

DOCKET NO. UWY CV-20-6054309-S

CONNECTICUT CRIMINAL DEFENSE LAWYERS ASSOCIATION, <i>et al</i> , <i>Plaintiffs</i> ,	:	SUPERIOR COURT
	:	
v.	:	JUDICIAL DISTRICT OF WATERBURY AT WATERBURY
	:	
LAMONT, NED, <i>et al</i> , <i>Defendants</i> ,	:	APRIL 7, 2020
	:	

MOTION TO DISMISS

Defendants move to dismiss Plaintiffs’ action for mandamus because this Court lacks subject matter jurisdiction. Specifically, the Connecticut Criminal Defense Lawyers Association (CCDLA) lacks standing because it fails the classical aggrievement test and it cannot assert third-party standing on behalf of inmates. The remaining inmate Plaintiffs also lack standing because they have no right to be released prior to the end of their lawful sentences and their constitutional claims are based on alleged injuries that are too speculative.

Further, Plaintiffs claims are non-justiciable political questions because granting the requested mandamus “would place the court in conflict with a coequal branch of government”—both the Legislature and the Executive—because the issue of releasing inmates early from prison is “[impossible to decide] without making an initial policy determination of a kind clearly for nonjudicial discretion” and it would “[express] lack of the respect due to coordinate branches of government.”

Plaintiffs’ request for this Court to order the Governor and Commissioner “to submit for the Court’s review a plan” that includes and order for Defendants “to sufficiently fund transitional housing for the duration of the pandemic” is barred by sovereign immunity and the

Eleventh Amendment. Such a plan will require State funds and amount to an award of money damages from the State, which has not consented to be sued.

Filed herewith is a memorandum of law in support of Defendants' motion.

DEFENDANTS
LAMONT, et. al.

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CERTIFICATION

I hereby certify that on April 7, 2020, a copy of the foregoing was filed electronically on the judicial branch website and emailed to the following:

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