

RETURN DATE: JULY 14, 2020 : SUPERIOR COURT
ITALIAN – AMERICAN HERITAGE GROUP : J.D. OF NEW HAVEN
OF NEW HAVEN
V. : AT NEW HAVEN
CITY OF NEW HAVEN : JUNE 23, 2020

COMPLAINT

1. At all times mentioned herein, the plaintiff, Italian-American Heritage Group of New Haven (hereinafter referred to as “the plaintiff Group,”) has been a Voluntary Association made up of approximately ten thousand (10000) individuals of Italian-American descent residing in the City of New Haven and New Haven County, State of Connecticut. Certain of the members of the plaintiff Group are descendants of Italians who immigrated to New Haven, Connecticut in the late 19th Century. Two hundred (200) such ancestors financially contributed to the erection of a statue of the Explorer, Christopher Columbus in New Haven, Wooster Square Park in 1892, which was gifted to the City. From its inception, and to date, said statue has been a source of great pride to the Italian-American community in general, and to the plaintiff Group whose members view its presence as a symbol of their Italian heritage.

2. At all times mentioned herein, the defendant City of New Haven has been a municipal corporation organized and existing under the laws of the State of Connecticut. The defendant City is governed by a Municipal Charter.

3. At all times mentioned herein, Article IV, Section 4, A, 1 of said Charter described the responsibilities of the New Haven Board of Aldermen "to manage, regulate, and control all City property; to authorize the purchase or sale of property in the name of the City..."

4. At all times mentioned herein, Article VII, Section 3, H, (4)(f) established a Board of Park Commissioners and described its authority "to accept, with the approval of the Board of Alders, any and all devises or gifts of property, either real or personal, of any kind or class that may be given or left to it by will or devise ... in trust for the use of said Board of Park Commissioners."

5. At all times mentioned herein, an issue has arisen over the continued presence of the statue of the Explorer Christopher Columbus in Wooster Square Park.

6. In light of that issue, the defendant City has articulated its immediate intent to remove said statue from Wooster Square Park.

7. Said immediate articulated intent to remove the statute was achieved without the approval of the New Haven Board of Aldermen. (In point in fact, the defendant City has publicly stated through its Mayor Justin Elicker “the City owns the statute. Removing it is the right decision.”)

8. Upon information and belief, and in response to said issue concerning the removal of the statue, the defendant City, acting by and through its Board of Park Commissioners, recently unanimously voted to remove the statue. However, this action does not appear on any Agenda for the Board of Park Commissioners, nor have its Minutes been publicly posted on the defendant City’s website. Moreover, the issue has not been vetted by the Board of Aldermen.

9. The removal of the statue as described above, is void, illegal, and contrary to the clearly articulated procedures for the disposition of City property in its own Charter, by the Board of Aldermen, as set forth above, and will cause the plaintiff Group irreparable injury in that once the statue is removed, it will permanently disappear from the inventory of the City’s parks landscape.

10. The plaintiff Group has no adequate remedy at law.

The plaintiff Group claims:

1. A temporary and permanent injunction, prohibiting and restraining the defendant City from removing the subject statue;
2. A temporary and permanent injunction, prohibiting and restraining the defendant City from removing the subject statue without following, its own Charter mandated procedures for the disposition of City owned property.
3. Damages.

THE PLAINTIFF
ITALIAN-AMERICAN HERITAGE GROUP OF NEW HAVEN

By: _____

Attorney Patricia A. Cofrancesco
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East Haven, CT 06512
Phone No.: (203)467-6003
Juris No. 300918

6-23-20


Louis Pane
Founder
Italian-American Heritage Group of New Haven

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STATEMENT OF AMOUNT IN DEMAND

The amount in controversy is in excess of \$15,000.00 exclusive of interest and costs.

THE PLAINTIFF,
ITALIAN-AMERICAN HERITAGE GROUP
OF NEW HAVEN

By: 
Patricia A. Cofrancesco
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89 Kimberly Avenue
East Haven, CT 06512
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Juris Number: 300918


OATH

State of Connecticut
East Haven

County of New Haven

June 23, 2020


Personally appeared Louis Pane and made oath to the truth of the
matters contained in foregoing complaint, before me



Louis Pane
Founder

6-23-20

Italian-American Heritage Group of New Haven



Commissioner of the Superior Court

LAW OFFICES OF PATRICIA A. COFRANCESCO

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