

UNITED STATES DISTRICT COURT  
DISTRICT OF CONNECTICUT

BARBARA C. DOUTEL,

Plaintiff  
v.

Civil No. 3:11-CV-001164 (VLB)

CITY OF NORWALK, et al,

Defendants

OCTOBER 31, 2012

**ANSWER AND SPECIAL DEFENSES**

**INTRODUCTION:**

1. Denied.

**PARTIES:**

2. Admitted.
3. Admitted.
4. It is admitted that Harry Rilling was the Police Chief of the Norwalk Police Department; the Plaintiff is left to her proof as to the capacity which she brings suit against him.
5. It is admitted that Thomas Mattera is a Lieutenant of the Norwalk Police Department; the Plaintiff is left to her proof as to the capacity which she brings suit against him.
6. It is admitted that James Walsh is a Sergeant of the Norwalk Police Department; the

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Plaintiff is left to her proof as to the capacity which she brings suit against him.

7. It is admitted that Jared Zwickler is an Officer of the Norwalk Police Department; the Plaintiff is left to her proof as to the capacity which she brings suit against him.
8. It is admitted that William Curwen is an Officer of the Norwalk Police Department; the Plaintiff is left to her proof as to the capacity which she brings suit against him.
9. It is admitted that Jeremy Salley is an Officer of the Norwalk Police Department; the Plaintiff is left to her proof as to the capacity which she brings suit against him.
10. It is admitted that Kenneth Fludd is an Officer of the Norwalk Police Department; the Plaintiff is left to her proof as to the capacity which she brings suit against him.
11. It is admitted that Frank Reda is an Officer of the Norwalk Police Department; the Plaintiff is left to her proof as to the capacity which she brings suit against him.

**JURISDICTION:**

12. The Defendants lack sufficient information and knowledge to formulate a belief and leave the Plaintiff to her proof.

**ALLEGATIONS OF FACT:**

13. Admitted.
14. Denied.
15. Admitted.
16. Admitted.

17. Admitted.

18. It is that the voice mail left on the evening of February 15, 2011. However, upon information and belief, Officer Zwickler listened to the voice message on February 16, 2011.

19. It is admitted that the allegations sets forth the text of the voice mail left by Duane Doutel on February 15, 2011. However, the typed text of the voice mail message does not convey the varied intonation of the message that was left by Mr. Doutel with certain words and phrases "expressed more emphatically" as recognized by Connecticut Superior Court Judge Marin Dennis in her Memorandum of Decision recalling Motion to Vacate, rendered November 28, 2011, wherein she denied the motion filed on behalf of Duane Doutel to vacate the conditions of release imposed by Judge Shudock ordering that Duane Doutel not possess a firearm and that he not apply for a pistol permit in the matter of State of Connecticut v. Duane Doutel, No. S20N-CR11-0128328S.

20. It is admitted that Dr. Staw informed Officer Zwickler that Duane Doutel carried a fire arm with him to his checkups as to the exact nomenclature used by Dr. Staw the Defendants lack sufficient information and knowledge to formulate a belief and leave the Plaintiff to her proof.

21. Admitted.

22. Admitted.

23. Admitted.

24. It is admitted that when Officer Zwickler telephoned Doutel at his home Doutel was

extremely irate and refused to come to the Norwalk Police Headquarters to discuss the matter.

25. The Defendants admit that when Officer Zwickler asked Doutel if he could to his home to discuss the matter, Doutel agreed but then became irritated and began to yell at Officer Zwickler over the phone. Further, Doutel advised Officer Zwickler not to come to his house without an (arrest) warrant and indicated that if he were to come to his house he should be prepared to arrest him.

26. Admitted.

27. It is admitted that the officers named arrived in the vicinity of Doutel's home. However, it is not admitted that all arrived "at" his home.

28. It is admitted that Doutel was advised to exit his home and that he not be carrying any weapons. It is denied that all of the named officers were "at" his home.

29. Admitted.

30. Admitted.

31. Denied.

32. The Defendants lack sufficient information and knowledge to formulate a belief and leave the Plaintiff to her proof.

33. Denied.

34. Denied.

35. So much that alleges that a letter dated May 15, 2011, was sent by Attorney Rachel Baird is admitted. However, it was not received until May 23, 2011 after a judge issued

an order prohibiting Duane Doutel from having guns and applying for a temporary pistol permit.

36. Denied.

**COUNT ONE:**

37. Paragraphs 1-36 are incorporated in full herein.

38. Denied.

39. Denied.

40. Denied.

41. The Defendants assert that neither Mattera, Walsh, Salley, Reda entered the Plaintiff's home.

42. Denied.

**COUNT TWO:**

43. -47. The Defendants defer answering to the allegations contained in Count Two in that they seek to dismiss these claims pursuant to Rule 12 (b)(6) for the Plaintiff's failure to state a claim upon which relief can be granted.

**COUNT THREE:**

48. Paragraphs 1-36 are incorporated in full herein.

49. Admitted.

50. Denied.

51. Denied.

52. Denied.

**COUNT FOUR:**

53. Paragraphs 1-36 are incorporated in full herein.

54. Admitted.

55. Denied.

56. Denied.


57. Denied.

**SPECIAL DEFENSES:**

**FIRST SPECIAL DEFENSE**

The Defendants are entitled to qualified immunity.

THE DEFENDANTS

By:   
M. Jeffry Spahr  
Office of Corporation Counsel  
P. O. Box 798  
Norwalk, CT 06856-00798  
Tel.: (203) 854-7750  
Fax: (203)854-7901  
Fed. Bar No. CT 05416  
email: jspahr@norwalkct.org

**CERTIFICATION**

This is to certify that a copy of the foregoing was electronically filed and served on anyone unable to accept the electronic filing. Notice of this filing will be sent by email to all parties by operation of the Court's electronic filing system or by First Class Mail to any one unable to accept electronic filing through the Court's CM/ECF System.

Rachel M. Baird  
Law Offices of Rachel M. Baird  
379 Prospect Street  
Torrington, CT  
Tel.: (860) 626-9991  
Fax: (860) 626-9992



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M. Jeffrey Spahr