UNITED STATES DISTRICT COURT FOR THE DISTRICT OF CONNECTICUT

Andrea Pizziconi v. Norman Gray, Sherman 695, LLC, Carlton Highsmith, Dmitry Kravtsoz, A. Donald Janezic, Maria Gray, Tyler Floyd, Vanessa Research Holdings, Inc., Lorna Gray, and Trevira Boatright

Pizziconi v. Gray · No. 3:23-CV-01080 (KAD) · Decided December 4, 2025

SUMMARY

The United States District Court for the District of Connecticut granted Andrea Pizziconi's motion to dismiss Norman Gray's pro se counterclaim under Federal Rules of Civil Procedure 8 and 12(b)(6). The court held that the counterclaim failed to identify a cognizable cause of action and, to the extent it alleged fraud, failed to satisfy Rule 9(b)'s particularity requirement. The court also dismissed claims seeking relief on behalf of Vanessa Research Holdings, Inc., denied leave to amend as futile, and denied Gray's motion for summary judgment as moot.

CASE DETAILS

COURT	United States District Court for the District of Connecticut
WRITING FOR THE COURT	Kari A. Dooley
JURISDICTION	United States District Court for the District of Connecticut
DECIDED	December 4, 2025
DOCKET	3:23-CV-01080 (KAD)
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiff moved under Federal Rule of Civil Procedure 12(b)(6) to dismiss defendant Norman Gray's counterclaim. The district court granted the motion, denied Gray leave to amend, and denied his motion for summary judgment on the counterclaim as moot.
STANDARD OF REVIEW	On a Rule 12(b)(6) motion, the court accepts well-pleaded factual allegations as true and draws reasonable inferences in the nonmovant's favor, but disregards legal conclusions and conclusory recitals. The pleading must contain sufficient factual matter to state a facially plausible claim. Fraud allegations must also satisfy Rule 9(b)'s particularity requirement.
PRECEDENTIAL VALUE	unpublished district court memorandum; persuasive authority only

TOPICS

motions to dismiss · pleadings · civil procedure · fraud · commercial litigation

PRACTICE AREAS

civil procedure · commercial litigation · fraud · corporate law

QUESTIONS PRESENTED

1. Whether Gray's counterclaim stated a claim under Federal Rule of Civil Procedure 8(a).
2. Whether the counterclaim stated a fraud claim with the particularity required by Federal Rule of Civil Procedure 9(b).
3. Whether Gray could assert claims or recover damages on behalf of Vanessa Research Holdings, Inc. while proceeding pro se.
4. Whether Gray should be granted leave to amend the counterclaim.

HOLDINGS

1. The counterclaim failed to comply with Rule 8(a) because it did not identify any statutory or common-law cause of action and consisted primarily of conclusory, irrelevant, and confusing allegations that did not provide fair notice of a legally cognizable claim.
2. The counterclaim failed to plead fraud with particularity because it did not adequately specify the allegedly fraudulent statements, identify when and where they were made, identify the speaker, or explain why the statements were false.
3. Gray could not proceed pro se on claims belonging to Vanessa Research or recover personally for injuries allegedly suffered by the corporation.
4. Leave to amend was denied because amendment would be futile.

KEY QUOTATIONS

> *"To survive a motion to dismiss filed pursuant to Rule 12(b)(6), "a complaint must contain sufficient factual matter, accepted as true, to 'state a claim to relief that is plausible on its face.'""* (Discussion—Rule 8)

> *"For the foregoing reasons, Plaintiff's motion to dismiss (ECF No. 215) is GRANTED. Defendant Norman Gray is denied leave to amend and replead his Counterclaim."* (Conclusion)

FACTUAL BACKGROUND

The underlying action concerns an alleged scheme to defraud Pizziconi of more than $1 million. Gray's counterclaim accused Pizziconi of fraud and other misconduct involving Vanessa Research, including allegedly false statements about her past projects, qualifications, and role in the company. The counterclaim sought compensation for Vanessa Research, return of Pizziconi's shares, and other relief, but did not identify a cognizable cause of action or plead fraud with particularity.

PROCEDURAL HISTORY

Gray filed a pro se counterclaim against Pizziconi that did not identify a specific statute or cause of action and asserted largely conclusory allegations concerning Pizziconi's conduct toward Vanessa Research Holdings, Inc. Pizziconi moved to dismiss the counterclaim. Gray filed no opposition and did not request leave to amend. The court dismissed the counterclaim with prejudice and without leave to amend.

DISPOSITION

dismissed

CASES CITED

- United States v. Gray, No. 21-CR-713 (PAE), 2024 WL 4627566 (S.D.N.Y. Oct. 30, 2024)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Bell Atl. Corp. v. Twombly, 550 U.S. 544, 557, 570 (2007)
- Interworks Sys. Inc. v. Merch. Fin. Corp., 604 F.3d 692, 699 (2d Cir. 2010)
- Wine Enthusiast, Inc. v. Vinotemp Int'l Corp., 317 F. Supp. 3d 795, 800 (S.D.N.Y. 2018)
- Salahuddin v. Cuomo, 861 F.2d 40, 42 (2d Cir. 1988)
- Wynder v. McMahon, 360 F.3d 73, 79-80 (2d Cir. 2004)
- Kittay v. Kornstein, 230 F.3d 531, 541 (2d Cir. 2000)
- Ricciuti v. N.Y.C. Transit Auth., 941 F.2d 119, 123 (2d Cir. 1991)
- Warner Bros. Ent. Inc. v. Ideal World Direct, 516 F. Supp. 2d 261, 269 (S.D.N.Y. 2007)
- Owens v. Connecticut, 771 F. Supp. 3d 92, 94 (D. Conn. 2025)
- Davis v. Stop & Shop Supermarket, No. 18-CV-1279 (KAD), 2019 WL 2191244, at *1 (D. Conn. May 21, 2019)
- In re Livent, Inc. Noteholders Sec. Litig., 151 F. Supp. 2d 371, 404 (S.D.N.Y. 2001)
- Anschutz Corp. v. Merrill Lynch & Co., 690 F.3d 98, 108 (2d Cir. 2012)
- E. Point Sys., Inc. v. Maxim, No. 3:13-CV-215 (VLB), 2014 WL 523632, at *6 (D. Conn. Feb. 7, 2014)
- Errato v. Am. Express Co., 646 F. Supp. 3d 402, 411 (D. Conn. 2022)
- Omotosho v. Freeman Inv. & Loan, 136 F. Supp. 3d 235, 252 (D. Conn. 2016)
- Caputo v. Pfizer, Inc., 267 F.3d 181, 191 (2d Cir. 2001)
- Donchatz v. HSBC Bank USA, N.A., No. 14-CV-194 (JTC), 2015 WL 860760, at *11 n.5 (W.D.N.Y. Feb. 27, 2015), aff'd, 648 F. App'x 158 (2d Cir. 2016)
- United States v. Brennan, 385 F. Supp. 3d 205, 207 (W.D.N.Y. 2019)
- United States v. Rodgers, 101 F.3d 247, 251 (2d Cir. 1996)
- Pizziconi v. Gray, No. 3:23-CV-1080 (KAD), 2025 WL 2432673 (D. Conn. Aug. 22, 2025)