

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF CONNECTICUT

BAILEY BROADRICK,

Plaintiff,

v.

NICHOLAS GILROY,

Defendant.

Case No. 3:24-cv-01772

MOTION TO STRIKE

This is a Motion to Strike pursuant to the Federal Rules of Civil Procedure (“FRCP”) 12(g). The subject action brought by the Plaintiff is seeking relief and compensation premised under 15 U.S.C. §6851 et seq as well as ancillary relief under Connecticut common law causes of action. Prior to filing an answer Defendant moves the court to strike the following enumerated paragraphs and individual Count for the reasons set out in each item.

1. All of the Introduction as it is plead, as it is immaterial, impertinent and senseless. It contains allegoric references that are unnecessary and clearly inflammatory.

Granted/Denied

2. Paragraph 20 is immaterial to the Plaintiff’s causes of action and impertinent as well.

Granted/Denied

3. Paragraph 25 is immaterial to the Plaintiff’s causes of action and impertinent as well.

Granted/Denied

4. Paragraph 97 is immaterial to the Plaintiff’s causes of action and impertinent as well.

Granted/Denied

THE ROMANELLO LAW FIRM, LLC

57 North Street, Suite 304, Danbury, CT 06810 · Telephone: (203) 205-0891 · Juris No. 427057

5. Paragraph 100 is immaterial to the Plaintiff's causes of action and impertinent as well.
Granted/Denied
6. Paragraph 101 is immaterial to the Plaintiff's causes of action and impertinent as well.
Granted/Denied
7. Paragraph 102 is immaterial to the Plaintiff's causes of action and impertinent as well.
Granted/Denied
8. Paragraph 104 is immaterial to the Plaintiff's causes of action and impertinent as well.
Granted/Denied
9. Paragraph 105 is immaterial to the Plaintiff's causes of action and impertinent as well.
Granted/Denied
10. FRCP Rule 10 (b) prescribes that a party state its claim limited to the circumstances that support the cause of action alleged. Paragraph 123 does not state facts but rather a conclusion of law found in a prior case. The inclusion of case cites does not comply with the requirements of FCRP 10 defining the manner in which to plead a complaint.
Granted/Denied
11. FRCP Rule 10 (b) prescribes that a party state its claim limited to the circumstances that support the cause of action alleged. Paragraph 131 does not state facts but rather a conclusion of law found in a prior case. The inclusion of case cites does not comply with the requirements of FCRP 10 defining the manner in which to plead a complaint.
Granted/Denied

12. FRCP Rule 10 (b) prescribes that a party state its claim limited to the circumstances that support the cause of action alleged. Paragraph 132 does not state facts but rather a conclusion of law found in a prior case. The inclusion of case cites does not comply with the requirements of FCRP 10 defining the manner in which to plead a complaint.

Granted/Denied

13. FRCP Rule 10 (b) prescribes that a party state its claim limited to the circumstances that support the cause of action alleged. Paragraph 143 does not state facts but rather a conclusion of law found in a prior case. The inclusion of case cites does not comply with the requirements of FCRP 10 defining the manner in which to plead a complaint.

Granted/Denied

14. FRCP Rule 10 (b) prescribes that a party state its claim limited to the circumstances that support the cause of action alleged. Paragraph 144 does not state facts but rather a conclusion of law found in a prior case. The inclusion of case cites does not comply with the requirements of FCRP 10 defining the manner in which to plead a complaint.

Granted/Denied

15. FRCP Rule 10 (b) prescribes that a party state its claim limited to the circumstances that support the cause of action alleged. Paragraph 151 does not state facts but rather a conclusion of law found in a prior case. The inclusion of case cites does not comply with the requirements of FCRP 10 defining the manner in which to plead a complaint.

Granted/Denied

16. All of Count VI. A cause of action premised on Promissory Estoppel relies on facts establishing a contractual agreement and then a subsequent breach of that agreement. The Plaintiff 's allegations enumerated in her complaint and then incorporated by reference in Count VI alleges either a violation of a federal statute or a common law action sounding in tortious conduct. The facts alleged do not support an action seeking relief premised on Promissory Estoppel; such relief is inconsistent with the facts alleging tortious conduct.

Granted/Denied

Defendant respectfully asks this court to grant the enumerated Motion to Strike.

Dated: December 9, 2024,

Respectfully submitted,

/s/ Joseph J. Romanello, Jr.
Joseph J. Romanello, Jr. ct 28732
Romanello Law Firm, LLC
57 North Street Suite #304
Danbury, CT 06810
(203) 205-0891
jjr@romanellolawfirm.com

CERTIFICATE OF SERVICE

I hereby certify that on December 10, 2024, a copy of the foregoing was filed electronically. Notice of this filing will be sent by e-mail to all parties by operation of the Court's electronic filing system or by mail. Parties may access this filing through the Court's system.

/s/ Joseph J. Romanello, Jr.
Joseph J. Romanello, Jr.