

**UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT**

M. PETER KUCK,	:	CIVIL ACTION NO.
	:	3:07cv1390 (VLB)
<i>Plaintiff</i>	:	
	:	
v.	:	
	:	
JOHN A. DANAHER, III, ET AL,	:	
	:	
<i>Defendants</i>	:	MARCH 30, 2012

LOCAL RULE 56(a)1 STATEMENT

Pursuant to Local Rule 56(a)1, Defendants in the above-captioned matter offer the following statement of material facts to which the moving party contends there is no genuine issue of fact to be tried:

- 1. Pursuant to Conn. Gen Stat §29-28(b), a firearms permit may be issued by the Special Licensing and Firearms Unit (“SLFU”) under certain circumstances including if the applicant is a citizen or legal resident, is not a felon and other specific requirements. Connecticut General Statutes §§ 29-28(b), (f).**
- 2. A handgun permit must be renewed every five years. Connecticut General Statutes §§ 29-30(c).**

- 3. After September 11, 2001, in response to a request from National Instant Background Check System (“NCIS”), SFLU required incoming renewal applications to include proof of citizenship or legal residency. (Decl. of Detective Mattson, ¶ 6; Decl. of Detective Karanda, ¶6)**
- 4. There are in excess of 160,000 valid handgun permits in Connecticut. (Decl. of Detective Mattson, ¶ 7; Decl. of Detective Karanda, ¶ 12.)**
- 5. SLFU typically was staffed by a total of two sworn officers at all times relevant to this lawsuit. (Decl. of Detective Mattson ¶ 8; Decl. of Detective Karanda, ¶ 13.)**
- 6. The principle responsibilities of the firearms unit of SLFU is to review handgun permit applications and denials, review incident reports and investigations for potential revocations, train troopers with regard to handgun permit issues and liase with various federal agencies regarding firearms issues. (Decl. of Detective Mattson, ¶ 9.)**
- 7. Up to 1000 cases are reviewed by SLFU each year. (Decl. of Detective Mattson, ¶ 10; Decl. of Detective Karanda, ¶ 14.)**

8. In addition, SLFU is obligated by law to revoke handgun permits when an investigation reveals that a permittee no longer qualifies to have such a permit, for example by reason of having committed a felony or other listed acts. (Decl. of Detective Mattson, ¶ 11; Decl. of Detective Karanda, ¶ 15.)

9. In any given month there may be as many as 50 revocation investigations or requests submitted to the SLFU by local law enforcement agencies. (Decl. of Detective Mattson, ¶ 12.)

10. Local law enforcement agencies often submit only an arrest or incident report when seeking revocation of a State handgun permit. (Decl. of Detective Mattson, ¶ 13; Decl. of Detective Karanda, ¶ 17.)

11. SLFU may base its investigation and decision solely upon sworn reports submitted by local law enforcement. (Transcript, Deposition of John Danaher, 12/1/11, pp. 145-146; Decl. of Detective Mattson, ¶ 14; Decl. of Detective Karanda, ¶ 18) SLFU may, in its discretion, follow-up by interviewing local officers or reviewing other relevant records or databases. (Decl. of Detective Mattson, ¶ 14, 20; Decl. of Detective Karanda, ¶ 18.)

12. SLFU may investigate and conclude that revocation was not warranted and return a permit immediately. The investigation by SLFU is independent of the actions by local police. Even if local officers, for example, choose not to arrest an individual for actions involving a handgun, SLFU may, upon review of the police report, conclude that revocation is proper. (Decl. of Detective Mattson, ¶ 15; Decl. of Detective Karanda, ¶ 19.)

13. On June 27, 2007, Detective Mattson of SLFU received a telephone call from Lt. Woessner of the Glastonbury Police Department (“GPD”) informing her that Mr. James Goldberg had been arrested for breach of peace. This was the first time SLFU was notified of Mr. Goldberg’s June 21, 2007, arrest. (Decl. of Detective Mattson, ¶¶ 16-18.)

14. Detective Mattson did not instruct GPD to seize Mr. Goldberg’s firearms permit. (Decl. of Detective Mattson, ¶ 18.)

15. The Board of Firearms Permit Examiners (“BFPE” or the “Board”) hears and decides appeals related to various firearms permit issues including cases where an applicant for a handgun permit has been denied a permit by local police authorities or the SLFU and cases

where an existing firearms permit has been revoked. Through its review of the appeals brought before it, the Board seeks to ensure the protection of the rights of firearms permit holders and the protection of the public from individuals who may not properly hold firearms permits under the laws of the State of Connecticut. (Decl. of Susan Mazzoccoli, ¶ 5.)

16. In 1998 the average waiting period for an appeal was 3 months or less and there were only 5 cases scheduled for each meeting. (Decl. of Susan Mazzoccoli, ¶ 7.)

17. Over time, the delay period increased until by approximately 2003 it was over a year. (Decl. of Susan Mazzoccoli, ¶ 8; Transcript, Deposition of Christopher Adams, 12/20/11, pp. 40, 143.)

18. The Board made repeated efforts to reduce the backlog including scheduling more hearing dates and increasing the number of appeals per hearing to 40 one month and 20 the next. At other times, the docket was rearranged to have only permit denial appeals heard at designated hearings in order to hear more appeals. (Decl. of Susan Mazzoccoli, ¶ 9; Transcript, Deposition of Christopher Adams,

12/20/11, pp 38, 40-41, 129; Tr. Capt. Masek, 2/14/12, pp. 27-28; Decl. Christopher Adams, ¶ 8.)

19. However, beginning in 2009, the backlog began to drop to the point that, by the end of 2011, the backlog was approximately 7.5 months. (Decl. of Susan Mazzoccoli, ¶ 11.)

20. The most successful method of reducing the backlog was to schedule more meetings and hear more cases. (Decl. of Susan Mazzoccoli, ¶ 12.)

21. The Board actively controlled its docket and this was vital in reducing the backlog of appeals. (Decl. Christopher Adams, ¶ 9.)

22. There were disagreements between Chairman Adams and others with Plaintiff Kuck. (Decl. of Susan Mazzoccoli, ¶ 15; Transcript, Deposition of Christopher Adams, 12/20/11, pp. 54-55, 69, 94, 101, 149, 170, 187; Decl. Christopher Adams, ¶ 11.)

23. At no point did any member of the Board deliberately delay or otherwise improperly or intentionally interfere with any appeal. (Decl. of Susan Mazzoccoli, ¶¶ 13, 16; Decl. Christopher Adams, ¶¶ 10, 12.)

24. Defendant Adams' last hearing was June 12, 2008. (Decl. Christopher Adams, ¶ 4.)

**DEFENDANTS, JOHN A. DANAHER III,
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BARBARA MATTSON, THOMAS
KARANDA, RONALD A. BASTURA,
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CERTIFICATION

I hereby certify that on March 30, 2012, a copy of the foregoing Motion For Summary Judgment Rule 56(a)1 Statement was filed electronically. Notice of this filing will be sent by e-mail to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system