

DOCKET NO. NNH-CV-18-6082404S : SUPERIOR COURT  
EDWARD A. ZELINSKY : J. D. OF NEW HAVEN  
V. : AT NEW HAVEN  
SAGAMORE COVE ASSOCIATES, LLC : OCTOBER 4, 2018

**MOTION FOR IMMEDIATE TRIAL**  
**(PRACTICE BOOK SECTION 14-17)**

Pursuant to Practice Book Section 14-17, and for the reasons set forth herein, Defendant moves for this case to be assigned for immediate trial.

**SECTION 14-17**

Practice Book Section 14-17 provides that the Court may “upon a showing of exceptional circumstances, order a case to be assigned for immediate trial.”

**THE CIRCUMSTANCES OF THIS CASE WARRANT AN IMMEDIATE TRIAL**

First of all, this case is privileged for purposes of assignment for trial, because the Plaintiff is 65 years of age or older.<sup>1</sup> The more compelling reasons for an immediate trial, however, are the circumstances of the Defendant and the timing of this lawsuit.

Defendant purchased its property in October of 2017 with the intention of building and immediately selling a house on its property. Plaintiff owns the property next door, so Plaintiff has been able to watch the progress of Defendant’s construction.

In this case, Plaintiff is claiming to own by adverse possession a strip of grass on Defendant’s property, which strip of grass is approximately 15 feet in width. There are no structures or other improvements on the strip of grass.

Plaintiff alleges in his Complaint that he purchased his property in 1982 and further alleges that he immediately began using the strip of grass as if it were his own. Therefore, the

---

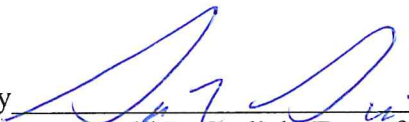
<sup>1</sup> See the Certificate of Closed Pleadings filed August 27, 2018 [#106.00].

Plaintiff alleges that his adverse possession claim ripened 15 years later, in 1997. Plaintiff, however, did nothing to assert his claim of adverse possession for more than 20 years, until after Defendant purchased its property, constructed a house on the property, and was preparing to place the house on the market for sale. The timing of Plaintiff's lawsuit has effectively stopped the Defendant from any hope of selling its property until this lawsuit is resolved.<sup>2</sup>

This is not a complicated issue. Plaintiff has already responded to Requests for Admission and Requests for Production. Plaintiff's deposition is scheduled for October 30, 2018, and the case can then proceed to trial. As long as Plaintiff is allowed to delay the trial in this case, Defendant continues to be unable to sell its property and continues to incur the cost of maintaining the house which Plaintiff stood by and watched Defendant build.

Defendant therefore respectfully moves for an order assigning this case for immediate trial.

DEFENDANT, SAGAMORE COVE ASSOCIATES, LLC

By   
Gerald L. Garlick, Esq. of  
Seiger Gfeller Laurie, LLP  
977 Farmington Avenue / Suite 200  
West Hartford, CT 06107  
Telephone: (860) 760-8427  
Juris No. 429772

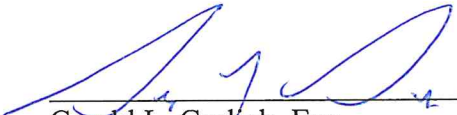
---

<sup>2</sup> As a further delay tactic so Defendant cannot sell its property, Plaintiff claimed this case for a jury trial.

**CERTIFICATION OF SERVICE**

I hereby certify that a copy of the foregoing was mailed and/or sent by electronic transmission this 4<sup>th</sup> day of October, 2018, to the following counsel of record:

Stuart Margolis, Esq.  
Berdon Young & Margolis PC  
350 Orange Street  
New Haven, CT 06511  
(Attorney for Plaintiff)

  
\_\_\_\_\_  
Gerald L. Garlick, Esq.