

APPELLATE COURT
STATE OF CONNECTICUT

NNICV196017048S

CT Commission on Human Rights and Opportunities

v.

Town of Wallingford et al.

June 2, 2021

ORDER

Notice having been given to the public on the Judicial Branch website on May 28, 2021, the petition for review dated May 22, 2021, filed by Mike Brodinsky, was heard on June 2, 2021. Responses were filed by the plaintiffs Abigail and Christian Gilbert (Gilberts) and the defendants, the Town of Wallingford and Wallingford Zoning Board of Appeals. Counsel for the Gilberts, counsel for the defendants, counsel for CHRO, and Mr. Brodinsky presented argument. No one appeared from the public other than Mr. Brodinsky in order to be heard on the petition.

Having duly considered the petition, the responses, and the arguments presented, the court rules as follows: The petition is granted in that the sealing order dated May 20, 2021, appearing at Docket Entry No. 145.12, *CT Commission on Human Rights and Opportunities v. Town of Wallingford et al.*, NNI-CV19-6017048-S, is hereby ordered VACATED. The trial court's sealing of (1) the defendants' motion for summary judgment,¹ (2) the memorandum in support of their motion for summary judgment, and (3) the accompanying exhibits in their entirety was overbroad and improper. The defendants made no attempt to redact personal identifying information (as defined in Practice Book § 4-7 (a)) or any specific medical information they believed required protection. The

defendants also made no effort to leave available for public viewing any information not subject to sealing, including, but not limited to, legal argument, town meeting minutes, and any information already in the public domain. By not requiring the defendants to file redacted documents, the sealing order, granting the defendants' motion to seal the aforementioned materials *in toto* on the basis of "the privacy interests of the plaintiff [Christian] Gilbert regarding his medical conditions and disabilities" necessarily runs afoul of the requirement set forth in Practice Book § 11-20A (c) that any sealing order "shall be no broader than necessary to protect" the interest that "is determined to override the public's interest in viewing [the] materials" at issue.

Accordingly, the trial court clerk is ordered to return the materials lodged with the Superior Court to the defendants' counsel upon receipt of this order. In the event the defendants intend to pursue their motion for summary judgment, they will have to start anew, including any attempt to have any portion of a future summary judgment filing sealed.

¹ A review of the trial court docket reveals that the defendants' motion for summary judgment was also sealed, notwithstanding language in the sealing order suggesting that it applied only to the supporting memorandum of law and exhibits.

By the Court,

 /s/

Carl D. Cicchetti
Chief Clerk

Notice Sent: June 2, 2021
Counsel of Record
Clerk, Superior Court, NNICV196017048S
Hon. Nada K. Sizemore

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