

NO.: HHD-CV19-6119733 S : SUPERIOR COURT
VINCENT G. BENVENUTO : J. D. OF HARTFORD
VS. : AT HARTFORD
KEVIN BROOKMAN : DECEMBER 3, 2019

DEFENDANT’S ANSWER TO COMPLAINT – BILL OF DISCOVERY

1. Paragraph 1 is admitted.
2. Paragraph 2 is admitted.
3. Paragraph 3 is admitted
4. Paragraph 4 is admitted
5. Defendant has no knowledge as to Paragraph 5 and leaves Plaintiff to his proof
6. Defendant has no knowledge as to Paragraph 6 and leaves Plaintiff to his proof
7. Defendant has no knowledge as to Paragraph 7 and leaves Plaintiff to his proof
8. Defendant has no knowledge as to Paragraph 8 and leaves Plaintiff to his proof
9. Defendant has no knowledge as to Paragraph 9 and leaves Plaintiff to his proof
10. Defendant has no knowledge as to Paragraph 10 and leaves Plaintiff to his proof
11. Defendant has no knowledge as to Paragraph 11 and leaves Plaintiff to his proof
12. Defendant has no knowledge as to Paragraph 12 and leaves Plaintiff to his proof
13. Defendant has no knowledge as to Paragraph 13 and leaves Plaintiff to his proof
14. Defendant has no knowledge as to Paragraph 14 and leaves Plaintiff to his proof
15. Defendant has no knowledge as to Paragraph 15 and leaves Plaintiff to his proof
16. Defendant has no knowledge as to Paragraph 16 and leaves Plaintiff to his proof

17. Paragraph 17 is denied
18. Paragraph 18 it is denied that any of the comments violate Connecticut General Statutes and Hartford Police Code of Conduct is not applicable to Defendant or enforceable in Superior Court.
19. Paragraph 19 is denied as to the claim statements were defamatory and defendant has insufficient knowledge to respond to injury to Plaintiff's personal and professional reputation
20. Paragraph 20 is admitted as to operation of the blog, denied as to allowing defamatory comments
21. Defendant has no knowledge as to Paragraph 21 and leaves Plaintiff to his proof
22. Defendant has no knowledge as to Paragraph 22 and leaves Plaintiff to his proof
23. Paragraph 23 is denied
24. Defendant has no knowledge as to Paragraph 23 and leaves Plaintiff to his proof
25. Paragraph 25 is denied

SPECIAL DEFENSE

FIRST SPECIAL DEFENSE:

1. Section 52-146t of the Connecticut General Statutes offers "Protection from compelled disclosure of information obtained by news media."
2. News Media is defined as "(A) Any newspaper, magazine or other periodical, book publisher, news agency, wire service, radio or television station or network, cable or satellite or other transmission system or carrier, or channel or programming service for such station, network, system or carrier, or audio or audiovisual production company that disseminates information to the public,

whether by print, broadcast, photographic, mechanical, electronic or any other means or medium;” 52-146t (2) (A).

3. Defendant has operated his blog, “We the People—Hartford” for over eight years. Daily, it is viewed by between one and three thousand people. It is frequently cited as the source of information reported on area television, radio, newspaper and other blogs and is entitled to the protections of CGS52-146t.
4. 52-146 (2) (e) mandates that “A court of this state shall apply the procedures and standards specified by this section to any subpoena or other compulsory process whether it arises from or is associated with a proceeding under the laws of this state or any other jurisdiction, except that with respect to a proceeding arising under the laws of another jurisdiction, a court of this state shall not afford lesser protection to the news media than that afforded by such other jurisdiction.”
5. Plaintiff is proceeding under Connecticut General Statute 52-156. Accordingly, to be granted his request, he must conform to 52-146t.
6. To secure an order from this Court, section 52-146t (d) (1) & (2) requires the plaintiff establish by clear and convincing evidence that based on information obtained by other sources than the news media there are reasonable grounds to sustain a cause of action; and there is an overriding public interest in the disclosure.
7. Plaintiff has failed to allege or prove that he secured his evidence sufficient to establish reasonable grounds to sustain a cause of action other than through the blog and that there is an overriding public interest I the disclosure.

8. Plaintiff cites numerous Hartford Police regulations governing conduct of officers which do not apply to the defendant and the public at large and would not be the basis for civil action against the officers he alleges to have violated the in-house policies that appear in conflict with their first amendment rights.

SECOND SPECIAL DEFENSE:

1. It is unclear whether Plaintiff seeks action against Defendant for the publication of his personal opinions or as the publisher of anonymous opinions of others which Plaintiff finds objectionable. The 1996 Communications Decency Act, 47 U.S.C. Section 230 prohibits certain actions against the publisher:

“Treatment of publisher or speaker No provider or user of an interactive computer service shall be treated as the publisher or speaker of any information provided by another information content provider. (2) Civil liability No provider or user of an interactive computer service shall be held liable on account of - (A) any action voluntarily taken in good faith to restrict access to or availability of material that the provider or user considers to be obscene, lewd, lascivious, filthy, excessively violent, harassing, or otherwise objectionable, whether or not such material is constitutionally protected; or (B) any action taken to enable or make available to information content providers or others the technical means to restrict access to material described in paragraph (1)”.

2. The First Amendment of the U.S. Constitution protects anonymous speech as well as the right of defendant to voice his opinion.
3. Plaintiff has publicly stated that his goal is to “close down” defendant’s blog.

WHEREFORE, the Defendant respectfully requests that this Court deny the Plaintiff's Request for disclosure of the name of the anonymous individual who posted on We The People-Hartford.

THE DEFENDANT,

By #373943 /s/ Robert K. Killian, Jr.
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CERTIFICATION

I hereby certify that a copy of the above was or will be immediately be mailed or delivered electronically or non-electronically on December 3, 2019 to all counsel and self-represented parties of record and that written consent for electronic delivery was received from all counsel and self-represented parties of record who were or will immediately be electronically served.

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#373943 /s/ Robert K. Killian, Jr.