

# Meet The Attys In Suit Over Toll Brothers Deal

By [Christine DeRosa](#) | 2024-02-29 15:08:19 -0500 · [Listen to article](#)

A home security subsidiary of Pennsylvania-based building firm [Toll Brothers](#) has sued two Connecticut-based security companies, accusing them of failing to disclose a \$5 million consumer protection settlement while negotiating the purchase of its customer accounts.

Toll Brothers Smart Home Technologies Inc. [sued](#) both Security Systems Inc. and Safe Home Security Inc. in Connecticut state court in August 2023, accusing the defendants of hiding the consumer protection settlement with Safe Home despite being contractually obligated to reveal it during a \$12.1 million purchase of Toll Brothers' customer accounts.

Following the March 2022 deal, consumers complained of long waits for service and "aggressive collections notices" sent to people claiming never to have received invoices.

At issue is a \$1.5 million attrition reserve fund the parties set aside in case some of the customers accounts sold to Security Systems defaulted through no fault of the buyer. Security Systems allegedly took that money after failing to disclose necessary data to Toll Brothers — behavior the complaint states was a breach of the covenant of good faith and fair dealing.

The original complaint alleges breach of contract, conversion and misrepresentation against Security Systems, and alleges tortious interference with contractual relationship and violations of the Connecticut Unfair Trade Practices Act against both Security Systems and Safe Home.

In early January, a Connecticut judge [axed claims](#) against Security Systems alleging bad faith dealing, conversion and tortious interference with contracts, citing that Toll Brothers' own description of the purported misconduct in the original complaint did not support some of its claims.

Toll Brothers then filed an amended complaint later that month, and the defendants again asked the court to trim the suit in February.

The companies [said in a Feb. 12 memo](#) supporting a motion to strike five counts of Toll Brothers Smart Home Technologies' first amended complaint that the breach-of-contract, tortious interference and fraud-related claims were "bare bones allegations."

Toll Brothers has claimed it was entitled to the reserve fund. However, the security companies said in their memo that the purchase agreement did not support Toll Brothers' claim and that a breach of contract

based on that would be faulty. They also argued that Toll Brothers failed to point to any language in the contract that required them to disclose the consumer protection matter.

Counsel for the parties did not immediately respond to requests for comment Thursday.

Here, Law360 Pulse takes a look at the attorneys representing the parties in the suit.

## Representing Toll Brothers

### Monte E. Frank

[Pullman & Comley LLC](#)

Frank is the co-chair of Pullman & Comley's litigation practice group, where he represents businesses and municipalities in complex litigation and construction matters, according to his firm biography.



Prior to joining Pullman & Comley in 2017, he was a partner at [Cohen and Wolf PC](#) for 24 years, his [LinkedIn](#) profile states.

Frank is a past president of both the [Connecticut Bar Association](#) and the New England Bar Association. He also represents Connecticut in the [American Bar Association](#)'s House of Delegates.

Frank earned his law degree from [Cornell University Law School](#) and his undergraduate degree from Cornell University.

### Michael D. Kibler

[Kibler Fowler & Cave LLP](#)

Kibler is the managing partner of Kibler Fowler and focuses on litigating complex commercial cases for companies and individuals, according to his firm biography. He is based in Los Angeles.



Prior to co-founding Kibler Fowler, Kibler worked at [Simpson Thacher & Bartlett LLP](#) for 18 years. He joined the firm in 2001 as an associate, his LinkedIn profile says, before becoming a partner in 2006.

Kibler earned his undergraduate degree from Seton Hall University and his law degree from Seton Hall University School of Law.

## Stephen F. Raiola

Kibler Fowler & Cave LLP

Raiola is counsel at Kibler Fowler & Cave and is a trial litigator and business attorney, according to his firm biography. He is based in the firm's New York and Philadelphia offices.



A [Georgetown University Law Center](#) graduate, Raiola represents clients in business negotiations, serves as outside general counsel and works on nationwide litigation in matters including intellectual property litigation, constitutional rights litigation and more, his biography states.

Raiola previously worked at [Pietragallo Gordon Alfano Bosick & Raspanti LLP](#), [Covington & Burling LLP](#) and Simpson Thacher, according to his LinkedIn profile.

### **Representing Security Systems Inc. and Safe Home Security Inc.**

## Joseph Lipari

[Sultzer Law Group PC](#)

Lipari is the managing partner of Sultzer Law Group and is a trial attorney who represents businesses and individuals in high-stakes litigation and arbitration, according to his firm biography. He is based in New York.



Lipari's work includes representing clients in suits stemming from catastrophic events, patent and trademark disputes and complex commercial disputes, the firm bio says.

A Seton Hall University School of Law graduate, Lipari previously worked at [Littleton Joyce Ughetta Park & Kelly LLP](#).

## Keith Rudzik

[Howard Kohn Sprague & FitzGerald LLP](#)

Rudzik is a partner at Howard Kohn, where he has worked since 2001, according to his biography on the firm website.



Rudzik's work includes defending clients in civil litigation in such areas as personal injury, professional liability, construction claims, wrongful death and more, the firm biography says. He also handles criminal litigation.

Rudzik earned his undergraduate degree from Westfield State College and his law degree from the University of Connecticut School of Law.

The case is Toll Brothers Smart Home Technologies Inc. v. Security Systems Inc. et al., case number MMX-CV23-6038527-S, in the Middlesex Judicial District of Connecticut Superior Court.

--Additional reporting by Aaron Keller, Ryan Harroff and P.J. D'Annunzio. Editing by Amy French.

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