

NO. CV 03 0566126S : SUPERIOR COURT  
DOMINION NUCLEAR, ET AL. : JUDICIAL DISTRICT OF  
 : NEW LONDON  
 : AT NEW LONDON  
v.  
TOWN OF WATERFORD : APRIL 12, 2004

MEMORANDUM OF DECISION  
ON PLAINTIFFS OBJECTION TO DEFENDANTS  
APPLICATION FOR ADMISSION  
PRO HAC VICE

The defendant, town of Waterford (Waterford), pursuant to Practice Book§2-16,

has filed an application for admission of Anthony Z. Roisman (Roisman) pro hac vice to assist in the defense of this tax appeal. Roisman is a member of the bars of the states of New York and Vermont and the District of Columbia. This application was originally granted by the court on February 5, 2004. On February 25, 2004, the plaintiffs, Dominion Nuclear Connecticut, Central Vermont Public Service Corporation, and Massachusetts Municipal Wholesale Electric Company (collectively, the plaintiffs), filed a motion for reconsideration of the defendant's application for admission pro hac vice. This motion was granted, and a hearing was held on March 15, 2004. The plaintiffs object to the admission of the out-of-state attorney, claiming that the defendant has not shown good cause to allow his admission. We now consider whether to modify our earlier decision admitting Roisman pro hac vice.

The subject of this tax appeal is the valuation by Waterford's assessor of the plaintiffs' real and personal property commonly known as Millstone Nuclear Power Station, Units One, Two and Three. Other than the issue of value, the plaintiffs claim that the assessor failed to apply certain exemptions for air pollution control equipment approved by the Connecticut department of environmental protection and mandated by General Statutes § 12-81 (52).

Connecticut Practice Book § 2-16 provides, in pertinent part, "[a]n attorney who is in good standing at the bar of another state . . . may, upon special and infrequent occasion and for good cause shown upon written application presented by a member of the bar of this state, be permitted in the discretion of the court to participate to such extent as the court may prescribe . . . ."

The supplemental affidavit of Roisman recites special knowledge about nuclear power plant licensing issues, the economic viability of nuclear power plants related to

valuation, the economic impact of environmental issues such as pollution on property values and an extensive background in litigating issues of similar import.

The plaintiffs' major objection to the admission of this out-of-state attorney is well stated in its memorandum in opposition to the defendant's application. "What is clear is that the granting of the motion to admit will expand the scope of evidence presented in this case exponentially and take it beyond anything relevant to a tax appeal. While the amounts of money involved in this case are clearly massive, the issues involved are the standard questions raised in any tax appeal - - what is the property worth and what are the relevant exemptions?" (Plaintiffs' Memorandum in Opposition to Defendant's Application for Admission Pro Hac Vice, dated February 25, 2004, p. 5.)

We are unimpressed with the plaintiffs' argument that this is a run of the mill tax appeal. This case deals with unique real and personal property, involving, as the plaintiffs put it, "massive" amounts of money. Under no circumstances is the valuation of the real estate and personal property of the Millstone Nuclear Power Station, including the issue of statutory exemptions, a simple matter.

The concern of the plaintiffs is not the qualification of the out-of-state counsel, but rather the expansion of "the scope of evidence presented in this case exponentially." *Id.*

From the documents presented and considering the arguments of the parties, we conclude that there is good cause for this court to grant the application for admission pro hac vice. As noted by the court in Herrmann v. Summer Plaza Corporation, 201 Conn. 263, 269, 513 A.2d 1211 (1986), "[a] litigant's request to be represented by counsel of his choice, when freely made, should be respected by the court, unless some legitimate state interest is thwarted by admission of the out-of-state attorney." (Internal quotation marks omitted.) We see no legitimate state interest to protect in considering this application.

Upon reconsideration, the plaintiffs' objection to the pro hac vice admission of attorney Roisman is denied. The order entered on February 5, 2004 remains in effect.

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Arnold W. Aronson  
Judge Trial Referee