

UNITED STATES DISTRICT COURT  
DISTRICT OF CONNECTICUT

-----X  
MARK C. O'NEILL, ET AL

Plaintiffs

CIVIL ACTION NO.:  
3:12CV00679 (MRK)

vs.

**JURY DEMAND**

CITY OF NEW HAVEN

Defendant

JUNE 29, 2012  
-----X

ANSWER TO COMPLAINT

The defendant, CITY OF NEW HAVEN, hereby answers the plaintiffs' Complaint dated May 7, 2012, as follows:

1-2. The defendant is without knowledge or information sufficient to form a belief as to the truth of paragraphs 1 through 2.

3. Admitted that the plaintiffs are employed as police officers by the City of New Haven. The rest and remaining allegations of Paragraph 3 are admitted based on information and belief.

4. That portion of paragraph 4 which states "The defendant is a municipal corporation in the State of Connecticut." is admitted. The defendant is without knowledge or information sufficient to form a belief as to the truth of the rest and remaining portion of paragraph 4.

5. The defendant is without knowledge or information sufficient to form a belief as to the truth of paragraph 5.

6. Admitted that the plaintiffs received a mandatory passing score of “70” or above on the examination for promotion to the rank of sergeant in April, 2009. It is denied, however, that achieving a passing score means that a candidate will be promoted.

7. Admitted that the plaintiffs were placed on the eligibility list. It is denied however, that placement on the eligibility list means that a candidate will be promoted.

8. Denied. Pursuant to the Civil Service Rules, promotional lists are in effect for one year or until 75 percent of the list has been exhausted and the Civil Service Board may extend the duration of the list.

9. That portion of paragraph 9 which states “On July 14, 2009, the New Haven Civil Service Board approved the promotion list containing the names of each of the plaintiffs.” is admitted. That portion of paragraph 9 which states “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.” is denied; however it is admitted that the Board discussed the implications surrounding the fact that no Hispanics passed the exam. As to the rest and remaining portion of paragraph 9, it is admitted that the Board certified the list for one year; however, it is denied that the purpose was to limit the number of non-Hispanic officers who could be promoted, or to increase the likelihood that Hispanic officers would receive promotions.

10. Admitted that at the July 13, 2010 meeting of the Board of Police Commissioners, the Board was asked whether the promotional list would be extended. The rest and remaining portion of paragraph 10 is denied.

11. Admitted that the list expired on July 14, 2010. The rest and remaining portion of paragraph 11 is denied.

12. Paragraph 12 is denied.

THE DEFENDANT  
CITY OF NEW HAVEN

By /s/  
Nicole C. Chomiak  
Federal Bar No: ct 18547  
NUZZO & ROBERTS, L.L.C.  
One Town Center  
P.O. Box 747  
Cheshire, Connecticut 06410  
Tel: (203) 250-2000  
Fax: (203) 250-3131  
[nchomiak@nuzzo-roberts.com](mailto:nchomiak@nuzzo-roberts.com)

CERTIFICATION

This is to certify that on June 29, 2012, a copy of the foregoing was filed electronically and served by mail on anyone unable to accept electronic filing. Notice of this filing will be sent by e-mail to all parties by operation of the Court(s) electronic filing system or by mail to anyone unable to accept electronic filing as indicated on the Notice of Electronic Filing. Parties may access this filing through the Court's CM/ECF system.

John R. Williams, Esq.  
John R. Williams and Associates, L.L.C.  
51 Elm Street, Suite 409  
New Haven, CT 06510

/s/  
Nicole C. Chomiak

\\fp01\nuzzo\WP\401002\577\PLEADINGS\ANSWER 06 29 12.doc