

**UNITED STATES DISTRICT COURT  
DISTRICT OF CONNECTICUT**

**BARBARA C. DOUDEL** : **NO. 3:11 CV 001164 (VLB)**  
**Plaintiff,** :  
  
**v.** :  
  
**CITY OF NORWALK, et al.,** :  
**Defendants.** : **JANUARY 22, 2013**

**PLAINTIFF'S RULE 56(a)2 STATEMENT**

Pursuant to Rule 56(a)2 of the Federal Rules of Civil Procedure and Rule 9(c) of the Local Rules of Civil Procedure, the Plaintiff files this statement of disputed material facts in support of her motion in opposition of the Defendant's Summary Judgment.

1. Admit.
2. Admit.
3. Admit in part and denied as to "numerous."
4. Denied. As to always carrying a loaded in a concealed fashion whenever he can.
5. Denied. As to always carrying a glock tucked on his right hip.
6. Admit in part and denied as to "fully armed and loaded."
7. Admit.
8. Admit.
9. Admit.
10. Denied. Mr. Doudel had previously informed that Dr. Staw that he carried a gun into the office.

11. Denied. Dr. Staw had knowledge that Mr. Doutel carried a gun.
12. Admit.
13. Admit.
14. Admit.
15. Denied. As to the exact language that Mr. Doutel sleeps with his gun.
16. Denied. Mr. Doutel followed all required instruction as set forth by Dr. Staw, it was Dr. Staw and his office that preformed inaccurate tests.
17. Admit.
18. Admit.
19. Admit.
20. Admit in part that a call was placed, denied in part as to the context of the phone call.
21. Admit.
22. Admit.
23. Admit.
24. Admit.
25. Admit.
26. Denied. Mr. Doutel had the option of going down to the "Station."
27. Admit.
28. Admit.
29. Admit.
30. Admit.
31. Denied. The guns were not removed from the residence voluntarily.

32. Denied. Mr. Doutel did not voluntarily turn over all of the firearms.
33. Denied. Mr. Doutel did object to the removal of the firearms and continued to question the officers as such.
34. Denied. The weapon was not “consensually” removed.
35. Denied. The weapons were not “consensually” removed and that is an incomplete list of the items removed.
36. Admit.
37. Denied. The firearms were seized as evidence.
38. Admit.
39. Admit.
40. Denied. The firearms taken from the residence belonged to the Plaintiff.
41. Admit.
42. Admit.
43. Admit.
44. Admit in part and denied in part as to appealing his revocation.
45. Admit.
46. Admit.
47. Admit.
48. Admit.
49. Admit.
50. Admit.
51. Admit.

52. Admit.
53. Admit.
54. Admit.
55. Admit.
56. Admit in part denied in part as to the reasoning.
57. Admit in part as to the standard, denied in part as to the remaining claim.
58. Admit in part as to the decision, denied in part as to the reasoning and the law.
59. Admit.
60. Admit.
61. Admit.
62. Denied. Undersigned Counsel represented Mr. Doutel in a criminal court case not the Plaintiff.
63. Admit.
64. Not enough information to either admit or deny.
65. Admit.
66. Denied. There was substantial communication regarding the status of the Plaintiff's firearms.
67. Admit.
68. Admit.

69. Denied. The Plaintiff had made it well known that she was the lawful owner of the firearms seized and sought ways to recover the said firearms.
70. Admit in part that a motion was filed, and denied as to the remaining allegations.
71. Admit.
72. Admit.
73. Denied. It was Mr. Doutel through undersigned counsel that requested the dismissal and asked the Court to move forward with the trial.
74. Admit in part that a dismissal was entered and denied in part that it was because of the victims stance.
75. Admit in part that Mr. Doutel was denied his firearms, denied in part that the conversation was heated.
76. Admit.
77. Denied. When Mr. Doutel arrived at the Norwalk Police Department items seized from his residence were missing. The Norwalk Police Department apologized and could not account for the missing property.
78. Admit in part that the officers entered the home and denied in part that it was through Mr. Doutel's consent.
79. Admit.
80. Admit.

81. Denied. Both Officer Reda and Lieutenant Materra play a role in the arrest of Mr. Doutel and they were present at the scene.
82. Admit in part that Lieutenant Cunningham is the Commander of the Training Division and denied in part that there has been extensive training afforded by the members of the Norwalk Police Department.

## II. DISPUTED FACTS

1. The voicemail left by Mr. Doutel on February 16, 2011 at the Office of Dr. Igal Staw was not threatening in nature. (Def. Exhibit F)
2. The pre-op surgery performed by Dr. Staw was incorrect and caused Mr. Doutel further complications as he could not get his medical records transferred in an appropriate manner. (Pl. Exhibit L)
3. Dr. Staw and his office knew that at Mr. Doutel's previous visits he carried a firearm in accord with his Second Amendment right. (Pl. Exhibit D)
4. Officer Zwickler did not initially interview Janine Roy who altered others of the voice message. (Pl. Exhibit D)
5. Mr. Doutel during a conversation with the NPD made it very clear that if officer's were to arrive at his residence to arrive with a warrant. (Pl. Exhibit A)
6. The firearms were not removed consensually from the premises. Mr. Doutel could not consent to the removal of the Plaintiff's property. (Pl. Exhibit A,D)

7. The Plaintiff's firearms that were removed from the home were not returned to her. (Pl. Exhibit J)
8. The firearms seized from the residence were seized for evidentiary purposes. (Def. Exhibit B,I and N)
9. The Plaintiff demanded the return of her firearms from the NPD and was denied by the Chief of Police. (Pl. Exhibit J)
10. Mr. Doutel despite his arrest for Threatening in the Second Degree on February 16, 2011 remained eligible for a temporary permit to carry pistols and revolvers. (Pl. Exhibit K)
11. Mr. Doutel did not have to work through the State to appeal his revocation, he was well within his right to request a temporary permit from the NPD. (Pl. Exhibit K, and Def. Exhibit L)
12. The State maliciously entered an order that Mr. Doutel not possess firearms after it was brought to light that he applied for a temporary permit. (Def. Exhibit B)
13. The Plaintiff's letter to the NPD demanding return of her property received no immediate response and was denied. (Pl. Exhibit J and Def. Exhibit U)
14. The State dismissed the charges against Mr. Doutel as they could not prove their case. At no point did the victims communicate their desire not to prosecute this matter. (Pl. Exhibit M)

15. The victims were very proactive in this matter seeking restraining and protective orders against Mr., Doutel every opportunity they had. (Pl. Exhibit F,G and Def. Exhibit B,I,N and O)
16. When Mr. Doutel presented himself to the NPD for the return of the firearms he was told that his property was missing and the NPD did not know where it was. (Pl. Exhibit O)
17. The Plaintiff communicated with the NPD that here property was being held illegally. (Pl. Exhibit J)
18. There was no order issued that mandated that the Plaintiff's firearms be held at the NPD. (Pl. Exhibit B)
19. It was brought to the NPD attention that the firearms seized belonged to the Plaintiff and not Mr. Doutel. (Pl. Exhibit J)
20. The Plaintiff did present herself and subject herself to the applicable remedies at that time in seeking the return of her firearms. (Id.)
21. The Plaintiff was deprived of her right to keep and bear the firearms that she held for protection prior to February 16, 2011. (Pl. Exhibit D)
22. In searching the home and seizing the firearms that belong to the Plaintiff, the NPD was the proximate cause of her injuries. (Pl. Exhibit D)
23. The Plaintiff has a core constitutional right to possess firearms in her home for personal protection. (Pl. Exhibit J)



**PLAINTIFF,  
BARBARA C. DOUTEL**

**HER ATTORNEY**

**BY: /s/ Rachel M. Baird**  
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**CERTIFICATION OF SERVICE**

I HEREBY CERTIFY THAT on January 22, 2013, a copy of the foregoing motion for extension of time was filed electronically. Notice of this filing will be sent by email to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

**/s/ Rachel M. Baird**  
**Rachel M. Baird**  
**Commissioner of the Superior Court**