

DOCKET NO.: MMX-CV-15-6014578-S : SUPERIOR COURT
MARILYN DELINE, ADMINISTRATOR OF THE
ESTATE OF DENISE AUGERI : J.D. OF MIDDLETOWN
VS. : AT MIDDLETOWN
GREYSTONE REST. HOME, INC. D/B/A
GREYSTONE RETIREMENT HOME;
CRYSTAL PLAYER; LUEL IRENE SWANSON;
LUCILLE IRENE SWANSON; AND
ASHTIN ZEOLI : JULY 28, 2016

DEFENDANTS' MOTION FOR SUMMARY JUDGMENT

Pursuant to Practice Book § 17-44 *et seq.*, the defendants, Greystone Rest Home, Inc. d/b/a Greystone Retirement Home (hereinafter "Greystone"), Crystal Player, Luel Irene Swanson, Lucille Irene Swanson, and Ashtin Zeoli, respectfully move this Court for the entry of summary judgment in their favor with respect to the plaintiff's, Marilyn Deline's, Administrator of the Estate of Denise Augeri, Second Amended Complaint dated January 27, 2016. The plaintiff alleges, in part, that Greystone, Luel Swanson, and Cristal Player were negligent in that they failed to assess adequately the level of risk the decedent, Denise Augeri, was in; failed to take reasonable steps to protect her life; and failed to recognize the severity of the decedent's suicidal ideations. The plaintiff further alleges that Greystone, Lucille Swanson, RN, and Ashtin Zeoli, RN, deviated below the applicable standard of care

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CERTIFICATION

I hereby certify that this pleading complies with the requirements of Practice Book § 4-7 and a copy of the foregoing was mailed, U.S. Mail, postage prepaid, or electronically delivered pursuant to Practice Book § 10-13 to all counsel and pro se parties of record who have given written consent for electronic delivery, as follows on this 28th day of July, 2016.

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Commissioner of Superior Court

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MARILYN DELINE, ADMINISTRATOR OF THE ESTATE OF DENISE AUGERI : J. D. OF MIDDLETOWN
VS. : AT MIDDLETOWN
GREYSTONE REST HOME, INC. D/B/A/ GREYSTONE RETIREMENT HOME; : July 28, 2016
CRYSTAL
PLAYER; LUEL IRENE SWANSON; LUCILLE
IRENE SWANSON; AND ASHTIN ZEOLI

DEFENDANTS' MEMORANDUM OF LAW
IN SUPPORT OF THEIR MOTION FOR SUMMARY JUDGMENT

Pursuant to Practice Book § 17-44 *et seq.*, the defendants, Greystone Rest Home, Inc. d/b/a Greystone Retirement Home (hereinafter "Greystone"), Crystal Player, Luel Irene Swanson, Lucille Irene Swanson, and Ashtin Zeoli, respectfully move this Court for the entry of summary judgment in their favor with respect to the plaintiff's, Marilyn Deline, Administrator of the Estate of Denise Augeri, Second Amended Complaint dated January 27, 2016. The plaintiff's Complaint asserts claims of negligence and medical malpractice. The defendants move for summary judgment on the basis that Greystone, as a residential care home, had no duty to

provide nursing care under Conn. Gen. Stat. § 19a-490 and § 19-13-D6 of the Regulations of Connecticut State Agencies. Further, Greystone is not licensed by the State as a “health care provider” under Conn. Gen. Stat. § 52-184b. Greystone fostered personal independence in a home-like environment and residents were allowed to come and go as they pleased. The basic services provided by Greystone did not create a duty to evaluate residents in order to determine whether they were a suicide risk. Therefore, the defendants are entitled to summary judgment as a matter of law.

I. BACKGROUND:

Greystone is licensed by the State of Connecticut as a residential care home located in Portland, Connecticut. Lucille I. Swanson Affidavit at ¶ 6. (“L. Swanson Aff. at ¶ _____”) (attached as Exhibit “A”). Greystone offers housing and care for residents who require more than congregate housing, but who, by no means, have a current need for nursing/convalescent home care. Id. at ¶ 7. The facility sometimes takes in residents who have severe physical, emotional, psychological, and/or psychiatric disorders. Id. at ¶ 8. Even so, Greystone is not a medical facility. Id. at ¶ 9. The facility’s regulations foster personal independence on the part of the residents in a home-like environment. Id. at ¶ 10. To that end, Greystone provides food,

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