

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

LUCILLE A. PAIGE : NO.: 3:13-cv-00796-RN
v. :
PATRICIA CHAMBERLAIN : JULY 2, 2013

REPORT OF PARTIES' PLANNING MEETING

Pursuant to Fed. R. Civ. P. 16(b), 26(f) and Local Civil Rule 16, undersigned counsel for the parties conferred on June 27, 2013. The participants were **Richard J. Padykula, on behalf of Leon M. Rosenblatt**, for the plaintiff and **Martha Anne Shaw** for the defendant.

I. CERTIFICATION

Undersigned counsel certify that, after consultation with their clients, they have discussed the nature and basis of the parties' claims and defenses and any possibilities for achieving a prompt settlement or other resolution of the case and, in consultation with their clients, have developed the following proposed case management plan. Counsel further certify that they have forwarded a copy of this report to their clients.

II. JURISDICTION

A. SUBJECT MATTER JURISDICTION

The plaintiff claims jurisdiction under Sections 1331, 1343(3) and 1367(a) of Title 28 and Sections 1983 and 1988 of Title 42 of the United States Code.

B. PERSONAL JURISDICTION

Personal jurisdiction is not contested.

III. BRIEF DESCRIPTION OF CASE

A. CLAIMS OF PLAINTIFF:

COUNT ONE: VIOLATION OF C.G.S. § 31-51m - Plaintiff was disciplined, penalized, and retaliated against because she reported to the Region One School Board of Education the defendant's unethical practices and abuses of authority over the Region One Central Office Administration in violation of Connecticut's whistleblower law, Connecticut General Statutes § 31-51m.

COUNT TWO: VIOLATION OF C.G.S. § 31-51q - Plaintiff was disciplined on account of her exercise of speech, secured under Article 1, § 4 of the Connecticut Constitution and the first amendment to the United States Constitution, by raising matters of public concern, specifically, reporting to the Region One Board of Education the abuses of authority and unethical practices occurring within the Region One Central Office in violation of Connecticut General Statutes § 31-51q. Plaintiff's freedoms of speech and association were also abridged when Defendant disciplined

her further by forbidding her to communicate in any manner with any member of the Region One School Board.

COUNT THREE: ASSAULT - Defendant assaulted the plaintiff on or about December 12, 2012, when she accosted the Plaintiff in a loud, hostile tone of voice, ordered the plaintiff to open her personal e-mail account, and then approached the Plaintiff in a threatening, offensive manner, and physically pushed the Plaintiff's chair. As a result of the Defendant's actions the plaintiff experienced imminent apprehension of harmful or offensive contact.

COUNT FOUR: BATTERY - On or about December 12, 2012, Defendant battered the plaintiff when she entered the Plaintiff's office and approached the plaintiff's chair in a threatening, offensive manner and physically pushed the plaintiff out of the way so she could have access to the plaintiff's computer. As a result of Defendant Chamberlain's actions the plaintiff experienced unwanted, harmful, and offensive contact from Chamberlain.

B. DEFENSES AND CLAIMS:

The defendants deny the allegations in the complaint and contend that the plaintiff fails to state a claim upon which relief may be granted. The defendants deny all of plaintiff's well-pleaded allegations of liability, and contend that their actions were acted in good faith and they had reasonable grounds for believing that their actions were consistent with controlling law.

IV. STATEMENT OF UNDISPUTED FACTS:

Counsel certify that they have made a good faith attempt to determine whether there are any material facts that are not in dispute. The parties state that the following material facts are undisputed:

None at this time.

V. CASE MANAGEMENT PLAN:

A. STANDING ORDER ON SCHEDULING IN CIVIL CASES

The parties request a modification of the deadlines in the Standing Order On Scheduling In Civil Cases as follows:

B. SCHEDULING CONFERENCE WITH THE COURT

The parties do not request a pretrial conference with the Court before entry of a scheduling order pursuant to Fed. R. Civ. P. 6(b).

C. EARLY SETTLEMENT CONFERENCE

1. The parties certify that they have considered the desirability of attempting to settle the case before undertaking significant discovery or motion practice.

2. The parties request an early settlement conference.

3. The parties prefer a settlement conference with a United States Magistrate Judge.

4. The parties do not request a referral for alternative dispute resolution

pursuant to D. Conn. L. Civ. R. 16.

E. JOINDER OF PARTIES AND AMENDMENT OF PLEADINGS

1. Plaintiff should be allowed until August 1, 2013 to file a motion to amend the pleadings.

2. Defendants should be allowed until September 1, 2013, to file a response to the complaint.

F. DISCOVERY

1. The parties anticipate that discovery will be needed on the following subjects: All of the plaintiff's claims, all of the affirmative allegations of the defense, prior history of the parties, damages.

2. All discovery, including depositions of expert witnesses pursuant to Fed. R. Civ. P. 26(b)(4), will be commenced immediately, and completed by March 1, 2014.

3. Discovery will not be conducted in phases.

4. The parties anticipate that the plaintiff will require a total of five depositions of fact witnesses and the defendants will require a total of five depositions of fact witnesses. The depositions will commence immediately, and be completed by March 1, 2014.

5. The parties may request permission to serve more than twenty-five interrogatories.

6. Plaintiff will designate all trial experts and provide opposing counsel with reports from retained experts pursuant to Fed. R. Civ. P. 26(a)(2) by November 1, 2013, a date not later than three months before the deadline for completing all discovery. Depositions of any such experts will be completed by January 1, 2014, a date not later than two months before the deadline for completing all discovery.

7. Defendant will designate all trial experts and provide opposing counsel with reports from retained experts pursuant to Fed. R. Civ. P. 26(a)(2) by February 1, 2014, a date not later than one month before the deadline for completing all discovery. Depositions of such experts will be completed by March 1, 2014, a date not later than the discovery cutoff date.

8. A damages analysis will be provided by any party who has a claim or counterclaim for damages by November 1, 2013.

9. The undersigned counsel have discussed the disclosure and preservation of electronically stored information, including, but not limited to, the form in which such data shall be produced, search terms to be applied in connection with the retrieval and production of such information, the location and format of electronically stored information, appropriate steps to preserve electronically stored information, and the allocation of costs of assembling and producing such information. The parties agree to the following procedures for the preservation, disclosure and management of electronically stored information. Following is the position of each

party:

The parties agree to preserve electronically stored records (as they may exist) retroactive to the date of the first event alleged in the Complaint. The parties will reach further agreement on exactly the form the disclosure of the electronic information will take. Both sides agree to instruct the parties to preserve these records. As more information becomes available, the parties will reach an agreement on costs of the electronic discovery.

10. The undersigned counsel have discussed discovery procedures that minimize the risk of waiver of privileged or work-product protection, including procedures for asserting privilege claims after production. The parties agree to utilize Rule 37's privilege log under that rule's terms and conditions, with exceptions noted therein, and further agree to work with each other in good faith to avoid any discovery dispute. In the event that any information that is privileged or subject to work-product protection is disclosed, the party to whom the information is disclosed agrees not to review the information after the privilege or work-product protection is asserted and further agrees to not duplicate that information and/or disclose it.

G. DISPOSITIVE MOTIONS:

Dispositive motions will be filed on or before April 1, 2014.

H. JOINT TRIAL MEMORANDUM

The joint trial memorandum required by the Standing Order on Trial

DEFENDANT,
PATRICIA CHAMBERLAIN

By /s/ Martha A. Shaw
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CERTIFICATION

This is to certify that on **July 2, 2013**, a copy of the foregoing **Report of Parties Planning Meeting** was filed electronically and served by mail on anyone unable to accept electronic filing. Notice of this filing will be sent by e-mail to all parties by operation of the Court's electronic filing system or by mail to anyone unable to accept electronic filing as indicated on the Notice of Electronic Filing. Parties may access this filing through the Court's CM/ECF System.

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/s/ Martha A. Shaw
Martha A. Shaw