

UNITED STATES DISTRICT COURT  
DISTRICT OF CONNECTICUT

Marcia Chacon, et al.  
*Plaintiffs,*

*v.*

East Haven Police Department, et al.,  
*Defendants.*

Civil No. 3:10cv1692 (JBA)

April 23, 2012

**ORDER STAYING CASE**

The Government moves [Doc. # 100] to stay this case pending the disposition of a related federal criminal trial which is to begin on January 28, 2013. On September 2, 2011, this Court granted a limited stay of discovery while the criminal investigation was pending (*see* Order of Temporary Stay of Deposition Discovery [Doc. # 77], and on January 18, 2012, a federal grand jury returned a ten-count Indictment charging four officers with federal civil rights violations (*see* Criminal No. 3:12CR17 (AWT)). Now the Government moves for an immediate stay of the civil proceedings, arguing that this is necessary to “forestall harm to the prosecution of the pending criminal case.” (*See* Gov’t Mot. at 4–5.) The Court has considered and weighed the relevant factors, and, as discussed in open court on February 6, 2012, concludes that the Government’s motion should be granted and the case temporarily stayed, over the Defendant Town’s objection, pending the disposition of the criminal matter.

Plaintiffs move [Doc. # 102] for leave to amend their complaint, to add two causes of action ((1) a claim of violation of speech and petition rights, and (2) a Title VII retaliation claim), to add an additional Defendant, East Haven Police Sergeant Miller, and to substitute Defendant Jason Zullo for Does 2 and 5. Defendant Town of East Haven opposes this motion. At a status conference held February 16, 2012, counsel for Defendants Zullo and Miller consented to a tolling of the statute of limitations until the conclusion of the criminal

proceedings. Although Attorney Luzzi, counsel of record for Defendant Does, now disputes that he is authorized to agree to a tolling of the statute of limitations on their behalf, substitution of named defendants for the Defendant Does will be taken up under Rule 15(c) once the case is reopened, upon conclusion of the criminal proceedings.

The Court is mindful that Plaintiffs have made repeated attempts through discovery to identify the Doe Defendants. Plaintiffs issued two sets of Requests for Production of Documents in April and June of 2011, served Interrogatories on the Doe Defendants in May 2011 and on all Defendants in August 2011. Defendants have not fully complied with Plaintiffs' requests, and Plaintiffs have moved [Doc. # 96] to compel compliance with this discovery. While the administrative closing of the case will stay all further formal discovery, as discussed at the February 6, 2012 status conference, this does not preclude the parties from "informally advanc[ing] this matter to assist in getting it moved along in the event that the stay is lifted soon." (Feb. 6, 2012 Tr. [Doc. # 112] at 48:9–12.)

Finally, Plaintiffs also move [Doc. # 114] to compel compliance with Conn. Gen. Stat. § 7-465, and argue that the Town's statement pursuant to Conn. Gen. Stat. § 7-465, which states that "it will pay any non-punitive, compensatory damages award rendered in this action against Dennis Spaulding, David Cari, and Jason Zullo" (*see* Town's Stmt [Doc. # 108]), is inadequate under the statute. If the parties are unable to informally resolve this issue during the period in which the case is administratively closed, the Court will take this up when the stay is lifted.

Accordingly, the Government's Motion [Doc. # 100] to Intervene and Motion to Stay the civil proceedings is GRANTED until the conclusion of the related criminal proceedings. To the extent that Plaintiffs' pending motions—to amend [Doc. # 102], to compel compliance [Doc. # 114] with Conn. Gen. Stat. § 7-465, and to compel production [Doc.

