

DOCKET NO. FST-CV-17-6032660-S : SUPERIOR COURT
BRUCE MORRIS : JD. OF STAMFORD-NORWALK
VS. : AT STAMFORD
CITY OF NORWALK, ET AL. : DECEMBER 18, 2019

JOINT TRIAL MANAGEMENT REPORT

Pursuant to the Civil Jury Trial Management Order, the plaintiff, Bruce Morris, and the defendants, City of Norwalk (the “City”), Norwalk Board of Education (the “Board”) and Norwalk Public Schools (the “District”), in the above-referenced matter respectfully submit this Joint Trial Management Conference Report for the trial in this matter scheduled to commence January 15, 2020.

TRIAL COUNSEL:

Plaintiff: Daniel Angelone, Esq.
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Defendants: James N. Tallberg, Esq.
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PARTIES: Bruce Morris
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Norwalk, CT 06854

City of Norwalk
Norwalk Board of Education
Norwalk Public Schools
125 East Ave.
Norwalk, CT 06852

I. DESCRIPTION OF THE CASE

A. Plaintiff's Description

Plaintiff was hired on November 5, 1998 as the Director of Human Relations. From about November 1998 to about September 2015, Plaintiff performed the job duties and responsibilities of a Director of Human Relations.

In 2006, Plaintiff ran for and was elected as a Representative to Norwalk for the 140th Assembly District. Plaintiff served in that capacity from 2006 to January 2019.

On June 25, 2012, Plaintiff was informed that his pay was cut due to the fact that the Board of Education voted to change his hours from 37.5 hours per week of work to 30 hours per week of work.

In or around June 2015, Defendants hired Dr. Steven Adamowski ("Adamowski") as the new Superintendent of Schools. Within one year of his hire, Dr. Adamowski, in coordination with then Chairman of the Board of Education (Michael Lyons) conspired to terminate Plaintiff's employment with the Defendants because of his race, color, previous opposition to discriminatory practices and his status as a State Legislator.

In or around August/September 2015, Dr. Adamowski removed Plaintiff from his Directorship, reclassified him as "School Climate Coordinator" and significantly reduced his job duties and responsibilities.

In November 2015, Plaintiff was reprimanded for leaving the office without notifying the Assistant to the Superintendent. Plaintiff, maintaining he was not being held to the same standards as other, similarly situated employees, grieved the discipline. All of Plaintiff's grievances were denied, including by Board of Education Chairman, Michael Lyons.

On June 30, 2016, Defendants terminated Plaintiff's employment.

Plaintiff claims that his 2012 pay cut, his de-classification in 2016 from Director of Human Resources to School Climate Coordinator, his November 2015 reprimand and his ultimate termination from employment in 2016 were a direct and proximate result of racial discrimination (Connecticut General Statute § 46a-60), color discrimination (Connecticut General Statute § 46a-60), retaliation for prior complaints of discrimination (Connecticut General Statute § 46a-60) and because of his protected status as a State Legislator (Connecticut General Statute § 2-3a). Further, Plaintiff claims that Defendants have failed to articulate a legitimate, non-discriminatory rationale for the aforementioned adverse job actions. Finally, Plaintiff claims that any legitimate, non-discriminatory rationale put forth by Defendants is pretext for discriminatory animus.

B. Defendants' Description

The plaintiff, Bruce Morris, is a 64-year-old African American male who was employed by the Norwalk Board of Education – first as the Director of Human Relations and then as the School Climate Coordinator – from on or about November 5, 1998 until June 30, 2016. He also served six terms as a Member of the General Assembly, from 2006 through 2018. In this case, plaintiff alleges that a written reprimand issued to him on November 25, 2015 and the elimination of the position he then-held, Climate Coordinator, from the 2016-2017 school year budget were motivated by his race, color and legislator status discrimination, in violation of the Connecticut Fair Employment Practices Act, General Statutes § 46a-60, and § General Statutes 2-3a, as well as by retaliation for his previous opposition to discrimination under those same statutory provisions. Defendants deny these claims.

On November 25, 2015, Dr. Frank Costanzo, the Chief of School Operations and plaintiff's direct supervisor, issued plaintiff a written warning for his failure to comply with a Central Office

communications protocol that required staff to inform an administrative assistant if they were going to leave the building, where they were going and how they could be reached. This is a protocol followed by Dr. Costanzo, the School Preparedness Coordinator and the Director of School Improvement, all of which positions were held by Caucasian employees. There is no dispute that plaintiff did not comply with the protocol and that the written warning did not result in termination, demotion, diminished responsibilities, or a decrease in salary or material loss in benefits.

In the 2016-17 budget process, the City did not fully fund the Board's budget request. Given this, the Superintendent and District's Chief Financial Officer were required to undertake a reconciliation process through which the necessary cuts to balance the budget were more particularly formulated and finalized. The Superintendent, Dr. Steven Adamowski, has provided legitimate, nondiscriminatory and non-retaliatory reasons for choosing to eliminate plaintiff's position in balancing the budget. In addition to plaintiff's position, two other positions within Central Office were eliminated – both held by Caucasian employees – along with twenty-one school level jobs, such as teachers, nurses, and aides.

II. LEGAL AND FACTUAL ISSUES IN DISPUTE

A. Plaintiff's List of Legal and Factual Issues in Dispute

1. Whether Plaintiff's race, color, previous opposition to discriminatory practices and/or status as a State Legislator was the reason (or at least a motivating factor) for Defendants' decision to cut Plaintiff's rate of pay in 2012, to remove him from his directorship in 2015, to reprimand him in November 2015 and to terminate his employment in 2016;
2. Whether Defendants have failed to produce a legitimate, non-discriminatory reason for the above-referenced adverse employment actions;

3. Whether any legitimate, non-discriminatory reasons produced by Defendants are pretext for discrimination; and
4. Whether Plaintiff is entitled to damages.

B. Defendants' List of Legal and Factual Issues in Dispute

1. Whether plaintiff's race, color or legislative status was a motivating factor in issuing the written warning to plaintiff and eliminating his position;
2. Whether plaintiff's previous opposition to discrimination was a "but-for" cause of his termination;
3. Whether defendants had legitimate, nondiscriminatory or non-retaliatory reasons for the written warning and plaintiff's termination;
4. Even if the written warning or termination was discriminatory or retaliatory, whether defendants would have made the same decisions any way;
5. Whether the written warning constitutes an adverse employment action or "discipline," as that term is used in General Statutes § 2-3a;
6. Whether § 2-3a provides for a claim of retaliation;
7. Whether plaintiff is entitled to any damages, and, if so, the amount thereof;
8. Whether plaintiff has mitigated his damages.

III. PENDING/ANTICIPATED MOTIONS

Plaintiff intends to file motions *in limine* on the following issues: (1) to exclude evidence pertaining to any and all employment securities benefits obtained by Plaintiff as a result of his termination from employment with Defendants for purposes of damage mitigation and/or set-offs; and (2) to exclude any and all evidence pertaining to or referring to settlement negotiations

conducted between the parties. Plaintiff reserves the right to file motions *in limine* on subject matters not specifically set forth herein.

The defendants intend to file motions *in limine* to prevent or limit the introduction of evidence by plaintiff, including but not limited to: unproven claims of discrimination; claims that have been ruled out of the case by the Court's motion to strike ruling; administrative findings; stray remarks of non-decisionmakers; expert testimony; damages; and certain issues of law, such as the applicability of certain theories of liability, the analytical framework under which plaintiff's claims should be analyzed, whether § 2-3a gives provides for a "retaliation" claim, and whether the written reprimand constitutes an adverse employment action as a matter of law. Defendants reserve their right to file motions *in limine* on subject matters not specifically set forth above.

IV. PLAINTIFF'S EXHIBITS

Pursuant to the Court's Civil Jury Trial Management Order, Plaintiff will pre-mark his exhibits in accordance with the instructions contained in Form JD-CL-28 prior to start of evidence.

V. DEFENDANTS' EXHIBITS

Pursuant to the Court's Civil Jury Trial Management Order, defendants will pre-mark their exhibits in accordance with the instructions contained in Form JD-CL-28 prior to start of evidence.

VI. LIST OF PROPOSED WITNESSES

A. PLAINTIFF'S FACT WITNESSES

1. Bruce Morris (Plaintiff)
2. Gail Morris (Plaintiff's spouse)

3. Michael Lyons (Former Board of Education Chairman)
4. Michael Barbis (Current Board of Education Member)
5. Dr. Steven Adamowski (Superintendent)
6. Frank Costanzo (Chief of School Operations)
7. Harry Rilling (Mayor of Norwalk)
8. Bruce Kimmel (Member of Board of Education)
9. Bryan Meek (Member of Board of Education)
10. Shirley Mosby (Former Board of Education Member)
11. Migdalia Rivas (Former Board of Education Member)
12. Rosa Murray (Former Board of Education Member)
13. James Connolly (Former Superintendent)
14. Manny Rivera (Former Superintendent)
15. Brenda Penn Williams (Community Leader)
16. Lynne Moore (Norwalk Teacher)
17. Tony Daddonna (Former Assistant Superintendent)
18. Susan Marks (Former Superintendent)
19. Artie Kassimis (Former Member of Board of Education)
20. Heidi Keys (Former Member of Board of Education)
21. Sherelle Harris (Member of Board of Education)
22. Bob Burgess¹ (Community Leader)

B. DEFENDANTS' FACT WITNESSES

1. Bruce Morris, plaintiff

¹ Plaintiff reserves the right to amend his witness list to the extent permitted by law.

2. Dr. Steven Adamowski, Superintendent
3. Dr. Frank Costanzo, Chief of School Operations
4. Michael Lyons, former Board Chairman/Member
5. Patricia Rivera, Board employee
6. Diane Albano, Board employee
7. Maura Perrottelli, Board employee
8. Robert Dylewski, former Board employee
9. Richard Rudl, former Board employee
10. Any witness listed by plaintiff²

VII. OPERATIVE PLEADINGS

1. Plaintiff's Amended Complaint dated September 21, 2018, Docket No. 114.00.
2. Defendants' Answer and Special Defenses dated September 19, 2018, Docket No. 113.
3. Plaintiff's Reply to Special Defenses dated October 24, 2018, Docket No. 116.00

VIII. ESTIMATED JURY SELECTION TIME

The parties estimate that jury selection will take 10 to 12 full days.

IX. ESTIMATED TRIAL TIME

The trial is expected to last 10 to 14 full days.

X. STATEMENT OF ANY SCHEDULING PROBLEMS

A. Plaintiff: None.

B. Defendants: January 17, 2019; January 20-31, 2019; February 3-4, 2019;

February 10, 2019; March 11-13, 2019; and March 17-18, 2019.

² Defendants reserve the right to amend their witness list to the extent permitted by law.

Respectfully Submitted:

PLAINTIFF

/s/ Daniel T. Angelone, # 431232

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