

**SUMMONS - CIVIL**

JD-CV-1 Rev. 2-20  
 C.G.S. §§ 51-346, 51-347, 51-349, 51-350, 52-45a, 52-48, 52-259;  
 P.B. §§ 3-1 through 3-21, 8-1, 10-13

For information on  
 ADA accommodations,  
 contact a court clerk or  
 go to: [www.jud.ct.gov/ADA](http://www.jud.ct.gov/ADA).

STATE OF CONNECTICUT  
**SUPERIOR COURT**  
[www.jud.ct.gov](http://www.jud.ct.gov)

**Instructions are on page 2.**

- Select If amount, legal interest, or property in demand, not including interest and costs, is LESS than \$2,500.
- Select if amount, legal interest, or property in demand, not including interest and costs, is \$2,500 or MORE.
- Select If claiming other relief in addition to, or in place of, money or damages.

**TO: Any proper officer**

By authority of the State of Connecticut, you are hereby commanded to make due and legal service of this summons and attached complaint.

Address of court clerk (Number, street, town and zip code) <b>Court Street, Middletown, CT 06547</b>		Telephone number of clerk <b>( 860 ) 343 - 6400</b>	Return Date (Must be a Tuesday) <b>05/25/2021</b>
<input checked="" type="checkbox"/> Judicial District	G.A. Number: _____	At (City/Town) <b>Middlesex</b>	Case type code (See list on page 2) Major: <b>P</b> Minor: <b>90</b>
<input type="checkbox"/> Housing Session	<input type="checkbox"/> G.A. Number: _____		

**For the plaintiff(s) enter the appearance of:**

Name and address of attorney, law firm or plaintiff if self-represented (Number, street, town and zip code) <b>Kenneth Barber and Associates, LLC</b>	Juris number (if attorney or law firm) <b>425505</b>
Telephone number <b>( 860 ) 267 - 2263</b>	Signature of plaintiff (if self-represented)

The attorney or law firm appearing for the plaintiff, or the plaintiff if self-represented, agrees to accept papers (service) electronically in this case under Section 10-13 of the Connecticut Practice Book.  Yes  No

E-mail address for delivery of papers under Section 10-13 of the Connecticut Practice Book (if agreed)  
**kbarber@barber-law-firm.com**

Parties	Name (Last, First, Middle Initial) and address of each party (Number, street, P.O. Box, town, state, zip, country, if not USA)	
First plaintiff	Name: <b>Russell P. Blow, Co-Trustee</b> Address: <b>5 Brook Trail, East Hampton, CT 06424</b>	P-01
Additional plaintiff	Name: <b>Cheryl A. Fogarty, Co-Trustee</b> Address: <b>5 Brook Trail, East Hampton, CT 06424</b>	P-02
First defendant	Name: <b>Helena Gatto</b> Address: <b>6 Brook Trail, East Hampton, CT 06424</b>	D-01
Additional defendant	Name: Address:	D-02
Additional defendant	Name: Address:	D-03
Additional defendant	Name: Address:	D-04
Total number of plaintiffs: <b>2</b>		Total number of defendants: <b>1</b>
<input type="checkbox"/> Form JD-CV-2 attached for additional parties		

**Notice to each defendant**

- You are being sued.** This is a summons in a lawsuit. The complaint attached states the claims the plaintiff is making against you.
- To receive further notices, you or your attorney must file an *Appearance* (form JD-CL-12) with the clerk at the address above. Generally, it must be filed on or before the second day after the Return Date. The Return Date is not a hearing date. You do not have to come to court on the Return Date unless you receive a separate notice telling you to appear.
- If you or your attorney do not file an *Appearance* on time, a default judgment may be entered against you. You can get an *Appearance* form at the court address above, or on-line at <https://jud.ct.gov/webforms/>.
- If you believe that you have insurance that may cover the claim being made against you in this lawsuit, you should immediately contact your insurance representative. Other actions you may take are described in the Connecticut Practice Book, which may be found in a superior court law library or on-line at <https://www.jud.ct.gov/pb.htm>.
- If you have questions about the summons and complaint, you should talk to an attorney.

**The court staff is not allowed to give advice on legal matters.**

Date <b>04/19/2021</b>	Signed (Sign and subject proper box) 	<input checked="" type="checkbox"/> Commissioner of Superior Court <input type="checkbox"/> Clerk	Name of person signing <b>Joseph F. Cassidy</b>
---------------------------	--	--	--

If this summons is signed by a Clerk: a. The signing has been done so that the plaintiff(s) will not be denied access to the courts. b. It is the responsibility of the plaintiff(s) to ensure that service is made in the manner provided by law. c. The court staff is not permitted to give any legal advice in connection with any lawsuit. d. The Clerk signing this summons at the request of the plaintiff(s) is not responsible in any way for any errors or omissions in the summons, any allegations contained in the complaint, or the service of the summons or complaint.	<b>For Court Use Only</b>		
	File Date		
I certify I have read and understand the above:	Signed (Self-represented plaintiff)	Date	Docket Number

Please Return to:  
Kenneth Barber and Associates, LLC  
PO Box 88  
East Hampton, CT 06424

**NOTICE OF INTENTION TO DISPUTE ENCROACHMENT PURSUANT TO  
CONNECTICUT GENERAL STATUTES SECTION 47-38**

TO: Helena Gatto  
6 Brook Trail  
East Hampton, CT 06424

FROM: Russel P. Blow, Trustee  
Cheryl A. Fogarty, Trustee  
Co-Trustees of the Russell Blow Family Trust  
5 Brook Trail  
East Hampton, CT 06424

PREMISES AFFECTED: 5 Brook Trail, Town of East Hampton, Connecticut,  
(hereinafter, "Property").

Notice is hereby given that the undersigned, owner of the Property, hereby intends to dispute any claim made or to be made by Helena Gatto, or by her successors or assigns, and to prevent the acquisition of any right, of a right-of-way or other easement arising by virtue of the following:

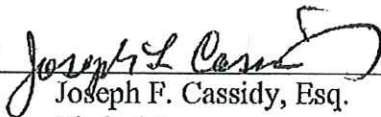
*By information and belief Russell Blow and Cheryl Fogarty believes Helena Gatto is encroaching upon, trespassing on, creating a private nuisance, and maliciously erecting a wall that impedes ingress and egress and use of and/or is located on a portion of the property as more detailed on a map entitled: "PROPERTY SURVEY LAND NOW OR FORMERLY RUSSELL BLOW #5 BROOK TRAIL EAST HAMPTON, CONNECTICUT SCALE 1"=10' DATED SEPT. 10, 2004" created by Robert R. Weaver, L.S. Connecticut Registered Land Surveyor; also being the Property more fully described in Schedule A of that certain Quit Claim Deed filed in the East Hampton Land Records in Volume 532 at Page 407. Said Property and premises being the same conveyed by Warranty Deed of Eva Poulin dated May 17, 1972 and recorded in the East Hampton Land records in Volume 109 at Page 186.*

*Said encroachment is a triangular piece, located in the Northern boundary of the Property, abutted to the east by the land of Karen E. Bajek, and west by an Easement and Right of Way as detailed in "Map of Lake Pocotopaug Terrace, East Hampton, Conn., owned by Olafsson and Christensen, Scale 1"=50' June 1925, Edgar T. Duncan C.E." which map is on file in the Office of the East Hampton town Clerk to which reference may be had for a more particular description.*

This Notice is given pursuant to the provisions of Connecticut General Statutes Section 47-38.

Dated: September 24, 2020

Russel P. Blow and Cheryl A. Fogarty

By   
Joseph F. Cassidy, Esq.  
Their Attorney

**OFFICER'S RETURN TO COURT**

**STATE OF CONNECTICUT:**

**:SS: EAST HAMPTON**

**SEPTEMBER 25, 2020**


**COUNTY OF MIDDLESEX:**

Then and by virtue hereof, I left a verified true and attested copy of the within original, **NOTICE OF INTENTION TO DISPUTE ENCROACHMENT PURSUANT TO CONNECTICUT GENERAL STATUTES SECTION 47-38**, at the abode of the within named, **HELENA GATTO, at 6 BROOK TRAIL, EAST HAMPTON, CT.**

The within is the original, **NOTICE OF INTENTION TO DISPUTE ENCROACHMENT PURSUANT TO CONNECTICUT GENERAL STATUTES SECTION 47-38**, with my doings hereon endorsed.

<b><u>FEES:</u></b>	
<b>SERVICE:</b>	\$ 40.00
<b>TRAVEL:</b>	10.89
<b>PAGES:</b>	2.00
<b><u>ENDORSEMENTS:</u></b>	<u>.40</u>
<b><u>TOTAL:</u></b>	<b>\$ 53.29</b>

**ATTEST:**

  
\_\_\_\_\_  
**PATRICK J. MOYNIHAN**  
STATE MARSHAL  
MIDDLESEX COUNTY