

SUMMONS - CIVIL
(Except Family Actions)

JD-CV-1 Rev. 1-2000
C.G.S. § 51-346, 51-347, 51-349, 51-350, 52-45a,
52-48, 52-259, P.B. Secs 3-1 thru 3-21, 8-1

STATE OF CONNECTICUT
SUPERIOR COURT

www.jud.ct.gov

INSTRUCTIONS

1. Type or print legibly; sign original summons and conform all copies of the summons.
2. Prepare or photocopy conformed summons for each defendant.
3. Attach the original summons to the original complaint, and attach a copy of the summons to each copy of the complaint. Also, if there are more than 2 plaintiffs or 4 defendants prepare form JD-CV-2 and attach it to the original and all copies of the complaint.
4. After service has been made by a proper officer, file original papers and officer's return with the clerk of court.
5. The party recognized to pay costs must appear personally before the authority taking the recognition.
6. Do not use this form for actions in which an attachment, garnishment or replevy is being sought. See Practice Book Section 8-1 for other exceptions.

TO: Any proper officer; BY AUTHORITY OF THE STATE OF CONNECTICUT, you are hereby commanded to make due and legal service of this Summons and attached Complaint.

"X" ONE OF THE FOLLOWING:
Amount, legal interest or property in demand, exclusive of interest and costs is:

less than \$2,500
 \$2,500 through \$14,999.99
 \$15,000 or more

("X" if applicable)
 Claiming other relief in addition to or in lieu of money or damages.

RETURN DATE (Mo., day, yr.)
(Must be a Tuesday) **June 19, 2007**

<input checked="" type="checkbox"/> JUDICIAL DISTRICT	AT (Town in which writ is returnable) (C.G.S. 51-346, 51-349)	CASE TYPE (See JD-CV-1c)	M-50
<input type="checkbox"/> HOUSING SESSION	Willimantic	Major	M-00
<input type="checkbox"/> G.A. NO.		Minor	T-90
ADDRESS OF COURT CLERK WHERE WRIT AND OTHER PAPERS SHALL BE FILED (No., street, town and zip code) (C.G.S. 51-346, 51-350)		TELEPHONE NO. (with area code)	
108 Valley Street, Willimantic, CT 06226		(860) 423-8491	

PARTIES	NAME AND ADDRESS OF EACH PARTY (No., street, town and zip code)	NOTE: Individuals' Names: Last, First, Middle Initial	<input type="checkbox"/> Form JD-CV-2 attached	PTY NO.
FIRST NAMED PLAINTIFF	Kildea, Jeanette, 32 Brooklyn Rd., Canterbury, CT 06331			01
Additional Plaintiff				02
FIRST NAMED DEFENDANT	Town of Canterbury, Town Clerk's Office, 1 Municipal Drive, Canterbury, CT 06331			50
Additional Defendant	Dupont, Neil A., Sr., Town Clerk's Office, 1 Municipal Drive, Canterbury, CT 06331			51
Additional Defendant	Johnson, Christopher C., Town Clerk's Office, 1 Municipal Drive, Canterbury, CT 06331			52
Additional Defendant	Santoro, Paul R., Town Clerk's Office, 1 Municipal Drive, Canterbury, CT 06331			53

NOTICE TO EACH DEFENDANT

1. YOU ARE BEING SUED.
2. This paper is a Summons in a lawsuit.
3. The Complaint attached to these papers states the claims that each Plaintiff is making against you in this lawsuit.
4. To respond to this Summons, or to be informed of further proceedings, you or your attorney must file a form called an "Appearance" with the Clerk of the above-named Court at the above Court address on or before the second day after the above Return Date.
5. If you or your attorney do not file a written "Appearance" form on time, a judgment may be entered against you by default.
6. The "Appearance" form may be obtained at the above Court address.
7. If you believe that you have insurance that may cover the claim that is being made against you in this lawsuit, you should immediately take the Summons and Complaint to your insurance representative.
8. If you have questions about the Summons and Complaint, you should consult an attorney promptly. **The Clerk of Court is not permitted to give advice on legal questions.**

DATE 05/31/2007	SIGNED (Sign and "X" proper box) 	<input checked="" type="checkbox"/> Comm. of Superior Court <input type="checkbox"/> Assistant Clerk	TYPE IN NAME OF PERSON SIGNING AT LEFT Renee C. Redman, Juris No. 410347
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FOR THE PLAINTIFF(S) PLEASE ENTER THE APPEARANCE OF:

NAME AND ADDRESS OF ATTORNEY, LAW FIRM OR PLAINTIFF IF PRO SE (No., street, town and zip code)	TELEPHONE NUMBER	JURIS NO. (If atty. or law firm)
Renee C. Redman, ACLU-CT, 32 Grand St., Hartford, CT 06106	860 247 9823 x211	410347

NAME AND ADDRESS OF PERSON RECOGNIZED TO PROSECUTE IN THE AMOUNT OF \$250 (No., street, town and zip code)	SIGNATURE OF PLAINTIFF IF PRO SE
I have personal knowledge of the financial responsibility of the plaintiff and deem it sufficient to pay the costs of this action.	

# PLFS. 1	# DEFS. 4	# CNTS. 8	SIGNED (Official taking recognizance: "X" proper box) 	<input checked="" type="checkbox"/> Comm. of Superior Court <input type="checkbox"/> Assistant Clerk	For Court Use Only
					FILE DATE

IF THIS SUMMONS IS SIGNED BY A CLERK:

- a. The signing has been done so that the Plaintiff(s) will not be denied access to the courts.
- b. It is the responsibility of the Plaintiff(s) to see that service is made in the manner provided by law.
- c. The Clerk is not permitted to give any legal advice in connection with any lawsuit.
- d. The Clerk signing this Summons at the request of the Plaintiff(s) is not responsible in any way for any errors or omissions in the Summons, any allegations contained in the Complaint, or the service thereof.

I hereby certify I have read and understand the above:	SIGNED (Pro Se Plaintiff)	DATE SIGNED	DOCKET NO.
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RETURN DATE: June 19, 2007

JEANETTE KILDEA,

Plaintiff,

v.

TOWN OF CANTERBURY, NEIL A. DUPONT
SR., CHRISTOPHER C. JOHNSON, and PAUL R.
SANTORO,

Defendants.

SUPERIOR COURT

JUDICIAL DISTRICT OF
WINDHAM AT
WILLIMANTIC

May 31, 2007

VERIFIED COMPLAINT

Introduction

1. This is a civil rights action seeking to redress actions by the Town of Canterbury's Board of Selectmen ("BOS") first to limit and prevent Plaintiff's individual speech, and then to discontinue all public participation during BOS meetings.
2. Plaintiff seeks monetary relief pursuant to Article First §§ 4, 5, and 14 of the Connecticut Constitution, and 42 U.S.C. § 1983; declaratory relief pursuant to Conn. Gen. Stat. § 52-29, Article First §§ 4, 5, and 14 of the Connecticut Constitution, and 28 U.S.C. § 2201; and injunctive relief pursuant to Conn. Gen. Stat. § 52-471 *et seq.*, Article First §§ 4, 5, and 14 of the Connecticut Constitution, and 42 U.S.C. § 1983.

Parties

3. Plaintiff Jeanette Kildea is a resident of Canterbury, Connecticut.
4. Defendant Town of Canterbury is a municipality in Connecticut incorporated in or about 1703.
5. Defendant Neil A. Dupont, Sr., is the First Selectman of Canterbury, Connecticut, and is a resident of Canterbury, Connecticut. Defendant Dupont is being sued in his official and individual capacity.
6. Defendant Christopher C. Johnson is the Second Selectman of Canterbury, Connecticut, and is a resident of Canterbury, Connecticut. Defendant Johnson is being sued in his official capacity.
7. Defendant Paul R. Santoro is the Third Selectman of Canterbury, Connecticut, and is a resident of Canterbury, Connecticut. Defendant Santoro is being sued in his official capacity.

Statement of Facts

Town of Canterbury Board of Selectmen Meetings

8. Upon information and belief, the Town of Canterbury has two categories of BOS meetings. Regular BOS meetings are scheduled to occur on the first and third Tuesday of each month. Special BOS meetings are scheduled as needed.

9. Upon information and belief, public participation has been permitted at every regular BOS meeting prior to the meeting held on or about April 17, 2007.

10. Upon information and belief, public participation has been permitted in many special BOS meetings, especially when a special BOS meeting was convened to replace a cancelled regular BOS meeting.

11. The public participation periods at BOS meetings constitute a traditional public forum.

12. Public participation at BOS meetings has historically occurred, and is not incompatible with BOS meetings.

Plaintiff Jeanette Kildea

13. Plaintiff has resided in Canterbury for approximately twenty-five years.

14. Plaintiff attended BOS meetings periodically for the first fifteen years she lived in Canterbury, and has attended BOS meetings regularly over the past ten years. She believes that it is her responsibility as a citizen to observe the operation of her local government and, from time to time, to voice her position on matters of public concern.

15. Public participation has been permitted during every regular BOS meeting Plaintiff attended during the past twenty-five years, with the sole exceptions of the BOS meetings on or about April 17, 2007, and May 1, 2007. Plaintiff believes that public

attendance and participation has always been a feature of BOS meetings and has been integral to the way democracy has functioned in Canterbury.

16. Plaintiff has regularly spoken during the public participation periods of BOS meetings about issues pertinent to the meeting agenda and the Town of Canterbury.

17. Plaintiff wants to continue to address issues relevant to the Town of Canterbury during BOS meetings and believes that doing so is a right secured to her by the United States and Connecticut Constitutions.

18. Plaintiff has a legal interest in determining her right to speak during the public participation periods at BOS meetings, both because of the uncertainty caused by the Defendants' actions at past BOS meetings, and because of the ongoing danger that she will continue to be denied these rights at future BOS meetings.

19. Plaintiff is presenting an actual, bona fide, and substantial issue in dispute, both regarding the Defendants' prior restrictions of her speech, and regarding her right to participate in future BOS meetings.

20. Plaintiff has no alternative procedure to obtain a determination of her rights.

May 2, 2006 Board of Selectmen Meeting

21. At the BOS meeting on or about May 2, 2006, Plaintiff spoke during the public participation period.

22. Plaintiff addressed threats and accusations against her that Defendant Dupont had made at a prior town hearing, and negative comments about her Defendant Dupont had made in the town clerk's office. Defendant Dupont responded that he would bar her from the meeting if she continued speaking.

July 11, 2006 Board of Selectmen Meeting

23. At the BOS meeting on or about July 11, 2006, Plaintiff spoke twice during the public participation period.

24. The first time Plaintiff spoke, she addressed, *inter alia*, the following topics: health care benefits for town employees; and whether town employees had job descriptions, contracts, and set hours of employment.

25. As Plaintiff's allotted time expired, Defendant Dupont stopped her from speaking, stating "your time is up and I'll tell you right now I have the authority not to let you talk at any meeting. I can single you, that's right, I can single you out. I can single you out because you're disrupting the meeting."

26. Other speakers were permitted to speak for longer periods of time than Plaintiff.

27. The second time Plaintiff spoke, she inquired about, *inter alia*, an internet website posting stating that Defendant Dupont had written a grant with another individual to secure funding for a school renovation.

28. Defendant Dupont refused to address Plaintiff's inquiries, responding that "your questions are like the question have you stopped beating your wife yet?"

July 18, 2006 Board of Selectmen Meeting

29. At the BOS meeting on or about July 18, 2006, Plaintiff spoke during the public participation period.

30. Plaintiff addressed, *inter alia*, the following topics: pending town litigation; a possible grant application for school renovation; Canterbury's open bidding process; public participation at BOS meetings; trash pickup in the Town of Canterbury; the BOS's use of executive sessions; and continued training opportunities for town employees.

31. Later in the same meeting and in response to a different speaker, Defendant Dupont stated that public participation would continue to be permitted, "[b]ut if you [speakers] get out of line, you're done. And that goes for you Janet [Kildea], because I can stop you from talking anytime I feel like it."

November 21, 2006 Board of Selectmen Meeting

32. At the BOS meeting on or about November 21, 2006, Plaintiff spoke during the public participation period.

33. Plaintiff addressed, *inter alia*, the following topics: budget issues; the procedures for passing an ordinance related to stone walls in the Town of Canterbury; trash pickup;

tax collection; public notice and participation in Planning and Zoning meetings; and appointments to a town committee.

34. Later in the meeting, Plaintiff attempted to speak a second time, but Defendant Dupont prevented her from doing so. After she objected that others had been allowed to speak multiple times, Defendant Dupont stated that Plaintiff's comments were not constructive, and that she only "comes up and tell [sic] us what we're doing wrong."

35. Plaintiff objected to Defendant Dupont's characterization of her comments, as did another speaker who spoke after Plaintiff. Defendant Dupont again stated that Plaintiff's speech was not constructive.

36. Plaintiff later asked to address the Board. Defendant Dupont told Plaintiff that she was not permitted to address the Board again at this meeting, and if she did, she "[would] not be allowed to talk at the next meeting."

December 5, 2006 Board of Selectmen Meeting

37. At the BOS meeting on or about December 5, 2006, Plaintiff intended to speak during the public participation period. Plaintiff intended to address, *inter alia*, the need for town officials to have job descriptions; trash collection; tax collection; ongoing town litigation; cost of town attorneys; appointments to town committees; and zoning proposals.

38. Plaintiff approached the microphone during the public participation period. Before she began speaking, Defendant Dupont stopped her, telling her that she would not be allowed to speak. He stated, "I don't need to be lectured. I don't need to be talked down to. I don't need to have someone's different opinion of every move I make."

39. Defendant Dupont did not permit Plaintiff to speak during the meeting.

40. Defendant Dupont permitted other members of the public to speak before and after Plaintiff attempted to do so. Plaintiff was the only person who was not permitted to speak.

March 29, 2007 Board of Selectmen Meeting

41. At the special BOS meeting on or about March 29, 2007, no public participation was permitted. Plaintiff attended that meeting and wished to offer comment on matters under discussion, but the Defendants' ban on communications from the public prevented her from doing so.

42. Upon information and belief, public participation was discontinued in response to Plaintiff's attempts to protect her free speech rights.

April 17, 2007 Board of Selectmen Meeting

43. At the BOS meeting on or about April 17, 2007, no public participation was permitted. Plaintiff attended that meeting and wished to offer comment on matters under discussion, but the Defendants' ban on communications from the public prevented her from doing so.

44. Public participation was discontinued in response to Plaintiff's attempts to protect her free speech rights.

45. During the meeting Defendant Santoro stated, "[i]t is my understanding that [Town Attorney Richard] Cody has advised [Defendant] Dupont to put public participation on hold in order to protect the town from legal action. I believe that all three Selectmen agree with this course of action."

46. Defendant Santoro suggested that public participation might resume in the future, but as a precondition to this occurring he asked that Plaintiff "call off the ACLU by letter or on the record [at the next BOS meeting]."

47. Defendant Dupont stated that he agreed with Defendant Santoro that the Board could "work on" resuming public participation, but that he and Attorney Cody "feels [sic] as though we have to make sure that the ACLU is going to back off," and that

Defendant Dupont wanted "a letter from the ACLU, that says I'm not in the trouble that I think I'm in" before public participation will resume.

May 1, 2007 Board of Selectmen Meeting

48. At the BOS meeting on or about May 1, 2007, no public participation was permitted. Plaintiff attended that meeting and wished to offer comment on matters under discussion, but the Defendants' ban on communications from the public prevented her from doing so.

49. The official censorship directed by Defendants first at Plaintiff alone, and then to all of Plaintiff's fellow residents of Canterbury, because Plaintiff presumed to make public comments critical of certain town leaders and town policies, has deprived and continues to deprive Plaintiff of her right to political expression and to remonstrance and to subject Plaintiff to distress and loss.

50. Defendant Dupont, by depriving Plaintiff of her rights of free speech and remonstrance, has acted recklessly and willfully in derogation of Plaintiff's rights under the United States and Connecticut Constitutions.

I. First Count

51. Paragraphs 1 through 50 are incorporated by reference into the First Count as if set forth fully therein.

52. At the BOS meetings on or about May 2, 2006, July 11, 2006, July 18, 2006, November 21, 2006, and December 5, 2006, Defendant Dupont limited Plaintiff's speech and did not treat other speakers in the same manner. This disparate treatment constitutes viewpoint-based and content-based discrimination in violation of sections 4, 5, and 14 of Article First of the Connecticut Constitution and has subjected the Plaintiff to irreparable harm.

II. Second Count

53. Paragraphs 1 through 52 are hereby incorporated by reference into the Second Count as if set forth fully therein.

54. At the BOS meetings on or about May 2, 2006, July 11, 2006, July 18, 2006, November 21, 2006, and December 5, 2006, Defendants limited Plaintiff's speech and did not treat other speakers in the same manner. This disparate treatment constitutes viewpoint-based and content-based discrimination in violation of the First Amendment to the United States Constitution and has subjected the Plaintiff to irreparable harm.

III. Third Count

55. Paragraphs 1 through 54 are incorporated by reference into the Third Count as if set forth fully therein.

56. Defendants prevented Plaintiff from speaking during the BOS meetings on or about November 21, 2006 and December 5, 2006, cut her off during the BOS meeting on or about July 11, 2006, and threatened to prevent her from speaking in the future during the BOS meetings on or about July 11, 2006 and November 21, 2006. Each of these actions constitutes a prior restraint on Plaintiff's free speech and a violation of Plaintiff's right to petition for redress of grievances in violation of sections 4, 5 and 14 of Article First of the Connecticut Constitution and has subjected the Plaintiff to irreparable harm.

IV. Fourth Count

57. Paragraphs 1 through 56 are incorporated by reference into the Fourth Count as if set forth fully therein.

58. Defendants prevented Plaintiff from speaking during the BOS meetings on or about November 21, 2006 and December 5, 2006, cut her off during the BOS meeting on or about July 11, 2006, and threatened to prevent her from speaking in the future during the BOS meetings on or about July 11, 2006 and November 21, 2006. Each of

these actions constitute a prior restraint on Plaintiff's free speech in violation of the First Amendment to the United States Constitution and have subjected the Plaintiff to irreparable harm.

V. Fifth Count

59. Paragraphs 1 through 58 are incorporated by reference into the Fifth Count as if set forth fully therein.

60. Defendants discontinued all public participation at BOS meetings in retaliation against Plaintiff for attempting to exercise her free speech rights in violation of sections 4, 5, and 14 of Article First of the Connecticut Constitution and thereby subjected the Plaintiff to irreparable harm.

VI. Sixth Count

61. Paragraphs 1 through 60 are incorporated by reference into the Sixth Count as if set forth fully therein.

62. Defendants discontinued all public participation at BOS meetings in retaliation against Plaintiff for attempting to exercise her free speech rights in violation of the First Amendment to the United States Constitution and thereby subjected the Plaintiff to irreparable harm.

VII. Seventh Count

63. Paragraphs 1 through 62 are incorporated by reference into the Seventh Count as if set forth fully therein.

64. Defendants discontinued all public participation at BOS meetings in violation of sections 4, 5, and 14 of Article First of the Connecticut Constitution and thereby subjected the Plaintiff to irreparable harm.

VIII. Eighth Count

65. Paragraphs 1 through 64 are incorporated by reference into the Eighth Count as if set forth fully therein.

66. Defendants discontinued all public participation at BOS meetings in violation of the First Amendment to the United States Constitution and thereby subjected the Plaintiff to irreparable harm.

IX. Ninth Count

67. Paragraphs 1 through 66 are incorporated by reference into the Ninth Count as if set forth fully therein.

68. By singling out Plaintiff for the stigma of losing her right to comment at the BOS meetings based on the content of her political views, Defendants acted arbitrarily, capriciously and irrationally in violation of Plaintiff's right to equal protection under the

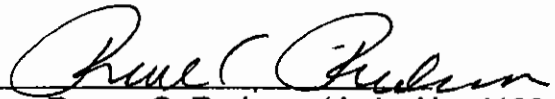
law pursuant to section 20 of Article First of the Connecticut Constitution and the Fourteenth Amendment to the United States Constitution and subjected the Plaintiff to irreparable harm.

Prayer for Relief

WHEREFORE, for the foregoing reasons, Plaintiff seeks the following relief:

1. A declaratory judgment that Defendants' discontinuation of the public participation period during Canterbury Board of Selectmen meetings violates the free speech provisions set forth in Article First, §§ 4, 5, and 14 of the Connecticut Constitution.
2. A declaratory judgment that Defendants' discontinuation of the public participation period during Canterbury Board of Selectmen meetings violates the free speech provisions set forth in the First Amendment to the United States Constitution.
3. A temporary and permanent injunction ordering Defendants Dupont, Johnson, and Santoro, or their successors in office, to resume public participation periods at Canterbury Board of Selectmen meetings, and to permit Plaintiff to speak during said periods.

4. Damages within the jurisdiction of the Superior Court.

By 
Renee C. Redman (Juris. No. 410347)
Sam Brooke (Juris No. 624465)
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Cooperating counsel on behalf of the
American Civil Liberties Union
Foundation of Connecticut

RETURN DATE: June 19, 2007

JEANETTE KILDEA,	:	SUPERIOR COURT
	:	
Plaintiff,	:	JUDICIAL DISTRICT OF
	:	WINDHAM AT
v.	:	WILLIMANTIC
	:	
TOWN OF CANTERBURY, NEIL A. DUPONT	:	
SR., CHRISTOPHER C. JOHNSON, and PAUL R.	:	
SANTORO,	:	
	:	
Defendants.	:	May 31, 2007

Claim for Relief and Amount in Demand


WHEREFORE, the Plaintiff claims:

1. A declaratory judgment that Defendants' discontinuation of the public participation period during Canterbury Board of Selectmen meetings violates the free speech provisions set forth in Article First, §§ 4, 5, and 14 of the Connecticut Constitution.
2. A declaratory judgment that Defendants' discontinuation of the public participation period during Canterbury Board of Selectmen meetings violates the free speech provisions set forth in the First Amendment to the United States Constitution.
3. A temporary and permanent injunction ordering Defendants Dupont, Johnson, and Santoro, or their successors in office, to resume public participation periods at

Canterbury Board of Selectmen meetings, and to permit Plaintiff to speak during said periods.

4. Compensatory damages.
5. Exemplary damages from Defendant Dupont, in his individual capacity, under Connecticut common law.
6. Attorneys' fees and the costs of litigation, pursuant to 42 U.S. C. § 1988.
7. Such other and further relief as to the Court seems equitable under the circumstances.

The amount in demand is greater than Fifteen Thousand (\$15,000) Dollars exclusive of interest and costs.

By 
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Sam Brooke (Juris No. 624465)
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Cooperating counsel on behalf of the
American Civil Liberties Union
Foundation of Connecticut

RETURN DATE:

JEANETTE KILDEA,

Plaintiff,

v.

TOWN OF CANTERBURY, NEIL A. DUPONT
SR., CHRISTOPHER C. JOHNSON, and
PAUL R. SANTORO,

Defendants.

SUPERIOR COURT

JUDICIAL DISTRICT OF
WINDHAM AT WILLIMANTIC

VERIFICATION

Under the pains and penalties of perjury, **Jeanette Kildea** states that she is the plaintiff in the above-captioned matter, that she has read the Verified Complaint in its entirety and knows the contents thereof, and that as to all matters concerning **Jeanette Kildea**, all matters contained therein are true upon her own knowledge, and states that upon information and belief, she believes all other matters to be true.

May 30, 2007
Date

Jeanette Kildea
Jeanette Kildea

Subscribed and sworn at the request of the above-named Plaintiff, the date and year above written, before me:

Linda J. O. Pasquale
Notary Public

Subscribed and sworn to before me
this 30th day of May, 2007

Linda J. O. Pasquale
Notary Public

Date Commission Expires: 12/31/2008

MY COMMISSION EXPIRES 12/31/2008