

DOCKET NO. [REDACTED] : SUPERIOR COURT
[REDACTED] : SMALL CLAIMS AREA NO. 19
(Plaintiff) : AT ROCKVILLE
v. :
FOUR SEASONS PAINTERS, LLC : MARCH 17, 2026
(Defendant) :

MOTION TO REARGUE (Practice Book §11-12)

The Plaintiff, [REDACTED] respectfully moves the Court, pursuant to Connecticut Practice Book §11-12, to reargue and reconsider the judgment entered on March 9, 2026 (Entry No. 107.50), as decided by Magistrate Karen Zak, on the grounds that the Court overlooked and/or misapprehended material facts and evidence presented at trial.

This matter did not turn on competing opinions regarding installation methods. Rather, the case was decided in the presence of undisputed documentary evidence admitted at trial, including manufacturer installation instructions and the Defendant's own invoice, which establish that moisture conditions were present and required remediation.

The Plaintiff respectfully submits that the Court's decision appears to rely on an assumption that the flooring functioned as a moisture barrier and the Defendant's opinion that additional moisture protection was unnecessary, despite installation instructions requiring moisture evaluation and control.

The Plaintiff further submits that the Court appears to have misapprehended the nature of the claim. This case was not based on damage to flooring materials, but on improper installation requiring correction.

Because the decision appears to rely on conclusions inconsistent with the documentary evidence admitted at trial, the Plaintiff respectfully requests reconsideration. The Court's decision therefore appears to rest on an assumption inconsistent with the documentary evidence admitted at trial, rather than on the installation requirements governing the work performed.

THIS MOTION IS FILED PURSUANT TO PRACTICE BOOK §11-12.

1. THE COURT OVERLOOKED MATERIAL EVIDENCE REGARDING MOISTURE CONDITIONS

The Defendant's invoice establishes that moisture conditions were present and required remediation, including removal of flooring, treatment of concrete, and reinstallation.

2. THE COURT MISAPPREHENDED THE CENTRAL ISSUE

The Defendant testified that he followed the installation instructions, yet also stated that, in his opinion, additional moisture protection was unnecessary. The Defendant further acknowledged that he did not perform any moisture testing prior to installation and instead relied on his own judgment rather than the manufacturer's installation requirements.

3. THE COURT MISAPPREHENDED MOISTURE BARRIER REQUIREMENTS

The installation instructions require a separate moisture barrier over concrete subfloors and state that the product itself will not act as a waterproofing barrier. These provisions demonstrate that moisture must be independently addressed prior to installation.

4. THE COURT MISAPPREHENDED THE PLAINTIFF'S CLAIM

The Plaintiff's claim concerns improper installation requiring correction, not damage to flooring materials.

5. THE COURT MISAPPREHENDED THE RECORD REGARDING THE FLOORING PRODUCT

The Court concluded that the Plaintiff did not establish that the installation instructions corresponded to the flooring installed.

However, the Defendant did not dispute that the flooring installed was a Lifeproof product and acknowledged that the Plaintiff selected and purchased the flooring. The Defendant did not object to the installation instructions admitted at trial and did not offer any alternative installation standards.

The Plaintiff respectfully submits that the Court's conclusion appears to rely on an issue that was neither raised nor disputed at trial.

REQUEST FOR RELIEF

WHEREFORE, the Plaintiff respectfully requests that the Court:

1. Grant this Motion to Reargue pursuant to Practice Book §11-12;
2. Reconsider the judgment entered on March 9, 2026 (Entry No. 107.50); and

3. Upon reconsideration, enter judgment in favor of the Plaintiff and award the damages sought in the Complaint, together with such other relief as the Court deems just and proper.

Respectfully submitted,

THE PLAINTIFF

[Redacted]

By: _____

[Redacted signature]

[Redacted]

[Redacted]

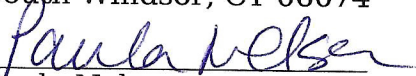
[Redacted]

[Redacted]

CERTIFICATION

I hereby certify that a copy of the foregoing Motion to Reargue was delivered on March 17, 2026 to:

FOUR SEASONS PAINTERS, LLC
435 Chapel Rd.
South Windsor, CT 06074


Paula Nelson