

---

---

**APPELLATE COURT**  
OF THE  
**STATE OF CONNECTICUT**

---

JUDICIAL DISTRICT OF NEW BRITAIN

---

**A.C. 39881**

---

**AUSTIN HAUGHWOUT**

v.

**LAURA TORDENTI ET AL.**

---

APPENDIX OF THE PLAINTIFF-APPELLANT

PART I

---

MARIO CERAME

C/O WOOLF LAW FIRM, LLC  
50 FOUNDERS PLAZA, SUITE 203  
EAST HARTFORD, CONNECTICUT 06108

W: 860.290.8690

C: 607.351.3820

F: 860.290.8697

TO BE ARGUED BY  
MARIO CERAME

JURIS NUMBER: 433928

---

---

**PART I TABLE OF CONTENTS**

**Practice Book § 67-8A Requirements**

1. Return to Trial Court .....	A.1
2. Notice of Hearing and Charges.....	A.3
3. Hearing Board Memorandum of Decision .....	A.7
4. Request for Appellate Review of Hearing Board.....	A.10
5. Response re: Request for Agency Appellate Review.....	A.19
6. Agency Appellate Decision.....	A.20

**Practice Book § 67-8 Requirements**

7. Docket.....	A.22
8. Summons and verified complaint (superseded).....	A.26
9. Amended Complaint (operative pleading).....	A.42
10. Answer and Special Defenses to Amended Complaint.....	A.54
11. Reply.....	A.62
12. Motion for Temporary Injunction or Writ of Mandamus.....	A.63
13. Memorandum in Support of Motion .....	A.67
14. Memorandum in Opposition to Motion.....	A.92
15. Memorandum of Decision.....	A.110
16. Judgment File.....	A.149
17. Appeal Form.....	A.152
18. Docketing Statement.....	A.155
19. Constitutionality Notice.....	A.158
20. Transcript Forms.....	A.159



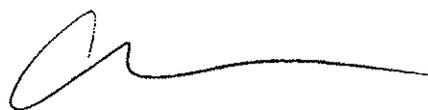
Afterwards on the 2<sup>nd</sup> day of March, 2016, I left a verified true and attested copy of the within original **Writ, Summons, Verified Complaint, Verification By Plaintiff and Statement Of Amount In Demand**, with and in the hands of the within named Defendant, **DENSIL SAMUDA**, at Central Connecticut State University Police Department at, 1500 East Street, in the Town of New Britain.

The within is the original **Writ, Summons, Verified Complaint, Verification By Plaintiff and Statement Of Amount In Demand**, with my doings hereon endorsed.

FEES:

Pages	\$ 120.00
Endorsements	12.80
Service	200.00
Travel	23.40
Total	\$ 356.20

ATTEST:



ARMANDO F. LUPO  
STATE MARSHAL  
HARTFORD COUNTY

**Dunnell, Suzanne C.**

---

**From:** Dukes, Christopher (Office Student Conduct) <DukesC@ccsu.edu>  
**Sent:** Friday, October 09, 2015 12:48 PM  
**To:** Haughwout, Austin (Student)  
**Cc:** Dukes, Christopher (Office Student Conduct)  
**Subject:** Document Email  
**Attachments:** Hearing Charge Notice SC1120151009.PDF; StudentCodeofConductAMENDED 01-15-2015.pdf

Dear Austin,

Please find attached the document Hearing Charge Notice SC1120151009.PDF, StudentCodeofConductAMENDED 01-15-2015.pdf. This attached document is related to incident number 201500062. Please pay careful attention to all deadlines, scheduled appointments, restrictions, etc. that may be outlined within the attached document.

***CONFIDENTIALITY NOTICE:*** The information transmitted in this email, including any attachments, is intended only for the person(s) or organization(s) to which it is addressed and may contain confidential and/or legally privileged material. Any unauthorized review, use, retransmission, or dissemination of this information by parties other than the intended recipient(s) is prohibited. If you received this message in error, please contact the sender via email ([dukesc@ccsu.edu](mailto:dukesc@ccsu.edu)) and destroy all the contents of this message.



Central Connecticut State University

Office of Student Conduct

October 09, 2015

Austin Haughwout 30343213  
7 Egypt Lane  
Clinton, CT 06413-2514

RE: Notice of Charges and Disciplinary Hearing

Dear Austin,

Kindly find enclosed a Notice of Charges and Disciplinary Hearing letter regarding your alleged violation (s) of prohibited conduct as set in section I, Part D of the *BOR/CSCU Student Code of Conduct*.

I encourage you to review the attached *BOR/CSCU Student Code of Conduct* that accompanied this notice. Should you have any questions regarding this matter you may contact my office at (860) 832-1667.

Respectfully,

A handwritten signature in cursive script that reads "Christopher Dukes".

Christopher Dukes  
Director, Office of Student Conduct

cc: File (201500062)



Central Connecticut State University

Office of Student Conduct

October 09, 2015

Austin Haughwout 30343213  
7 Egypt Lane  
Clinton CT 06413-2514

NOTICE OF CHARGES AND DISCIPLINARY HEARING

This is to officially inform you that a Disciplinary Hearing has been scheduled relating to your alleged violation (s) of the *BOR/CSCU Student Code of Conduct*.

Specifically, you are charged with the following violations of Prohibited Conduct (Part D) of the *BOR/CSCU Student Code of Conduct*:

**2015.4 Physical assault, intimidation, threatening behavior...** - Actual or threatened physical assault or abuse, threatening behavior, intimidation, or coercion.

**2015.10 Harassment:** - Harassment, which is defined as conduct which is abusive or which interferes with a person's pursuit of his or her customary or usual affairs, including, but not limited to, such conduct when directed toward an individual or group because of race, ethnicity, ancestry, national origin, religion, gender, sexual orientation or expression, age, physical attribute, or physical or mental disability or disorder, including learning disabilities and mental retardation.

**2015.11 Disorderly conduct:** - Conduct that is disorderly, lewd or indecent (including, but not limited to, public nudity and sexual activity in areas generally open to members of the campus community), breach of peace or aiding, abetting or procuring another person to breach the peace on CSCU premises or at functions sponsored by, or affiliated with the University or College.

**2015.13 Offensive or disorderly conduct...** - Offensive or disorderly conduct which causes interference, annoyance or alarm or recklessly creates a risk thereof at CSCU or CSCU premises, CSCU web or social media sites, at a CSCU-sponsored activity or in college or university courses, including cyber bullying. This offense does not apply to speech or other forms of constitutionally protected expression.

Brief description of facts:

It is alleged that on numerous occasions Mr. Austin Haughwout has made threatening statements and gestures towards members of the CCSU community. Specifically, it is alleged that on a regular basis Mr. Haughwout would engage other students in conversations about weapons, discuss attacks on the University, and/or make reference to others as a target. It is further alleged that Mr. Haughwout would make gestures with his hands

STUDENT CONDUCT  
CCSU



Central Connecticut State University

indicating that he is aiming and shooting at individuals as they walk within the Student Center.

As a result, a disciplinary hearing will be conducted to resolve this matter. The date, time and location for this hearing will be on 10/14/2015 at 2:00 PM in the CCSU Police Department, 2nd Floor Conference Room. Location is subject to change.

Respectfully,

A handwritten signature in cursive script that reads "Christopher Dukes".

Christopher Dukes  
Director, Office of Student Conduct

cc. File (201500062)

Dunnell, Suzanne C.

---

**From:** Dukes, Christopher (Office Student Conduct) <DukesC@ccsu.edu>  
**Sent:** Monday, October 19, 2015 8:55 AM  
**To:** Dukes, Christopher (Office Student Conduct)  
**Subject:** Document Email  
**Attachments:** Decision Letter20151019.PDF

N/a




---

 Central Connecticut State University

## Memorandum of Decision

October 19, 2015

Austin Haughwout 30343213

7 Egypt Lane

Clinton, CT 06413-2514

## PREFACE:

This will confirm action taken as a result of a Disciplinary Hearing duly convened on October 14, 2015 to hear charges filed against Austin Haughwout as a result of alleged violations. Such hearing was conducted in accordance with the *BOR/CSCU Student Code of Conduct*.

Dear Austin,

FINDINGS OF THE HEARING BODY

The Hearing Body evaluated all information presented in the student conduct hearing on October 14, 2015. After thoroughly reviewing all facts and statements presented at the hearing, the Hearing Body has reached the following decision regarding the charge(s):

Charge (s) & Finding (s)

**2015.4 Physical assault, intimidation, threatening behavior...:** Actual or threatened physical assault or abuse, threatening behavior, intimidation, or coercion. - *Responsible*

**2015.10 Harassment::** Harassment, which is defined as conduct which is abusive or which interferes with a person's pursuit of his or her customary or usual affairs, including, but not limited to, such conduct when directed toward an individual or group because of race, ethnicity, ancestry, national origin, religion, gender, sexual orientation or expression, age, physical attribute, or physical or mental disability or disorder, including learning disabilities and mental retardation. - *Responsible*

**2015.11 Disorderly conduct::** Conduct that is disorderly, lewd or indecent (including, but not limited to, public nudity and sexual activity in areas generally open to members of the campus community), breach of peace or aiding, abetting or procuring another person to breach the peace on CSCU premises or at functions sponsored by, or affiliated with the University or College. - *Responsible*

**2015.13 Offensive or disorderly conduct...:** Offensive or disorderly conduct which causes interference, annoyance or alarm or recklessly creates a risk thereof at CSCU or CSCU premises, CSCU web or social media sites, at a CSCU-sponsored activity or in college or university courses, including cyber bullying. This offense does not apply to speech or other forms of constitutionally protected expression. - *Responsible*

## INTENDED LEARNING OBJECTIVES:

It is intended that each student involved in the student conduct process understands his/her role as a CCSU community member and comprehends University community standards. It is further intended that student's awareness of their individual rights and responsibilities are increased and students are able to apply critical thinking as well as other integrated skills to develop healthy decision making practices. Students are encouraged to adjust behavior and formulate plans to avoid future violations.



---

Central Connecticut State University

- found responsible; and or
- iii. New information, sufficient to alter the decision, or other relevant facts were not brought out in the original hearing. The appeal shall be limited to a review of the record except as required to explain the basis of new information.

Respectfully,

A handwritten signature in cursive script that reads "Christopher Dukes".

Christopher Dukes  
Director, Office of Student Conduct

cc: File (201500062)

Dunnell, Suzanne C.

---

**From:** Haughwout, Austin (Student) <austin.haughwout@my.ccsu.edu>  
**Sent:** Thursday, October 22, 2015 4:59 PM  
**To:** Tordenti, Laura (Student Affairs); austin.haughwout@gmail.com; Haughwout, Austin (Student); bret.haughwout@yale.edu; Dukes, Christopher (Office Student Conduct)  
**Subject:** Appeal of Expulsion  
**Attachments:** Appeal.docx; Appeal.pdf; AppealLetter3.pdf; Appeal.letter3.docx; Decision Letter20151019.PDF

Please see the attached letters in appeal of the expulsion.

Dr. Laura Tordenti, Vice President for Student Affairs  
Office of the Vice President for Student Affairs  
Davidson Hall, Room 103

Dear Dr. Tordenti,

On October 19th, 2015, the director of the Office of Student Conduct sent a letter, copy attached, informing me that the Hearing Body made a determination based on an October 14th, 2015 hearing to expel me from the CCSU campus. This letter is an appeal of that decision, pursuant to: The BOR/CSCU Student Code of Conduct, the First Amendment to the United States Constitution, the Sixth Amendment to the United State Constitution, the Fourteenth Amendment to the United States Constitution, Article 1, Section 4 of the Constitution of the State of Connecticut, Article 1 Section 5 of the Constitution of the State of Connecticut, Article XVII of the Amendments of the Constitution of the State of Connecticut.

The specific causation for each of the aforementioned claims are as follows:

- a. Pursuant to the BOR/CSCU Student Code of Conduct: Error in the hearing procedure substantially affected the decision.
- b. Pursuant to the BOR/CSCU Student Code of Conduct: New evidence or information material to the case was not known at the time of the hearing.
- c. Pursuant to the BOR/CSCU Student Code of Conduct: The non-academic sanctions imposed were not appropriate for the [alleged] violation of the Code for which the accused student was [wrongfully] found responsible.
- d. Pursuant to the BOR/CSCU Student Code of Conduct: Students do not relinquish their rights, nor do they shed their responsibilities as citizens by becoming members of the Connecticut State University Community.
- e. Pursuant to the BOR/CSCU Student Code of Conduct: The Accused Student has the right to appeal the decision of the Hearing Body...
- f. Pursuant to the First Amendment of the United States Constitution: Congress shall make no law...abridging the freedom of speech, or of the press.
- g. Pursuant to the Sixth Amendment of the United States Constitution: In all criminal prosecutions, the accused shall enjoy the right...to be confronted with the witnesses against him...
- h. Pursuant to the Fourteenth Amendment of the United States Constitution, Section 1: All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall...deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.
- i. Pursuant to Article 1, Section 4 of the Constitution of the State of Connecticut: Every citizen may freely speak, write and publish his sentiments on all subjects, being responsible for the abuse of that liberty.
- j. Pursuant to Article 1 Section 5 of the Constitution of the State of Connecticut: No law shall ever be passed to curtail or restrain the liberty of speech or of the press.

- k. Pursuant to Article XVII of the Amendments of the Constitution of the State of Connecticut: In all criminal prosecutions, the accused shall have a right to...be confronted by the witnesses against him...

The specific acts, omissions, and purpose for the above referenced causations are as follow:

- a. The Hearing Body made error in:
- i. Initiating charges against myself without a complaint being made in writing to the University's Disciplinary Officer or Conduct Administrator as required by the BOR/CSCU Student Code of Conduct which reads in relevant part, "A complaint must be made in writing and submitted to the University's Disciplinary Officer or Conduct Administrator," and where the complaint was made with the CCSU Police Department.
  - ii. Refusing to hear evidence of prior false allegations against myself, including, but not limited to:
    1. Having been assaulted at Hammonasset State Park and subsequently accused of having been the aggressor where video evidence proved my innocence.
    2. Numerous false allegations that were sworn to under oath by members of the Clinton Police Department where all such allegations are clearly refuted by video evidence.
  - iii. Accepting as fact claims made to the CCSU Police Department by a group of 3 people who describe themselves as friends and giving minimal, if any, consideration to claims made by a fellow bystander, who spends equal time in the Student Center as the reporting parties, and reported that he has at no point ever witnessed or overheard myself make any of the alleged statements.
  - iv. Upholding violations of Civil Rights and further in failing to intervene in the violation of Civil Rights by others.
  - v. In failing to establish the required level of proof, a preponderance of the evidence, in facts based in evidence. This is further evidence by an arrest warrant application filed by the CCSU Police Department having been denied by the court on the grounds, "...that the warrant lacked probable cause," where probable cause is a lower standard than a preponderance of the evidence and no substantial information was submitted on behalf of the school in the hearing that was not submitted within the warrant application.
- b. New evidence and information material to the case, not admitted in the hearing, is available, namely:
- i. Any and all affidavits or sworn statements which I have access to written by members of the Clinton Police Department and any relevant audio or video recordings made by myself or made available to myself.
  - ii. Evidence from a polygraph test voluntarily taken yesterday at a personal expense of \$950 in an effort to prove my innocence in this matter for which we are waiting on the examiner's official determination.

- c. The non-academic sanctions imposed were not appropriate for the [alleged] violation of the Code for which the accused student was [wrongfully] found responsible, of factual significance:
- i. As required by the BOR/CSCU Student Code of Conduct, to uphold or impose an expulsion, the school failed to uphold any standard of proof or submit any evidence that, "...the Student's presence would constitute a danger to persons or property or a threat to the academic process."
  - ii. Particularly:
    1. The school failed to present any claim or introduce any evidence that my continued presence in any way constitutes a physical danger to any person or property.
    2. The school failed to present any claim or introduce any evidence that my continued presence in any way constitutes a threat to the academic process.
    3. The school further was presented with evidence that my continued presence would not cause either of the aforementioned circumstances wherein I offered to record my every action and statement and make available to the school at its request any and all such recordings as evidence of my having not committed the offenses.
    4. The school, and Hearing Body, would also be imposing inappropriate sanctions for a suspension of any length of time wherein such suspension requires an equal proof of, "a danger to persons or property or a threat to the academic process."
- d. As so provided within the BOR/CSCU Student Code of Conduct, a person's rights are not relinquished upon the entry of CSCU premises nor upon becoming a member of the CSCU community.
- e. As an Accused Student, one has the right, as provided by the BOR/CSCU Student Code of Conduct, to appeal the decision rendered by the Hearing Body and this appeal is made within that right to appeal.
- f. Pursuant to the First Amendment of the United States Constitution one has a right to be free from intervention by government agencies including public universities for any protected free speech. With regards to the false allegations at hands, despite none of the alleged statements having been truthful, if they were truthful, the allegations would be speech protected by the First Amendment of the United States Constitution. This is so given that in the reports, the alleged speech is repeatedly referenced as being made jokingly where all courts acknowledge that only true threats are not protected by the United States Constitution and an alleged threat made sarcastically or jokingly does not constitute a true threat. (Examples would be provided upon request)
- g. Pursuant to the Sixth Amendment of the United States Constitution, a person has the right to face their accuser where courts have agreed this right applies not only to criminal cases, but also civil cases including hearings conducted by public universities. This right is crucial to allow for cross examination of the accusers by the defendant to metaphorically "poke holes" in the accusers stories to discredit the statements made and prove innocence.

- h. Pursuant to the Fourteenth Amendment of the United States Constitution, Section 1, due process is required to be observed where courts have agreed that due process of law is a substantial requirement that is to be obeyed in all prosecutions, including those at public universities where due process requires that the defense be afforded all rights to which they are entitled to including, but not limited to, those addressed above, and below.
- i. Pursuant to Article 1, Section 4 of the Constitution of the State of Connecticut, all people are afforded the right to protected free speech where the alleged speech, which was not spoken, is, as so described above, protected free speech and is thus a right of the people to be upheld by, and not hindered by, the school.
- j. Pursuant to Article 1, Section 5 of the Constitution of the State of Connecticut, all persons are further guaranteed the right to free speech as afforded to them by both Article 1, Section 5 of the Constitution of the State of Connecticut and the First Amendment of the Constitution of the United States.
- k. Pursuant to Article XVII of the Amendments of the Constitution of the State of Connecticut, all persons accused are entitled to the right to be confronted by their accusers for the same reasoning as such right is guaranteed by the Sixth Amendment of the United States Constitution.

To summarize the above, the school and the Hearing Body made numerous errors both with regards to rights and the BOR/CSCU Student Code of Conduct, which in itself nullifies the findings and further the Hearing Body failed to prove by a preponderance of the evidence, that I made the alleged statements, and that the alleged statements are not Constitutionally protected speech, and that I pose a danger to persons, property, or that I would pose a threat to the academic process.

Respectfully,

Austin Haughwout

Dr. Tordenti,

To accompany the letter providing the legal grounds upon which the appeal is made, I am including this letter to better let you understand the situation and background at hand.

It is human nature to look for patterns and trends, regardless of it being numbers, letters, shapes, or actions. We base numerous daily decisions, conscious or not, on these patterns and trends that we observe in our daily lives. If a person were to have been found guilty of theft over and over, with high frequency and certainty of the guilt, it would be reasonable to believe that a future accusation of theft against them is valid. Likewise, if a person has a lengthy history of documented lying, over and over it is only reasonable to say that they would be an unreliable informant if they were to make some claim, particularly ones that seem abnormal, or which would be of crucial importance because a statement made by them would very likely be a lie. The reverse of this is just as true, if a person faces false accusations and lies over and over with great frequency where the accusations have been proven beyond any doubt to be outright lies with some significant frequency, it is only reasonable to take extra precaution when considering further accusations made against the person and to only consider them as valid if there is significant proof of the accusation.

In the immediate case, I have documentation of a long history of false accusations made against myself and this accusation is no different than those.

In one instance, I was doing aerial photography with my 3D Robotics Iris multicopter at a public park. Someone at the park took issue with the flying craft and reported it to the police who informed her that it was entirely legal. She then located me by following the craft back to where it landed. She again called the police and after hanging up the phone with the police assaulted me. I reported to the police that she had just assaulted me and when officers arrived, she told them that I was the aggressor in the situation. The officers believed her story and were ready to charge me when I was able to show them the video I had recorded of the incident which shows my innocence beyond any doubt. She was subsequently charged, officers reviewed my flight footage and saw no wrongdoing and I was free to go. Google search, "Assault at Hammonasset," to find the video and story.

In my hometown of Clinton Connecticut, on July 19th of 2015, I was using the publicly available Wi-Fi at the local library. After uploading my homework assignment, I went to leave and was confronted by an officer of the Clinton Police Department. A short discussion ensued and ultimately the officer called for backup then all officers left and I was told to leave. The officer then wrote an affidavit that is full of obvious lies and false accusations, as documented by my dashcam.

On July 22nd of 2015, I was informed of an arrest warrant based on the officer's lies from the July 19th incident and that I was to turn myself in with it being a promise to appear (no bail). Upon turning myself in, I was beaten unconscious by an officer who didn't like that I had a

camera. The police subsequently reported to the public that I was flailing my arms, kicking officers, and attempting to flee despite the fact the video shows absolutely none of that ever occurred.

Should you like to review the videos and/or affidavits in any of the aforementioned cases or if you wish to hear of more instances let me know and I'd be happy to show them to you.

On September 4th, 2015 while driving home from the Welcome Week event of Bowling, the same officer would beat me unconscious followed me home claiming that he observed me traveling at a criminally high speed when my cameras, all three of them, show that I was under the speed limit he also charged me with misuse of 911 despite never having called, and other false charges.

Due to false allegations made by the Clinton Police, which have been documented to be obvious lies, I have had 3 psychological evaluations done in the past 2 years where in all evaluations I was found to be of sound mind. The most recent was in August of 2015. Please let me know if you would like to see the reports.

Further there is some obvious drive in people wishing to get me expelled as evidenced by professor Alfred Gates' letter to Dr. Carl Lovitt wherein professor Gates asked Dr. Lovitt to expel me on the sole grounds of a project I created at home. Local and state police along with ATF and the FAA have all acknowledged that my multicopter with a handgun violated no laws or regulations which includes Unlawful Discharge of a Firearm as defined by CGS 53-203 and requires a person discharge a firearm in such a manner as to be likely to cause bodily injury or death or the wanton destruction of property. I had researched the laws regarding the project and even discussed the project with Christopher Dukes, Professor Moore and others before building it. Next he goes on to state that the "autopilot system could have gone out of control potentially shooting any bystanders or flown to another location on its own along with firing the onboard weapon." Be advised that the craft I designed and built did not have an "autopilot system", nor is professor Gates aware of the numerous safety precautions taken; such as having a tether, having done stress testing, test firings with blanks and test flights with only one round to ensure the craft's ability to manage the recoil. If the flight was reckless or inherently dangerous, a law enforcement agency would've filed charges against me for it by now.

I am not entirely sure as to why I am the target of so many false accusations, it may be the life I live and having so many experiences that others haven't or it may be my political opinions, but either way these false accusations are something that I have faced and met with a response of increased recording where I even offered to wear a body cam on campus to prove exactly what I say and do.

A short list of my life experiences include: I've had my boater's license since I was 10, snowmobile license since I was 12, hiked 80 miles over 4 days through the Andes mountains in Peru at an altitude of over 15,000 feet arriving at Machu Picchu when I was 13, I have been a

certified SCUBA diver since 14, receive my driver's license at 16, Jet Ski license at 16, motorcycle license at 17. I ski, snowboard, have 7 hours flight time towards my private pilot's license and recently went hang gliding. The point in mentioning these activities is that I am not a person who has lived a troubled and unhappy life such that one might be angry at the world and ready to crack. I have a close family, a bright future and should soon be coming into large sums of money from the 1 pending and 3 new false arrest lawsuits soon to be filed.

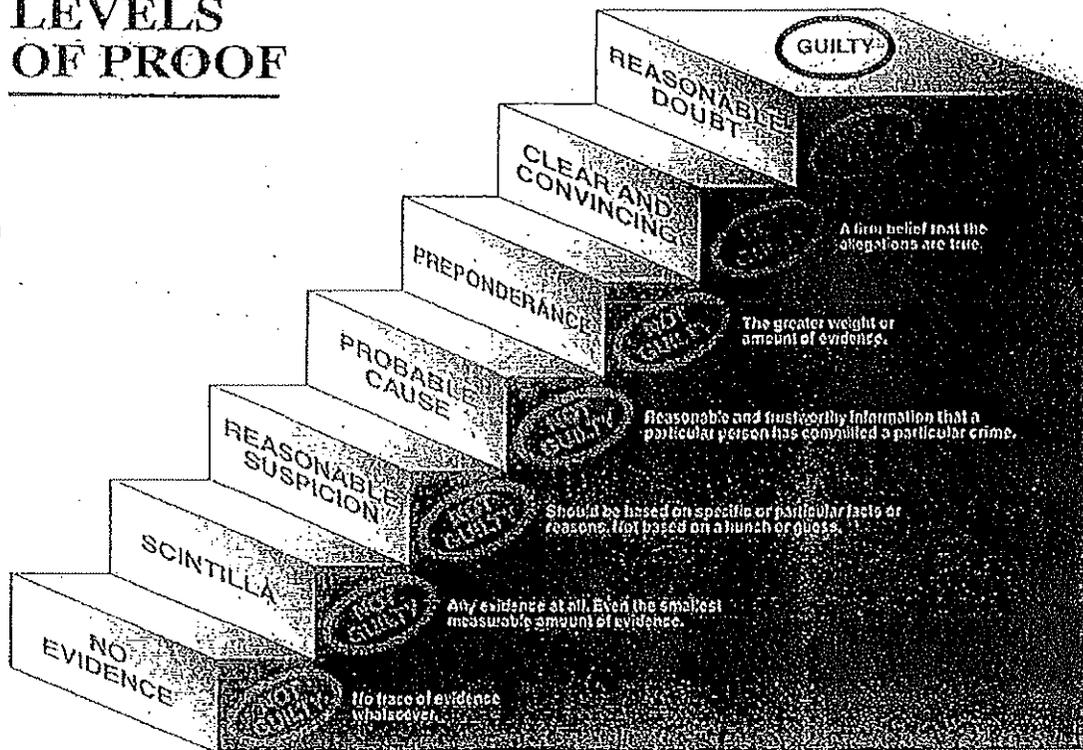
As mentioned in the other letter, the arrest warrant application that the CCSU police applied for was denied on the grounds that it was lacking probable cause of the alleged conduct, the school's entire case against me was based on the same material claims that the CCSU police based their warrant application on. Further, at no point in time did any police department, including the CCSU Police Department, apply for a warrant under CGS 29-38c which permits seizure of firearms from anyone who poses a risk to himself or others which shows that the members of CCSU Police Department themselves never had any belief that I was a dangerous person. The Hearing Body, on the other hand, decided that based upon the same evidence that the court found was insufficient to support a finding of probable cause of the alleged conduct, combined with my offer to wear a body cam to prove exactly what I do and say, is sufficient to support a higher burden of proof of the alleged conduct, being a preponderance of the evidence and, without presenting any evidence even remotely related to this, found that I pose either or both of a danger to persons or property or a threat to the academic process. There is no strict definition of probable cause in courts of criminal law or civil law, but the most common definition would be, "A reasonable basis for believing that a crime may have been committed." There is however a strict definition of a preponderance of the evidence which is any time the proof of an alleged offense is greater than the doubt of that offense, or in layman's terms, any percentage over 50%. While these definitions may not entirely be clear, they are widely accepted to mean that a preponderance of the evidence is a higher standard of proof than probable cause. Below is an image that I found online showing the levels of proof and although not from an official website, it is the widely accepted order.

Also of significance is the lack of due process including the ability to cross examine witness', namely the accusers. There are numerous cases nationwide from college campus', most frequently relating to sexual assault, where students, expelled by their college or university, have filed suit against the college or university, alleging, among other things, that their right to due process and to confront their accuser was not upheld by the university. The courts have time and time again found that the college or university did violate their rights by preventing cross examination either through refusing to ask the questions or by failing to demand that the accusers are present at the hearing. We all know that the most difficult part of a lie is keeping the story straight, particularly across 2 or more people, which is why the cross examination of witness' is so crucial in any hearing. One of the cases that the media covered more heavily is from the University of California San Diego where an anonymous man, was accused of sexual assault and was suspended for the allegations. He appealed and a year was added to the length of his suspension. He then filed suit against the school and Judge Joel Pressman ruled that the school had failed to uphold the accused student's right to confront and cross examine

his accuser and that the school failed to uphold their burden of proof that he even committed the offense.

In summary of the above, it is plainly apparent that I am a student fighting hard for my ability to continue my education through any legal avenue available and through any cost including a personal expense of \$950. I present no risk to others and the allegations against are entirely false. I had lived a large life and have no troubling issues that would make me, "snap."

## LEVELS OF PROOF



Respectfully,

Austin Haughwout



Central Connecticut State University

October 23, 2015

Mr. Austin Haughwout  
7 Egypt Lane  
Clinton, CT 06413-2514

Dear Mr. Haughwout:

I am in receipt of your correspondence, dated October 22, 2015, whereby you requested an appellate review of the Hearing Board decision of the case in which you were involved. In your letter to me, you stated that, insofar as the BOR/CSCU Student Code of Conduct and Statement of Disciplinary Procedures is concerned, you are appealing the decision based on Part B, Number 6. a., *Grounds for Review*, i.e., *(i) the procedures set forth in this Code were not followed and, as a result, the decision was substantially affected; (ii) the sanction(s) imposed were not appropriate for the violations of the Code for which the Accused Student was found responsible; and (iii) new information, sufficient to alter the decision, or other relevant facts were not brought out in the original hearing because such information and/or facts were not known to the Accused Student at the time of the original hearing.*

As my designee, Associate Dean for Student Affairs Ramon Hernandez will hear your appeal. I anticipate that his review will be completed by October 30, 2015.

Be advised that all sanctions imposed by the Hearing Body shall be and continue in effect pending the outcome of a review. Please contact my office at 860-832-1601 should you have any questions.

Yours sincerely,

A handwritten signature in cursive script that reads "Laura Tordenti".

Laura Tordenti  
Vice President for Student Affairs

cc: Mr. Ramón Hernández, Associate Dean for Student Affairs  
Mr. Christopher Duker, Director, Office of Student Conduct

Morissette, Linda J.

---

**From:** Hernandez, Ramon (Student Affairs) <Hernandez@ccsu.edu>  
**Sent:** Friday, October 30, 2015 5:58 PM  
**To:** Haughwout, Austin (Student)  
**Cc:** Haughwout, Bret; Tordenti, Laura (Student Affairs); Dukes, Christopher (Office Student Conduct)  
**Subject:** Final Appellate Decision Austin Haughwout Fall 2015  
**Attachments:** Final Appellate Decision Austin Haughwout Fall 2015.doc

Dear Austin,

Attached is the appellate decision on your case.

This decision is Final and Binding

Sincerely,

Ramon Hernandez  
Associate Dean  
Student Affairs  
Central Connecticut State University  
1615 Stanley Street  
New Britain, CT 06050  
860-832-1601  
860-832-1610 (Fax)  
[Hernandez@ccsu.edu](mailto:Hernandez@ccsu.edu)



Central Connecticut State University

October 30, 2015

Mr. Austin Haughwout  
7 Egypt Lane  
Clinton, CT 06413-2514

Re: Judicial Appeal

Dear Mr. Haughwout:

The Vice President for Student Affairs has designated me to hear your appeal. I have now completed my review of the record of your disciplinary hearing. Pursuant to the Board of Regents/Connecticut State Colleges and Universities (*BOR/CSCU Student Code of Conduct and Statement of Disciplinary Procedures, PART II, B., 6., a.,*), appeals may be based on the following grounds: "(i) the procedures set forth in this Code were not followed and, as a result, the decision was substantially affected; (ii) the sanction(s) imposed were not appropriate for the violation of the Code for which the Accused Student was found responsible; and/or (iii) new information, sufficient to alter the decision, or other relevant facts were not brought out in the original hearing because such information and/or facts were not known to the Accused Student at the time of the original hearing." Accordingly, I will address these grounds below but will not address your constitutional claims.

After reviewing the record, I do not agree with your argument that the procedures in the Code were not followed and that, as a result, the Hearing Body's decision was substantially affected. I also do not agree that the sanction of Expulsion from Central Connecticut State University (CCSU) effective October 19, 2015 was not appropriate; I find that Expulsion is an appropriate sanction that is commensurate with the offenses for which you were found responsible. I also find that the conditions imposed by the Hearing Body are appropriate and commensurate with your offenses. Finally, I do not agree that the additional evidence that you refer to in your appeal is new information that was not known to you at the time of your hearing or that this information, if admitted at the hearing, would have been sufficient to alter the Hearing Body's decision.

Therefore, the decision of the Hearing Body stands and you are permanently banned from returning to all CSCU premises (4-year Universities only), which includes Central Connecticut State University (CCSU), Eastern Connecticut State University (ECSU), Southern Connecticut State University (SCSU) and Western Connecticut State University (WCSU). Also, as explained in the Memorandum of Decision dated October 19, 2015, you are permanently banned from attending sponsored events within the CSCU (4-year Universities).

This decision is final and binding.

Sincerely,

A handwritten signature in black ink that reads "Ramón Hernández".

Ramón Hernández  
Associate Dean for Student Affairs

cc: Mr. Christopher Dukes, Director, Office of Student Conduct  
Dr. Laura Tordenti, Vice President for Student Affairs  
File



State of Connecticut Judicial Branch  
**Civil / Family / Housing Inquiry**



Civil/Family/Housing Home

Attorney/Firm Juris Number Look-up

Case Look-up

- By Party Name
- By Docket Number
- By Attorney/Firm Juris Number
- By Property Address

Short Calendar Look-up

- By Court Location
- By Attorney/Firm Juris Number
- Motion to Seal or Close
- Calendar Notices

Court Events Look-up

- By Date
- By Docket Number
- By Attorney/Firm Juris Number

Pending Foreclosure Sales

Understanding Civil/Family/Housing

Display of Case Information

Contact Us

HHB-CV16-6032526-S

HAUGHWOUT, AUSTIN v. TORDENTI, LAURA Et Al

Prefix/Suffix: [none] Case Type: M50 File Date: 03/07/2016 Return Date: 03/15/2016

Case Detail Notices History Scheduled Court Dates E-Services Login Screen Section Help

[To receive an email when there is activity on this case, click here.](#)

Information Updated as of: 08/12/2017

**Case Information**

Case Type: M50 - Misc - Declaratory Judgment  
 Court Location: NEW BRITAIN JD  
 List Type: COURT (CT)  
 Trial List Claim: 07/21/2016  
 Last Action Date: 12/08/2016 (The "last action date" is the date the information was entered in the system)

**Disposition Information**

Disposition Date: 11/17/2016  
 Disposition: JUDGMENT WITHOUT TRIAL-GENERAL  
 Judge or Magistrate: HON JOSEPH SHORTALL

**Party & Appearance Information**

Party	No Fee Party	Category
P-01 AUSTIN HAUGHWOUT Attorney:  SCHOENHORN JON L & ASSOCIATES LLC (406505) File Date: 03/07/2016 108 OAK STREET HARTFORD, CT 061061514		Plaintiff
D-01 LAURA TORDENTI Attorney:  AAG RALPH E URBAN II (085178) File Date: 03/15/2016 55 ELM STREET PO BOX 120 HARTFORD, CT 061410120		Defendant
D-02 LAURA TORDENTI (OFFICIAL CAPACITY- STATE OF CT) Attorney:  AAG RALPH E URBAN II (085178) File Date: 03/15/2016 55 ELM STREET PO BOX 120 HARTFORD, CT 061410120		Defendant
D-03 DENSIL SAMUDA Attorney:  AAG RALPH E URBAN II (085178) File Date: 03/15/2016 55 ELM STREET PO BOX 120 HARTFORD, CT 061410120		Defendant
D-04 CHRISTOPHER DUKES Attorney:  AAG RALPH E URBAN II (085178) File Date: 03/15/2016 55 ELM STREET PO BOX 120 HARTFORD, CT 061410120		Defendant
D-05 CHRISTOPHER DUKES (OFFICIAL CAPACITY- STATE OF CT) Attorney:  AAG RALPH E URBAN II (085178) File Date: 03/15/2016 55 ELM STREET PO BOX 120 HARTFORD, CT 061410120		Defendant
D-06 RAMON HERNANDEZ Attorney:  AAG RALPH E URBAN II (085178) File Date: 03/15/2016 55 ELM STREET PO BOX 120 HARTFORD, CT 061410120		Defendant
D-07 RAMON HERNANDEZ (OFFICIAL CAPACITY- STATE OF CT) Attorney:  AAG RALPH E URBAN II (085178) File Date: 03/15/2016 55 ELM STREET PO BOX 120 HARTFORD, CT 061410120		Defendant



Comments

**Viewing Documents on Civil (including Housing) Cases:** A logged-in appearing self-represented party with electronic access to the case and a logged-in appearing attorney can view pleadings, orders and other documents that are *paperless* by selecting the document link below. Any attorney or self-represented party *without* an appearance on the case can look at court orders and judicial notices that are *electronic* on this case by choosing the link next to the order or selecting "Notices" from the tab at the top of this page and choosing the link to the notice on this website. Pleadings and other documents that are paperless can be viewed during normal business hours at any Judicial District courthouse and at many geographical area courthouses. Any pleadings or documents that are *not paperless* can be viewed during normal business hours at the Clerk's Office in the Judicial District where the case is. Any documents protected by law or by court order that are not open to the public cannot be viewed online and can only be viewed in person at the clerk's office where the file is located by those authorized by law or court order to see them.

Motions / Pleadings / Documents / Case Status				
<u>Entry No</u>	<u>File Date</u>	<u>Filed By</u>	<u>Description</u>	<u>Arguable</u>
	03/15/2016	D	<u>APPEARANCE</u>  Appearance	
	12/02/2016		<u>ADMINISTRATIVE DOCUMENT</u>  Copy of receipt for filing fee for appeal	
100.30	03/07/2016	P	<u>SUMMONS</u> 	No
100.31	03/07/2016	P	<u>COMPLAINT</u> 	No
100.32	03/07/2016	P	<u>RETURN OF SERVICE</u> 	No
101.00	03/18/2016	P	<u>MOTION FOR TEMPORARY INJUNCTION</u>  <i>RESULT:</i> Order 6/1/2016 HON JOSEPH SHORTALL	Yes
101.01	06/01/2016	C	<u>ORDER</u>  <i>RESULT:</i> Denied 6/1/2016 HON JOSEPH SHORTALL	No
102.00	03/18/2016	P	<u>MEMORANDUM</u>  Temporary Injunction	No
103.00	03/18/2016	P	<u>ORDER FOR HEARING/NOTICE AND SERVICE/RULE TO SHOW CAUSE AS SERVED</u> 	No
104.00	03/30/2016	D	<u>MOTION TO DISMISS PB 10-30</u>  <i>RESULT:</i> Order 6/6/2016 HON JOSEPH SHORTALL	Yes
104.01	06/06/2016	C	<u>ORDER</u>  <i>RESULT:</i> Order 6/6/2016 HON JOSEPH SHORTALL	No
105.00	03/30/2016	D	<u>MEMORANDUM IN SUPPORT OF MOTION</u>  To File Under Seal Memoranda In Opposition for Temporary Injunction with Supporting Affidavits/Exh.	No
106.00	03/30/2016	D	<u>MOTION TO SEAL FILE PB 11-20A OR 25-59A</u>  Motion to File Memoranda with Supporting Affidavit and Exhibits Under Seal <i>RESULT:</i> Order 4/5/2016 HON JOSEPH SHORTALL	Yes
106.01	04/05/2016	C	<u>ORDER</u>  <i>RESULT:</i> Denied 4/5/2016 HON JOSEPH SHORTALL	No
107.00	04/12/2016	D	<u>MEMORANDUM IN SUPPORT OF MOTION</u>  of Motion to Dismiss	No
108.00	04/12/2016	D	<u>MEMORANDUM IN OPPOSITION TO MOTION</u>  for temporary injunction or writ of mandamus	No
109.00	04/12/2016	D	<u>CERTIFICATION OF SERVICE</u>  for defendants Memo In Support of Motion to Dismiss	No
110.00	04/19/2016	P	<u>OBJECTION TO MOTION</u>  Objection to Motion to Dismiss <i>RESULT:</i> Order 5/2/2016 HON JAMES ABRAMS	No
110.01	05/02/2016	C	<u>ORDER</u>  <i>RESULT:</i> Off 5/2/2016 HON JAMES ABRAMS	No
111.00	04/19/2016	P	<u>REPLY MEMORANDUM</u>  RE: TEMPORARY INJUNCTION & MANDAMUS	No
112.00	04/22/2016	D	<u>REPLY MEMORANDUM</u>  In Support of Motion to Dismiss	No
113.00	05/10/2016	C	<u>ORDER</u>  re: #101, #104 & objections <i>RESULT:</i> Off 5/10/2016 HON JOSEPH SHORTALL	No
114.00	06/23/2016	P	<u>NOTICE</u>  of Filing Amended Complaint	No
115.00	06/23/2016	P	<u>AMENDED COMPLAINT</u> 	No

116.00	07/11/2016	C	<b>ORDER</b> RESULT: Off 7/11/2016 HON JOSEPH SHORTALL	No
117.00	07/13/2016	D	<b>MOTION FOR CONTINUANCE</b> Motion to Postpone Evidentiary Hearing RESULT: Order 7/13/2016 HON JOSEPH SHORTALL	No
117.01	07/13/2016	C	<b>ORDER</b> re: #117 RESULT: Granted 7/13/2016 HON JOSEPH SHORTALL	No
118.00	07/14/2016	D	<b>ANSWER AND SPECIAL DEFENSE</b> To Amended Complaint	No
119.00	07/14/2016	P	<b>MOTION FOR CONTINUANCE</b> Motion for Continuance, and see separate exhibits RESULT: Order 7/15/2016 HON JOSEPH SHORTALL	No
119.01	07/15/2016	C	<b>ORDER</b> re: #119 RESULT: Order 7/15/2016 HON JOSEPH SHORTALL	No
120.00	07/14/2016	P	<b>EXHIBITS</b> Exhibits for Plaintiff's Motion for Continuance	No
121.00	07/15/2016	D	<b>OBJECTION TO REQUEST</b> Defendants' Objection to Request for Sanctions	No
122.00	07/21/2016	P	<b>REPLY TO SPECIAL DEFENSE</b>	No
123.00	07/21/2016	P	<b>CERTIFICATE OF CLOSED PLEADINGS AND CLAIM FOR TRIAL LIST</b>	No
124.00	08/05/2016	P	<b>MOTION IN LIMINE</b> WITH EXHIBITS RESULT: Order 8/8/2016 HON JOSEPH SHORTALL	No
124.01	08/08/2016	C	<b>ORDER</b> RESULT: Denied 8/8/2016 HON JOSEPH SHORTALL	No
125.00	08/08/2016	D	<b>OBJECTION TO MOTION</b> Objection to Plaintiff's Motion in Limine RESULT: Order 8/8/2016 HON JOSEPH SHORTALL	No
125.01	08/08/2016	C	<b>ORDER</b> RESULT: Sustained 8/8/2016 HON JOSEPH SHORTALL	No
126.00	08/08/2016	C	<b>LIST OF EXHIBITS (JD-CL-28/JD-CL-28a)</b>	No
127.00	08/08/2016	C	<b>ORDER</b> RESULT: Order 8/8/2016 HON JOSEPH SHORTALL	No
128.00	08/12/2016	P	<b>MEMORANDUM</b> Relevance of FERPA to CCSU Police Reports	No
129.00	08/17/2016	D	<b>MEMORANDUM</b> Defendants' Memorandum Regarding the Family and Educational Rights and Privacy Act	No
130.00	11/17/2016	C	<b>MEMORANDUM OF DECISION</b>	No
130.50	11/17/2016	C	<b>JUDGMENT WITHOUT TRIAL-GENERAL</b> RESULT: HON JOSEPH SHORTALL	No
131.00	12/06/2016	P	<b>APPEAL TO APPELLATE COURT</b>	No

Scheduled Court Dates as of 08/11/2017				
HHB-CV16-6032526-S - HAUGHWOUT, AUSTIN v. TORDENTI, LAURA Et Al				
#	Date	Time	Event Description	Status
No Events Scheduled				

Judicial ADR events may be heard in a court that is different from the court where the case is filed. To check location information about an ADR event, select the **Notices** tab on the top of the case detail page.

Matters that appear on the Short Calendar and Family Support Magistrate Calendar are shown as scheduled court events on this page. The date displayed on this page is the date of the calendar.

All matters on a family support magistrate calendar are presumed ready to go forward.

The status of a Short Calendar matter is not displayed because it is determined by markings made by the parties as required by the calendar notices and the **civil** or **family** standing orders. Markings made electronically can be viewed by those who have electronic access through the Markings History link on the Civil/Family Menu in E-Services. Markings made by telephone can only be obtained through the clerk's office.

If more than one motion is on a single short calendar, the calendar will be listed once on this page. You can see more information on matters appearing on Short Calendars and Family Support Magistrate Calendars by going to the [Civil/Family Case Look-Up](#) page and [Short Calendars By Juris Number](#) or [By Court Location](#).

Periodic changes to terminology that do not affect the status of the case may be made.

This list does not constitute or replace official notice of scheduled court events.

**Disclaimer:** For civil and family cases statewide, case information can be seen on this website for a period of time, from one year to a maximum period of ten years, after the disposition date. If the Connecticut Practice Book Sections 7-10 and 7-11 give a shorter period of time, the case information will be displayed for the shorter period. Under the Federal Violence Against Women Act of 2005, cases for relief from physical abuse, foreign protective orders, and motions that would be likely to publicly reveal the identity or location of a protected party may not be displayed and may be available only at the courts.

[Attorneys](#) | [Case Look-up](#) | [Courts](#) | [Directories](#) | [EducationalResources](#) | [E-Services](#) | [FAQ's](#) | [Juror Information](#) | [News & Updates](#) | [Opinions](#) | [Opportunities](#) | [Self-Help](#) | [Home](#)

[Common Legal Terms](#) | [Contact Us](#) | [Site Map](#) | [Website Policies](#)

Copyright © 2017, State of Connecticut Judicial Branch

Page Created on 8/12/2017 at 5:11:30 PM

**SUMMONS - CIVIL**

JD-CV-1 Rev. 10-15

C.G.S. §§ 51-346, 51-347, 51-349, 51-350, 52-45a, 52-48, 52-259, P.B. §§ 3-1 through 3-21, 8-1, 10-13

STATE OF CONNECTICUT  
**SUPERIOR COURT**

www.jud.ct.gov



**See other side for instructions**

- "X" if amount, legal interest or property in demand, not including interest and costs is less than \$2,500.
- "X" if amount, legal interest or property in demand, not including interest and costs is \$2,500 or more.
- "X" if claiming other relief in addition to or in lieu of money or damages.

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.

Address of court clerk where writ and other papers shall be filed (Number, street, town and zip code) (C.G.S. §§ 51-346, 51-350)		Telephone number of clerk (with area code)	Return Date (Must be a Tuesday)
20 Franklin Square, New Britain, CT 06051		( 860 ) 515-5180	March 15, 2016 Month Day Year
<input checked="" type="checkbox"/> Judicial District <input type="checkbox"/> Housing Session	<input type="checkbox"/> G.A. Number:	At (Town in which writ is returnable) (C.G.S. §§ 51-346, 51-349) <b>New Britain</b>	Case type code (See list on page 2) Major: <b>M00</b> Minor: <b>M50</b>

**For the Plaintiff(s) please enter the appearance of:**

Name and address of attorney, law firm or plaintiff if self-represented (Number, street, town and zip code)		Juris number (to be entered by attorney only)
<b>Jon L. Schoenhorn &amp; Associates, LLC, Hartford, CT 06106</b>		<b>406505</b>
Telephone number (with area code)	Signature of Plaintiff (if self-represented)	
<b>( 860 ) 278-3500</b>		
The attorney or law firm appearing for the plaintiff, or the plaintiff if self-represented, agrees to accept papers (service) electronically in this case under Section 10-13 of the Connecticut Practice Book. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		Email address for delivery of papers under Section 10-13 (if agreed to) <b>kristen@schoenhorn.com</b>

Number of Plaintiffs: 1      Number of Defendants: 4       Form JD-CV-2 attached for additional parties

Parties	Name (Last, First, Middle Initial) and Address of Each party (Number; Street; P.O. Box; Town; State; Zip; Country, if not USA)	
First Plaintiff	Name: <b>Haughwout, Austin</b> Address: <b>7 Egypt Lane, Clinton, CT 06413</b>	P-01
Additional Plaintiff	Name: Address:	P-02
First Defendant	Name: <b>Tordenti, Laura, Individually and in her official capacity</b> Address: <b>Central Connecticut State University, 1615 Stanley St, Lawrence J. Davidson 103, New Britain, CT 06050</b>	D-01
Additional Defendant	Name: <b>Samuda, Densil</b> Address: <b>Central Connecticut State University Police Department, 1500 East St, New Britain, CT 06053</b>	D-02
Additional Defendant	Name: <b>Dukes, Christopher, Individually and in his official capacity</b> Address: <b>Central Connecticut State University, 1615 Stanley St, Emma Hart Willard 107, New Britain, CT 06050</b>	D-03
Additional Defendant	Name: <b>Hernandez, Ramon Individually and in his official capacity</b> Address: <b>Central Connecticut State University, 1615 Stanley St, Lawrence J. Davidson 103, New Britain, CT 06050</b>	D-04

**Notice to Each Defendant**

- YOU ARE BEING SUED.** This paper is a Summons in a lawsuit. The complaint attached to these papers states the claims that each plaintiff is making against you in this lawsuit.
- To be notified 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. The Return Date is not a hearing date. You do not have to come to court on the Return Date unless you receive a separate notice telling you to come to court.
- If you or your attorney do not file a written "Appearance" form on time, a judgment may be entered against you by default. The "Appearance" form may be obtained at the Court address above or at [www.jud.ct.gov](http://www.jud.ct.gov) under "Court Forms."
- If you believe that you have insurance that may cover the claim that is being made against you in this lawsuit, you should immediately contact your insurance representative. Other action you may have to take is described in the Connecticut Practice Book which may be found in a superior court law library or on-line at [www.jud.ct.gov](http://www.jud.ct.gov) under "Court Rules."
- If you have questions about the Summons and Complaint, you should talk to an attorney quickly. **The Clerk of Court is not allowed to give advice on legal questions.**

Signed (Sign and "X" proper box)	<input checked="" type="checkbox"/> Commissioner of the Superior Court <input type="checkbox"/> Assistant Clerk	Name of Person Signing at Left <b>Jon L. Schoenhorn</b>	Date signed <b>02/29/2016</b>
----------------------------------	--	--	----------------------------------

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 of the Summons or Complaint.	<i>For Court Use Only</i>	
	File Date	

I certify I have read and understand the above:	Signed (Self-Represented Plaintiff)	Date	Docket Number <b>A.26</b>
---	-------------------------------------	------	------------------------------

**CIVIL SUMMONS  
CONTINUATION OF PARTIES**  
JD-CV-2 Rev. 9-12

STATE OF CONNECTICUT  
SUPERIOR COURT

First named Plaintiff (Last, First, Middle Initial)

**Haughwout, Austin**

First named Defendant (Last, First, Middle Initial)

**Tordenti, Laura, et al.**

**Additional Plaintiffs**

Name (Last, First, Middle Initial, if individual)	Address (Number, Street, Town and Zip Code)	CODE
		03
		04
		05
		06
		07
		08
		09
		10
		11
		12
		13

**Additional Defendants**

Name (Last, First, Middle Initial, if individual)	Address (Number, Street, Town and Zip Code)	CODE
<b>Official Capacity Defendants: C/O Attorney General, 55 Elm Street, Hartford, CT 06106</b>		05
		06
		07
		08
		09
		10
		11

	12	FOR COURT USE ONLY - File Date
	13	
	14	
		Docket number

RETURN DATE: MARCH 15, 2016 : SUPERIOR COURT  
AUSTIN HAUGHWOUT : J.D. OF NEW BRITAIN  
V. : AT NEW BRITAIN  
LAURA TORDENTI, DENSIL SAMUDA,  
CHRISTOPHER DUKES,  
and RAMON HERNANDEZ : FEBRUARY 29, 2016

**VERIFIED COMPLAINT**

Now comes Plaintiff, Austin Haughwout, to the Superior Court for the Judicial District of Hartford at New Britain, with the following Complaint for injunctive and mandamus relief from the actions and orders of Defendants Laura Tordenti, Densil Samuda, Christopher Dukes, and Ramon Hernandez, expelling plaintiff as a full-time student at Central Connecticut State University (hereinafter “CCSU”), in violation of its own procedures and without due process of law. In support hereof, the plaintiff states as follows:

**I. COUNT ONE (Prayer for Equitable Relief)**

1. The plaintiff, AUSTIN HAUGHWOUT, at all times relevant to this complaint, was a resident of Clinton, Connecticut, and a tuition-paying full time undergraduate student within the meaning of Conn. Gen. Stat. § 10a-26, at CCSU, a state-owned and operated institution of higher learning with its main campus located in the City of New Britain, which is within the Judicial District of New Britain. CCSU is supervised by the Board of Regents of the State of Connecticut University System, under the auspices of the Board of Higher Education, and is a constituent unit in the state system of higher education, under Chapter 185 of the Connecticut General Statutes.

2. The defendant, LAURA TORDENTI (hereinafter “Defendant Tordenti”), is and was at all relevant times the Vice President for Student Affairs at CCSU, with the state-designated authority to uphold disciplinary actions against undergraduate students, including immediate separation and removal from the university, and is the CCSU policy making official responsible for the Office of Student Conduct and the supervisor of the remaining defendants, and their agents. Defendant

Tordenti is sued in her individual and official capacities.

3. The defendant, CHRISTOPHER DUKES (hereinafter referred to as “Defendant Dukes”), is and was at all relevant times mentioned herein, the University Judicial Director within the Office of Student Conduct for CCSU. Defendant Dukes is the representative of, and charged with developing, maintaining, enforcing, and ensuring compliance with, the Student Disciplinary Code for CCSU, including supervising the actions of all other employees of CCSU’s Office of Student Conduct. Defendant Dukes is sued in his individual and official capacities.

4. The defendant, RAMON HERNANDEZ (hereinafter referred to as “Defendant Hernandez”), is and was at all relevant times mentioned herein, the Associate Dean for Student Affairs for CCSU and acts under the direction of defendant Tordenti. Defendant Hernandez is the CCSU official charged with developing, maintaining, enforcing, and ensuring compliance with, the student disciplinary code for said university, and reviewed student disciplinary proceedings undertaken by other employees of CCSU’s Student Affairs office, including the actions of defendant Dukes. Defendant Hernandez is sued in his individual and official capacities.

5. The defendant, DENSIL SAMUDA (hereinafter referred to as “Defendant Samuda”), is and was at all relevant times mentioned herein, a detective within CCSU’s Police Department and the individual who initiated baseless claims of misconduct against the plaintiff. He acted as the “complainant” within the meaning of the Student Disciplinary Code. Defendant Samuda is sued in his individual capacity.

6. On or about August 4, 2015, Carl Lovitt, Provost of CCSU (hereinafter “Lovitt”), received a letter from one Alfred Gates (hereinafter “Gates”), a professor within the Department of Engineering at CCSU, referencing “Expulsion of Austin Haughwout”. The plaintiff never met Gates and had never been a student in any of his classes.

7. In the aforementioned letter, Gates referred to several local and national publications and

news outlets that reported on the plaintiff's construction and design of an unmanned aircraft system ("UAS"), one of which had the ability to discharge a firearm while in flight. The plaintiff's identity, matriculation as a student at CCSU, and his invention received national publicity and news coverage and spurred discussion on matters of public concern about the adaptability and ubiquitousness of UAS devices. Although there was nothing illegal about plaintiff's invention, Gates accused the plaintiff of "immoral and extremely dangerous" activity by creating the UAS and speculated that plaintiff could involve other students and use of facilities within CCSU's Engineering Department.

8. Through information and belief, Lovitt shared the content of Gates' letter with one or more of the defendants, prior to the commencement of any disciplinary proceedings.

9. Thereafter, on or about September 22, 2015, defendant Samuda wrote a Case/Incident Report involving the plaintiff that falsely accused the plaintiff of engaging in threatening behavior and targeting a student.

10. On or about September 22, 2015, defendant Samuda met with plaintiff at CCSU Police Headquarters and verbally informed him that an individual, whom he refused to identify, accused the plaintiff of threatening to "shoot up" the school. The plaintiff denied ever making such a statement, and defendant Samuda refused to tell the plaintiff where and when he was alleged to have made this threat, or to whom it was allegedly directed.

11. On or about September 22, 2015, defendant Samuda submitted to the New Britain Superior Court an arrest warrant and affidavit, alleging that the plaintiff committed the crime of Threatening, in apparent violation of Conn. Gen. Stat. § 53a-62. The State's Attorney for the New Britain Judicial District rejected said warrant, informing Samuda that no probable cause existed that any crime was committed.

12. Despite this rebuff, Samuda took it upon himself to target the plaintiff and seek his expulsion from CCSU, and to enlist the remaining defendants in a conspiracy to achieve this result.

13. Prior to September, 2015, CCSU promulgated and disseminated a “Student Code of Conduct” that stated, in relevant part: “This Student Code of Conduct is intended to present a clear statement of student rights and responsibilities established by the Board of Regents for Higher Education. The [Board] has charged the President of the Board of Regents for Higher Education with developing procedures to protect those rights and to address the abdication of responsibilities”. The aforementioned Student Code of Conduct was in place at all times relevant to this complaint.

14. The Student Code of Conduct provided the following procedures under the section “Hearing Procedures”:

- (A) Notice of Hearing – The notice shall advise the Accused Student of each section of the Student Code alleged to have been violated and, with respect to each such section, a statement of the acts or omissions which are alleged to constitute a violation of the Code, including the approximate time when and the place where such acts or omissions allegedly occurred. The Accused Student shall be afforded a reasonable period of time to prepare for the hearing, which period of time shall not be less than three (3) Calendar Days
- (B) Opportunity to Present a Defense – The Accused Student shall have the full opportunity to present a defense and information, including the testimony of witnesses, in his or her behalf.

15. On or about October 1, 2015, defendant Hernandez sent a letter to plaintiff stating that plaintiff was being placed on immediate interim suspension from CCSU, giving no indication whatsoever of what “alleged behavior within [the CCSU] community” resulted in that suspension in violation of the rights contained in the Student Code of Conduct. The letter directed plaintiff to meet with defendant Dukes on the following Monday to discuss the imposition of the temporary suspension.

16. On or about October 9, 2015, defendant Dukes sent a Notice of Charges and Disciplinary Hearing, scheduled for October 14, 2015. The Notice alleged violations of the following sections of “Prohibited Conduct” of the Connecticut State Colleges and Universities (hereinafter “CSCU”) Student Code of Conduct:

- (A) 2015.4 Physical assault, intimidation, threatening behavior... – Actual or threatened physical assault or abuse, threatening behavior, intimidation, or coercion.
- (B) 2015.10 Harassment – Harassment, which is defined as conduct which is abusive or which interferes with a person’s pursuit of his or her customary or usual affairs, including, but not limited to, such conduct when directed toward and individual or group because of race, ethnicity, ancestry, national origin, religion, gender, sexual orientation or expression, age, physical attribute, or physical or mental disability or disorder, including learning disabilities and mental retardation.
- (C) 2015.11 Disorderly Conduct – Conduct that is disorderly, lewd or indecent (including, but not limited to, public nudity and sexual activity in areas generally open to members of the campus community), breach of peace or aiding, abetting or procuring another person to breach the peace on CSCU premises or at functions sponsored by, or affiliated with the University or College.
- (D) 2015.13 Offensive or disorderly conduct... – Offensive or disorderly conduct which causes interference, annoyance or alarm or recklessly creates a risk thereof at CSCU... premises, CSCU web or social media sites, at a CSCU-sponsored activity or in college or university courses, including cyber bullying. This offense does not apply to speech or other forms of constitutionally protected expression.

17. The October 9, 2015 letter further alleged that the plaintiff violated the aforementioned sections by engaging unidentified students in “conversations about weapons, discuss attacks on the University, and/or make reference to others as a target.” Said Notice further alleged that plaintiff “would make gestures with his hands indicating that he is aiming and shooting at individuals.”

18. Despite repeated requests from plaintiff, the defendants failed and refused to provide any documentation or information that would support the aforementioned allegations in the October 9, 2015 Notice, much less provide requisite information concerning when or to whom such comments or gestures were made. The Notice was deficient, vague, and violated the express hearing procedures set forth in the CCSU Student Code of Conduct.

19. A hearing was held on October 14, 2015. No witnesses were called by defendants to testify against the plaintiff. There were no university officials present at the hearing, other than defendant Dukes. At the hearing, plaintiff denied each and every allegation made by the defendants,

and no evidence was submitted to support any of the allegations.

20. At no time prior to the hearing with the plaintiff, did defendants permit the plaintiff to review any material or evidence of the investigation, in direct violation of the Student Code of Conduct, so that the plaintiff could reasonably respond.

21. Plaintiff was handed a copy of defendant Samuda's incident report for the first time at the hearing, with names, dates, and witness statements redacted. Plaintiff told the hearing body that he received the incident report for the first time at the hearing, yet was not given an opportunity to fully review the report or to call any witnesses to rebut the characterization of verbal remarks contained in Samuda's report.

22. The defendants presented no witnesses against the plaintiff to substantiate any accusation. Rather, defendant Dukes falsely suggested at the hearing, witnesses were afraid to appear.

23. Defendant Dukes did not provide any evidence at the hearing to support the allegations in the Notice, other than his own verbal rendition of what he claimed others told him, and the aforementioned unreliable redacted Samuda report.

24. Defendant Dukes deliberately misrepresented and withheld the fact that the persons who talked to the plaintiff knew he was joking around with them. Defendant Dukes referred to the words of the plaintiff as "leakage" without so much as defining this vague and nonsensical accusation, which is not contained in the Student Code of Conduct.

25. Defendant Dukes made false excuses at the hearing why witnesses did not appear and therefore violated provisions of the Student Disciplinary Code and basic elements of due process at disciplinary hearings, including but not limited the rights set forth in Paragraph 14 above and the requirement that substantial evidence of misconduct be prepared.

26. Instead of offering evidence of misconduct, defendant Dukes presented irrelevant and "interpretive" information about the plaintiff's opinions and protected speech in order to

disparage the plaintiff and unlawfully expel him from CCSU.

27. On or about October 19, 2015, defendant Dukes informed the plaintiff that he was expelled from CCSU.

28. On or about October 22, 2015, the plaintiff appealed the expulsion to defendant Tordenti, expressly noting that any conduct alleged at the hearing was constitutionally protected, not a basis for any discipline, and that plaintiff had new evidence and information material to the case, that he wished to present on appeal.

29. On or about October 23, 2015, defendant Tordenti acknowledged receipt of plaintiff's October 22, 2015 letter, and referred the appeal to defendant Hernandez.

30. Without consideration of any new evidence or granting a new hearing, defendant Hernandez denied plaintiff's appeal, on or about October 30, 2015, which defendant Tordenti subsequently upheld, resulting in the plaintiff's permanent expulsion.

31. The defendants failed to offer a modicum of evidence to support the allegations, resulting in a denial of fundamental fairness, notice and the right to contest charges, and wilfully made false and misleading representations to the plaintiff concerning the nature and substance of any accusations, so as to preclude his ability to meet and respond to the charges.

32. The expulsion of the plaintiff precluded the plaintiff from attending any other institution of higher education because it is reflected in the university's permanent record and will be disbursed, should the plaintiff attempt to matriculate at another institution of higher education.

33. The actions of the defendants as aforesaid did not comport with even the minimal and commonly understood actions that would be required for "fundamental fairness", violate CCSU's own Student Disciplinary Code, did not constitute sufficient or substantial evidence of misconduct, and deprived the plaintiff of due process of law under the Connecticut Constitution; to wit Art. I, §§ 4, 5, and 10.

34. The actions of the defendants as aforesaid constituted arbitrary, wanton, reckless and malicious conduct.

35. The actions of the defendants as aforesaid have caused irreparable harm and continue to cause such harm to the plaintiff for which there is no adequate remedy of law.

36. The facts as set forth, demonstrate the likelihood of the plaintiff's success on the merits of his case and the balancing of equities in his favor.

37. The allegations that the defendants relied upon to prosecute and to expel the plaintiff were in derogation of plaintiff's Connecticut constitutionally protected speech and expression, and the right, within his own home and curtilage, to possess firearms; to wit Art. I, § 4, 5 and 15.

38. The plaintiff seeks the issuance of temporary and permanent injunctions pursuant to Conn. Gen. Stat. §§ 52-471, *et seq.*, to expunge the findings of misconduct and reinstate him as a student in good standing.

## **II. COUNT TWO (Writ of Mandamus)**

1. The allegations contained in paragraphs 1 through 37 of Count One are hereby incorporated by reference as if set fully set forth herein.

38. The defendants had a duty to the plaintiff to treat him fairly, and to interpret and apply the Student Code of Conduct in a manner which was not vague and over broad, and would not violate the plaintiff's state constitutional rights.

39. The plaintiff had a clear legal right to expect that the defendants would act according to the Student Code of Conduct, and not in derogation of his Connecticut constitutional rights to freedom of speech, expression and his right within his home and curtilage to possess firearms; to wit Art. I, §§ 4, 5, 10 and 15.

40. The actions of the defendants as aforesaid have caused irreparable harm and continue to

cause such harm to the plaintiff for which there is no adequate remedy of law.

41. The plaintiff seeks a mandamus pursuant to Conn. Gen. Stat. § 52-485, to expunge any reference to his expulsion and to order plaintiff's reinstatement as a full-time student in good standing.

### **III. COUNT THREE (Prayer for Declaratory Relief)**

1. The allegations contained in paragraphs 1 through 40 of the Second Count are hereby incorporated by reference as if fully set forth herein.

41. The defendants breached express provision of the Student Code of Conduct and the plaintiff's constitutional right to due process of law in one or more of the following ways:

- a. By failing to follow their own established procedure in conducting disciplinary hearings;
- b. By failing to allow the plaintiff to present evidence and witnesses to contest charges at the disciplinary hearings;
- c. By failing to disclose to the plaintiff any evidence and/or statements against him prior to the disciplinary hearings, so that he could meet and defend against charges;
- d. By unreasonably interpreting its Student Code of Conduct so as to create "violations" against the plaintiff, which were wholly unforeseeable and directly implicated constitutionally protected conduct;
- e. By implementing its Student Code of Conduct in an arbitrary and capricious manner against the plaintiff;
- f. By failing to present sufficient evidence that any conduct of the plaintiff violated the Student Code of Conduct;
- g. By inventing a nonsensical charge of "leakage" that is undefined and not a basis for disciplinary action.

42. The terms of the Student Code of Conduct as applied to the plaintiff's actions in this case was unconstitutionally vague and over broad, resulting in discipline for engaging in protected speech

and lawful possession of firearms, thereby violating the plaintiff's due process rights, pursuant to the Connecticut Constitution; to wit Art. I, §§ 4, 5, 10 and 15.

43. The application of the Student Code of Conduct in an unconstitutional manner is an actual bona fide and substantial question or issue in dispute or substantial uncertainty of legal relations, which requires settlement between the parties.

44. The plaintiff seeks a declaratory ruling pursuant to Conn. Prac. Book § 17-54, *et seq.*, to declare his rights under the Connecticut Constitution and that the actions of the defendants were unconstitutional as applied to the plaintiff's conduct.

#### **IV. COUNT FOUR (Breach of Contract)**

1. The allegations contained in paragraphs 1 through 37 of Count One are hereby incorporated by reference as if set fully set forth herein.

38. The allegations contained in paragraph 41 of Count Three are hereby incorporated by reference as if fully set forth herein.

39. From August, 2014 until October 19, 2015, the plaintiff was enrolled as a student at CCSU, paying tuition for educational services, and, therefore, had an express and implied contractual relationship with CCSU to attend classes, earn credits and remain as a matriculated student, absent sufficient grounds to preclude his attendance.

40. Included in said contract was a specific contractual promise by CCSU, through its agents and employees, including these defendants, to follow its own procedural rules and student disciplinary code, when dealing with the plaintiff and grant to the plaintiff fundamental fairness and due process before disciplining and expelling students.

41. Defendants are officer, employees and agents of CCSU and are entrusted with enforcing the procedural rules and student disciplinary code.

42. The defendants' actions breached the implied and express terms of the contract and

caused the plaintiff damages, including but not limited to economic loss and emotional distress, and have prevented the plaintiff from continuing with and completing his degree program.

**V. COUNT FIVE (Breach of Implied Covenant of Good Faith and Fair Dealing)**

1. The allegations contained in paragraphs 1 through 43 of the Fourth Count are hereby incorporated by reference as if fully set forth herein.

44. The plaintiff possessed a reasonable expectation that the defendants, acting on behalf of CCSU, would honor its own rules and procedures as set forth in the student handbook and treat the plaintiff in a fundamentally fair manner with regard to allegations of misconduct and student discipline.

45. The defendants, individually and in conspiracy with others both named and unnamed, engaged in bad faith by breaching the implied promise and covenant to treat the plaintiff fairly.

46. The defendants' refusal to fulfill its general and specific obligations to the plaintiff was willfully and deliberately designed to prevent the plaintiff from presenting or forming a defense to the charges, rights that were expressly promised to him, and by expelling him in an arbitrary, malicious and capricious manner, thereby breaching the implied covenant of good faith and fair dealing.

47. As a result of the defendants' refusal to fulfill its obligations, both express and implied, the plaintiff has suffered damages, as aforesaid.

**VI. CLAIMS FOR RELIEF**

WHEREFORE, the plaintiffs pray that this Court:

1. As to Count One, enter temporary and permanent injunctions pursuant to Conn. Gen. Stat. §§ 52-471, *et seq.*, to expunge the allegations of misconduct and reinstate plaintiff as a student in good standing and enjoin them from interfering with plaintiff's attendance at CCSU;
2. As to Count Two, enter a mandamus pursuant to Conn. Gen. Stat. § 52-485 to to expunge any reference to his expulsion and to order plaintiff's reinstatement as a full-time student;
3. As to Count Three, enter a declaratory ruling pursuant to Conn. Prac. Book §§ 17-54, *et seq.*, to declare his rights under the Connecticut Constitution and that the actions of the defendants were unconstitutional as applied to the plaintiff's rights;
4. As to Counts Four and Five, award compensatory damages to the plaintiff;
5. As to Counts Four and Five, award punitive damages under Connecticut common law;
6. Grant such other relief as law and equity may provide;
7. Taxable costs.

THE PLAINTIFF – AUSTIN HAUGHWOUT

By: /s/ Jon L. Schoenhorn  
Jon L. Schoenhorn, His Attorney  
Commissioner of the Superior Court  
Jon L. Schoenhorn & Associates LLC  
Juris No. 406505  
108 Oak Street  
Hartford, CT 06106  
Tel. No. (860) 278-3500  
Fax No. (860) 278-6393  
Jon@Schoenhorn.com

RETURN DATE: : SUPERIOR COURT  
 AUSTIN HAUGHWOUT : J.D. OF NEW BRITAIN  
 V. : AT NEW BRITAIN  
 LAURA TORDENTI, CARL LOVITT,  
 DENSIL SAMUDA, CHRISTOPHER DUKES,  
 and RAMON HERNANDEZ : FEBRUARY 22, 2016

**VERIFICATION BY PLAINTIFF**

I, Austin Haughwout, being duly sworn, hereby depose and state as follows:

1. I am over the age of eighteen (18) years and understand the obligations of an oath.
2. I am the named plaintiff in the above-captioned matter.
3. I have reviewed the attached verified complaint that I intend to file in the above-captioned matter.
4. I hereby swear, under penalties of false statement, and further affirm, that the facts contained in this verified complaint are true and accurate to the best of my knowledge and belief.

Date this 23 day of February, 2016.

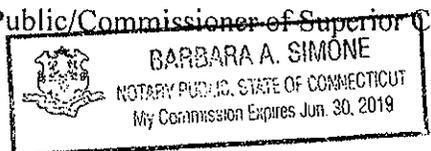
*Austin Haughwout*  
 \_\_\_\_\_  
 AUSTIN HAUGHWOUT

STATE OF CONNECTICUT }  
 COUNTY OF *New Haven* } ss.

Personally appeared, Austin Haughwout, who was subscribed and sworn to before me, on this 23 day of February, 2016.

*Barbara A. Simone*

Notary Public/Commissioner of Superior Court



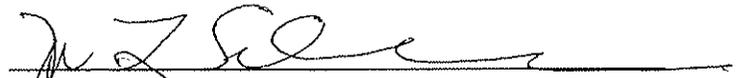
RETURN DATE: MARCH 15, 2016 : SUPERIOR COURT  
AUSTIN HAUGHWOUT : J.D. OF NEW BRITAIN  
V. : AT NEW BRITAIN  
LAURA TORDENTI, DENSIL SAMUDA,  
CHRISTOPHER DUKES,  
and RAMON HERNANDEZ : FEBRUARY 29, 2016

**STATEMENT OF AMOUNT IN DEMAND**

The amount in demand, exclusive of interests and costs, is more than fifteen thousand (\$15,000.00) dollars.

THE PLAINTIFF – AUSTIN HAUGHWOUT

By:



Jon L. Schoenhorn, His Attorney  
Commissioner of the Superior Court  
Jon L. Schoenhorn & Associates LLC  
Juris No. 406505  
108 Oak Street  
Hartford, CT 06106  
Tel. No. (860) 278-3500  
Fax No. (860) 278-6393  
Jon@Schoenhorn.com

DOCKET NO : HHB CV16 6032526 S : SUPERIOR COURT  
AUSTIN HAUGHWOUT : J.D. OF NEW BRITAIN  
V. : AT NEW BRITAIN  
LAURA TORDENTI, DENSIL SAMUDA,  
CHRISTOPHER DUKES, and  
RAMON HERNANDEZ : JUNE 23, 2016

**AMENDED COMPLAINT**

**I. COUNT ONE**

1. The plaintiff, AUSTIN HAUGHWOUT, at all times relevant to this complaint, was a resident of Clinton, Connecticut, and a tuition-paying full time residential undergraduate student within the meaning of Conn. Gen. Stat. § 10a-26, at Central Connecticut State University (hereinafter “CCSU”). CCSU is a state-owned and operated institution of higher learning with its main campus located within the Judicial District of New Britain. It is supervised by the Board of Regents of the State of Connecticut University System, under the auspices of the Board of Higher Education, and is a constituent unit in the state system of higher education, pursuant to Chapter 185 of the Connecticut General Statutes.

2. The defendant, LAURA TORDENTI (hereinafter “Defendant Tordenti”), is and was at all relevant times mentioned the Vice President for Student Affairs at CCSU, with the state-designated authority to initiate and decide disciplinary actions against undergraduate students, including the summary separation and removal from the university. Defendant Tordenti is CCSU’s policy-making official on disciplinary matters, remains responsible for the Office of Student Conduct, and is the supervisor of the remaining defendants, employees and their agents. Defendant Tordenti is sued in both her individual and state official capacities.

3. The defendant, CHRISTOPHER DUKES (hereinafter referred to as “Defendant Dukes”), is and was at all relevant times mentioned herein, the University Judicial Director within the Office of Student Conduct at CCSU. Defendant Dukes is the representative of, and charged with maintaining, enforcing, and ensuring compliance with, the Student Disciplinary Code for CCSU, including supervising the actions of all other employees of CCSU’s Office of Student Conduct. Defendant Dukes is sued in his individual and state official capacities.

4. The defendant, RAMON HERNANDEZ (hereinafter referred to as “Defendant Hernandez”), is and was at all relevant times mentioned herein, the Associate Dean for Student Affairs for CCSU, acting under the direction and auspices of defendant Tordenti. Defendant Hernandez is the chief CCSU official charged with developing, maintaining, enforcing, and ensuring compliance with, the Student Disciplinary Code, and responsible for reviewing student disciplinary proceedings, hearings, and decisions undertaken by CCSU’s Student Affairs office, including the actions of Defendant Dukes. Defendant Hernandez is sued in his individual and state official capacities.

5. The defendant, DENSIL SAMUDA (hereinafter referred to as “Defendant Samuda”), is and was at all relevant times mentioned herein, a detective within CCSU’s Police Department and the individual who initiated baseless and vague claims of misconduct against the plaintiff. He acted as the sole “complainant” within the meaning of the Student Disciplinary Code. Defendant Samuda is sued in his individual capacity only.

6. At all relevant times mentioned herein, the defendants acted under color of state law, regulation and custom, and under their claim of lawful authority as governmental officials, employed by a department of the State of Connecticut.

7. On or about August 4, 2015, Carl Lovitt, Provost of CCSU (hereinafter “Lovitt”), received a letter from one Alfred Gates (hereinafter “Gates”), a professor within the Department of Engineering at CCSU, referencing several local and national publications and news reports about the plaintiff’s construction and design of unmanned aircraft systems (“UAS”), one of which possessed the ability to discharge a firearm. The plaintiff’s identity, matriculation as a CCSU student, and his invention, received national and international publicity and news coverage and spurred discussion on matters of public concern about the adaptability and ubiquitousness of UAS devices. Although there was nothing illegal about plaintiff’s activities, Gates accused the plaintiff in his letter of “immoral and extremely dangerous” activity by creating the UAS and speculated that plaintiff might involve other CCSU students and use facilities within CCSU’s Engineering Department.

8. Through information and belief, Lovitt shared the content of Gates’ letter with one or more of the defendants in August 2015, prior to the commencement of disciplinary proceedings against Plaintiff that give rise to this Amended Complaint.

9. On or about September 22, 2015, defendant Samuda wrote a Case/Incident Report that falsely accused the plaintiff of engaging in threatening behavior and targeting other students.

10. On or about September 22, 2015, defendant Samuda met with plaintiff at CCSU Police Headquarters and verbally informed him that an individual, whom he refused to identify, accused the plaintiff of threatening to “shoot up” the school. The plaintiff denied ever making such a statement, and defendant Samuda refused to tell the plaintiff where and when such statement allegedly was made, or to whom it was allegedly directed.

11. On or about September 22, 2015, defendant Samuda submitted to the New Britain Superior Court an arrest warrant and affidavit, alleging that the plaintiff committed the crime of Threatening, claiming a violation of Conn. Gen. Stat. § 53a-62. The State’s Attorney for the New Britain Judicial District rejected said warrant, informing Samuda that no probable cause to arrest existed for any crime based upon Samuda’s report.

12. Despite this rebuff, Samuda took it upon himself to target the plaintiff and seek his expulsion from CCSU, and to enlist the remaining defendants in a conspiracy to achieve this result, without telling the co-defendants that the report lacked probable cause to charge the Plaintiff with any offense, he falsely reported that the Plaintiff engaged in threatening behavior.

13. Prior to September, 2015, defendants created and disseminated a “Student Code of Conduct” that was “intended to present a clear statement of student rights and responsibilities established by the Board of Regents for Higher Education. The [Board] has charged the President of the Board of Regents for Higher Education with developing procedures to protect those rights and to address the abdication of responsibilities.” The aforementioned language from the Student Code of Conduct was in existence and publicly disseminated prior to the actions alleged in this complaint.

14. The aforesaid Student Code of Conduct purported to provide the following rights to students under a section entitled “Hearing Procedures:”

- (A) Notice of Hearing – The notice shall advise the Accused Student of each section of the Student Code alleged to have been violated and, with respect to each such section, a statement of the acts or omissions which are alleged to constitute a violation of the Code, including the approximate time when and the place where such acts or omissions allegedly occurred. The Accused Student shall be afforded a reasonable period of time to prepare for the hearing, which period of time shall

not be less than three (3) Calendar Days

- (B) Opportunity to Present a Defense – The Accused Student shall have the full opportunity to present a defense and information, including the testimony of witnesses, in his or her behalf.

Despite this express provisions, the defendants failed to comply with these provisions.

15. On or about October 1, 2015, defendant Hernandez sent a letter to plaintiff stating that plaintiff was being placed on immediate interim suspension from CCSU and banned from campus, without indication of what “alleged behavior within [the CCSU] community” resulted in that suspension, in direct violation of the rights contained in the Student Code of Conduct.

16. On or about October 9, 2015, defendant Dukes sent to the plaintiff a document entitled “Notice of Charges and Disciplinary Hearing” (hereinafter “Notice”), informing the plaintiff to appear on October 14, 2015. The Notice alleged the following “Prohibited Conduct” under CCSU’s Student Code of Conduct:

- (A) 2015.4 Physical assault, intimidation, threatening behavior... – Actual or threatened physical assault or abuse, threatening behavior, intimidation, or coercion.
- (B) 2015.10 Harassment – Harassment, which is defined as conduct which is abusive or which interferes with a person’s pursuit of his or her customary or usual affairs, including, but not limited to, such conduct when directed toward and individual or group because of race, ethnicity, ancestry, national origin, religion, gender, sexual orientation or expression, age, physical attribute, or physical or mental disability or disorder, including learning disabilities and mental retardation.
- (C) 2015.11 Disorderly Conduct – Conduct that is disorderly, lewd or indecent (including, but not limited to, public nudity and sexual activity in areas generally open to members of the campus community), breach of peace or aiding, abetting or procuring another person to breach the peace on CSCU premises or at functions sponsored by, or affiliated with the University or College.
- (D) 2015.13 Offensive or disorderly conduct... – Offensive or disorderly conduct which causes interference, annoyance or alarm or recklessly creates a risk thereof at CSCU... premises, CSCU web or social media sites, at a CSCU-sponsored activity or in college or university courses, including cyber bullying. This offense does not apply to speech or other forms of constitutionally protected expression.

17. The October 9, 2015 notice further alleged that the plaintiff violated the aforementioned

sections by engaging unidentified students in “conversations about weapons, discuss attacks on the University, and/or make reference to others as a target.” Said Notice further alleged that plaintiff “would make gestures with his hands indicating that he is aiming and shooting at individuals.”

18. Despite repeated requests from plaintiff both verbally and in writing, the defendants failed and refused to provide any documentation or information that would support or identify the aforementioned allegations in the October 9, 2015 Notice, much less provide requisite information concerning when or to whom such comments or gestures were made. The Notice was deficient, vague, and violated the express procedures set forth in the CCSU Student Code of Conduct.

19. A meeting alleged to constitute a “disciplinary hearing” was held on October 14, 2015. No witnesses were called by defendants to testify against the plaintiff. There were no university officials present at the hearing, other than defendant Dukes and the disciplinary panel. At the hearing, plaintiff denied each and every vague allegation made by the defendants, and no evidence of misconduct was submitted to support any of the allegations.

20. At no time prior to the hearing itself, did defendants permit the plaintiff to review any material or evidence of the investigation, including the names of potential witnesses so that the plaintiff could reasonably respond and defend himself, in violation of the Student Code of Conduct.

21. Defendant Dukes handed a copy of defendant Samuda’s incident report to the plaintiff and disclosed its contents for the first time at the hearing, but with names, dates, and written statements redacted. Plaintiff told the hearing body that he received the incident report for the first time at the hearing, yet was given no opportunity to fully review the report even at that time, nor given an opportunity or to call any witnesses to rebut the characterizations contained in Samuda’s report, or in Dukes’ hearsay remarks and interpretation of the statements.

22. The defendants presented no witnesses against the plaintiff to substantiate any accusation. Rather, defendant Dukes falsely suggested at the hearing, that witnesses were afraid to appear.

23. Defendant Dukes did not provide any evidence at the hearing to support the allegations in the Notice, other than his own verbal rendition of what he claimed others told him, and the aforementioned unreliable redacted Samuda report.

24. Defendant Dukes deliberately misrepresented and withheld the fact that the persons who talked to the plaintiff knew that whatever comments the plaintiff made in the past were stated in a

joking manner in both the context and language used, and that no threats were ever made to anyone. Defendant Dukes characterized the plaintiff's words as "leakage" without so much as defining this vague and nonsensical accusation, and which does not constitute "Prohibited Conduct" in the Student Code of Conduct. Dukes also claimed that if a particular topic made a student feel uncomfortable, the university could intervene and impose discipline against the speaker.

25. Defendant Dukes violated provisions of the Student Disciplinary Code and basic elements of due process at said disciplinary hearing, including, but not limited to, the rights set forth in Paragraph 14 above and the requirement that substantial evidence of misconduct be presented.

26. Instead of offering evidence of misconduct, defendant Dukes presented irrelevant and "interpretive" information about the plaintiff's opinions and protected speech in order to disparage the plaintiff and unlawfully expel him from CCSU without a factual or legal basis.

27. On or about October 19, 2015, defendant Dukes informed the plaintiff that he was expelled from CCSU.

28. On or about October 22, 2015, the plaintiff appealed the expulsion to defendant Tordenti, expressly noting that any conduct alleged at the hearing was constitutionally protected, not a basis for student discipline, and that plaintiff had new evidence and information material to the case, that he wished to present to Tordenti on appeal.

29. On or about October 23, 2015, defendant Tordenti acknowledged receipt of plaintiff's October 22, 2015 letter, and referred the plaintiff's appeal request to defendant Hernandez.

30. Without consideration of plaintiff's claims or his request to present additional evidence, defendant Hernandez summarily denied plaintiff's appeal, on or about October 30, 2015. Defendant Tordenti subsequently upheld the expulsion, resulting in the plaintiff's permanent separation as a CCSU student.

31. The defendants failed to offer a modicum of evidence to support the allegations, resulting in a denial of fundamental fairness, notice and the right to contest charges, and wilfully made false and misleading representations to the plaintiff concerning the nature and substance of any accusations, and his rights to contest the allegations and present a defense, so as to preclude a fair opportunity to meet, defend against, and/or respond to the defendants' charges.

32. The expulsion of the plaintiff precluded the plaintiff from attending any other institution

of higher education and continues to do so, because it is reflected in CCSU's permanent record that must be distributed as part of the academic and disciplinary transcripts, should the plaintiff attempt to apply to or matriculate at another institution of higher education.

33. The actions of the defendants as aforesaid did not comport with minimal fundamental fairness, violated CCSU's own Student Disciplinary Code, did not constitute sufficient or substantial evidence of misconduct, and deprived the plaintiff of due process of law under the Connecticut Constitution; to wit Art. I, §§ 4, 5, and 10; as well as under the Fourteenth Amendment to the United States Constitution.

34. The actions of the defendants as aforesaid constituted arbitrary, wanton, reckless and malicious conduct.

35. The actions of the defendants as aforesaid have caused irreparable harm and continue to cause such harm to the plaintiff for which there is no adequate remedy of law.

36. The allegations that the defendants relied upon to prosecute and to expel the plaintiff were in derogation of plaintiff's constitutionally protected right to speech and expression, pursuant to Art. I, §§ 4, 5 of the Connecticut Constitution.

37. The actions of the defendants violated the plaintiff's rights under the first and fourteenth amendments to the United States Constitution

38. The foregoing action of the defendants have caused injury to the plaintiff in violation of Title 42 U.S.C. §§1983 & 1998.

## **II. COUNT TWO (Writ of Mandamus)**

1. The allegations contained in paragraphs 1 through 37 of Count One are hereby incorporated by reference as if set fully set forth herein.

38. The defendants possessed an irrevocable and continuous duty to the plaintiff to treat him fairly, and to interpret and apply the Student Code of Conduct in a manner which was neither vague nor overly broad, and in a manner that did not violate the plaintiff's state constitutional rights.

39. The plaintiff possessed a clear legal expectation that defendants would act according to the Student Code of Conduct, and not in derogation of federal and Connecticut constitutional rights to freedom of speech and expression in the university setting, including discussing possession of firearms and UAS devices; pursuant to the first and fourteenth amendments to the United States

Constitution and Conn. Const. Art. I, §§ 4, 5, 10 and 15.

40. The actions of the defendants as aforesaid have caused, and will continue to cause, irreparable harm to the plaintiff for which there is no adequate remedy at law.

41. The foregoing action of the defendants resulted in injury to the plaintiff in violation of Title 42 U.S.C. §§ 1983 & 1988.

42. The plaintiff seeks a mandamus from the court pursuant to Conn. Gen. Stat § 52-485 to order his reinstatement as a student at CCSU in good standing and to refund tuition and other fees wrongfully withheld by the defendants, due to their unconstitutional, wanton and illegal actions.

### **III. COUNT THREE (Prayer for Declaratory Relief)**

1. The allegations contained in paragraphs 1 through 40 of the Second Count are hereby incorporated by reference as if fully set forth herein.

41. The defendants also breached express provision of the Student Code of Conduct and the plaintiff's state and federal constitutional rights to due process of law in one or more of the following ways:

- a. By failing to follow their own established procedure in conducting disciplinary hearings;
- b. By failing to allow the plaintiff to present evidence and witnesses to contest charges at the disciplinary hearings;
- c. By failing to disclose to the plaintiff any evidence and/or statements against him prior to the disciplinary hearings, so that he could meet and defend against charges;
- d. By unreasonably interpreting its Student Code of Conduct so as to create "violations" against the plaintiff, which were wholly unforeseeable and directly implicated constitutionally protected conduct;
- e. By implementing its Student Code of Conduct in an arbitrary and capricious manner against the plaintiff in violation of his constitutional rights;
- f. By failing to present sufficient evidence that any alleged conduct of the plaintiff violated the Student Code of Conduct; and
- g. By inventing a nonsensical and vague charge of "leakage" that remains undefined and does not constitute a basis for disciplinary action.

42. The allegations in the Student Code of Conduct as applied to the plaintiff in this case

were unconstitutionally vague and overbroad, resulting in imposition of discipline for engaging in protected speech, thereby violating the plaintiff's due process rights, pursuant to the Connecticut Constitution; Art. I, §§ 4, 5, 10 and 15; and the first and fourteenth amendments to the United States Constitution.

43. The application of the Student Code of Conduct in an unconstitutional manner and in these specific circumstances is an actual *bona fide* and substantial question or issue in dispute or substantial uncertainty of legal relations, which requires settlement between the parties, by action of this court.

44. The plaintiff seeks a declaratory ruling pursuant to Title 42 U.S.C. § 1983 and Conn. Prac. Book § 17-54, *et seq.*, to declare his rights under the Connecticut and United States Constitutions, and a finding that the actions of the defendants were both illegal and unconstitutional.

#### **IV. COUNT FOUR (Breach of Contract)**

1. The allegations contained in paragraphs 1 through 37 of Count One are hereby incorporated by reference as if set fully set forth herein.

38. The allegations contained in paragraph 41 of Count Three are hereby incorporated by reference as if fully set forth herein.

39. From August, 2014 until October 19, 2015, the plaintiff was enrolled as a student at CCSU, paying tuition for educational services, and, therefore, had an express and implied contractual relationship with CCSU to attend classes, earn credits and remain as a matriculated student, absent sufficient grounds to preclude his attendance or matriculation.

40. Included in said contract was a specific promise by CCSU, through its agents and employees, including these defendants, to follow its own procedural rules and student disciplinary code, when dealing with students and provide to the plaintiff fundamental fairness and due process before disciplining and expelling him.

41. Defendants are officers, employees and agents of CCSU and are entrusted with enforcing the procedural rules and aforementioned Student Disciplinary Code in a reasonable manner.

42. The defendants' actions breached the implied and express terms of the contract and caused the plaintiff damages, including but not limited to economic loss, that have prevented the plaintiff from continuing with and completing his degree program.

V. **COUNT FIVE (Breach of Implied Covenant of Good Faith and Fair Dealing)**

1. The allegations contained in paragraphs 1 through 42 of the Fourth Count are hereby incorporated by reference as if fully set forth herein.

43. The plaintiff possessed a reasonable expectation that the defendants, acting on behalf of CCSU, would honor its own rules and procedures as set forth in the student handbook and treat the plaintiff in a fundamentally fair manner with regard to allegations of misconduct and student discipline, and in their interpretation of CCSU's student handbook.

44. The defendants, individually and in conspiracy with others both named and unnamed, engaged in bad faith by breaching the implied promise and covenant to treat the plaintiff fairly, and in a manner in accordance with the provisions of the student handbook.

45. The defendants' refusal to fulfill its general and specific obligations to the plaintiff was willfully and deliberately designed to prevent the plaintiff from presenting or forming a defense to any charges – rights expressly promised to him in writing – and resulted in an arbitrary, malicious and capricious expulsion, thereby breaching the implied covenant of good faith and fair dealing.

46. As a result of the defendants' refusal to fulfill its obligations, both express and implied, to act in good faith and treat the plaintiff fairly, the plaintiff has suffered and continues to suffer damages.

**VI. CLAIMS FOR RELIEF**

WHEREFORE, the plaintiff prays that this Court provide the following relief:

1. As to Count One, enter a permanent injunction pursuant to Conn. Gen. Stat. §§ 52-471, *et seq.*, and 42 U.S.C. §1983, to expunge the allegations of misconduct, reinstate plaintiff as a student in good standing, and enjoin them from interfering with plaintiff's further attendance at CCSU;
2. As to Count Two, enter a writ of *mandamus* pursuant to Conn. Gen. Stat. § 52-485, to expunge any reference to his expulsion, to order plaintiff's reinstatement as a full-time student and return and refund tuition payments and other costs wrongfully retained.
3. As to Count Three, enter a declaratory ruling pursuant to Conn. Prac. Book §§ 17-54, *et seq.*, and 42 U.S.C §1983, to declare his rights under the Connecticut and United States Constitutions, that the actions of the defendants, including their interpretation of the CCSU Student Code of Conduct, were unconstitutional as applied to the plaintiff;
4. As to Counts Four and Five, issue declaratory and injunctive relief as aforesaid;
5. As to Counts Four and Five, issue a writ of *mandamus* as aforesaid;
6. As to Counts One, Two and Three award attorney's fees, pursuant to 42 U.S.C §1988.
7. Grant such other relief as law and equity may provide;
8. Award taxable costs.

THE PLAINTIFF – AUSTIN HAUGHWOUT

By: /s/ Jon L. Schoenhorn  
Jon L. Schoenhorn, His Attorney  
Commissioner of the Superior Court  
Jon L. Schoenhorn & Associates LLC  
Juris No. 406505  
108 Oak Street  
Hartford, CT 06106  
Tel. No. (860) 278-3500  
Fax No. (860) 278-6393  
Jon@Schoenhorn.com

CERTIFICATION

This is to certify that a copy of the foregoing amended complaint, was delivered electronically to the following counsel of record, on this 23<sup>rd</sup> day of June, 2016:

AAG Ralph E Urban II, Esq.  
55 Elm Street  
P.O. Box 120  
Hartford, CT 06141

/s/Jon L. Schoenhorn

Jon L. Schoenhorn

NO. HHB-CV16-6032526-S

AUSTIN HAUGHWOUT : SUPERIOR COURT  
:   
v. : JUDICIAL DISTRICT OF NEW BRITAIN  
:   
LAURA TORDENTI, et al. : JULY 14, 2016

**ANSWER AND SPECIAL DEFENSES TO AMENDED COMPLAINT**

**Count I**

1. Admitted.

2. The first two sentences are admitted, except that it is denied that defendant Tordenti sets student discipline policies or that her authority bypasses the duly-established disciplinary processes. As to the balance of the paragraph the defendants lack sufficient information and therefore leave the plaintiff to his proof.

3. Admitted, except that defendant Dukes is the Director of Student Conduct, and the student disciplinary code is the Board of Regents/Connecticut State Colleges and Universities Student Code. As to the capacity in which defendant Dukes has been sued, the defendants lack sufficient information and therefore leave the plaintiff to his proof.

4. The first sentence is admitted. The second sentence is denied in that defendant Hernandez is only responsible for hearing appeals of decisions by the Office of Student Conduct. As to the capacity in which defendant Hernandez has been sued, defendants lack sufficient information and therefore leave the plaintiff to his proof.

5. It is admitted only that Mr. Samuda is a CCSU police detective. The defendants lack sufficient information as to the capacity in which he has been sued and therefore leave the plaintiff to his proof as to that allegation. The balance of the paragraph is denied.

6. As this allegation is a legal conclusion, the defendants leave the plaintiff to his proof.

7. It is admitted only that Mr. Lovitt received the letter from Mr. Gates; the letter speaks for itself. Any implication that the letter played a role in the disciplinary process resulting in plaintiff's expulsion is denied. As to plaintiff's alleged notoriety, the defendants lack sufficient information and therefore leave the plaintiff to his proof.

8. Admitted, except that defendant Tordenti only shared the letter with defendant Dukes. It is denied the letter played a role in the disciplinary process resulting in plaintiff's expulsion.

9. It is admitted that Detective Samuda wrote a case/incident report on that date, which speaks for itself. The balance of the paragraph is denied.

10. It is admitted only that on or about that date defendant Samuda met with the plaintiff at CCSU headquarters. As to the balance of the paragraph the defendants lack sufficient information and therefore leave the plaintiff to his proof.

11. The first sentence is admitted. As to the second sentence it is admitted only that the State's Attorney declined to pursue the matter; as to the balance of the paragraph the defendants leave the plaintiff to his proof.

12. Denied.

13. Admitted, except that the Student Code was not created the defendants, but rather by the Board of Regents for CSCU with input from many others, including student representatives.

14. Admitted, except that it is denied that the defendants failed to comply with the provisions cited.

15. It is admitted only that defendant Hernandez placed the plaintiff on interim suspension; the letter speaks for itself. The balance of the paragraph is denied.

16. Admitted.

17. Admitted.

18. Denied, in that on October 2, 2015 defendant Dukes had a detailed telephone conversation with the plaintiff in which he, Dukes, explained the basis for the investigation and described each of the alleged behaviors, including the approximate time, place and manner in which the plaintiff was alleged to have engaged in such behaviors; at no point did plaintiff indicate he did not understand the basis for the investigation or the details of the alleged offending behaviors. Any implication that discovery is required either under the Student Code or to comply with due process principles is denied.

19. Denied in that the disciplinary hearing was held on October 14, 2015. It is admitted only that defendant Dukes, the disciplinary panel, plaintiff, plaintiff's father, and one or more police officers were present; the only student witness who was willing to testify changed his mind about appearing before the panel when he learned plaintiff would be present. The balance of the paragraph is denied.

20. Denied, in that on October 2, 2015 defendant Dukes had a detailed telephone conversation with the plaintiff in which he, Dukes, explained the basis for the investigation and described each of the alleged behaviors, including the approximate time, place and manner in which the plaintiff was alleged to have engaged in such behaviors; at no point did plaintiff indicate he did not understand the basis for the investigation or the details of the alleged offending behaviors. Any implication that discovery is required either under the Student Code or to comply with due process principles is denied.

21. Denied in that plaintiff received redacted copies of police reports, as well as other documents, via a Freedom of Information Act request prior to the disciplinary hearing, and reviewed many other documents. In addition, at the hearing plaintiff received copies of police reports with the full names of two student witnesses and the first name of a third, and the full

names of three of the student witnesses were discussed at the hearing, while the fourth's (whose first named appeared in the police reports provided) was not discussed at the hearing. Any implication that such information had been improperly withheld earlier is denied. The balance of the paragraph is denied, given that plaintiff never sought a delay or postponement of the hearing to further review such materials, seek to call other witnesses or present other evidence.

22. It is admitted only that defendant Dukes was the only person to address the panel other than the plaintiff, given that the only student witness who was willing to testify changed his mind when he learned plaintiff would be present. The balance of the paragraph is denied. Any implication that the police reports and exhibits admitted were not competent and probative evidence, properly considered by the disciplinary panel, is denied.

23. Denied.

24. The first sentence is denied. It is admitted that defendant Dukes used the term "leakage" during the hearing, a well-known concept in behavioral analysis, particularly as it relates to predictive behavioral analysis and threat assessment. Given that the full transcript of the hearing is available and speaks for itself without plaintiff's mischaracterizations, the balance of the paragraph is denied.

25. Denied.

26. Denied.

27. Admitted.

28. Admitted.

29. Admitted.

30. It is admitted only that defendant Hernandez denied the appeal, and that the denial was final, resulting in expulsion. The balance of the paragraph is denied.

31. Denied.

32. Denied, as only academic expulsions appear on student transcripts.

33. Denied.

34. Denied.

35. Denied.

36. Denied.

37. Denied.

38. Denied.

## **Count II**

1.-37. The defendants respond to paragraphs 1 to 37 of this second count in accordance with their responses to paragraphs 1 to 37 of the first count, as if fully set forth herein.

38. As this paragraph asserts a legal conclusion, the defendants leave the plaintiff to his proof.

39. Denied insofar as the application of federal and state constitutional principles in any particular set of circumstances, and particularly in the circumstances presented here, are neither clear nor unequivocal so as to warrant the issuance of a writ of mandamus or other equitable relief.

40. Denied.

41. Denied.

42. As to why the plaintiff seeks a writ of mandamus, the defendants lack sufficient knowledge and therefore leave the plaintiff to his proof. It is denied that plaintiff is entitled to any relief.

### **Count III**

1.-40. The defendants respond to paragraphs 1 to 40 of this third count in accordance with their responses to paragraphs 1 to 40 of the second count, as if fully set forth herein.

41. Denied.

42. Denied.

43. It is denied that the Student Code was applied in an unconstitutional manner, or that there is a substantial issue or question on that point.

44. It is denied that plaintiff is entitled to any relief.

### **Count IV**

1.-37. The defendants respond to paragraphs 1 to 37 of this fourth count in accordance with their responses to paragraphs 1 to 37 of the first count, as if fully set forth herein.

38. The defendants respond to paragraph 38 of this fourth count in accordance with their response to paragraph 41 of the third count as if fully set forth herein.

39. It is admitted only that plaintiff was an enrolled tuition paying student. It is denied that the Student Code created any contractual rights since it expressly disavowed that any such contract was created.

40. Denied, including any implication that a contractual duty to comply with due process legal principles was created.

41. Admitted, except as to defendant Samuda.

42. Denied.

### **Count V**

1.-42. The defendants respond to paragraphs 1 to 42 of this fifth count in accordance with their responses to paragraphs 1 to 42 of the fourth count, as if fully set forth herein.

43. Admitted, but it is denied defendants breached any such expectation.

44. Denied.

45. Denied, including any implication that the defendants breached any legal obligations.

46. Denied, including any claim that defendants breached any legal obligations.

It is denied that plaintiff is entitled to any relief.

**First Special Defense**

Plaintiff has unclean hands.

**Second Special Defense**

Plaintiff waived any claim asserting he did not receive timely information regarding the facts and circumstances giving rise to the disciplinary charges that resulted in his expulsion.

**Third Special Defense**

Plaintiff is estopped from asserting he did not receive timely information regarding the facts and circumstances giving rise to the disciplinary charges that resulted in his expulsion.

**STATE DEFENDANTS**

GEORGE JEPSEN  
ATTORNEY GENERAL

BY: 085178  
Ralph E. Urban  
Assistant Attorney General  
Juris No. 085178  
Office of the Attorney General  
55 Elm Street, P.O. Box 120  
Hartford, CT 06141-0120  
Tel: (860) 808-5210 Fax: (860) 808-5385  
[ralph.urban@ct.gov](mailto:ralph.urban@ct.gov)

**CERTIFICATION**

I hereby certify that a copy of the foregoing *Answer and Special Defenses to Amended Complaint* was mailed, first class postage prepaid, this 14<sup>th</sup> day of July, 2016 to:

Jon L. Schoenhorn, Esq.  
Jon L. Schoenhorn & Associates LLC  
108 Oak Street  
Hartford, CT 06106  
Tel: (860) 278-3500  
Fax: (860) 278-6393

085178  
Ralph E. Urban  
Assistant Attorney General

DOCKET NO. HHB-CV16-6032526 : SUPERIOR COURT  
AUSTIN HAUGHWOUT : J.D. OF NEW BRITAIN  
V. : AT NEW BRITAIN  
LAURA TORDENTI, DENSIL SAMUDA,  
CHRISTOPHER DUKES,  
and RAMON HERNANDEZ : JULY 21, 2016

**REPLY TO SPECIAL DEFENSES**

The plaintiff, Austin Haughwout, denies each and every allegation of the defendants' first, second, and third special defenses dated July 14, 2016.

THE PLAINTIFF –  
AUSTIN HAUGHWOUT

By: /s/ Jon L. Schoenhorn  
Jon L. Schoenhorn, His Attorney  
Commissioner of the Superior Court  
Jon L. Schoenhorn & Associates, LLC  
108 Oak Street  
Hartford, CT 06106  
Juris No. 406505

**CERTIFICATION**

This is to certify that a copy of the foregoing was mailed, postage prepaid, or delivered via fax or electronic mail to the following counsel of record on the date of this pleading:

Ralph E. Urban II  
Assistant Attorney General  
Office of the Attorney General  
55 Elm Street  
PO Box 120  
Hartford, CT 06141  
ralph.urban@ct.gov

/s/ Jon L. Schoenhorn  
Jon L. Schoenhorn

DOCKET NO. HHB-CV16-6032526 : SUPERIOR COURT  
AUSTIN HAUGHWOUT : J.D. OF NEW BRITAIN  
V. : AT NEW BRITAIN  
LAURA TORDENTI, DENSIL SAMUDA,  
CHRISTOPHER DUKES,  
and RAMON HERNANDEZ : MARCH 18, 2016

**MOTION FOR TEMPORARY INJUNCTION AND/OR A WRIT OF MANDAMUS  
AND ORDER TO SHOW CAUSE**

TO THE SUPERIOR COURT FOR THE JUDICIAL DISTRICT OF NEW BRITAIN AT NEW BRITAIN:

The plaintiff in the above-entitled action, Austin Haughwout, hereby moves for a temporary injunction and/or a writ of mandamus in accordance with his prayer for relief and requests that an order issue forthwith and/or that the defendants appear at an early date to show cause why the prayer for injunction and writ of mandamus should not be granted.

In support of said motion, the Plaintiff states, in accordance with his Verified Complaint, that:

1. He is a resident of Clinton, Connecticut, and was a tuition-paying full time undergraduate student, within the meaning of Conn. Gen. Stat. §10a-26 at Central Connecticut State University (hereinafter “CCSU”), a state-owned and operated educational institution with its main campus in the City of New Britain. Verified Complaint (“VC”) ¶1.

2. The defendants Laura Tordenti, Ramon Hernandez, and Christopher Dukes are officers and agents of CCSU and are entrusted with enforcing the procedural rules and student disciplinary code. VC ¶¶ 2-5. They are sued in both individual and official capacities.

3. On or about October 1, 2015, plaintiff was placed on interim suspension from CCSU for “alleged behavior within [the CCSU] community”, but was given no indication of specific

acts that constituted the basis of this suspension. VC ¶15.

4. On or about October 9, 2015, plaintiff was sent a Notice of Charges and Disciplinary Hearing, which alleged violations of four sections of the Student Code of Conduct. VC ¶16. These sections included “Offensive or disorderly conduct”, “Physical assault, intimidation, threatening behavior”, “Harassment”, and “Disorderly Conduct.” VC ¶16.

5. The defendants accused the plaintiff of engaging in vague conversations with unidentified students about weapons, discussing attacks on the university and/or using hand gestures indicating that he was aiming and shooting at students. The notice failed to allege when, where and with whom these conversations occurred. VC ¶¶17, 18.

6. The defendants never allowed the plaintiff the opportunity to review any material or evidence the defendants possessed, nor did they disclose of the purported information so that the plaintiff could reasonably respond. VC ¶ 20.

7. At the hearing, held on October 14, 2015, the defendants did not call any witnesses. The only university official at the hearing was defendant Dukes. VC ¶ 19.

8. Defendants provided no evidence at the hearing to support any of the allegations and relied solely upon vague characterization of plaintiff’s conduct as “leakage”. VC ¶¶ 21, 23.

9. On or about October 19, 2015, defendant Dukes informed the plaintiff that he was expelled from CCSU. VC ¶ 27.

10. The plaintiff thereafter appealed the expulsion to Laura Tordenti (hereinafter “defendant Tordenti”), Vice President for Student Affairs at CCSU, who referred the appeal to defendant Hernandez. VC ¶¶ 2, 28, 29.

11. On or about October 30, 2015, defendant Hernandez denied plaintiff’s appeal,

without giving him an opportunity to rebut the allegations. VC ¶ 30. Defendant Tordenti upheld the expulsion. VC ¶ 30.

12. The actions of the defendants in expelling plaintiff violated his rights in the following ways:

A. Plaintiff was a student at CCSU and therefore entered into a contract with the university and its agents in consideration of their promise to follow its own procedural rules and student code of conduct and to provide due process, which they breached by: (1) failing to give the plaintiff any factual basis in advance to justify disciplinary action under the Student Code of Conduct; (2) failing to present any evidence at the hearing to support the allegations; and (3) expelling him purely for constitutionally protected speech and expression.

B. As a result of the defendants' actions plaintiff has suffered and will continue to suffer a specific and personal injury, that is an immediate and irreparable harm. Plaintiff has had to stop school since October, 2015.

C. The plaintiff seeks to be given the opportunity to continue his studies and activities that were taken away from him when defendants expelled him.

D. As a result of the defendants' action, plaintiff has suffered and will continue to suffer irreparable injury for which there is no adequate remedy at law.

WHEREFORE, the plaintiff seeks an order from this Court for preliminary and permanent injunctions enjoining the defendants from enforcing the expulsion of plaintiff from CCSU. In the alternative, the plaintiff seeks a writ of mandamus from this Court to force his reinstatement as a student in good standing at CCSU. Plaintiff further seeks the Court schedule a hearing thereon and issue an Order to Show Cause. A separate memorandum is submitted with this motion.

THE PLAINTIFF –  
AUSTIN HAUGHWOUT

By: /s/ Jon L. Schoenhorn  
Jon L. Schoenhorn, His Attorney  
Juris # 101793  
Commissioner of the Superior Court  
Jon L. Schoenhorn & Associates, LLC  
108 Oak Street  
Hartford, CT 06106  
Juris No. 406505

**ORDER**

The foregoing Motion, having been heard by the Court, it is hereby ORDERED:

---

on this \_\_\_\_ day of \_\_\_\_\_, 2016,

BY THE COURT

\_\_\_\_\_, J.

\_\_\_\_\_  
Clerk/Assistant Clerk

**CERTIFICATION**

This is to certify that a copy of the foregoing was mailed, postage prepaid, or delivered via fax or electronic mail to the following counsel of record on the date of this pleading:

Ralph E. Urban II  
Assistant Attorney General  
Office of the Attorney General  
55 Elm Street  
PO Box 120  
Hartford, CT 06141  
ralph.urban@ct.gov

/s/ Jon L. Schoenhorn  
Jon L. Schoenhorn

DOCKET NO. HHB-CV16-6032526 : SUPERIOR COURT  
AUSTIN HAUGHWOUT : J.D. OF NEW BRITAIN  
V. : AT NEW BRITAIN  
LAURA TORDENTI, DENSIL SAMUDA,  
CHRISTOPHER DUKES,  
and RAMON HERNANDEZ : MARCH 18, 2016

**MEMORANDUM IN SUPPORT OF PLAINTIFF'S MOTION FOR  
PRELIMINARY INJUNCTION AND/OR WRIT OF MANDAMUS**

**INTRODUCTION**

This is an action for equitable and compensatory relief against four officials of Central Connecticut State University (hereinafter "CCSU"). Defendants Tordenti, Dukes and Hernandez are sued both individually and in their official capacities. The plaintiff will demonstrate that the defendants' actions leading to his expulsion from CCSU violated his rights under the Connecticut Constitution and breached his express and implied contract with the university. The plaintiff seeks the entry of a temporary preliminary injunction pursuant to Conn. Gen. Stat. §§ 52-471, *et seq.* during the pendency of this action, to expunge the record of misconduct and reinstate him as a student in good standing. In the alternative, plaintiff seeks a mandamus pursuant to Conn. Gen. Stat. § 52-485 requiring the defendants to readmit him as a CCSU student in good standing.

**FACTS**

The following is taken from the sworn, verified complaint filed in this case. At all relevant times, the plaintiff was a full-time tuition-paying undergraduate student enrolled at CCSU. Verified Complaint ("VC") ¶1. CCSU is a state-owned and operated institution of higher learning with its main campus located in New Britain, Connecticut and is a constituent

unit in the state system of higher education under Chapter 185 of the Connecticut General Statutes. *Id.*

On or about August 4, 2015, Carl Lovitt, Provost of CCSU, received a letter from Alfred Gates, a professor within the Department of Engineering, referencing “Expulsion of Austin Haughwout”. VC ¶6. Even though the plaintiff had never met him, Gates referenced national media reports about the plaintiff’s design and construction of an unmanned aircraft system (“UAS”), with the ability to discharge a firearm. VC ¶7. The plaintiff’s identity, status as a CCSU student and his invention, received national publicity and spurred discussion both within the CCSU community and the public at large on a matter of public concern about the adaptability of UAS devices. *Id.* Even though there was nothing illegal about plaintiff’s invention, Gates accused the plaintiff of “immoral and extremely dangerous” activity and speculated about possible involvement of CCSU’s Engineering Department. *Id.* Lovitt shared the contents of Gates’ letter with one of more of the defendants, prior to the commencement of any disciplinary proceedings. VC ¶8.

On or about September 22, 2015, defendant Densil Samuda (hereinafter “defendant Samuda”), a detective within CCSU’s Police Department, met with plaintiff at the CCSU security office and told him that an unidentified individual accused the plaintiff of threatening to “shoot up” the school. VC ¶¶5, 10. Plaintiff denied ever making such a comment. VC¶10. Defendant Samuda refused to identify an alleged accuser or tell plaintiff where, to whom or when such statement was made. *Id.* Defendant Samuda falsely accused plaintiff of making a “threat” in a failed warrant to the New Britain Superior Court. VC ¶¶ 9, 11. The State’s Attorney rejected the warrant for lack of probable cause. However, defendant Samuda decided to target

the plaintiff and enlisted the other defendants in a conspiracy to expel plaintiff from CCSU. VC ¶¶ 11, 12.

On or about October 1, 2015, Ramon Hernandez (hereinafter “defendant Hernandez”), the Associate Dean for Student Affairs for CCSU, placed the plaintiff on immediate interim suspension without advance notice or opportunity to protest “alleged behavior within [the CCSU] community”. VC ¶¶ 4, 15. The letter gave no factual basis for plaintiff’s emergency suspension, although the CCSU Student Code of Conduct expressly requires that disciplinary notices include a “statement of the acts or omission which are alleged to constitute a violation of the Code, including the approximate time when and the place where such acts or omissions allegedly occurred.”. VC ¶¶14, 15. Defendant Hernandez further directed plaintiff to meet with Christopher Dukes (hereinafter “defendant Dukes”), CCSU’s Judicial Director within the Office of Student Conduct. VC ¶¶3, 15.

On or about October 9, 2015, defendant Dukes accused the plaintiff in writing of violating four sections of the CCSU Student Code of Conduct. VC ¶¶16-17. The alleged violations included “offensive or disorderly conduct”, that does “not apply to speech or other forms of constitutionally protected expression”. *Id.* Nevertheless, the letter alleged that the plaintiff engaged unidentified students in “conversations about weapons, discuss attacks on the University, and/or make reference to others as a target” and that plaintiff “would make gestures with his hands indicating that he is aiming and shooting at individuals.” *Id.* This conduct also served as the basis of the three other alleged violations of “Physical assault, intimidation, threatening behavior”, “Harassment”, and “Disorderly Conduct.” VC ¶16. Dukes did not indicate when, where, to whom or in what context the statements or acts were allegedly made.

VC ¶14.

Despite written requests from the plaintiff and his protest that he made no such statements, the defendants refused to provide him with any information to support the aforementioned allegations, even though the Student Code of Conduct explicitly provided that the plaintiff “shall have the full opportunity to present a defense and information, including the testimony of witnesses, in his...behalf”. VC ¶¶14, 18, 20.

At a meeting held on October 14, 2015, no witnesses were called against the plaintiff. VC ¶¶19, 22. Instead, defendant Dukes handed to the plaintiff a copy of defendant Samuda’s incident report, with redactions and no witness statements. VC ¶21. Even though plaintiff denied all allegations and stated that he had not seen the report before, the defendants refused to give him time to review the report or call any witnesses to rebut the second and third-hand statements. VC ¶21.

Defendant Dukes provided no evidence at the hearing to support any of the allegations, relying solely upon his own nonsensical characterization of plaintiff’s conduct as “leakage”, and defendant Samuda’s redacted report. VC ¶¶21, 23. Defendant Dukes falsely suggested that witnesses were afraid to appear, denying to the plaintiff the opportunity to demonstrate that any persons with whom plaintiff was speaking, knew no threats were made. Dukes relied on irrelevant information about plaintiff’s opinions and unrelated protected speech (such as the plaintiff’s opinion about Dukes) in order to disparage plaintiff and ensure his removal from CCSU. VC ¶¶22-26.

On or about October 19, 2015, defendant Dukes informed the plaintiff that he was expelled from CCSU. VC ¶27. The plaintiff thereafter appealed the expulsion to Laura Tordenti

(hereinafter “defendant Tordenti”), Vice President for Student Affairs at CCSU, who referred the matter to defendant Hernandez. VC ¶¶2, 28, 29. On or about October 30, 2015, defendant Hernandez denied plaintiff’s appeal, without giving him any opportunity to rebut the allegations. VC ¶30. Defendant Tordenti subsequently upheld the expulsion. *Id.*

As a result of the defendants’ actions, the plaintiff has lost an entire academic year, and unjustly forfeited academic credit and tuition payments. His disciplinary expulsion also precludes him from transferring to an accredited institution of higher education. VC ¶32. The plaintiff emphasizes that at no time did he ever threaten anyone, nor say anything which reasonably could be construed as a threatening statement or fighting words. Therefore, whatever he said to others was constitutionally protected speech, and the so-called “hearing” was a sham.

## **ARGUMENT**

### **I. STANDARD FOR INJUNCTIVE RELIEF**

Because of the imminent harm caused by the defendants, an injunction is clearly warranted while the case is pending. “A temporary injunction is a preliminary order of the court, granted at the outset or during the pendency of an action, forbidding the performance of the threatened acts described in the original complaint until the rights of the parties respecting them shall have been finally determined by the court.” *Deming v. Bradstreet*, 85 Conn. 650, 659 (1912). The purpose of a temporary injunction is to preserve the *status quo* and protect the moving party from immediate and irreparable harm until the rights of the parties can be determined after a full hearing on the merits. *Olcott v. Pendleton*, 128 Conn. 292, 295 (1941). To be entitled to such relief, the plaintiff must show the following three elements: (1) probable success on the merits of his claim; (2) irreparable harm or loss; and (3) a favorable balancing of

the results or harm which may be caused to one party or the other by the granting of the temporary relief requested. *Griffin Hospital v. Commission on Hospitals & Health Care*, 196 Conn. 451, 457-59 (1985). The Connecticut Supreme Court has also suggested that an additional element must be considered: the public interest. *Id.* Because the plaintiff clearly demonstrates the existence of all three elements, as well as a public interest involving constitutional speech and due process, a temporary injunction is warranted.

Once these elements are shown to exist, the “balancing of the equities” falls on the plaintiff’s side. *Id.* When this analysis is applied here, it is clear that all the prerequisites have been satisfied and there is ample cause to grant the plaintiff’s motion. The plaintiff will address each factor in turn.

## **II. THE PLAINTIFF CAN DEMONSTRATE A LIKELIHOOD OF SUCCESS ON THE MERITS**

### **A. The Prayer for Equitable Relief**

When the defendants permanently expelled the plaintiff from CCSU, they violated his due process rights by (1) failing to give the plaintiff any factual basis in advance to justify disciplinary action under the Student Code of Conduct; (2) failing to present any evidence at the hearing to support the allegations; and (3) expelling him purely for constitutionally protected speech and expression. He is seeking reinstatement and expungement of the disciplinary expulsion.

#### ***I. The Plaintiff Was Denied Certain Basic Procedures Before His Expulsion***

Under Article I, § 10 of the Connecticut Constitution, due process is required before any person is deprived of a protected interest. *See Barnett v. Board of Education*, 232 Conn. 198,

214 n. 12 (1995); *see also Tuchman v. State*, 89 Conn. App. 745, 755 (2005).

It is 'axiomatic' that article first, § 10, of the Connecticut constitution 'not only guarantees fair procedures in any governmental deprivation of life, liberty, or property, but also encompasses a substantive sphere . . . barring certain government actions regardless of the fairness of the procedures used to implement them . . . . This basic protection embodies the democratic principle that the good sense of mankind has at last settled down to this: that [due process was] intended to secure the individual from the arbitrary exercise of the powers of government, unrestrained by the established principles of private right and distributive justice.

*Doe v. Hartford Roman Catholic Diocesan Corp.*, 317 Conn. 357, 406 (2015). In order to demonstrate a procedural due process violation, the plaintiff must show (1) a property right existed; (2) government deprivation of that property right; and (3) the deprivation occurred without due process. *Rosa R. v. Connelly*, 889 F.2d 435, 438 (2d Cir. 1989), *cert denied*, 496 U.S. 491 (1990).

Our Supreme Court has held that the due process provisions of the Connecticut constitution have the same effect as the fourteenth amendment to the federal constitution. *Lee v. Board of Education*, 181 Conn. 69, 71-72 (1980); *see also Bleau v. Ward*, 1990 Conn. Super. LEXIS 2088 at 16-17 (1990)(*Flynn, J.*)("[B]oth the federal and state constitutions contain clauses guaranteeing the citizens of the state due process of law: United States Constitution Fourteenth Amendment, Section 1; Connecticut Constitution, Article 1<sup>st</sup>, Section 10. Our Supreme Court has found that these clauses have the same meaning and impose the same limitations. The essence of that meaning is that fundamental fairness must be assured to any and all parties in trial of a case"). It necessarily follows that federal jurisprudence applies to state constitutional due process claims.

In *Goss v. Lopez*, 419 U.S. 565 (1975), the U.S. Supreme Court held that students are entitled to "a public education as a property interest which is protected by the Due Process

Clause and which may not be taken away for misconduct without adherence to the minimum procedures required by that Clause.” *Id.* at 735. Due process rights apply to deprivations of a public higher education. *See Hoffman v. McNamara*, 630 F. Supp. 1257, 1264 (D. Conn. 1986)(police academy required to apply due process when dismissing students, as the property interest lies in “what the state made available to them: an educational process”); *see also*, *Winnick v. Manning*, 460 F.2d 545 (2nd Cir. 1972)(although it is unclear how much due process is required for student disciplinary actions, there is a minimum requirement of due process); *Farrell v. Joel*, 437 F.2d 160, 162 ( 2nd Cir. 1971)(“[W]e will assume *arguendo* that due process applies when a publicly financed educational institution – whether college or high school – imposes a mild, as well as a severe, penalty upon a student.”). “It is well settled that an expulsion from college is a stigmatizing event which implicates a student’s protected liberty interest. Once it is established that a constitutionally protected interest exists, the issue remains what process is due.” *Rubino v. Saddlemire*, 2007 U.S. Dist. LEXIS 14893 at 13 (D.Conn. 2007).

“Protected interests in property are normally ... created and their dimensions are defined by an independent source such as state statutes or rules entitling the citizen to certain benefits.” *Board of Regents v. Roth*, 408 U.S. 564, 577 (1972); *Cleveland Bd. of Educ. v. Loudermill*, 470 U.S. 532, 538 (1985) (quoting *Roth*, 408 U.S. at 577). Connecticut has created a protected property interest in a public higher education through Conn. Gen. Stat. § 10a-1, which states that there “shall be a state system of public higher education . . .” By statutory mandate, the State of Connecticut guarantees a public higher education, and as with any such entitlement, the state cannot deny citizens that benefit without due process. *See, First Union National Bank v. Hi Ho*

*Mall Shopping Ventures, Inc.*, 273 Conn. 287 (2005)(plaintiff could not proceed with foreclosure of its tax liens against a community college, as the result would be substantial interference with the state's statutory obligation to provide a state system of public higher education).

Connecticut also mandates that all constituent units of the state university system promulgate rules and regulations to ensure due process rights to students. *See* Conn. Gen. Stat. § 4-188a (Uniform Administrative Procedures Act does not apply to state universities, provided it creates rules and procedures for student disciplinary proceedings); and §10a-89 (“the board of trustees shall make rules for the government of the Connecticut State University System and shall determine the general policies of the university....”). This mandate creates an enforceable right. Where “there are 'rules or mutually explicit understandings that support [a] claim of entitlement to [a] benefit...”, then there is a legitimate claim of entitlement. *Perry v. Sindermann*, 408 U.S. 593, 601 (1972). Therefore, the state may not deprive an individual of such benefits without due process of law. *Goss, supra*, 419 U.S. at 574.

The rules and procedures promulgated pursuant to § 4-188a are contained in the CCSU Student Code of Conduct. The Code is intended to inform students of unacceptable conduct within the academic community, the process by which such alleged violations are addressed, and the possible sanctions for violating them. Because these rules and procedures are obligatory and mandated by statute, they created a protected property right in plaintiff's continuing education. *See Turof v. Kibbee*, 527 F. Supp. 880, 887 (E.D.N.Y 1981)(by-laws established by a college must comport with the requirements of due process, as a student has a “constitutionally protected interest in avoiding an unfair or mistaken exclusion from the educational process.”). Although CCSU must comply with its own Code of Conduct, as a constitutional mandate, it did not do so

here.

As a full-time, tuition paying student, the plaintiff possessed a property interest in his continued education at CCSU. The injury caused by the expulsion without following the requisite rules is not *de minimus*. *Goss, supra*, 419 U.S. at 575-76. Thus, the plaintiff had a right to due process of law which the defendants decidedly ignored.

1. *The Defendants Did Not Afford the Plaintiff the Minimum Due Process Required for a Student Disciplinary Proceeding.*

When a public educational institution considers disciplinary separation against a student, the school must, at the very least, provide the student with “oral or written notice of charges against him and, if he denies them, an explanation of the evidence the authorities have and an opportunity to present his side of the story.” *Goss, supra*, 419 U.S. at 581. The amount of due process required under the Fourteenth Amendment varies according to the circumstances.

*Mathews v. Eldridge*, 424 U.S. 319 (1976). In student discipline cases, where a suspension is contemplated for a violation of a student code of conduct, as opposed to academic failings, the procedural requirements are far more stringent. *Board of Curators of University of Missouri v. Horowitz*, 435 U.S. 78, 86 (1978). The fundamental requirement of due process is:

[T]he opportunity to be heard at a meaningful time and in a meaningful manner and the Supreme Court consistently has held that some form of hearing is required before an individual is finally deprived of a property interest. It has also been recognized, however, that due process is not a technical conception with a fixed content unrelated to time, place and circumstances, but rather is flexible and calls for such procedural protections as the particular situation demands.

*Rubino, supra*, 2007 U.S. Dist. LEXIS 14893 at 13 (citing *Mathews v. Eldridge*, 424 U.S. 319, 333 (1976); *Winnick v. Manning*, 460 F.2d 545, 549 (2d Cir. 1972). “[F]air process requires notice and an opportunity to be heard before the expulsion or significant suspension of a student

from a public school.” *Gorman v. University of Rhode Island*, 837 F.2d 7, 13 (1st Cir. 1988).

The defendants permanently expelled the plaintiff for alleged violations of the student code of discipline, depriving him of a higher education, perhaps forever. Because expulsion is noted on plaintiff’s school records, it creates an insurmountable barrier to gain admission to another school, making opportunities to transfer credit limited, if not non-existent. Almost any transferring university will require the plaintiff to disclose in an application that he was expelled on the false premise that he threatened other students. Clearly, this creates a situation where plaintiff’s property interests and future are severely impacted.

2. *The Defendants Did Not Provide the Plaintiff With Sufficient Notice of the Charges of Misconduct*

As stated above, the very minimum due process rights required for any student disciplinary action implicating a student’s property or liberty interests in his education includes notice of the charges or alleged violations. *Goss, supra*, 419 U.S. at 581. *See also Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306, 313 (1950); *Rosa R. v. Connelly, supra*, 889 F.2d at 438. A student must have “sufficient notice of the charges against him and a meaningful opportunity to prepare for the hearing.” *Flaim v. Med. College of Ohio*, 418 F.3d 629, 638 (6th Cir. 2005). Notice must be “reasonably calculated, under all the circumstances, to apprise interested parties of the pendency of the action and afford them an opportunity to present their objections.” *Mullane, supra*, 339 U.S. at 314; *Rosa R. v. Connelly, supra*, 889 F.2d at 439.

The notice provided to plaintiff here was clearly insufficient and did not comply with the defendants’ own Student Code of Conduct. That Code mandates that the notice “advise the Accused [*sic*] student of each section of the Student Code alleged to have been violated and, with

respect to each such section, *a statement of the acts or omissions which are alleged to constitute a violation of the Code, including the approximate time when and the place where such acts or omissions allegedly occurred.*” (Emphasis supplied). CCSU Student Code of Conduct; VC ¶14. The notice did nothing of the kind. It broadly alleged that plaintiff violated four sections of the Code by engaging unidentified students in vague “conversations about weapons, discuss attacks on the University, and/or make reference to others as targets” and that plaintiff “would make gestures with his hands indicating that he is aiming and shooting at individuals.” VC ¶17. The notice failed to identify to whom statements or conduct were directed and did not even remotely specify any dates or times, in blatant disregard of CCSU’s own Code. VC ¶14, 18. Even though that Code states that the plaintiff would have at least three days to prepare for the hearing and have the full opportunity to present a defense, the defendants refused to provide any information whatsoever concerning the allegations despite requests, providing a cynical and defiant proof of the utter baselessness of the charges. VC ¶¶14-18. Any “notice” provided to the plaintiff at the hearing was too little, too late. Since the defendants refused to provide the plaintiff with a modicum of useful information in order to prepare for and meet the false accusations, they violated his due process rights.

3. *The Defendants Did Not Present Evidence At The Hearing To Support Expulsion*

Procedural due process also requires, at the very least, *some* evidence to support the government’s interference with a constitutional right. This is true of employment termination, *Loudermill, supra*; welfare benefits termination, *Goldberg v. Kelly*, 397 U.S. 254, 271 (1970); prisoner disciplinary actions, *Superintendent, Massachusetts Correctional Institution v. Hill*, 472

U.S. 445 (1985); and student disciplinary proceedings, *Nash v. Auburn University*, 812 F.2d 655, 667 (11th Cir. 1987); *Jackson v. Hayakawa*, 761 F.2d 525 (9th Cir. 1985). Due process requires a “meaningful hearing,” prior to the deprivation of a property interest. *Parratt v. Taylor*, 451 U.S. 527, 540 (1981). A meaningful hearing includes, at a minimum, an opportunity to hear, and be heard on, the evidence. *Fuentes v. Shevin*, 407 U.S. 67, 80 (1972). Where there is no inculpatory evidence presented, there is no “meaningful hearing.” *See Lee v. Board of Education*, 181 Conn. 69, 81 (1980)(“[A]dministrative decisions require[] that such decisions be based upon *substantial evidence* and *proper reasons*.”)(Emphasis supplied). As District Court Judge Dorsey stated, a university’s power to suspend or to expel:

is not unlimited and cannot be arbitrarily exercised. Without a reasonable and constitutional ground for suspending Plaintiff, this Court would have a duty to require reinstatement. Moreover, the possibility of arbitrary action is not excluded by the existence of reasonable regulations, as there may be arbitrary application of the rule to the facts of a particular case...[thus] the University’s disciplinary action must be supported by substantial evidence in order to comport with due process.

*Rubino, supra*, 2007 U.S. Dist. LEXIS 14893 at 24-26.

Defendants expelled the plaintiff based upon the submission of Defendant Samuda’s incident report, in which witness’s names, dates and statements were redacted. VC ¶¶19-26. This apparently is the “evidence” that was determined to lack even the minimum level of probable cause. It is axiomatic that probable cause is a low standard, even below “preponderance of the evidence”. *See Kosiorek v. Smigelski*, 112 Conn. App. 315, 319 (2009); *see also 36 DeForest Avenue, LLC v. Creadore*, 99 Conn. App. 690, 698 (2007). Therefore, if the report could not meet that standard, it cannot be considered “substantial evidence”. *Rubino, supra*. Indeed, defendants did not present any witnesses at all. Defendant Dukes falsely implied that

students were somehow afraid to appear without any justification. VC ¶22. Defendant Dukes further referenced irrelevant information about the plaintiff's opinions about Dukes himself, and other constitutionally protected statements made at other time by plaintiff what were not part of the accusations, in order to disparage the plaintiff. VC ¶26. So, for example, defendant Dukes reported that the plaintiff, the previous year, called him an "asshole" even though that did not constitute a claimed violation of the Student Code and there is ample justification of that characterization. Whether it was impolite, it clearly did not constitute "substantial evidence" for expulsion.

While plaintiff wrote to defendant Tordenti, explaining that any statements attributed to him were constitutionally protected speech and that he had new evidence and information about his conversations to place his remarks in the appropriate context, defendants Tordenti and Hernandez rubber-stamped the expulsion without providing a new hearing or opportunity to present a defense. VC ¶¶ 28-30. Thus, the complete lack of evidence presented against the plaintiff during the hearing and the refusal to permit plaintiff to supplement the record once he learned of the nature of the allegations demonstrates an utter lack of fundamental fairness or good faith, and constitutes a gross violation of his constitutional rights.

***ii. Plaintiff's Constitutional Right To Freedom of Speech Has Been Violated And He Will Continue To Suffer Irreparable Harm As A Result of Defendants' Actions***

The reasons provided to the plaintiff for expulsion all constituted fully protected speech and expression on matters of public concern. While not all speech is protected, the speech and acts alleged against the plaintiff here, were protected by the Connecticut Constitution, because they did not constitute "fighting words", "true threats", nor fit some other exception to

constitutional expression. There are two provisions of the Connecticut Constitution that broaden the scope of individual rights to speech and both encompass and go beyond any limitations of the first amendment to the United States Constitution. The text of Conn. Const. Art. I, § 4, for example, differs markedly from the first amendment, in its clear pronouncement that "[e]very citizen may freely speak, write and publish his sentiments *on all subjects . . .*" Article I, § 5 goes further stating, "*No law shall ever be passed to curtail or restrain the liberty of speech . . .*" The Connecticut Supreme Court has expressly acknowledged that the Connecticut Constitution protects more robust language than what may be acceptable under the first amendment. *State v. Linares*, 232 Conn. 345, 381(1995).

Since "[e]ffect must be given to every part and each word in our constitution, unless there is some clear reason . . . for not doing so," *Cahill v. Leopold*, 141 Conn. 1, 21(1954), it is clear that the state constitutional right is broader than that set forth in the first amendment. Identical provisions were contained in the original Connecticut Constitution of 1818, adopted less than 30 years after this state's ratification of the federal Bill of Rights. The framers of the state constitution were, consequently, well aware of the language of the federal provision contained in the first amendment, when it chose to use more expansive language. Thus, when a state constitutional right provides more protection for its citizens than its federal counterpart, Connecticut courts are not bound by any limitations of the federal provision and may offer broader rights to its citizens. *Fasulo v. Arafteh*, 173 Conn. 473, 475 (1977). While "decisions of the United States Supreme Court defining fundamental rights are persuasive authority to be afforded respectful consideration . . . they are to be followed by Connecticut courts only when they provide no less individual protection than is guaranteed by Connecticut law." *Horton v.*

*Meskill*, 172 Conn. 615, 641-42 (1977).

In *State v. Linares, supra*, the Court applied various “tools of analysis” to conclude that the state constitutional provisions dealing with free speech bestow “greater expressive rights on the public than that afforded by the federal constitution.” *Id.* at 379. The analysis principally applied the textual distinctions between the first amendment and the Connecticut provisions, and particularly the right to free speech “on all subjects.” *Id.* at 381. The Supreme Court, in adopting Judge Schaller’s concurring opinion in the Appellate Court, concluded from the historical events surrounding the adoption of the Connecticut Constitution, “that the framers of our constitution contemplated vibrant public speech, and a minimum of governmental interference . . .” *Id.* at 386. *Accord, Leydon v. Town of Greenwich*, 257 Conn. 318 (2001). Further, it “is evident that the concern which led to the adoption of our Connecticut Declaration of Rights, as well as the bill of rights in our federal constitution, was the protection of individual liberties against infringement by government.” *Cologne v. Westfarms Associates*, 192 Conn. 48, 61 (1984).

In *Chaplinsky v. New Hampshire*, 315, U.S. 568, 572 (1942), the United States Supreme Court held that when words are claimed to offend a rule or regulation, only those words having a “direct tendency to cause acts of violence by the persons to whom they are addressed may be proscribed.” *See also State v. LoSacco*, 12 Conn. App. 481 (1987). The Connecticut Appellate Court has stated that the *Chaplinsky* doctrine only permits public officials to “prohibit speech that has the direct tendency to inflict injury or to cause acts of violence or a breach of peace *by the persons to whom it is directed.*” *State v. Torwich* 38 Conn. App. 306, 313 (1995) (emphasis supplied); *See also State v. Indrisano*, 228 Conn. 795, 812 (1994). Nothing of the sort was demonstrated here.

Exceptions to the constitutionally protected speech include “fighting words” and “true threats”. “To be considered ‘fighting words’, the defendant’s statement must have had the tendency to provoke *imminent*, retaliatory acts of violence from the average person hearing the statement.” *State v. Parnoff*, 160 Conn. App. 270 (2015)(emphasis in original), *cert granted* 320 Conn. 901 (2015). ‘True threats’, a separate exception, are those “that would be viewed by a reasonable person as...understood by the person against whom it was directed as a serious expression of an intent to harm or assault, and not as mere puffery, bluster, jest or hyperbole”, are considered unprotected under the Constitution. *State v. Cook*, 287 Conn. 237, 250 (2008). *See also State v. Moulton*, 310 Conn. 337, 358-59 (2013); *State v. Nowacki*, 155 Conn. App. 758 (2015).

Here, the allegations made by the defendants as the basis to discipline the plaintiff were plaintiff’s statements and acts which, even if made, would be constitutionally protected. The defendants alleged in vague terms that the plaintiff violated the student code by: (1) engaging unidentified students in “conversations about weapons, discuss attacks on the University, and/or make reference to others as target.”; and (2) making gestures with his hand indicating that he is aiming and shooting at individuals. Under *Chaplinsky*, speech is considered “fighting words” and therefore prohibited, only if it could be construed to inflict injury and only the persons to whom the statements were directed can be the complainant. However, at the hearing, the defendants withheld the fact that the persons with whom the plaintiff conversed, in fact, stated that he was joking around with them. VC ¶24. Certainly if the other students with whom the plaintiff engaged conversations, believed he was joking, the words cannot be considered “true threats” or “fighting words” under any theory, and therefore are pure protected speech.

Moreover, it is unknown what statements were actually said, if any at all, because the students to whom the statements were made did not even attend the hearing. Only defendant Dukes' self-serving version of alleged verbal statements by others were mentioned at the hearing. Therefore, expelling the plaintiff for constitutionally protected speech and expression is particularly offensive.

Additionally, the mere fact that the plaintiff spoke about firearms is not proscribed under the Connecticut Constitution. In fact, the subject itself is separately protected. "The Connecticut Constitution establishes a clear liberty interest in possession of a firearm -- an interest that is highly valued. *See* Conn. Const. art. I, § 15 ("Every citizen has a right to bear arms in defense of himself and the state.")". *Kuck v. Danaher*, 600 F.3d 159, 165 (2d Cir. 2010). *See also* *District of Columbia v. Heller*, 554 U.S. 570, 635 (2008).

The U.S. Supreme Court has held that where constitutionally protected free speech interests are threatened, preliminary injunctions are particularly necessary. *See Elrod v. Burns*, 427 U.S. 347, 373-74 (1976). This is the situation here, where the plaintiff's constitutional rights formed the basis for expulsion, and therefore a preliminary injunction to prevent his expulsion must be granted. Further, public interests are implicated by a public university's attempt to punish a student for constitutionally protected speech, particularly when it received national attention. The defendants' motivation to expel the plaintiff had nothing to do with alleged on-campus interactions with other students; rather, the defendants' motivation stemmed from the plaintiff's invention of the UAS, which received national publicity. This is constitutionally protected and therefore cannot constitute the basis for expulsion. This punishment is especially egregious in light of the fact that "Offensive or disorderly conduct", under the Code, explicitly

states that "This offense does not apply to speech or other forms of constitutionally protected expression." CCSU Student Code Section 2015.13. All of the actions alleged by the defendants are constitutionally protected.

### **B. Writ of Mandamus**

The plaintiff also seeks, in the alternative, a writ of mandamus to order his reinstatement as a student in good standing at CCSU.

Mandamus is an extraordinary remedy, available...for limited purposes. . . . The writ is proper only when (1) the law imposes on the party against whom the writ would run a duty the performance of which is mandatory and not discretionary; (2) the party applying for the writ has a clear legal right to have the duty performed; and (3) there is no other specific adequate remedy.

*Miles v. Foley*, 253 Conn. 381, 391 (2000). "Even satisfaction of this demanding test does not, however, automatically compel issuance of the requested writ of mandamus. . . . In deciding the propriety of a writ of mandamus, the trial court exercises discretion rooted in the principles of equity." (Citation omitted.) *Hennessey v. Bridgeport*, 213 Conn. 656, 659 (1990). "In an equitable proceeding, the trial court may examine all relevant factors to ensure that complete justice is done. . . . The determination of what equity requires in a particular case, the balancing of the equities, is a matter for the discretion of the trial court." (Internal quotation marks omitted.) *Northeast Savings, F.A. v. Hintlian*, 241 Conn. 269, 275 (1997).

The balance of equities squarely falls in the plaintiff's favor. His expulsion was without cause, without sufficient notice, and based upon his constitutionally protected speech. Therefore, plaintiff can demonstrate success on the merits and the balance of equities support the issuance of a mandamus to reinstate him.

### C. Breach of Contract

The plaintiff seeks specific performance of the contract between himself and CCSU. “The granting of specific performance of a contract rests in the broad discretion of the trial court depending on all of the facts and circumstances when viewed in light of the settled principles of equity.” *Fruemento v. Mezzanotte*, 192 Conn. 606 (1984). The plaintiff and defendants clearly entered into a contract when the plaintiff enrolled and paid for educational services offered by the University. *See Gupta v. New Britain General Hosp.*, 239 Conn. 574 (1996)(“courts will entertain a cause of action for institutional breach of contract for educational services...if the educational institution failed to fulfill a specific contractual promise....”). “By the act of matriculation, together with the payment of the required tuition fees, a contract between the student and the university is created containing two implied conditions: (1) that no student shall be arbitrarily expelled therefrom; and (2) that the student will submit himself to reasonable rules and regulations for the breach of which, in a proper case, he (she) may be expelled, and that he (she) will not be guilty of such misconduct as will be subversive of the discipline of the university.” *Okafor v. Yale Univ.*, 2004 Conn. Super. LEXIS 1657 at 15 (2004)(*Corradino, J.*) (citing 15 Am.Jur.2d “Colleges and Universities” § 30 at 294); *See also Regents of Univ. of California*, 22 Cal. App. 3d 763 (1972). “If contract principles are to apply, it would seem rights, given to students in university regulations, when complaints are filed against them before university bodies authorized to discipline them, are in turn binding on the university. The university in other word must comply with its own regulations, that’s part of the contract; if it did not, any dismissal of a student could be classified as arbitrary.” *Okafor*, at 16.

Here, the plaintiff entered into a contract with CCSU when he matriculated at the

university as a full-time student and paid tuition. VC ¶1. Thus, the university, by way of its representatives, promised to provide fundamental fairness to the plaintiff and to abide by its Student Code of Conduct. The defendants breached these contractual promises by (1) failing to provide him due process when they expelled him from CCSU without a meaningful hearing and without substantial evidence; and (2) by basing his expulsion upon constitutionally protected speech and expression. Thus, plaintiff has established the likelihood of success on the merits of his breach of contract claims and requests specific performance for reinstatement.

#### **D. Breach of Implied Covenant of Good Faith and Fair Dealing**

"[T]he implied duty of good faith and fair dealing is a covenant implied into a contract or contractual relationship." *Hoskins v. Titan Value Equities Group, Inc.*, 252 Conn. 789, 793 (2000). "Every contract carries an implied covenant of good faith and fair dealing requiring that neither party do anything that will injure the right of the other to receive the benefits of the agreement." *Gaudio v. Griffin Health Services Corporation*, 249 Conn. 523, 564 (1999). Good faith is a subjective standard and, therefore, a question of fact. *See, Phillips v. Thomas*, 3 Conn. App. 471, 474-75 (1985). "Bad faith is an indefinite term that contemplates a state of mind affirmatively operating with some design or motive of interest or ill will." *Chapman v. Norfolk & Dedham Mutual Fire Ins. Co.*, 39 Conn. App. 306, 320, *cert. denied*, 235 Conn. 925 (1995). "Bad faith means more than mere negligence; it involves a dishonest purpose." *Gupta, supra*, at 598.

Here, the facts asserted establish plaintiff's likelihood of success on the merits of this claim, as well. A contract was created, carrying with it the implied covenant of good faith and fair dealing, when plaintiff enrolled as a tuition-paying student at defendant University. VC ¶1.

This agreement included the promise that the University and its representatives would abide by the provisions of Student Code of Conduct. VC ¶44. Defendants' refusal to follow the Code's provisions include failing to give sufficient notice of the allegation, failing to present sufficient evidence at a disciplinary hearing, and by basing the allegations on protected speech, despite the preclusion in the Code itself. The defendants' arbitrary conduct supports plaintiff's claim that defendants acted in bad faith, entitling him to specific performance.

### **III. THE EXPULSION OF THE PLAINTIFF FROM THE UNIVERSITY CAUSED IRREPARABLE HARM FOR WHICH THE PLAINTIFF HAS NO ADEQUATE REMEDY AT LAW.**

"Perhaps the single most important prerequisite for the issuance of a preliminary injunction is a demonstration that if it is not granted the applicant is likely to suffer irreparable harm before a decision on the merits can be rendered." *Jayaraj v. Scappini*, 66 F3d 36, 39 (2nd Cir. 1995); *Jackson Dairy, Inc. v. Hood & Sons, Inc.*, 596 F.2d 70, 72 (2nd Cir. 1979). For injunctions, it is essential to establish not only a violation of the rights of the moving party but also that "such a violation... is, or will be, attended with actual or serious damage." *Simmons v. Budds*, 165 Conn. 507, 515, 338 A.2d 479 (1973). An injunction requires the exercise of discretion by the trial court in light of the totality of the relevant circumstances. *England v. Coventry*, 183 Conn. 362, 365 (1981) (declaratory judgment); *Berin v. Olson*, 183 Conn. 337, 340, 343 (1981); *Waterbury Teachers Assn. v. Civil Service Commission*, 178 Conn. 573, 578 (1979); *Dupuis v. Submarine Base Credit Union, Inc.*, 170 Conn. 344, 356 (1976).

Expelling the plaintiff from the university without a modicum of due process is causing the plaintiff serious, irreparable injury. Because the plaintiff was expelled in October, 2015, he has already forfeited two semesters and academic work and will be at least one full academic

year behind his peers in school. Moreover, the defendants' actions not only place the plaintiff a full year behind, but will also delay by a full year the plaintiff's entry into the workforce or graduate school. This will permanently and irrevocably effect the plaintiff's future earning capacities, unless the expulsion is reversed.

The plaintiff is further irreparably harmed by the defendants' actions as the stigma of a disciplinary dismissal interferes with the plaintiff's ability to continue his academic career elsewhere. The process of applying to other academic institutions generally requires the disclosure of such dismissals - and indeed, the plaintiff's transcripts from CCSU will reflect the dismissal. The stigma of a disciplinary dismissal - which calls into question the plaintiff's "good name, reputation, honor, or integrity," see *Quinn v. Syracuse Model Neighborhood Corp.*, 613 F.2d 438, 446 (2nd Cir. 1980); will certainly hinder the plaintiff's ability to move forward with his academic career.

Thus, so far, the defendants' actions have caused irreparable harm to the plaintiff which cannot be compensated down the road with a monetary award.

#### **IV. THE BALANCE OF HARDSHIPS FALLS ON PLAINTIFF'S SIDE, JUSTIFYING THE NEED FOR INJUNCTIVE RELIEF**

The final factor which the plaintiff will satisfy to show he is entitled to injunctive relief is that serious questions exist which go to the merits and that the balance of hardships, if the relief is not granted, tips in his favor. *Griffin Hospital, supra*, 196 Conn. at 458-59. As shown throughout this memorandum, the plaintiff has clearly met this burden. The discussions herein illustrate that an analysis of the relative hardships to each party weighs in the plaintiff's favor. An injunction, allowing the plaintiff to return to classes and preventing the defendants from

publishing the dismissal on the plaintiff's academic records or elsewhere, poses little burden to the defendants.

Without a preliminary injunction, the plaintiff continues to lose time, further delaying his entry into the workforce; yet has little recourse but to endure the loss, as the stigma of a disciplinary dismissal is currently a part of his academic records, and he cannot transfer credits. Monetary damages cannot adequately compensate the plaintiff for the defendants' interference - without due process - of his academic progress, regardless of whether he ultimately is awarded monetary damages for lost tuition and other expenses.

In contrast, there is no hardship to the defendants if a preliminary injunction is granted. The plaintiff is simply asking to be allowed to continue his course work as originally contracted when he was accepted as a student at CCSU. His presence would cause no disruption within the CCSU community. He does not even reside on campus. It is a minor burden on the defendants, if any at all, to adjust their records, which this Court would likely order as equitable relief following a full trial (or summary judgment) on the merits.

### CONCLUSION

In light of the equities tipping sharply in favor of granting the plaintiff a preliminary injunction, and because there are sufficiently serious questions going to the merits, the plaintiff has clearly established the necessity of a preliminary injunction to prevent future irreparable harm. For the foregoing reasons, the plaintiff's motion for preliminary injunction must be granted.

AUSTIN HAUGHWOUT,  
THE PLAINTIFF

By: /s/ Jon L. Schoenhorn  
Jon L. Schoenhorn, His Attorney  
Commissioner of the Superior Court  
Juris No. 101793  
Jon L. Schoenhorn & Associates, LLC  
108 Oak Street  
Hartford, CT 06106  
Tel. 860-278-3500

**CERTIFICATION**

This is to certify that a copy of the foregoing was mailed, postage prepaid, or delivered via fax or electronic mail to the following counsel of record on the date of this pleading:

Ralph E. Urban II  
Assistant Attorney General  
Office of the Attorney General  
55 Elm Street  
PO Box 120  
Hartford, CT 06141  
ralph.urban@ct.gov

/s/ Jon L. Schoenhorn  
Jon L. Schoenhorn

NO. HHB-CV16-6032526-S

AUSTIN HAUGHWOUT : SUPERIOR COURT  
: :  
v. : JUDICIAL DISTRICT OF NEW BRITAIN  
: :  
LAURA TORDENTI, et al. : MARCH 30, 2016

**MEMORANDUM IN OPPOSITION TO MOTION FOR TEMPORARY INJUNCTION  
OR WRIT OF MANDAMUS**

The defendants, Laura Tordenti, Densil Samuda, Christopher Dukes and Ramon Hernandez respectfully submit this memorandum in opposition to plaintiff's motion for temporary injunction or writ of mandamus.

**I. Introduction**

This action is brought against Laura Tordenti, Densil Samuda, Christopher Dukes and Ramon Hernandez, all state employees purportedly sued in both their individual and official capacities ("state defendants"). Ms. Tordenti is the Vice President for Student Affairs at Central Connecticut State University ("CCSU" or "University"), Mr. Samuda is a CCSU Police Department Detective, Mr. Dukes is the CCSU Director for the Office of Student Conduct, and Mr. Hernandez is CCSU's Associate Dean for Student Affairs. Plaintiff Austin Haughwout is a former student at CCSU who was expelled for violations of the Student Code of Conduct, and the lawsuit arises out of events up to and including the expulsion.

The complaint is in five counts. The first count, entitled a "prayer for equitable relief," alleges that the investigation of Mr. Haughwout's behavior and the subsequent disciplinary proceeding and appeal that resulted in his expulsion from CCSU violated "fundamental fairness" and abridged Mr. Haughwout's rights under various provisions of the constitution of Connecticut, namely, Conn. Const., art. I, §§ 4 and 5 (speech), art. I, § 10 (right to court redress) and art. I, § 15 (right to bear arms in defense). The second count, relying on the same state

constitutional provisions, seeks a writ of mandamus to "expunge" the record of the expulsion. The third count alleges the defendants' actions violated the Student Code of Conduct and principles of due process, that the Student Code is unconstitutionally broad and vague, and pursuant to Conn. Gen. Stat. § 17-54, seeks a declaratory ruling in that there is a "bona fide and substantial legal question" presented warranting such a declaratory ruling.<sup>1</sup> The fourth count claims the defendants breached an implied and express contract plaintiff had with them. The fifth and final count alleges the defendants' actions breached the implied covenant of good faith and fair dealing. It appears the first three counts seek equitable relief only, although the "prayer for relief" seeks compensatory and punitive damages.<sup>2</sup>

Plaintiff now seeks "preliminary and permanent injunctions enjoining the defendants from enforcing the expulsion," or in the alternative, "a writ of mandamus .... to force his reinstatement as a student in good standing ...." (Plaintiff's motion at p. 3)

As set forth more fully below, this Court should deny all such claims for such equitable relief because plaintiff cannot establish likelihood of success on the merits, or that the balancing of the results or harm to the respective parties tips in his favor, or that there exists a clear, legal and nondiscretionary duty that mandates issuance of a writ of mandamus, because : i) to the

---

<sup>1</sup> Notably, the allegations of the second and third counts are directly contradictory, since a writ of mandamus (second count) may not issue absent a clear legal right to performance of a nondiscretionary duty by the public official, and the plaintiff has no adequate remedy at law (*Town of Stratford v. State Bd. of Mediation and Arbitration*, 239 Conn. 32, 44 (1996)), while, as alleged here, for a declaratory judgment to issue (third count), there must be a bona fide and substantial legal question presented that warrants such a declaratory ruling. *Travelers Cas. and Sur. Co. of America v. Netherlands Ins. Co.*, 312 Conn. 714 (2014).

<sup>2</sup> Based on the allegation of the first three counts, wherein no reference is made to plaintiff allegedly suffering damages, the defendants have not directed their accompanying motion to dismiss to those counts. If however plaintiff is asserting any claim for damages under those counts, such claims should similarly be dismissed based on sovereign immunity. See, *Doe v. Heintz*, 204 Conn. 17, 32-37 (1987) (Even constitutional claims for damages are barred by sovereign immunity).

extent plaintiff claims are predicated on alleged breach of contract or an implied covenant of good faith and fair dealing, such claims are barred by sovereign immunity (see state defendants' accompanying motion to dismiss and memorandum in support of motion to dismiss); ii) the University disciplinary process pursuant to which plaintiff was found responsible for violations of the Student Code and expelled met the requirements of due process; iii) the sanctions imposed by the disciplinary process did not constitute punishment for or infringement of constitutionally protected speech; and iv) the state defendants' actions in no way implicated the right to bear arms.

## II. Discussion

### A. Plaintiff's Claims, Being Wholly Predicated on a Contract Theory of Liability, Are Barred by Sovereign Immunity

Plaintiff predicates the entirety of his motion for temporary injunction or writ of mandamus on his contract theory of liability. He asserts, as justifying his prayer for relief, that "[p]laintiff was a student at CCSU and therefore entered into a contract with the university and its agents in consideration of their promise to follow its own procedural rules and student code and to provide due process, which they breached ...." (Plaintiff's motion at p. 3) As set forth in state defendants' accompanying motion to dismiss and supporting memorandum, such a claim for breach of contract does not fall within the exceptions to sovereign immunity sanctioned under Connecticut law: statutory waiver, constitutional claims to equitable relief only, and equitable claims for substantial misconduct promoting an illegal purpose in excess of a state officer's statutory authority. *Columbia Air Services, Inc. v. Dept. of Transp.*, 293 Conn. 342, 349-50 (2009). As such, this Court lacks subject matter jurisdiction over such contract claims, and any equitable relief predicated on such claims must be denied.



(E.D.Okla. Apr. 28, 2014) (The process that is due in a student discipline case is not a judicial model of a civil or criminal trial; only notice, an opportunity to be heard and an impartial decision maker is required) (citing *Mathews v. Eldridge*, 424 U.S. 319, 348 (1976); *Goss v. Lopez*, 419 U.S. 565, 579 (1975) and *Gorman v. University of Rhode Island*, 837 F.2d 7, 12 (1<sup>st</sup> Cir.1988), among others); *Reilly v. Daly*, 666 N.E.2d 439, 444 (Indiana Court of Appeals 1996), *Ind. App. transfer denied*, Nov. 13, 1996. ("Courts have refused to require traditional formalities of legal proceedings in school suspension and dismissal cases; informal give-and-take between student and disciplinarian is all that is required) (citing, *Gorman*, 837 F.2d at 16 and *Nash v. Auburn University*, 812 F.2d 655, 664 (11<sup>th</sup> Cir.1987) among others).

In his memorandum in support of the present motion, plaintiff argues that Conn. Gen. Stat. § 4-188a, and the CCSU student code presumably promulgated thereunder, themselves create enforceable due process rights such that any failure of the University to strictly adhere to the student code itself implicated the constitutional right to due process. (Plaintiff's memorandum at pp. 11-12) First, leaving aside that the state defendants followed University procedures, the statute simply reiterates the minimal due process required: notice and an opportunity to be heard. More significantly, the judicial decisions in student discipline cases have resoundingly rejected such a theory of constitutional liability. As described by the Court in *Rockwell v. William Patterson Univ*, Nos. A-1679-13T4, A-1680-13T4, 2015 WL 9902440 at \*8 (N.J. Super.Ct. Jan. 25, 2016)

Appellants argue that WPU failed to provide all the protections listed in the WPU Student Handbook. However, it is the federal and state constitutions which define what is required for due process, not the WPU Student Handbook. If appellants were provided with the due process required by the constitution, a violation of "the Student Handbook cannot form the basis for a procedural due process claim." *Martin v. Shawano-Gresham Sch. Dist.*, 295 F.3d 701, 707 (7th Cir.), *cert. denied*, 537 U.S. 1047, 123 S.Ct. 601, 154 L. Ed.2d 520 (2002); *see Webb v. McCullough*, 828 F.2d 1151, 1159 (6th Cir.1987). "It may have been unfair for

the university not to follow its own procedures in [a student's] case, but it was not unconstitutional." *Charleston v. Bd. of Trs. of the Univ. of Ill. at Chi.*, 741 F.3d 769, 774 (7th Cir.2013), *cert. denied*, — U.S. —, 134 S.Ct. 2719, 189 L. Ed.2d 740 (2014).

*Id.*; *Le*, 2009 WL 1209233 at \*12 (University's alleged failure to follow its own procedures has no bearing on merits of due process claim) (citing *Jaksa v. Regents of University of Michigan*, 597 F.Supp. 1245, 1251 (E.D.Mich.1984) *affirmed* 787 F.2d 590 (6<sup>th</sup> Cir. 1986)); *Charleston v. Board of Trustees of University of Illinois at Chicago*, 741 F.3d 769, 773-74 (7<sup>th</sup> Cir. 2013) ("We have rejected similar claims of an interest in contractually-guaranteed university process many times.... But we will be clear once more: a plaintiff does not have a federal constitutional right to a state-mandated process....the State may choose to require procedures .... but in making that choice the State does not create an independent substantive right.") (Internal quotations and citations omitted). While the state defendants complied with the relevant student code provisions, even if they had not, that would not itself establish a due process violation. See also, *Winnick v. Manning*, 460 F.2d 545, 550 (2d Cir.1972) (A school's violation of its own regulations is unconstitutional only if those regulations are necessary to afford due process); accord, *Carter v. Citadel Bd. of Visitors*, 835 F.Supp.2d 100, 104 (D.S.C.2011).

Plaintiff claims the notice of the disciplinary proceeding he received was inadequate under due process principles. However, the notice itself, entitled "Notice of Charges and Disciplinary Hearing," dated October 9, 2015 (Attachment 1 to Dukes Affidavit) belies such an assertion. The document not only listed in detail the four provisions of the student code plaintiff was alleged to have violated (physical assault, intimidation, threatening behavior; harassment; disorderly conduct; offensive or disorderly conduct), it provided the following "brief description of the facts":

It is alleged that on numerous occasions Mr. Austin Haughwout has made threatening statements and gestures towards members of the CCSU community. Specifically it is alleged that on a regular basis Mr. Haughwout would engage other students in conversations about weapons, discuss attacks on the University, and/or make reference to others as a target. It is further alleged that Mr. Haughwout would make gestures with his hands indicating that he is aiming and shooting at individuals as they walk within the Student Center.

Plaintiff's claim that he was provided no factual basis in advance (Plaintiff's memorandum at p. 6) is simply incorrect. The notice went on to specify the date, time and location of the hearing on the CCSU campus. (Attachment 1 to Dukes Affidavit) This notice more than met the requirements of due process. Plaintiff was notified precisely of the student code violations alleged, and provided more than sufficiently precise factual allegations underlying the charges. He was told the offending behaviors were aimed at other students, what they consisted of, and where they occurred. Notably, these alleged behaviors were *his* behaviors. Unless Mr. Haughwout converses about weapons and attacks on the University, and makes hand gestures imitating aiming and shooting a weapon at the Student Center almost constantly, it is difficult if not impossible to believe Mr. Haughwout did not understand which past conversations and gestures were referred to. Indeed, under *Goss*, 419 U.S. at 581, even *oral* notice of the charges would have been sufficient. This far exceeded that. In addition, on October 2, 2015 Mr. Dukes had a brief, but detailed telephone conversation with Mr. Haughwout in which he orally explained the basis for the investigation, described each of the alleged behaviors, including the approximate time, place, and manner by which he was alleged to have engaged in said behaviors and provided an opportunity for Mr. Haughwout to clarify, refute, or deny the allegations. (Dukes Affidavit ¶ 6) The notice was accompanied by the full 33 pages of the student code. In *Osteen*, 1992 WL 74995 at \*5, just a listing of the charges and a prehearing conference were deemed sufficient to meet due process notice requirements. See, *Nash*, 812 F.2d at 655 (List of

witnesses and evidence to be present not required for due process where student will be present at the hearing); *Tellefsen*, 877 F.2d at 60 (Student had adequate notice, especially where University personnel met with him before the hearing); *Le*, 2009 WL 1209233 at \*9 (Notice of charges with date of hearing was sufficient). Notably, Mr. Dukes emailed the notice to Mr. Haughwout, with a cover letter, a full six days before the hearing was scheduled. As Plaintiff himself has noted, the student code calls for only three days. (Plaintiff's memorandum at p. 12)

Plaintiff's claim that he did not receive a "factual basis in advance" of the hearing actually amounts to a claim that he did not receive what is referred to in the civil or criminal litigation parlance as discovery. (Plaintiff's memorandum at p. 12 ("defendants refused to provide *any* information whatsoever concerning the allegations ...") (Emphasis in original.)) However, as discussed above, this proceeding was not civil or criminal litigation, and it is well settled under Connecticut law that there is no right to pretrial discovery in administrative hearings, despite that fact that compliance with the Uniform Administrative Procedures Act is sufficient to comport with due process requirements. *Pet v. Department of Health Services*, 207 Conn. 346 (1988). Moreover, as set forth by Christopher Dukes in his affidavit, well before the hearing plaintiff was apprised orally of the factual allegations underlying the charges. (Dukes Affidavit ¶ 6)

Plaintiff further complains that the police reports placed in evidence at the hearing, which were redacted to protect the identity of one student who had not granted permission under controlling federal law for release of such information, did not constitute inculpatory evidence.<sup>3</sup>

---

<sup>3</sup> In his memorandum, plaintiff, through counsel, repeatedly claims that Christopher Dukes "falsely" asserted at the hearing that the students who heard and experienced Mr. Haughwout's behaviors and statements declined to appear out of some fear of the plaintiff, who had repeatedly bragged about his access to weapons. There is no basis for such an assertion. Counsel goes on to complain that Mr. Dukes informed the three person impartial hearing panel that Mr. Haughwout referred to him, Dukes, as an "asshole," and that "there is ample justification of that characterization." (Plaintiff's memorandum at p. 14) Such statements by counsel in court filings

Once again, plaintiff is wishfully projecting a litigation model – indeed, a *criminal* litigation model – on a proceeding of a wholly different character, one that only need meet the minimum requirements of due process: notice, an opportunity to be heard, and an impartial decision maker. An impartial review of the police reports as redacted reveals that the reports indeed constitute inculpatory evidence. They establish precisely what was alleged in the notice of charges. Notably, in student disciplinary proceedings, due process does not require hearsay evidence be barred.<sup>4</sup> *Rockwell*, 2015 WL at 9902440 at \*11 (To require confrontation, cross examination and application of the hearsay rules in university disciplinary hearings would improperly transform them into "full dress judicial hearing[s].") (citing *Flaim v. Medical College of Ohio*, 418 F.3d 629, 637, n. 2 (2005), quoting *Dixon v. Ala. State Bd. of Educ.*, 294 F.2d 150, 158-59 (5<sup>th</sup> Cir. 1961), *cert. denied* 368 U.S. 930 (1961)); *Murakowski v. University of Delaware*, 575 F.Supp.2d 571, 584-87 (D.Del. 2008) (Double hearsay permitted in student disciplinary proceeding). The objection to hearsay in litigation of course is the limitation on the right of cross examination, but in student disciplinary proceedings, due process does not require the right to cross examine. *Doe v. Ohio State University*, Case No. 2:15-cv-2830, 2016 WL 692547 at \*7 (S.D.Ohio Feb. 22, 2016); *Reilly*, 666 N.E. 2d at 444; *Osteen*, 1992 WL 74995 at \*6 ("[T]he clear authority holds

---

are unworthy and unbecoming of an officer of the Court, and should not be countenanced. Moreover, the fact that Mr. Haughwout chose to address the University's Judicial Director in such a fashion was relevant evidence for the impartial hearing panel to consider as to whether it was more likely than not that Mr. Haughwout also made the other statements and gestures attributed to him that gave rise to the charges in the first place.

<sup>4</sup> It is simply not germane to the inquiry as to whether the plaintiff had violated these particular provisions of the student code based on a preponderance standard that CCSU police could not obtain an arrest warrant for certain state law criminal charges against the plaintiff. "In the context of the special characteristics of the school environment, the power of the government to prohibit lawless action is not limited to acts of a criminal nature. Also prohibitable are actions which materially and substantially disrupt the work and discipline of the school." *Healy v. James*, 408 U.S. 169 (1972) (Case arising out of Central Connecticut State College, CCSU's predecessor)

( (

that a student in a disciplinary case does not have the right to cross examine.") (citing *Gorman*, 837 F.2d at 16); *Tellefsen*, 877 F.2d at 60 (Right of cross examination not required where student is present and has an opportunity to call his own witnesses); *E.K. v. Stamford Bd. of Educ.*, 557 F.Supp.2d 272 (D.Conn. 2008) (Due process does not require the right of cross examination in student discipline proceedings). Moreover, while the University lacks the power to compel the victims to attend and testify at the hearings, that fact should not and does not eviscerate the University's ability to pursue student discipline cases and enforce the student code for the protection and benefit of the entire University community. *Rockwell*, 2015 WL 9902440 at \*11-12 (University lacked subpoena power, and *Goss* does not require summoning the accuser so as to permit cross examination; *Goss* relied on *Dixon*, considering it to be the "landmark" decision in the area of student discipline).

Although not required in order to comply with due process principles (*Gorman*, 837 F.2d at 15-16; *Flaim*, 418 F.3d 636), Mr. Haughwout's disciplinary hearing was recorded, and a verbatim transcript has been prepared. Attachment 2 to Dukes Affidavit. The Court can read for itself precisely what occurred at the hearing. The transcript establishes that the requirements of due process were more than met in the disciplinary process.

Thus, as set forth above and reflected in Mr. Dukes' affidavit and its attachments, the disciplinary proceeding that resulted in finding Mr. Haughwout responsible for violating the student code more than met the requirements of due process, and plaintiff's claims to equitable relief should be denied.

### **C. The University Disciplinary Process Did Not Punish Plaintiff for Constitutionally Protected Speech**

Plaintiff further asserts that the CCSU disciplinary process resulted in his punishment for constitutionally protected speech. This argument is equally unavailing. After an extensive

( (

discussion of *Chaplinsky v. State of New Hampshire*, 315 U.S. 568 (1942), *State v. Linares*, 232 Conn. 345 (1995) and other cases, plaintiff posits that his words and expressive actions, described in the Notice of Charges and Disciplinary Hearing and the evidence adduced at the hearing, did not rise to the level of "fighting words" or "true threats," such as can be proscribed without violating free speech principles. (Plaintiff's memorandum at pp. 14-17) However, as described more recently by the U.S. Supreme Court in *Virginia v. Black*, 538 U.S. 343, 359-60 (2003),

"[t]rue threats" encompass those statements where the speaker means to communicate a serious expression of an intent to commit an act of unlawful violence to a particular individual or group of individuals. See *Watts v. United States*, [394 U.S. 705,] 708, 89 S.Ct. 1399 [(1969)] ("political hyberbole" is not a true threat); *R.A.V. v. City of St. Paul*, 505 U.S. [377], 388, 112 S.Ct. 2538 [(1992)]. *The speaker need not actually intend to carry out the threat.* Rather, a prohibition on true threats "protect[s] individuals from the fear of violence" and "from the disruption that fear engenders," in addition to protecting people "from the possibility that the threatened violence will occur." *Ibid.* Intimidation in the constitutionally proscribable sense of the word is a type of true threat, where a speaker directs a threat to a person or group of persons with the intent of placing the victim in fear of bodily harm or death.

*Id.* (Emphasis added). As such, true threats must be considered in light of their "entire factual context, including the surrounding events *and the reaction of the listeners.*" *Lovell v. Poway Unified School Dist.*, 90 F.3d 367, 371 (9<sup>th</sup> Cir.1996) (Emphasis added).

The reason true threats are not subject to the protection of the First Amendment is not the harm from the actions threatened but *the threat itself*. To reiterate, true threats are outside the protection of the First Amendment because they are words that by their very utterance inflict injury. As the Fourth Circuit has explained, the true threats exception is justified by the need to protect people from the fear of violence and the disruption that fear engenders. In other words, a true threat might strike fear in a victim or threaten a breakdown of social order.

*Doe v. Rector and Visitors of George Mason University*, Case No. 1:15-cv-209, 2015 WL 5553855 at \*13 (E.D.Va. Sep. 16, 2015) (Internal quotations and citations omitted; emphasis in original). In assessing whether speech or expressive conduct reflects a true threat, "[i]t is not

necessary that the speaker have the ability to carry out the threat. In determining whether a statement is a true threat, the totality of the circumstances must be considered," and "[c]onsideration must be given to the full context of the statement, including all relevant factors that might affect how the statement could reasonably be interpreted." *In re A.S.*, 626 N.W.2d 712, 720 (2001) Thus,

various factors should be considered, including: "how the recipient and other listeners reacted to the alleged threat, whether the threat was conditional, whether it was communicated directly to its victim, whether the maker of the threat had made similar statements to the victim on other occasions, and whether the victim had reason to believe that the maker of the threat had a propensity to engage in violence."

*Id.* In *A.S.*, even though the fourteen year old student who had threatened to kill everyone in the school did not have the wherewithal to do so, given the fear engendering context of the statement, the Court concluded the statements constituted true threats that could result in a finding of delinquency, particularly in light of the then recent events at Columbine High School. See *Acevedo v. Sklarz*, 553 F.Supp.2d 164 (D.Conn. 2008) (Student conduct that materially disrupts the educational process is not constitutionally protected speech); *U.S. v. Turner*, 720 F.3d 411, 420-21 (2d Cir.2013) (Threats to judges were intended to intimidate, impede and interfere with public processes; not protected speech)

In this case, a student, [REDACTED] came forward to the CCSU police and described seeing plaintiff make hand gestures in the shape of a gun and imitate shooting using verbal sound effects as a common gesture, including describing how many rounds would be needed in his pistol to shoot people walking by. [REDACTED] also described witnessing plaintiff tell another student, [REDACTED] that [REDACTED] would be first on plaintiff's "hit list." [REDACTED] further described plaintiff as constantly talking about his guns and ammunition, showing digital pictures of bullets on his cell phone, and remarking that he had loose bullets in his home and in his truck.

██████████ also said he asked ██████████ if it was okay for him, ██████████ to go to the police about the situation, and he was given permission to do so. ██████████ also described a third student who was concerned about a comment plaintiff made about "shooting up the place." ██████████ stated he had begun avoiding the plaintiff. (See Attachment 3 to Dukes Affidavit; Attachment 2 to Dukes Affidavit, Transcript, October 14, 2015 (hereinafter "T.") at 15-18)

The CCSU police interviewed the other two students, one of whom was ██████████ ██████████ the one on the "hit list," said that plaintiff was continually joking that someone should shoot up the school, and that he, Haughwout, should shoot up the school. ██████████ confirmed that the plaintiff consistently spoke about guns and ammunition and greeted people with his hand in the shape of a gun. He also confirmed that Haughwout had told him he, ██████████ was the number one target, and that Haughwout showed off pictures of his guns and ammunition, and boasted about wanting to bring a gun to school. ██████████ described that others in Haughwout's group had told him that what Haughwout said was a joke and he should ignore his statements. Nevertheless, as noted above, ██████████ gave ██████████ permission to go to the police about Haughwout. Attachment 3 to Dukes Affidavit. ██████████ could not say why he did not go to the police himself, but indicated people became more alarmed as the frequency of the behaviors increased; they were uncomfortable. (T. at 21-25)

The third witness, who did not permit release of his personally identifiable information under the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g *et seq.* ("FERPA") (T. at 27), described Haughwout as upset about something one day on campus and nonchalantly stating that he "might as well shoot up the place." This witness was concerned about the context of the statement, as Haughwout seemed upset. While this witness *said* he did not take the

statement seriously, he told ██████████ about the incident because he was "kind of concerned."

(Attachment 2 to Dukes Affidavit)

All three student witnesses provided CCSU police with signed written statements.

(Attachment 3 to Dukes Affidavit)

During his investigatory interview with plaintiff, Mr. Dukes had asked plaintiff why, if he denied the allegations (except for his admission that he showed others photos of bullets, and knew several of the witnesses (T. at 32, 55, 48)) people would make up such allegations.

Haughwout said he did not know, but that someone named ██████████ was trying to get him kicked out. (T. at 13) Mr. Dukes then interviewed ██████████ who knew who Haughwout was, but indicated he had no feelings about Haughwout one way or the other, but that he had been taken aback by a comment Haughwout had made after the Oregon college shooting. He reported Haughwout as saying "Oregon beat us," by which one observer thought Haughwout was referring to the total body count of the Oregon incident versus the Sandy Hook massacre, and another took to mean Oregon beat CCSU as the next school shooting site. (T. at 19-20)

To summarize, Mr. Dukes had reviewed the police reports in evidence, and had interviewed four students: ██████████ and the fourth who wished not to be identified. Three corroborated: i) the gun-style hand gestures; ii) the comment about shooting up the school; and iii) Haughwout referring to ██████████ as his number one target. Two corroborated Haughwout's comment about the Oregon school shooting. ██████████ had not seen the hand gestures. (T. at 19-21) Mr. Dukes described that if one of the behaviors or comments had been in isolation he might not have been concerned, but when put all together, it was something he was "not able to ignore." (T. at 29)

Haughwout asked no questions of Mr. Dukes (T. at 30), but admitted to showing the pictures of the bullets. (T. at 32, 55) He then repeatedly sought to introduce information relating to his prior run-ins with the police in his hometown of Clinton, Connecticut and the notoriety he claimed he received for his activities with drones. His theory in offering such materials was that there is something about him that makes people lie about him and his activities. The hearing body politely but repeatedly informed him that those incidents had no bearing on the charges the hearing was about, and that the body was not concerned with such prior incidents. (T. at 32-47) (e.g., Hearing Officer Hazan: "We didn't even know your name until we walked into this room"; we'd never know about these things unless you brought them to our attention." (T. at 37, 39))

While Haughwout denied being aggressive towards Mr. Dukes, he admitted to referring to him as a "f\*\*\*ing asshole," which Mr. Dukes indicated showed an aggressive side to the plaintiff he had not seen before. (T. at 64-67) When asked by a member of the hearing body if he was aware of other acts of aggression by Haughwout not already discussed, Mr. Dukes indicated he had nothing further to present. (T. at 72)

It is critical to remember when these events occurred – the fall of 2015. In the wake of all the mass shootings in schools, colleges and universities and elsewhere in busy public venues, the state defendants respectfully submit speech and expressive conduct of this nature, on a busy university campus, taken in its totality, even where witnesses may be internally conflicted about whether the speaker actually intended to engage in the acts of violence he has spoken about, is not protected by the First Amendment or Connecticut's equivalent constitutional provision. Again, the definitive question is not whether the speaker can or will carry out the acts he speaks of, but whether the speech reasonably engenders fear of imminent danger in those who hear it. Again, the reason true threats are not afforded constitutional protection is because of the *fear* of

violence they engender, and the disruption – here disruption of the educational environment for so many others – that such fear produces. In this instance, one witness came to the police due to his fears; the second gave permission to the first to go to the police about these matters; the third said he did not take the threats seriously, but nevertheless told the first witness he was "concerned." Of course, common sense also tells us that witnesses two and three were reluctant to go to the police themselves out of conscious or subconscious fear of the plaintiff; after all, the second witness was already on plaintiff's "hit list," and yet another witness declined to allow release of his identifying information. (Attachment 3 to Dukes Affidavit; T. at 27-28) Witnesses described themselves as feeling alarmed and made uncomfortable by Haughwout's statements and behaviors, to the point where they chose to no longer frequent the Student Center. (T. at 15, 16, 25, 52) [REDACTED] who initially expected to testify, left the building when he realized Haughwout would be present, indicating he feared for his safety. (Dukes Affidavit ¶ 7; T. at 29-30)

Under controlling legal principles and in context in which plaintiff engaged in this speech and expressive conduct, plaintiff was not subjected to University discipline for constitutionally protected speech.

Plaintiff offers one further, seemingly desperate argument – that because he was talking about his firearms, plaintiff was engaged in constitutionally protected speech. (Plaintiff's memorandum at p. 18) This case is not about the right to bear arms under the state or federal constitutions, or plaintiff's advocacy for such rights. Plaintiff well could have discussed with others his belief that such rights must be honored; he could have written to the school newspaper stating that he supports the constitutional right to bear arms; he could have debated such rights privately or as part of a public forum. It was not necessary for Haughwout to threaten or

intimidate others in order to advocate for such rights. However, he was found responsible under the student code for no such protected speech or advocacy. Rather, he was found responsible for threatening, intimidation, harassment and offensive or disorderly conduct; as discussed above he had engaged in true threats, behavior that had, given the totality of the circumstances and context, reasonably engendered fear and caused disruption to the lives and educational processes of the University community. In 2015 his behavior was legitimately sanctioned without violation of his free speech rights. Moreover, in balancing the harms or hardships, the scale tips decidedly in favor of prohibiting the plaintiff from engaging in such threatening and intimidating behavior in order to prevent the fear of violence and the disruption that such fear causes in a crowded university environment, over any wholly unfettered right plaintiff may feel he possesses to engage in such speech or expressive conduct.

**D. Plaintiff Holds No Clear Legal Right to Engage in Such Conduct, So No Writ of Mandamus Should Issue**

As noted previously in footnote 1 above, a writ of mandamus may only issue where there is a clear legal right to performance of a nondiscretionary duty by a public official and the plaintiff has no adequate remedy at law. *Town of Stratford*, 239 Conn. at 32, 44. Plaintiff apparently seeks such a writ to compel expungement of the record of the expulsion and readmission to CCSU. As discussed at length above and as reflected in the full record of the hearing before the CCSU impartial hearing board (Attachments 2 & 3 to the Dukes Affidavit), CCSU officials, given all the facts and circumstances, including assessing the credibility of the evidence presented, were required to render a discretionary determination as to whether the student code had been violated, and if so, what sanction was appropriate. It exercised that decision making responsibility. The state defendants respectfully submit this record does not

establish the existence of any duty on the part of the state defendants to carry out any ministerial acts such as plaintiff claims, and thus plaintiff's claim for a writ of mandamus must be denied.

**III. Conclusion**

The state defendants respectfully urge the Court to deny plaintiff's motion in its entirety.<sup>5</sup>

**STATE DEFENDANTS**

GEORGE JEPSEN  
ATTORNEY GENERAL

BY: 085178  
Ralph E. Urban  
Assistant Attorney General  
Juris No. 085178  
Office of the Attorney General  
55 Elm Street, P.O. Box 120  
Hartford, CT 06141-0120  
T.: (860) 808-5210 F.: (860) 808-5385  
[ralph.urban@ct.gov](mailto:ralph.urban@ct.gov)

**CERTIFICATION**

I hereby certify that a copy of the foregoing was mailed, first class postage prepaid, this 12<sup>th</sup> day of April, 2016 to:

Jon L. Schoenhorn, Esq,  
Jon L. Schoenhorn & Associates LLC  
108 Oak Street, Hartford, CT 06106  
T.: (860) 278-3500 F.: (860) 278-6393

085178  
Ralph E. Urban  
Assistant Attorney General

---

<sup>5</sup> While not entitled to *res judicata* effect, the Court should take judicial notice of the fact that Mr. Haughwout previously brought an action against the University stemming from the exact same facts that lead to his expulsion, seeking to overturn the University's decision. *Haughwout v. CCSU et al.*, No. HHB-CV-155017991-S. In that action Mr. Haughwout moved for a stay of the University's decision, making the same allegations of irreparable injury. Both parties filed pleadings on the issue. The Court (Schuman, J.) denied the stay, expressly finding that "[t]he plaintiff has not shown either a likelihood of success or irreparable injury." (Doc. 102.10 Copy attached). The matter was later dismissed.

*Copies sent to all parties*  
OFFICE OF THE CLERK  
SUPERIOR COURT  
*on 11-17-2016 S. Petraske, AC*  
2016 NOV 17 PM 4 19

JUDICIAL DISTRICT OF  
NEW BRITAIN

DOCKET NO. CV 16 6032526

AUSTIN HAUGHWOUT : SUPERIOR COURT

v. : JUDICIAL DISTRICT OF NEW BRITAIN

LAURA TORDENTI ET AL. : NOVEMBER 17, 2016

MEMORANDUM OF DECISION

Austin Haughwout was expelled from Central Connecticut State University (Central) effective October 19, 2015. By way of this lawsuit he seeks reinstatement. His claims are essentially four in number. First, the disciplinary procedures employed by Central deprived him of his right to due process of law under the state and federal Constitutions. Second, those same procedures failed to conform to Central's Student Code of Conduct and Statement of Disciplinary Procedures (code). Third, in violating Mr. Haughwout's constitutional rights and his rights under the code Central breached a contract that existed between it and Mr. Haughwout by virtue of his status as a tuition-paying student. Finally, the charges that led to Mr. Haughwout's expulsion punished the exercise of his right of free speech, thereby violating Article I of the Connecticut Constitution.

The amended complaint is in five counts and seeks a permanent injunction and/or a writ of mandamus restoring Mr. Haughwout to

**A.110** 120.00

his status as a full-time student at Central,<sup>1</sup> a declaratory ruling that the defendants' conduct in expelling him was unconstitutional, and attorney's fees, pursuant to Title 42 U.S.C. §§ 1983 & 1998, for the defendants' alleged violations of his constitutional rights.

I

The original complaint was returned to court on March 7, 2016. Initial skirmishes ensued over the court's jurisdiction over counts four and five and Mr. Haughwout's request for a temporary injunction or writ of mandamus restoring him as a student at Central pending a final resolution of the case. The court heard argument on these issues on May 24, 2016.

The defendants moved to dismiss counts four and five, which alleged Central's breach of an implied contract between it and Mr. Haughwout and a breach of the covenant of good faith and fair dealing implicit in every contract. As originally drafted, those counts sought monetary damages from the defendants, all of them state officials, and, thus, from the state. Because consent to sue the state had not been obtained from the claims commissioner,

---

<sup>1</sup> Plaintiff also seeks to expunge the allegations of misconduct in his record at Central and a refund of "tuition payments and other costs wrongfully retained." See Amended Complaint, Claims for Relief, docket entry # 115 (June 23, 2016).

those monetary claims had to be and were dismissed. See Docket entry # 104.01. The court found, however, that, insofar as they sought equitable relief, those counts were not subject to dismissal. By incorporating from counts one and three allegations that Mr. Haughwout's constitutional rights had been violated, counts four and five "clearly demonstrated an incursion upon constitutionally protected interests. *Barde v. Board of Trustees*, 207 Conn. 59, 64 (1988)." Id.

The court denied Mr. Haughwout's request for a temporary injunction or writ of mandamus. It concluded that, while his claims were not frivolous, it could not say that there was a "reasonable probability" that he would ultimately be successful, the recognized test for the issuance of a temporary injunction. See Docket entry # 101.01.

In their memorandum in opposition to the plaintiff's motion for a temporary injunction (objection) the defendants presented their arguments against not only the temporary relief sought by Mr. Haughwout but also against any relief at all on any of the counts in his complaint. See Docket entry # 108. They appended:

1. an affidavit from defendant Christopher Dukes, the director of Central's office of student conduct, setting forth his

actions in investigating and pursuing charges of violating the code against Mr. Haughwout;

2. a copy of the "notice of charges and disciplinary hearing" (written notice) provided to Mr. Haughwout by Mr. Dukes;

3. a complete transcript of the disciplinary hearing held on October 14, 2015;

4. copies of two "case/incident reports" prepared by Central's police department (campus police) relating to the charges against Mr. Haughwout, in which the names of the students interviewed were redacted;

5. a copy of Mr. Dukes' letter to Mr. Haughwout informing him of the outcome of the disciplinary hearing;

6. copies of letters from and to Mr. Haughwout during his appeal from the decision of the disciplinary panel, including a letter from defendant Ramon Hernandez, Central's associate dean for student affairs, informing Mr. Haughwout that, as the person designated to consider his appeal, Mr. Hernandez had upheld the decision of the disciplinary panel (panel) and the sanction of expulsion that followed upon that decision.

In response to the defendants' objection Mr. Haughwout, too, rehearsed all the arguments in favor of his claims for permanent

injunctive relief and/or a writ of mandamus restoring him as a full-time student at Central. See Docket entry # 111.

An amended complaint was filed on June 23, 2016. The defendants filed an answer and special defenses on July 14. The pleadings were closed as of July 21, when a reply to the special defenses was filed. On that date the plaintiff also filed a claim for a trial to the court.

On August 8, 2016, having reviewed the parties' filings on the legal and factual issues raised by the plaintiff's claims and the defendants' objection, the court conducted an evidentiary hearing. The hearing was directed at three factual issues that had not been adequately addressed in the parties' respective filings:

1. the specific content of a "brief, but detailed telephone conversation" between Mr. Dukes and Mr. Haughwout prior to the disciplinary hearing, referred to in Mr. Dukes' affidavit, in which Mr. Dukes claimed he had orally explained to Mr. Haughwout the basis of the disciplinary charges against him and sought his response;

2. whether, prior to the hearing, Mr. Haughwout had obtained copies of the police reports relating to the investigation and

whether the names of the students interviewed by the campus police had been redacted from those reports;

3. whether, at the hearing, the students who had been interviewed by the campus police or by Mr. Dukes in the course of his investigation were identified by name.

Mr. Dukes, Mr. Haughwout and Mr. Haughwout's father Bret Haughwout testified at that hearing. In addition, the parties stipulated through counsel to the answers to the second and third questions. It was stipulated that, about fifteen minutes prior to the hearing, Mr. Haughwout was provided a number of documents in response to a freedom of information request he had filed, that he chose some of them for copying and among those chosen for copying were a campus police report dated September 21, 2015 and an application for an arrest warrant submitted by the campus police to the state's attorney's office for the New Britain Judicial District; in these documents the names of the students had been redacted.<sup>2</sup> It was also stipulated that, at the hearing, three of the four student-witnesses were identified by their full names and one was identified only by his first name, Central not having his permission to disclose his full name.

---

<sup>2</sup> These documents were marked as court's exhibits 1 & 2 for the purpose of the August 8 hearing.

Prompted by the plaintiff's claim for a court trial filed on July 21, 2016, the court conducted an on-the-record status conference on October 3, 2016 to determine the parties' views whether such a trial would be necessary; if so, the factual issues to be addressed at the trial, and to schedule such a trial. The parties informed the court that they were in agreement that the court could proceed to decide the case based on the arguments they had advanced in their previous filings and in oral argument on May 24 and the evidence it had heard on August 8.

Therefore, the following facts, upon which the court's decision rests, are found from the record of the disciplinary proceedings against Mr. Haughwout appended to the defendants' objection to his request for injunctive and/or mandatory relief; see Docket entry # 108; and the evidence of Mr. Dukes and the Messrs. Haughwout taken at the August 8 hearing.

## II

On September 17, 2015 a student at Central (complainant) went to the headquarters of the campus police to report a "suspicious incident" at the student center.<sup>3</sup> This student

---

<sup>3</sup> The events described here are taken from the two "case/incident reports" of the campus police provided to the panel that decided on Mr. Haughwout's expulsion and that were appended to the defendants' objection. Docket entry # 108. Material in

provided a written statement in which he said that Mr. Haughwout "made verbal cues discussing the physical harm of another [Central] student," identified the other student as "first on his hit list," showed digital photos of a bullet on his cell phone and "remarked that he had loose bullets at home and in his truck." The complainant said he did not know Mr. Haughwout, but the statements were made in his presence. The complainant further reported that Mr. Haughwout had never shown any weapons on his person, and that he has "a habit of making hand gestures in the shape of handguns as a common gesture."

On September 21, 2015 the campus police interviewed another Central student who had known Mr. Haughwout since the spring semester 2015 and hung around with him in a group that met at the student center. That student recounted statements by Mr. Haughwout that "someone should shoot up this school" or "I should just shoot up this school." Mr. Haughwout was "always" talking about guns and ammunition and "greet[s] everyone by pointing at them with his hand in the shape of a gun." This student reported that Mr. Haughwout had said to him that he was his (Mr. Haughwout's) "number one

---

quotation marks represents what was reported by the police officers who authored the reports. The statements provided to the campus police by the complainant and others interviewed were not provided to the panel or to this court.

target," "number one on my list." Mr. Haughwout "brags constantly about his guns and ammunition, shows off pictures and boasts about wanting to bring a gun to school." This student described these statements by Mr. Haughwout as made "jokingly" and that the group in which they hung around dismissed what he said as a joke.

On the same day the campus police reinterviewed the complainant, who repeated his allegations of September 17. Although this student, too, described Mr. Haughwout's statements as having been made "jokingly," he was "alarmed" by them, had started avoiding Mr. Haughwout, left the student center when Mr. Haughwout arrives and was "afraid for everyone's safety."

On September 22 the campus police interviewed a third student who related that he had heard Mr. Haughwout during the preceding week state "something like 'might as well shoot up the place'." While this student described Mr. Haughwout's statement as having been made "nonchalantly," he was "concerned about the context of Austin's exclamation" because Mr. Haughwout had been "upset about something" when he made it.

The campus police interviewed Mr. Haughwout on September 22, 2015 as well. While he acknowledged talking about guns a lot, he denied ever saying anything about shooting up the school, stating

that "he knows better than to mention anything like that." He attributed the complaints against him to his position on gun rights.

After interviewing Mr. Haughwout, the campus police called two of the persons they had previously interviewed and inquired why they had not contacted police upon hearing Mr. Haughwout's alleged remarks about "shooting up the school." One said he had been told by others who heard the remark to "take it as a joke and ignore Austin"; the other stated that "didn't take it seriously but . . . was kind of concerned."

The defendant Densil Samuda, a detective with the campus police, participated in this investigation. At its conclusion, on September 22, he applied for an arrest warrant charging Mr. Haughwout with the crime of threatening in the second degree, in violation of General Statutes § 53a-62.<sup>4</sup> The state's attorney declined the application, informing Mr. Samuda that probable cause

---

<sup>4</sup> "A person is guilty of threatening in the second degree when: (1) by physical threat, such person intentionally places or attempts to place another person in fear of imminent serious physical injury, (2) such person threatens to commit any crime of violence with the intent to terrorize another person, or (3) such person threatens to commit such crime of violence in reckless disregard of the risk of causing such terror."

for that crime was lacking.<sup>5</sup> Mr. Samuda reported the results of his investigation to Mr. Dukes and provided him with copies of the police reports.<sup>6</sup> On October 1, 2015 Mr. Haughwout was placed on an interim suspension by defendant Ramon Hernandez "due to your alleged behavior within our community." See plaintiff's Exhibit 1, hearing of August 8, 2018.

Mr. Dukes interviewed the complainant and the two other students interviewed by campus police as well as a fourth student who had not gone to the police. He also telephoned Mr. Haughwout to advise him of the investigation and to obtain his response to the claims made by the other students. That telephone interview took place on October 2, 2015 and lasted approximately ten minutes. Mr. Dukes asked Mr. Haughwout to respond to the allegations in the police reports as to his actions and statements. Mr. Haughwout denied making those statements at any time.

---

<sup>5</sup> The court considers the prosecutor's declination of little moment. The requirements for establishing probable cause for the elements of threatening in the second degree, in violation of § 53a-62, bear no necessary relationship to the requirements for taking disciplinary action for a violation of the code.

<sup>6</sup> The amended complaint charges that Mr. Samuda "took it upon himself to . . . enlist the remaining defendants in a conspiracy" to have Mr. Haughwout expelled from Central. Docket entry # 115, ¶ 12. The only joint effort between Mr. Samuda and any of the other defendants that the record supports is a joint effort to carry out their respective responsibilities.

Mr. Dukes commenced disciplinary proceedings against Mr. Haughwout when he sent the written notice to him on October 9, 2015.

This notice of charges, which is appended to the defendant's objection, advised Mr. Haughwout that he was charged with the following four code violations: physical assault, intimidation, threatening behavior; harassment; disorderly conduct; offensive or disorderly conduct. The notice of charges defined each of the alleged violations as it is defined in the code and cited Mr. Haughwout to the relevant sections of the code. It also contained the following "brief description of facts":

It is alleged that on numerous occasions Mr. Austin Haughwout has made threatening statements and gestures towards members of the [Central] community. Specifically, it is alleged that on a regular basis Mr. Haughwout would engage other students in conversations about weapons, discuss attacks on the University, and/or make reference to others as a target. It is further alleged that Mr. Haughwout would make gestures with his hands indicating that he is aiming and shooting at individuals as they walk within the Student Center.

The written notice also informed Mr. Haughwout that a disciplinary hearing would be held at 2:00 pm on October 14, 2015 at the Central campus police headquarters.

That hearing was conducted at the time and place noticed. About fifteen minutes prior to the hearing Mr. Haughwout was provided with a copy of the case/incident report of the campus police dated September 21, 2015. This is one of the two reports provided to the panel at the hearing and is appended to the defendants' objection. The names and any other personally identifying information of the students whose statements are recounted in the report are redacted as are portions of some of the students' statements, themselves. See court's exhibit 1, hearing of August 8, 2016. Mr. Haughwout was also provided with a copy of the arrest warrant application referred to previously. As with the case/incident report, all personally identifying information had been redacted, as had portions of what the affiant claimed the students had said to him. See court's exhibit 2, hearing of August 8, 2016. This application was not provided to the panel at the hearing.<sup>7</sup>

---

<sup>7</sup> Mr. Haughwout had requested these documents via a freedom of information request he made in September 2015.

The hearing was recorded<sup>8</sup> and a transcript was prepared and was appended to the defendants' objection.<sup>9</sup> The panel consisted of two members of the university's administrative staff and a professor. Mr. Haughwout was present as was his father Brett Haughwout, acting as an advisor. Mr. Dukes was present as the university representative and presented the results of his investigation to the panel. Both Mr. Haughwout and he declined the opportunity to challenge any member of the panel for bias. T. 5.

Mr. Haughwout was asked to respond to the notice of charges, and he declared that he was "not responsible" for any of the four charges. T. 6-7. In introductory remarks Mr. Haughwout was invited to make to the panel he stated that "the accusations against me are entirely false." T. 10.

Mr. Dukes presented to the panel copies of the two case/incident reports of the campus police and summarized the results of his own investigation. Mr. Dukes' statements to the panel were not under oath. In the campus police reports the names of three of the students who claimed to have witnessed and heard the statements

---

<sup>8</sup> A recording of the hearing is required when expulsion or suspension from Central is a possibility. Code, § B (6) (c).

<sup>9</sup> References to pages of the transcript will be "T." followed by the page number. Unless otherwise indicated, material in quotation marks represents Mr. Dukes' statements.

of Mr. Haughwout described earlier in this memorandum were not redacted. The last name of the fourth student was redacted. Mr. Haughwout was furnished with these unredacted police reports at the hearing. Neither the complainant nor any of the other students who had been interviewed by Mr. Dukes or the campus police appeared before the panel.

Mr. Dukes related that in his interview with Mr. Haughwout the latter denied all of the allegations made by other students in the police reports except that he acknowledged having bullets in his car and having shown digital pictures of bullets to other students. There had been discussion between Messrs. Dukes and Haughwout regarding the latter's relationships with certain Central students, some of whom had been interviewed by the police. Mr. Haughwout identified one student who he thought was trying to get him kicked out of school.

Mr. Dukes' interviews with the students who had also been interviewed by the police elicited the same information as recorded in the police reports, with some additions. For example, two of those students had seen Mr. Haughwout, when persons were walking through the student center, point his finger at them and make sound effects as if he were shooting at them. One of the

witnesses told Mr. Dukes that Mr. Haughwout's constant talk of guns had caused him and others not to frequent the student center or to leave if they are already there when Mr. Haughwout arrived. Another witness interviewed by Mr. Dukes confirmed the reports of Mr. Haughwout's pointing and making shooting noises at students in the student center and said, on one occasion, Mr. Haughwout wondered aloud about how many rounds he would need to shoot people. In addition, two students reported allusions by Mr. Haughwout on October 1, 2015 to the Oregon college shootings as having "beat us."<sup>10</sup> One student thought he was referring to the number of students shot there as opposed to the shooting at Sandy Hook Elementary School;<sup>11</sup> the other, that the Oregon college shooting had occurred before a shooting at Central.

The final student interviewed by Mr. Dukes told him that in the Spring of 2015, during a test of the school alarm system, Mr. Haughwout stated that "someone should really shoot up the school for real so that it's not a drill." T. 21. That student told Mr.

---

<sup>10</sup> On October 1, 2015 a student at Umpqua Community College in Roseburg, Oregon shot and killed a professor and eight students and wounded nine other students.

<sup>11</sup> On December 14, 2012 twenty students and six adult staff members were shot to death by an intruder at the Sandy Hook Elementary School in Newtown, Connecticut.

Dukes that he "deals with anxiety and he wanted to make sure he was not making a big deal out of it so he just took it as a joke because other people said it was probably just a joke, leave it alone." T. 21.

Summing up the results of his interviews, Mr. Dukes told the panel that a total of four students had described Mr. Haughwout's actions. T. 28. Three students described the shooting hand gestures; three heard a comment about shooting up the school; three heard that a particular student was Mr. Haughwout's number one target; two heard the reference to the Oregon shooting as having "beat us." T. 25-26. He also told the panel that the students had not reported the statements when made because they thought he might be joking, a comment three of the students made in their police interviews. T. 24. Throughout his testimony Mr. Dukes referred by name to three of the four students who had described Mr. Haughwout's conduct.<sup>12</sup>

Throughout his testimony Mr. Dukes referred to the complainant and to two of the other students whose interviews he summa-

---

<sup>12</sup> At the hearing on August 8, 2016 the defendants provided the court with a list of those pages of the transcript where the complainant and other witnesses were identified by name and the names that were used. See court's exhibit 3, hearing of August 8, 2016.

rized by their full names. A fourth student had not given permission to disclose his full name at the hearing; therefore, he was referred to only by his first name because Central believed that, without his permission, the student's name could not be disclosed under the terms of the federal Family and Educational Rights Privacy Act (FERPA).<sup>13</sup>

At the conclusion of Mr. Dukes' statements to the panel, Mr. Haughwout was offered the opportunity to question him; he declined to do so. T. 30. He was invited to respond to Mr. Dukes' recital while being assured he was not obligated to respond and his declining to respond would not be considered by the panel as evidence of his responsibility for any of the charges. T. 31.

In addressing the allegations of his fellow students, Mr. Haughwout acknowledged having a bullet in his car on one occasion and offered an explanation. T. 31-32. He had made shooting gestures, he confirmed, but only a few times and to one student who had made similar gestures toward him. T. 32. Regarding the Oregon shooting, he had mentioned only that there were more victims than at Sandy Hook; therefore, it would get bigger publicity. T. 32-33. He "never made any mention of this school

---

<sup>13</sup> See pp. 27-28, below, for further discussion of FERPA in the context of this case.

being the next one or that they beat us in any way, shape or form." T. 33. He denied ever saying he would "shoot up" the school. Id. He referred to the school's test of its emergency warning system only in the way of speculating how well it would work in a real emergency. Id. Mr. Haughwout affirmed that he has many conversations in the student center about gun rights but has never made threatening comments to other students. T. 48. In summing up his position to the panel he repeated his statement that the allegations against him were "entirely false." T. 78.

### III

Mr. Haughwout has two complaints about the proceedings that led to his expulsion; namely, that they deprived him of the due process of law guaranteed to him by the federal and state constitutions and that they failed to conform to Central's own code. The court will consider those claims together.

"A student attending a state college has a liberty interest in continuing that education. *Board of Regents v. Roth*, 408 U.S. 564, 572 (1972). Disciplinary actions which seriously damage a student's reputation among fellow students and teachers and which may impair future educational and employment opportunities affect a liberty interest and such actions must satisfy procedural due

process. *Goss v. Lopez*, 419 U.S. 565, 575-76 (1975)." *Danso v. University of Connecticut*, 50 Conn. Sup. 256, 263 (2007). There can be no question but that Central's procedures that led to Mr. Haughwout's expulsion had to meet the demands of the due process clauses of the federal and state constitutions.<sup>14</sup>

"Once it is determined that due process applies, the question remains what process is due." *Morrissey v. Brewer*, 408 U.S. 471, 481 (1972). Many times over the United States Supreme Court has made clear that there are two basic due process requirements: (1) notice and (2) an opportunity to be heard. See, e.g., *Goss v. Lopez*, supra, 419 U.S. 579.

Federal district and circuit courts, as well as numerous state courts, have reviewed countless disciplinary due process claims brought by students. Applying the framework first laid out in *Matthews v. Eldridge*, 424 U.S. 319, 334-35 (1976), in determining what process is due, these courts generally have looked at three factors: (1) the nature of the private interest affected,

---

<sup>14</sup> Mr. Haughwout makes no claim that the state Constitution places any greater or different demands on Central than the federal Constitution. Therefore, the court's analysis of what due process required of Central will apply to the requirements of both Constitutions.

i.e., the seriousness of the charge and potential sanctions,<sup>15</sup> (2) the danger of error and the benefit of additional or alternate procedures, and (3) the public or governmental burden if additional procedures were required.

Sometimes oral notice is sufficient. See *Goss v. Lopez*, supra, 419 U.S. 584. "The stronger the private interest, however, the more likely a formal written notice . . . is constitutionally required." *Flaim v. Medical College of Ohio*, supra 418 F.3d 635. When the student is permitted to attend the hearing, the notice need not contain a list of witnesses and evidence. *Nash v. Auburn University*, 812 F. 2d 655, 662-63 (11<sup>th</sup> Cir. 1987).

"The hearing, whether formal, informal, live or not, must be meaningful and must provide the accused with the opportunity to respond, explain, and defend. . . . If the hearing is live, the accused has the right to be present for all significant portions of the hearing. Courts have generally been unanimous, however, in concluding that hearings need not be open to the public, . . . that neither rules of evidence nor rules of civil or criminal

---

<sup>15</sup> Generally speaking, a more searching inquiry is required for disciplinary expulsions, such as Mr. Haughwout's, than academic ones. *Flaim v. Medical College of Ohio*, 418 F. 3d 629, 633 (6<sup>th</sup> Cir. 2005).

procedure need be applied . . . and witnesses need not be placed under oath. Ordinarily, colleges and universities need not allow active representation by legal counsel or some other sort of campus advocate." (Internal citations and quotation marks omitted.) *Flaim v. Medical College of Ohio*, supra, 418 F. 3d 635-36.

An accused student will generally have a right to make a statement and present evidence, including calling exculpatory witnesses. At least in the most serious cases, the student will have a right to cross-examine witnesses against him. *Id.*, 636. A transcript or recording of a disciplinary proceeding may not always be constitutionally required. The student is not generally entitled to a statement of the reasons for a decision against them, at least where the reasons are obvious, nor is an appeal from an adverse decision required. *Id.*

This court's task is to decide whether the procedures employed by Central in disciplining Mr. Haughwout measured up to the demands of the due process clauses of the state and federal constitutions, as those demands have been explicated by federal and state courts. The court must also determine whether the

procedures employed in Mr. Haughwout's case were those required by the code.

The court concludes that Central's procedures comported with the constitutional demands and with Central's code.

Mr. Haughwout received both oral and written notice of the charges against him. Mr. Dukes credibly testified at the August 8 hearing that, before he brought charges against Mr. Haughwout, he had a ten-minute phone conversation with him in which he advised Mr. Haughwout of the specific allegations made against him by fellow students as recorded in the campus police reports and sought his response. He advised Mr. Haughwout that his statements and actions were alleged to have taken place at the student center during the spring and fall semesters of 2015. According to Mr. Dukes, Mr. Haughwout denied ever having made any of the statements or taken any of the actions attributed to him by the other students. He asked for no details of the accusations nor the names of any of the students. This interview took place on October 2, 2015.

A week later, on October 9, Mr. Dukes sent Mr. Haughwout the written notice referred to and quoted from earlier in this

memorandum.<sup>16</sup> In addition to quoting the specific sections of the code he was alleged to have violated, the written notice included a "brief description of the facts." That description informed Mr. Haughwout that he was accused of making "threatening statements and gestures toward members of the [Central] community," discussing "attacks on the University," making reference to other students as targets and making gestures with his hands as if he were shooting at other students as they walked through the student center. The court considers this sufficient to put Mr. Haughwout on notice of what Central would seek to prove at the hearing scheduled for October 14, 2015 and to conform to the code's requirement that the notice provided to an accused student "shall advise [him] of each section of the Student Code alleged to have been violated and, with respect to each such section, a statement of the acts or omissions which are alleged to constitute a violation of the Code, including the approximate time when and the place where such acts or omissions allegedly occurred." Code, § II (B) (6) (a).

From Mr. Dukes' phone conversation of October 2, Mr. Haughwout would also have known that the allegations of this

---

<sup>16</sup> See p. 12, above.

behavior on his part came from fellow students with whom he had contact in the student center during the spring and fall semesters of 2015.

The letter sent by Mr. Dukes on October 9, enclosing the written notice, also enclosed a copy of the code that spelled out disciplinary procedures for non-academic misconduct and a student's rights in the course of such procedures. The letter invited Mr. Haughwout to call Mr. Dukes with any questions.

Finally, the letter of October 9 advised Mr. Haughwout that the hearing was scheduled for October 14, thus giving him more than the three calendar days called for in the code to prepare for the hearing. Code, § II (B) (6) (a). The code allows the accused student to request "a delay of the hearing due to extenuating circumstances." Id. Mr. Haughwout did not seek any delay or continuance of the hearing.

As far as the hearing, itself, is concerned, Mr. Haughwout was present throughout, along with his father as his advisor. This conformed to the code. Id., § II (B) (6) (b). He was given the opportunity to challenge any member of the panel for bias; Id., § II (B) (5); which he declined. He was given the opportunity to cross-examine Mr. Dukes; Id., § II (B) (6) (d); which he also

declined. He was given the opportunity to "respond, explain and defend" himself; *Flaim v. Medical College of Ohio*, supra, 418 F.3d 635; against the charges levied against him; *Id.*; an opportunity that he took full advantage of. On October 19 he was sent by Mr. Dukes the written "findings of the hearing body"; *Id.*, § II (B)(6)(k); and notified of his right to appeal; *Id.*, § II (B)(6);<sup>17</sup> which he pursued.

Mr. Haughwout's principal complaint is that, prior to the hearing, he was not provided with the names of the complainant or any of the other students who had related his actions and statements to the campus police and Mr. Dukes. The names of these students did not become known to him until they were mentioned by Mr. Dukes during the hearing and when unredacted copies of the campus police reports were provided to him and the panel. Of a piece with this complaint is Central's failure to provide Mr. Haughwout with the police reports that formed the foundation for the charges against him or the arrest warrant application until about ten minutes before the hearing on October 14 and only in response to a Freedom of Information request he had made in

---

<sup>17</sup> The code section concerning "Review" of the panel's decision is misnumbered as "6" in subdivision B when it should be numbered "7" inasmuch as it follows the section on "Hearing Procedures," which is also numbered "6."

September. Mr. Haughwout's claim is that he required this material in order to prepare adequately for the hearing.<sup>18</sup>

Central responds that it was prohibited from disclosing the names of student-witnesses in the campus police reports and warrant application by application of the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. 1232g. This federal legislation provides, among other things, that federal aid shall not be made available to an educational institution that has a "policy or practice of permitting the release of educational records (or personally identifiable information . . .) of students without the written consent of their parents" or, if the student has reached age eighteen, of the student himself or herself. (Emphasis added.) 20 U.S.C. § 1232g (b) (1); § 1232g (d). Connecticut's Freedom of Information Act (FOIA) specifically exempts from its disclosure requirements "educational records which are not subject to disclosure under [FERPA]." General Statutes § 1-210 (b) (17).

---

<sup>18</sup> Both Mr. Haughwout and his father had emailed Mr. Dukes on the day before the hearing requesting "details of the allegations," the evidence to be used against him and any exculpatory evidence in Central's possession. See plaintiff's exhibits 3 & 4, hearing of August 8, 2016.

Mr. Haughwout argues that the police reports, including the names of the students in those reports, did not constitute "educational records," as defined in FERPA, because they are specifically exempted from the non-disclosure rule of FERPA as records "maintained by a law enforcement unit of the educational institution that were created by the law enforcement unit for the purpose of law enforcement." 20 U.S.C. 1232g (a) (4) (B) (ii).

Central may be correct that, when the campus police reports and arrest warrant application passed from the hands of the campus police to Central's office of university counsel, from which Mr. Haughwout obtained them, they ceased to be "law enforcement records," exempt from FERPA's limitations on disclosure of such records or personally identifiable information in them. See 34 C.F.R. §§ 99.3, 99.8. The court, however, does not read FERPA as prohibiting any such disclosure at any time for any purpose. What it punishes, by the withholding of federal funds, is a "policy or practice" of permitting disclosure of educational records. Disclosure on isolated occasions as a means of providing an accused student with an extra measure of protection from unfounded charges would not seem to be prohibited by the plain language of the Act.

Central is correct that the due process clause did not require it to disclose the names of witnesses or the contents of documents it planned to offer in evidence at the disciplinary hearing. Mr. Haughwout has cited the court to no cases to the contrary, and the court knows of none. Indeed, the authority is supportive of Central's position. See, e.g., *Nash v. Auburn University*, supra.

Nor did the disclosure of the students' names at the hearing deny Mr. Haughwout an opportunity to use that information in his defense. The code explicitly requires that an accused student "have the full opportunity to present a defense and information, including the testimony of witnesses, in his or her behalf." Code, § II (B) (6) (d). Mr. Dukes testified at the August 8 hearing that a student could request a postponement of the hearing even while the hearing is in progress, and that request would be passed on by the panel.

It might be argued that a student, in the middle of a disciplinary hearing, could be intimidated from asking for a postponement. This court had an opportunity, however, to observe Mr. Haughwout and his father, who was present at the hearing as his son's advisor, when they testified on August 8. It has also

read their emails directed to Mr. Dukes, Mr. Haughwout's testimony before the panel and the appeal correspondence he directed to defendant Laura Tordenti, Central's vice president for student affairs. Suffice it to say that neither struck the court as "shrinking violets" who would have been hesitant in seeking a continuance of the hearing if they believed that an investigation of the student-witnesses, whose names they now knew, might be helpful to Mr. Haughwout's defense. No such request was made.

As the court in the *Flaim* case observed, "(t)he Due Process clause . . . sets only the floor or lowest level of procedures acceptable." *Flaim v. Medical College of Ohio*, supra, 418 F.3d 636. While this court believes that Central's procedures satisfied the requirements of due process, it also believes that Central could have done better and should choose to do better in the future.

Why, for example, could Mr. Haughwout not have been provided with at least the redacted campus police reports and the arrest warrant application at the same time as Mr. Dukes sent him the written notice, without the need for him to file a Freedom of Information request? Why could the signed statements of the students interviewed by the campus police not have been provided

to the panel and to Mr. Haughwout, even in a redacted form, in addition to the police officers' accounts of those statements? As long as the panel was going to receive only hearsay testimony from Mr. Dukes in support of the charges against Mr. Haughwout, why shouldn't Mr. Dukes have at least testified subject to the oath to tell the truth, a traditional safeguard against false testimony in all sorts of legal and administrative proceedings?<sup>19</sup>

The court concludes that Central's disciplinary procedures did not violate Mr. Haughwout's due process rights under either the federal or state Constitution and adhered to the disciplinary procedures prescribed by the code.

#### IV

"The basic legal relation between a student and a private university or college is contractual in nature." *Johnson v. Schmitz*, 119 F.Supp. 2d 90,93 (D. Conn. 2000), quoted with approval in *Burns v. Quinnipiac University*, 120 Conn. App. 311, 320 (2010). The court perceives no reason why the same principle should not apply to a public university such as Central. "(C)ourts

---

<sup>19</sup> The court does not mean to suggest that Mr. Dukes testified falsely at the disciplinary hearing. His accounts of what the student-witnesses told him were for the most part consistent with what they were recorded as having told the campus police.

will entertain a cause of action for institutional breach of a contract for institutional services . . . if the educational institution failed to fulfill a specific contractual promise distinct from any overall obligation to offer a reasonable program." *Gupta v. New Britain General Hospital*, 239 Conn. 574, 592-93 (1996).

The court agrees with Mr. Haughwout that a contract existed between him and Central, and the defendants do not argue to the contrary. The court further agrees that Central's obligations under the contract included adherence to the disciplinary procedures established by the code and respect for the constitutional rights of a student like Mr. Haughwout.

Because the court finds that Central did adhere to its own disciplinary procedures and did not deprive Mr. Haughwout of due process in imposing the sanction of expulsion on him for the statements and gestures he made in the student center during the spring and fall of 2015; see part III, above; Central did not breach the contract between it and Mr. Haughwout. Likewise, because the court finds that Mr. Haughwout's expulsion based on those statements and gestures did not violate his free speech rights under the Connecticut constitution; see part V, below;

there is no basis for finding that Central breached its contract by imposing that sanction on Mr. Haughwout.

Absent a breach of contract, there can be no breach by Central of the covenant of good faith and fair dealing that is inherent in every contract, including its contract with Mr. Haughwout.

V

The Connecticut Supreme Court has expressly held that the Connecticut Constitution broadens the right of free speech and expression enjoyed by Connecticut residents beyond that which is protected by the First Amendment of the U.S. Constitution. *State v. Linares*, 232 Conn 345, 381 (1995). Mr. Haughwout claims that his free speech rights under the Connecticut Constitution were violated when Central expelled him because of the statements and gestures recorded in the campus police reports and reported to the panel by Mr. Dukes at the disciplinary hearing on October 14, 2015.

Those rights, of course, are not absolute. A person cannot utter what has come to be known as "true threats" and claim the protection of either the federal or state Constitution. What is a "true threat" has been defined by the U.S. Supreme Court:

true threats encompass those statements where the speaker means to communicate a serious expression of an intent to commit an act of unlawful violence to a particular individual or group of individuals. . . . The speaker need not actually intend to carry out the threat. Rather, a prohibition on true threats protects individuals from the fear of violence and from the disruption that fear engenders, in addition to protecting people from the possibility that the threatened violence will occur. Intimidation in the constitutionally proscribable sense of the word is a type of true threat, where a speaker directs a threat to a person or group of persons with the intent of placing the victim in fear of bodily harm or death.

*Virginia v. Black*, 538 U.S. 343, 359-60 (2003). Accord: *State v. Krijger*, 313 Conn. 434, 449 (2014).

The Connecticut Supreme Court has given additional content to the distinction "between true threats, which are not protected by the first amendment, and those statements that seek to communicate a belief or idea, such as political hyperbole or a mere joke, which are protected." *State v. DeLoreto*, 265 Conn. 145, 155 (2003). In *State v. Cook*, 287 Conn. 237, 249 (2008), the Court said:

In the context of a threat of physical violence, whether a particular statement may properly be considered to be a true threat is governed by an objective standard - whether a reasonable person would foresee that the statement would be interpreted by those to whom the maker communicates the statement as a serious expression of intent to harm or assault. . . . Alleged threats should be considered in light of their entire

factual context, including the surrounding events and reaction of the listeners.

(Citation omitted; internal quotation marks omitted.)

Applying these criteria, the court has no trouble concluding that Mr. Haughwout's statements and gestures while in the student center at Central fit the definition of "true threats."<sup>20</sup> Indeed, it is hard to know how else to classify them. They were certainly not statements that sought "to communicate a belief or idea." *State v. DeLoreto*, supra. To suggest that they constituted merely "expression on public issues" such as have "always rested on the highest rung of First Amendment values"; *NAACP v. Clayborne*, 458 U.S. 886, 913 (1982); borders on the fanciful.

According to one and usually more than one of the student witnesses, Mr. Haughwout:

1. made frequent shooting hand gestures as a form of greeting to students in the student center;
2. with his hand in a shooting gesture, aimed at students and made firing noises as they were walking through the student center;

---

<sup>20</sup> The only statements of Mr. Haughwout in the record for this court to consider are those attributed to him in the campus police reports submitted to the panel and by Mr. Dukes in his report to the panel of the results of his investigation.

3. wondered aloud how many rounds he would need to shoot people at the school and referred to the fact that he had bullets at home and in his truck;

4. showed off pictures of the guns he owned and boasted about bringing a gun to school;

5. referred specifically and on more than one occasion to his "shooting up the school;"

6. during a test of the school's alarm system stated that "someone should really shoot up the school for real so it's not a drill";

7. named as his "number one target" a particular student in the student center;

8. made specific reference to a shooting at an Oregon community college where several students had been killed and wounded, stating that the Oregon shooting had "beat us."

Both in his interview with Mr. Dukes and in his statements to the panel Mr. Haughwout denied almost all of these statements. So, the record contains no direct evidence from him as to his intentions in making them. The court concludes from the content of the statements and his repeated utterances of them in a public place like the student center that Mr. Haughwout meant to

"communicate a serious expression of an intent to commit an act of unlawful violence to a particular individual or group of individuals"; *Virginia v. Black*, supra, 538 U.S. 359; namely, the students at Central. Whether he actually intended to carry through on the threat is unknown and immaterial. "The speaker need not actually intend to carry out the threat." Id.

Furthermore, a reasonable person, such as Mr. Haughwout, would have seen that such repeated statements would be interpreted by the students to whom and in whose presence he made them as "serious expressions of intent to harm or assault." *State v. Cook*, supra, 287 Conn. 249. And, although some of the students treated Mr. Haughwout's statements as a joke,<sup>21</sup> at least some of them who heard these threats were "alarmed" and "concerned" about them and in some cases changed their behavior; e.g., coming less often to the student center because of Mr. Haughwout's statements.

Finally, the *Cook* case requires that alleged threats be considered not only in light of reaction of the listeners but also

---

<sup>21</sup> Contrary to the allegation in the amended complaint; Docket entry # 115, ¶ 24; that Mr. Dukes withheld from the panel the fact that the students to whom Mr. Haughwout spoke, or at least some of them, considered Mr. Haughwout to have been joking, that fact was well known to the panel from references to the students' attitudes in the campus police reports and from Mr. Dukes' report to them of his interviews with the students.

in "their entire factual context, including the surrounding events . . . ." Part of the "factual context" of Mr. Haughwout's statements was the spate of shootings at schools and colleges in recent years, including the Oregon shooting in October 2015, the same month in which some of Mr. Haughwout's statements about "shooting up" Central were made. Those shootings had taken numerous lives of students and faculty and inflicted serious injuries on many others. Gestures and statements like those made by Mr. Haughwout on a college campus at such a time are the very kind of statements that any reasonable person would foresee as creating fear on the part of his fellow students. Protecting people "from the fear of violence and the disruption that fear engenders" is the reason true threats are not constitutionally protected. *Virginia v. Black*, supra, 538 U.S. 360.

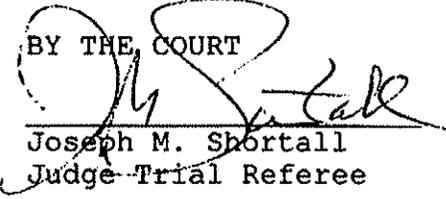
The court finds that, in expelling Mr. Haughwout because of the statements and gestures he made at the student center, Central did not violate his free speech rights under the Connecticut Constitution.

#### VI

Because Mr. Haughwout has failed to show that either his constitutional or his contractual rights were violated by the

defendants, judgment enters for the defendants on all counts of the complaint.

BY THE COURT

  
Joseph M. Shortall  
Judge Trial Referee

HHB-CV16-6032526-S	:	SUPERIOR COURT
AUSTIN HAUGHWOUT	:	JUDICIAL DISTRICT OF NEW BRITAIN
7 Egypt Lane, Clinton, CT 06413	:	AT NEW BRITAIN
v.	:	NOVEMBER 17, 2016
LAURA TORDENTI,	:	
Central Connecticut State University	:	
1615 Stanley Street	:	
Lawrence J. Davidson 103	:	
New Britain CT 06050	:	
DENSIL SAMUDA,	:	
Central Connecticut State University	:	
Police Department	:	
1500 East Street	:	
New Britain CT 06050	:	
CHRISTOPHER DUKES,	:	
Central Connecticut State University	:	
1615 Stanley Street	:	
Lawrence J. Davidson 107	:	
New Britain CT 06050	:	
RAMÓN HERNANDEZ	:	
Central Connecticut State University	:	
1615 Stanley Street	:	
Lawrence J. Davidson 103	:	
New Britain CT 06050	:	

Present: The Honorable Joseph M Shortall, Judge Trial Referee

**JUDGMENT FILE**

This administrative appeal and breach of contract, civil rights action, and petition for a writ of mandamus, seeking injunctive and declaratory relief, first came to this court returned March 7, 2016, when the record was certified into court; with a return date of March 15, 2016; then to March 18, 2016, when the plaintiff filed a motion for temporary injunction; then to April

12, 2016, when the defendants filed a motion in opposition to a temporary injunction; then to April 19, 2016, when the plaintiff replied on said motion concerning a temporary injunction; then to May 24, 2016, when a hearing was conducted on the motion for temporary injunction; then to June 1, 2016, when an order was issued by the Honorable Joseph M. Shortall, Judge Trial Referee, denying the motion for temporary injunction; then to June 23, 2016, when the plaintiff filed his Amended Complaint; then to July 14, 2016, when the defendants filed their Answer and Special Defense; then to July 21, 2016, when a the plaintiff filed his reply; then to August 8, 2016, when an evidentiary hearing was conducted; then to November 17, 2016, when a Memorandum of Decision was issued by The Honorable Joseph M. Shortall, Judge Trial Referee, rendering judgment for the defendants on all counts.

Whereupon it is adjudged that because Mr. Haughwout has failed to show that either his constitutional or his contractual rights were violated by the defendants, judgment enters for the defendants on all counts of the Complaint.

By the Court

Rebecca R. Schmitt 12/14/2017

Assistant Clerk, Superior Court

**REBECCA R. SCHMITT  
ASSISTANT CLERK**



JD-SC-33 Rev. 7-16  
 P.B. Sections 3-8, 60-7, 60-9, 62-7, 62-8, 63-3, 63-4, 63-10  
 C.G.S. Sections 31-301b, 51-197f, 52-470

All appeals must be filed electronically unless an exemption from the requirements of electronic filing has been granted or you are an incarcerated self-represented party. For further information about e-filing or this form, see the Appeal Instructions, form JD-SC-34.

To Supreme Court     To Appellate Court

AC 391831

Name of case (State full name of case)  
**Austin Haughwout v Laura Tordenti, Et Al**

Type of appellate matter:  
**Civil**

<b>Trial Court History</b>	Trial court location <b>New Britain</b>	List all trial court docket numbers, including location prefixes <b>HHB-CV16-6032526-S</b>	
	Trial court judges being appealed <b>Joseph M. Shortall, JTR</b>	Judgment for (Where there are multiple parties, specify those for whom judgment was rendered): <b>Laura Tordenti, Densil Samuda, Christopher Dukes and Ramon Hernandez</b>	
	All other trial court judges who were involved with the case	Date of judgment(s) or decision(s) being appealed <b>11/17/2016</b>	
	Date of judgment(s) or decision(s) being appealed <b>11/17/2016</b>	Date of issuance of notice on any order on any motion that would render judgment ineffective	Date for filing appeal extended to:
	Case type <b>M50 - Misc - Declaratory Judgment</b>	For Juvenile Cases: <input type="checkbox"/> Termination of Parental Rights <input type="checkbox"/> Order of Temporary Custody <input type="checkbox"/> Other	

<b>Appeal</b>	Appeal filed by (Party name(s)) <b>Austin Haughwout</b>	CHIEF CLERK SUPERIOR COURT APPELLATE COURT HARTFORD, CT 06106 31 CAPITOL AVENUE 06106 860-686-6711
	From (the action that constitutes the appealable judgment or decision): <b>Final judgment in favor of the defendants'</b>	
	If this appeal is taken by the State of Connecticut, provide the name of the judge who granted permission to appeal and the date of the order	
	Statutory Basis for Appeal to Supreme Court	

By (Signature of counsel of record): <i>Austin Haughwout</i>	Telephone number <b>617-817-5353</b>	Fax number	Juris number (if applicable)
---	---	------------	------------------------------

<b>Appearance</b>	Type name and address of counsel of record filing this appellate matter (This is your appearance; see Practice Book Section 62-8) <b>Austin Haughwout, Pro Se 7 Egypt Lane Clinton, CT 06413</b>	E-mail address <b>N/A</b>
-------------------	---	------------------------------

<b>Appearance</b>	<input checked="" type="checkbox"/> one if applicable <input type="checkbox"/> Counsel or self-represented party who files this appeal will be deemed to have appeared in addition to counsel of record who appeared in the trial court. <input checked="" type="checkbox"/> Counsel or self-represented party who files this appeal is appearing in place of:	
	Name of counsel of record <b>Jon L. Schoenhorn</b>	Juris number (if applicable) <b>101793</b>

<b>Certification</b>	I certify that a copy of the appeal form I am filing will immediately be delivered to each other counsel of record and I have included their names, addresses, e-mail addresses and telephone and facsimile numbers; the appeal form has been redacted or does not contain any names or other personal identifying information that is prohibited from disclosure by rule, statute, court order or case law; and the appeal form complies with all applicable rules of appellate procedure in accordance with Practice Book Sections 62-7 and 63-3. Date to be delivered <b>12/02/2016</b>	
	If this appeal is a criminal or habeas corpus matter, I certify that a copy of this appeal form will immediately be delivered to the Office of the Chief State's Attorney Appellate Bureau. Date to be delivered:	Signed (Counsel of record) <i>Austin Haughwout</i> Date signed <b>12/02/16</b>

<b>Required Documents</b>	To be filed with the Appellate Clerk within ten days of the filing of the appeal, if applicable. See Practice Book Section 63-4.	
	1. Preliminary Statement of the Issues 2. Court Reporter's Acknowledgment or Certificate that no transcript is necessary 3. Docketing Statement	4. Statement for Prerargument Conference (form JD-SC-2BA) 5. Constitutionality Notice 6. Sealing Order form, if any

<input type="checkbox"/> Entry Fee Paid <input type="checkbox"/> No Fees Required <input type="checkbox"/> Fees, Costs, and Security waived by Judge (enter Judge's name below)	Court Use Only Date and time filed
Judge	Date waived

Log Off 15:14

Log On 15:14

=====

State Of Connecticut  
1040 New Britain 040 HHS

PostDate: 12/02/2016  
Loc Code: HHS  
Rocket: CV1660325265  
Rcpt Nbr: 0495896  
Plaintiff: haughton  
Defendant: torceni  
Payer: cash

0001 400 - Entry Fee - Appellate 250.00

<2680/49 #28-1>  
1633649-1 02Dec16 03:16PM 250.00  
#0078\*

1 ITEMS: AKT SUE \$250.00  
260.00 Cash  
Change \$10.00

CERTIFICATION

This is to certify that on this date, the attached appeal notice was sent, either via first class mail or electronic transmission, to the following parties of record:

Ralph E Urban II  
Attorney General  
P.O. Box 120  
55 Elm Street  
Hartford, CT 06141  
Tel: (860) 808-5210  
Fax: (860) 808-5385  
E-Mail: ralph.urban@ct.gov

Jon L. Schoenhorn  
108 Oak Street  
Hartford, CT 06106  
Tel: (860) 278-3500  
Fax: (860) 278-6393  
E-Mail: jon@schoenhorn.com



\_\_\_\_\_  
Austin Haughwout, Pro Se

CHIEF CLERK  
SUPREME COURT  
APPELLATE COURT  
2006 DEC 6 PM 1 41  
231 CAPITOL AVENUE  
HARTFORD, CT. 06106

APPELLATE COURT  
STATE OF CONNECTICUT  
DOCKET NO: AC 39881

DOCKET NO: CV 16 6032526 : SUPERIOR COURT  
AUSTIN HAUGHWOUT : J.D. OF NEW BRITAIN  
V. : AT NEW BRITAIN  
LAURA TORDENTI, ET AL. : DECEMBER 15,

2016 DEC 15 PM 1 45  
231 CAPITAL AVENUE  
HARTFORD, CT 06106  
CHIEF CLERK  
SUPREME COURT  
APPELLATE COURT

**DOCKETING STATEMENT**

Pursuant to Practice Book § 63-4(a)(4), the plaintiff-appellant in the above-captioned appeal hereby submits the following docketing statement:

- I. NAMES AND ADDRESS OF ALL PARTIES, COUNSEL, AND JUDGES
- |   |   |
|---|---|
| Austin Haughwout<br>7 Egypt Lane<br>Clinton, CT 06413<br>(Plaintiff-Appellant)  | Laura Tordenti<br>1615 Stanley Street<br>New Britain, CT 06050<br>(Defendant-Appellee)    |
| Jon L. Schoenhorn & Associates<br>108 Oak Street<br>Hartford, CT 06106<br>(Plaintiff-Appellant's Counsel)                   | Christopher Dukes<br>1615 Stanley Street<br>New Britain, CT 06050<br>(Defendant-Appellee) |
| Ralph E. Urban II<br>P.O. Box 120<br>55 Elm Street<br>Hartford, CT 06141<br>(Defendant-Appellee's Counsel)                  | Densil Samuda<br>1615 Stanley Street<br>New Britain, CT 06050<br>(Defendant-Appellee)     |
| Hon. Joseph Shortall<br>New Britain superior Court<br>20 Franklin Square<br>New Britain, CT 06051<br>(Superior Court Judge) | Ramon Hernandez<br>1615 Stanley Street<br>New Britain, CT 06050<br>(Defendant-Appellee)   |

Laura Tordenti (Official capacity – State of Connecticut)  
1615 Stanley Street  
New Britain, CT 06050  
(Defendant-Appellee)

Christopher Dukes (Official Capacity – State of Connecticut)  
1615 Stanley Street  
New Britain, CT 06050  
(Defendant-Appellee)

Densil Samuda (Official Capacity – State of Connecticut)  
1615 Stanley Street  
New Britain, CT 06050  
(Defendant-Appellee)

Ramon Hernandez (Official Capacity – State of Connecticut)  
1615 Stanley Street  
New Britain, CT 06050  
(Defendant-Appellee)

II. CASE NAMES AND DOCKET NUMBERS OF ALL PENDING APPEALS  
WHICH ARTISE FROM SUBSTANTIALLY THE SAME CONTROVERSY AS  
THIS OR INVOLVE RELATED ISSUES

None

III. EXHIBITS IN TRIAL COURT

Exhibits were entered during the hearing of August 8, 2016.

THE PLAINTIFF-APPELLANT  
AUSTIN HAUGHWOUT

By: \_\_\_\_\_

Austin Haughwout  
7 Egypt Lane  
Clinton, CT 06413  
(617) 817-5353

CERTIFICATION

This is to certify that a copy of the foregoing was mailed, postage prepaid, or electronically transmitted on the date of this pleading, to the following parties of record:

Ralph E. Urban II  
Attorney General  
P.O. Box 120  
55 Elm Street  
Hartford, CT 06141  
Tel: (860) 808-5210  
Fax: (860) 808-5385  
E-Mail: ralph.urban@ct.gov

Jon L. Schoenhorn  
108 Oak Street  
Hartford, CT 06106  
Tel: (860) 278-3500  
Fax: (860) 278-6393  
E-Mail: jon@schoenhorn.com

Austin Haughwout 12/25/2016  
Austin Haughwout, Pro Se

The filed paper ~~XXXX~~ has been redacted or does not contain any names or other personal identifying information that is prohibited from disclosure by rule, statute, court order, or case law. Austin Haughwout

APPELLATE COURT  
STATE OF CONNECTICUT  
DOCKET NO: AC 39881

CHIEF CLERK  
SUPREME COURT  
APPELLATE COURT  
2016 DEC 15 PM 1 46  
231 CAPITOL AVENUE  
HARTFORD, CT. 06106

DOCKET NO: CV 16 6032526 : SUPERIOR COURT  
AUSTIN HAUGHWOUT : J.D. OF NEW BRITAIN  
V. : AT NEW BRITAIN  
LAURA TORDENTI, ET AL. : DECEMBER 15, 2016

**CONSTITUTIONALITY NOTICE**

The plaintiff-appellant seeks to challenge the constitutionality of Central Connecticut State University's expulsion of the plaintiff-appellant, specifically whether the alleged speech would be protected speech under both the state and federal Constitutions, whether the university sufficiently adhered to Due Process requirements under both the state and federal Constitutions, and whether the provisions of the Student Code of Conduct upon which the plaintiff-appellant was expelled were unconstitutionally vague and/or overbroad.

Austin Haughwout  
7 Egypt Lane  
Clinton, CT

**CERTIFICATION**

This is to certify that a copy of the foregoing was mailed, postage prepaid, or electronically transmitted on the date of this pleading, to the following parties of record:

Ralph E. Urban II  
Attorney General  
P.O. Box 120  
55 Elm Street  
Hartford, CT 06141  
Tel: (860) 808-5210  
Fax: (860) 808-5385  
E-Mail: ralph.urban@ct.gov

Jon L. Schoenhorn  
108 Oak Street  
Hartford, CT 06106  
Tel: (860) 278-3500  
Fax: (860) 278-6393  
E-Mail: jon@schoenhorn.com

  
Austin Haughwout, Pro Se

AC 39881

NOTICE OF APPEAL  
TRANSCRIPT ORDER

JD-ES-38 Rev. 3/10 Pr. Bk. §§ 63-4, 63-8, 63-8A

CONNECTICUT JUDICIAL BRANCH  
www.jud.ct.gov

The Judicial Branch of the State of Connecticut complies with the Americans with Disabilities Act (ADA). If you need a reasonable accommodation in accordance with the ADA, contact a court clerk or an ADA contact person listed at www.jud.ct.gov/ADA/

Number ND475

INSTRUCTIONS TO PERSON ORDERING A TRANSCRIPT FOR AN APPEAL.

1. Fill out section 1 only and give this form to the Official Court Reporter.
2. Give the Official Court Reporter the name and address of all counsel and self-represented parties of record.
3. After the Official Court Reporter fills out section 3 and returns the form to you, fill out section 4.

Section 1.

Name of case: Austin Haughwout v. Laura Tardenti, Et Al Trial court docket number: HHB-CV16-6032526-5  
 Hearing dates of transcript being ordered: August 8, 2016 and October 3, 2016

Trial court location: New Britain Judicial district of: New Britain  
 Name(s) of Judge(s): Joseph M. Shestall, JTR Case type ("X" one):  
 Criminal  Family  Jury  Supreme Court  
 Juvenile  Civil  Court  Appellate Court

Appeal ("X" one):  
 1. From judgment in juvenile matters:  
 (a) concerning Termination of Parental Rights  
 (b) other than Termination of Parental Rights  
 2. From a criminal judgment where defendant is:  
 (a) incarcerated  
 (b) not incarcerated  
 3. From court closure order  
 4. Involving the public interest  
 5. From judgment involving custody of minor children  
 6. From all other judgments

RECEIVED  
12/15/16  
KJ

An electronic version of a previously delivered transcript is being ordered:  Yes  No  
 Describe in detail including specific dates, the parts of the proceedings for which a transcript is being ordered. If you are ordering an electronic version of a previously delivered transcript, indicate that the paper transcript already was delivered. Attach a sheet of plain paper if needed.

Full transcript for both ~~September 2, 2016~~ and October 3, 2016  
August 8, 2016

From: Name and mailing address of person ordering transcript: Austin Haughwout Telephone number: (617) 817-5353  
 Relationship (Attorney for Plaintiff, Defense, etc.): Self Represented Plaintiff Signature of person ordering transcript: Austin Haughwout Date signed: 12/13/2016

Do not write below this line when ordering the transcript.

Section 2. Official Court Reporter's Appeal Transcript Order Acknowledgment (Completed by Official Court Reporter after satisfactory financial arrangements have been made Section 63-8 of the Connecticut Practice Book.)

Name(s) of reporter(s)/monitor(s)	Estimated number of pages	Only electronic version of previously delivered transcript?		Number of pages previously delivered	Estimated delivery date
<u>K. Prairie</u>	<u>80</u>	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<u>0</u>	<u>1-30-17</u>
<u>S. Grover</u>	<u>20</u>	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<u>0</u>	<u>2-10-17</u>
		<input type="checkbox"/> Yes	<input type="checkbox"/> No		
		<input type="checkbox"/> Yes	<input type="checkbox"/> No		
Total estimated pages →	<u>100</u>	Total delivered pages →		<u>0</u>	Final Estimated delivery date: <u>2-10-17</u>
Name of Official Court Reporter: <u>Bonnie Larosa</u>	Signature of Official Court Reporter: <u>Bonnie Larosa</u>			Date signed: <u>12-16-16</u>	

Order Acknowledgment

Section 3. Official Court Reporter's Certificate Of Completion (Completed by Official Court Reporter upon delivery of the entire transcript ordered above.)

Actual number of pages in entire Appeal Transcript: \_\_\_\_\_ Date of final delivery (Practice Book Section 63-8(c)): \_\_\_\_\_  
 This certificate is filed as required by Practice book Section 63-8. Signature of Official Court Reporter: \_\_\_\_\_ Date signed: \_\_\_\_\_

Section 4. Certification Of Service By Ordering Party (Ordering party to send completed certificate to Chief Clerk, 231 Capitol Avenue, Hartford, CT 06106.)

I certify that a copy of the above Certificate of Completion was served on all counsel and self-represented parties of record.  
 Signature of ordering party: \_\_\_\_\_ Date signed: \_\_\_\_\_ Page: 1 of 2

Print Form

Resub Form

NOTICE OF APPEAL  
TRANSCRIPT ORDER

CONNECTICUT JUDICIAL BRANCH

www.jud.ct.gov

The Judicial Branch of the State of Connecticut complies with the Americans with Disabilities Act (ADA). If you need a reasonable accommodation in accordance with the ADA, contact a court clerk or an ADA contact person listed at www.jud.ct.gov/ADA.

JD-ES-73 Rev. 3-13  
P.B. §§ 63-2, 63-8, 63-8A

- INSTRUCTIONS TO PERSON ORDERING A TRANSCRIPT FOR AN APPEAL:
- 1. Fill out section 1 only and give this form to the Official Court Reporter.
- 2. Give the Official Court Reporter the name and address of all counsel and self-represented parties of record.
- 3. After the Official Court Reporter fills out section 3 and returns the form to you, fill out section 4.

Appeal docket number

NB474

Section 1.

Name of case: Austin Haughwout v. Laura Tordenti, et al. Trial court docket number: CV 166032526

Hearing dates of transcript being ordered: August 8, 2016

Trial court location: 20 Franklin Square, New Britain, CT 06051 Judicial district of: New Britain

Name(s) of Judge(s): Shortall, J.

Case type ("X" one):  
 Criminal  Family  Jury  
 Juvenile  Civil  Court

Appeal to ("X" one):  
 Supreme Court  
 Appellate Court

Appeal ("X" one):

1. From judgment in juvenile matters:  
 (a) concerning Termination of Parental Rights  
 (b) other than Termination of Parental Rights

2. From a criminal judgment where defendant is:  
 (a) incarcerated  
 (b) not incarcerated

3. From court closure order  
 4. Involving the public interest  
 5. From judgment involving custody of minor children  
 6. From all other judgments

received  
12/12/16-BK

An electronic version of a previously delivered transcript is being ordered:  Yes  No

Describe in detail, including specific dates, the parts of the proceedings for which a transcript is being ordered. If you are ordering an electronic version of a previously delivered transcript, indicate that the paper transcript already was delivered. Attach a sheet of plain paper if needed.

Transcript of entire evidentiary hearing 8/8/16

From: Name and mailing address of person ordering transcript: Ralph E. Urban, AAG; PO Box 120, 55 Elm St., Hartford, CT 06141 Telephone number: (860) 808-521

Relationship (Attorney for Plaintiff, Defense, etc.): Attorney for Defendants Signature of person ordering transcript: [Signature] Date signed: 12/12/16

Do not write below this line when ordering the transcript.

Section 2: Official Court Reporter's Appeal Transcript Order Acknowledgment (Completed by Official Court Reporter after satisfactory financial arrangements have been made pursuant to Section 63-8 of the Connecticut Practice Book.)

Name(s) of reporter(s)/monitor(s)	Name(s) of transcribing reporter(s)/monitor(s) (if different)	Estimated number of pages	Only electronic version of previously delivered transcript?		Number of pages previously delivered	Estimated delivery date
			Yes	No		
K. Prairie		80	<input type="checkbox"/>	<input checked="" type="checkbox"/>	0	1-30-17
			<input type="checkbox"/>	<input type="checkbox"/>		
			<input type="checkbox"/>	<input type="checkbox"/>		
			<input type="checkbox"/>	<input type="checkbox"/>		

JD-ES-038C attached for additional names of reporter(s)/monitor(s) Total estimated pages: 80 Total delivered pages: 0 Final Estimated delivery date: 1-30-17

Name of Official Court Reporter: Bonnie LaRosa Signature of Official Court Reporter: [Signature] Date signed: 12-12-16

Order Acknowledgment

Section 3: Official Court Reporter's Certificate Of Completion (Completed by Official Court Reporter upon delivery of the entire transcript ordered above.)

Actual number of pages in entire Appeal Transcript: 94 Date of final delivery (Practice Book Section 63-8(c)): 1-18-17

This certificate is filed as required by Practice Book Section 63-8 Signature of Official Court Reporter: Bonnie LaRosa Date signed: 1-25-17

Section 4: Certification Of Service By Ordering Party (Ordering party to send completed certificate to Chief Clerk, 231 Capitol Avenue, Hartford, CT 06106)

I certify that a copy of the above Certificate of Completion was served on all counsel and self-represented parties of record.

Signature of ordering party: [Signature] Date signed: 2/7/17

**NOTICE OF APPEAL  
TRANSCRIPT ORDER**

JD-ES-38 Rev. 3/10 Pr. Bk. §§ 63-4, 63-8, 63-8A

**CONNECTICUT JUDICIAL BRANCH**

www.jud.ct.gov

The Judicial Branch of the State of Connecticut complies with the Americans with Disabilities Act (ADA). If you need a reasonable accommodation in accordance with the ADA, contact a court clerk or an ADA contact person listed at www.jud.ct.gov/ADA/

**INSTRUCTIONS TO PERSON ORDERING A TRANSCRIPT FOR AN APPEAL.**

1. Fill out section 1 only and give this form to the Official Court Reporter.
2. Give the Official Court Reporter the name and address of all counsel and self-represented parties of record.
3. After the Official Court Reporter fills out section 3 and returns the form to you, fill out section 4.

Number

**Section 1.**

Name of case: Austin Haughwout V. Laura Tardenti, Et Al Trial court docket number: HHB-CV16-6032526-5

Hearing dates of transcript being ordered: August 8, 2016 and October 3, 2016

Trial court location: New Britain Judicial district of: New Britain

Name(s) of Judge(s): Joseph M. Shortall, JTR

Case type ("X" one):  
 Criminal  Family  Jury  
 Juvenile  Civil  Court

Appeal to ("X" one):  
 Supreme Court  Appellate Court

Appeal ("X" one):

1. From judgment in juvenile matters:  
 (a) concerning Termination of Parental Rights  
 (b) other than Termination of Parental Rights

2. From a criminal judgment where defendant is:  
 (a) incarcerated  
 (b) not incarcerated

3. From court closure order  
 4. Involving the public interest  
 5. From judgment involving custody of minor children  
 6. From all other judgments

An electronic version of a previously delivered transcript is being ordered:  Yes  No

Describe in detail including specific dates, the parts of the proceedings for which a transcript is being ordered. If you are ordering an electronic version of a previously delivered transcript, indicate that the paper transcript already was delivered. Attach a sheet of plain paper if needed.

Full transcript for both ~~September 14, 2016~~ and October 3, 2016

From: Name and mailing address of person ordering transcript: Austin Haughwout Telephone number: (617) 817-5553

Relationship (Attorney for Plaintiff, Defense, etc.): Self Represented Plaintiff Signature of person ordering transcript: Austin Haughwout Date signed: 12/13/2016

Do not write below this line when ordering the transcript.

**Section 2. Official Court Reporter's Appeal Transcript Order Acknowledgment (Completed by Official Court Reporter after satisfactory financial arrangements have been made Section 63-8 of the Connecticut Practice Book.)**

Name(s) of reporter(s)/monitor(s)	Estimated number of pages	Only electronic version of previously delivered transcript?		Number of pages previously delivered	Estimated delivery date
		Yes	No		
		<input type="checkbox"/>	<input type="checkbox"/>		
		<input type="checkbox"/>	<input type="checkbox"/>		
		<input type="checkbox"/>	<input type="checkbox"/>		
		<input type="checkbox"/>	<input type="checkbox"/>		
	Total estimated pages →	Total delivered pages →		Total delivered pages	Final Estimated delivery date
Name of Official Court Reporter	Signature of Official Court Reporter			Date signed	

**Order Acknowledgment**

**Section 3. Official Court Reporter's Certificate Of Completion (Completed by Official Court Reporter upon delivery of the entire transcript ordered above.)**

Actual number of pages in entire Appeal Transcript: \_\_\_\_\_ Date of final delivery (Practice Book Section 63-8(c)) \_\_\_\_\_

This certificate is filed as required by Practice book Section 63-8

Signature of Official Court Reporter \_\_\_\_\_ Date signed \_\_\_\_\_

**Section 4. Certification Of Service By Ordering Party (Ordering party to send completed certificate to Chief Clerk, 231 Capitol Avenue, Hartford, CT 06106.)**

I certify that a copy of the above Certificate of Completion was served on all counsel and self-represented parties of record.

Signature of ordering party \_\_\_\_\_ Date signed \_\_\_\_\_

CHIEF CLERK  
 SUPREME COURT  
 APPELLATE COURT  
 231 CAPITOL AVENUE  
 HARTFORD, CT 06106  
 DEC 1 2016

Print Form

Reset Form

NOTICE OF APPEAL  
TRANSCRIPT ORDER

CONNECTICUT JUDICIAL BRANCH

www.jud.ct.gov

The Judicial Branch of the State of Connecticut complies with the Americans with Disabilities Act (ADA). If you need a reasonable accommodation in accordance with the ADA, contact a court clerk or an ADA contact person listed at www.jud.ct.gov/ADA.

Appeal docket number  
**NB474**

INSTRUCTIONS TO PERSON ORDERING A TRANSCRIPT FOR AN APPEAL:

1. Fill out section 1 only and give this form to the Official Court Reporter.
2. Give the Official Court Reporter the name and address of all counsel and self-represented parties of record.
3. After the Official Court Reporter fills out section 3 and returns the form to you, fill out section 4.

Section 1.

Name of case: **Austin Haughwout v. Laura Tordenti, et al.** Trial court docket number: **CV 166032526**

Hearing dates of transcript being ordered: **August 8, 2016**

Trial court location: **20 Franklin Square, New Britain, CT 06051** Judicial district of: **New Britain**

Name(s) of Judge(s): **Shortall, J.**

Case type ("X" one):  
 Criminal  Family  Jury  
 Juvenile  Civil  Court

Appeal ("X" one):  
 1. From judgment in juvenile matters:  
 (a) concerning Termination of Parental Rights  
 (b) other than Termination of Parental Rights  
 2. From a criminal judgment where defendant is:  
 (a) incarcerated  
 (b) not incarcerated  
 3. From court closure order  
 4. Involving the public interest  
 5. From judgment involving custody of minor children  
 6. From all other judgments

**received**  
12/12/16-AC

An electronic version of a previously delivered transcript is being ordered:  Yes  No

Describe in detail, including specific dates, the parts of the proceedings for which a transcript is being ordered. If you are ordering an electronic version of a previously delivered transcript, indicate that the paper transcript already was delivered. Attach a sheet of plain paper if needed.

**Transcript of entire evidentiary hearing 8/8/16**

From: Name and mailing address of person ordering transcript: **Ralph E. Urban, AAG; PO Box 120, 55 Elm St. Hartford, CT 06141** Telephone number: **(860) 808-521**

Relationship (Attorney for Plaintiff, Defense, etc.): **Attorney for Defendants** Signature of person ordering transcript: **[Signature]** Date signed: **12/12/16**

Do not write below this line when ordering the transcript.

Section 2. Official Court Reporter's Appeal Transcript Order Acknowledgment (Completed by Official Court Reporter after satisfactory financial arrangements have been made pursuant to Section 63-8 of the Connecticut Practice Book.)

Name(s) of reporter(s)/monitor(s)	Name(s) of transcribing reporter(s)/monitor(s) (if different)	Estimated number of pages	Only electronic version of previously delivered transcript?		Number of pages previously delivered	Estimated delivery date
			Yes	No		
<b>K Prairie</b>		<b>80</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>0</b>	<b>1-30-17</b>
			<input type="checkbox"/>	<input type="checkbox"/>		
			<input type="checkbox"/>	<input type="checkbox"/>		
			<input type="checkbox"/>	<input type="checkbox"/>		

JD-ES-038C attached for additional names of reporter(s)/monitor(s) Total estimated pages: **80** Total delivered pages: **0** Final Estimated delivery date: **1-30-17**

Name of Official Court Reporter: **Bonnie Larosa** Signature of Official Court Reporter: **Bonnie Larosa** Date signed: **12-12-16**

Order Acknowledgment

Section 3. Official Court Reporter's Certificate Of Completion (Completed by Official Court Reporter upon delivery of the entire transcript ordered above.)

Actual number of pages in entire Appeal Transcript: **94** Date of final delivery (Practice Book Section 63-8(c)): **1-18-17**

This certificate is filed as required by Practice Book Section 63-8 Signature of Official Court Reporter: **Bonnie Larosa** Date signed: **1-25-17**

Section 4. Certification Of Service By Ordering Party (Ordering party to send completed certificate to Chief Clerk, 231 Capitol Avenue, Hartford, CT 06106)

I certify that a copy of the above Certificate of Completion was served on all counsel and self-represented parties of record.

Signature of ordering party: **[Signature]** Date signed: **2/7/17**

**COURT REPORTER'S/MONITOR'S APPEAL  
TRANSCRIPT DELIVERY CERTIFICATE**

JD-ES-38B Rev. 5-11  
Pr. Bk. §§ 63-8(c), 63-8A

**CONNECTICUT JUDICIAL BRANCH**  
www.jud.ct.gov

Notice of Appeal Transcript Order Number <b>NB475</b>
Docket Number <b>HHBCV16-6032526-S</b>

To be completed by Court Reporter/Monitor upon delivery of an appeal transcript, including an electronic version, or his or her entire assigned portion of the appeal transcript and distributed immediately as indicated on the bottom.

Name of Case <b>Austin Haughwout v. Laura Tordenti, et al</b>	
Hearing Date(s) <b>October 3, 2016</b>	
Judge's (s') Name(s) <b>J. Shortall</b>	
Name of Person Ordering Transcript/Disk <b>Austin Haughwout</b>	
Mailing Address of Person Ordering Transcript/Disk <b>7 Egypt Lane Clinton, CT 06413</b>	
My Portion of the Appeal is Complete <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	An electronic version of all previously delivered transcripts has been produced and delivered pursuant to section 63-8A of the Practice Book <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A
Total Number of Paper Pages Delivered <b>9</b>	An electronic version of the paper transcript delivered with this certificate has been produced and delivered pursuant to section 63-8A of the Practice Book <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
	Type of Delivery <input checked="" type="checkbox"/> Manual (signed receipt required) <input type="checkbox"/> Certified Mail <input type="checkbox"/> Return Receipt Requested
Date of Certified Mail or Manual Delivery <b>1/27/2017</b>	Name of Recording Reporter/Monitor <b>Sarah Grover</b>
Name of Transcribing Reporter/Monitor (if different)	Signature of Transcribing Reporter/Monitor <i>Sarah Grover</i>
	Date Signed <b>1/27/2017</b>

**This Section May Be Used as a Receipt for Manual Deliveries**

I acknowledge receipt of the appeal transcript described above.		Received For
Received By <i>Austin Haughwout</i>	Signature of Transcribing Reporter/Monitor	Date Signed

**DISTRIBUTION:** ORIGINAL - Supervisor of Court Transcript Services  
COPY 1 - Official Court Reporter  
COPY 2 - Ordering Party  
COPY 3 - Court Reporter/Monitor

Print Form

Reset Form

**COURT REPORTER'S/MONITOR'S APPEAL  
TRANSCRIPT DELIVERY CERTIFICATE**

JD-ES-38B Rev. 9-07 Pr. Bk. §§ 63-8(c), 63-8A

NOTICE OF APPEAL TRANSCRIPT ORDER NO. <b>NB475</b>
DOCKET NO. <b>HHB-CV16-6032526-S</b>

**CONNECTICUT JUDICIAL BRANCH**

[www.jud.ct.gov](http://www.jud.ct.gov)

*To be completed by Court Reporter/Monitor upon delivery of an appeal transcript, including an electronic version, or their entire assigned portion thereof and distributed immediately as indicated on the bottom.*

NAME OF CASE <b>Austin Haughwout v. Laura Tordenti et al</b>	
HEARING DATE(S) <b>August 8, 2016</b>	
JUDGE'S (S) NAME(S) <b>Hon. Joseph Shortall</b>	
NAME OF PERSON ORDERING TRANSCRIPT/DISK <b>Austin Haughwout</b>	
MAILING ADDRESS OF PERSON ORDERING TRANSCRIPT/DISK <b>7 Egypt Lane, Clinton, CT</b>	
MY PORTION OF THE APPEAL IS COMPLETE <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	AN ELECTRONIC VERSION OF ALL PREVIOUSLY DELIVERED TRANSCRIPT HAS BEEN PRODUCED AND DELIVERED PURSUANT TO PR. BK. § 63-8A <input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A
TOTAL NO. OF PAPER PAGES DELIVERED <b>94</b>	AN ELECTRONIC VERSION OF THE PAPER TRANSCRIPT DELIVERED WITH THIS CERTIFICATE HAS BEEN PRODUCED AND DELIVERED PURSUANT TO PR. BK. § 63-8A <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A
DATE OF CERTIFIED MAIL OR MANUAL DEL. <b>1.18.17</b>	TYPE OF DELIVERY <input checked="" type="checkbox"/> MANUAL ( <i>signed receipt required</i> ) <input type="checkbox"/> CERTIFIED MAIL <input type="checkbox"/> RETURN RECEIPT REQUESTED
NAME OF RECORDING REPORTER/MONITOR <b>Kathleen Prairie</b>	NAME OF TRANSCRIBING REPORTER/MONITOR ( <i>If different</i> ) <b>Kathleen Prairie</b>
NAME OF TRANSCRIBING REPORTER/MONITOR ( <i>If different</i> )	SIGNATURE OF TRANSCRIBING REPORTER/MONITOR <i>Kathleen Prairie</i>
	DATE SIGNED <b>1/18/17</b>

**THIS SECTION MAY BE USED AS A RECEIPT FOR MANUAL DELIVERIES**

I hereby acknowledge receipt of the appeal transcript described above.		RECEIVED FOR
RECEIVED BY <i>Austin Haughwout</i>	SIGNATURE OF TRANSCRIBING REPORTER/MONITOR <i>Kathleen Prairie</i>	DATE SIGNED <b>1/23/17</b>

**DISTRIBUTION:** ORIGINAL - Manager of Court Transcript Services  
 COPY 1 - Official Court Reporter  
~~COPY 2 - Ordering Party~~  
 COPY 3 - Court Reporter/Monitor



State of Connecticut  
**Judicial Branch**



Court Reporters' Office  
20 Franklin Square  
New Britain, CT 06051  
Telephone: (860) 515-5380 Fax: (860) 515-5382

**INVOICE**

DATE: January 18, 2017

TO: Austin Haughwout

RE: Haughwout v. Tordenti et al

DOCKET NUMBER: HHB-CV16-6032526-S

DATE OF HEARING: August 8, 2016

AMOUNT DUE:           \$    282.00 total  
                              -    200.00 deposit  
                              -----  
                              82.00 balance

PAYABLE TO:           KATHLEEN PRAIRIE

TELEPHONE:           (860) 515-5380 EXT. 3087

MAIL TO:               KATHLEEN PRAIRIE  
                              COURT REPORTERS' OFFICE  
                              20 FRANKLIN SQUARE  
                              NEW BRITAIN, CT 06051

**PLEASE DO NOT SHARE TRANSCRIPTS. OPPOSING PARTIES ARE  
RESPONSIBLE FOR ORDERING THEIR OWN COPIES.  
PAYMENT DUE UPON RECEIPT.**

Log Off 15:14

Log On 15:14

=====

State Of Connecticut  
JD40 New Britain 040 HHB

PostDate: 12/02/2016  
Loc Code: HHB  
Docket: CV1660325269  
Rcpt Nbr: 0495896  
Plaintiff: haughwout  
Defendant: tordenti  
Payer: cash

0001 400 - Entry Fee - Appellate 250.00

<2690/49 #28-1>

1633649-1 02Dec16 03:16PM 250.00

\*0028\*

1 ITEMS: AMT DUE	\$250.00
260.00 Cash	
Change	\$10.00

**CERTIFICATION**

This is to certify that on this date, the attached appeal notice was sent, either via first class mail or electronic transmission, to the following parties of record:

Ralph E Urban II  
Attorney General  
P.O. Box 120  
55 Elm Street  
Hartford, CT 06141  
Tel: (860) 808-5210  
Fax: (860) 808-5385  
E-Mail: ralph.urban@ct.gov

Jon L. Schoenhorn  
108 Oak Street  
Hartford, CT 06106  
Tel: (860) 278-3500  
Fax: (860) 278-6393  
E-Mail: jon@schoenhorn.com

*Austin Haughwout*

\_\_\_\_\_  
Austin Haughwout, Pro Se

CHIEF CLERK  
SUPREME COURT  
APPELLATE COURT  
2016 DEC 6 PM 1 41  
231 CAPITOL AVENUE  
HARTFORD, CT. 06106