

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

MARK C. O'NEILL	:	CIVIL ACTION NO.: 3:12CV679
MONIQUE CAIN	:	
JAMES EVARTS	:	
MARCO FRANCA	:	
WILLIAM L. HOFFMAN	:	
DANIELA RODRIGUEZ	:	
ERIC SCOTT and	:	
STEPHEN TORQUATI	:	
VS.	:	
CITY OF NEW HAVEN	:	MAY 7, 2012

COMPLAINT

1. This is an action to redress the deprivation of rights secured to the plaintiffs by the Constitution and laws of the United States and the State of Connecticut.

2. Jurisdiction of this court is invoked under the provisions of Sections 1331, 1343(3) and 1367(a) of Title 28 and Sections 1983 and 1988 of Title 42 of the United States Code.

3. The plaintiffs all are adult citizens of the United States and the State of Connecticut who are employed as police officers by the City of New Haven. Each of the plaintiffs is a member of an ethnic group other than Hispanic.

4. The defendant is a municipal corporation in the State of Connecticut. At all times mentioned herein, it acted through its highest policy-setting officials for the matters in question, that is, its Civil Service Commission and its Board of Police Commissioners.

5. During all times mentioned in this Complaint, the defendant was acting under color of law, that is, under color of the constitution, statutes, laws, rules, regulations, customs and usages of the State of Connecticut.

6. Each of the plaintiffs took and passed all necessary examinations for promotion to the rank of Sergeant in April 2009.

7. As a result, each of the plaintiffs was placed on the eligibility list for such promotion.

8. Prior to 2009, eligibility lists for promotion to the rank of Sergeant in the New Haven Police Department always has been effective for a total period of two years, computed in one-year increments.

9. On July 14, 2009, the New Haven Civil Service Board approved the promotion list containing the names of each of the plaintiffs. At that time, however, members of the Board explicitly stated that they were troubled by the fact that none of the persons on the list was Hispanic. At that time, the Board expressly agreed that the list would be allowed to expire after only one year solely for the purpose of limiting the number of non-Hispanic officers who could

be promoted to the rank of Police Sergeant and increasing the likelihood that Hispanic officers would receive such promotions.

10. On July 13, 2010, it was called to the attention of the New Haven Board of Police Commissioners that the promotional list would expire if not extended, as always had been done before. In its public meeting, the Commission contacted duly authorized representatives of the Civil Service Board and at that time was advised of the events which had transpired, as aforesaid, on July 14, 2009.

11. In accordance with its plan, the Civil Service Board allowed the promotional list to expire on July 14, 2010, and refused to extend it solely for the purpose of excluding non-Hispanic officers including the plaintiffs from being promoted and of making the positions for which the plaintiffs were eligible available instead to Hispanic officers.

12. In the manner described above, the defendant has discriminated the plaintiffs solely because of their ethnicity, in violation of the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution, which is enforced through Sections 1983 and 1988 of Title 42 of the United States Code.

WHEREFORE, the plaintiffs and each of them claim judgment against the defendant for compensatory damages, attorney fees, costs, and such injunctive relief as this court shall consider fair and equitable.

THE PLAINTIFFS

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