

**UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF CONNECTICUT**

GREGORY GABRIELE,	:	
<i>Plaintiff,</i>	:	CIVIL ACTION NO.:
	:	
v.	:	
	:	
COLONEL DANIEL LOUGHMAN, in	:	
his Official and Individual Capacities,	:	
TROOPER FIRST CLASS JOHN MYER,	:	
in his Individual Capacity,	:	
CONNECTICUT CVS PHARMACY, LLC,	:	<b>JURY TRIAL DEMANDED</b>
a Connecticut corporation, and	:	
STEPHEN KIM,	:	
<i>Defendants.</i>	:	DECEMBER 26, 2025

**COMPLAINT**

**PARTIES**

1. Plaintiff Gregory Gabriele is an adult resident of Norwalk, Connecticut.
2. Defendant Department of Emergency Services and Public Protection (“DESPP”) is an agency of the State of Connecticut responsible for the operation, supervision, training, discipline, and oversight of the Connecticut State Police (“CSP”).
3. Defendant Trooper First Class John Myer (“TFC Myer”), at all relevant times to this Complaint, was a sworn member of the CSP, acting under color of state law, assigned to Troop I in Bethany.
4. TFC Myer is sued in his individual capacity.
5. Defendant Colonel Daniel Loughman (“Col. Loughman”), at all relevant times to this Complaint, was a Commanding Officer in the Office of Professional Standards or, following his promotion to Colonel, Deputy Commissioner of DESPP responsible for supervision and discipline of sworn troopers.

6. Col. Loughman is sued in his official capacity with respect to claims alleging policies, customs, supervision, training, and retention, and in his individual capacity with respect to claims alleging his personal participation in constitutional violations.

7. At all times referenced in this Complaint, Col. Loughman and TFC Myer acted under color of state law.

8. Defendant Connecticut CVS Pharmacy, LLC (“CVS Pharmacy”) is a domestic limited liability company recorded with the Connecticut Secretary of the State having a business address at 1 CVS Drive, Woonsocket, Rhode Island.

9. CVS Pharmacy is licensed as a pharmacy with the Connecticut Department of Consumer Protection (DCP) and operates a pharmacy at CVS Store #854, 327 Main Avenue, Norwalk, under DCP License PCY.0001283.

10. Defendant Stephen Kim (“Mr. Kim”) was a pharmacist at the pharmacy located within CVS Store #854 during January 2023 and February 2023 under DCP Credential PCT.0015425.

#### **JURISDICTION AND VENUE**

11. This action arises under the Constitution and pursuant to 42 U.S.C. §§ 1983, 1988.

12. This Court has subject-matter jurisdiction pursuant to 28 U.S.C. § 1331 over Plaintiff’s federal claims and supplemental jurisdiction over Plaintiff’s state-law claims pursuant to 28 U.S.C. § 1367 because the state law claims form part of the same case or controversy as Plaintiff’s federal claims.

13. Venue is proper in the District of Connecticut pursuant to 28 U.S.C. § 1391(b)(2) because the events or omissions giving rise to the claims occurred in this District.

## **FACTUAL ALLEGATIONS**

### **A. Escalation of Harassment and Abuse of Authority Related to a Private, Family Dispute**

14. Beginning in or around September 2021, TFC Myer embarked on a sustained course of personal harassment and abuse of police authority directed at Plaintiff for personal reasons.

15. TFC Myer resided, at that time, with Plaintiff's sister in a residence owned by Plaintiff's father adjacent to Plaintiff's residence on Box Wood Road in Norwalk.

16. TFC Myer repeatedly harassed and antagonized Plaintiff following a private family dispute involving Plaintiff's sister, Sue Gabriele, with whom TFC Myer was romantically involved.

17. After inserting himself into the Gabriele family dispute, TFC Myer thereafter engaged in a pattern of misconduct in which he abused his authority and misused his position as a state trooper in multiple encounters with Plaintiff.

18. On September 16, 2021, during a conversation concerning mail delivery, TFC Myer escalated the dispute by threatening Plaintiff with arrest and stating that he would place Plaintiff "in cuffs" if mail addressed to Plaintiff's friend continued to be delivered to Plaintiff's residence.

19. Later that same day, September 16, 2021, TFC Myer contacted the Norwalk Police Department ("NPD"), resulting in a ticket being placed on Plaintiff's lawfully parked vehicle.

#### **i. September 26, 2021–Motor Vehicle Stop**

20. On September 26, 2021, TFC Myer contacted NPD and initiated a motor vehicle stop of Plaintiff using lights and siren near their Box Wood Road residences.

21. NPD Officer Wright arrived at the motor vehicle stop and advised Plaintiff that he could file a citizen complaint with DESPP if he believed he was being harassed by TFC Myer.

22. TFC Myer issued Plaintiff a summons for misuse of a license plate, unlawfully confiscated the license plate, retained it for his personal possession, and failed to submit or log it in inventory as required by CSP policy and procedure.

23. Plaintiff thereafter filed a formal citizen complaint with the Internal Affairs Unit (“IAU”) of the Office of Professional Standards concerning TFC Myer and the incidents of September 16 and September 26, 2021.

24. As a direct result of TFC Myer’s abuse of authority under color of state law, Plaintiff was compelled to appear in court where he was ultimately sentenced to a term of incarceration during proceedings in which TFC Myer’s reports were accepted by the prosecution and the Court absent any *Giglio* notice.

**ii. February 21, 2022–Motor Vehicle Stop**

25. On February 21, 2022, while Plaintiff’s complaint to the IAU against TFC Myer was pending, TFC Myer again contacted NPD to report Plaintiff for alleged misuse of a license plate.

26. At the scene, TFC Myer advised NPD Officer Ortiz that, due to a pending internal affairs complaint against him [TFC Myer], he did not wish to issue Plaintiff a summons and requested that Officer Ortiz issue the summons.

27. Officer Ortiz warned TFC Myer that he appeared to be using NPD resources to harass Plaintiff.

28. Upon information and belief, TFC Myer thereafter filed an internal affairs complaint with the NPD against Officer Ortiz for declining to issue a summons.

**iii. April 12, 2022–Headlight Complaint**

29. On April 12, 2022, TFC Myer contacted NPD to complain about a vehicle’s illuminated headlights parked at Plaintiff’s residence on Box Wood Road.

30. A NPD officer approached the operator of the parked vehicle, determined that the vehicle was lawfully parked, and, when asked to do so by the officer, the operator turned off the headlights.

31. TFC Myer falsely informed the NPD officer on scene that Plaintiff was selling used cars from his home and falsely claimed to the officers that he [TFC Myer] was in contact with the State's Attorney's Office concerning Plaintiff.

32. On April 18, 2022, CSP Sgt. Humberto Henriques ("Sgt. Henriques") advised Plaintiff that the IAU had concluded the investigation of his citizen complaint about the September 16 and 26, 2021, incidents.

33. According to Sgt. Henriques, the IAU determined that TFC Myer's conduct had not been determined to be improper.

34. Upon information and belief, TFC Myer knew on April 12, 2022, that the IAU complaint filed by Plaintiff had been resolved in his [TFC Myer's] favor which emboldened him to continue the escalation of harassment and abuse of authority directed at Plaintiff.

35. At all times relevant to the investigation of Plaintiff's IAU complaint, Col. Loughman, then serving as a Commanding Officer in the Office of Professional Standards prior to his promotion to Colonel, oversaw and reviewed the IAU investigation of TFC Myer and approved the findings and determinations.

## **B. Interference with Medical Care and Abuse of Authority**

### **i. January 19, 2023–CVS Pharmacy**

36. On January 19, 2023, Plaintiff learned during a phone call with his friend, Leo Esposito ("Mr. Esposito"), that Mr. Esposito was at the CVS Pharmacy located at 327 Main Avenue in Norwalk.

37. Plaintiff informed Mr. Esposito that he was on his way to the same CVS Pharmacy to pick up a prescription for medication.

38. TFC Myer overheard Plaintiff's name in the conversation between Mr. Esposito and CVS pharmacist Mr. Kim, waited for Plaintiff to arrive, then followed Plaintiff through the store, speaking in a sarcastic, menacing tone and defaming Plaintiff as Mr. Esposito, an amputee, tried to flee and avoid TFC Myer.

39. According to DESPP time-keeping records, TFC Myer was not on duty during the incidents on January 19, 2023, at the CVS Pharmacy store, its parking lot, and the immediate vicinity.

40. TFC Myer caused extreme annoyance and alarm in breaching not only Plaintiff's and Mr. Esposito's peace, but also the peace of Mr. Esposito's state agency caregiver and others in the CVS store.

41. Plaintiff began recording the interaction after TFC Myer took a picture of Mr. Esposito and his caregiver.

42. Once outside the CVS store, TFC Myer followed Plaintiff in his cruiser even though Plaintiff was walking.

43. Plaintiff called Marcia Morrell, his girlfriend Stacey Morrell's mother, to ask Mrs. Morrell to provide him with safe transport to Box Wood Road.

44. Upon Mrs. Morrell's arrival, TFC Myer threatened to pull her over if she exited the CVS store lot due to a custom license plate on her 2018 BMW SUV.

45. TFC Myer immediately stopped Mrs. Morrell when she exited the CVS store lot with Plaintiff in the passenger seat and demanded her license and registration.

46. Plaintiff exited the vehicle to deescalate TFC Myer's conduct but remained nearby and continued to record the interaction between TFC Myer and Mrs. Morrell.

47. In the process of issuing Mrs. Morrell a written warning, TFC Myer aggressively asked, "You had a lot to say before. Do you have anything to say now?"

48. NPD officers arrived in response to TFC Myer's call.

49. CSP Trooper Michael Federowicz ("TPR Federowicz") was aware that TFC Myer was off duty and responded when he heard the stop over the radio.

50. TPR Federowicz, when interviewed by IAU during the investigation of Plaintiff's second citizen complaint against TFC Myer that would be filed on February 17, 2023, stated he (a) believed TFC Myer's stop of Mrs. Morrell was "petty" and "ridiculous"; (b) was concerned that TFC Myer intended to return to the CVS store and lot to harass Plaintiff about Plaintiff's parked vehicle on private CVS store property; and (c) believed that TFC Myer "should have never pursued the vehicle" that picked up Plaintiff.

51. CSP Sgt. John Ring ("Sgt. Ring"), the shift supervisor at Troop G in Bridgeport, instructed TPR Federowicz to avoid involvement beyond scene safety due to the history between TFC Myer and Plaintiff.

52. TFC Myer returned to the CVS store lot to demand that Plaintiff surrender the license plate from Plaintiff's parked vehicle.

53. For approximately ninety (90) minutes, TFC Myer supervised his personal investigation at the CVS store of potential charges that could be brought against Plaintiff.

54. TPR Federowicz remarked "this looks kind of bad," muted his body-worn camera, and spoke with TFC Myer inside the CVS store where they determined that no store video footage was taken of the events inside or outside of the CVS store.

55. TFC Myer then asked Sgt. Ring for permission to arrest Plaintiff off duty and bring him to Troop G in Bridgeport.

56. Sgt. Ring expressed concern that the request was personal and that TFC Myer was “specifically targeting Plaintiff and not using discretion which set off numerous red flags.”

57. Sgt. Ring directed TFC Myer not to arrest Plaintiff.

58. According to NPD Officer Taborda, TFC Myer directed him to arrest Plaintiff for breach of peace based on alleged tempestuous conduct inside the CVS store.

59. When Officer Taborda said he would obtain the CVS store video, TFC Myer, already aware that video did not exist, abandoned his request for an arrest.

60. Officer Taborda also refused TFC Myer’s request to issue Plaintiff a motor vehicle summons due to the overall situation created by TFC Myer and lack of evidence that Plaintiff was the operator of the vehicle.

61. Frustrated, TFC Myer issued Plaintiff a misdemeanor summons for three motor vehicle charges, seized Plaintiff’s license plate to keep as his personal possession, and towed Plaintiff’s vehicle from private property belonging to the CVS store.

62. As a direct result of TFC Myer’s abuse of authority under color of state law, Plaintiff was compelled to appear in court where he was ultimately sentenced to a term of incarceration during proceedings in which TFC Myer’s reports were accepted by the prosecution and the Court absent any *Giglio* notice.

**ii. February 8, 2023–Interstate 95 Motor Vehicle Stop**

63. On February 8, 2023, at approximately 10:53 a.m., while off duty and driving on Interstate 95 northbound through the Town of Darien, TFC Myer initiated a stop of a motor vehicle operated by Plaintiff.

64. Upon approaching the driver's side of the vehicle, TFC Myer informed Plaintiff that he was being stopped for alleged speeding and for operating the vehicle with what TFC Myer characterized as a "fake" Florida dealer license plate.

65. During the stop, which occurred on the shoulder of Interstate 95, TFC Myer engaged Plaintiff in extended discussion of personal matters unrelated to traffic enforcement, including prior disputes between them.

66. Approximately six (6) minutes into the stop, Plaintiff asked TFC Myer to speak with Stacey Morrell, who was on the telephone and listening to the encounter.

67. TFC Myer walked to the passenger side of the vehicle and engaged in a lengthy telephone conversation with Ms. Morrell.

68. The telephone conversation between TFC Myer and Ms. Morrell continued for approximately thirty (30) minutes while Plaintiff remained detained on the side of Interstate 95.

69. TFC Myer discussed the personal disputes spanning the previous eighteen (18) months and addressed Ms. Morrell's assistance in drafting Plaintiff's previous IAU complaint.

70. During the stop, TFC Myer also took a personal telephone call from Plaintiff's sister, Sue Gabriele, regarding the encounter.

71. After detaining Plaintiff for approximately fifty-three (53) minutes, TFC Myer seized the Florida dealer license plate, retained it for his personal possession, and compelled Plaintiff to drive the vehicle to a commuter parking lot.

72. No citation or summons was issued, and no enforcement action was taken other than a verbal warning and seizure of Plaintiff's license plate.

### **iii. Interference with Prescription Medication and Access to Medical Care**

73. Within a week following his January 19, 2023, encounter with Plaintiff at the CVS store, TFC Myer returned to the CVS Pharmacy and falsely represented to CVS pharmacist Mr. Kim that Plaintiff was under criminal investigation for diverting and selling prescription medication.

74. The medication referenced by TFC Myer had been prescribed to Plaintiff for treatment of health conditions.

75. Relying solely on TFC Myer's verbal representations, and without verifying legal authority, requesting documentation, or obtaining patient authorization, Mr. Kim disclosed and provided Plaintiff's confidential prescription and medical information to TFC Myer.

76. The disclosure was not made pursuant to a warrant, subpoena, court order, statutory mandate, or medical emergency.

77. Mr. Kim informed TFC Myer that he would call Plaintiff's physician's office to gather more information.

78. Mr. Kim thereafter informed Plaintiff's physician's office that Plaintiff was under investigation for prescription drug abuse.

79. When Plaintiff called his physician's office on February 17, 2023, for a prescription refill, he was informed that he needed to visit the office for an evaluation.

80. Plaintiff went to his physician's office on February 20, 2023, for an evaluation.

81. Plaintiff passed the evaluation and obtained a refill for his prescription medication.

82. As a direct and foreseeable consequence of TFC Myer's conduct and CVS Pharmacy's disclosure, Plaintiff's prescription file was flagged, Plaintiff's physician was falsely informed that Plaintiff was under investigation for prescription drug abuse, and Plaintiff's ongoing medical treatment was interrupted.

83. CVS Pharmacy's disclosure of Plaintiff's prescription and medical information was a substantial factor in causing Plaintiff's injuries and constituted an independent and superseding cause of harm, separate and apart from TFC Myer's misconduct.

84. The sudden interruption of Plaintiff's prescribed medication, the stress caused by CVS Pharmacy's disclosure, and the flagging of Plaintiff's prescription file necessitated emergency medical intervention, resulting in Plaintiff's admission to the emergency room and a subsequent sixty (60) day inpatient dual-diagnosis treatment.

### **C. Internal Affairs Unit Complaint No. 23-014**

#### **i. Filing of Complaints with IAU against TFC Myer**

85. On February 17, 2023, Plaintiff, Leo Esposito, Marcia Morrell, and Stacy Morrell filed formal complaints with the IAU against TFC Myer.

86. Plaintiff wrote in his complaint about TFC Myer to IAU:

I need John Meyer [sic] to be told to stop harassing me, leave me alone, and be held accountable for his misuse of power. This complaint needs to be taken seriously as John Meyer [sic] continues to seek, target and harass me. John has torn my family apart and continues to cause mental anguish with his unethical actions. John harasses me, and whoever I'm with. He uses his badge as a passage to do whatever he pleases to constantly bully and abuse his position of power.

87. Plaintiff asked the IAU to investigate whether TFC Myer had accessed the Connecticut Prescription Monitoring and Reporting System which is a crime if access is not authorized.

## **ii. Investigation of Complaints Against TFC Myer**

88. On February 20, 2023, Lieutenant Darrell Tetreault was assigned the investigation of Plaintiff's internal affairs complaint, Case No. 23-014, by Lieutenant Christopher Fongemie under the command of then-Lieutenant Colonel Daniel Loughman ("Lt. Col. Loughman"), Commanding Officer of the Office of Professional Standards.

89. The IAU sustained multiple serious violations against TFC Myer, including misuse of authority for personal reasons, improper access to confidential medical information, unprofessional conduct, and failure to follow CSP procedures.

90. The completed report was forwarded to Col. Loughman (then-Lt. Col. Loughman), Commanding Officer of the Office of Professional Standards, for review and approval.

91. The report of the investigation of IAU Case No. 23-014 confirmed that TFC Myer targeted Plaintiff for personal reasons and that his conduct served no legitimate law enforcement purpose.

92. Col. Loughman, after overseeing and approving the IAU investigation when he was a Lieutenant Colonel and the Commanding Officer of the Office of Professional Standards, then presided over TFC Myer's disciplinary hearing following his promotion to Colonel.

93. In his role of hearing officer, Col. Loughman considered and relied upon the same IAU investigation report he had previously reviewed and approved, thereby combining investigative and adjudicative functions in the same official.

94. Col. Loughman suspended TFC Myer for forty-five (45) days commencing on July 2, 2024, at 00:01 hours through August 29, 2024, at 23:59 hours.

95. Col. Loughman should have, but did not, terminate TFC Myer based on his confirmed lack of veracity and abuse of his authority as demonstrated in his statements during the investigation of IAU Case No. 23-014 and in his encounters with Plaintiff, Stacy Morrell, Marcia Morrell, Leo Esposito, and the CVS pharmacist.

96. Col. Loughman should have, but did not, report TFC Myer to the Police Officer Standards and Training Council (“POST-C”), pursuant to Conn. Gen. Stat. § 7-294d(c)(2), for formal proceedings to determine whether TFC Myer’s conduct merited decertification based on dishonesty.

97. By retaining TFC Myer as a CSP sworn officer, Col. Loughman created a foreseeable and ongoing risk to Plaintiff, Stacey Morrell, Marcia Morrell, Leo Esposito, the CVS pharmacist, and the general public, including the risk of further abuse of authority, retaliatory enforcement, improper access to confidential information, and deprivation of constitutional and statutory rights, all of which were known or should have been known during the investigation and resolution of Plaintiff’s complaints.

## **VIOLATIONS AND CLAIMS**

### **Count One**

#### **42 U.S.C. § 1983: Fourth Amendment Unreasonable Seizure (Against TFC Myer)**

1.–97. Plaintiff realleges paragraphs 1–97 under Count One.

98. By initiating and conducting multiple stops, detentions, and seizures without lawful basis, and threatening arrest and court summons to compel surrender of property and for retaliatory reasons, TFC Myer unreasonably seized Plaintiff and his property in violation of the Fourth Amendment.

99. Plaintiff has been harmed and seeks compensatory damages, punitive damages, and attorney’s fees pursuant to 42 U.S.C. § 1988.

**Count Two**

**42 U.S.C. § 1983: First Amendment Retaliatory Enforcement (Against TFC Myer)**

1.–97. Plaintiff realleges paragraphs 1–97 under Count Two.

98. By targeting Plaintiff following protected complaints, TFC Myer unreasonably retaliated against Plaintiff in violation of the First Amendment by initiating and conducting multiple motor vehicle stops, detentions, seizures without lawful basis, and threatening arrest and court summons.

99. Plaintiff has been harmed and seeks compensatory damages, punitive damages, and attorney’s fees pursuant to 42 U.S.C. § 1988.

**Count Three**

**42 U.S.C. § 1983: Fourteenth Amendment Substantive Due Process–Privacy/Family Integrity; Interference with Medical Care (Against TFC Myer)**

1.–97. Plaintiff realleges paragraphs 1–97 under Count Three.

98. By falsely purporting to conduct a criminal investigation and obtaining Plaintiff’s confidential prescription and medical information, causing Plaintiff’s file to be flagged, and interfering with his ongoing medical treatment, TFC Myer violated Plaintiff’s Fourteenth Amendment substantive due process and privacy rights.

99. Plaintiff has been harmed and seeks compensatory damages, punitive damages, and attorney’s fees pursuant to 42 U.S.C. § 1988.

**Count Four**

**42 U.S.C. § 1983: Fourteenth Amendment Procedural Due Process–Deprivation of Property (Against TFC Myer)**

1.–97. Plaintiff realleges paragraphs 1–97 under Count Four.

98. By coercing surrender of license plates under threat of arrest and arranging for towing of Plaintiff’s vehicle without lawful process or post–deprivation remedy, TFC Myer deprived Plaintiff of property without due process of law guaranteed under the Fourteenth Amendment.

99. Plaintiff has been harmed and seeks compensatory damages, punitive damages, and attorney's fees pursuant to 42 U.S.C. § 1988.

**Count Five**

**42 U.S.C. § 1983: Fourteenth Amendment Deprivation of Liberty Without Due Process; Arbitrary Abuse of Authority (Against TFC Myer)**

1.–97. Plaintiff realleges paragraphs 1–97 under Count Five.

98. Through a deliberate, personal campaign of arbitrary and oppressive conduct, detentions, threats, and interference with medical care undertaken for personal motives, TFC Myer effected a deprivation of liberty without due process of law guaranteed under the Fourteenth Amendment.

99. Plaintiff has been harmed and seeks compensatory damages, punitive damages, and attorney's fees pursuant to 42 U.S.C. § 1988.

**Count Six**

**42 U.S.C. § 1983: Policy/Failure to Supervise (Against Col. Loughman in his Official Capacity)**

1.–97. Plaintiff realleges paragraphs 1–97 under Count Six.

98. Despite notice of TFC Myer's harassment, sustained IAU violations, and supervisor concerns, DESPP, through Col. Loughman, failed to implement adequate supervision, training, or discipline, maintain policies, or customs, to protect Plaintiff from TFC Myer's abuse of authority.

99. Plaintiff continues to be harmed and seeks prospective injunctive relief to address his present incarceration arising from the foregoing violations and the risks of future retaliation, post-incarceration, that he reasonably fears will be imposed by TFC Myer.

100. Plaintiff seeks attorney's fees pursuant to 42 U.S.C. § 1988.

**Count Seven**

**42 U.S.C. § 1983: Negligent Retention/Failure to Refer/*Giglio* (Against Col. Loughman in his Official Capacity)**

1.–97. Plaintiff realleges paragraphs 1–97 under Count Seven.

98. DESPP, acting through Col. Loughman, negligently retained TFC Myer and failed to take reasonable action after becoming aware of his unfitness for duty and the clear foreseeability that such unfitness would cause harm to Plaintiff.

99. Upon information and belief, TFC Myer was not referred for a fitness-for-duty examination despite observations made by fellow officers regarding his conduct.

100. Upon information and belief, notwithstanding sustained findings establishing TFC Myer's lack of truthfulness and abuse of authority, DESPP, through Col. Loughman, failed to designate, disclose, or otherwise communicate such credibility-related findings to POST–C and for *Giglio* purposes, allowing TFC Myer to continue participating in law enforcement activity and criminal prosecutions without disclosure of material exculpatory evidence, a failure that foreseeably contributed to Plaintiff's loss of liberty and violated basic obligations designed to safeguard the integrity of the criminal justice process.

101. The harms suffered by Plaintiff are the natural and probable consequences of DESPP's negligence and reckless retention of TFC Myer.

102. Plaintiff continues to be harmed and seeks prospective injunctive relief to address his present incarceration arising from the foregoing violations and the risks of future retaliation, post–incarceration, that he reasonably fears will be imposed by TFC Myer.

103. Plaintiff seeks attorney's fees pursuant to 42 U.S.C. § 1988.

## **Count Eight**

### **Negligent Retention/Failure to Refer/*Giglio* (Connecticut Common Law) (Against Col. Loughman in his Individual Capacity)**

1.–97. Plaintiff realleges paragraphs 1–97 under Count Eight.

98. Col. Loughman negligently retained TFC Myer and failed to take reasonable action after becoming aware of his unfitness for duty and the clear foreseeability that such unfitness would cause harm to Plaintiff.

99. Upon information and belief, TFC Myer was not referred for a fitness-for-duty examination despite observations made by fellow officers regarding his conduct.

100. Upon information and belief, notwithstanding sustained findings establishing TFC Myer's lack of truthfulness and abuse of authority, Col. Loughman failed to designate, disclose, or otherwise communicate such credibility-related findings to POST–C and for *Giglio* purposes, allowing TFC Myer to continue participating in law enforcement activity and criminal prosecutions without disclosure of material exculpatory evidence, a failure that foreseeably contributed to Plaintiff's loss of liberty and violated basic obligations designed to safeguard the integrity of the criminal justice process.

101. Col. Loughman's conduct was undertaken in reckless disregard of Plaintiff's rights and outside the scope of his lawful discretionary authority.

102. Plaintiff has been harmed and seeks compensatory damages and punitive damages.

## Count Nine

### 42 U.S.C. § 1983: Fourteenth Amendment Procedural Due Process—Combined Investigative and Adjudicative Functions (Against Col. Loughman in his Individual Capacity)

1.–97. Plaintiff realleges paragraphs 1–97 under Count Nine.

98. Col. Loughman personally oversaw and approved the IAU investigation of Plaintiff's complaints against TFC Myer, including the review and approval of findings sustaining serious administrative violations against TFC Myer.

99. Those sustained violations included misuse of authority for personal reasons, improper access to confidential medical information, unprofessional conduct, and failure to follow CSP procedures.

100. After reviewing and approving the IAU investigative findings, Col. Loughman thereafter personally presided as the hearing officer at TFC Myer's *Loudermill* disciplinary hearing, during which he considered and relied upon the same investigative findings he had previously approved.

101. By serving sequentially as: (a) a supervisory official overseeing and approving the investigation and (b) the adjudicative decision-maker presiding over the disciplinary hearing, Col. Loughman combined investigative and adjudicative functions in a single individual, creating an unconstitutional risk of bias.

102. Col. Loughman's dual role compromised the neutrality of the *Loudermill* proceeding and deprived Plaintiff of the protections of an impartial decision maker, as guaranteed by the Fourteenth Amendment.

103. The constitutional prohibition against a single official serving as both investigator and adjudicator in a manner creating a substantial risk of bias was clearly established at the time of Col. Loughman's conduct.

104. A reasonable official in Col. Loughman's position would have known that presiding over a disciplinary hearing after approving the underlying investigation violated basic principles of procedural due process.

105. Col. Loughman's actions were not ministerial, accidental, or the product of institutional policy alone, but rather constituted his personal participation in a constitutional deprivation.

106. As a direct and proximate result of Col. Loughman's conduct, Plaintiff suffered deprivation of liberty, including criminal consequences and incarceration, as well as emotional distress, reputational harm, and loss of due process protections.

107. Col. Loughman is therefore liable in his individual capacity under 42 U.S.C. § 1983 for violating Plaintiff's Fourteenth Amendment right to procedural due process.

108. Plaintiff has been harmed and seeks compensatory damages, punitive damages, and attorney's fees pursuant to 42 U.S.C. § 1988.

**Count Ten**

**Invasion of Privacy (Connecticut Common Law) (Against TFC Myer)**

1.-97. Plaintiff realleges paragraphs 1-97 under Count Ten.

98. By obtaining Plaintiff's confidential prescription and medical information under false pretenses, causing his file to be flagged, and prompting delay in medical care, TFC Myer intruded upon Plaintiff's seclusion without privilege.

99. Plaintiff has been harmed and seeks compensatory damages and punitive damages.

**Count Eleven**

**Civil Theft, Conn. Gen. Stat. § 52-564 (Against TFC Myer)**

1.–97. Plaintiff realleges paragraphs 1–97 under Count Eleven.

98. With intent to deprive Plaintiff thereof, TFC Myer wrongfully took and withheld motor vehicle license plates belonging to Plaintiff.

99. Plaintiff has been harmed and seeks compensatory damages and treble damages.

**Count Twelve**

**Conversion (Connecticut Common Law) (Against TFC Myer)**

1.–97. Plaintiff realleges paragraphs 1–97 under Count Twelve.

98. Without authorization, TFC Myer assumed and exercised dominion over motor vehicle license plates seized from Plaintiff, retaining possession through at least June 28, 2023, to the exclusion of Plaintiff's rights.

99. TFC Myer's wrongful dominion and control over Plaintiff's property caused harm, including interference with Plaintiff's business expectations.

100. Plaintiff has been harmed and seeks compensatory damages and punitive damages.

**Count Thirteen**

**Intentional Infliction of Emotional Distress (Connecticut Common Law) (Against TFC Myer)**

1.–97. Plaintiff realleges paragraphs 1–97 under Count Thirteen.

98. TFC Myer's sustained campaign of harassment, personal targeting, misuse of police authority, and interference with medical care was extreme and outrageous, intended to cause distress or undertaken with reckless disregard, and caused severe emotional distress requiring inpatient treatment.

99. Plaintiff has been harmed and seeks compensatory damages and punitive damages.

**Count Fourteen**  
**Invasion of Privacy–Intrusion Upon Seclusion (Connecticut Common Law) (Against CVS Pharmacy)**

1.–97. Plaintiff realleges paragraphs 1–97 under Count Fourteen.

98. Plaintiff had a reasonable expectation of privacy in his confidential prescription and medical information maintained by CVS Pharmacy.

99. CVS Pharmacy intentionally disclosed Plaintiff’s confidential prescription and medical information to an unauthorized third party acting under false pretenses.

100. The disclosure occurred without legal process, patient consent, or lawful justification and would be highly offensive to a reasonable person.

101. CVS Pharmacy’s conduct constituted a substantial intrusion upon Plaintiff’s private medical affairs.

102. At all relevant times, CVS Pharmacy was required to adhere to professional and regulatory standards governing the confidentiality of prescription and medical information, including standards reflected in federal privacy regulations applicable to pharmacies. While such regulations do not create a private cause of action, they establish the minimum standard of care applicable to CVS Pharmacy’s handling of prescription and medical information and support Plaintiff’s invasion of privacy claim.

103. As a direct and proximate result of CVS Pharmacy’s conduct, Plaintiff suffered loss of privacy, reputational harm, emotional distress, and disruption of medical care resulting in hospitalization.

104. Plaintiff has been harmed and seeks compensatory damages and punitive damages.

## **Count Fifteen**

### **Invasion of Privacy–Intrusion Upon Seclusion (Connecticut Common Law) (Against Kim)**

1.–97. Plaintiff realleges paragraphs 1–97 under Count Fifteen.

98. Plaintiff had a reasonable expectation of privacy in his prescription and medical information maintained by Mr. Kim.

99. Mr. Kim intentionally disclosed Plaintiff's confidential prescription and medical information to an unauthorized third party acting under false pretenses.

100. The disclosure occurred without legal process, patient consent, or lawful justification and would be highly offensive to a reasonable person.

101. Mr. Kim's conduct constituted a substantial intrusion upon Plaintiff's private medical affairs.

102. At all relevant times, Mr. Kim was required to adhere to professional and regulatory standards governing the confidentiality of prescription and medical information, including standards reflected in federal privacy regulations applicable to pharmacies. While such regulations do not create a private cause of action, they establish the minimum standard of care applicable to Mr. Kim's handling of prescription and medical information and support Plaintiff's invasion of privacy claim.

103. As a direct and proximate result of Mr. Kim's conduct, Plaintiff suffered loss of privacy, reputational harm, emotional distress, and disruption of medical care resulting in hospitalization.

104. Plaintiff has been harmed and seeks compensatory damages and punitive damages.

**Count Sixteen**

**Breach of Medical Confidentiality (Connecticut Common Law) (Against CVS Pharmacy)**

1.–97. Plaintiff realleges paragraphs 1–97 under Count Sixteen.

98. CVS Pharmacy owed Plaintiff a common law duty to maintain the confidentiality of his prescription and medical information.

99. CVS Pharmacy breached that duty by disclosing Plaintiff's prescription and medical information to TFC Myer without lawful authorization.

100. CVS Pharmacy failed to verify the existence of legal process, statutory authority, or patient consent prior to disclosure.

101. CVS Pharmacy knew or should have known that disclosure of prescription and medical information would foreseeably interfere with Plaintiff's medical treatment and cause serious harm.

102. At all relevant times, CVS Pharmacy was required to adhere to professional and regulatory standards governing the confidentiality of prescription and medical information, including standards reflected in federal privacy regulations applicable to pharmacies. While such regulations do not create a private cause of action, they establish the minimum standard of care applicable to CVS Pharmacy's handling of prescription and medical information and support Plaintiff's breach of medical confidentiality claim.

103. CVS Pharmacy's breach was a substantial factor in causing Plaintiff's medication interruption, medical distress, and inpatient treatment.

104. Plaintiff has been harmed and seeks compensatory damages and punitive damages.

**Count Seventeen**  
**Breach of Medical Confidentiality (Connecticut Common Law) (Against Kim)**

1.–97. Plaintiff realleges paragraphs 1–97 under Count Seventeen.

98. Mr. Kim owed Plaintiff a common law duty to maintain the confidentiality of his prescription and medical information.

99. Mr. Kim breached that duty by disclosing Plaintiff’s prescription and medical information to TFC Myer without lawful authorization.

100. Mr. Kim failed to verify the existence of legal process, statutory authority, or patient consent prior to disclosure.

101. Mr. Kim knew or should have known that disclosing prescription and medical information would foreseeably interfere with Plaintiff’s medical treatment and cause serious harm.

102. At all relevant times, Mr. Kim was required to adhere to professional and regulatory standards governing the confidentiality of prescription and medical information, including standards reflected in federal privacy regulations applicable to pharmacies. While such regulations do not create a private cause of action, they establish the minimum standard of care applicable to Mr. Kim’s handling of prescription and medical information and support Plaintiff’s breach of medical confidentiality claim.

103. Mr. Kim’s breach was a substantial factor in causing Plaintiff’s medication interruption, medical distress, and inpatient treatment.

104. Plaintiff has been harmed and seeks compensatory damages and punitive damages.

**Count Eighteen**  
**Reckless Disregard of Patient Privacy and Safety (Connecticut Common Law) (Against CVS Pharmacy)**

1.–97. Plaintiff realleges paragraphs 1–97 under Count Eighteen.

98. CVS Pharmacy acted with reckless disregard for Plaintiff's privacy and health by disclosing prescription and medical information to an off-duty law enforcement officer without documentation, verification of authority, or supervisory review, and despite the obvious risk of misuse and harm.

99. CVS Pharmacy's conduct departed from accepted CVS Pharmacy practices and federally recognized privacy standards governing prescription and medical information.

100. At all relevant times, CVS Pharmacy was required to adhere to professional and regulatory standards governing the confidentiality of prescription and medical information, including standards reflected in federal privacy regulations applicable to pharmacies. While such regulations do not create a private cause of action, they establish the minimum standard of care applicable to CVS Pharmacy's handling of prescription and medical information and support Plaintiff's recklessness claim.

101. CVS Pharmacy's reckless conduct was a proximate cause of Plaintiff's medication interruption, medical distress, and inpatient treatment.

102. Plaintiff has been harmed and seeks compensatory damages and punitive damages.

### **Count Nineteen**

#### **Reckless Disregard of Patient Privacy and Safety (Connecticut Common Law) (Against Kim)**

1.–97. Plaintiff realleges paragraphs 1–97 under Count Nineteen .

98. Mr. Kim acted with reckless disregard for Plaintiff’s privacy and health by disclosing prescription and medical information to an off-duty law enforcement officer without documentation, verification of authority, or supervisory review, despite the obvious risk of misuse and harm.

99. At all relevant times, Mr. Kim was required to adhere to professional and regulatory standards governing the confidentiality of prescription and medical information, including standards reflected in federal privacy regulations applicable to pharmacies. While such regulations do not create a private cause of action, they establish the minimum standard of care applicable to Mr. Kim’s handling of prescription and medical information and support Plaintiff’s recklessness claim.

100. Mr. Kim’s reckless conduct was a proximate cause of Plaintiff’s medication interruption, medical distress, and inpatient treatment.

101. Plaintiff has been harmed and seeks compensatory damages and punitive damages.

### **Count Twenty**

#### **CUTPA — Unfair Trade Practices (Against CVS Pharmacy)**

1.–97. Plaintiff realleges paragraphs 1–97 under Count Twenty.

98. CVS Pharmacy is engaged in trade or commerce within the meaning of Conn. Gen. Stat. § 42-110a.

99. CVS Pharmacy represented to consumers, including Plaintiff, that it safeguards patient prescription and medical information and complies with privacy protections applicable to pharmacies.

100. Contrary to those representations, CVS Pharmacy disclosed Plaintiff's prescription and medical information without lawful authorization and without reasonable safeguards.

101. CVS Pharmacy's conduct constituted an unfair and unscrupulous practice in that it: (a) offended established public policy protecting medical privacy; (b) was immoral, unethical, and oppressive; and (c) caused substantial injury to Plaintiff.

102. As a direct and proximate result of CVS Pharmacy's unfair trade practices, Plaintiff suffered an ascertainable loss, including but not limited to: (a) Out-of-pocket medical expenses; (b) Costs associated with emergency treatment and inpatient care; (c) Loss of the benefit of confidential CVS Pharmacy services for which Plaintiff paid; and (d) Interference with ongoing medical treatment.

103. CVS Pharmacy's conduct was a substantial factor in causing Plaintiff's ascertainable losses.

104. At all relevant times, CVS Pharmacy was required to adhere to professional and regulatory standards governing the confidentiality of prescription and medical information, including standards reflected in federal privacy regulations applicable to pharmacies. While such regulations do not create a private cause of action, they establish the minimum standard of care applicable to CVS Pharmacy's handling of prescription and medical information and support Plaintiff's unfair trade practices claim.

105. Plaintiff seeks actual damages, punitive damages, attorneys' fees, and equitable relief pursuant to Conn. Gen. Stat. § 42-110g.

PLAINTIFF  
GREGORY GABRIELE

BY:



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