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| **DOCKET NO.: FBT-CV19-6090047-S** | **:** | **SUPERIOR COURT** |
| **BETH LAZAR, ANETTE GOODRIDGE AND VANESSA LILES** | **:** | **J.D. OF FAIRFIELD** |
| **VS.** | **:** | **AT BRIDGEPORT** |
| **JOSEPH GANIM, ET AL** | **:** | **SEPTEMBER 30, 2019** |

**DEFENDANTS' MEMORANDUM IN SUPPORT OF MOTION TO DISMISS FOR LACK OF SUBJECT MATTER JURISDICTION**

Defendants[1] file this memorandum of law in support of their motion to dismiss the above referenced action for lack of subject matter jurisdiction predicated on plaintiffs' lack of standing.

Plaintiffs claim to be three electors of the city of Bridgeport. They commenced this action on September 23, 2019 pursuant to General Statutes § 9-329a in an effort to "set aside the results of the democratic primary" held in Bridgeport on September 10, 2019. See, Complaint, "Prayer For Relief." Plaintiffs seek extreme relief. They want the Court to "order a new special primary election for *all candidates*,[2] including but not limited to the mayoral primary." See, Complaint, "Prayer For Relief."

[1] The undersigned previously appeared for defendants Ganim, Clemons, Ayala, Mullen, Errichetti, Howard and Martinez in their official capacities only. Plaintiffs' counsel has since informed the undersigned that the only relief sought as to defendants Ganim, Clemons, Martinez and Cruz in their individual capacities is a new election. Defendants' motion to dismiss for lack of subject matter jurisdiction thus applies with equal force to claims made against the named defendants in their individual capacities.

[2] It is not clear what plaintiffs mean by "all candidates." Their complaint names mayoral candidate Joseph Ganim, town clerk candidate Charles Clemons, city clerk candidate Lydia Martinez and city council candidate Jorge Cruz as individual defendants, but names no other candidates that participated in the democratic primary.

No unsuccessful candidate who competed in the primary election sought to contest the election results pursuant to General Statutes § 9-329a. The statutory time limit for doing so has passed.

None of the plaintiffs was a candidate in the democratic primary; none of them claims to be have been denied the right to vote, and none of them claims to have been personally aggrieved by the ruling of an election official. In fact, plaintiff's complaint fails to specify a single ruling of an election official by which any one them was allegedly aggrieved.

Plaintiffs' complaint contains extremely vague and generalized allegations about claimed pre-election activity associated with the casting of absentee ballots by others. Plaintiffs allege by way of surmise and innuendo that a candidate for city clerk, an endorsed candidate for city council and five other private individuals "engaged in illegal and/or primary election activity concerning absentee ballots" as enumerated in paragraph 28 of the complaint. See, Complaint, Paragraph 26. In paragraphs 29 through 31, the plaintiffs claim that "[r]epresentatives of the endorsed candidates … specifically targeted senior citizens living at . . . senior housing residence[s] for low-income individuals for illegal absentee ballot activity," such as providing unsolicited absentee ballots to three residents, and visiting and telling two disabled residents whom to vote for.

In addition, paragraph 29e alleges that: "Unknown persons provided an absentee ballot to another resident, unsolicited, but by the time the ballot arrived, the resident felt that the vote would not be private as a result of the visit, so she decided to vote in person." Paragraph 31 alleges that: "several *unknown women* visited a resident at his apartment, unsolicited, and collected his absentee ballot – though the resident never filled out an

application for an absentee ballot, and that "two *unknown persons*, one *reportedly* working for Mayor Ganim, provided an absentee ballot application form to a resident at her apartment. The resident indicated that people had solicited absentee ballots at Clifford House for years prior to the 2019 Democratic Primary." (emphasis added.)

## I. The Role of the Court in Elections:

The Supreme Court has stated that the court has a "limited role in elections." *Caruso v. Bridgeport*, 285 Conn. 618, 637 (2008). "[U]nder our democratic form of government, an election is the paradigm of the democratic process designed to ascertain and implement the will of the people…. The purpose of the election statutes is to ensure the true and most accurate count possible of the votes for the candidates in the election…." *Bortner v. Woodbridge*, 250 Conn. 241, 254 (1999).

"Moreover, [t]he delicacy of judicial intrusion into the electoral process ... strongly suggests caution in undertaking such an intrusion ... Finally, we have recognized that voters have a powerful interest in the stability of [an] election because the ordering of a new and different election would result in *their* election day disfranchisement ... [This] background counsels strongly that a court should be very cautious before exercising its power under the [statutes governing election contests] to vacate the results of an election and to order a new election." (Citations omitted; emphasis in original; internal quotation marks omitted.) *Caruso v. Bridgeport*, supra, 285 Conn. at 637–38.

## II. Plaintiffs Lack Standing To Maintain The Instant Action:

"It is settled law that a court lacks discretion to consider the merits of a case over which it is without jurisdiction…. Standing implicates the court's subject matter jurisdiction." *Arciniega v. Feliciano*, 329 Conn. 293, 300 (2018). "Standing, and its

aggrievement component, is the legal right to set judicial machinery in motion." Id., 301. In *Arciniega v. Feliciano*, supra, 329 Conn. 300 n.4, the Supreme Court stated that the provisions of § 9-329a(a)(1) are not simply matters going to the merits of a complaint, as suggested in earlier cases such as *Caruso v. Bridgeport*, 285 Conn. 618 (2008) and *Bortner v. Town of Woodbridge*, 250 Conn. 241 (1999), but, rather, are jurisdictional.

The instant complaint was brought pursuant to General Statutes § 9–329a. The plain language of § 9–329a(a) permits three types of plaintiffs to bring a complaint thereunder: (1) any elector or candidate aggrieved by a ruling of an election official in connection with any primary held pursuant to certain statutes or a special act; (2) any elector or candidate who alleges that there has been a mistake in the count of the votes cast at such primary, or (3) any candidate in such a primary who alleges that he is aggrieved by a violation of any provision of certain identified statutes.

The plaintiffs' complaint implicates only § 9-329a(a)(1). The plaintiffs' standing to bring this complaint depends on their being electors "aggrieved by a ruling of an election official."

Section 9-329a(a)(1) contains two related standing requirements. An elector or candidate must be (1) "aggrieved" (2) "by a ruling of an election official." This severely circumscribes who, other than a candidate, may bring a primary contest complaint to overturn the result of a primary election and limits the jurisdiction of this court.

Following page upon page of conclusory allegations against the defendants, only some of whom are election officials as discussed below, the plaintiffs allege that they are aggrieved by the alleged actions of the defendants Clemons, Ayala and Mullen in:

a. Processing and counting absentee ballots from electors not registered or qualified to cast them;

b. Permitting candidates, campaign representatives and/or their agents to hand out more than five absentee ballots without registering with the town clerk in violation of General Statutes 9-140(k)(1);

c. Processing and counting ballots possessed by unauthorized persons, in violation of General Statutes 9-140b(a) and 9-140b(d); and

d. Failure to reject ballots from applicants not on the official checklist in violation of General Statutes 9-140c.

The defendants observe and assert that foregoing are merely conclusory allegations. Paragraph 35a does not allege that the *plaintiffs'* absentee ballots were not processed or counted.

**A. <u>Plaintiffs Are Not Aggrieved</u>:**

Unlike other species of statutory aggrievement, § 9-329a retains the bedrock requirement that the person bringing a complaint be "aggrieved." By comparison, for example, General Statutes Sections 8-8 and 22a-16, the zoning appeal and environmental appeal statutes, which also provide for statutory aggrievement, do not. *Caltabiano v. Planning & Zoning Commission*, 211 Conn. 662, 663 (1989). General Statutes § 8-8 provides in relevant part that "'aggrieved person' includes any person owning land in this state that abuts or is within a radius of one hundred feet of any portion of the land involved in the decision of the board." General Statutes § 22a–16 provides that "any person ... may maintain an action ... for declaratory and equitable relief against … any person … for the protection of the public trust in the air, water and other natural resources of the state from unreasonable pollution, impairment or destruction...." Thus, "all that is required to invoke the jurisdiction of the Superior Court under § 22a–16 is a colorable claim, by any person [or entity] against any person [or entity], of conduct

resulting in harm to one or more of the natural resources of this state." *Fort Trumbull Conservancy, LLC v. Alves*, 262 Conn. 480, 496 (2003).

Unlike those statutes, § 9-329a(a)(1) retains the requirement that the elector be "aggrieved." In the interpretation of election statutes, the usual rules of statutory construction apply. *Caruso v. City of Bridgeport*, 285 Conn. 618, 638 (2008); *Price v. Indep. Party of CT-State Cent.*, 323 Conn. 529, 539 (2016); *Feehan v. Marcone*, 331 Conn. 436, 470-71 (2019). One of those rules is that "[n]o part of a legislative enactment is to be treated as insignificant or unnecessary, and there is a presumption of purpose behind every sentence, clause or phrase in a legislative enactment." *Town of Winchester v. Connecticut State Bd. of Labor Relations,* 175 Conn. 349, 355–56 (1978).

"[A]ggrievement requires a showing that the plaintiffs have a specific, personal and legal interest in the subject matter of the decision, as distinguished from a general interest such as is the concern of the community as a whole, and that the plaintiffs were specially and injuriously affected…." (citations omitted.) *Schwartz v. Town Plan & Zoning Commission*, 168 Conn. 20, 25 (1975); accord *Stefanoni v. Department of Economic and Community Development*, 142 Conn. App. 300, 307 (2013), see also, *Arciniega v. Feliciano,* 329 Conn. 293, (2018) ("classical aggrievement, as will confer standing on a party, requires a two part showing: first, the party must demonstrate a specific, personal and legal interest in the subject matter of a decision, as opposed to a general interest that all members of the community share; and second, the party must also show that the decision has specifically and injuriously affected that specific personal or legal interest.").

Plaintiffs' claims are brought pursuant to § 9-329a(a)(1), which authorizes a judicial action by "any … elector or candidate aggrieved by a ruling of an election official…. As

such, the purported legally protected interest depends upon statutory aggrievement." *Arciniega v. Feliciano,* 329 Conn. 293, 302 (2018). "Statutory aggrievement exists by legislative fiat, not by judicial analysis of the particular facts of the case. In other words, in cases of statutory aggrievement, particular legislation grants standing to those who claim and injury to an interest protected by that legislation." Id.

Section 9-329a does *not* provide that an elector "claiming an improper or illegal ruling of an election official in connection with any primary may bring his complaint to any judge of the Superior Court for appropriate action." It provides that an elector must be "*aggrieved* by a ruling of an election official in connection with any primary." (Emphasis added.) Two of the three plaintiffs voted by absentee ballot and do not seek to change their votes. They are not even remotely aggrieved. To the extent the third plaintiff may have been aggrieved, it is with respect to her vote only.

The plaintiffs may claim to have an interest as Bridgeport residents, electors and Americans in having a free and fair election and a desire to have the candidate they support prevail. But that is an interest they share with all Bridgeport residents and electors. It does not confer on them "a specific, personal and legal interest in the subject matter of the [election officials'] decision, as distinguished from a general interest such as is the concern of the community as a whole" nor does it render them "specially and injuriously affected." See. *Arciniega,* supra.

On all fours with the instant case is *Harris v. Mulcahy*, 2009 WL 5184229, at *4, 48 Conn. L. Rptr. 882 (Conn. Super.). In *Harris*, an elector brought a complaint alleging that the defendant was not properly elected to the Board of Aldermen. The court first held that the plaintiff was not entitled to the remedy of quo warranto. The court then addressed

whether a party has standing under General Statutes § 9-328 by virtue of being an elector and taxpayer in the city. Id., at *3.

The standing provisions of § 9-328 are essentially identical to those of § 9-329a. After reviewing the rules governing standing, the *Harris* court observed that the only possible ground of aggrievement was as an "elector … aggrieved by any ruling of an election official." Id. * 4. The court then held that this ground was

> not satisfied by merely being an elector and a taxpayer in the particular city where the election was held. A plaintiff must allege that an election official made one or more rulings and that he or she was aggrieved by those rulings….
>
> Therefore, in the underlying case, the plaintiff is required to plead that a Waterbury election official acted in some way that interpreted General Statutes § 9-167a or section 3A-1(b) of the Waterbury City Charter, or that the official failed to follow a mandatory duty imposed by those enactments. Then, the plaintiff must demonstrate that he has a specific, personal and legal interest that was adversely affected by the election official's ruling, i.e. that he was aggrieved by the ruling.
>
> The plaintiff has failed to establish standing under § 9-328…. [H]e has not demonstrated that he has any specific interest that he is attempting to protect. As an elector and taxpayer of Waterbury, he has no greater interest in whether the cited election laws were violated than any other elector or taxpayer…. Therefore, the plaintiff has failed to allege statutory aggrievement under § 9-328. Thus, if this action were construed to have been brought under that section, the court therefore finds that the plaintiff lacks standing.

*Harris v. Mulcahy,* 2009 WL 5184229, at *4–5.

As the U.S. Court of Appeals for the Second Circuit has stated, citing several other federal appellate courts: "a voter fails to present an injury-in-fact when the alleged harm is abstract and widely shared or is only derivative of a harm experienced by a candidate." *Crist v. Commission on Presidential Debates*, 262 F.3d 193, 195 (2d Cir. 2001).

In *In re Election 2014*, 2015 WL 5333364 (Comm. Ct. Pa.), registered electors in Philadelphia appealed a trial court order granting an emergency application for an absentee ballot to a rehabilitation patient whose application may not have satisfied all the niceties of the statute. The Commonwealth Court dismissed the appeal stating:

> Appellants claim that they have standing to appeal the trial court's order because they are registered electors in the City of Philadelphia and they have a substantial, immediate and pecuniary interest that the Election Code be obeyed and the absentee ballots that [the rehabilitation patient] and the other patients cast affected the outcome of the General Election in which they voted. However, these claims do not support a finding of standing in the instant matter because they were not parties in the trial court *and they do not show a `substantial, direct, and immediate' interest in the subject matter of this appeal*."

(Emphasis added.) Id. 2015 WL 5333364, at *3.

Not surprisingly, every reported election contest in Connecticut seeking to overturn the results of an election has been brought by a candidate, not merely an elector.[3]

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[3]See*, Arciniega v. Feliciano*, supra, 329 Conn. 293; *Keeley v. Ayala,* 328 Conn. 393 (2018); *Price v. Independent Party of CT-State Central*, 323 Conn. 529 (2016); *Caruso v. City of Bridgeport*, 285 Conn. 618 (2008); *Simmons-Cook v. City of Bridgeport,* 285 Conn. 657 (2008); *Bauer v. Souto*, 277 Conn. 829 (2006); *Gonzalez v. Surgeon*, 284 Conn. 554 (2007); *Bortner v. Woodbridge*, 250 Conn. 241 (1999); *In re Election of U.S. Representative for Second Cong. Dist*., 231 Conn. 602 (1994); *Penn v. Irizarry*, 220 Conn. 682 (1991); *Scheyd v. Bezrucik,* 205 Conn. 495 (1987); *Wrinn v. Dunleavy,* 186 Conn. 125 (1982); *Lobsenz v. Davidoff*, 182 Conn. 111 (1980); *Hoblitzelle v. Frechette*, 156 Conn. 253, 257 (1968) *Hurlbut v. Lemelin*, 155 Conn. 68 (1967); *Scully v. Town of Westport*, 145 Conn. 648 (1958); *Mansfield v. Scully*, 129 Conn. 494 (1942*); Meigs v. Theis*, 102 Conn. 579 (1925); *Flanagan v. Hynes*, 75 Conn. 584 (1903); *State v. Lewis*, 51 Conn. 113 (1883); *Maltese v. Town of East Haven*, 2017 WL 6417797 (Conn. Super.); *Fritz v. Uricchio*, 2015 WL 9242213 (Conn. Super.); *Buckley v. Town of Easton*, 2013 WL 6912822 (Conn. Super.); *Rutkowski v. Marrocco*, 2013 WL 6916610, at *1 (Conn. Super.); *Foster v. Ayala*, 2011 WL 4424781, at *1 (Conn. Super.); *Green v. Vazquez,* 2010 WL 4227123 (Conn. Super.); *Kirkley-Bey v. Vazquez*, 2010 WL 1224763, at *1 (Conn. Super.); *Villanueva v. Aviles*, 2004 WL 1926207, at *1 (Conn. Super.); *Oliveira v. Carnell*, 2002 WL 449796 (Conn. Super.); *Grogins v. City of Bridgeport*, 2001 WL 1669293, at *1 (Conn. Super.); *Ferro v. Sinisi,* 1997 WL 325862, at *1 (Conn. Super.); *Kain v. Serfilippi*, 1997 WL 771586, at *1 (Conn. Super.); *Zevin v. Board of Canvassers*, 1995 WL 669140 *1 (Conn. Super.); *Strong v. Toth*, 1993 WL 525062, at *1 (Conn. Super*.); Parker v. Brooks,* 1992 WL 310622, at *1 (Conn. Super.); *Putala v. De Paolo*, 1991 WL 273327, at

Because the three elector plaintiffs do not have a specific, personal and legal interest in the subject matter of the decisions about which they complain, as distinguished from a general interest such as is the concern of the community as a whole, they are not aggrieved, and their complaint must be dismissed.

## II. Plaintiffs Are Not Aggrieved By The *Ruling Of An Election Official*:

Section 9-329(a)(1) further requires that the plaintiffs must be aggrieved "by a ruling of an election official."

The term "election official" is not defined by statute. "Where a statute . . . does not define a term, it is appropriate to focus upon its common understanding as expressed in the law and upon its dictionary meaning." *Ziperstein v. Tax Commissioner*, 178 Conn. 493, 500, 423 A.2d 129 (1979). The dictionary definition of an "official" is "one who holds or invested with an office . . . a person authorized to act for a government. . . ." Webster's Third New International Dictionary (1966), p. 1567. Most of the persons complained of in the complaint are not election officials.

*Price v. Independent Party of CT-State Central*, 323 Conn. 529, 539-43 (2016), is the most recent appellate decision explaining what is meant by the term "election official." In *Price*, the Supreme Court had little difficulty determining that caucus officials of a minor party were not "election officials." In the course of its analysis, the Court observed that the General Statutes "articulate specific qualifications for election officials. The General

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*1 (Conn. Super.); *Gargano v. Downey,* 30 Conn. Supp. 254, 257 (1973) ("Our Supreme Court has stated a number of times that 'a voter should not be disfranchised because of the error or mistake of another', which mistake does not contravene the legislative policy against voting frauds."); *Blanco v. Gangloff*, 28 Conn. Supp. 403, 404 (1970); *Salter v. Kaplowitz*, 28 Conn. Sup. 85 (1968); *Conlan v. Burton*, 21 Conn. Supp. 482, 483 (1959); *Fox v. English*, 8 Conn. Supp. 234, 236 (1940).

Statutes prescribe at least two such qualifications: (1) election officials must be trained; see General Statutes § 9–249; and (2) `[a]ll election officials shall be sworn to the faithful performance of their duties. . . .' General Statutes § 9–231." Id., 540. The Court further stated that "narrowly construing the term `election official' accords with the broader statutory framework for conducting nominations." Id., 541. "[E]lections and primaries are conducted by trained officials appointed by the state and municipalities, according to rules prescribed by statute…." Id., 542. "Election officials are charged with certain, narrowly defined responsibilities. Their `ruling[s]' . . . are therefore confined to a relatively discrete set of actions involving the operation of the electoral process." Id.

Most of the claims that litter the complaint are not made against election officials. These include claims against: Jorge Cruz ( ¶¶ 27b, 29b, 29c, 30), an "endorsed candidate for City Council" (¶ 10); "Wanda Geter Bridgeport city employee and supporter of Mayor Ganim" (¶ 27c; ¶ 32a-c, i); "Josephine Edmonds, resident and supporter of Mayor Ganim" (¶ 27d); "Beverly Cox, Bridgeport resident" (¶ 27e), "Nilsa Heredia, Bridgeport resident" (¶ 27f); "Rosemary Wong, Bridgeport resident" (¶ 27g), "agents and other unknown individuals" (¶ 29); unnamed "several individuals" (¶ 31); "several unknown women" (¶ 31a); "two unknown persons, one reportedly working for Mayor Ganim" (¶ 31b); "a woman, described as `Nilsa'" (¶ 32d); "Beverly Cox, who reportedly worked on one of the campaigns in the Democratic Primary" (¶ 32e; ¶ 32f, i); "Rosemary Wong, working for/on behalf of the Town Committee and/or the Endorsed Candidates" (¶ 32g); and other unnamed "multiple representatives of the Endorsed Candidates, Mayor Ganim, and/or

the Democratic Town Committee" (¶ 32i). These are not "election officials."[4] Therefore, the court has no jurisdiction to hear the claims against these individuals.

It is not alleged that any of these persons holds an office or is authorized by the government to act for the government. Ms. Geter is employed in a purely clerical capacity in City Hall Annex. None of these individuals were required by law to undergo election procedure training, nor is it so alleged. None of these persons were required to be sworn, nor is it so alleged. None of these individuals were "election officials," nor is it so alleged. Therefore, the plaintiffs lack standing to complain in this forum about their alleged acts and omissions. Accordingly, the court lacks standing over these supposed acts and omissions. They are not for this court.

The statutes contain other remedies with respect to illegal or improper activities of persons who are not election officials. The State Elections Enforcement Commission (SEEC) may, upon complaint, undertake an examination and investigation. General Statutes § 9-7a. It has done so. There is a pending examination and investigation by the SEEC with respect to absentee ballots. The city has complied with the SEEC's subpoena of absentee ballot votes, envelopes, "soft sheets," moderator returns and copies of other documents.

Also, Connecticut statutes provide that certain activity is a crime, indeed a felony. General Statues §§ 9-352, 9353, 9-355, 9-359, 9-359a, 9-363, 9-364, 9-367. If the plaintiffs are dissatisfied with these remedies their "recourse lies with other branches of the government" as the Supreme Court stated in *Arciniega v. Feliciano,* 329 Conn. at 310.

[4] Similarly, under the law, a mayor is not an election official.

The plaintiffs seek to impugn the reputations of the above-identified nonparty individuals, accusing them of crimes and other improprieties. These individuals are not public figures nor are they public officials. The plaintiffs launch their allegations not on their own personal knowledge, but on the flimsiest of non-credible evidence, rumor and innuendo. They have done this to the above-named nonparties who, because of that status, have no right to be heard, to confront their accusers or to refute the claims against them. These are ordinary people who believed that it was the right thing to participate in the affairs of their community and to help their political party - - to become involved. They did what Americans should do and have done for over 200 years. Their reward is now to be demeaned and accused of committing crimes.

Because none of the persons whose names are enumerated above are "election officials," let alone election officials who made a ruling, the plaintiffs do not have standing to complain in this § 9-329a proceeding, nor does the court have jurisdiction over their acts or omissions.

For the court to have jurisdiction under § 9-329a there must have been a "ruling by an election official."

> [The Supreme Court] has had several occasions to consider and elaborate upon the meaning of this phrase. A ruling of an election official "must involve some act or conduct by the official that (1) decides a question presented to the official, or (2) interprets some statute, regulation or other authoritative legal requirement, applicable to the election process. *Bortner v. Woodbridge*, [250 Conn. 241, 268, 736 A.2d 104 (1999) ]; see also *Wrotnowski v. Bysiewicz*, [289 Conn. 522, 526–27, 958 A.2d 709 (2008) ]." (Internal quotation marks omitted.*) Price v. Independent Party of CT–State Central*, 323 Conn. 529, 536, 147 A.3d 1032 (2016). This court's prior review of the text, genealogy, and legislative history of this statute has revealed that this test is not intended to have a "narrow, technical meaning." *Caruso v. Bridgeport*, supra, 285 Conn. at 646, 941 A.2d 266. Instead, "[t]his test is broad enough to include conduct that comes within the scope of a mandatory statute governing the election process, even if the election

> official has not issued a ruling in any formal sense. When an election statute mandates certain procedures, and the election official has failed to apply or to follow those procedures, such conduct implicitly constitutes an incorrect interpretation of the requirements of the statute and, therefore, is a ruling." (Internal quotation marks omitted.) *Keeley v. Ayala*, 328 Conn. 393, 403–404 n.10, 179 A.3d 1249 (2018). Conversely, "the court will not find a party aggrieved by a ruling when the ruling is made in conformity with the law." (Internal quotation marks omitted.) *Price v. Independent Party of CT–State Central,* supra, at 536, 147 A.3d 1032.

*Arciniega v. Feliciano*, 329 Conn. 302–03.

The vaguely alleged improprieties contained in plaintiffs' complaint all pertain to non-election officials. No election official is alleged to have failed to apply or follow any statutorily mandated election procedure.

Plaintiffs concede that Joseph Ganim won the mayoral primary by 270 votes. Even if plaintiffs were aggrieved by rulings of election officials in connection with their absentee ballots, which is absolutely denied, it would not put the election in doubt. *See, Bortner v. Woodbridge,* 250 Conn. 241 (1999).

## Conclusion

For all of these reasons, plaintiffs lack standing to maintain this action and this Honorable Court is without subject matter jurisdiction to entertain it. The complaint must be dismissed for that reason.

THE DEFENDANTS,

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## CERTIFICATION OF SERVICE

I hereby certify that a copy of the above was sent via email to the following parties of record on this 30th day of September 2019:

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