

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

| | | |
|------------------------------|---|------------------|
| M. PETER KUCK, | : | CIVIL ACTION NO. |
| | : | 3:07cv1390 (VLB) |
| <i>Plaintiff</i> | : | |
| | : | |
| v. | : | |
| | : | |
| | : | |
| JOHN A. DANAHER, III, ET AL, | : | |
| | : | |
| <i>Defendants</i> | : | December 2, 2011 |

DEFENDANTS' ANSWER AND DEFENSES

The Defendants, hereby submit their answer and defenses, to Plaintiffs' Second Amended Complaint, dated October 3, 2011, (Docket # 92).

PRELIMINARY STATEMENT

Paragraph 1 – This paragraph is a statement of Plaintiffs' case to which no response is necessary and the Defendant leaves the Plaintiffs to their proof.

Paragraph 2 – Admitted, except that the agency is now called the Connecticut Department of Emergency Services & Public Protection.

Paragraph 3 – Denied

JURISDICTION

Paragraph 4 – This is a legal conclusion and no response is required.

PARTIES

Paragraph 5 – Admitted.

Paragraph 6 – Defendants have insufficient knowledge to admit or deny allegations in this paragraph and leaves the plaintiffs to their proof.

Paragraph 7 – Admitted that Plaintiff Kuck was Secretary of the Board but, as for the dates, Defendants have insufficient knowledge to admit or deny and leave the plaintiffs to their proof.

Paragraph 8 – This paragraph is a legal statement to which no response is required.

Paragraph 9 - This paragraph is a legal statement to which no response is required.

Paragraph 10 - This paragraph is a legal statement to which no answer is required.

Paragraph 11 – Admitted. Defendant Danaher was Commissioner from March 5, 2007 to May 10, 2010.

Paragraph 12 – Admitted to the extent that DPS was so constituted until the reorganization of July 1, 2011.

Paragraph 13 – Admitted to the extent that this is an accurate description until the reorganization of July 1, 2011.

Paragraph 14 – Admitted in part. There have been several iterations over recent years; but, for the relevant period described in this action, this is correct.

Paragraph 15 – Admitted.

Paragraph 16 - Admitted.

Paragraph 17 – Admitted in part. Defendant Fox was involved in some SLFU matters, arguing BFPE cases during parts of the 2002 to 2004 time frame. From November 23, 2007 to April 1, 2008, Defendant Fox was the Executive

Officer of the Special Investigations and Support Services Unit but argued SLFU BFPE cases during that time and a few months after.

Paragraph 18 – Admitted.

Paragraph 19 – Admitted.

Paragraph 20 – Admitted

Paragraph 21 – Admitted.

Paragraph 22 – This is a description of Plaintiffs' action and no response is required.

Paragraph 23 – Admitted.

Paragraph 24 – Admitted.

Paragraph 25 – Admitted.

Paragraph 26 – The enabling legislation to the Board speaks for itself and no response is required.

Paragraph 27 – Admitted, except the date should be July 1, 2011.

Paragraph 28 – Admitted.

Paragraph 29 – Admitted.

Paragraph 30 – Admitted.

Paragraph 31 – This is a statement of plaintiffs' case and no response is required.

Paragraph 32 – Admitted.

Paragraph 33 – Defendants have insufficient information to admit or deny the specific facts alleged and leave plaintiff to his proof.

Paragraph 34 – Admitted with the exception that proof of citizenship or legal residency was required.

Paragraph 35 – Defendants have insufficient information to admit or deny the specific facts alleged and leave Plaintiff to his proof.

Paragraph 36 – Defendants have insufficient information to admit or deny the specific facts alleged and leave Plaintiff to his proof.

Paragraph 37 – The text of General Statutes §29-28(b) speaks for itself and no response is required.

Paragraph 38 – Admitted to the extent that proof of citizenship or legal residency was required – not necessarily a birth certificate.

Paragraph 39 – Admitted in part. Prior to 2001, proof of citizenship or legal residency was required on the initial application only. Subsequent to September 11, 2001, and largely implemented in early 2002, the database was changed to require proof of citizenship or legal residency upon renewal. Once that had been proven, no subsequent renewals required such proof unless there had been a change in citizenship or legal residency.

Paragraph 40 – Admitted in part. Prior to 2001, proof of citizenship or legal residency was required on the initial application only. Subsequent to September 11, 2001, and largely implemented in early 2002, the database was changed to require proof of citizenship or legal residency upon renewal. Once that had been proven, no subsequent renewals required such proof unless there had been a change in citizenship or legal residency.

Paragraph 41 – Matter of public record which speaks for itself.

Paragraph 42 – The text of May 14, 2007 letter speaks for itself and no response is necessary.

Paragraph 43 – The text of May 14, 2007 letter speaks for itself and no response is necessary.

Paragraph 44 – Denied. DPS responded in a letter dated September 14, 2007 but noted therein that defendant Commissioner’s practice was not to engage in any ex parte communications with the Board.

Paragraph 45 – Denied.

Paragraph 46 – Defendants have insufficient information to admit or deny and leaves plaintiffs to their proof.

Paragraph 47 – Admitted.

Paragraph 48 – Admitted.

Paragraph 49 – Any such letter speaks for itself and no response is required.

Paragraph 50 – Denied.

Paragraph 51 – Defendant has insufficient information regarding the alleged YCGG letter which would predate defendant Adam’s tenure on the Board and leaves plaintiff to his proof.

Paragraph 52 – Any such letter speaks for itself, otherwise this is only a statement of third party’s opinion and no response is necessary.

Paragraph 53 – Admitted as to the requirement to provide proof of citizenship or legal residency, otherwise denied.

Paragraph 54 – Denied.

KUCK: APPEAL TO THE BOARD

Paragraph 55 – Defendant neither admits nor denies but leaves plaintiffs to their proof.

Paragraph 56 – Admitted.

Paragraph 57 – The text of the Board’s Decision speaks for itself and no response is necessary.

Paragraph 58 – The Plaintiff himself did not provide the voter registration list, the Board obtained it from counsel.

Paragraph 59 – Denied. In 1982, permits were issued by local police and DPS would not have received proof of citizenship.

Paragraph 60 – The record of the Board’s proceeding speaks for itself and no response is required.

Paragraph 61 – The text of any such database speaks for itself and no response is required.

Paragraph 62 – The text of any such database speaks for itself and no response is required.

Paragraph 63 – Admitted with the exception noted above in paragraph 58.

Paragraph 64 – Board’s record speaks for itself and no response is required.

Paragraph 65 – Admitted to the extent that DPS informed the Board that plaintiff declined to provide proof of citizenship.

Paragraph 66 – This is a legal conclusion and no response is required.

Paragraph 67 – The Board’s record speaks for itself and no response is required.

GOLDBERG: PERMIT APPLICATION

Paragraph 68 – Defendant neither admits nor denies but leaves plaintiffs to their proof.

Paragraph 69 – General Statute §29-28(b) speaks for itself and no response is required.

Paragraph 70 – Admitted except Commissioner Danaher did not receive the application personally for it would have gone directly to SLFU.

Paragraph 71 – Defendant has insufficient information to admit or deny and leaves plaintiff to his proof.

GOLDBERG: ARREST JUNE 21, 2007

Paragraph 72 – The defendants have no information regarding the actions of the Glastonbury Police Department and leave the plaintiffs to their proof.

Paragraph 73 – The defendants have no information regarding the actions of the Glastonbury Police Department and leave the plaintiffs to their proof.

Paragraph 74 – Admitted as to the fact of taking plaintiff’s pistol; denied as to being “unlawful.”

Paragraph 75 – Admitted as to the fact of taking plaintiff’s permit; denied as to being “illegal.”

Paragraph 76 – Denied.

Paragraph 77 – Defendants have insufficient knowledge of GPD actions to admit or deny and leave plaintiff to his proof.

Paragraph 78 – This matter is no longer pending but was decided in favor of the Defendant Glastonbury Police Department.

Paragraph 79 – Admitted.

Paragraph 80 – Admitted.

Paragraph 81 – Admitted to the extent that the partial quoted statement is in the revocation letter.

Paragraph 82 – General Statute §29-32(b) speaks for itself and no response is required.

Paragraph 83 – The text of any letter speaks for itself and no response is required.

Paragraph 84 – The text of any letter speaks for itself and no response is required.

Paragraph 85 – Denied as to the allegation of a “wrongful taking”, otherwise the text of any letter speaks for itself and no response is required.

Paragraph 86 – Denied.

Paragraph 87 – Admitted that DPS received the state permit in order to conduct an investigation as required by law and decide to revoke or return the permit on its own or as directed by the Board.

DISMISSAL OF GOLDBERG’S CRIMINAL CASE

Paragraph 88 – Defendant has insufficient information regarding this separate action and leaves plaintiffs to their proof.

Paragraph 89 – Defendant has insufficient information regarding this separate action and leaves plaintiffs to their proof.

Paragraph 90 – Defendant has insufficient information regarding this separate action and leaves plaintiffs to their proof.

Paragraph 91 – The Judge’s order speaks for itself and no response is required.

Paragraph 92 – The Judge’s order speaks for itself and no response is required.

GOLDBERG’S APPEAL TO THE BOARD

Paragraph 93 – Admitted.

Paragraph 94 – Admitted as to the date of the hearing, otherwise denied.

Paragraph 95 – Admitted as to the attempt to secure a permit from a different municipal police agency, otherwise denied.

Paragraph 96 – Defendant has no knowledge regarding the alleged actions of Chief Cetran.

Paragraph 97 – Defendant has no knowledge regarding the alleged actions of the Wethersfield Police Department.

Paragraph 98 – Admitted that SLFU notified plaintiff of the revocation.

Paragraph 99 – Admitted.

Paragraph 100 – The text of the letter speaks for itself and no response is required.

Paragraph 101 – The text of the letter speaks for itself and no response is required.

Paragraph 102 – This is a legal conclusion and no response is required.

Paragraph 103 – Denied.

Paragraph 104 – Defendant admits that plaintiff’s permit was revoked but denies the rest.

Paragraph 105 – This is a legal conclusion and no response is necessary.

Paragraph 106 – Defendant denies that there was any prohibition of the Commissioner’s action and otherwise relies on the Commissioner’s written reasons for the revocation.

Paragraph 107 – Admitted as to the fact that plaintiff’s permit was revoked, otherwise denied.

Paragraph 108 – Denied.

Paragraph 109 – Admitted as to the dates, otherwise denied.

Paragraph 110 – Admitted.

Paragraph 111 – Defendant has insufficient information to identify the source of this quote and therefore cannot admit or deny and leaves the plaintiff to his proof.

Paragraph 112 – Admitted that the motion was denied, otherwise the record of the Board hearing speaks for itself and no response is required.

Paragraph 113 – Denied.

Paragraph 114 – Denied. SLFU revoked the permit for the reasons outlined in the notice.

Paragraph 115 – Denied.

Paragraph 116 – Defendants have insufficient information to admit or deny and leave plaintiff to his proof.

Paragraph 117 – Admitted except that SLFU reinstated the permit.

Paragraph 118 – Conn. Gen. Stat. §29-32(b) speaks for itself and no response is required.

Paragraph 119 – Denied.

Paragraph 120 – Denied.

Paragraph 121 – Denied.

Paragraph 122 – The March 10, 1998 letter speaks for itself and no response is required.

Paragraph 123 – Defendant has no knowledge of the specific facts alleged in this paragraph and leaves the plaintiff to his proof.

Paragraph 124 – Admitted that the quoted words appear in the referenced letter.

Paragraph 125 – Defendant admits that there was a meeting but otherwise has no knowledge of the date or other facts alleged in this paragraph and leaves the plaintiff to his proof.

Paragraph 126 – Defendant cannot verify the words quoted in this paragraph and leaves the plaintiff to his proof.

Paragraph 127 – Defendant Commissioner Danaher did not comment during the meeting on any position taken by his subordinates on this issue.

Paragraph 128 – Defendant has no knowledge of the specific facts alleged and leaves the plaintiff to his proof.

Paragraph 129 – Denied.

Paragraph 130 – Defendant has no knowledge of the facts alleged and leaves the plaintiff to his proof.

DELAY OF PLAINTIFF'S APPEALS TO THE BOARD

Paragraph 131 – The text of the May 14, 2007 letter speaks for itself and no response is required.

Paragraph 132 – The text of the May 14, 2007 letter speaks for itself and no response is required.

Paragraph 133 – The alleged report speaks for itself and no response is required.

Paragraph 134 – The alleged report speaks for itself and no response is required.

Paragraph 135 – Defendant cannot verify the facts alleged in this paragraph and leave plaintiffs to their proof.

Paragraph 136 – The May 14, 2007 letter speaks for itself and no response is necessary.

Paragraph 137 – The Auditors' power and responsibilities are listed by statute.

Paragraph 138 – The Auditors' power and responsibilities are listed by statute.

Paragraph 139 – Denied.

Paragraph 140 – Defendants have insufficient information as to anything the Auditors told Governor.

DPS DECISION TO RETURN PERMITS PRIOR TO HEARING.

Paragraph 141 – Denied.

Paragraph 142 – Admitted.

Paragraph 143 – Denied.

Paragraph 144 – Denied.

Paragraph 145 – Denied.

Paragraph 146 – Denied.

SECURITY CHAIRMAN OF EXECUTIVE HEAD OF BOARD

Paragraph 147 – Admitted, except defendants have insufficient information regarding the date plaintiff was appointed.

Paragraph 148 – Defendant has insufficient information to admit or deny.

Paragraph 149 – Admitted except defendants cannot verify the date Kuck began to serve.

Paragraph 150 – The text of the regulations speak for themselves and no response is required.

Paragraph 151 – Defendant has no information about plaintiff's thoughts or actions at this time.

Paragraph 152 – Admitted that defendant Adams sought information regarding the number of appeals scheduled, otherwise denied.

Paragraph 153 – Defendants have insufficient information to admit or deny the specific facts alleged and leave the plaintiffs to their proof.

THE BOARD SECURITY FUNCTIONS

Paragraph 154 – Denied.

Paragraph 155 – Admitted.

Paragraph 156 – Administrative appeals before the Board are governed by statute, which speaks for itself and no further response is required.

Paragraph 157 – Administrative appeals before the Board are governed by statute, which speaks for itself, and no further response is required.

Paragraph 158 – Generally accurate.

Paragraph 159 – The statutes and regulations speak for themselves, and no further response is required.

Paragraph 160 – Denied as to Kuck’s authority to review facts; scheduling of appeals was generally left to the Executive Director at the time.

Paragraph 161 – Denied.

Paragraph 162 – Denied.

Paragraph 163 – Denied.

Paragraph 164 – Denied.

Paragraph 165 – Denied.

Paragraph 166 – Denied.

Paragraph 167 – Denied.

Paragraph 168 – The letter of Mr. Beal speaks for itself, otherwise denied.

Paragraph 169 - The letter of Mr. Beal speaks for itself, otherwise denied.

Paragraph 170 – Admitted that the quoted words appear in the letter.

Paragraph 171 – Admitted to the extent that a meeting occurred but insufficient knowledge of the date.

Paragraph 172 – Defendant cannot verify the words quoted in this paragraph and leaves plaintiff to his proof.

Paragraph 173 – The Commissioner did not comment during the meeting on any position taken by his subordinates on this issue.

Paragraph 174 – Defendants have insufficient information to admit or deny and leave plaintiff to his proof.

Paragraph 175 – Denied.

Paragraph 176 – Any writing from Mr. Beal to the Commissioner speaks for itself, otherwise denied.

ALLEGATIONS OF ADAM’S COLLABORATION WITH DPS

Paragraph 177 – Defendant lacks knowledge of plaintiff’s intentions or actions and leaves the plaintiff to his proof.

Paragraph 178 – Admitted.

Paragraph 179 – Admitted that defendant Adams informed Kuck that the backlog was decreasing, otherwise denied.

Paragraph 180 – Defendants have insufficient knowledge of the specific facts alleged to admit or deny and leave plaintiff to his proof.

Paragraph 181 – Admitted to the extent that efforts were made to add appeals to the schedule, otherwise denied.

Paragraph 182 – The text of any emails referenced to in this paragraph speaks for itself and no response is required.

Paragraph 183 – The text of any emails referenced to in this paragraph speaks for itself and no response is required.

Paragraph 184 – The text of any emails referenced to in this paragraph speaks for itself and no response is required.

Paragraph 185 – The defendants have insufficient information to admit or deny and leave the plaintiffs to their proof.

Paragraph 186 – The defendants have insufficient information to admit or deny and leave the plaintiffs to their proof.

Paragraph 187 – Admitted.

Paragraph 188 – The defendants have insufficient information to admit or deny and leave the plaintiffs to their proof.

Paragraph 189 – Denied.

Paragraph 190 – This paragraph is mere speculation without basis and no response is necessary.

Paragraph 191 – Denied.

Paragraph 192 – Denied.

Paragraph 193 – Denied. Defendants do not agree with these numbers.

Paragraph 194 – Admitted to the extent that the Board was attempting to get an accurate account of its entire docket.

Paragraph 195 – Admitted.

Paragraph 196 – Admitted to the extent that Adams sought information to respond to press inquiries.

Paragraph 197 – The text of any emails speaks for itself and no response is required.

Paragraph 198 – Speculative conclusion and no response is required.

SECRETARY'S FUNCTIONS

Paragraph 199 – Denied.

Paragraph 200 – Denied.

Paragraph 201 – Defendant has no information as to the plaintiff’s actions in this regard and leaves the plaintiff to his proof.

Paragraph 202 – Denied.

Paragraph 203 – Admitted. The Plaintiff sent Defendant Mazzoccoli a set of the regulations which she already had.

Paragraph 204 – Defendants admit that Mazzoccoli notified Adams that she had a complete set of regulations and that there were no Bylaws. Otherwise, denied.

Paragraph 205 – Denied.

Paragraph 206 – Denied.

BACKLOG OF APPEALS

Paragraph 207 – Admitted.

Paragraph 208 – Admitted.

Paragraph 209 – Insufficient information to admit or deny and leaves plaintiff to his proof.

Paragraph 210 – Admitted that no such meeting occurred with Commissioner Danaher in his first two months.

Paragraph 211 – Defendants deny any sabotage. Otherwise, the text of any email speaks for itself and no response is required.

Paragraph 212 – Defendants deny sabotage and otherwise have insufficient knowledge of the specific facts alleged to respond.

Paragraph 213 – Denied.

Paragraph 214 – Admitted to extent that Defendant Adams was talking about specific and limited circumstances.

Paragraph 215 – The text of any email speaks for itself and no response is required.

EFFORTS TO REMOVE KUCK

Paragraph 216 – Admitted.

Paragraph 217 – Defendant has insufficient knowledge to admit or deny this allegation and leaves plaintiff to his proof.

Paragraph 218 – Denied.

Paragraph 219 – Denied.

Paragraph 220 – Admitted that Adams sought information regarding YCGG but Defendants have insufficient information to identify the source of this quote to admit or deny and leave the Plaintiff to his proof.

Paragraph 221 – Any such draft letter speaks for itself and no response is required.

Paragraph 222 – Defendants have insufficient information to admit or deny and leave plaintiff to his proof.

Paragraph 223 – Defendants have insufficient information regarding the alleged “writing” to respond.

Paragraph 224 – This may refer to an email and, if so, the text of such an email speaks for itself.

Paragraph 225 – Admitted except for the allegation that Mazzoccoli denied the request.

Paragraph 226 – Denied.

Paragraph 227 – Admitted.

Paragraph 228 – Defendants have insufficient information to identify the source of this quote to admit or deny and leave the plaintiff to his proof.

DPS JOINS ADAMS & MAZZOCCOLI IN SEEKING ASISTANCE FROM THE GOVERNOR’S OFFICE

Paragraph 229 – Admitted.

Paragraph 230 –Admitted, other than the dates for which Defendants have insufficient information to respond.

Paragraph 231 – Defendant has insufficient information to admit or deny why plaintiff acted in this manner.

Paragraph 232 – Admitted that defendant Mazzaccoli recalls the general facts alleged in this paragraph but if the quote is from an email, such email speaks for itself and no response is required.

Paragraph 233 – Denied.

Paragraph 234 – Defendants have insufficient knowledge to respond and leave the Plaintiff to his proof.

Paragraph 235 – Denied.

Paragraph 236 – Denied. Other than court-ordered transcripts, any transcription of audio tapes was discretionary and generally denied for budget reasons.

Paragraph 237 – Admitted except that the text of the regulation stands for itself.

Paragraph 238 – Denied.

Paragraph 239 – Admitted.

Paragraph 240 – Denied.

Paragraph 241 – Any such email speaks for itself and no response is required.

Paragraph 242 – Any such email speaks for itself and no response is required.

Paragraph 243 – Denied.

Paragraph 244 – Any such email speaks for itself and no response is required.

Paragraph 245 – Any such email speaks for itself and no response is required.

Paragraph 246 – Admit that there were attempts to meet with Director of the Board, otherwise insufficient knowledge to admit or deny.

Paragraph 247 – Denied. Defendants note that the mental processes of state officials is privileged.

Paragraph 248 – Denied.

Paragraph 249 – Admitted that a conversation occurred between Detective Karanda and Plaintiff Kuck. Defendant Karanda has no recollection of which gun show was discussed.

Paragraph 250 – Denied.

Paragraph 251 – Denied.

Paragraph 252 – The text of any such writing speaks for itself and no response is required.

Paragraph 253 – The text of any such writing speaks for itself and no response is required.

Paragraph 254 – Denied.

Paragraph 255 – Denied.

Paragraph 256 – Denied.

KUCK REMOVAL

Paragraph 257 – Denied.

Paragraph 258 – Admitted as to the existence of the executive session, otherwise Defendants rely on the administrative record which speaks for itself and no response is necessary.

Paragraph 259 – Admitted as to the existence of the executive session, otherwise Defendants rely on the administrative record which speaks for itself and no response is necessary.

Paragraph 260 – Admitted.

Paragraph 261 – Admitted.

Paragraph 262 – Admitted.

COUNT 1

Paragraph 263 – The answers to paragraphs 1 through 262 set out previously are hereby incorporated and made answers to paragraph 264 through 275 of the First Count, as if fully set forth herein.

Paragraph 264 – The text of General Statute §29-32b(d) stands for itself and no response is required.

Paragraph 265 – Denied.

Paragraph 266 – Denied.

Paragraph 267 – Denied.

Paragraph 268 – Denied.

Paragraph 269 – Denied.

Paragraph 270 – This is a legal conclusion and no response is required.

Paragraph 271 – Denied.

Paragraph 272 – Denied.

Paragraph 273 – Denied.

Paragraph 274 – This is a legal conclusion and no response is required.

Paragraph 275 – No response required.

COUNT 2

Paragraph 276 – The answers to paragraphs 1 through 262 set out previously are hereby incorporated and made the answers to paragraphs 276 through 288 of the Second Count, as if fully set forth herein.

Paragraph 277 – The text of General Statute §29-32b(d) speaks for itself and no response is required.

Paragraph 278 – Denied.

Paragraph 279 – Denied.

Paragraph 280 – Denied.

Paragraph 281 – This is a legal conclusion and does not require a response.

Paragraph 282 – This is a legal conclusion and does not require a response.

Paragraph 283 – This is a legal conclusion and does not require a response.

Paragraph 284 – Denied.

Paragraph 285 – This is a legal conclusion and no response is required.

Paragraph 286 – Denied.

Paragraph 287 – This is a legal conclusion and no response is required.

Paragraph 288 – This is a legal conclusion and no response is required.

COUNT 3

Paragraph 289 – The answers to paragraphs 1 through 262 set out previously are hereby incorporated and made the answers to paragraphs 289 through 294 of the Third Count, as if fully set forth herein.

Paragraph 290 – Denied.

Paragraph 291 – Denied.

Paragraph 292 – Denied.

Paragraph 293 – This is a legal conclusion and no response is required.

Paragraph 294 – This is a legal conclusion and no response is required.

Paragraph 294 – Denied.

COUNT 4

Paragraph 295 – The answers to paragraphs 1 through 262 set out previously are hereby incorporated and made the answers to paragraphs 295 through 311 of the Fourth Count, as if fully set forth herein.

Paragraph 296 – Denied.

Paragraph 297 – Denied.

Paragraph 298 – The statute speaks for itself and no response is required.

Paragraph 299 – The statute speaks for itself and no response is required.

Paragraph 300 – Admitted.

Paragraph 301 – Admitted.

Paragraph 302 – This is a legal conclusion and no response is required.

Paragraph 303 – This is a legal conclusion and no response is required.

Paragraph 304 – This is a legal conclusion and no response is required.

Paragraph 305 – This is a legal conclusion and no response is required.

Paragraph 306 – This is a legal conclusion and no response is required.

Paragraph 307 – Denied.

Paragraph 308 – Admitted.

Paragraph 309 – Denied.

Paragraph 310 – Denied.

Paragraph 311 – This is a legal conclusion and no response is required.

DEFENDANTS SPECIAL DEFENSES

First Special Defense

The Second Amended Complaint fails to state a claim upon which relief could be granted.

Second Special Defense

There court lacks jurisdiction over some or all of the claims alleged in this case pursuant to the Eleventh Amendment and otherwise.

Third Special Defense

Some or all of the claims are moot.

Fourth Special Defense

Monetary relief against individual defendants is banned by the doctrine of qualified immunity.

Fifth Special Defense

Relief against individual defendants is banned by absolute immunity.

Sixth Special Defense

Defendants are protected by the immunities established by Conn. Gen. Stat. §4-165

Seventh Special Defense

Plaintiffs have failed to exhaust administrative remedies.

DEFENDANTS

**GEORGE JEPSEN
ATTORNEY GENERAL**

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CERTIFICATION

I hereby certify that on December 2, 2011, a copy of the foregoing Answer was filed electronically. Notice of this filing will be sent by e-mail to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/ Robert D. Snook _____

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