

EXHIBIT- 1

**SUPREME COURT
STATE OF CONNECTICUT**

PSC-190196

THE BANK OF NEW YORK MELLON F/K/A THE BANK OF NEW YORK AS TRUSTEE
ON BEHALF OF CIT MORTGAGE LOAN

v.

WILLIAM RUTTKAMP ET AL.

ORDER ON PETITION FOR CERTIFICATION TO APPEAL

The defendant's petition for certification to appeal from the Appellate Court (AC 42865) is denied.

Shlomit Ruttkamp, self-represented, in support of the petition.
Benjamin T. Staskiewicz, in opposition.

Decided October 22, 2019

By the Court,

/s/

Maurilio R. Amorim
Assistant Clerk - Appellate

Notice Sent: October 22, 2019
Petition Filed: September 9, 2019
Clerk, Superior Court, MMXCV106001915S
Hon. Edward s. Domnarski
Clerk, Appellate Court
Reporter of Judicial Decisions
Staff Attorneys' Office
Counsel of Record

Paper notice sent to: Shlomit Ruttkamp, William J. Ruttkamp

214.10

EXHIBIT- 2

EXHIBIT- A

APPELLATE COURT
STATE OF CONNECTICUT

AC 42865

THE BANK OF NEW YORK MELLON
F/K/A THE BANK OF NEW YORK AS TRUSTEE
ON BEHALF OF CIT MORTGAGE LOAN

v.

WILLIAM RUTTKAMP ET AL.

JULY 17, 2019

ORDER

THE MOTION OF THE PLAINTIFF-APPELLEE, FILED MAY 7, 2019, TO
DISMISS APPEAL, HAVING BEEN PRESENTED TO THE COURT, IT IS HEREBY
ORDERED THAT REVIEW IS GRANTED, BUT THE RELIEF REQUESTED THEREIN
IS DENIED.

BY THE COURT,

/s/
MAURILIO R. AMORIM
ASSISTANT CLERK - APPELLATE

NOTICE SENT: JULY 18, 2019
HON. EDWARD S. DOMNARSKI
COUNSEL OF RECORD
CLERK, SUPERIOR COURT, MMXCV106001915S

PAPER NOTICE SENT TO COUNSEL OF RECORD WITHOUT ELECTRONIC
ACCESS

192004

EXHIBIT- B

APPELLATE COURT
STATE OF CONNECTICUT

AC 42865

THE BANK OF NEW YORK MELLON
F/K/A THE BANK OF NEW YORK AS TRUSTEE
ON BEHALF OF CIT MORTGAGE LOAN

v.

WILLIAM RUTTKAMP ET AL.

JULY 17, 2019

ORDER

THE MOTION OF THE PLAINTIFF-APPELLEE, FILED JULY 1, 2019, FOR
REVIEW, HAVING BEEN PRESENTED TO THE COURT, IT IS HEREBY
ORDERED THAT REVIEW IS GRANTED, BUT THE RELIEF REQUESTED THEREIN
IS DENIED.

BY THE COURT,

/s/
MAURILIO R. AMORIM
ASSISTANT CLERK – APPELLATE

NOTICE SENT: JULY 18, 2019
HON. EDWARD S. DOMNARSKI
COUNSEL OF RECORD
CLERK, SUPERIOR COURT, MMXCV106001915S

PAPER NOTICE SENT TO COUNSEL OF RECORD WITHOUT ELECTRONIC
ACCESS

192004

EXHIBIT- C

APPELLATE COURT
STATE OF CONNECTICUT

AC 42865

THE BANK OF NEW YORK MELLON
F/K/A THE BANK OF NEW YORK AS TRUSTEE
ON BEHALF OF CIT MORTGAGE LOAN

v.

WILLIAM RUTTKAMP ET AL.

JULY 17, 2019

ORDER

THE MOTION OF THE PLAINTIFF-APPELLEE, FILED MAY 7, 2019, TO
DISMISS APPEAL, HAVING BEEN PRESENTED TO THE COURT, IT IS HEREBY
ORDERED GRANTED AS THE APPEAL IS FRIVOLOUS.

BY THE COURT,

/s/
MAURILIO R. AMORIM
ASSISTANT CLERK - APPELLATE

NOTICE SENT: JULY 18, 2019
HON. EDWARD S. DOMNARSKI
COUNSEL OF RECORD
CLERK, SUPERIOR COURT, MMXCV106001915S

PAPER NOTICE SENT TO COUNSEL OF RECORD WITHOUT ELECTRONIC
ACCESS

184270.

EXHIBIT- D



STATE OF CONNECTICUT

SUPREME COURT
APPELLATE COURT

CAROLYN C. ZIOGAS
CHIEF CLERK

SUSAN C. REEVE
DEPUTY CHIEF CLERK

231 CAPITOL AVENUE
HARTFORD, CT 06106

TEL (860) 757-2200
FAX (860) 757-2217

July 18, 2019

AC 42865: The Bank of New York Mellon v. William J. Ruttkamp Et Al.

Dear Counsel of Record:

Please be advised that orders on the motions to dismiss appeal #184270 and the motion for review #192004 in the above-captioned appeal were issued on July 17, 2019.

The orders were sent in error. Please be further advised that the motions and the appeal remain pending. Notice will be issued when there are orders on the motions.

I apologize for any confusion this may have caused.

Very truly yours,

Maurilio R. Amorim, Assistant Clerk

CC: Hon. Edward S. Dornarski

Clerk, Superior Court, MMXCV106001915S

L. Joanne Dullen
Assistant Clerk
860-757-2144

Carl D. Cicchielli
Assistant Clerk
860-757-2220

Rene L. Robertson
Assistant Clerk
860-757-2229

Luke P. Malyi
Assistant Clerk
860-757-2248

Cory M. Daigo
Assistant Clerk
860-757-2149

Maurilio Amorim
Assistant Clerk
860-757-2242

Rachelle Alexandra
Temp Asst Clerk
860-757-2225

EXHIBIT- E

APPELLATE COURT
STATE OF CONNECTICUT

AC 42865

THE BANK OF NEW YORK MELLON
F/K/A THE BANK OF NEW YORK AS TRUSTEE
ON BEHALF OF CIT MORTGAGE LOAN

v.

WILLIAM RUTTKAMP ET AL.

JULY 18, 2019

ORDER

THE MOTION OF THE PLAINTIFF-APPELLEE, FILED JULY 1, 2019, FOR
REVIEW, HAVING BEEN PRESENTED TO THE COURT, IT IS HEREBY
ORDERED THAT REVIEW IS GRANTED, BUT THE RELIEF REQUESTED THEREIN
IS DENIED.

BY THE COURT,

/s/
MAURILIO R. AMORIM
ASSISTANT CLERK - APPELLATE

NOTICE SENT: JULY 18, 2019
HON. EDWARD S. DOMNARSKI
COUNSEL OF RECORD
CLERK, SUPERIOR COURT, MMXCV106001915S

PAPER NOTICE SENT TO COUNSEL OF RECORD WITHOUT ELECTRONIC
ACCESS

192004

EXHIBIT-F

EXHIBIT- 3

DOCKET NO. CV-10-6001915-S

SUPERIOR COURT

THE BANK OF NEW YORK MELLON
F/K/A THE BANK OF NEW YORK, AS
TRUSTEE ON BEHALF OF CIT
MORTGAGE LOAN TRUST 2007-1

JUDICIAL DISTRICT OF MIDDLESEX

VS.

AT MIDDLETOWN

WILLIAM J. RUTTKAMP, et al.

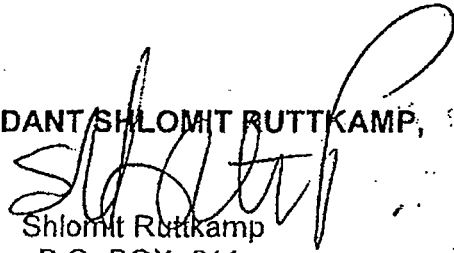
AUGUST 2, 2012

DEFENDANT SHLOMIT RUTTKAMP'S NOTICE OF INTENT TO APPEAL

Please take notice that the defendant in the above captioned matter, **SHLOMIT RUTTKAMP**, intends to appeal the trial court's granted of the plaintiff's, THE BANK OF NEW YORK MELLON F/K/A THE BANK OF NEW YORK, AS TRUSTEE ON BEHALF OF CIT MORTGAGE LOAN TRUST 2007-1, motion to open judgment dated June 26, 2012. The trial court granted this plaintiff's motion to open judgment on July 30, 2012.

This notice of intent to appeal is intended to defer appeal until final judgment is rendered that disposes of the case for all purposes and as to all parties, as authorized by the Rules of Appellate Procedure. Final judgment has not yet entered with respect to the remaining parties and issues in this case.

DEFENDANT SHLOMIT RUTTKAMP,


Shlomit Ruttkamp
P.O. BOX, 611
Westbrook, CT 06498
Tel: 860-853-8859

2012 AUG - 2 A 10 40

MS
83-2012

132

CERTIFICATION

I hereby certify that a copy of the foregoing was mailed on August 2, 2012 to
all counsel and pro se parties of record:

Mitchell R. Harris
Day Pitney, LLP
242 Trumbull Street
Hartford, CT 06103

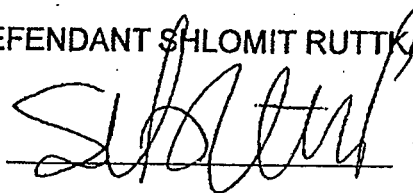
Marinosci Law Group PC
1350 Division Road, Suite 301
West Warwick, RI 02893

Lukas J. Thomas
1100 Summer Street
Stamford, CT 06905

William G. Reveley & Associates
P.O. Box 657
Vernon, CT 06066

Timothy Lodge
1001 Farmington Avenue
Suite 302
Bristol, CT 06010

DEFENDANT SHLOMIT RUTTKAMP



SHLOMIT RUTTKAMP
P.O. BOX 611
WESTBROOK, CT 06498
TEL: 860-853-8859

2012 AUG - 2 AUG 14

APPELLATE COURT
STATE OF CONNECTICUT

AC 42865

THE BANK OF NEW YORK MELLON
F/K/A THE BANK OF NEW YORK AS TRUSTEE
ON BEHALF OF CIT MORTGAGE LOAN

v.

WILLIAM RUTTKAMP ET AL.

JULY 18, 2019

ORDER

THE MOTION OF THE PLAINTIFF-APPELLEE, FILED MAY 7, 2019, TO
DISMISS APPEAL, HAVING BEEN PRESENTED TO THE COURT, IT IS HEREBY
ORDERED GRANTED AS THE APPEAL IS FRIVOLOUS.

BY THE COURT,

ISI
MAURILIO R. AMORIM
ASSISTANT CLERK - APPELLATE

NOTICE SENT: JULY 18, 2019
HON. EDWARD S. DOMNARSKI
COUNSEL OF RECORD
CLERK, SUPERIOR COURT, MMXCV106001915S

PAPER NOTICE SENT TO COUNSEL OF RECORD WITHOUT ELECTRONIC
ACCESS

184270

EXHIBIT- 4

DOCKET NO. MMX CV 10-6001915-S

SUPERIOR COURT

THE BANK OF NEW YORK MELLON
F/K/A THE BANK OF NEW YORK AS
TRUSTEE ON BEHALF OF CIT MORTGAGE
LOAN TRUST 2007-1

J.D. OF MIDDLESEX

V.

AT MIDDLETOWN

WILLIAM J. RUTTKAMP, ET AL.

FEBRUARY 27, 2012

ORDER

The plaintiff filed a motion for summary judgment (No. 119.00) seeking judgment as to the liability of the defendant Shlomit Ruttkamp. The defendant opposes the summary judgment motion on grounds that the plaintiff commenced suit in its trade name or corporate brand (The Bank of New York Mellon), rather than its registered name (The Bank of New York Mellon Corporation), and that a trade name or corporate brand is not a legal entity with capacity to sue. The defendant claims that the court therefore lacks subject matter jurisdiction to decide the merits of the plaintiff's claim.

The plaintiff does not dispute that "The Bank of New York Mellon" is a corporate brand name, nor does it claim that the name is a mere misnomer or description error used in filing suit. To the contrary, in its memorandum of law in support of its motion for summary judgment, the plaintiff plainly acknowledges that "The Bank of New York Mellon" is the corporate brand of The Bank of New York Mellon Corporation and may also be used as a generic term to reference the corporation as a whole or its various subsidiaries.

FILED
FEB 27 2012
CLERK
JUDICIAL DISTRICT OF
MIDDLESEX
COUNTY NEW JERSEY

"[A] party must have standing to assert a claim in order for the court to have subject matter jurisdiction over the claim." (Citation omitted.) *Webster Bank v. Zak*, 259 Conn. 766, 774, 792 A.2d 66 (2002). The question of subject matter jurisdiction can be raised by any of the parties, or by the court sua sponte, at any time. *Id.* "[W]henver it is found after suggestion of the parties or otherwise that the court lacks jurisdiction of the subject matter, the judicial authority shall dismiss the action." Practice Book § 10-33; *Burton v. Dominion Nuclear Connecticut, Inc.*, 300 Conn. 542, 550, 23 A.3d 1176 (2011).

"It is elemental that in order to confer jurisdiction on the court the plaintiff must have an actual legal existence, that is he or it must be a person in law or a legal entity with legal capacity to sue. ... Although a corporation is a legal entity with legal capacity to sue, a fictitious or assumed business name, a trade name, is not a legal entity; rather, it is merely a description of the person or corporation doing business under that name. ... Because the trade name of a legal entity does not have a separate legal existence, a plaintiff bringing an action solely in a trade name cannot confer jurisdiction on the court." (Citations omitted; internal quotations marks omitted.) *America's Wholesale Lender v. Pagano*, 87 Conn.App. 474, 866 A.2d 698 (2005).

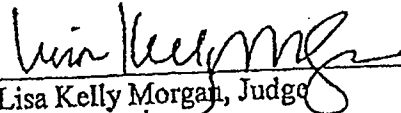
Subject matter jurisdiction cannot be conferred when an action is instituted under a corporate brand name because a brand name is not a legal entity with capacity to sue. The plaintiff brought this suit under its brand name and, therefore, it has no standing to sue.

In the absence of standing on the part of the plaintiff, the court has no jurisdiction. Accord *Coldwell Banker Manning Realty, Inc. v. Computer Sciences Corp.*, Superior Court,

judicial district of Hartford, Docket No. HHDCV030825180S (November 12, 2010, Sheldon, J.) (51 Conn.L.Rptr. 10); *Century 21 Access America v. McGregor-McLean*, Superior Court, judicial district of Fairfield, Docket No. CV044000764 (July 20, 2005, Doherty, J.) (39 Conn.L.Rptr. 639).

For these reasons, the plaintiff's motion for summary judgment is denied and the court hereby dismisses this action for lack of subject matter jurisdiction.

SO ORDERED.


Lisa Kelly Morgan, Judge