

Hill v. City of New Haven

Superior Court of Connecticut, Judicial District of New Haven

June 8, 2022, Decided

No. CV21-5117313

Reporter

2022 Conn. Super. LEXIS 720 *

TANISHA HILL, et al. v. CITY OF NEW HAVEN, et al.

Notice: THIS DECISION IS UNREPORTED AND MAY BE SUBJECT TO FURTHER APPELLATE REVIEW. COUNSEL IS CAUTIONED TO MAKE AN INDEPENDENT DETERMINATION OF THE STATUS OF THIS CASE.

Judges: [*1] Jon C. Blue, Judge Trial Referee.

Opinion by: Jon C. Blue

Opinion

MEMORANDUM OF DECISION

RE MOTION TO DISMISS (No. 102)

The Motion To Dismiss now before the court claims that the court lacks subject matter jurisdiction because the plaintiffs, Tanisha Hill and Michael Terrell Banks, do not allege a legally cognizable injury and consequently lack standing to bring this action. For reasons stated below, the Motion must be granted.

This action was commenced by service of process in September 2021. Hill and Banks are the sole plaintiffs. The defendants are the City of New Haven ("City"), the City of New Haven Civil Service Board, and the City of New Haven Board of Fire Commissioners ("Board").

The complaint consists of a single count. It alleges that Hill and Banks appeared on an Eligibility List ("List"), certified on January 22, 2020, for the position of Firefighter with the New Haven Fire Department. On April 20, 2020, the City notified all candidates on the List that ninety-nine candidates had placed in Rank One on the List and that a lottery system would be used to determine which individuals would be given conditional offers of employment. Neither plaintiff was offered employment. The plaintiffs claim that the [*2] lottery

system used to select the successful candidates was illegal. They seek both a declaratory judgment to that effect and compensatory damages.

The Motion To Dismiss now before the court was filed on December 6, 2021. As mentioned, the Motion claims that the court lacks subject matter jurisdiction over this action because the plaintiffs fail to allege a legally cognizable injury. In support of the Motion, the defendants have appended affidavits of Stephen Librandi, the City's Manager of Human Resources and Benefits, and John Alston, the New Haven Fire Chief.

Librandi states that the List contained, *inter alia*, ninety-nine candidates who had "achieved rank one on the civil service exam, each candidate having achieved the same score of exactly 100." The Board of Fire Commissioners developed the lottery system in question "only for prioritizing candidates ... in the rank one position." In the end, all ninety-nine candidates in Rank One "received conditional offers." Under the City Charter, the hiring authority "can only consider and hire from the candidates in the highest three ranks of eligible candidates, also known as the 'Rule of Three.'"

A supplemental affidavit by Librandi provides [*3] further detail. The Board originally voted to hire 34 candidates from Rank One. It later voted to hire three additional candidates from Rank One because of withdrawals by candidates in the previously approved group. The last hire from Rank One was number 76 in the lottery order. Consequently, all of the candidates in Rank One with a lottery order from 1 through 76 were hired as entry-level firefighter trainees because they had met the conditional offer criteria and had not withdrawn or been removed from the List.

Librandi further states that Hill, "at rank seven, did not achieve a high enough rank on the ... List ... to meet the 'Rule of Three.' Banks, "at rank 121," also failed to achieve a sufficient rank on the List to meet the Rule of Three. There were 104 candidates higher on the List than Hill and 231 candidates higher than Banks.

The plaintiffs do not contest these facts.

The Motion was argued on June 7, 2022.

The Motion To Dismiss claims that the court lacks subject matter jurisdiction over this case because the plaintiffs lack standing to assert their claim that the lottery system used to choose candidates from Rank One was illegal. The Motion is correct.

To have standing, a complainant [*4] must make "a colorable claim of direct injury that he has suffered or is likely to suffer, in an individual or representative capacity. Such a personal stake in the outcome of the controversy ... provides the requisite assurance of concrete adverseness and diligent advocacy." *Saunders v. Briner*, 334 Conn. 135, 156, 221 A.3d 1 (2019).

The evidence submitted to the court establishes that neither plaintiff suffered direct injury as a result of the lottery system of which they complain. Assuming, without deciding, that a candidate who had placed in Rank One and was not selected by the lottery would have standing to contest the legality of the lottery, neither plaintiff was placed in Rank One. Consequently, neither plaintiff would have benefitted had a completely different system been used to differentiate among the candidates in Rank One. No offer would have been extended to either plaintiff in any event.

Under these circumstances, neither plaintiff has legal standing to contest the lottery system of which they complain.

The Motion To Dismiss is granted.

Jon C. Blue

Judge Trial Referee

Juris No. 080110