

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

CONNECTICUT CITIZENS DEFENSE	:	CIV. NO.3:21-cv-01156(JAM)
LEAGUE, INC., OREL JOHNSON,	:	
SHAQUANNA WILLIAMS, ANNE	:	
CORDERO, and JAMIE EASON	:	
Plaintiffs,	:	
	:	
vs.	:	
	:	
JASON THODY, RENEE DOMINGUEZ,	:	
REBECCA GARCIA, and FERNANDO	:	
SPAGNOLO,	:	NOVEMBER 3, 2021
Defendants.	:	

ANSWER AND AFFIRMATIVE DEFENSES

Defendants Hartford Police Chief Jason Thody and Acting New Haven Police Chief Renee Dominguez (“these defendants”) hereby answer plaintiffs’ Complaint, filed on August 30, 2021 [doc. 1].

I. INTRODUCTION

1. As to the allegations of Paragraph 1, these defendants have insufficient knowledge or information upon which to form an opinion or belief and, therefore, leave the plaintiffs to their proof.
2. Paragraph 2 is denied.
3. Paragraph 3 is denied.
4. Paragraph 4 is denied.
5. Paragraph 5 is denied.
6. As to the allegations of Paragraph 6, these defendants have insufficient knowledge or information upon which to form an opinion or belief and, therefore, leave the plaintiffs to their proof. However, these defendants also intend to claim this matter to the jury docket.

7. As to the allegations of Paragraph 7, these defendants have insufficient knowledge or information upon which to form an opinion or belief and, therefore, leave the plaintiffs to their proof.

8. As to the allegations of Paragraph 8, these defendants have insufficient knowledge or information upon which to form an opinion or belief and, therefore, leave the plaintiffs to their proof.

9. Paragraph 9 is admitted.

10. As to the allegations of Paragraph 10, these defendants have insufficient knowledge or information upon which to form an opinion or belief and, therefore, leave the plaintiffs to their proof.

11. As to so much of Paragraph 11 as alleges, “The Applicants do not currently have the firearms permit required by state law to obtain, possess, and carry firearms for personal protection,” these defendants have insufficient knowledge or information upon which to form an opinion or belief and, therefore, leave the plaintiffs to their proof. The remainder of Paragraph 11 is denied.

12. So much of Paragraph 12 as alleges, “But because of Defendants’ unconstitutional actions,” is denied as to these defendants. As to the remainder of Paragraph 12, these defendants have insufficient knowledge or information upon which to form an opinion or belief and, therefore, leave the plaintiffs to their proof. citizen of the United States and is legally eligible under federal and state law to acquire and possess firearms, ammunition, and magazines; she is also a member of the CCDL. Id., ¶ 24.

13. Paragraph 13 is denied.

14. As to the allegations of Paragraph 14, these defendants have insufficient knowledge or information upon which to form an opinion or belief and, therefore, leave the plaintiffs to their proof.

15. Paragraph 15 is denied.

II. JURISDICTION & VENUE

16. As to the allegations of Paragraph 16, these defendants have insufficient knowledge or information upon which to form an opinion or belief and, therefore, leave the plaintiffs to their proof.

17. As to the allegations of Paragraph 17, these defendants have insufficient knowledge or information upon which to form an opinion or belief and, therefore, leave the plaintiffs to their proof.

III. PARTIES

18. As to the allegations of Paragraph 18, these defendants have insufficient knowledge or information upon which to form an opinion or belief and, therefore, leave the plaintiffs to their proof.

19. So much of Paragraph 19 as alleges, “the illegal and unconstitutional actions of the Defendants” and “the Defendants’ illegal and unconstitutional conduct,” is denied. As to the remainder of Paragraph 19, these defendants have insufficient knowledge or information upon which to form an opinion or belief and, therefore, leave the plaintiffs to their proof.

20. So much of Paragraph 20 as alleges, “the Defendants’ illegal conduct has forced,” “the Defendants’ illegal and unconstitutional conduct,” and “so long as the Defendants’ unconstitutional conduct is allowed to continue,” is denied. As to the remainder of Paragraph 20, these defendants have insufficient knowledge or information upon which to form an opinion or belief and, therefore, leave the plaintiffs to their proof.

21. So much of Paragraph 21 as alleges, “whose constitutional rights have been, and are continuing to be, infringed by the challenged actions of the Defendants,” is denied. As to the remainder of Paragraph 21, these defendants have insufficient knowledge or information upon which to form an opinion or belief and, therefore, leave the plaintiffs to their proof.

22. As to the allegations of Paragraph 22, these defendants have insufficient knowledge or information upon which to form an opinion or belief and, therefore, leave the plaintiffs to their proof.

23. As to the allegations of Paragraph 23, these defendants have insufficient knowledge or information upon which to form an opinion or belief and, therefore, leave the plaintiffs to their proof.

24. As to the allegations of Paragraph 24, these defendants have insufficient knowledge or information upon which to form an opinion or belief and, therefore, leave the plaintiffs to their proof.

25. As to the allegations of Paragraph 25, these defendants have insufficient knowledge or information upon which to form an opinion or belief and, therefore, leave the plaintiffs to their proof.

26. As to the allegations of Paragraph 26, these defendants have insufficient knowledge or information upon which to form an opinion or belief and, therefore, leave the plaintiffs to their proof.

27. As to Paragraph 27, these defendants admit only that Defendant Thody is the Chief of Police for the City of Hartford, a municipality located in the State of Connecticut. As to the remaining allegations and legal conclusions in Paragraph 27, these defendants have insufficient knowledge or information upon which to form an opinion or belief and, therefore, leave the plaintiffs to their proof.

28. As to Paragraph 28, these defendants admit only that Defendant Dominguez is the Acting Chief of Police for the City of New Haven, a municipality located in the State of Connecticut. As to the remaining allegations and legal conclusions in Paragraph 28, these defendants have insufficient knowledge or information upon which to form an opinion or belief and, therefore, leave the plaintiffs to their proof.

29. As to the allegations of Paragraph 29, these defendants have insufficient knowledge or information upon which to form an opinion or belief and, therefore, leave the plaintiffs to their proof.

30. As to the allegations of Paragraph 30, these defendants have insufficient knowledge or information upon which to form an opinion or belief and, therefore, leave the plaintiffs to their proof.

IV. RELEVANT STATUTORY LAW

31. As to the allegations of Paragraph 31, these defendants admit only that C.G.S. § 29-38m speaks for itself.

32. Paragraph 32 is admitted.

33. As to the allegations of Paragraph 33, these defendants have insufficient knowledge or information upon which to form an opinion or belief and, therefore, leave the plaintiffs to their proof.

34. As to the allegations of Paragraph 34, these defendants admit only that C.G.S. § 29-28(b) speaks for itself.

35. As to the allegations of Paragraph 35, these defendants admit only that C.G.S. §§ 29-28, 29-17a and 29-29 speak for themselves.

36. As to the allegations of Paragraph 36, these defendants admit only that C.G.S. § 29-17c speaks for itself.

37. As to the allegations of Paragraph 37, these defendants admit only that C.G.S. § 29-28 speaks for itself.

V. PRIOR RELATED LITIGATION

38. As to Paragraph 38, these defendants admit that the referenced lawsuit (Connecticut Citizens Defense League, Inc. et al. v. Lamont et al. (3:20-cv-000646-JAM) was filed and speaks for itself.

39. As to the allegations of Paragraph 39, these defendants admit that the Honorable Jeffrey A. Meyer issued a decision on June 8, 2020 in the matter known as Connecticut Citizens Defense League, Inc. et al. v. Lamont et al. (3:20-cv-00646-JAM), which decision speaks for itself. These defendants further admit that Governor Lamont appealed from Judge Meyer's decision, and that the Second Circuit Court of Appeals issued a decision thereon on July 28, 2021, which decision speaks for itself. Defendants further admit that Judge Meyer granted the Motions to Dismiss as to the defendant municipalities in that case, but deny that that case is still pending. As to the remaining allegations in Paragraph 39, these defendants have insufficient knowledge or information upon which to form an opinion or belief and, therefore, leave the plaintiffs to their proof.

VI. STATEMENT OF RELEVANT FACTS

A. Johnson / Hartford

40. So much of Paragraph 40 as alleges "on the list to make an appointment for the applicants to have their fingerprints taken," and "refused to take Plaintiff Johnson's fingerprints" is denied. As to the remainder of Paragraph 40, these defendants have insufficient knowledge or information upon which to form an opinion or belief and, therefore, leave the plaintiffs to their proof.

41. Paragraph 41 is denied.

42. Paragraph 42 is denied.

43. As to the allegations of Paragraph 43, these defendants have insufficient knowledge or information upon which to form an opinion or belief and, therefore, leave the plaintiffs to their proof.

44. So much of Paragraph 44 as alleges, "but the delays of fingerprinting and processing initiated by Defendant Thody is delaying, hindering, prohibiting, and preventing Johnson from even

being able to apply for a municipal firearm permit, much less timely obtaining one,” is denied. As to the remainder of Paragraph 44, these defendants have insufficient knowledge or information upon which to form an opinion or belief and, therefore, leave the plaintiffs to their proof.

B. Williams / New Haven

45. As to the allegations of Paragraph 45, these defendants have insufficient knowledge or information upon which to form an opinion or belief and, therefore, leave the plaintiffs to their proof.

46. So much of Paragraph 46 as alleges, “the New Haven Police Department directed Williams to sign up online for an appointment to submit her application,” and “was informed that the first available appointment to submit her application was on March 30, 2022,” is admitted. As to the remainder of Paragraph 46, these defendants have insufficient knowledge or information upon which to form an opinion or belief and, therefore, leave the plaintiffs to their proof.

47. As to the allegations of Paragraph 47, these defendants have insufficient knowledge or information upon which to form an opinion or belief and, therefore, leave the plaintiffs to their proof.

48. As to the allegations of Paragraph 48, these defendants have insufficient knowledge or information upon which to form an opinion or belief and, therefore, leave the plaintiffs to their proof.

49. As to the allegations of Paragraph 49, these defendants have insufficient knowledge or information upon which to form an opinion or belief and, therefore, leave the plaintiffs to their proof.

C. Cordero / Bridgeport

50. As to the allegations of Paragraph 50, these defendants have insufficient knowledge or information upon which to form an opinion or belief and, therefore, leave the plaintiffs to their proof.

51. As to the allegations of Paragraph 51, it is denied that these defendants assaulted the plaintiff. As to the remaining allegations of Paragraph 51, these defendants have insufficient knowledge or information upon which to form an opinion or belief and, therefore, leave the plaintiffs to their proof.

52. As to the allegations of Paragraph 52, these defendants have insufficient knowledge or information upon which to form an opinion or belief and, therefore, leave the plaintiffs to their proof.

53. As to the allegations of Paragraph 53, these defendants have insufficient knowledge or information upon which to form an opinion or belief and, therefore, leave the plaintiffs to their proof.

D. Eason / Waterbury

54. As to the allegations of Paragraph 54, these defendants have insufficient knowledge or information upon which to form an opinion or belief and, therefore, leave the plaintiffs to their proof.

55. As to the allegations of Paragraph 55, these defendants have insufficient knowledge or information upon which to form an opinion or belief and, therefore, leave the plaintiffs to their proof.

56. As to the allegations of Paragraph 56, these defendants have insufficient knowledge or information upon which to form an opinion or belief and, therefore, leave the plaintiffs to their proof.

57. As to the allegations of Paragraph 57, these defendants have insufficient knowledge or information upon which to form an opinion or belief and, therefore, leave the plaintiffs to their proof.

58. As to the allegations of Paragraph 58, these defendants have insufficient knowledge or information upon which to form an opinion or belief and, therefore, leave the plaintiffs to their proof.

59. As to the allegations of Paragraph 59, these defendants have insufficient knowledge or information upon which to form an opinion or belief and, therefore, leave the plaintiffs to their proof.

60. As to the allegations of Paragraph 60, these defendants have insufficient knowledge or information upon which to form an opinion or belief and, therefore, leave the plaintiffs to their proof.

61. As to the allegations of Paragraph 61, these defendants have insufficient knowledge or information upon which to form an opinion or belief and, therefore, leave the plaintiffs to their proof.

62. Paragraph 62 is denied.

63. Paragraph 63 is denied.

64. Paragraph 64 is denied.

65. As to the allegations of Paragraph 65, these defendants have insufficient knowledge or information upon which to form an opinion or belief and, therefore, leave the plaintiffs to their proof.

66. As to the allegations of Paragraph 66, these defendants have insufficient knowledge or information upon which to form an opinion or belief and, therefore, leave the plaintiffs to their proof.

67. Paragraph 67 is denied as to these defendants.

68. So much of Paragraph 68 as alleges, “affirmatively and unjustifiably breached that duty and responsibility causing the foreseeable constitutional injury and financial damage about which the Plaintiffs complain,” is denied. As to the remaining allegations and legal conclusions in Paragraph 68, these defendants have insufficient knowledge or information upon which to form an opinion or belief and, therefore, leave the plaintiffs to their proof.

69. Paragraph 69 is denied as to these defendants.

70. Paragraph 70 is denied as to these defendants.

71. Paragraph 71 is denied as to these defendants.

72. Paragraph 72 is denied.

73. Paragraph 73 is denied as to these defendants.

74. So much of Paragraph 74 as alleges, “to the point of an effective shut down,” is denied.

As to the remaining allegations and legal conclusions in Paragraph 74, these defendants have insufficient knowledge or information upon which to form an opinion or belief and, therefore, leave the plaintiffs to their proof.

75. As to the allegations of Paragraph 75, these defendants have insufficient knowledge or information upon which to form an opinion or belief and, therefore, leave the plaintiffs to their proof.

76. So much of Paragraph 76 as alleges, “to the point of an effective shut down,” is denied.

As to the remaining allegations and legal conclusions in Paragraph 76, these defendants have insufficient knowledge or information upon which to form an opinion or belief and, therefore, leave the plaintiffs to their proof.

77. As to the allegations of Paragraph 77, these defendants have insufficient knowledge or information upon which to form an opinion or belief and, therefore, leave the plaintiffs to their proof.

78. As to the allegations and legal conclusions of Paragraph 78, these defendants have insufficient knowledge or information upon which to form an opinion or belief and, therefore, leave the plaintiffs to their proof.

79. As to the allegations of Paragraph 79, these defendants have insufficient knowledge or information upon which to form an opinion or belief and, therefore, leave the plaintiffs to their proof.

80. As to the allegations and legal conclusions of Paragraph 80, these defendants have insufficient knowledge or information upon which to form an opinion or belief and, therefore, leave the plaintiffs to their proof.

81. As to the allegations of Paragraph 81, these defendants have insufficient knowledge or information upon which to form an opinion or belief and, therefore, leave the plaintiffs to their proof.

82. Paragraph 82 is denied.

83. Paragraph 83 is denied.

84. As to the allegations of Paragraph 84, these defendants admit only that the Second and Fourteenth Amendments to the United States Constitution speak for themselves.

85. As to the allegations of Paragraph 85, these defendants admit that the Supreme Court's decision in McDonald v. City of Chicago, 561 U.S. 742 (2010) speaks for itself.

86. As to the allegations of Paragraph 86, these defendants admit only that Article the First, Section 15 of the Connecticut Constitution speaks for itself.

87. As to the allegations of Paragraph 87, these defendants admit only that the Supreme Court's decision in Columbia v. Heller, 554 U.S. 570 (2008) speaks for itself.

88. As to the allegations of Paragraph 88, these defendants admit only that the Supreme Court's decision in Columbia v. Heller, 554 U.S. 570 (2008) speaks for itself.

89. As to the allegations of Paragraph 89, these defendants admit only that the Supreme Court's decision in Columbia v. Heller, 554 U.S. 570 (2008) speaks for itself.

90. As to the allegations of Paragraph 90, these defendants admit only that the Supreme Court's decision in Columbia v. Heller, 554 U.S. 570 (2008) speaks for itself.

91. Paragraph 91 is admitted.

92. As to the allegations of Paragraph 92, these defendants have insufficient knowledge or information upon which to form an opinion or belief and, therefore, leave the plaintiffs to their proof.

93. Paragraph 93 is denied.

94. Paragraph 94 is denied.

COUNT 1 – VIOLATION OF SECOND AMENDMENT
RIGHT TO KEEP AND BEAR ARMS

95. These defendants incorporate herein by reference their responses to the foregoing Paragraphs as if fully set forth herein.

96. As to the allegations of Paragraph 96, these defendants have insufficient knowledge or information upon which to form an opinion or belief and, therefore, leave the plaintiffs to their proof.

97. Paragraph 97 is denied as to these defendants.

98. As to the allegations of Paragraph 98, these defendants admit only that the Second and Fourteenth Amendments to the United States Constitution, and Article the First, Section 15 of the Connecticut Constitution, speak for themselves.

99. Paragraph 99 consists of a legal conclusion that requires no response from these defendants.

100. Paragraph 100 is denied.

101. Paragraph 101 is denied.

102. So much of Paragraph 102 as alleges “futile,” is denied. As to the remainder of Paragraph 102, these defendants have insufficient knowledge or information upon which to form an opinion or belief and, therefore, leave the plaintiffs to their proof.

103. Paragraph 103 is denied.

104. Paragraph 104 is denied.

**COUNT 2 – 42 U.S.C. § 1983 VIOLATIONS OF THE
RIGHT TO KEEP AND BEAR ARMS**

105. These defendants incorporate herein by reference their responses to the foregoing Paragraphs as if fully set forth herein.

106. As to the allegations of Paragraph 106, these defendants have insufficient knowledge or information upon which to form an opinion or belief and, therefore, leave the plaintiffs to their proof.

107. Paragraph 107 consists of a legal conclusion to which no response is required.

108. Paragraph 108 is denied.

109. Paragraph 109 is denied.

110. Paragraph 110 is denied.

111. Paragraph 111 is denied.

112. Paragraph 112 is denied.

113. Paragraph 113 is denied.

114. Paragraph 114 is denied.

115. Paragraph 115 is denied.

116. Paragraph 116 is denied.

**COUNT 3 – 42 U.S.C. § 1983
VIOLATIONS OF THE RIGHT TO DUE PROCESS¹**

117. These defendants incorporate herein by reference their responses to the foregoing Paragraphs as if fully set forth herein.

¹ These defendants have concurrently filed a partial motion to dismiss Count 3 insofar as it is premised on a purported violation of the individual plaintiffs' Fifth Amendment rights.

118. As to the allegations of Paragraph 118, these defendants have insufficient knowledge or information upon which to form an opinion or belief and, therefore, leave the plaintiffs to their proof.

119. As to the allegations of Paragraph 119, these defendants have insufficient knowledge or information upon which to form an opinion or belief and, therefore, leave the plaintiffs to their proof.

120. As to the allegations of Paragraph 120, these defendants have insufficient knowledge or information upon which to form an opinion or belief and, therefore, leave the plaintiffs to their proof.

121. Paragraph 121 is denied.

122. Paragraph 122 is denied.

123. Paragraph 123 consists of a legal conclusion to which no response is required.

124. Paragraph 124 is denied.

125. So much of Paragraph 125 as alleges, “Defendants have failed and refused to provide a lawful process by which the Applicants and similarly situated CCDL members can timely obtain a municipal firearm permit,” is denied as to these defendants. As to the remaining allegations of Paragraph 125, these defendants have insufficient knowledge or information upon which to form an opinion or belief and, therefore, leave the plaintiffs to their proof.

126. Paragraph 126 is denied.

127. Paragraph 127 is denied.

128. As to the allegations of Paragraph 128, these defendants have insufficient knowledge or information upon which to form an opinion or belief and, therefore, leave the plaintiffs to their proof.

129. Paragraph 129 is denied.

130. Paragraph 130 is denied.

COUNT 4 – 42 U.S.C. § 1983
VIOLATIONS OF THE EQUAL PROTECTION OF THE LAWS

Count 4 is the subject of a partial motion to dismiss filed concurrently herewith by these defendants.

COUNT 5 – 42 U.S.C. § 1983
VIOLATIONS OF THE PRIVILEGES AND IMMUNITIES OF CITIZENSHIP

Count 5 is the subject of a partial motion to dismiss filed concurrently herewith by these defendants.

AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE

The plaintiffs' complaint, or specific portions thereof, fail[s] to state a claim upon which relief can be granted.

SECOND AFFIRMATIVE DEFENSE

Some or all of the plaintiffs' claims fail because they lack standing to assert them.

THIRD AFFIRMATIVE DEFENSE

The actions and conduct of these defendants, to the extent they occurred as alleged, were objectively reasonable under the circumstances of which they were aware, and they are entitled to qualified immunity from all liability as a result.

FOURTH AFFIRMATIVE DEFENSE

The actions and conduct of these defendants did not violate any clearly established constitutional or federal statutory right of which they reasonably should have been aware, and they are therefore entitled to qualified immunity.

JURY CLAIM

These defendants hereby claim this case to the jury docket.

DEFENDANTS, RENEE DOMINGUEZ and
JASON THODY

BY/ss/ James N. Tallberg

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CERTIFICATION

I hereby certify that on November 3, 2021, a copy of the foregoing was filed electronically and served by mail on anyone unable to accept electronic filing. Notice of this filing will be sent by e-mail to all parties by operation of the Court's electronic filing system or by mail to anyone unable to accept electronic filing. Parties may access this filing through the Court's system.

/ss/ James N. Tallberg
James N. Tallberg