

DOCKET NO. MMX-CV-21-5014233-S : SUPERIOR COURT  
MARGARET V. SULLIVAN : J.D. OF MIDDLESEX  
v. : AT MIDDLETOWN  
RANDALL L. HALE, III : MAY 22, 2024

**MEMORANDUM OF DECISION**

The plaintiff, Margaret Sullivan has brought this action against her former husband, the defendant Randall L. Hale, III. In her complaint the plaintiff alleges the following causes of action: defamation, harassment by malicious interference with employment, and intentional infliction of emotional distress. The case was tried on January 10 and March 19, 2024.

The plaintiff is a certified English teacher and she worked at Rocky Hill High School from August of 2008 until May of 2021. She was a tenured teacher when her employment ended. It is obvious to the court that the plaintiff was deeply affected by the loss of her teaching position.

The marriage of the parties was dissolved on March 11, 2019. The significant events that gave rise to this action occurred on May 7 and May 17, 2021, when the parties were involved in postjudgment custody issues. The plaintiff testified that on May 7, 2021, the defendant contacted the plaintiff's employer and spoke to the Superintendent, Mark Zito (Zito). The plaintiff stated that the defendant gave the superintendent derogatory and false information about the plaintiff's use of alcohol that resulted in her termination of employment.

The plaintiff maintains that the defendant's conversations with Zito were unnecessary and were initiated to cause the plaintiff harm at her place of employment. It is undisputed that after the defendant's May 7, 2021 conversation, Zito received documents that had been filed in the postjudgment custody proceedings. The plaintiff testified that on May 17, 2021, she met with

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Zito and he notified her that her employment was terminated. As a result of this meeting, the plaintiff testified that she resigned her position for medical reasons in order to avoid public hearings related to her termination. The plaintiff refers to this event as a “forced resignation.”

The plaintiff’s Exhibit 3 is a May 10, 2021 email from the defendant directing his attorney to send Zito “a copy of the ex-parte and any other documents that will show that I have physical custody of both Skylar and Randy since October 2019.” Zito was copied on this email. In this exhibit, attached to the copy of the May 10, 2021 email, are paper attachments containing copies of an application for an emergency ex parte order, the order of the court, and an affidavit from the guardian ad litem. These documents were not favorable to the plaintiff. The plaintiff maintains that these documents were submitted by the defendant to Zito to defame her, to interfere with her employment, and to cause her emotional distress. It should be noted that Zito did not testify at the trial.<sup>1</sup>

The defendant testified that he called Rocky Hill High School on May 7, 2021, to verify that the plaintiff’s employer was providing health insurance coverage for the parties’ minor children. Although he did not request to speak to him, the plaintiff was connected to Zito. Zito asked the defendant about the current custody arrangement between the parties and also asked about their daughter’s school attendance records. Zito also requested the defendant to provide

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<sup>1</sup> During the course of the trial, the plaintiff made reference to the fact that the defendant has made derogatory statements about the plaintiff to individuals other than Zito. The plaintiff’s complaint does not refer to any statements other than the defendant’s interactions with Zito. The court will not address statements made to persons other than Zito. “The principle that a plaintiff may rely only upon what he has alleged is basic. . . . It is fundamental in our law that the right of a plaintiff to recover is limited to the allegations of his complaint. . . . What is in issue is determined by the pleadings and these must be in writing. . . . Once the pleadings have been filed, the evidence proffered must be relevant to the issues raised therein.” (Internal quotation marks omitted.) *Stohlts v. Gilkinson*, 87 Conn. App. 634, 649–50, 867 A.2d 860 (2005).

documents showing that the defendant had custody of the minor children. After this conversation, the defendant sent the May 10, 2021 email to his attorney with a copy to Zito. The defendant testified that he did not attach to his email the documents contained in the plaintiff's Exhibit 3. The defendant submitted the defendant's Exhibit B, which is a copy of the May 10, 2021 email that does not contain any attachments. The email does not contain any indication that document files were contained in, or electronically attached, to the email. The court finds the defendant's testimony on this issue to be credible.

First cause of action (Defamation)<sup>2</sup>

“A defamatory statement is defined as a communication that tends to harm the reputation of another as to lower him in the estimation of the community or to deter third persons from associating or dealing with him . . . .” (Internal quotation marks omitted.) *NetScout Systems, Inc. v. Gartner, Inc.*, 334 Conn. 396, 410, 223 A.3d 37 (2020). “Defamation is comprised of the torts of libel and slander: slander is oral defamation and libel is written defamation.” (Internal quotation marks omitted.) *Stevens v. Khalily*, 220 Conn. App. 634, 641–42, 298 A.3d 1254, cert. denied, 348 Conn. 915, 303 A.3d 260 (2023).

“At common law, [t]o establish a prima facie case of defamation, the plaintiff must demonstrate that: (1) the defendant published a defamatory statement; (2) the defamatory statement identified the plaintiff to a third person; (3) the defamatory statement was published to a third person; and (4) the plaintiff's reputation suffered injury as a result of the statement. . . . Each statement furnishes a separate cause of action and requires proof of each of the elements for defamation.” (Citation omitted; emphasis omitted; internal quotation marks omitted.) *Stevens v.*

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<sup>2</sup> The headings in this memorandum mirror those used in the plaintiff's complaint.

*Khalily*, supra, 220 Conn. App. 642.

After careful consideration of the testimony and exhibits, the court finds that the plaintiff has not sustained her burden to establish that the defendant “published” the unfavorable information to Zito. Although it is possible that Zito received statements about the parties’ custody proceedings, there is a lack of evidence to establish that the defendant sent those statements to Zito. The court finds it significant that the May 10, 2021 email, which the plaintiff relies on, does not contain any reference to other documents that were purportedly attached to the email. In fact, the email expressly asks the defendant’s attorney to send documents to establish that the defendant had custody of the parties’ minor children. Although it is probable that the subject documents were sent by the defendant’s attorney, there is a lack of evidence to establish that the defendant requested that the specific documents that contained the unfavorable information regarding the plaintiff be sent to Zito.

The court also finds that the plaintiff has failed to establish that the information Zito received was directly related to her resignation of employment. Although the plaintiff testified this information was the reason her employment was terminated, the plaintiff also testified she was under tremendous emotional stress when she met with Zito on May 17, 2021. The plaintiff also admitted she does not have a clear recollection of her meeting with Zito. The plaintiff did not submit any written evidence related to the meeting or reasons for termination. As noted earlier, Zito was not present at the trial to corroborate the plaintiff’s testimony. The court takes no pleasure in finding that the plaintiff’s version of events related to the defendant’s involvement in the termination of her employment is not credible. Judgment may enter in favor of the defendant on the first cause of action, defamation.

Second cause of action (Harassment: Malicious interference with employment)

In this cause of action, the plaintiff is essentially claiming that the defendant intentionally interfered with her contract of employment with the Rocky Hill school system. “A claim for tortious interference with contractual relations requires the plaintiff to establish (1) the existence of a contractual or beneficial relationship, (2) the defendants’ knowledge of that relationship, (3) the defendants’ intent to interfere with the relationship, (4) the interference was tortious, and (5) a loss suffered by the plaintiff that was caused by the defendants’ tortious conduct. . . . Unlike other torts in which liability gives rise to nominal damages even in the absence of proof of actual loss . . . it is an essential element of the tort of unlawful interference with business relations that the plaintiff suffers actual loss.” (Citations omitted; internal quotation marks omitted.) *Appleton v. Board of Education*, 254 Conn. 205, 212–13, 757 A.2d 1059 (2000).

Based upon the facts discussed above, the court finds that the plaintiff has not established that the defendant intended to interfere with the plaintiff’s relations with her employer. The court finds the defendant’s description and explanation of his interactions with Zito to be credible. The defendant’s actions do not satisfy the elements of this cause of action. Judgment may enter for the defendant on this second cause of action.

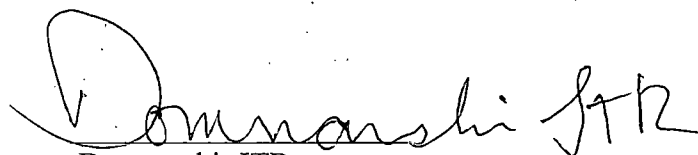
Third cause of action (Intentional infliction of emotional distress)

“In order for the plaintiff to prevail in a case for liability under . . . [intentional infliction of emotional distress], four elements must be established. It must be shown: (1) that the actor intended to inflict emotional distress or that he knew or should have known that emotional distress was the likely result of his conduct; (2) that the conduct was extreme and outrageous; (3) that the defendant’s conduct was the cause of the plaintiff’s distress; and (4) that the emotional

distress sustained by the plaintiff was severe.” (Footnote omitted; internal quotation marks omitted.) *Carrol v. Allstate Ins. Co.*, 262 Conn. 433, 442-43, 815 A.2d 119 (2003).

From the findings of facts related to the two earlier causes of action, the court determines that the plaintiff has not satisfied the first and second element of this cause of action. The court cannot find that the defendant intended to inflict emotional distress on the plaintiff when he contacted the plaintiff’s place of employment, and thereafter spoke to Zito. Furthermore, the court does not find conduct related to the plaintiff’s claim to be extreme and outrageous. Judgment may enter for the defendant on this cause of action.

Judgment may enter in favor of the defendant on all counts of the plaintiff’s complaint.

  
Domnarski, JTR