

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

SCOTT POWELL,

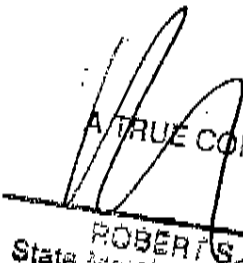
V.

SUMMONS IN A CIVIL CASE

ANDREA ALEXANDER, ET AL.,

CASE NUMBER: 3:16-CV-01654-SRU

TO: Andrea Alexander, Marc DeFelice, Cynthia Diehl, Ricky Diehl, William Ferri
Defendant's Address:
Cynthia Diehl
356 Newtown Turnpike
Wilton, CT 06897

A TRUE COPY ATTEST:

ROBERT S. MILLER
State Marshal indifferent Person

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) – or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) – you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

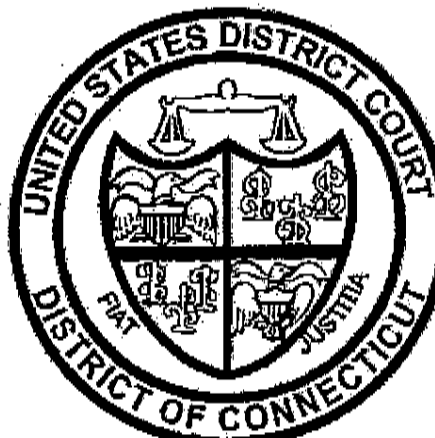
John R. Williams
51 Elm St., Ste. 409
New Haven, CT 06510

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

/s/ – J. Fazekas

Signature of Clerk or Deputy Clerk



ISSUED ON 2016-10-04 09:44:35.0, Clerk
USDC CTD

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____; or

I returned the summons unexecuted because _____
_____; or

Other *(specify)* _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00

I declare under penalty of perjury that this information is true.

Date: _____

Servers signature

Printed name and title

Servers address

Additional information regarding attempted service, etc:

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

SCOTT POWELL

VS.

ANDREA ALEXANDER,
WILLIAM FERRI, MARC DeFELICE,
RICKY DIEHL and CYNTHIA DIEHL

CIVIL ACTION NO.

OCTOBER 3, 2016

COMPLAINT

1. This is an action to redress the deprivation of rights secured to the plaintiff by the Constitution and laws of the United States and the State of Connecticut.

2. Jurisdiction of this court is invoked under the provisions of Sections 1331, 1343(3) and 1367(a) of Title 28 and Sections 1983 and 1988 of Title 42 of the United States Code.

3. The plaintiff is an adult citizen of the United States who resides in New Canaan, Connecticut.

4. The defendants Andrea Alexander, William Ferri and Marc DeFelice are officers in the New Canaan Police Department who at all times herein mentioned were acting in their capacities as such. They are sued only in their

individual capacities.

5. During all times mentioned in this Complaint, the defendants Alexander, Ferri and DeFelice were acting under color of law, that is, under color of the constitution, statutes, laws, rules, regulations, customs and usages of the State of Connecticut.

6. The defendants Ricky Diehl and Cynthia Diehl are adult citizens of the United States who reside at 356 Newtown Turnpike in Wilton, Connecticut.

7. Although the defendants Ricky Diehl and Cynthia Diehl are private citizens, during the course of the events hereinafter described they acted jointly, in concert, and in conspiracy with the defendants Alexander and Ferri to accomplish the unlawful objectives hereinafter described. During the course of said actions, defendants Diehl and Diehl exercised such extreme influence over the defendants Alexander and Ferri that the actions of defendants Diehl and Diehl also were taken under color and pretense of law and constituted state action.

8. At all times mentioned in this Complaint, the defendants acted jointly and in concert and in conspiracy with each other.

9. At all times herein mentioned, the defendants Alexander, Ferri and DeFelice had the duty and the opportunity to protect the plaintiff from the unlawful actions of the other defendants, and the defendant DeFelice had the

duty and the opportunity to protect the plaintiff from the unlawful actions of the defendants Alexander and Ferri, but they failed and refused to perform such duty, thereby proximately causing the injuries herein complained of.

10. The plaintiff is the father of two minor daughters. He is divorced from their mother.

11. The defendants Diehl and Diehl are the parents of the plaintiff's former wife and the maternal grandparents of the plaintiff's daughters.

12. In 2011, the defendants Diehl and Diehl and their daughter, the plaintiff's former wife, conspired and colluded together to cause the plaintiff's daughters to make false accusations of child abuse against the plaintiff.

13. In 2011, in Docket Number CP-11-002386-A and Docket Number CP-11-002387-A, the Connecticut Superior Court after an extensive evidentiary hearing and evaluations and reports by expert witnesses, awarded full custody of the minor children to the plaintiff and further ordered that the defendants Diehl and Diehl were not to have any contact with the said minor children. The said orders were based, among other things, on expert evidence that the defendants Diehl and Diehl and their daughter were inflicting upon the said minor children severe neglect including factitious disorder not otherwise specified (Munchausen by Proxy), parental enmeshment, educational and emotional neglect, and parental alienation. The expert witness whose testimony was relied upon by the

court, Eric Frazer, Psy.D., had further recommended that the children have no communication with or access to the defendants Diehl and Diehl under any circumstances.

14. In 2011, Sergeant Carol Ogrinc and other officers of the New Canaan Police Department had participated with the Connecticut Department of Children and Families in an extensive investigation of the false accusations described in Paragraph 12 and concluded that the allegations were fabricated and unfounded. All of this was reduced to writing and was maintained in the files of the New Canaan Police Department which files were available to the defendants Alexander, Ferri and DeFelice at the time of the events hereinafter described.

15. On the evening of March 19-20, 2016, the plaintiff's daughters attended a sleepover at the home of a friend. At some time that evening, the defendants Diehl and Diehl took the two children into their custody and control in direct and knowing violation of the aforesaid court orders.

16. At approximately 12:43 p.m. on March 20, 2016, the defendants Diehl and Diehl took the children to the headquarters of the New Canaan Police Department and there met with the defendants Alexander and Ferri.

17. After meeting with the defendants Diehl and Diehl and the two children, the defendants Alexander and Ferri, with the knowledge and approval of the defendant DeFelice, knowingly, maliciously and in conscious disregard of

the law and even of the policies of their own department, and at the specific request of the defendants Diehl and Diehl, turned custody of the children over to the defendants Diehl and Diehl.

18. Throughout the remainder of the day and evening of March 20, 2016, the plaintiff, having discovered that his daughters had been kidnaped, repeatedly telephoned the New Canaan Police Department to report their disappearance and seek assistance. On every such occasion, pursuant to instructions issued by the defendants Alexander and Ferri, the true whereabouts of the children was concealed from the plaintiff by the officers of the New Canaan Police Department all of whom stated to the plaintiff only that his children were "in a safe place" without disclosing the reality that they had been given to the very people whom the court had ordered not to have custody of them.

19. The plaintiff contemporaneously contacted the Connecticut Department of Children and Families to report that his children were missing and that New Canaan police officers appeared to have some knowledge of their whereabouts which they were concealing from him. In response, Timothy Welsh, a knowledgeable investigator from the Department of Children and Families contacted defendant DeFelice at the New Canaan Police Department. Defendant DeFelice asked the DCF "to stall in getting back to [the plaintiff] so [defendants Diehl and Diehl] can file an ex parte motion in court." Mr. Welsh not

only refused to participate in the conspiracy and informed the police that their actions were unethical, improper, and possibly criminal.

20. Having been given the children by defendants Alexander and Ferri, the defendants Diehl and Diehl took the children with them and went into hiding, thus preventing the plaintiff and the officials of the Department of Children and Families from finding the children.

21. On March 21, 2016, while continuing to illegally hold and conceal the children, defendants Diehl and Diehl prepared, signed and swore to affidavits in which they knowingly, maliciously, and falsely swore that the children had told New Canaan police officers in their presence that the plaintiff was subjecting them to physical, emotional and sexual abuse and further falsely and maliciously stating that the plaintiff was a danger to their lives. The affidavits further concealed from the court the fact that in 2011 the court not only had awarded sole custody of the children to the plaintiff but had ordered that the children not have contact with defendants Diehl and Diehl and that, indeed, the court had determined that the defendants Diehl and Diehl were themselves an immediate danger to the mental, emotional and physical health and wellbeing of the children.

22. On the basis of the said false affidavits, the Connecticut Superior Court issued an ex parte order placing the children in the custody of the

defendants Diehl and Diehl and restraining the plaintiff from having contact with them.

23. The actions of the defendants Alexander, Ferri and DeFelice described above, including the instructions they gave to other officers of the New Canaan Police Department to conceal the childrens' whereabouts from the plaintiff, were taken for the specific purpose of assisting the defendants Diehl and Diehl to obtain fraudulently the ex parte court order described in Paragraph 22.

24. Thereafter, at great expense, the plaintiff retained counsel who conducted evidentiary hearings in March and April 2016 at the conclusion of which the court, in Docket Number FST-FA-16-4029704-S, restored full custody of the children to the plaintiff and revoked all of the ex parte orders fraudulently obtained by the defendants.

25. As a result of the foregoing wrongful actions of the defendants, the plaintiff was deprived of his children for a period of many weeks, was caused to suffer severe emotional distress and anguish, and was caused to incur substantial legal expenses.

26. In the manner described above, the defendants intentionally and maliciously interfered with and deprived the plaintiff of his right to family association with his children, a right secured to the plaintiff by the First, Fourth,

Ninth and Fourteenth Amendments to the United States Constitution as enforced through Sections 1983 and 1988 of Title 42 of the United States Code.

27. In the manner described above, the defendants Diehl and Diehl maliciously and without probable cause instituted against the plaintiff the above-described civil action bearing Docket Number FST-FA-16-4029704-S, which litigation was terminated in the plaintiff's favor, and thereby committed the tort of vexatious litigation in violation of the common law of the State of Connecticut.

28. The conduct of all the defendants described above was extreme and outrageous and was carried out with full knowledge that it would cause the plaintiff to suffer emotional distress. It therefore constituted the tort of intentional infliction of emotional distress in violation of the common law of the State of Connecticut.

WHEREFORE, the plaintiff claims judgment against the defendants and each of them, jointly and severally, for compensatory damages, punitive damages, attorney fees and costs.

The plaintiff claims trial by jury.

THE PLAINTIFF

BY: /s/ John R. Williams

JOHN R. WILLIAMS (ct00215)

51 Elm Street

New Haven, CT 06510

203.562.9931

Fax: 203.776.9494

jrw@johnrwilliams.com

His Attorney

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

SCOTT POWELL :
VS. : NO.
ANDREA ALEXANDER, ET AL. : OCTOBER 3, 2016

APPEARANCE

Please enter the appearance of JOHN R. WILLIAMS, 51 Elm Street, New Haven, Connecticut 06510; Telephone: 203.562.9931; Facsimile: 203.776.9494; Email: jrw@johnrwilliams.com; Federal Bar No. ct00215; on behalf of the plaintiff in this matter.

THE PLAINTIFF

BY: /s/ John R. Williams
JOHN R. WILLIAMS
Federal Bar No. ct00215
51 Elm Street
New Haven, CT 06510
(203) 562-9931
Fax: (203) 776-9494
E-Mail: jrw@johnrwilliams.com

**UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT**

ORDER ON PRETRIAL DEADLINES

Unless otherwise ordered by the Judge to whom this case is assigned, the parties shall adhere to the following deadlines:

(a) In accordance with Local Civil Rule 26(f), within thirty days of the appearance of a defendant, the parties shall confer for the purposes described in Fed. R. Civ. P. 26(f). Within fourteen days thereafter, the parties shall jointly file a report on Form 26(f), which appears in the Appendix to the Local Civil Rules.

(b) All motions relating to joinder of parties, claims or remedies, class certification, and amendment of the pleadings shall be filed within 60 days after filing of the complaint, the filing of a petition for removal, or the transfer of an action from another District.

(c) All motions to dismiss based on the pleadings shall be filed within 90 days after the filing of the complaint, the filing of a petition for removal, or the transfer of an action from another District. The filing of a motion to dismiss shall not result in the stay of discovery or extend the time for completing discovery.

(d) Formal discovery pursuant to the Federal Rules of Civil Procedure may not commence until the parties have conferred as required by Fed. R. Civ. P. 26(f) and Local Civil Rule 26(f) but parties may commence formal discovery immediately thereafter without waiting entry of a scheduling order pursuant to Fed. R. Civ. P. 16(b). Informal discovery by agreement of the parties is encouraged and may commence at anytime. Unless otherwise ordered, discovery shall be completed within 6 months after the filing of the complaint, the filing of a petition for removal, or the date of transfer of an action from another District.

(e) Unless otherwise ordered, all motions for summary judgment shall be filed within 7 months after the filing of the complaint, the filing of a petition for removal, or the date of transfer from another District.

Unless specifically ordered by the Court, an extension of time to comply with any one of the time limits in this Order does not automatically extend the time to comply with subsequent time limits.

Counsel for plaintiff or removing defendant shall be responsible for serving a copy of this order on all parties to the action.

By Order of the Court
Robin D. Tabora, Clerk

This Order is issued pursuant to the Standing Order on Scheduling In Civil Cases, which appears in the Appendix to the Local Civil Rules

(Rev. 8/7/13)

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUTELECTRONIC FILING ORDER

The Court orders that the parties shall file all documents in this case electronically. The following requirements are imposed:

1. Counsel must comply with all applicable Federal Rules of Civil Procedure, the District's Local Rules and the requirements set forth in the District's CM/ECF Policies and Procedures Manual, and any other rules and administrative procedures that implement the District's CM/ECF system.
2. Documents filed electronically must be filed in OCR text searchable PDF format.
3. Unless otherwise ordered, on the business day next following the day on which a document is filed electronically, counsel must provide Chambers with one paper copy of the following e-filed documents:

Civil Cases: All pleadings (including briefs and exhibits) supporting or opposing the following:

- a. Applications for temporary restraining orders, preliminary injunctions or prejudgment remedies;
- b. Dispositive motions (motions to dismiss or for summary judgment);
- c. Requested jury instructions;
- d. Compliance with Pretrial Orders;
- e. Trial briefs, including proposed findings of fact and conclusions of law; and f. Any other filing requested by the court.

/s/ Stefan R. Underhill
Stefan R. Underhill
United States District Judge

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

STANDING PROTECTIVE ORDER

1. It is hereby ordered by the Court that the following shall apply to information, documents, excerpts from documents, and other materials produced in this action pursuant to Federal and Local Rules of Civil Procedure governing disclosure and discovery.
2. Information, documents and other materials may be designated by the producing party in the manner permitted ("the Designating Person"). All such information, documents, excerpts from documents, and other materials will constitute "Designated Material" under this Order. The designation shall be either (a) "CONFIDENTIAL" or (b) "CONFIDENTIAL-ATTORNEYS' EYES ONLY." This Order shall apply to Designated Material produced by any party or third-party in this action.
3. "CONFIDENTIAL" information means information, documents, or things that have not been made public by the disclosing party and that the disclosing party reasonably and in good faith believes contains or comprises (a) trade secrets, (b) proprietary business information, or (c) information implicating an individual's legitimate expectation of privacy.
4. "CONFIDENTIAL-ATTORNEY'S EYES ONLY" means CONFIDENTIAL information that the disclosing party reasonably and in good faith believes is so highly sensitive that its disclosure to a competitor could result in significant competitive or commercial disadvantage to the designating party.
5. Designated Material shall not be used or disclosed for any purpose other than the litigation of this action and may be disclosed only as follows:
 - a. *Parties*: Material designated "CONFIDENTIAL" may be disclosed to parties to this action or directors, officers and employees of parties to this action, who have a legitimate need to see the information in connection with their responsibilities for overseeing the litigation or assisting counsel in preparing the action for trial or settlement. Before Designated Material is disclosed for this purpose, each such person must agree to be bound by this Order by signing a document substantially in the form of Exhibit A.

- b. *Witnesses or Prospective Witnesses:* Designated Material, including material designated "CONFIDENTIAL-ATTORNEYS' EYES ONLY," may be disclosed to a witness or prospective witness in this action, but only for purposes of testimony or preparation of testimony in this case, whether at trial, hearing, or deposition, but it may not be retained by the witness or prospective witness. Before Designated Material is disclosed for this purpose, each such person must agree to be bound by this Order, by signing a document substantially in the form of Exhibit A.
- c. *Outside Experts:* Designated Material, including material designated "CONFIDENTIAL-ATTORNEYS' EYES ONLY," may be disclosed to an outside expert for the purpose of obtaining the expert's assistance in the litigation. Before Designated Material is disclosed for this purpose, each such person must agree to be bound by this Order, by signing a document substantially in the form of Exhibit A.
- d. *Counsel:* Designated Material, including material designated "CONFIDENTIAL-ATTORNEYS' EYES ONLY," may be disclosed to counsel of record and in-house counsel for parties to this action and their associates, paralegals, and regularly employed office staff.
- e. *Other Persons:* Designated Material may be provided as necessary to copying services, translators, and litigation support firms. Before Designated Material is disclosed to such third parties, each such person must agree to be bound by this Order by signing a document substantially in the form of Exhibit A.
6. Prior to disclosing or displaying any Designated Material to any person, counsel shall:
- a. Inform the person of the confidential nature of the Designated Material; and
- b. Inform the person that this Court has enjoined the use of the Designated Material by him/her for any purpose other than this litigation and has enjoined the disclosure of that information or documents to any other person.
7. The confidential information may be displayed to and discussed with the persons identified in Paragraphs 5(b) and (c) only on the condition that, prior to any such display or discussion, each such person shall be asked to sign an agreement to be bound by this Order in the form attached hereto as Exhibit A. In the event such person refuses to

sign an agreement in substantially the form attached as Exhibit A, the party desiring to disclose the confidential information may seek appropriate relief from the Court.

8. A person having custody of Designated Material shall maintain it in a manner that limits access to the Designated Material to persons permitted such access under this Order.

9. Counsel shall maintain a collection of all signed documents by which persons have agreed to be bound by this Order.

10. Documents shall be designated by stamping or otherwise marking the documents with the words "CONFIDENTIAL" or "CONFIDENTIAL-FOR ATTORNEYS' EYES ONLY" thus clearly identifying the category of Designated Material for which protection is sought under the terms of this Order. Designated Material not reduced to documentary form shall be designated by the producing party in a reasonably equivalent way.

11. The parties will use reasonable care to avoid designating as confidential documents or information that does not need to be designated as such.

12. A party may submit a request in writing to the party who produced Designated Material that the designation be modified or withdrawn. If the Designating Person does not agree to the redesignation within fifteen business days, the objecting party may apply to the Court for relief. Upon any such application, the burden shall be on the Designating Person to show why the designation is proper. Before serving a written challenge, the objecting party must attempt in good faith to meet and confer with the Designating Person in an effort to resolve the matter. The Court may award sanctions if it finds that a party's position was taken without substantial justification.

13. Deposition transcripts or portions thereof may be designated either (a) when the testimony is recorded, or (b) by written notice to all counsel of record, given within ten business days after the Designating Person's receipt of the transcript in which case all counsel receiving such notice shall be responsible for marking the copies of the designated transcript or portion thereof in their possession or control as directed by the Designating Person. Pending expiration of the ten business days, the deposition transcript shall be treated as designated. When testimony is designated at a deposition, the Designating Person may exclude from the deposition all persons other than those to whom the Designated Material may be disclosed under paragraph 5 of this Order. Any party may mark Designated Material as a deposition exhibit, provided the deposition witness is one to whom the exhibit may be disclosed under paragraph 5 of this Order

and the exhibit and related transcript pages receive the same confidentiality designation as the original Designated Material.

14. Any Designated Material which becomes part of an official judicial proceeding or which is filed with the Court is public. Such Designated Material will be sealed by the Court only upon motion and in accordance with applicable law, including Rule 5(e) of the Local Rules of this Court. This Protective Order does not provide for the automatic sealing of such Designated Material. If it becomes necessary to file Designated Material with the Court, a party must comply with Local Civil Rule 5 by moving to file the Designated Material under seal.

15. Filing pleadings or other papers disclosing or containing Designated Material does not waive the designated status of the material. The Court will determine how Designated Material will be treated during trial and other proceedings as it deems appropriate.

16. Upon final termination of this action, all Designated Material and copies thereof shall be returned promptly (and in no event later than forty-five (45) days after entry of final judgment), returned to the producing party, or certified as destroyed to counsel of record for the party that produced the Designated Material, or, in the case of deposition testimony regarding designated exhibits, counsel of record for the Designating Person. Alternatively, the receiving party shall provide to the Designating Person a certification that all such materials have been destroyed.

17. Inadvertent production of confidential material prior to its designation as such in accordance with this Order shall not be deemed a waiver of a claim of confidentiality. Any such error shall be corrected within a reasonable time.

18. Nothing in this Order shall require disclosure of information protected by the attorney-client privilege, or other privilege or immunity, and the inadvertent production of such information shall not operate as a waiver. If a Designating Party becomes aware that it has inadvertently produced information protected by the attorney-client privilege, or other privilege or immunity, the Designating Party will promptly notify each receiving party in writing of the inadvertent production. When a party receives notice of such inadvertent production, it shall return all copies of inadvertently produced material within three business days. Any notes or summaries referring or relating to any such inadvertently produced material subject to claim of privilege or immunity shall be destroyed forthwith. Nothing herein shall prevent the receiving party from challenging the propriety of the attorney-client privilege or work product immunity or other applicable privilege designation by submitting a challenge to the Court. The Designating Party

bears the burden of establishing the privileged nature of any inadvertently produced information or material. Each receiving party shall refrain from distributing or otherwise using the inadvertently disclosed information or material for any purpose until any issue of privilege is resolved by agreement of the parties or by the Court. Notwithstanding the foregoing, a receiving party may use the inadvertently produced information or materials to respond to a motion by the Designating Party seeking return or destruction of such information or materials. If a receiving party becomes aware that it is in receipt of information or materials which it knows or reasonably should know is privileged, Counsel for the receiving party shall immediately take steps to (i) stop reading such information or materials, (ii) notify Counsel for the Designating Party of such information or materials, (iii) collect all copies of such information or materials, (iv) return such information or materials to the Designating Party, and (v) otherwise comport themselves with the applicable provisions of the Rules of Professional Conduct.

19. The foregoing is entirely without prejudice to the right of any party to apply to the Court for any further Protective Order relating to Designated Material; or to object to the production of Designated Material; or to apply to the Court for an order compelling production of Designated Material; or for modification of this Order; or to seek any other relief from the Court.

20. The restrictions imposed by this Order may be modified or terminated only by further order of the Court.

IT IS SO ORDERED,

/s/ Stefan R. Underhill
Stefan R. Underhill
United States District Judge

EXHIBIT A

I have been informed by counsel that certain documents or information to be disclosed to me in connection with the matter entitled _____ have been designated as confidential. I have been informed that any such documents or information labeled "CONFIDENTIAL PRODUCED PURSUANT TO PROTECTIVE ORDER" are confidential by Order of the Court.

I hereby agree that I will not disclose any information contained in such documents to any other person. I further agree not to use any such information for any purpose other than this litigation.

_____ DATED: _____

Signed in the presence of:

_____ (Attorney)



UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

141 Church Street
New Haven, CT 06510
(203) 773-2140

450 Main Street
Hartford, CT 06103
(860) 240-3200

915 Lafayette Blvd
Bridgeport, CT 06604
(203) 579-5861

NOTICE TO COUNSEL AND PRO SE PARTIES

The attached case has been assigned to District Judge Stefan R. Underhill who sits in Bridgeport. Counsel and Pro Se Parties should file all future pleadings or documents in this matter with the Clerk's Office in Bridgeport. Any attempt to file pleadings or other documents related to this action in any of the other seats of Court will result in those pleadings or documents being refused at the Court or being returned to you. See D. Conn. L. Civ. R. 3(a).

Counsel and Pro Se Parties are required to become familiar with and abide by the Federal Rules of Civil Procedure, the Local Rules of Civil Procedure for the District of Connecticut and Standing Orders regarding scheduling in civil cases and the filing of trial memoranda.

Counsel and Pro Se Parties are hereby notified that failure to file and serve a memorandum in opposition to a motion, within 21 days after the motion is filed, may be deemed sufficient cause to grant the motion. Failure to file and serve a memorandum in opposition to a motion to dismiss within 21 days after the motion is filed may be deemed sufficient cause to grant the motion, except where the pleadings provide sufficient grounds to deny the motion. See D. Conn. L. Civ. R. 7(a)1.

Counsel and Pro Se Parties are further notified that they are required to comply with requirements relating to Motions for Summary Judgment as set forth in Fed. R. Civ. P. 56 and D. Conn. L. Civ. R. 56. A party may move for Summary Judgment when that party believes there is no genuine issue of material fact requiring trial and the party is entitled to judgment as a matter of law. The motion may be directed toward all or part of a claim or defense and it may be made on the basis of the pleadings or other portions of the record in the case or it may be supported by affidavits and other materials outside the pleadings.

When a party seeking Summary Judgment (the "moving party") files a supporting affidavit, the party opposing Summary Judgment must file an affidavit, or other documentary evidence, contradicting the moving party's submissions to demonstrate that there are factual issues requiring a trial. Facts asserted in the affidavit(s) of the moving party will be taken as true if not controverted by counter-affidavits or other documentary evidence.

Local Civil Rule 56(a) requires the party seeking Summary Judgment to file a document entitled "Local Rule 56(a)1 Statement," Which sets forth in separately numbered paragraphs a concise statement of each material fact as to which the moving party contends there is no genuine issue to be tried. The material facts set forth in this statement shall be deemed admitted unless controverted by the "Local Rule 56(a)2

Statement" required to be served by the opposing party. The paragraphs in the 56(a)2 statement shall correspond to the paragraphs in the 56(a)1 statement and shall state whether the facts asserted by the moving party are admitted or denied. The Local Rule 56(a)2 statement must also include in a separate section a list of each issue of material fact as to which it is contended there is a genuine issue to be tried.

Counsel and Pro Se Parties are alerted to the requirements of Fed. R. Civ. P. 26(f) and Local Civil Rule 26, which require that the parties conduct a case management planning conference and prepare and file a report of the conference on Form 26(f) which appears in the Appendix to the Local Rules.

Counsel and Pro Se Parties are further advised that they may request a referral of their case to a United States Magistrate Judge for disposition. See 28 U.S.C. 636 and Rule 77.2 of the Local Rules for United States Magistrate Judges.

Robin D. Tabora, Clerk

(Revised 10/23/15)



UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

ORDER RE: DISCLOSURE STATEMENT

Any nongovernmental corporate party to an action in this court shall file a statement identifying all its parent corporations and listing any publicly held company that owns 10% or more of the party's stock. A party shall file the statement with its initial pleading filed in the court and shall supplement the statement within a reasonable time of any change in the information. Counsel shall append a certificate of service to the statement in compliance with local rule 5(c).

Counsel for plaintiff or removing defendant shall be responsible for serving a copy of this order upon all parties to the action.

By Order of the Court
Robin D. Tabora, Clerk

Revised 10/23/15



**UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT**

TIPS FOR SUCCESSFUL CM/ECF EFILING

- You cannot efile on a case using your PACER login and password. To efile on a case, you must have (1) a PACER login and password and (2) an ECF login and password (you need both). To obtain an ECF login/password a Connecticut bar number is needed and the registration form (available on our website) must be completed and emailed to the address on the form: attorney_registration_form@ctd.uscourts.gov. After the completed form is received, an email will be sent to you with your ECF login/password.
- Do not efile on a case that has not been designated as an efiled case. If there is no EFILE flag, **DO NOT EFILE ON THE CASE!**
- Do not attempt to re-docket something that you think may have been done incorrectly. Call the Clerk's Office for assistance before attempting to make any corrections!
- When efilng a Memorandum in Support/Opposition/Reply/Affidavit/Exhibit relating to a Motion, you must link the memo/reply/affidavit/exhibit to the underlying motion.
- Make sure the PDF document does not exceed 10,000 KB, is readable, the correct one to be filed and is right-side up if scanned.
- Do not use the apostrophe or tilde in the text of the entry.
- When efilng documents in a multi-defendant criminal case, be sure to check **ONLY** the box for the defendant(s) that relate to the document you are efilng, and not the entire case.
- Include your electronic signature (*/s/ followed by your name*) on the signature line for both the document and the certification of service.
- **IMPORTANT INFORMATION RE PRIVACY ACT:** All filings with the court - including attachments - must comply with Fed. R. Civ. P. 5.2 or Fed. R. Crim. P. 49.1: Social Security or taxpayer-identification numbers; dates of birth; names of minor children; financial account numbers; and home addresses in criminal cases, may not appear, except as allowed by the applicable rule.

Affidavits

Affidavits may be efiled with the signature page scanned or with a /s/ on the signature line. If the affidavit is related to a motion, it must be linked to the motion.

Amended Complaints

If a new party is being added, please select the "Add/Create New Party" on the appropriate filers screen. New plaintiff(s) should be added on the filers screen with the heading "Select the Filer," new defendant(s) should be added on the filers screen with the heading, "Please select the party that this filing is **against**." Enter the name of the business or last name of the individual and click "search" to see if the name of the party is already in our system. If not, continue to create the new party following the Instructions for Searching and Adding Parties located on the District Court's website. See also www.ctd.uscourts.gov. Make sure that you select the role of the party. Do not put any information in the other fields except for "Party Text" when necessary. The "Party Text" field is used as a descriptive text as explained in the Instructions. Update the Jury Demand when prompted.

Appearances

You may not efile an appearance on behalf of another attorney. The attorney filing the appearance must be the attorney that is logged into CMECF. You must click on the following box to create an association between you and the party(ies) that you are representing:

The following attorney/party associations do not exist for this case.
Please check which associations should be created for this case:

Party Name (pty:pla) represented by Your name (aty) Lead Notice

Attachments

You must name your attachment by either selecting something from the "Type" drop down menu or by entering something in the "Description" field. Whatever you select or enter from both of these options will appear in the docket text.

Discovery

The Court does not accept Discovery pursuant to Local Rule 5(f).

Filers

If there is more than one party as a filer, hold the CTRL key while selecting the applicable parties.

Motions

Do not use this event if you are not asking for some relief from the court. If there is more than one relief in your motion, select the applicable reliefs by clicking on them in the box to the left. The reliefs you have selected will appear in the box to the right.

If you are efiled a motion asking permission to file something or to amend something

already filed, you must attach the proposed document as an exhibit to your motion. Do not efile the proposed document until your motion has been granted - then efile the document you asked for permission to file.

Do not combine motions with responses to other documents. Motions and responses should be filed as separate documents.

Notice (other)

If you find you are frequently using this event, call the Clerk's Office for assistance in locating the correct event for your submission.

Notice of Manual Filing

The Notice of Manual Filing should be efiled using the event for the item you are filing in paper. Do not use the "Notice (Other)" event. For example, if you are filing exhibits manually, use the "Exhibit" event and attach the pdf of the Notice of Manual Filing. Mail the exhibits along with copies of the Notice of Electronic Filing and the Notice of Manual filing to the Clerk's Office.

Returns of Service

Returns on executed summonses should be efiled using either the "Summons Executed" or "Summons Returned Executed as to USA". There is a separate event for "Waiver of Return of Service." See the Attorney Instructions for eFiling Civil Returns of Service on our website.

Sealed Documents

Attorneys may EFILE sealed documents. See the Cheat Sheet on the Court's website for helpful information.

Revised 10/23/15