SUPREME COURT
OF THE
STATE OF CONNECTICUT

S.C. 19172

CARMEN L. LOPEZ, et al.
Plaintiffs-Appellees,

v.

PAUL VALLAS
Defendant-Appellant.

BRIEF OF APPELLANT PAUL VALLAS and APPENDIX PART ONE (A1-128)

Defendant-Appellant,
PAUL VALLAS

Steven D. Ecker
James J. Healy
COWDERY, ECKER & MURPHY, L.L.C.
280 Trumbull Street, 22nd Floor
Hartford, CT 06103-3599
ecker@cemlaw.com
jhealy@cemlaw.com
(860) 278-5555
(860) 249-0012 Fax

– His Attorneys –

To be argued by:
Steven D. Ecker, Esq.

SUPREME COURT
OF THE
STATE OF CONNECTICUT

S.C. 19172

CARMEN L. LOPEZ, et al.
Plaintiffs-Appellees,

v.

PAUL VALLAS
Defendant-Appellant.

BRIEF OF APPELLANT PAUL VALLAS
and APPENDIX PART ONE (A1-128)

Defendant-Appellant,
PAUL VALLAS

Steven D. Ecker
James J. Healy
COWDERY, ECKER & MURPHY, L.L.C.
280 Trumbull Street, 22nd Floor
Hartford, CT 06103-3599
ecker@cemlaw.com
jhealy@cemlaw.com
(860) 278-5555
(860) 249-0012 Fax

– His Attorneys –

TABLE OF CONTENTS

STATEMENT OF ISSUES

I. DID THE TRIAL COURT ERRONEOUSLY GRANT A WRIT OF QUO WARRANTO USED TO COLLATERALLY ATTACK A STATE ADMINISTRATIVE AGENCY'S LICENSING DECISION?

[pp. 15-22]

II. DID THE TRIAL COURT ERRONEOUSLY CONSTRUE C.G.S. § 10-157?

[pp. 22-34]

III. DID THE TRIAL COURT ERRONEOUSLY REMOVE DEFENDANT FROM OFFICE BEFORE THE EXPIRATION OF THE APPLICABLE PROBATIONARY PERIOD?

[pp. 34-35]

TABLE OF AUTHORITIES

CASES

STATUTES

MISCELLANEOUS

APPENDIX
PART ONE

APPENDIX (PART ONE)
TABLE OF CONTENTS

PRELIMINARY STATEMENT

Paul Vallas, a nationally recognized schools administrator who has held city-wide school superintendent/CEO positions in post-Katrina New Orleans, in Chicago, and in Philadelphia over the past fifteen years, has been ousted, by writ of quo warranto, as Bridgeport's superintendent of schools based on the trial court's determination that he is not properly certified as a superintendent by the Connecticut Department of Education.[1] This result is highly counterintuitive for numerous reasons, first and foremost because the certification at issue is subject, by statute, to an express waiver provision specifically intended to make it easier to bring exceptionally talented out-of-state superintendent candidates to Connecticut. See General Statutes § 10-157(c).[2] Such a waiver was issued for Mr. Vallas on June 17, 2013, by the state's Commissioner of Education, Stefan Pryor. See Pl. Ex. 15 (A207). The waiver explicitly sets forth the Commissioner's determination that Mr. Vallas (1) had successfully completed his statutory probationary period, and (2) is "exceptionally qualified" for the position of superintendent, which are the two predicates for waiver under Section 10-157(c). Id. Part I of this brief explains why the trial court had no legal authority to second-guess the Commissioner's waiver determination in a quo warranto action. Part II then explains why the trial court's construction and application of the certification-waiver statute is erroneous as a matter of law. Reversal is required on either or both grounds.

---

[1] Mr. Vallas was recruited in 2011 to come to Bridgeport to help turn around a school district in profound crisis. He initially was hired by the Bridgeport BOE that had been appointed by the State Board of Education. After the Bridgeport BOE was reconstituted following this Court's decision in Pereira v. State Board of Education, 304 Conn. 1 (2012), Vallas was reappointed by the new Bridgeport BOE, see TR 7/10/13, Vol. II at 14-15 (A508-09), by a 5-4 vote.

[2] The text of the statute is reproduced at A129. Section 10-157 authorizes the Commissioner of Education to issue certification waivers as a means to encourage "excellent potential superintendents . . . [to] come to Connecticut from out of state." Connecticut House Transcript, 5/8/2012 at 188 (A133); see below pp. 30-32.

STATEMENT OF FACTS AND PROCEEDINGS

The underlying facts and history of proceedings in this case warrant careful review because they so plainly support defendant's legal position and claim of legitimate "title" to the office of school superintendent. Indeed, the operative facts are not even in significant dispute: Plaintiffs offered no evidence at the one-day trial of this case to contradict the testimony of any witness regarding the facts relevant to the pertinent issues.[3] Plaintiffs' case is based on spin, insinuation, innuendo, and semantic gamesmanship.[4] That approach unfortunately worked at trial; perhaps the trial court's insistence on lightning-fast adjudication came at a cost. This Court, in any event, is unlikely to be taken in by plaintiffs' rhetoric. The tyrannical "farce" and conspiratorial "sham" that plaintiffs find everywhere is only a function of how they see the world, and exists independent of reality. The facts reflect a far different picture. They show a group of committed and talented public servants, at both the local and state level, working together, in good faith and in full compliance with the law – indeed, pursuant to legislative

---

[3] The entire evidentiary portion of the trial transcript is included for this Court's review. (A228-458) This is done to inhibit plaintiffs from continuing the type of advocacy that earned them success below.

[4] Examples abound, but one illustration will demonstrate the point. During cross-examination of Commissioner Pryor, plaintiffs' counsel used the "when did you stop beating your spouse" technique to suggest that Mr. Vallas had left his superintendent job in New Orleans after being "forced out" under ugly circumstances. TR 6/24/13, Vol. II at 27-31 (A369-73). There was absolutely no foundation in the record to support this innuendo, but plaintiffs' counsel nonetheless attempted to browbeat Commissioner Pryor into agreement by aggressively questioning him about the circumstances under which Mr. Vallas left New Orleans. Id. Commissioner Pryor politely and patiently responded that he did not know anything about the allegations embedded in counsel's questions. Id. at 27 (A369) ("That would be your characterization."); id. at 31 (A373) ("My understanding was that because of the multiple years of service in New Orleans, he had demonstrated a significant track record. There were many trains in the right direction, and that he was, in fact, seeking other opportunities. I am not specifically familiar with the counselor's allegations."). Mr. Pattis finally gave up, and no evidence was introduced to establish the insinuated accusation. Yet, with no evidence other than the insinuations dripping from Mr. Pattis's questions – which of course are not evidence at all – the innuendo alone somehow persuaded the trial judge to conclude that Commissioner Pryor was "less than candid . . . when questioned regarding Vallas' departure from New Orleans . . . ." MOD at 8 n.9 (A87). This baseless and unfair characterization of a public official's sworn testimony, made by a judicial officer in a written decision, is the direct result of plaintiffs' misleading trial tactics – a pervasive dynamic in the proceedings below.

reform measures and executive-branch initiative – to turn around a failing school district in desperate need of help. The following facts are undisputed or indisputable on this record.

A. FACTUAL BACKGROUND

1. Paul Vallas, a Nationally-Recognized Educational Leader, is Recruited as Superintendent of Bridgeport Schools, And Achieves Immediate Positive Results.

There is a reason that the trial court removing Mr. Vallas from office in this nonetheless found it necessary to acknowledge, in a footnote, "that [Vallas has] dedicated himself to important educational issues . . . [, is] deeply committed to improving the plight of the [Bridgeport] school system . . . [and] has made great strides during his tenure in Bridgeport towards improving the schools for the children of Bridgeport." MOD at 8 n.9 (emphasis added) (A87). The record permits no other conclusion. Before coming to Bridgeport, Paul Vallas had a long and distinguished record of public service in the field of education. He began as a schoolteacher in the 1970s, see TR 6/24/13, Vol. I at 16 (A244), and later served as the Chief Executive Officer of the Chicago Public Schools (1995-2001), the Chief Executive Officer of the Philadelphia School District (2002-2007), and the superintendent of the Recovery School District of Louisiana (2007-2011), where he spearheaded a massive reform and rebuilding effort for the public schools in post-Katrina New Orleans, Pl. Ex. 14 at. 4-9 (A197-202); see also TR 6/24/13, Vol. 1 at 16-21 (A244-49). At each stop, Superintendent Vallas consistently expanded educational programs, raised test scores, and improved the quality of education for the local students, all while balancing billion-dollar budgets. Pl. Ex. 14 at 4-9 (A197-202). His abilities have also earned him international recognition, particularly due to his work in Haiti, where he helped rebuild and improve the country's school system in the wake of the destruction wrought by the 2010 earthquake. TR 6/24/13, Vol. I at 18 (A246).

Connecticut's Commissioner of Education knew Mr. Vallas not only by reputation, but also as a result of their work in disaster recovery (Pryor in New York after 9/11, and Vallas in New Orleans after Katrina), and from their more recent work together helping to rebuild the school system in Haiti. Id., Vol. II at 7 (A349). Commissioner Pryor testified at trial that Mr.

Vallas "is regarded as one of the nation's leading lights among [school] district leaders." Id. at 18 (A360). He explained:

> Superintendent Vallas has served as a superintendent or its equivalent, a chief executive of the school system, for 15 years across three different school systems. That's Chicago where he first held such position, Philadelphia, and then New Orleans in the recovery school district. Beyond those 15 years he has an accumulated 30 years plus of government service inclusive of those years in service in the superintendency or its equivalent . . . . I've had the opportunity to review some of the material regarding his work, in particular the more recent work in New Orleans and find it to be very impressive. [Id.]

When Vallas came to Connecticut in December 2011, the Bridgeport schools were in profound crisis. The long-standing and daunting circumstances are well-known to this Court. See Pereira, 304 Conn. at 7 (majority opinion noting Bridgeport schools' historically poor performance); id. at 70 (Harper, J., concurring) (same); id. at 79-81 (Palmer, J., dissenting) (describing at length the"unusually dire" situation in the Bridgeport schools). At trial in this case, Commissioner Pryor described the nature of the problems facing Bridgeport schools at the time of Vallas' initial appointment. TR 6/24/13, Vol. II at 8-9 (A350-51). Mr. Vallas also explained that he arrived in Bridgeport facing a "massive budget hole" of $18 million in a district in which "two thirds of the schools were academically failing." Id., Vol. I at 19, 21-22 (A247, 249-50). Instructional materials like textbooks were obsolete, physical facilities had been totally neglected, and draconian measures were being threatened – school closings, massive teacher layoffs, and more. Id. at 21 (A249).

Superintendent Vallas was hired in December 2011, initially on an interim basis. Id. at 22-24 (A250-52); Pl. Ex. 1-2 (A185-86). He hit the ground running and made great progress in a short period of time. He increased the district's efficiency, which helped close the budget gap, and presented a balanced budget plan for the years ahead that will "avoid closing any schools and laying [off] any teachers." TR 6/24/13, Vol. 1 at 25 (A253). He also helped secure a forgivable $3.5 million loan from the State of Connecticut to the Bridgeport schools, modernized the classrooms, and secured new textbooks and other educational materials for the students. Id. at 25-26 (A253-54). In short order, in a failing school district desperately in

need of positive change, Superintendent Vallas was "able to balance the budget and get critical resources into the classrooms simultaneously." Id. at 26 (A254).[5]

2. December 2011 to January 2013: The Initial Interim Appointment of Superintendent Vallas is Followed by His Later Reappointment With the Goal of Permanent Employment.

Despite his national reputation and long record of service in major educational leadership positions in Illinois, Pennsylvania, and Louisiana, Vallas was not technically certified as a school superintendent in Connecticut when he arrived here in December 2011. When he originally came to Bridgeport in December 2011, Vallas was appointed as acting superintendent under the prior version of Section 10-157. See Pl. Ex. 9 (A193). The statute in place at that time provided that "[a] local or regional board of education may appoint as acting superintendent a person who is or is not properly certified for a specified period of time, not to exceed ninety days, with the approval of the Commissioner of Education." Id. Such an acting superintendent was to "assume all duties of the superintendent for the time specified [and] such period of time may be extended with the approval of the commissioner, which he shall grant for good cause shown." Id.

Superintendent Vallas and the Bridgeport BOE followed this process to the letter. Thus, in December 2011, the Chairman of the Bridgeport BOE asked Commissioner Pryor to appoint Vallas to the acting superintendent post for the initial ninety-day period. See Pl. Ex. 1 (A185). The Bridgeport BOE also sought a nine-month extension of that period, pursuant to the statute, because the Board at that time intended to search for a permanent superintendent. See Pl. Ex. 2 (A186). Commissioner Pryor approved the initial ninety-day appointment, Pl. Ex.

---

[5] Additional evidence regarding the remarkable progress achieved during the past eighteen months under Superintendent Vallas was heard in connection with the post-judgment proceedings relating to plaintiffs' motion to terminate the automatic stay pending appeal. See TR 7/10/13, Vol. I at 11-46 (Vallas testimony) (A460-95); id., Vol. II at 4-14 (Mulligan testimony) (A498-508). A great deal remains to be accomplished, and Mr. Vallas is not suggesting that the great difficulties faced by Bridgeport have disappeared. But the uncontradicted evidence demonstrates that under his tenure – and as the result of his leadership – the Bridgeport school system is heading in the right direction for the first time in many, many years. See MOD at 8 n.9 (A87).

3 (A187), and also granted the Board's requested nine-month extension, Pl. Ex. 4 (A188). Commissioner Pryor approved the latter request because "Mr. Vallas ha[d] extensive experience as superintendent of schools in three large cities across the nation" and, given the "extenuating circumstances in the Bridgeport Public Schools . . . combined with Mr. Vallas' extensive experience" found that "[t]his extended time period [would] allow Mr. Vallas to develop a long-range plan for reform of the system and assist with the hiring of a successor to continue the implementation of a developed plan." Id. Through this process, Superintendent Vallas served until December 2012, in full compliance with the statute, as it existed when he was appointed.

At the end of the 2012 calendar year, after "see[ing] him working day-to-day," TR 7/10/13, Vol. II at 15-16 (testimony of Attorney Mulligan, Member of the Bridgeport BOE) (A509-10), the Bridgeport BOE decided that it wanted to retain Mr. Vallas as superintendent of schools on a permanent basis. The Board requested, and Commissioner Pryor approved, the appointment of Mr. Vallas as acting superintendent from January 1, 2013, through December 31, 2013. Pl. Ex. 5 (A191). Since Vallas' prior appointment in 2011 and 2012, Section 10-157 had been amended to facilitate the appointment of out-of-state school administrators like him to serve as superintendents in Connecticut.[6] In light of that new

---

[6] In order to attract highly-qualified, out-of-state candidates like Vallas, see below at pp.30-32, Connecticut enacted a clear and straightforward process by which the Commissioner of Education may grant a waiver of superintendent certification:

> A local or regional board of education may appoint as acting superintendent a person who is or is not properly certified for a probationary period, not to exceed one school year, with the approval of the Commissioner of Education. During such probationary period such acting superintendent shall assume all duties of the superintendent for the time specified and shall successfully complete a school leadership program, approved by the State Board of Education, offered at a public or private institution of higher education in the state.

C.G.S. § 10-157(b) (effective July 1, 2012). Under Section 10-157(c), the Commissioner of Education is authorized to issue a certification waiver to a person "who has successfully completed a probationary period as an acting superintendent pursuant to subsection (b) . . . and who the commissioner deems to be exceptionally qualified for the position of superintendent." As we explain in detail below, Mr. Vallas completed the prescribed program in May 2013, and Commissioner Pryor issued the certification waiver on June 17, 2013. See

legislation, Commissioner Pryor made clear to the Bridgeport BOE that "[i]f you have hired Mr. Vallas and the intent of the district is to employ him as the permanent superintendent . . . he will be required to successfully complete a school leadership program, approved by the State Board of Education and offered at a public or private institution of higher education in the state" by December 31, 2013. Id. Mr. Vallas did exactly that.

3. Vallas Takes and Completes a School Leadership Program at the University of Connecticut.

The following facts must be understood in the context of plaintiffs' allegations, because at the heart of plaintiffs' lawsuit is a grossly distorted view of the qualifications necessary to become a school superintendent in Connecticut. Plaintiffs rely on two false premises. First, they repeatedly argue that Mr. Vallas is unqualified and ineligible to serve as Bridgeport's superintendent of schools because he is not "certified" by the State Board of Education. The problem with this theory is that Section 10-157 expressly authorizes the Commissioner of Education to waive the certification requirement, which is what occurred in this case. Second, plaintiffs contend that Mr. Vallas was ineligible for waiver of certification because he did not take the thirteen-month "Executive Leadership Program" offered by the University of Connecticut's NEAG School of Education. See Amended Complaint, ¶¶ 29-34 (alleging, incorrectly, that Vallas was enrolled in the Executive Leadership Program and could not complete it during the probationary period) (A32-33).[7] This argument, too, is fabricated out of thin air. As we shall see, Section 10-157(b) plainly and necessarily contemplates something substantially different from the NEAG thirteen-month "Executive Leadership Program"

---

below at pp. 12-13.

[7] By expediting the case as it did, the trial judge improperly allowed plaintiffs to try a case they did not plead. "It is fundamental in our law that the right of a plaintiff to recover is limited to the allegations of his complaint." Matthews v. F.M.C. Corp., 190 Conn. 700, 705 (1983). "What is in issue is determined by the pleadings and these must be in writing." Telesco v. Telesco, 187 Conn. 715, 720 (1982). "Once the issues have been joined the evidence proffered must be relevant to these issues." Arey v. Warden, 187 Conn. 324, 332 (1982). Where, as here, "[a] judgment upon an issue not pleaded [is] not merely [] erroneous, but it [is] void." Dubreuil v. Witt, 80 Conn. App. 410, 425-26 (2003) (emphasis added).

(UConn's standard, formal certification training program), because the statute contemplates that a "school leadership program" be completed (i) in less than twelve months, and (ii) while the candidate is working full-time as an acting school superintendent. See Argument II.A below.

The facts demonstrate full compliance with the letter and spirit of the waiver statute. Soon after his reappointment at the beginning of 2013, Vallas made contact with Dr. Robert Villanova, who was the director of the Executive Leadership Program at the NEAG School. TR 6/24/13, Vol. I at 34 (A262); id., Vol. II at 47, 51 (A389, A393). The standard route for certification – the Executive Leadership Program – was not an available option. For one, the program takes thirteen months to complete, see MOD at 24 (A103), which is longer than the statutory probationary period, see C.G.S. § 10-157(b) ("one school year"). Moreover, because Vallas already had nearly two decades of experience as a superintendent, Dr. Villanova determined that the Executive Leadership Program would not have been appropriate for Mr. Vallas because "[that] program is for aspiring superintendents and [Vallas] had a long superintendent career . . . ." TR 6/24/13, Vol. II at 51 (also noting that the Executive Leadership Program had an internship component inappropriate for Vallas) (A393).[8]

The certification-waiver statute obviously does not require an acting superintendent to take the NEAG Executive Leadership Program. Rather, it provides that the person complete "a school leadership program, approved by the State Board of Education, offered at a public or private institution of higher education in the state." C.G.S. § 10-157(b). Dr. Villanova therefore "proposed a possibility of independent study in district leadership . . . as a course for" Vallas. TR 6/24/13, Vol. II at 53 (A395). He informed Vallas of the standards that the Executive Leadership Program aims to teach aspiring superintendents, and Vallas responded with a plan to satisfy those standards. See id., Vol. I at 37 (A265). Dr. Villanova consulted

[8] The trial court's consistent pattern of ignoring uncontroverted evidence is further evident in its characterization of Villanova's testimony on this point as "unconvincing[]," MOD at 5 (A84). The testimony, in fact, was obvious and incontrovertible; not a scintilla of evidence in the record supports any other conclusion.

with his department at NEAG, which "informally said to [him], go ahead and work something out[,] which is pretty typical for independent study classes." Id., Vol. II at 53 (A395). With that approval, Dr. Villanova developed a description for an independent study course for Vallas entitled "District Leadership." Id. This course was "informally" approved by Dr. Villanova's department chair. Id. at 74 (A416).[9]

The six standards developed by Dr. Villanova as the framework for this instructional program were described by Mr. Vallas at trial as requiring him to: (1) describe the framework of his philosophy, which called for "the individual to demonstrate that he has a vision, he understands what his mission is, [what] his goals [are]"; (2) focus on teaching and learning, to show that he has a "talent development plan"; (3) "demonstrate competency in managing and organizational ability, particularly with . . . an eye towards financial management and financial focus"; (4) "demonstrate the ability to develop a strategy for . . . collaborating and involving stakeholders . . . [in a] project"; (5) describe "the value system" in terms of his "code of ethics . . . [and] code of conduct"; and (6) describe his "turn-around strategy," which was his "approach toward addressing the needs of failing districts . . . and a failing school." Id., Vol. I at 42-43 (A270-71). In Villanova's opinion, these standards were "very similar to the . . . skills required in [the NEAG's] type of leadership program." Id., Vol. II at 54 (A396). Dr. Villanova also sought Mr. Vallas' insight into the course plan because, "[g]iven [Vallas'] experience as superintendent in a variety of places, . . . he could meet the description of the assessment . . . in ways that would both demonstrate his knowledge . . . of the skill to me and perhaps also be a valuable potential resource for the program for aspiring superintendents." Id. at 55 (A397).

It is necessary to review Vallas' coursework in detail here because the nature and extent of that work is not accurately reflected in the MOD. To demonstrate his mastery of the six standards described above, Mr. Vallas was required to complete a written paper exploring

---

[9] Vallas paid tuition of approximately $2,000 to UConn in connection with this program. Id., Vol. I at 73-74 (A301-02).

each standard. He "produced a series of papers that were . . . by [his] definition, rather lengthy and substan[tive]." Id., Vol. I at 43 (A271). In creating and submitting those papers, Mr. Vallas' "goal was to go beyond the task assigned and to, in effect, submit comprehensive summary papers, operational papers, papers that you can take and use as a template if you would be superintendent" and, as a result, "some of those papers ha[d] appropriate attachments depending on . . . the nature of the subject." Id. at 43-44 (A271-72). For example, in conjunction with his first written assignment, Mr. Vallas also submitted a detailed PowerPoint presentation. Pl. Ex. 16. The PowerPoint was used to demonstrate Vallas' "vision and theory of action for transforming financial[ly] distraught urban school districts."[10] Id. Vallas explained how his theory had "emerged through [his] twenty year career as a Superintendent in large urban districts, [and drew] upon research based best practices and practical reforms that can provide both immediate relief and long term transformation to districts in need of dramatic improvement." Id. He hoped that his paper and PowerPoint presentation would "both serve to aid the Executive Leadership Program while also providing an opportunity to refine [his] own practice for the betterment of students" in Bridgeport. Id. Dr. Villanova appreciated this extra effort, believing that Vallas' "Power Point . . . would be potentially usable for teaching [aspiring superintendents] in the future." Id., Vol. II at 56 (A398). According to Dr. Villanova, Vallas' work on this assignment was "[m]uch more" than necessary to satisfy the minimum standards for the class. Id.

Evidence that Superintendent Vallas took the program requirements seriously did not end with his first assignment. His second assignment consisted of a long written product, as well as another PowerPoint project entitled "Alternative Routes: Maximizing Local Resources

---

[10] The assignments completed by Superintendent Vallas as part of the program were entered at trial as sealed exhibits. Both the defendant and the plaintiffs agreed to this procedure, TR 6/7/13 at 57-58 (A225-26), as the documents were protected by federal law under the Family Educational Rights and Privacy Act ("FERPA"). See 20 USC § 1232g(b)(1). Undersigned counsel has quoted several relevant portions of these exhibits, with Mr. Vallas' express permission, to illustrate the depth of his written work product on behalf of this course. We encourage the Court to read Mr. Vallas' assignments in full. See Pl. Exs. 16-21.

in Talent Recruitment," wherein Vallas set out why it was vital to a school district to achieve and maintain a diverse group of talented teachers. Pl. Ex. 17. In the third assignment, which required an analysis of improving a financially-distressed district, Vallas again was not content to provide the bare minimum required of the assigned task. Pl. Ex. 18. ("In addressing this assignment, I . . . present a proven and comprehensive approach for tackling a district's financial challenges, while simultaneously developing a plan for improving district academic performance."). Vallas' fourth assignment consisted of a seventeen-page discourse on "community engagement and empowerment." Pl. Ex. 19 (presenting a "model" for engaging the community in its schools through a "continual collaboration focused squarely on what schools are there for – educating our youth – and about creating transparent dialog[ue] . . . to improve student learning."). His remaining two assignments were similarly detailed examinations of the required standards, and numbered fourteen pages, Pl. Ex. 20, and thirteen pages, Pl. Ex. 21, respectively. Each of these assignments was submitted to Dr. Villanova, who testified at trial that Vallas completed all "six major assessments, [which] met or exceeded significantly the expectations for the assignment." TR 6/24/13, Vol. II at 55 (A397). He expressed the unequivocal view that Vallas completed the course with "very high quality work." Id. at 60 (A402) (emphasis added).

The six written assignments were part of a larger learning experience. Each time Mr. Vallas submitted a paper, Dr. Villanova "either had a in person seminar with Paul Vallas or a lengthy phone conference to both review the intent and purpose of the assignment, and in many cases to discuss in depth . . . the attachments that were submitted with the assignment." Id. at 58 (A400). For every assignment, Dr. Villanova reviewed the paper and annotated notes, which he explored "page by page" with Vallas. Id. at 59-60 (A401-02). The two would also "walk through or talk through [a] Power Point" that Vallas submitted as an attachment by placing the PowerPoint on both of their computers while they discussed the project. Id. at 60 (A402). Dr. Villanova even invited Mr. Vallas to teach a class to the aspiring superintendents enrolled in the NEAG School's executive leadership program. Id., Vol. I at 93, 110 (A321,

A338); Id., Vol. II at 62-63 (A404-05). Vallas' two-hour presentation left "22 aspiring superintendents . . . spellbound . . . [and] on the edge of their seats." Id., Vol. II at 63 (A405).

Based on this high quality work, Mr. Vallas earned an "A" grade from Dr. Villanova for the independent study course. Id., Vol. I at 74 (A302).[11]

4. The Program is Approved by the State Department of Education and the Commissioner of Education Issues a Waiver of Certification Upon Completion of the Program, Pursuant to C.G.S. § 10-157.

Mr. Vallas' program was properly approved by all concerned. Dr. Villanova secured informal approval from his department at UConn for the program, Id., Vol. II at 53, 74 (A395, A416), and the State BOE approved the program, as required by Section 10-157(b), by unanimous vote, see Pl. Ex. 14 at 10-14 (A203-06). After Vallas completed the independent study program, the Bridgeport BOE voted to request a waiver of certification from the Commissioner of Education for Vallas, in accordance with Section 10-157(c). Id. at 1-2 (A194-95). Commissioner Pryor provided that written waiver, pursuant to statute, on June 17, 2013. The Commissioner's waiver expressly found that:

> Mr. Vallas (1) ha[d] successfully completed a probationary period as an acting superintendent of the Bridgeport Public Schools; (2) ha[d] completed a school leadership program approved by the State Board of Education (SBE), offered at a public or private institution of higher education in Connecticut; and (3) is exceptionally qualified for the position of superintendent.

Ex. 15 (A207). In particular, Commissioner Pryor indicated that he was impressed by Mr. Vallas' many accomplishments during his tenure as acting superintendent – including the creation of four new high school options, the closure of a significant budget deficit, and the creation of partnerships with local universities to attract new teachers. Id. The Commissioner also determined that Vallas had "successfully completed an SBE-approved school leadership

---

[11] The trial court was critical of the speed with which Villinova submitted a final grade for Vallas after receiving his final assignment. MOD at 8 & n.10 (A87-88). More generally, the court seemed displeased that "efforts were made to accommodate the appointment of Vallas as superintendent" and that Vallas "received preferential treatment" in that he "designed, with Villanova, and participated in the independent study course." Id. at n.10 (A88). It is not clear why the court was offended by legitimate, good faith efforts to work cooperatively with a national leader in education for the purpose of keeping him in Connecticut.

program at the University of Connecticut Neag School of Education." Id. Finally, Commissioner Pryor determined that Mr. Vallas was "exceptionally qualified" based upon "[his] commendable work on behalf of the Bridgeport Public Schools, as well as his 15 years of prior experience as superintendent or in equivalent positions in the Recovery School District of Louisiana, the Philadelphia School District, and the Chicago Public Schools . . . ." Id. Upon issuance of this written waiver to the Bridgeport BOE, Paul Vallas was legally authorized to assume the duties and responsibilities of superintendent of the Bridgeport schools pursuant to Section 10-157.

B. HISTORY OF LEGAL PROCEEDINGS

Plaintiffs filed their suit against Mr. Vallas on April 1, 2013, naming the Bridgeport BOE and the Commissioner of Education as additional defendants. See Complaint (A7). An Amended Complaint was filed on May 8, 2013, against Vallas only. See Amended Complaint (A28). No discovery was permitted. Trial was expedited, over the defendant's objection. The defendant's motion to transfer the case – based on the fact that plaintiff Carmen Lopez's husband is a sitting Superior Court judge who works in the same courthouse with Judge Bellis, see TR 4/24/13 at 1-13 (A210-22) – was denied. The case took on a momentum that was difficult to justify and impossible to resist.

The court heard one day of evidence, on June 24, 2013, see TR 6/24/13, Vols. I and II (A228-455), concerning allegations that were very different from those in the operative Amended Complaint. Despite plaintiffs' pre-trial insinuations of corruption, the evidence, as described above, was entirely favorable to the defense. In addition to the uncontradicted evidence regarding Paul Vallas' status as a national leader in educational reform before arriving in Bridgeport, and the remarkable progress achieved by him in the short time since his arrival, the court heard extensive evidence about the independent study program Vallas undertook with Dr. Villanova. See above at pp. 7-12. As described above, Dr. Villanova testified in detail about how Vallas' work consistently "met or exceeded significantly the expectations for the assignment," TR 6/24/13, Vol. II at 55 (A397), and completed the program

with "very high quality work," id. at 60 (A402) (emphasis added). Vallas' written work-product was placed into evidence. See Pl. Ex. 16-21. Villanova verified Vallas' testimony that the two men had a total of "three in person meetings, two lengthy ones and six or seven phone conferences" during which time they discussed the standards and assignments in detail. TR 6/24/13, Vol. II at 59 (A401). Commissioner Pryor testified that he was familiar with the program Vallas undertook, and was satisfied with it. See id. at 23 (A365). Documentary evidence also proved that this program was presented to, and approved by, the State BOE. Pl. Ex. 14 at 10 (A203).

Uncontroverted evidence also disproved plaintiffs' contention that the program completed by Mr. Vallas was not the program that the State BOE had approved. This evidence is recited in detail below at pp. 32-34. It demonstrates why Dr. Villanova – the NEAG School professor who designed the class, wrote the course description approved by the State BOE, and witnessed and evaluated Vallas' performance – was fully satisfied that the course as completed fully met the initial course description. No one testified to the contrary, and the trial court's conclusion on this point is profoundly mistaken.

Despite this mountain of evidence, and much more, the trial court issued a decision holding that the waiver issued by Commissioner Pryor on June 17, 2013, was "invalid," MOD at 27 (A106), and the State BOE's approval was "void ab initio," id. at 22 n.25 (A101). The trial court's reasoning will be analyzed in greater depth in the Argument below, but at bottom the court's decision was based on its view that Mr. Vallas had not completed a "program" within the meaning of Section 10-157, see id. at 22-24 (A101-03), and that, even if his independent study with Dr. Villanova had qualified as a "program" under the statute, the waiver was nonetheless invalid because the program as completed was not the same program that had been approved by the State BOE, see id. at 25-27 (A104-06). None of this is correct.

STANDARD OF REVIEW & RELEVANT LEGAL PRINCIPLES

Plenary review applies here for two independent reasons: (1) the appeal presents an issue of first impression, see Key Air, Inc. v. Comm'r of Rev. Svcs., 294 Conn. 225, 232 (2009); and (2) disposition of the appeal fundamentally involves a question of statutory interpretation, see Ugrin v. Town of Cheshire, 307 Conn. 364, 379 (2012).

ARGUMENT

I. THE WRIT OF QUO WARRANTO CANNOT PROPERLY BE USED TO COLLATERALLY ATTACK A STATE ADMINISTRATIVE AGENCY'S PROFESSIONAL LICENSING DETERMINATION.

This lawsuit should never have made it out of the starting gate. Although packaged as a challenge to the formal statutory qualifications of Paul Vallas to hold legal "title" as local school superintendent, plaintiffs' fundamental legal claim is not (and cannot be) that Paul Vallas was ineligible for that office because he had failed to obtain the necessary certification waiver required by statute. To the contrary, the record is clear that Commissioner of Education Pryor did in fact issue a certification waiver for Mr. Vallas on June 17, 2013, based on the Commissioner's express finding that Vallas had successfully completed his probationary period and was exceptionally qualified for the position under General Statutes § 10-157(c). See Pl. Ex. 15 (A207). Shorn of rhetoric, plaintiffs' lawsuit in reality is a collateral attack on an administrative licensing decision: it asks the court to second-guess the waiver to challenge the merits of Commissioner Pryor's waiver determination. This use of the writ of quo warranto is unprecedented and unauthorized under Connecticut law.[12]

---

[12] Argument I can be phrased in different ways: the writ of quo warranto does not create subject matter jurisdiction for judicial review of an administrative licensing decision; plaintiffs have failed to exhaust their administrative remedies; or, stated generically, the writ of quo warranto cannot be used in the manner invoked by plaintiffs. All arguments make the same point: The administrative agency's approval of the "school leadership program" and the Commissioner's waiver decision are not subject to judicial review in this lawsuit. In the trial court, defendant Vallas (as well as the Commissioner of Education when he was a defendant) raised the argument in terms of failure to exhaust administrative remedies. See Motion to Dismiss, Dkt. # 112.00 (A22), and Memorandum in Support, Dkt. # 113.00 (A147); see also Motion in Limine to Preclude Evidence of a Political Question, Dkt. # 142.00 (A156). Because of space constraints, the argument is presented here primarily as a limitation on quo warranto doctrine. This argument is the "other side of the coin" of the administrative exhaustion

A. The Extraordinary Writ is Used in Connecticut to Test a Person's Right to Hold Office *De Jure*.

The writ of quo warranto, like mandamus, is a "limited and 'extraordinary remedy.'" Bateson v. Weddle, 306 Conn. 1, 11 (2012), quoting State ex. rel. Stage v. Mackie, 82 Conn. 398, 401 (1909). It originated as a device for the king "to inquire by what right [a feudal lord] supported his claim" to any "office, franchise or liberty of the crown," James L. High, A Treatise on Extraordinary Legal Remedies 544 (1896), and "was frequently employed during the feudal period . . . . to strengthen the power of the crown at the expense of the barons." 2 Chester J. Antieau, The Practice of Extraordinary Remedies 591 (1987); see 17 Eugene McQuillan, The Law of Municipal Corporations 624 (2004) (same). To this day, a "quo warranto proceeding under the common law lies only to test the defendants's right to hold office de jure." Bateson, 306 Conn. at 11; Town of Cheshire v. McKenney, 182 Conn. 253, 257 (1980). Case after case emphasizes that the writ is used only to test the defendant's legal title to office, nothing more. See, e.g., State ex rel. Gaski v. Basile, 174 Conn. 36, 38 (1977) ("complete title"); Scully v. Town of Westport, 145 Conn. 648, 652 (1958) ("title to an office"); State ex rel. Eberle v. Clark, 87 Conn. 537, 541-56 (1913) (explaining de facto/de jure distinction; holding that holdover incumbent is de facto officer, but does not have de jure title where General Assembly did not have power to appoint him for a term exceeding two years); Duane v. McDonald, 41 Conn. 517, 521 (1874) (cause would "lie to test the title").

The limited scope of quo warranto is best illustrated by examining the narrowly circumscribed contexts in which it has been utilized in Connecticut over the past two centuries. The writ has never been used or recognized as plaintiffs wish to use it here, i.e., as a means to challenge a state agency's licensing/waiver determination that serves as a prerequisite to eligibility for any particular public office. Despite its ancient pedigree, its nearly unlimited availability due to the exceedingly liberal requirements for standing to bring a quo warranto

---

argument presented below, a point acknowledged by plaintiffs in their opposition to defendant's motion for review recently filed in this Court. See Stmt. on Opp. to Mot. for Review, at 4 (calling argument a "rehash of arguments" rejected by the trial court).

lawsuit, see Bateson, 306 Conn. at 8-13 (liberal standing requirement), and the many scores of Connecticut cases invoking its authority over hundreds of years, the use of the writ always has been limited to certain well-established contexts having nothing to do with the present situation. Thus, the vast majority of quo warranto cases involve challenges to the conduct of municipal boards or officers appointing or electing municipal officeholders in alleged violation of the express terms of a municipal charter establishing objective requirements for eligibility or appointment.[13] This focus on municipal charters is no accident; municipalities, as creatures of statute, have no authority or power except as expressly conferred by the state.[14] Plaintiffs in the present case do not challenge the conduct of the Bridgeport BOE itself; indeed, the substance of plaintiffs' challenge is directed at the waiver decision made by the state BOE and Commissioner of Education.

The other category of quo warranto actions, far fewer in number, involve challenges to the legality of appointments made by state officials in Connecticut, and virtually all of these cases involve competing claims to public offices arising in "holdover" cases pitting an incumbent against a new appointee.[15] As with the municipal cases, none of these cases have anything to do with decision-making by state administrative agencies, or involve licensing decisions. They turn, instead, on a legal determination as to when a "vacancy" occurs under the controlling statute or constitutional provision. They have no application here.

---

[13] See Schedule A hereto (citing Connecticut cases involving quo warranto actions seeking removal of municipal office-holders based on appointment/election in alleged violation of town charter provisions) (A137).

[14] Bateson, 306 Conn. at 14 ("[A]s a creation of the state, a municipality . . . has no inherent powers of its own . . . [and] possesses only such rights and powers that have been granted expressly to it by the state . . . ."); Basile, 174 Conn. at 39 ("Where a charter specifies a mode of appointment, strict compliance is required."); State ex rel. Southey v. Lasher, 71 Conn. 540, 545 (1899) ("[The charter] indicates the full measure of [the city's] powers.")

[15] See, e.g., State ex rel. Barlow v. Kaminsky, 144 Conn. 612 (1957); State ex rel. Jewett v. Satti, 133 Conn. 687, (1947); State ex rel. Whelan v. Linstrom, 133 Conn. 50 (1946); Alcorn v. Keating, 120 Conn. 427 (1935); State ex rel. Lyons v. Watkins, 87 Conn. 594 (1913); State ex rel. Eberle v. Clark, 87 Conn. 537 (1913); State ex rel. Morris v. Bulkeley, 61 Conn. 287 (1892).

Our threshold point is that plaintiffs' invocation of the machinery of quo warranto in this case is unprecedented and unauthorized under Connecticut case law. There is no claim, and certainly no finding, that the municipal appointing authority (the Bridgeport BOE) itself violated any charter provision or other substantive or procedural legal limitation on its authority, rendering illegal its appointment of Mr. Vallas as school superintendent. Because Vallas was granted a certification waiver by the Commissioner of Education, the Bridgeport BOE was authorized by law appoint him as superintendent. See C.G.S. § 10-157(a) ("[N]o person shall assume the duties and responsibilities of the superintendent until the [local school] board receives written confirmation from the Commissioner of Education that the person to be employed is properly certified or has had such certification waived by the commissioner pursuant to subsection (c) of this section." [emphasis added]). The Bridgeport BOE itself did nothing unauthorized or unlawful in appointing Vallas.

Turning to the state actors, it is clear and indisputable that Commissioner Pryor did not appoint Mr. Vallas as Bridgeport school superintendent. Rather, the Commissioner is the state official who, under Section § 10-157(c), waived the certification requirement that would otherwise have applied to Mr. Vallas. Under the precedent reviewed above, Commissioner Pryor's waiver decision is not subject to challenge in a quo warranto proceeding. The following section of this brief elaborates this point.

B. Quo Warranto Cannot Be Used to Oust an Appointed Officer Whose Professional Qualifications Have Been Approved by the Appropriate Authority.

Plaintiffs' claim boils down to the argument that Commissioner Pryor should not have waived the certification requirement for Mr. Vallas. To put the claim another way, plaintiffs contend that Vallas was not "qualified" for appointment as superintendent by the Bridgeport BOE – despite the certification waiver issued by Commissioner Pryor pursuant to Section 10-157(c) – because the Commissioner erroneously determined that Vallas had "successfully completed a probationary period" based, in turn, on the Commissioner's erroneous determination that Vallas had "successfully complete[d] a school leadership program,

approved by the State Board of Education, offered at a public or private [university]." This legal theory is not one that can be pursued in a quo warranto action, because the writ of quo warranto cannot be used to challenge an officeholder's professional qualifications issued by the appropriate state administrative authority.

The professional qualification for public office in the present case is the certification waiver issued by Commissioner Pryor on June 17, 2013. A challenge to this qualification cannot succeed because Commissioner Pryor's administrative decision to issue that certification waiver is not subject to judicial review in a quo warranto proceeding. See 74 Corpus Juris Secundum, Quo Warranto § 24, at 112 (2002) ("An officer elected by the people may be ousted in quo warranto proceedings where he or she does not posses the statutory professional qualifications, but quo warranto proceedings will not lie to oust an appointed officer whose professional qualifications have been passed on by the officer or agency appointing him or by a civil service commission." [emphasis added]);[16] see also State ex rel. McIntyre v. McEachern, 231 Ala. 609, 613 (1936) (quo warranto may not be used to remove a county road and bridge foreman whose qualifications as "an experienced road builder and competent engineer" were approved by the appointing board of commissioners); People ex rel. Beardsley v. Harl, 109 Colo. 223, 234 (1942) (quo warranto could not be used to remove state banking commissioner, whose statutorily-mandated qualifications were approved by civil service commission).[17]

---

[16] It follows, a fortiori, that quo warranto cannot be used where the professional qualifications of the officeholder have been approved by a state official (here the Commissioner of Education) authorized by statute to do so.

[17] There are no Connecticut cases directly on point; before this case, evidently, no one had attempted to use a quo warranto lawsuit to challenge the underlying validity of an administrative agency's professional licensure (or waiver thereof) to an appointee to public office. A number of Connecticut cases, however, lend strong indirect support to the proposition that quo warranto is unavailable to challenge a determination of qualifications (or lack thereof) when that determination is committed by law to a designated authority. See Alcorn ex rel. Hendrick v. Keating, 120 Conn. 427, 439 (1935) (dismissing suit for writ of quo warranto where "[t]he intent of the statute is to place the primary responsibility for the choice of the appointed members of the board upon the Governor"); State ex rel. Williams v. Kennelly, 75 Conn. 704, 707-09 (1903) (removal of public officer by authorized executive is not properly

This rule makes perfect sense. If the officeholder does not hold the required licensure, and has failed to obtain a waiver thereof from the designated official, then quo warranto will lie, because issuance of the writ by a judge will enforce rather than undermine the authority of the official responsible for licensing/certification/waiver. See, e.g., People ex rel. Oell v. Flaningham, 347 Ill. 328, 335 (1932) (issuing quo warranto to remove school superintendent who had not obtained the required certification).[18] But where the officeholder does hold the required license/waiver, issued by the designated authority, then quo warranto cannot be used to collaterally attack that licensing decision. This latter scenario defines the circumstances of the present case, and establishes why the trial court should not have second-guessed the Commissioner of Education's waiver determination regarding Mr. Vallas.

Even brief reflection demonstrates that the trial court's approach would wreak havoc if adopted under Connecticut law. While the present case involves certification of school superintendents under Section 10-157, literally dozens of other statutes in Connecticut prescribe qualifications for licensing, training, or certification of a tremendous variety of "public officers" subject to removal by quo warranto. These positions range from membership on professional licensing boards, to certification of police officers, firefighters, and even municipal

---

subject to judicial interference in quo warranto action); State ex rel. Richmond v. Bray, 19 Conn. Supp. 483, 486 (1955) (superior court without jurisdiction to hear quo warranto suit challenging domicile of municipal tax collector where qualification as "elector" committed by constitution to selectmen and town clerks) (King, J.).

[18] The absence of a required certification (or statutory waiver) as a ground for quo warranto is analogous to other circumstances where the writ will issue based upon the defendant's lack of objective qualifications necessary to hold the office. See, e.g., State ex rel. Repay v. Fodeman, 30 Conn. Supp. 82, 84 (1972) (granting writ of quo warranto pursuant to city charter requiring alderman to reside in city); State ex rel. Kennedy v. Frauwirth, 167 Conn. 165, 166 (1974) (municipal charter provided for appointments to civil service commission of individuals based on political party affiliation). In such cases, the defendant simply does not possess an objective requirement of eligibility. In the present case, by contrast, Mr. Vallas does possess a certification waiver, and he has established that the waiver was issued by the statutorily designated commissioner, acting pursuant to statutory authority, based on the Commissioner's evaluation of the relevant waiver criteria.

animal control officers.[19] If any taxpayer acting on any motivation (business competition, personal animus, political grudge, or pure, random officiousness) can compel de novo judicial review of the underlying licensing/waiver determination that a particular individual is qualified for appointment, the floodgates are wide open. A few random examples, which barely scratch the surface of the potential problems, illustrate the point. If plaintiffs' quo warranto theory is right, then any physician subject to the authority of the Connecticut Medical Examining Board could obtain judicial review (de novo, no less) to challenge the title of the Board's "physician assistant" member on the ground that the defendant did not, in fact, satisfy the mandatory continuing medical education requirements identified by statute as a prerequisite to licensing as a physician assistant (and thus as a Board appointee).[20] Such a judicial proceeding could be maintained regardless of the fact that the physician assistant had satisfied the Department of Health that the mandatory educational requirements had been met, as a condition of licensing under Section 20-12b.[21] Likewise, under plaintiffs' theory, any police officer appointed to any municipal police department in the state could be haled into court – by any taxpayer – to demonstrate to the judge's de novo satisfaction that he or she did, in fact, satisfactorily complete the mandated minimum basic training requirements identified by statute as a prerequisite to certification as a police officer (and thus appointment by a municipality as

---

[19] The examples are far too numerous to cite here. See Schedule B hereto (A140). Note that many of these (and other) statutes require, as a prerequisite to licensure or certification, the "satisfactory completion" of prescribed training (or that the training be "satisfactorily completed").

[20] See C.G.S. § 20-8a(a) (requiring, among dozens of other things, that one appointee to the Connecticut Medical Examining Board be a physician assistant licensed pursuant to C.G.S. § 20-12b, which in turn requires, as one prerequisite to licensure, that the applicant has "satisfied the mandatory continuing medical education requirements of the national commission for current certification by such commission . . . .").

[21] Despite the fact that the officeholder had already obtained the required license from the designated licensing authority, the burden in a quo warranto proceeding would impose on the officeholder the burden to show that he or she had satisfied the educational requirements required to obtain licensure in the first place.

a police officer by a municipal board).[22] Again, such a judicial proceeding could be maintained regardless of the fact that the police officer had necessarily satisfied the Police Officers Training Council that the mandatory training requirements had been satisfied, as a condition of certification under Section 7-294d. The list of examples goes on and on.

This is not a proper quo warranto action. It is, rather, an impermissible collateral attack on the licensing decision of a state agency. The trial court exceeded its authority by ousting Superintendent Vallas based upon the court's second-guessing of decisionmaking committed by statute to the Commissioner and/or Board of the state Department of Education.

II. THE TRIAL COURT'S CONSTRUCTION OF C.G.S. § 10-157 IS ERRONEOUS.

The trial court decided that a course of independent study undertaken by an experienced out-of-state educator under the direct supervision of the Director of the Executive Leadership Program of UConn's NEAG School of Education, and approved as a "school leadership program" by the State BOE, nonetheless was not a "program . . . offered at" a university within the meaning of Section 10-157(b) (emphasis added). See MOD at 22 n.25 ("The court's finding here is limited to the narrow conclusion that the course completed by Vallas was not a 'school leadership program' as that phrase is understood by subsection (b) and, accordingly, that . . . any approval [of the program] by the State Board of Education was void ab initio.") (A101).[23] The court's holding commits the cardinal sin of statutory construction. Instead of considering the statute as a whole to ascertain its fundamental meaning and intention, the trial court examined a few isolated words in one subsection of the statute, consulted a single dictionary entry, and then delivered a sterile "interpretation" that thwarts the

---

[22] See C.G.S. § 7-294d(b) (requiring that all police officers employed by any law enforcement unit for a period exceeding one year be certified by the Police Officer Standards and Training Council pursuant to C.G.S. § 7-294d(a), which in turn requires, as one prerequisite to certification, that the officer satisfactorily complete minimum basic training programs).

[23] Due to the expedited proceedings below (and the uncertain focus of the claim framed by plaintiffs' amended complaint, see n.7 above), neither party ever briefed the statutory construction issue decided by the trial court in its MOD. It was decided without briefing.

statute's purpose. In the name of construing the statute, the trial court rewrote it by adding formal requirements that the legislature did not include and never intended. The legislative enactment has been rendered unusable in the process.

A. Section 10-157 Is Designed and Worded to Facilitate the Ability of Local School Boards To Hire Non-Certified But "Exceptionally Qualified" School Superintendents Under the Oversight and Auspices of the State Department of Education and Its Commissioner.

Courts must "construe a statute as a whole and read its subsections concurrently in order to reach a reasonable overall interpretation." Barry v. Quality Steel Products, Inc., 280 Conn. 1, 9 (2006). "The words [at issue] may not be read in isolation, but, rather, must be read in the context of the entire statutory provision." C.R. Klewin Northeast, LLC v. Fleming, 284 Conn. 250, 267 (2007). Section 10-157(b) does not exist in a vacuum, and its language concerning a "school leadership program, approved by the State Board of Education, offered at a [college or university] in Connecticut" is not a phrase that itself denotes an obvious or readily discernable meaning. "School leadership program" is not defined in the statute, and the term does not appear anywhere else in the General Statutes either. The intended meaning of this training requirement only comes into focus upon consideration of Section 10-157 as a whole, aided by reference to the legislative history, purpose, and policy.[24] Upon analysis, it is clear that the trial court's narrow interpretation is wholly inconsistent with "a reasonable overall interpretation," Barry, 280 Conn. at 9, of "the entire statutory provision," Fleming, 284 Conn. at 267.

We begin with the statute itself. Section 10-157 sets forth a collaborative process by which local school boards may hire superintendents in coordination with the State Department of Education (SDE), which has overall authority to ensure that superintendents are qualified. The local board has the right to hire a superintendent of its choosing. See C.G.S. § 10-157(a).

---

[24] See, e.g., Cogan v. Chase Manhattan Auto Financial Corp., 276 Conn. 1, 7 (2005) ("When a statute is not plain and unambiguous, we also look for interpretive guidance to the legislative history and circumstances surrounding its enactment, to the legislative policy it was designed to implement, and to its relationship to existing legislation and common law principles governing the same general subject matter.").

The local board is empowered to choose such a superintendent, by majority vote, set the salary of their chosen superintendent, and contract with its selection for up to three years. Id. The statute also requires the superintendent to make annual reports to the local board, and instructs the local board to evaluate the superintendent's performance annually. Id. In this case, it is undisputed that a democratically-elected Bridgeport BOE selected Paul Vallas by a majority vote. Pl. Ex. 14 at 1-2 (A194-95).

But the local BOE is not free to hire just anyone for this important post, because the SDE unquestionably holds ultimate authority over job eligibility for school superintendents in Connecticut. Section 10-157 thus restricts the local board's choice of its superintendent by stating that "[e]xcept as provided in subsection (b) of this section, no person shall assume the duties and responsibilities of the superintendent until the [local] board receives written confirmation from the Commissioner of Education that the person to be employed is properly certified or has had such certification waived by the commissioner pursuant to subsection (c)." Id. (emphasis added). Importantly, the only exception to the certification requirement is itself subject to the direct oversight of the SDE. Subsection (b) provides that a local board, "with the approval of the Commissioner of Education," may appoint as an "acting superintendent" for a "probationary period, not to exceed one school year," a person who is not certified. C.G.S. § 10-157(b) (emphasis added). During that time, the acting superintendent "shall assume all duties of the superintendent . . . and shall successfully complete a school leadership program, approved by the State [BOE], offered at a public or private institution of higher education in the state." Id. (emphasis added). Thereafter, the local board "may request the commissioner to grant a waiver of certification for such acting superintendent pursuant to subsection (c) . . . ." Id. (emphasis added).

Section 10-157(c), which completes the statutory framework, also confers complete authority over the certification waiver process to the Commissioner of Education. Subsection (c) states that "[t]he commissioner may, upon request of an employing local or regional board of education, grant a waiver of certification to a person . . . who has successfully completed

a probationary period . . . and who the commissioner deems to be exceptionally qualified for the position of superintendent." C.G.S. § 10-157(c) (emphases added). It is undisputed in the present case that Commissioner Pryor issued the certification waiver for Mr. Vallas, as requested by the Bridgeport BOE. Pl. Ex. 15 (A207).

This statutory framework establishes three key points. First, the statutory scheme set forth in Section 10-157 is squarely placed under the exclusive supervision of the leadership of the SDE. The SDE's authoritative role is evident at every step of the certification-waiver process, as shown above. It is fair to say that the most prominent feature of the statute is the comprehensive nature of the authority over the waiver process conferred to the SDE. The trial court overlooked this important threshold point.

Second, the waiver process is an alternative to certification. The language of the statute requires certification or waiver; the fundamental purpose of the statutory waiver provision, as we explain below, is to allow local boards to hire exceptionally talented individuals from out-of-state who, despite their manifest qualifications, cannot satisfy the standard certification criteria. See below at pp. 30-32. The trial court erred by treating the "school leadership program" as an equivalency-type certification program rather than as an abbreviated program intended to facilitate an alternative to certification – waiver of certification.

Third, the trial court completely failed to recognize that the "school leadership program" contemplated by the statute must necessarily be a custom-tailored, abbreviated course of study. This necessity arises because (1) the "program" has to be completed within the probationary period, which Section 10-157(b) stated was "not to exceed one school year," and (2) the candidate must fulfill the "program" requirement while working full-time as "acting superintendent" under Section 10-157(b) (the "acting superintendent shall assume all duties of the superintendent for the time specified [i.e., the probationary period]"). As explained in the following section of this brief, there is no program in existence that would allow a person to satisfy the statutory definition as construed by the trial judge. Under the trial court's construction of the statute, that is, the possibility of certification waiver under Section 10-

157(c)(2) is illusory, because a candidate cannot successfully complete a "school leadership program," as defined by the trial court, within the prescribed one-year limit.

B. The Trial Court Misconstrued, in Numerous Ways, the Statutory Phrase "School Leadership Program . . . Offered at a [College or University] in Connecticut."

The trial court's statutory construction is mistaken every step of the way. We start with the court's conclusion that a "program" by definition must require more than one course. MOD at 24 (A103). Nothing in the statute itself supports this holding. To the contrary, the undefined and idiosyncratic nature of the legislative language, and its unusual features and purpose, in no way suggest that multiple courses are contemplated. The trial court, by selectively choosing one of many available entries in one of many dictionaries, concluded that the dictionary supported a definition of "program" as requiring more than one course. See id. at 22 (A101) (quoting one entry for the word "program" as "a plan or system under which action may be taken toward a goal," citing Merriam-Webster Dictionary (11th Ed. 2009)). Even this particular definition does not rule out as a "program" the course of study that Mr. Vallas undertook and completed with Dr. Villanova. See above at pp. 7-12. More importantly, the trial court totally ignored other definitions of "program" which plainly include Mr. Vallas' coursework: "[a] course of academic study [or] [a] plan or system of academic . . . activities." American Heritage Dictionary (4th ed. 2000). See also Merriam-Webster's Dictionary (3d ed. 1986) (defining "program" as "a plan of study for an individual student over a given period" [emphasis added]). The dictionary most assuredly does not support the conclusion that the word "program" as used in Section 10-157(b) requires multiple courses.[25]

The only other ground relied on by the trial judge is equally weak. The court adopted plaintiffs' contention that a "program" under Section 10-157(b) must meet the formal definition

---

[25] Indeed, the Connecticut legislature often uses the word "program" to refer to a training exercise consisting of a single class. See, e.g., C.G.S. § 46b-69b(a) ("parenting education program" defined as "a course . . . [which] shall include information on [enumerated topics]"); C.G.S. § 19a-77(b)(3) (providing that "library programs that are no longer than two hours in length" were not subject to child day care licensing requirements).

used internally by the University of Connecticut to designate an official "program" as that term is used at UConn. Thomas DeFranco, the dean of UConn's NEAG School, was called by plaintiffs briefly to explain how a formal university "program" – such as a major, concentration, or other academic fixture within the UConn system – requires approval by UConn's curriculum committee and by the UConn Board of Trustees. See TR 6/24/13, Vol. II at 112 (A454). The trial court relied on this testimony to conclude that Superintendent Vallas had not completed a "program" within the meaning of Section 10-157; according to the trial court, "a three credit course would not qualify as a program and because the course did not pass through the rigorous approval process that a program would undergo before being offered at UConn." MOD at 23 (A102).

This construction finds no support anywhere, and leads to manifestly absurd results. The only approval required in the statute with respect to the "school leadership program" is the approval of the State BOE. C.G.S. § 10-157(b). There is no indication that the legislature, in adopting Section 10-157, sought to import any of the formal, specialized definitions of "program" used to satisfy the internal bureaucratic needs of UConn or any of the other various "public or private institution[s] of higher education in the state." Id. The common and ordinary meaning of a word, not some specialized definition used internally at a particular institution, should govern the construction of a statute. See, e.g., Oller v. Oller-Chiang, 230 Conn. 828, 848 (1994). Moreover, there is no evidence anywhere, and no reason at all to believe, that an actual, formal "school leadership program" fitting the trial court's definition even exists at any institution of higher learning in Connecticut. Thus, the "Executive Leadership Program" offered by UConn's NEAG School is a fifteen-credit program that takes thirteen months to complete, and requires (among other things) an internship with a certified superintendent. TR 6/24/13, Vol. II at 51 (A393); MOD at 24 (A103).[26] It would not be possible for Mr. Vallas, or

[26] An internet search does not locate a single "program" at any Connecticut institution of higher education that would even come close to satisfying the trial court's definition and can be completed in less than twelve months. See, e.g., Southern Connecticut's Superintendent Certification Program (two years or more), http://www.southernct.edu/academics/schools/

anyone similarly situated, to complete a thirteen-month "program" within a "probationary period" that by statute cannot "exceed one school year" – especially while he or she is simultaneously working full-time as acting superintendent, as required by statute. See C.G.S. § 10-157(b). The trial court applied a definition of "program" that would be impossible (and surely impractical) to satisfy, in contravention of the fundamental rule precluding a construction that leads to absurd, unworkable, or impractical results. See, e.g., In re Jusstice W., 308 Conn. 652, 669-70 (2012) ("Indeed, the interpretation of [the statute] urged upon us by the respondents would lead to both absurd and unworkable results . . . ."); Raftopol v. Ramey, 299 Conn. 681, 703-04 (2011) (construing gestational agreement statute as allowing intended parent to obtain parental rights without adopting child regardless of genetic relationship to avoid absurd result of a "parentless child"); Tayco Corp. v. Planning and Zoning Comm'n, 294 Conn. 673, 686 (2010) (describing "basic tenet of statutory construction" that courts must seek to "construe a statute in a manner that will not thwart its intended purpose or lead to an absurd result"); Gonzales v. Surgeon, 284 Conn. 554, 268 (2007) ("in construing a statute, [a court] must be mindful as to whether the construction brings about a practical result").

The trial court compounded this error by placing heavy and entirely unjustified significance on the fact that the "school leadership program" required by statute must be "offered at a public or private institution of higher education in the state," C.G.S. § 10-157(b).[27] Without any explanation or citation to authority, the trial court held that "a proposed course of study is only properly designated as a 'program' [under the statute] if it already constitutes a

---

education/departments/edl/academicprograms/superintendentcertificationprogram.html; Central Connecticut's Educational Leadership in Superintendent of Schools Program (twelve to fifteen credits), http://www.ccsu.edu/page.cfm?p=1123. Even educational graduate "programs" that fall short of superintendent preparation take far longer than one school year to complete. See Southern Connecticut's Intermediate Administrator Program (prepares candidates for administrative positions up to Assistant Superintendent; two years or more), http://www.southernct.edu/academics/schools/education/departments/edl/academicprograms/intermediateadminstratorprogram.html.

[27] The trial court repeatedly misquoted the statute in this respect by referring to a requirement that Mr. Vallas complete a program "offered by" rather than "offered at" a Connecticut institution of higher education. See MOD at 16, 23, 23 n.26 (A95, A102).

'program' at the institution that offers it." MOD at 16 (A95); see also id. at 23 ("[A] proposed course of study may only be called a program within the meaning of subsection (b) if the institution that offers it recognizes the course of study as a program.") (A102). Again, this definition, made up out of thin air, self-destructs upon examination; there do not appear to be any such programs in Connecticut that can be completed by an acting (i.e., working) school superintendent within a year – not even close. See above n.26. Moreover, if the legislature had intended this meaning, it would not have interjected the phrase "program, approved by the State Board of Education," as it did; the statute seems clearly to contemplate a flexible, tailored curriculum, and requires approval for that reason.[28] In this context, the phrase "offered at [a college or university]" must be understood to indicate that the program should be a university-level course of instruction, i.e., taken at an "institution of higher education."

By requiring that Mr. Vallas complete an official, pre-existing UConn "program" consisting of multiple classes, the trial court read into the legislation a requirement that did not exist. See Stone-Krete Const. Inc. v. Eder, 280 Conn. 672, 682 (2006) (a "court cannot, by judicial construction, read into legislation provisions that clearly are not contained therein." [emphasis added]); see also Dinan v. Marchand, 279 Conn. 558, 577-78 (2006) ("[I]n the absence of any indication of the legislature's intent concerning the issue, we cannot engraft language onto the statute."). It is not a judicial function to substitute the court's own conception of what would constitute a wise addition to the statute as enacted. See, e.g., Echavarrio v. National Grange Mutual Ins. Co., 275 Conn. 408, 416-17 (2005).

To summarize, the trial court rewrote the statute by requiring a formal training "program" that was not (and could not have been) intended by the legislature. It is clear from the MOD that the trial court did not consider the course of independent study completed by Mr. Vallas

---

[28] Approval of the Commissioner is already required, both to qualify the candidate for the probationary appointment, C.G.S. § 10-157(b), and to confirm completion of the probationary period (which includes completion of the school leadership program), id. at § 10-157(c). The only intelligible reason to include a separate approval, by the State BOE, of the school leadership program itself is because the statute contemplates something other than a standard program.

to be sufficiently formalized.[28] The governing statute, however, does not require a judge to approve the program. Rather, it requires the approval of the State BOE, and post-completion approval by the Commissioner of Education. The trial court overstepped its bounds by requiring more.

C. The Legislative History of Section 10-157 Confirms that "Program" Can Be Satisfied with a Course and that the Statute Was Designed to Enable and Encourage Superintendents from Other States to Come to Connecticut.

The sole reference to the legislative history of Section 10-157 contained in the MOD is included to confirm the obvious fact that the statute does not define the phrase "school leadership program." MOD at 22 n. 24 (A101). This is unfortunate, because a more searching review of the statute's legislative history would have assisted the court's statutory construction, and may have prevented the court from adopting a construction that thwarted rather than furthered the legislative purpose. See Vincent v. City of New Haven, 285 Conn. 778, 792 (2008) (instructing that "any ambiguities should be resolved in a manner that furthers, rather than thwarts, the act's . . . purposes."). See also Harpaz v. Laidlaw Transit, Inc., 286 Conn. 102, 112 (2008) (instructing that, where "the statute yields no plain meaning, [the Court will] turn to the genealogy and legislative history of [the statute at issue] to answer the issue raised [on] appeal"); Cogan, 276 Conn. at 7 ("When a statute is not plain and unambiguous, we also look for interpretive guidance to the legislative history and circumstances surrounding its enactment, to the legislative policy it was designed to implement, and to its relationship to existing legislation and common law principles governing the same general subject matter."). For example, the legislative history contains a statement made by Representative Kelvin

---

[28] The trial court repeatedly allowed its construction of the statute to be influenced by the judge's personal conception of what an academic course of study should entail. See MOD at 7 (A86) ("[t]he court explicitly rejects the testimony . . . that their meetings or phone calls constituted the 'seminar and class sessions' contemplated in the course description"); id. ("a class is normally more than one student"); id. at 8 (A87) (after describing how Superintendent Vallas completed six written papers in connection with the independent study program, opining that "the work, although done over the course of ten weeks while fulfilling his employment as acting superintendent, could have been completed in a week"); id. (giving weight to fact that Vallas' papers were graded within twenty-four hours of submission); see also id. at 6 n.4 (A85) (noting that Vallas did not apply to UConn, but conceding that he did pay tuition).

Roldan, a co-sponsor of the bill, strongly indicating that he considered the term "program" as interchangeable with the word "course." See Connecticut House Transcript, 5/8/2012 at 205 (noting that a superintendent from another state who "served 30 years somewhere else . . . [would] have to take a course . . . that you have to pass, . . . in order to be considered a superintendent." (emphasis added)) (A136).

The legislative history also makes it crystal clear that section 10-157 was intended to enable and encourage experienced, out-of-state school administrators – like Paul Vallas – to come to Connecticut. Representative Andrew Fleischmann, a co-sponsor of the bill and the Chairman of the Education Committee, explained that the fundamental purpose of Section 10-157 is to make it easier for Connecticut cities and towns to recruit successful school administrators to come to Connecticut:

> [T]he intention here is to expand the pipeline of -- for -- for excellent potential superintendents, who may come to Connecticut from out of state or from -- from other walks of life with a desire to dedicate themselves to -- to efforts in education. And -- and specifically, in being superintendents for districts that need them.

Connecticut House Transcript, May 8, 2012 at 188 (emphasis added) (A133). The policy animating the statute is that a more flexible approach to certification – specifically, the waiver provision contained in Section 10-157(c) – will aid recruitment of highly qualified but uncertified out-of-state candidates. See also id. at 189 (noting that "this section is designed for people who are not, at the moment, certified to be superintendents but who demonstrate to a local or regional board that they have those capacities and are prepared, not only to take on the job in a probationary manner but also to go ahead and successfully complete a program during the course of that year . . . .") (A134). See also Connecticut Senate Transcript, 5/7/2012 at 226 ("So as we all want to see our children succeed, . . . we need to focus on recruiting great principals and superintendents. And as we do that, we will rely on them to help recruit great teachers here in the Connecticut.") (A131).

Finally, it is apparent from both the statute itself and its legislative history that Section 10-157 was intended to assist local boards of education by expanding the pool of talent

available to them at the superintendent level. See Connecticut House Transcript, May 8, 2012 at 188 (A133). The statute accomplishes that goal by establishing a certification waiver program under the auspices of the leadership of state department of education. The waiver procedure is carefully regulated because it is subject in every instance to the direct oversight and approval, at multiple stages, of the Commissioner and/or the State BOE. See above at pp. 23-26. The trial court erred by construing the statute to impose rigidity rather than flexibility in the type of "school leadership program" that could be approved. It was error to construe the statute instead as imposing rigid constraints on that approval process.

D. Superintendent Vallas' Program is Exactly What the State Board of Education Approved.

Presumably aware that its narrow definition of "program" was a slender reed upon which to oust the superintendent of schools for Connecticut's largest city, the trial court also ruled that "even if the course was a 'program' within the meaning of § 10-157, . . . Vallas did not successfully complete a school leadership program because the course that Vallas did complete was not the course that the State Board of Education believed it had approved." MOD at 26 (emphasis added) (A105). This conclusion, however, is not based on what the State Board itself "believed" – no one from the State Board testified at trial – but instead is rooted in the trial court's personal views about really should constitute a "seminar," a "class," or "technology-assisted discussion" as those terms are used in the course description approved by the State Board. Id. at 6-8, 10 (A85-87, A89). The ruling is fatally flawed for two important reasons.

First, the court's conclusions are contrary to fact. No one from the State BOE testified at trial (about what he or she "believed" the course description to mean, or any other subject), and we know for a fact that members of that Board unanimously disagree with the trial court's blind assumptions about what they "believed" they had approved.[29] The BOE disagrees for

[29] The State BOE voted unanimously to urge this Court to review the trial court's decision, and is submitting an amicus brief supporting reversal.

good reason: Dr. Villanova, the only witness who testified on the subject, made it very clear that the course Vallas took was the course described to the State Board. Thus, with respect to "classes," Dr. Villanova testified that "one-on-one phone or in person sessions were what [Villanova] defined as class sessions." TR 6/24/13, Vol. II at 92 (A343). He and Superintendent Vallas had many of them, in the form of "three in person meetings, two lengthy ones and six or seven phone conferences." Id. at 59 (A401). Dr. Villanova also testified to the "in-person seminars" referred to in the approved course description, see Pl. Ex. 14 at 11 (A204), noting that such a seminar was "[i]n this case . . . a one to one meeting with Mr. Vallas and [himself]." TR 6/24/13, Vol. II at 59 (A401). He explained that, in his experience as a professional educator, a seminar was a discussion "about a particular content piece" and that Vallas' seminars were "one-on-one," and "met [Dr. Villanova's] definition of seminar because [they were] purposely tied to set of ideas, and in this case, assignments that made [them] more purposeful." Id. at 92 (A343). He and Mr. Vallas had "two lengthy seminar conferences in person." Id. at 59 (A401).[30] Finally, Dr. Villanova also addressed the "technology assisted discussion" point in his testimony. He made clear that a "phone call" was sufficient, and noted that while he and Vallas had intended to use Skype in addition to phones, they ultimately decided to just use the telephone instead. Id. The evidence also established that Mr. Vallas had used PowerPoint technology in his assignments, see Pl. Ex. 16-21, and that he and Dr. Villanova had utilized that technology while reviewing his assignments, see TR 6/24/13, Vol. II at 60 (A402) (Dr. Villanova testifying that "when I called for the review, I would walk page by page through the assignment with Mr. Vallas and then very often on the assignments that included a Power Point, I'd put the Power Point up on his screen and mine, and we would walk

[30] The troubling pattern of the trial judge's skewed view of the proceedings is evident once again in her incorrect interpretation of the approved course description, see MOD at 7-8 (A86-87), which did not require both class sessions and seminars, and instead provided that "[t]he course is designed as a seminar and class sessions may be a combination of in-person seminars and technology assisted discussions," Pl. Ex. 14 at 11 (emphasis added) (A204). Thus, the trial court's conclusion that Vallas never attended a class, see MOD at 27 (A106), is not only incorrect, but also rests on a fundamental misapprehension of the course requirement.

through or talk through the Power Point in addition to the assignment"). The trial court was in no position to second-guess this evidence.

Second, the trial court's conclusion on this point reflects a serious role confusion in multiple ways. To begin with, as noted above, the trial judge heard no evidence at all about what the State Board "believed" the approved course description required, and there is no reason to think that the trial court's beliefs reflect the Board's beliefs; to the contrary, see n.29. In addition, it is also evident that the trial judge substituted her own view for the dispositive views of Dr. Villanova (the professor who actually supervised Mr. Vallas and determined that Vallas had "successfully completed" the program by awarding him an "A" grade) and Commissioner Pryor (who determined that Vallas had "successfully completed" the probationary period, which includes successful completion of the program). For the reasons explained in Argument I of this brief, the writ of quo warranto does not empower the judicial branch to second-guess the conclusions of the licensing authorities, or the course instructors administering the prerequisite licensing/waiver programs. See pp. 15-22.

III. SUPERINTENDENT VALLAS IS ENTITLED TO SERVE THE FULL PROBATIONARY TERM, TO WHICH HE WAS APPOINTED, THROUGH DECEMBER 31, 2013.

Issuance of the writ of quo warranto on this record was improper for yet another, wholly independent reason. If Mr. Vallas did not successfully complete the school leadership program, and as a result did not successfully complete the statutory "probationary period" as a matter of law despite Commissioner Pryor's determination to the contrary, then he nonetheless is entitled to remain in place as the acting superintendent until December 31, 2013, and must have the opportunity to satisfy any "program" requirements until that time. This is so because the statutory "probationary period" for Mr. Vallas does not expire until December 31, 2013. See Pl. Ex. 5 (A191) ("The purpose of this letter is to approve the appointment of Paul G. Vallas as acting superintendent of schools for the Bridgeport Public Schools for the probationary period beginning January 1, 2013, through December 31, 2013.").

Superintendent Vallas therefore was ordered out of office for supposedly failing to satisfy the requirements of his "probationary period" when he was barely halfway through the term. The trial court determined that Mr. Vallas' probationary period had terminated on June 17, 2013. MOD at 20 (A99). However, that conclusion was based on Commissioner Pryor's letter finding that the probationary period had been successfully completed as of June 17, 2013. Id. See Pl. Ex. 15 (A207) ("grant[ing] a waiver of certification for Mr. Vallas, effective today . . . [because] Mr. Vallas has successfully completed a probationary period as an acting superintendent of the Bridgeport Public Schools . . . ."). But, of course, if Commissioner Pryor was wrong to conclude that the "probationary period" had been successfully completed, then it was not completed, and remained in effect until December 31, 2013. The quo warranto should have been denied on this basis as well.[31]

CONCLUSION

The decision of the Superior Court should be reversed, and the case should be remanded to that Court with instructions to dismiss the quo warranto action.

Respectfully submitted,

PAUL VALLAS

By _____

Steven D. Ecker
James J. Healy
Cowdery, Ecker, & Murphy L.L.C.
280 Trumbull Street
Hartford, CT 06103-3599
(860) 278-5555
(860) 249-0012 Fax
Juris # 102203
ecker@cemlaw.com
jhealy@cemlaw.com

– His Attorneys –

[31] This point is of little practical value at this point, due to the passage of time; by the time this case is finally decided, the opportunity for cure very likely will be lost. The importance of the point primarily is to show that the trial court's errors ran very deep, and extended quo warranto far beyond its proper scope.

CERTIFICATION

This is to certify that a copy of the foregoing brief only has been sent on July 31, 2013 by email, and the brief and appendix (part one) were sent by Federal Express to the following:

Norman A. Pattis, Esq.
The Pattis Law Firm, LLC
649 Amity Road
Bethany, CT 06524
napatty1@aol.com
(203) 393-3017
(203) 393-9745 Fax

Kevin Smith, Esq.
129 Church Street, Suite 400
New Haven, CT 06510
kevinsmithlaw@gmail.com
(203) 980-7559
(866) 236-5477 (Fax)

Arthur C. Laske, Esq.
Deputy City Attorney
999 Broad Street
Bridgeport, CT 06604
acl@laskelaw.com
(203) 576-7647
(203) 576-8252 Fax

Bruce L. Levin, Esq.
Barbara M. Schellenberg, Esq.
Cohen and Wolf
1115 Broad Street
Bridgeport, CT 06604
blevin@cohenandwolf.com
(203) 368-0211
(203) 394-9901 Fax

Gregory T. D'Auria, Esq.
Solicitor General
55 Elm Street
P.O. Box 120
Hartford, CT 06141-0120
gregory.dauria@ct.gov
(860) 808-5027
(860) 808-5347 Fax

and by Federal Express only to:

The Honorable Barbara N. Bellis
Superior Court Judge
1061 Main Street
Bridgeport, CT 06604

I further certify that the foregoing brief and appendix complies with Practice Book §§ 62-7, 67-2, and 67-8.

Steven D. Ecker