrary to the common law rule that required the defendant to establish the literal truth of the precise statement made, the modern rule is that only substantial truth need be shown to constitute the justification. . . . It is not necessary for the defendant to prove the truth of every word of the libel. If he succeeds in proving that the main charge, or gist, of the libel is true, he need not justify statements or comments which do not add to the sting of the charge or introduce any matter by itself actionable. . . . The issue is whether the libel, as published, would have a different effect on the reader than the pleaded truth would have produced." (Citations omitted; emphasis added; internal quotation marks omitted.) Id., 303-304.

In the present case, the plaintiff is suing the defendant for allegedly stating that the plaintiff was subject to a DCF investigation. The plaintiff was in fact investigated by DCF. Indeed, in an attachment to the plaintiff's reply to the defendant's request for protective order, the plaintiff attaches DCF's Notice of Investigation Results, DCF 22-10, addressed to the plaintiff. See Docket Entry No. 167.00. Said form stated: "The Department of Children and Families (DCF) recently investigated reported allegation(s) that you abused or neglected a child or children." This form, which the plaintiff attached, establishes that the plaintiff was indeed investigated by DCF. Accordingly, the defendant cannot be held liable for slander or defamation for stating that the plaintiff was investigated by DCF.

Similarly, the defendant cannot be sued for expressing his opinion about the plaintiff. "[I]t is not enough that the statement inflicts reputational harm. To be actionable, the statement in question must convey an objective fact, as generally, a defendant cannot be held liable for expressing a mere opinion. . . . A statement can be defined as factual if it relates to an event or state of affairs that existed in the past or present and is capable of being known. . . . In a libel action, such statements of fact usually concern a person's conduct or character. . . . An opinion, on the other hand, is a personal comment about another's conduct, qualifications or character that has some basis in fact." (Emphasis omitted; internal quotation marks omitted.) *A Better Way Wholesale Autos, Inc.* v. *Better Business Bureau of Connecticut*, 221 Conn. App. 1, 18, 299 A.3d 1200, cert. denied, 348 Conn. 919, 303 A.3d 1194 (2023).

In *A Better Way*, the plaintiff sued the defendants for issuing a B grade and a C- grade to the plaintiff, publishing these grades on the defendants' website. Id., 6. The defendants moved for summary judgment, arguing that the grades were an expression of opinion, and the court granted the motion. Id., 7-9. On appeal, the Appellate Court affirmed, concluding "that the [trial] court properly determined that the grade issued by BBB to the plaintiff was a nonactionable expression of an opinion, not a statement of fact." Id., 25. The court concluded that the grades were opinions because they were "formed on the basis of [the defendants'] subjective evaluation" and that "a reasonable viewer would understand that a rating, whether in the form of a letter grade or not, represents a subjective evaluation by the rating company." Id., 21, 24.

Similarly, in *NetScout Systems, Inc.* v. *Gartner, Inc.*, 334 Conn. 396, 400, 223 A.3d 37 (2020), the Supreme Court held that negative comments made by the defendant in its rating report regarding the plaintiff technology company constituted "nonactionable expressions of opinion." The court noted that "[t]he determination of whether a statement is opinion or rhetorical hyperbole as opposed to a factual representation is a question of law for the court." (Internal quotation marks omitted.) Id., 417.

In *Murphy* v. *Rosen*, Superior Court, judicial district of Waterbury, Docket No. CV-20-6056754-S, 2022 WL 1538711, *9 (May 16, 2022, *Gordon, J.*), aff'd, 351 Conn. 120, 329 A.3d 913 (2025), the court held that a claim that the defendant posted comments on the Town of Southbury Facebook page describing the plaintiff as a "white supremacist" "constitute[d] nonactionable statements of opinion rather than actionable defamatory statements of fact." In *Sorak* v. *Companions & Homemakers, Inc.*, Superior Court, judicial district of Hartford, Docket No. CV-12-6028007-S, 2015 WL 522281, *3-4 (January 14, 2015, *Elgo, J.*), the court held that referring to someone as "nuts" was not actionable. The court stated: "To the extent that Sorak characterized Grigorek as 'nuts,' there is consistent authority in jurisdictions around the country which holds that such hyperbolic terms are not actionable for defamation. *Lieberman* v. *Fieger*, 338 F.3d 1076, 1080 (9th Cir. 2003) (holding that comments that individual was 'Looney Tunes,' 'crazy,' 'nuts,' and 'mentally imbalanced,' were protected under First Amendment as statements of opinion, because they did not contain verifiable assertions and could not serve as basis for defamation claim); *Ferlauto* v. *Hamsher*, 74 Cal. App. 4th 1394, 1404, 88 Cal. Rptr. 2d 843 (1999) (dismissing defamation claim without leave to amend, holding that phrases 'creepazoid attorney,' and 'loser wannabe lawyer' are 'classic rhetorical hyperbole which cannot reasonably [be] interpreted as stating actual facts') (Internal quotation marks omitted.); *Rhodes* v. *Placer County*, United States District Court, Docket No. 2:09-CV-00489 MCE KJN PS (E.D. Cal. March 31, 2011) (statements made by employee to another that appellant was 'crazy' were not defamatory); *Fram* v. *Yellow Cab Co.*, 380 F. Sup. 1314, 1330 (W.D. Pa. 1974) (use of words 'paranoid,' and 'schizophrenic' are not defamatory where plaintiff failed to meet burden of proof that statements referred to actual psychological infliction)." Id. *4 n.4.

In the present case, the plaintiff sued the defendant for calling the plaintiff a "psycho" and an "abuser." These words, even if used, are matters of opinion which are not actionable. Indeed, at oral argument on the motion for summary judgment, the plaintiff referred to the defendant as a child abuser. When asked by the court if the plaintiff was stating a fact or an opinion, the plaintiff indicated it was an opinion. For all of these reasons, the court grants the defendant's motion for summary judgment on counts five, six, eleven, and eighteen.

b. <u>The Defendant is Entitled to Summary Judgment on the Plaintiff's Invasion of Privacy by False Light Claims</u>

The defendant next seeks summary judgment as to counts seven, twelve, nineteen, and twenty, alleging false light invasion of privacy. The tort of invasion of privacy is comprised of "four distinct kinds of invasion of four different interests of the plaintiff, which are tied together by the common name, but otherwise have almost nothing in common except that each represents an interference with the right of the plaintiff to be let alone. . . . The four categories of invasion of privacy are set forth in 3 Restatement (Second), Torts § 652A as follows: (a) unreasonable intrusion upon the seclusion of another; (b) appropriation of the other's name or likeness; (c) unreasonable publicity given to the other's private life; or (d) publicity that unreasonably places the other in a false light before the public." (Citation omitted; footnote omitted; internal quotation marks omitted.) *Goodrich* v. *Waterbury Republican-American, Inc.*, 188 Conn. 107, 127-28, 448 A.2d 1317 (1982).

"[A] false light invasion of privacy occurs if (a) the false light in which the other was placed would be highly offensive to a reasonable person, and (b) the actor had knowledge of or acted in reckless disregard as to the falsity of the publicized matter and the false light in which the other would be placed. . . . This form of invasion of privacy protects one's interest in not being placed before the public in an objectionable false light or false position, or in other words, otherwise than as he is. . . . The essence of a false light privacy claim is that the matter published concerning the plaintiff (1) is not true . . . and (2) is such a major misrepresentation of his character, history, activities or beliefs that serious offense may reasonably be expected to be taken by a reasonable man in his position." (Citations omitted; internal quotation marks omitted.) Id., 131.

"Where a complaint fails to include sufficiently specific facts relating to the publication of the false information, a claim of false light invasion of privacy necessarily fails. . . . see . . . *Cavallaro* v. *Rosado*, Superior Court, judicial district of New Haven, Docket No. CV-05-4009939-S (October 5, 2006, *Robinson, J.*) (granting motion to strike false light claim where defendant allegedly made negative statement about plaintiff to an unidentified third party). . . . While there is no 'magic number' of persons which constitute a public audience for purposes of invasion of privacy causes of action, there must be some claim that false and highly offensive information about the plaintiff was made in public, and not merely that it was published. . . . see also *Karlen* v. *Saleeb*, Superior Court, judicial district of Stamford-Norwalk, Docket No. CV-21-5025649-S (February 1, 2024, *Krumeich, J.T.R.*), noting: Publication . . . includes any communication by the defendant to a third person. Publicity . . . means that the matter is made public, by communicating it to the public at large, or to so many persons that the matter must be regarded as substantially certain to become one of public knowledge. . . .

"In striking the plaintiff's false light claims, the court in *Karlen* noted that although the complaint alleged that negative statements about the plaintiffs were made to contractors working on the plaintiffs' house, [t]here is no allegation of publication to a larger group, such as a community of contractors or vendors beyond those specifically identified, or to the public at large. Nor are facts alleged that would imply publicity that reached outside those to whom the statements were published. These allegations do not satisfy the publicity element of the tort of false light invasion of privacy." (Citations omitted; internal quotation marks omitted.) *Dutton* v. *Hartford*, Superior Court, judicial district of Hartford, Docket No. CV-25-6199520-S, 2025 WL 3764205, *3 (December 23, 2025, *Gordon, J.*).

As stated above, the defendant's alleged statements that the plaintiff was the subject of a DCF investigation were true. Accordingly, the plaintiff may not maintain his invasion of privacy claim against the defendant for allegedly making this statement.

As to the defendant's alleged statement to the New Milford police officer that the plaintiff was a "psycho" and an "abuser," this statement to one officer is insufficient to support a claim for invasion of privacy by false light. Accordingly, the court grants the defendant's motion for summary judgment as to counts seven, twelve, nineteen, and twenty.

c. <u>The Defendant is Entitled to Summary Judgment on the Plaintiff's Claims for Assault and Battery</u>

In counts twenty-one and twenty-two, the plaintiff sues the defendant for assault and battery. The plaintiff alleges that: (1) N kicked the plaintiff; (2) H shoved the plaintiff and poked at his chest; (3) the defendant made statements to the New Milford Police that the plaintiff was "psycho," "abusive," and "under investigation by DCF"; (4) the defendant stated to his child that he was going to obtain a restraining order against the plaintiff; and (5) the defendant stated that he was going to "use poison" on the plaintiff. These facts are legally insufficient to support assault and battery claims and, as such, the defendant is entitled to judgment as a matter of law. The court will address each claim in turn.

i. <u>Assault</u>

"A civil assault is the intentional causing of imminent apprehension of harmful or offensive contact in another. 1 Restatement (Second) of Torts, [§ 21 [1965]. . . . [A]ctual, physical contact (technically defined as battery) is not necessary to prove civil assault . . . ." (Citation omitted; internal quotation marks omitted.) *Maselli* v. *Regional School District No. 10*, 198 Conn. App. 643, 659-60, 235 A.3d 599, cert. denied, 335 Conn. 947, 238 A.3d 19 (2020). Section 21 of the Restatement (Second) of Torts (1965) provides in relevant part: "(1) An actor is subject to liability to another for assault if (a) he acts intending to cause a harmful or offensive contact with the person of the other or a third person, or an imminent apprehension of such a contact, and (b) the other is thereby put in such imminent apprehension."

"In order to be held liable under section 21 [of the Restatement (Second) of Torts (1965)] it is necessary that the actor intend to inflict a harmful or offensive bodily contact upon the other or a third person or put him in apprehension of such contact. Unless he acts with such intent, the actor is not liable for an assault . . . . Although no actual contact is required, the action must be of such a nature as to excite an apprehension of a battery . . . and that apprehension must be one which would be normally aroused in the mind of a reasonable person. . . . An assault cannot be accomplished by words alone. There must be an overt act evidencing some corporal threat. . . . A person's behavior must create a fear of imminent harm from an objective standpoint, and even violent behavior accompanied by threats has been held insufficient to state a claim for assault absent some clear implication of imminent harm." (Citation omitted; internal quotation marks omitted.) *Crossen* v. *Martin*, Superior Court, judicial district of Tolland, Docket No. CV-18-5011328-S, 2023 WL 4446534, *11 (July 3, 2023, *Wilkerson-Brillant, J.*).

In the present case, prior to bringing this action and seeing the defendant in this action, the plaintiff has never met or communicated directly with the defendant. See Docket Entry No. 167.00, Ex. D. The plaintiff conceded this fact at oral argument and his own exhibits filed in this action memorialize this fact. Words alone are not sufficient to sustain an assault claim, and the plaintiff does not allege or provide supporting documents that the defendant has engaged in any overt acts which would objectively cause him to be in imminent apprehension of harmful or offensive contact. Thus, there is no genuine issue of material fact and the defendant is entitled to judgment as a matter of law as to count twenty-two.

ii. <u>Battery</u>

"An actor is subject to liability to another for battery if (a) he acts intending to cause a harmful or offensive contact with the person of the other or a third person, or an imminent apprehension of such a contact, and (b) a harmful contact with the person of the other directly or indirectly results." (Internal quotation marks omitted.) *Maselli* v. *Regional School District No. 10*, supra, 198 Conn. App. 660; see also 1 Restatement (Second) of Torts, § 13 (1965).

In the present case, the plaintiff fails to allege any contact with his person by the defendant. In fact, the plaintiff has never met or communicated directly with the defendant prior to this lawsuit. As the plaintiff concedes that he had never met or communicated directly with the defendant prior to this lawsuit, the plaintiff cannot, as a matter of law, prevail on any claim for battery against the defendant. See, e.g., *Fingelly* v. *Fairfield*, Superior Court, judicial district of Bridgeport, Docket No. CV-13-6037513-S, 2017 WL 2538948, *3 (May 12, 2017, *Rush, J.T.R.*) (granting summary judgment in favor of defendant on battery claim where "there was no contact with the plaintiff"), aff'd, 186 Conn. App. 905, 197 A.3d 489 (2018), cert. denied, 331 Conn. 904, 202 A.3d 373 (2019). Accordingly, the court grants the defendant's motion for summary judgment as to count twenty-one.

d. The Defendant is Entitled to Summary Judgment as to the Plaintiff's Claim for Intentional Infliction of Emotional Distress.

Lastly, the defendant seeks summary judgment as to count thirty-three, alleging intentional infliction of emotional distress. "In order for the plaintiff to prevail in a case for liability under . . . [intentional infliction of emotional distress], four elements must be established. It must be shown: (1) that the actor intended to inflict emotional distress or that he knew or should have known that emotional distress was the likely result of his conduct; (2) that the conduct was extreme and outrageous; (3) that the defendant's conduct was the cause of the plaintiff's distress; and (4) that the emotional distress sustained by the plaintiff was severe. . . . Whether a defendant's conduct is sufficient to satisfy the requirement that it be extreme and outrageous is initially a question for the court to determine. . . . Only where reasonable minds disagree does it become an issue for the jury. . . . Liability for intentional infliction of emotional distress requires conduct that exceeds all bounds usually tolerated by decent society . . . . Liability has been found only where the conduct has been so outrageous in character, and so extreme in degree, as to go beyond all possible bounds of decency, and to be regarded as atrocious, and utterly intolerable in a civilized community. Generally, the case is one in which the recitation of the facts to an average member of the community would arouse his resentment against the actor, and lead him to exclaim, Outrageous!" (Citation omitted; internal quotation marks omitted.) *Maselli* v. *Regional School District No. 10*, supra, 198 Conn. App. 664-65. "Conduct on the part of the defendant that is merely insulting or displays bad manners or results in hurt feelings is insufficient to form the basis for an action based upon intentional infliction of emotional distress." (Internal quotation marks omitted.) *Carrol* v. *Allstate Ins. Co.*, 262 Conn. 433, 443, 815 A.2d 119 (2003).

"[I]n assessing a claim for intentional infliction of emotional distress, the court performs a gatekeeping function. In this capacity, the role of the court is to determine whether the allegations of a complaint, counterclaim or cross complaint set forth behaviors that a reasonable fact finder could find to be extreme or outrageous. In exercising this responsibility, the court is not [fact-finding], but rather it is making an assessment whether, as a matter of law, the alleged behavior fits the criteria required to establish a claim premised on intentional infliction of emotional distress." (Internal quotation marks omitted.) *Maselli* v. *Regional School District No. 10*, supra, 198 Conn. App. 665.

In a case similar to the one at bar, the court found the plaintiff's allegations insufficient to support a claim for intentional infliction of emotional distress. See *Wilder* v. *Hutchins*, Superior Court, judicial district of Waterbury, Docket No. CV-24-5034779-S, 2025 WL 2650557 (September 12, 2025, *Massicotte, J.*). In *Wilder*, the plaintiff alleged that the defendant: (1) did "not [foster] a trauma-informed culture in schools"; (2) did "not [create] a safe [and] nurturing environment where children's and parents' experiences are understood rather than punished"; (3) "took it upon herself personally and professionally to discredit [the plaintiff] by stereotyping [the plaintiff's] PTSD [post-traumatic stress disorder]"; (4) did "not [report] and/or [minimized] incidences with [the plaintiff's son], or [omitted] and [gave] false reports to DCF"; (5) "refused to provide [the plaintiff] with documents and notes of [the plaintiff's son's] care and sessions claiming she had a professional duty to keep confidential [the plaintiff's] then five-year-old son's sessions, notes or pieces of information"; (6) "neglected her due diligence in adhering to protective orders for the mother and child and denying those protections which allowed [the plaintiff's ex-husband] and his attorney to influence the school to change and frame [the plaintiff] as a villain"; (7) "demonized [the plaintiff] for being upset and distressed during a domestic crisis amid a pandemic, where domestic acts of violence were exacerbated and improperly responded to"; and (8) "was the primary professional that [the plaintiff] in 8/2019 disclosed the abuses of both children in the region and [her] intent to leave [her ex-husband]. Having to reveal very intimate and tragic events and then be ignored or dismissed as problematic when the lives of your children and self are at stake is devastating. (Citations omitted; footnote omitted; internal quotation marks omitted.) Id., *2.

In striking the intentional infliction of emotional distress claims, the court stated: "Because the first two issues captured by the plaintiff's complaint are about statements made in family court proceedings and actions taken directly related to those proceedings, the court is compelled to dismiss those allegations pursuant to the doctrine of absolute immunity. Our Supreme Court has extended the privilege to claims of fraud and intentional infliction of emotional distress, and the privilege can prevent claims of fraud arising from statements, failures to make statements, and conduct during judicial proceedings. See *Simms* v. *Seaman*, [308 Conn. 523, 568-69, 69 A.3d 880 (2013)]; see also *Tyler* v. *Tatoian*, 164 Conn. App. 82, 88, 137 A.3d 801, cert. denied, 321 Conn. 908, 135 A.3d 710 (2016) ('our Supreme Court has expanded the scope of immunity afforded to statements made during the course of a judicial proceeding'). Any alleged misrepresentation made by [the defendant] to the court about [the plaintiff's] mental health status is absolutely privileged. The remainder of her allegations against [the defendant] are inadequate to support a claim of intentional infliction of emotional distress. They are conclusory and devoid of any facts to provide any support or meaning for her claims." *Wilder* v. *Hutchins*, supra, 2025 WL 2650557, *6-7.

Similarly, in *Cummings* v. *Liberty Mutual Group*, Superior Court, judicial district of Tolland, Docket No. CV-18-5011646-S, 2022 WL 1051223, (March 11, 2022, *Parkinson, J.*), the court struck the self-represented plaintiff's claim for intentional infliction of emotional distress finding that the following allegations did not set forth a legally sufficient claim: "The plaintiff alleges suffering emotional distress due to the alleged forgery, fraudulent concealment, from the communications with his medical providers, and by the release of his medical records. This is not conduct that is outrageous in character, and so extreme in degree, as to go beyond [all] possible bounds of decency, and regarded as atrocious, and utterly intolerable in a civilized community." Id, *3.

In *Balgobin* v. *Toyota Motor Credit Corp.*, Superior Court, judicial district of Hartford, Docket No. CV-14-6053267-S, 2015 WL 1427270 (March 4, 2015, *Elgo, J.*), the plaintiffs alleged "that they became 'unwitting victims' of a criminal scheme and fraud in March 2012, perpetrated primarily by Sunita D. Buddhu and Deowraj Buddhu (Buddhus). The plaintiffs, who had entered into a financing contract with Toyota for the purchase of their vehicle, allege that they were induced by the Buddhus to participate in a scheme that would pay off their debt by issuing a fraudulent 'Registered Bonded Promissory Note' to Toyota Financial Services. Having received these fraudulent documents, Toyota filed on May 3, 2012, a criminal complaint with the Hartford, Connecticut police department following the Balgobins' refusal to make payments pursuant to the original financing agreement. Although the plaintiffs, on or about May 3, 2012, paid Toyota the balance of what was owed on the financing agreement, Millawatie and Gowkarran Balgobin were arrested and charged with larceny in the first degree on June 27, and June 28, 2012, respectively." Id., *1. The court struck the intentional infliction of emotional distress claim, stating "[b]ecause this court cannot find that the plaintiffs have alleged facts against the defendant which rise to the level of 'extreme and outrageous,' this court grants the motion to strike count four." Id., *4.

In *Di Teresi* v. *Stamford Health System, Inc.*, 142 Conn. App. 72, 86-89, 63 A.3d 1011 (2013), the Appellate Court affirmed the granting of a motion for summary judgment on a claim of intentional infliction of emotional distress where a hospital, allegedly intentionally (for public relations and/or financial reasons), delayed reporting to the plaintiff that her mother, a patient in the hospital who was suffering from dementia, had been sexually assaulted by an employee. The court stated that "[e]ven if the delay in informing [the plaintiff] was motivated in part by public relations or pecuniary concerns, there is no evidence that the hospital intended to inflict emotional distress on her." Id., 87-88. The court also concluded that the allegations, "interpreted in the light most favorable to [the plaintiff], [were] not so 'atrocious' as to rise to the level of conduct that makes out a claim for intentional infliction of emotional distress." Id., 89.

In the present case, taking the facts in a light most favorable to the plaintiff, even if the defendant did make statements to third parties that the plaintiff was "psycho," "abusive," and "under investigation by DCF," the statements would have been made in reaction to information he received from others. Additionally, the statements were both matters of truth (the plaintiff was under investigation by DCF) and matters of opinion (that the plaintiff was "psycho" and "abusive"). These statements, if truly made by the defendant, simply do not rise to the level of outrageousness as required.

The plaintiff's allegations that the defendant encouraged his daughter to start an altercation with her brother so the plaintiff would have to restrain the brother also do not support the intentional infliction of emotional distress claim. The plaintiff's allegations that the defendant's children told the plaintiff that the defendant intended on poisoning the plaintiff does not support a claim of intentional infliction of emotional distress against the defendant. The plaintiff has not alleged that the defendant made all of these statements. Absent allegations that the defendant himself did anything with regard to the statements made by his children, the defendant cannot be sued for intentional infliction of emotional distress.

Similarly, to the extent that the plaintiff sues the defendant because the defendant allegedly told his children to delete the text messages that the defendant had with his children, such allegations, even if true, do not support an intentional infliction of emotional distress claim. Telling one's children to delete their text messages with the parent is not outrageous conduct so extreme in degree, as to go beyond all possible bounds of decency, and to be regarded as atrocious and utterly intolerable in a civilized community. Accordingly, the court grants the defendant's motion for summary judgment as to the plaintiff's claims in count thirty-three.

IV. CONCLUSION

For the foregoing reasons, the court grants the defendant's motion for summary judgment as to counts five, six, seven, eleven, twelve, eighteen, nineteen, twenty, twenty-one, twenty-two, and thirty-three of the plaintiff's complaint.

BY THE COURT,

The Honorable Ann E. Lynch
Judge of the Superior Court