DOCKET NO.: FBT-CV-19-6090047-S	:	SUPERIOR COURT
	:	
BETH LAZAR ET AL.	:	
	:	
Plaintiffs,	:	JUDICIAL DISTRICT
	:	OF FAIRFIELD
VS.	:	
	:	AT BRIDGEPORT
JOSEPH P. GANIM ET AL.,	:	
	:	
Defendants.	:	SEPTEMBER 30, 2019

PLAINTIFFS' MEMORANDUM OF LAW
IN OPPOSITION TO MOTION TO DISMISS

Plaintiffs, Beth Lazar, Annette Goodridge and Vanessa Liles (collectively "Plaintiffs") hereby object to Defendants Joseph P. Ganim, Charles D. Clemons, Jr., Santa I. Ayala, James Mullen, Thomas Errichetti, Patricia A. Howard, Lydia Martinez and Jorge Cruz' ("Defendants'") motion to dismiss dated September 27, 2019 ("Motion to Dismiss"). As set forth more fully below, Plaintiffs have standing to pursue this action pursuant to Conn. Gen. Stat. § 9-329a, and therefore the Motion to Dismiss should be denied.

I. BACKGROUND

Plaintiffs brought this action arising out of certain substantial violations of the statutory requirements related to absentee ballots that cast serious doubt on the Bridgeport Democratic primary election held on September 10, 2019 (the "Primary"). Each of Plaintiffs is an elector under Conn. Gen. Stat. § 9-329a, and was entitled to vote in the Primary. Due to the violations uncovered concerning the Primary, Plaintiffs filed this action under Conn. Gen. Stat. § 9-329a seeking, among other things, a new special primary election. On September 30, 2019, the Plaintiffs filed an Amended Complaint as of right pursuant to Practice Book § 10-59.

The Plaintiffs specifically allege violations of multiple statutes concerning absentee ballots. Amended Complaint, ¶ 31. The Plaintiffs specifically allege that they are aggrieved by

rulings of election officials, namely, Respondents Clemons, Ayala, Mullen and Errichetti, and also aggrieved in a mistake in the count of the votes cast by said election officials, in one or more of the following ways:

a. Processing and counting absentee ballots from electors not registered or qualified to cast them in violation of General Statutes §§ 9-135 and 9-140;

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 distributed by persons who failed to maintain a list of the names and addresses of prospective absentee ballot applicants who receive such applications, and shall file such list with the town clerk prior to the date of the primary, election or referendum for which the applications were so distributed. § 9-140(k)(2);

a. Processing and counting ballots when the applications for such ballots were completed by unauthorized persons in violation of Connecticut General Statutes § 9-140(a);

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

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

Amended Complaint, ¶ 38.

In their Motion to Dismiss, the Defendants argue that Plaintiffs are "(1) not aggrieved, (2) by a ruling, (3) of an election official." For the following reasons, the Plaintiffs are statutorily aggrieved pursuant to § 9-329a, and therefore the Motion to Dismiss should be denied.

II. LEGAL ARGUMENT

A. Standard for Motion to Dismiss

"A motion to dismiss tests, inter alia, whether, on the face of the record, the court is without jurisdiction . . . . When a . . . court decides a jurisdictional question raised by a pretrial motion to dismiss, it must consider the allegations of the complaint in their most favorable light. . . In this regard, a court must take the facts to be those alleged in the complaint, including those facts necessarily implied from the allegations, construing them in a manner most favorable to the pleader . . . . The motion to dismiss admits all facts which are well pleaded, invokes the existing record and must be decided upon that alone." *Cogswell v. American Transit Ins. Co.*, 282 Conn. 505, 516 (2007) (citations omitted). Standing implicates the court's subject matter jurisdiction. *West Farms Mall, LLC v. West Hartford*, 279 Conn. 1, 11 n.6 (2006).

In ruling on a motion to dismiss, "a court must take the facts to be those alleged in the complaint, including those facts necessarily implied from the allegations, construing them in a manner most favorable to the pleader." *Brookridge District Assn. v. Planning & Zoning Commission*, 259 Conn. 607, 611 (2002) (internal quotation marks omitted). "It is well established that in determining whether a court has jurisdiction, *every presumption favoring jurisdiction should be indulged*." *Connecticut Light & Power Co. v. Costle*, 179 Conn. 415, 420-21 n.3 (1980) (emphasis added; internal quotation marks omitted); *see also Amodio v. Amodio*, 247 Conn. 724, 728 (1999); *State v. Carey*, 222 Conn. 299, 304-306 (1992); *Dayner v. Archdiocese of Hartford*, 301 Conn. 759, 774 (2011).

Finally, every litigant is entitled to his or her day in court. *See* Connecticut Constitution, Article First, section 10 ("All courts shall be open, and every person, for an injury done to him in his person, property or reputation, shall have remedy by due course of law, and right and justice administered without sale, denial or delay."). A court should conclude that it has jurisdiction to reach the merits of a dispute whenever possible. *See In re Jose B.,* 303 Conn. 569, 579-580 (2012) ("judicial policy preference to bring a trial on the merits of a dispute whenever possible and to secure the litigant his day in court.").

B. Plaintiffs Have Sufficiently Alleged Statutory Aggrievement Pursuant to Conn. Gen. Stat. § 9-329a.

i. Law Re: Standing and Aggrievement

"Standing is the legal right to set judicial machinery in motion. One cannot rightfully invoke the jurisdiction of the court unless [one] has, in an individual or representative capacity, some real interest in the cause of action . . . *St. Paul Travelers Cos. v. Kuehl*, 299 Conn. 800, 808-09 (2011). "Standing . . . is not a technical rule intended to keep aggrieved parties out of court; nor is it a test of substantive rights. Rather it is a practical concept designed to ensure that courts and parties are not vexed by suits brought to vindicate nonjusticiable interests and that judicial decisions which may affect the rights of others are forged in hot controversy, with each view fairly and vigorously represented . . . . Aggrievement does not demand certainty, only the possibility of an adverse effect on a legally protected interest." (Internal quotation marks omitted.) *Arciniega v. Feliciano*, 329 Conn. 293, 301–02 (2018) *citing Mayer v. Historic District Commission*, 325 Conn. 765, 772–73 (2017). "The question of standing does not involve an inquiry into the merits of the case. It merely requires the party to make allegations of a colorable claim of injury to an interest which is arguably protected or regulated by the statute or constitutional guarantee in question." *State v. Pierson*, 208 Conn. 683, 687 (1988).

ii. Law Re: Statutory Aggrievement

Statutory aggrievement and classical aggrievement are distinct concepts. Classical aggrievement applies a two-pronged test requiring a plaintiff to show a specific, personal and legal interest; see, e.g., *Hartford Kosher Caterers, Inc. v. Gazda*, 165 Conn. 478, 484 (1973); whereas "[s]tatutory aggrievement exists by legislative fiat which grants [a party] standing by virtue of particular legislation, rather than by judicial analysis of the particular facts of the case." *Buchholz's Appeal From Probate*, 9 Conn. App. 413, 416 (1987). "[Statutory] [s]tanding concerns the question [of] whether the interest sought to be protected by the complainant is arguably within the zone of interests to be protected or regulated by the statute or constitutional guarantee in question." *Cambodian Buddhist Society of Connecticut, Inc. v. Planning & Zoning Comm'n of Town of Newtown*, 285 Conn. 381, 393-94 (2008). "In other words, in cases of statutory aggrievement, particular legislation grants standing to those who claim injury to an interest protected by that legislation." *Mayer v. Historic Dist. Comm'n of Town of Groton*, 325 Conn. 765, 773 (2017).

iii. Statutory Standing Under C.G.S. § 9-329a

"Section 9-329a authorizes a court to set aside the results of a primary on the basis of, inter alia, an improper ruling of an election official, and to order that a new primary be held, if the court finds that but for the error in the ruling of the election official ... the result of [the] primary might have been different and [the court] is unable to determine the result of such primary. . . . Pursuant to this standard, the court must be persuaded that (1) there were substantial violations of the requirements of [an applicable] statute ... and (2) as a result of those violations, the reliability of the result of the election is seriously in doubt." *Keeley v. Ayala*, 328 Conn. 393, 403-04 (2018).

The Connecticut Supreme Court first considered the meaning of "ruling of an election official" as used in § 9-329a in *Wrinn v. Dunleavy*, 186 Conn. 125 (1982). In *Wrinn*, the plaintiff, a losing mayoral candidate, brought an action against his primary opponent and several election officials pursuant to § 9-329a alleging that twenty-six primary ballots that had been mailed by persons other than the elector, in violation of what is now General Statutes § 9-140b(b). The plaintiff claimed that the votes improperly had been included in the official vote count and in a recanvass, both of which results had been certified by the head moderator of the primary election. *Id.* at 127-30. The trial court concluded that there had been substantial compliance with what is now § 9-140b(b) and denied the plaintiff relief. The plaintiff appealed to the Supreme Court, which answered the following certified question: "In a statutory proceeding under § 9-329a, must the alleged misconduct relied on be by an 'election official.' If so, is the alleged misconduct by a person other than an 'election official' within the [purview] of the statute?" *Id.* at 138. The Supreme Court concluded that, "because the plaintiff would have won the primary had [the improperly mailed] ballots not been counted, he clearly is aggrieved by the ruling of an election official, such 'ruling' being the counting of the absentee ballots." *Id.* at 139. Thus, the counting of illegally mailed ballots was considered a "ruling of an election official" even though the particular election official was not identified, and even though the official was not aware of the violation of election laws. Accordingly, the *Wrinn* court reversed the trial court's finding that there had been substantial compliance with election laws and ordered a new primary.[1]

In *Bauer v. Souto*, 277 Conn. 829 (2006), the Supreme Court interpreted § 9-328, which has language nearly identical to § 9-329a. In ordering a new election, the Court held that "§ 9-328 does not require a challenger, in order to secure a judicial order for a new election, to

[1] The *Wrinn* Court ordered a new primary on October 16, 1981, following a September 8, 1981 primary. The new primary was held on November 3, 1981. *Wrinn v. Dunleavy*, 186 Conn. At 152, n. 22.

establish that, but for the irregularities that he has established as a factual matter, he would have prevailed in the election. [Instead], in order for a court to overturn the results of an election and order a new election pursuant to § 9-328, the court must be persuaded that: (1) there were substantial violations of the requirements of the statute, [such as errors in the rulings of an election official or officials or mistakes in the counts of the votes]; and (2) as a result of those [errors or mistakes], the reliability of the result of the election is seriously in doubt." *Id.* at 840.

The Supreme Court subsequently reviewed the history meaning of §9-329a in detail *Caruso v. Bridgeport*, 285 Conn. 618 (2008). *Caruso* involved a Bridgeport mayoral primary and was brought by the losing primary candidate against Santa Ayala, the Democratic Registrar of Voters then and now, and current defendant. The Supreme Court affirmed the trial court's denial of the defendants' motion to dismiss on several grounds. First, the Supreme Court rejected the argument that the plaintiff's citation of the wrong statute – §9-328 rather than § 9-329a – deprived the court of jurisdiction. *Id.* at 629 ("because the failure to cite the statutory basis for the action generally does not bar recovery if the defendants are on notice of its true nature, the plaintiff's failure to cite the correct statutory provision was not a proper basis for dismissing the action"). The Supreme Court next found that Ayala's alleged failure to follow certain elections statutes; *see id.* at 636-37; colorably constituted a ruling of an election official.

In reviewing the plaintiff's aggrievement, the Supreme Court in *Caruso* reviewed the legislative history of § 9-329a. The Court found that the 1978 amendment to the statute was intended to increase the scope of the statute and the powers of the Superior Court in remedying elections violations. *Id.* at 641. More specifically, although the legislature had removed the phrase "improper action" from one portion of the statute, given its intent to broaden the scope of the statute, "the legislature considered an improper action to be a type of ruling."

Caruso v. Bridgeport, 285 Conn. at 646. Thus, the Court in *Caruso* determined that in determining whether a party is aggrieved by a ruling of an election official, the test is not intended to have a "narrow, technical meaning." *Id.* at 646.

Finally, in *Keeley v. Ayala*, 328 Conn. 393 (2018), a case brought in this judicial district in 2017 against many of the same defendants in this case, the Supreme Court upheld Judge Bellis' order of a new special primary based on absentee ballot abuse. The Supreme Court recited the facts of that case as follows:

> In October, 2017, the trial court conducted a two day hearing on the plaintiff's complaint [under § 9-329a]. At that hearing, counsel for the city defendants represented to the court that, citywide, there were eleven hand counted absentee ballots that had not been tallied on the night of the primary, and that one of those ballots had contained the tiebreaking vote for Herron that was added to her total during the recanvass. The defendant Charles D. Clemons, Jr., the Bridgeport town clerk, was questioned regarding an official absentee ballot affidavit that was notarized and purportedly bore his signature and oath. Clemons testified that, in fact, he had not signed the affidavit, and, thereafter, he invoked his constitutional privilege against self-incrimination. The following day, the parties stipulated that the results of the September 12, 2017 Democratic primary for the 133rd district would be vacated and that a new special primary including all four Democratic candidates would be conducted on November 14, 2017. In light of the irregularities that had surfaced in connection with the September 12, 2017 Democratic primary, the court appointed a moderator, Attorney Maximino Medina, to act as a neutral monitor in connection with the November 14, 2017 special primary. In addition, the court retained jurisdiction to resolve any disputes that might arise during the special primary.
>
> Prior to the November 14, 2017 special primary, one such issue arose. Specifically, on November 13, 2017, Medina became aware that a Bridgeport police officer, Paul Nicola, was retrieving absentee ballots from voters and delivering them to the town clerk's office at the behest of Mario Testa, the chairman of Bridgeport's Democratic Town Committee. Upon learning of this information, the trial court ordered that, if any further ballots were delivered to the town clerk by a police officer, Medina must confirm that the delivery was initiated by the voter through either the Bridgeport Police Department or the town clerk's office. Otherwise, the court's order provided, it would hold an evidentiary hearing to address the legitimacy of any absentee ballots lacking Medina's confirmation. The court reserved decision as to whether to conduct such a hearing as to the absentee ballots that already had been delivered by Nicola at Testa's direction on November 13, 2017.

> The special primary was held on November 14, 2017, as ordered. The results of that election were: DeFilippo, 240 votes; Herron, 230 votes; the plaintiff, 212 votes; and Phillips, 168 votes. Following the ballot count, the plaintiff again challenged the special primary results pursuant to § 9-329a, claiming multiple improprieties in the absentee balloting process. Specifically, the plaintiff claimed that (1) Nicola's delivery of fourteen absentee ballots to the town clerk at Testa's direction did not comply with § 9-140b, and, as a consequence, those ballots were invalid and should not have been counted, (2) twelve other absentee ballots, which had arrived at town hall lacking postmarks, were not "mailed" within the meaning of § 9–140b (c) and, therefore, were invalid and should not have been counted, and (3) normal and customary supervised absentee balloting procedures were not followed at the Northbridge Health Care Center (Northbridge), a nursing home, thereby disenfranchising that facility's residents from voting in the special primary. The plaintiff further claimed that, as a result of the foregoing improprieties, the results of the special primary were placed seriously in doubt, thus requiring that a new special primary be held.
>
> The trial court conducted an expedited evidentiary hearing on the plaintiff's claims on November 27, 28 and 29, 2017, and, on November 30, 2017, the court issued an oral decision in which it agreed with each of those claims. Although a civil standard of proof applied to the proceedings; see, e.g., *Simmons–Cook* v. *Bridgeport*, 285 Conn. 657, 668, 941 A.2d 291 (2008); the court was persuaded even beyond a reasonable doubt that there were substantial violations of the law ... and that, as a result of those violations, the reliability of the result of the special [primary] is seriously in doubt." In the court's view, [t]he plaintiff ... far exceeded [his] heavy burden of proof in establishing the claimed violations. The court thereafter ordered that a new special primary be conducted to nominate the Democratic candidates for the city council seats in the 133rd district.

Keeley at 401-403 (footnotes and internal quotation marks omitted).

The Court in *Keeley* noted that § 9-329a "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 (2018). The Court further outlined the importance in following absentee ballot procedures:

> [A]bsentee balloting ... is a special type of voting procedure established by the legislature for those otherwise qualified voters who for one or more of the [statutorily] authorized reasons are unable to cast their ballots at the regular polling place…. The right to vote by absentee ballot is a special privilege granted by the legislature, exercisable only under special and specified conditions to [e]nsure the secrecy of the ballot and the fairness of voting by persons in this class…. [T]he procedures required by the absentee voting laws serve the purposes of enfranchising qualified voters, preserving ballot secrecy, preventing fraud, and achieving a reasonably prompt determination of election results. This court previously has recognized that there is considerable room for fraud in absentee [ballot] voting and that a failure to comply with the regulatory provisions governing absentee [ballot] voting increases the opportunity for fraud."

Id. at 406-407 (Citations omitted; internal quotation marks omitted.)

Importantly, the parties in *Keeley* did not dispute that the issues presented constituted rulings of election officials. *Id.* at 403 n. 10. Four out of the five defendants in *Keeley* are also defendants in this action: Ayala, Mullen, Errichetti and Clemons.

iv. The Plaintiffs are Statutorily Aggrieved

Plaintiffs' complaint, which is brought pursuant to Conn. Gen. Stat. § 9-329a(a)(1) and (2), easily alleges that the Plaintiffs are statutorily aggrieved. Section 9-329a is straightforward. It provides, in relevant part, that: "(a) Any (1) elector … aggrieved by a ruling of an election official in connection with any primary [or] . . . (2) elector . . . who alleges that there has been a mistake in the count of the votes cast at such primary . . . may bring his complaint to any judge of the Superior Court for appropriate action."

Plaintiffs' complaint clearly alleges that each of Plaintiffs is an "elector." *See* Amended Complaint at ¶¶ 1.[2] The complaint further alleges that Plaintiffs were both aggrieved by a ruling

[2] Conn. Gen. Stat. § 9-1(e) defines an "elector" as "any person possessing the qualifications prescribed by the Constitution and duly admitted to, and entitled to exercise, the privileges of an elector in a town."

of an election official in connection with a primary and that there has been a mistake in the count of the votes cast at such primary. *Id.* at ¶¶ 36-38. Nothing else is required.

The Plaintiffs do ***not*** have to establish classical aggrievement, i.e., a specific, personal and legal interest. Rather, they merely have to establish an interest "arguably within the zone of interests to be protected or regulated by the statute or constitutional guarantee in question." *Cambodian Buddhist Society of Connecticut, Inc. v. Planning & Zoning Comm'n of Town of Newtown*, 285 Conn. at 393-94; *Caruso v. Bridgeport*, 285 Conn. At 627-30 (affirming denial of motion to dismiss, analyzing statutory aggrievement only).

Although there is no on point authority analyzing the standing of electors rather than candidates, the cases analyzing the aggrievement of candidates rely on the ***exact same language*** as the Plaintiffs here. *Wrinn*, *Caruso* and *Keeley* all found that the respective plaintiffs were challenging "a ruling of an election official in connection with any primary" pursuant to § 9-329a. The Plaintiffs here make the same challenge. Since the Plaintiffs do not need to establish classical aggrievement, there is no requirement that the Plaintiffs show any more particularized effect of the improper rulings on them beyond the fact that they were cheated out of a fair election a voters and residents of Bridgeport. The statute's inclusion of electors would be essentially nullified if electors had to show that they were harmed individually to the extent that the results on them personally would cast the election in serious doubt.

Defendants also apply the improper standard for a motion to dismiss. In their motion, Defendants argue that Plaintiffs are "(1) not aggrieved, (2) by a ruling, (3) of an election official. Two of the three plaintiffs *will not deny* that they voted in the primary and *there will be no evidence that their votes were not counted*. (emphasis added). Thus, Defendants seek to have this Court decide this threshold jurisdictional issue not by considering the allegations of the

complaint in their most favorable light, but by anticipating the evidence that that will be considered by this Court during the hearing. Defendants attempt to put the cart before the horse.

Plaintiffs' claims go to the heart of our elections statutes to ensure a fair, democratic process. The legislature recognizes that candidates are not the only individuals affected by the electoral process, and as a result, has given electors the opportunity to challenge unfair primaries and elections. Any attempt by Defendants to narrowly construe § 9-329a and deny Plaintiffs their day in court would render their rights as electors under the elections statute meaningless. This cannot stand. *See, e.g.*, *State v. Gibbs*, 254 Conn. 578, 602–603 (2000).

C. The Defendants' Arguments are Erroneous

Defendants' arguments in their supporting memorandum are erroneous. The Defendants argue that the term "aggrieved by" used in § 9-329a essentially interposes a classical aggrievement requirement on top of the statutory standing requirement. This argument does not hold up to scrutiny. First, the plain language of the statute simply does not require it. The statute refers to "any elector or candidate" may bring an action claiming errors by election officials, and as indicated above, this state's Supreme Court has already decided that personal interest or harm need not be incurred in order to meet the requirements for statutory standing. Second, such an extreme interpretation would render the statute nullified. It would be impossible for any elector to ever bring a claim if they always had to prove classical aggrievement, especially since the burden would be to show that such classical aggrievement affected the results of an election. This state's Supreme Court has already stated multiple times that this level of showing is not required for mere *standing.*

In fact, in Bauer, only *one* candidate claimed standing after losing a council seat at the trial court, but the Supreme Court found that a new election for *all candidates* was warranted. *A*

fortiori, classical aggrievement is not required to be shown for this court to be able to utilize the available statutory remedy of issuing a new primary election.

i. Reliance on *Harris v. Mulcahy* is Misguided.

The Defendants incorrectly rely on *Harris v. Mulcahy*, 2009 WL 5184229, 48 Conn. L. Rptr. 882 (Conn. Super.) to argue that the Plaintiffs in the instant case have not been aggrieved by violations of an election official. (Defs. Mem. of Law in Supp. Mot. to Dismiss at p.7). The case at bar is clearly distinguishable. In *Harris,* the plaintiffs failed to even arguably allege any violations of election statutes. In that case, the plaintiff merely claimed violation of a town charter. *Harris v. Mulcahy*, 2009 WL 5184229, at *4–5. Here, in contrast, there are extensive violations of elections violations. *See, e.g.*, Paragraph 38 of Amended Complaint.

The court in *Caruso v. Bridgeport* stated the test in determining whether a party is aggrieved by a ruling of an election official is not intended to have a "narrow, technical meaning." *Id.* This 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." *Id.* at 647. Here, the Plaintiffs allegations regarding violations of absentee ballot procedures which are mandated by statute constitute an incorrect ruling by an election official.

"The question of standing does not involve an inquiry into the merits of the case. It merely requires the party to make allegations of a colorable claim of injury to an interest which is arguably protected or regulated by the statute or constitutional guarantee in question." *State v. Pierson*, 208 Conn. 683, 687 (1988).

ii. *Crist v. Commission on Presidential Debates*, 262 F.3d 193, 195 (2d Cir. 2001) and *In re Election 2014*, 2015 WL 5333364 (Comm. Ct. Pa.) involved classical aggrievement, not statutory aggrievement.

Defendants cite *Crist v. Commission on Presidential Debates*, 262 F.3d 193, 195 (2d Cir. 2001) and *In re Election 2014*, 2015 WL 5333364 (Comm. Ct. Pa.) for the purpose supporting their argument that the Plaintiffs in this case have not been aggrieved by an election official. However, their reliance is on the basis of classical aggrievement. (Defs. Mem. of Law in Supp. Mot. to Dismiss at p.9-10) Here, the Plaintiffs allege that they have been aggrieved under a theory of statutory aggrievement.

As stated above, Plaintiffs do ***not*** have to establish classical aggrievement, i.e., a specific, personal and legal interest. Rather, they merely have to establish an interest "arguably within the zone of interests to be protected or regulated by the statute or constitutional guarantee in question." *Cambodian Buddhist Society of Connecticut, Inc. v. Planning & Zoning Comm'n of Town of Newtown*, 285 Conn. at 393-94; *Caruso v. Bridgeport*, 285 Conn. At 627-30 (affirming denial of motion to dismiss, analyzing statutory aggrievement only).

CONCLUSION

Accordingly, the Motion to Dismiss should be denied.

PLAINTIFFS,
BETH LAZAR, ANNETTE GOODRIDGE
and VANESSA LILES

By /s/ Prerna Rao
Omnia Law LLC
115 Technology Drive, Suite A303
Trumbull, Connecticut 06611
Email: prao@omnia-law.com
Juris No. 439670

/s/ Jonathan M. Shapiro
Jonathan M. Shapiro
Brian Ward
Aeton Law Partners LLP
101 Centerpoint Road, Suite 105
Middletown, Connecticut 06457
T: 860-724-2160
F: 860-724-2161
Email: jms@aetonlaw.com;
brian@aetonlaw.com
Juris No. 433168

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was sent this 30th day of September, 2019 by electronic mail and/or first-class mail to the following counsel/parties of record:

John Bohannon, Esq.
Bridgeport City Attorney's Office
999 Broad Street
Bridgeport, CT 06604
John.Bohannon@bridgeportct.gov

Hon. Bruce Levin
Bridgeport City Attorney's Office
999 Broad Street
Bridgeport, CT 06604
Bruce.Levin@bridgeportct.gov

/s/ Prerna Rao
Jonathan M. Shapiro