

**UNITED STATES DISTRICT COURT  
DISTRICT OF CONNECTICUT**

SAMI BAGHDADY

v.

GEORGE BAGHDADY, ET AL.

No. 3:05cv1494 (SRU)

**ORDER ON MOTION TO STRIKE FROM JURY LIST**

Defendants George Baghdady, George J. Baghdady, Jr., Sylvia M. Baghdady, and the Baghdady Family LP have moved to strike the case from the jury list (**doc. # 229**). For the reasons that follow, that motion is granted.

**I. Background**

Familiarity with the parties and facts is presumed.

**II. Discussion**

As all parties agree, in diversity cases, a claim for a jury trial is governed by the applicable state's law. *GTFM, LLC v. TKN Sales, Inc.*, 257 F.3d 235, 241-42 (2d Cir. 2001); *Sherman St. Associates, LLC v. JTH Tax, Inc.*, No. 3:03-cv-1875, slip op. at 1 (D. Conn. Mar. 22, 2010).

In Connecticut, equitable actions are typically tried by a judge, not a jury. *Associated Inv. Co. Ltd. P'ship v. Williams Assocs. IV*, 645 A.2d 505, 508-09 (Conn. 1994); *Ford v. Blue Cross & Blue Shield of Conn., Inc.*, 578 A.2d 1054, 1058-59 (Conn. 1990). Proceedings for dissolution, accounting, and winding up of partnership are considered equitable actions. *Williams v. Williams*, No. TTDCV065000985S at \*1-2 (Conn. Super. Feb. 1, 2008).

The plaintiff in this case argues that because there are “sharp questions of fact” to be determined, including whether a partnership existed, what the terms of the partnership were, what each partner contributed to the partnership, and what the assets of the partnership are, a jury trial is appropriate.<sup>1</sup> Pl.’s Mem. in Opp’n to Def.’s Mot. to Strike from Jury List 5.

Under Connecticut General Statutes section 52-218, “[u]pon the application of either party, the court may order any issue or issues of fact in any action demanding equitable relief to be tried by a jury.” The decision whether to have a jury trial under section 52-218 is a discretionary one, and that discretion should be exercised sparingly. *Conn. Hous. Fin. Auth. v. John Fitch Court Assocs. Ltd.*, 691 A.2d 1134, 1137 (Conn. Super. 1996).

In this case, a jury trial is neither necessary nor appropriate. All of the claims in this case are equitable in nature, and the most expeditious course of action would be to proceed with a bench trial.

### **III. Conclusion**

Accordingly, the defendants’ motion to strike the case from the jury list (**doc. # 229**) is **GRANTED**.

It is so ordered.

Dated at Bridgeport, Connecticut, this 22nd day of September 2010.

/s/ Stefan R. Underhill  
Stefan R. Underhill  
United States District Judge

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<sup>1</sup> The Connecticut cases cited by the plaintiff stand only for the proposition that whether a partnership exists is a question of fact, not a question of law. They do not touch on whether the issues in this case are equitable or legal. See *Lenoble v. Best Temps, Inc.*, 352 F. Supp. 2d 237, 250 (D. Conn. 2005) (“[T]he determination whether a partnership exists under the evidence and the inferences reasonably drawn from the evidence, is a question of fact for the jury.”) (citations omitted); *Jacobs v. Thomas*, 557 A.2d 145, 147 (Conn. App. 1989) (“Whether an oral partnership agreement has been entered is a question of fact.”).