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CRADLE, J., concurring. I agree with the majority's well reasoned analysis and conclusion that the defendants Markle Investigations, Inc., and Hopkins School, Inc. (Hopkins School), did not intrude upon the seclusion of the plaintiff, Charles Cornelius, and, therefore, that the plaintiff has failed to satisfy the second element of his invasion of privacy claim. I also agree with the majority that the plaintiff has failed to satisfy the third element of his claim, that the surveillance by the defendants was highly offensive to a reasonable person in that it occurred almost daily for several years.

I write separately because I disagree with the portion of the majority's analysis of the third element of the plaintiff's claim that relies on the plaintiff's previous conduct to determine whether the defendants' surveillance of him was highly offensive. As the majority aptly states, this court held, in *Parnoff v. Aquarion Water Co. of Connecticut*, 188 Conn. App. 153, 172–73, 204 A.3d 717 (2019), that, in order for an intentional intrusion upon one's seclusion to be actionable, that intrusion must be highly offensive to a reasonable person. Citing, in relevant part, to § 652B, comment (d), of the Restatement (Second) of Torts, this court explained: "For there to be liability, the defendant's interference with the plaintiff's seclusion must be substantial, must be of a kind that would be highly offensive to a reasonable person, and must be a result of conduct to which a reasonable person would strongly object." *Id.*, 173; see also 3 Restatement (Second), Torts § 652B, comment (d), p. 380 (1977). In other words, the consideration of this element involves the conduct of the defendants. In my view, *Parnoff* does not support the notion that an alleged intrusion is not highly offensive simply because the plaintiff's past conduct reasonably invites concern as to his activities. To be sure, the defendants engaged in surveillance of the plaintiff in response to their well-founded concern that the plaintiff could be a threat to the safety of Hopkins School's students and staff. Even such a threat, however, would not justify an intentional intrusion into the plaintiff's seclusion if the defendants' conduct was highly offensive. Because there is no legal authority in Connecticut that supports the proposition that a defendant's intentional intrusion upon a plaintiff's seclusion is not highly offensive to the reasonable person if the plaintiff did something to invite concern as to his activities, I do not agree with that portion of the majority's analysis.
