

DOCKET NO: MMXCV265019595S

SUPERIOR COURT

DIMAURO OIL CO., LLC
V.
SIMONOW, ANDREW

JUDICIAL DISTRICT OF MIDDLESEX
AT MIDDLETOWN

7/29/2026

ORDER

ORDER REGARDING:
06/16/2026 100.31 APPLICATION FOR PREJUDGMENT REMEDY

The foregoing, having been heard by the Court, is hereby:

ORDER: GRANTED

The plaintiff in the above entitled action has made application for a prejudgment remedy to attach the goods or estate of the defendant, Andrew Simonow. The plaintiff has filed a complaint alleging breach of contract for failing to pay for certain oil deliveries to various properties of the defendant.

“General Statutes § 52-278d (a) provides in relevant part that a hearing on a prejudgment remedy shall be limited to a determination of (1) whether or not there is probable cause that a judgment in the amount of the prejudgment remedy sought, or in an amount greater than the amount of the prejudgment remedy sought, taking into account any defenses, counterclaims or set-offs, will be rendered in the matter in favor of the plaintiff If the court, upon consideration of the facts before it and taking into account any defenses, counterclaims or set-offs . . . finds that the plaintiff has shown probable cause that such a judgment will be rendered in the matter in the plaintiff's favor in the amount of the prejudgment remedy sought and finds that a prejudgment remedy securing the judgment should be granted, the prejudgment remedy applied for shall be granted as requested or modified by the court. . . .” (Internal quotation marks omitted.) *Rafferty v. Noto Bros. Construction, LLC*, 68 Conn. App. 685, 688, 795 A.2d 1274 (2002).

“The legal idea of probable cause is a bona fide belief in the existence of the facts essential under the law for the action and such as would warrant a [person] of ordinary caution, prudence and judgment, under the circumstances, in entertaining it. . . . Probable cause is a flexible common sense standard. It does not demand that a belief be correct or more likely true than false.” *Morris v. Cee Dee, LLC*, 90 Conn. App. 403, 411, 877 A.2d 899, cert. granted, 275 Conn. 929, 883 A.2d 1245 (2005). “[P]rejudgment remedy proceedings are not involved with the adjudication of the merits of the action brought by the plaintiff or with the progress or result of that adjudication. They are only concerned with whether and to what extent the plaintiff is entitled to have property of the defendant held in the custody of the law pending adjudication of the merits of that action.” *Morris v. Cee Dee, LLC*, supra, 90 Conn. App. 411-12.

After due hearing at which the plaintiff and the defendant appeared and were fully heard on the claims and any defenses, it is found that there is probable cause to sustain the validity of the plaintiff's claim, although in a lesser amount of \$4,000 after considering any known defenses, counterclaims and/or set offs, and that the application should be granted. The court heard evidence that the defendant provided a payment of a majority of the outstanding amounts claimed by the plaintiff.

Accordingly, it is hereby ordered that the plaintiff may attach, garnish and/or encumber to the value of \$4,000 against the defendant, the property and/or assets of the defendant in any real or personal property, including any money deposited in any financial institution, and such other property and/or assets of said defendant as shall be disclosed to the plaintiff in the form of an affidavit by August 28, 2026. See Practice Book § 13-13.

Judicial Notice (JDNO) was sent regarding this order.

435708

Judge: RUPAL SHAH

This document may be signed or verified electronically and has the same validity and status as a document with a physical (pen-to-paper) signature. For more information, see Section I.E. of the *State of Connecticut Superior Court E-Services Procedures and Technical Standards* (<https://jud.ct.gov/external/super/E-Services/e-standards.pdf>), section 51-193c of the Connecticut General Statutes and Connecticut Practice Book Section 4-4.