

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF CONNECTICUT

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IN RE:	)	CASE NO.	11-30151(JBR)
	)		
ANDREW JOHN JULIAN,	)	CHAPTER	7
	)		
DEBTOR.	)		
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RONALD I. CHORCHES, TRUSTEE,	)	ADV. PRO. NO.	12-3077
	)		
PLAINTIFF,	)	ECF NOS.	18, 31
	)		
vs.	)		
	)		
FIFTY SPOT ASSOCIATION, LLC,	)		
BALLINA PROPERTIES, LLC, DAVID	)		
D'ADDARIO and PARK VIEW	)		
VENTURES, LLC,	)		
	)		
DEFENDANTS.	)		
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**APPEARANCES**

Ronald I. Chorches, Esq.  
Joanna M. Kornafel, Esq.  
Law Offices of Ronald I. Chorches  
449 Silas Deane Highway, 2<sup>nd</sup> Floor  
Wethersfield, CT 06109

Counsel for the Plaintiff

Thomas J. Farrell, Esq.  
Hinckley Allen and Snyder LLP  
20 Church Street  
Hartford, CT 06103

Counsel for Defendants Fifty Spot Association,  
LLC, Ballina Properties, LLC and David D'Addario

Ellery E. Plotkin, Esq.  
777 Summer Street, 2<sup>nd</sup> Floor  
Stamford, CT 06901

Counsel for Defendant Park View Ventures, LLC

Peter L. Ressler, Esq.  
Groob Ressler & Mulqueen  
123 York Street, Suite 1B  
New Haven, CT 06511-0001

Counsel for the Debtor and Debtor-in-Possession

### **MEMORANDUM AND ORDER**

Joel B. Rosenthal, United States Bankruptcy Judge

This matter came before me on Defendants' (Ballina Properties, LLC, David D'Addario and Fifty Spot Association) Motion to Dismiss Counts 1 - 6 of this Adversary and the Objection by the Trustee.

The Court heard oral argument and has reviewed the Amended Complaint as well as the briefs of the parties.

The Court is cognizant of the pleading standards, however, in the bankruptcy context, the so called "disclaimer" "upon information and belief" must often be accepted from a Trustee, as rarely will a Trustee have the first hand personal knowledge that a transaction party would have. Further, when dealing with alleged "insiders", the Trustee is entitled to at least the presumption that the facts of the Complaint are true for purposes of the Motion to Dismiss.

Although the Trustee may not be able to prove the allegations of each Count, at this point in the proceedings, the Court, accepting all factual allegations as true and drawing reasonable inferences in Plaintiff's favor, cannot find the Amended Complaint deficient.

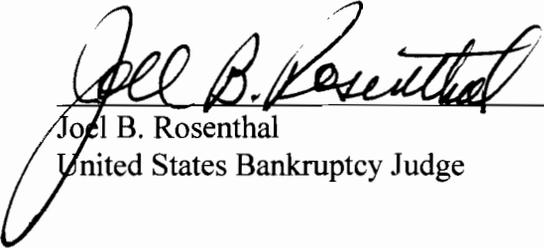
The Motion to Dismiss is **DENIED** and the Trustee's Objection is **SUSTAINED**.

Defendants are ordered to file their answers by June 30, 2013.

It is **SO ORDERED**.

BY THE COURT

Dated: June 12, 2013

  
Joel B. Rosenthal  
United States Bankruptcy Judge