

RETURN DATE: JULY 22, 2025

JAMES MCCARTHY

SUPERIOR COURT

v.

**NEW HAVEN JUDICIAL DISTRICT
AT NEW HAVEN**

TOWN OF HAMDEN

JUNE 19, 2025

COMPLAINT

1. The Plaintiff, James McCarthy, a former firefighter, brings this claim against Defendant Town of Hamden, his former employer, pursuant to the Connecticut Fair Employment Practices Act, Conn. Gen. Stat. § 46a-60(b)(1) et seq.

2. At all times relevant herein, the Plaintiff, James McCarthy, was a resident of Madison, Connecticut.

3. At all times relevant herein, the Defendant, the Town of Hamden, is and was a duly formed municipal corporation organized under the laws of Connecticut and has a business address of 2750 Dixwell Ave., Hamden, Connecticut. The Defendant employs more than one hundred people and is an employer within the meaning of Conn. Gen. Stat. §§ 45a-60 et seq.

4. At all times relevant herein, the Defendant operated the Hamden Fire Department.

5. The Hamden Fire Department is overseen and managed by the Fire Commission, which has the sole power to appoint, promote and remove department personnel. The Fire Commissions consists of five electors of the town who are appointed by the Mayor.

6. The Plaintiff, who is a White/Caucasian male, was hired by the Defendant as a firefighter in May 2001. He served on the Hamden Fire Department until May 1, 2024. During that time, he served as a firefighter, paramedic and Emergency Medical Technician (EMT).

7. The Plaintiff was promoted to the rank of Fire Lieutenant on September 17, 2017.

8. Members of the Fire Commission have stated in the media and at commission meetings that it had a goal to bring more diversity to the Hamden Fire Department.

9. Fire Commissioners Gary Tinney and Samod Rankins, upon being appointed to the Commission in 2022, publicly expressed their goal to increase racial diversity in the Hamden Fire Department. Lauren Garrett, who was the mayor of Hamden at that time in 2022, also publicly expressed a goal of diversifying the Hamden Fire Department.

10. In accordance with those stated goals, the Hamden Fire Department established a diversity initiative.

11. In May 2022, the Plaintiff applied for the position of Fire Training Officer.

12. Although the Plaintiff was the more qualified and experienced candidate, the Fire Commission promoted another candidate, Julio Lopes, to that position. At that time, the Plaintiff was certified as an Emergency Medical Services Instructor ("EMSI"). Lopes did not at

that time have an EMSI certificate, nor did he obtain one in the one-year time period established by the Defendant.

13. In January 2023, the Plaintiff, who sought a promotion to the position of Fire Captain, was ranked first on the certified list of candidates. Lt. Joseph Anderson, who is Black/African-American, was ranked second.

14. At that time, the Plaintiff was more qualified than Lt. Anderson. He had served on the Department for more than 21 years. The Plaintiff had also attended numerous trainings and earned several certifications on his own volition and at his own expense. Specifically, the Plaintiff held Fire Officer I, II, III and IV certification, as well as Fire Instructor I, II and III certifications, and the aforementioned EMSI certification.

15. On Jan. 9, 2023, following interviews of the candidates, the Fire Commission promoted Lt. Anderson to the position of Fire Captain. The Commissioners present at that meeting were Gary Tinney (Chair), Nancy Hill, Victor Mitchell, Cherlyn Poindexter and Samod Rankins. Commissioners Mitchell and Poindexter voted in favor of appointing the Plaintiff to Fire Captain, with Commissioners Hill, Rankins and Tinney voting against. Commissioners Hill, Rankins and Tinney voted in favor of appointing Anderson to Fire Captain, with Mitchell and Poindexter voting against.

16. The Plaintiff's race and/or skin color was a motivating factor for the Commission's decision to not promote him to Fire Captain.

17. The Defendant discriminated against the Plaintiff on account of his race and/or skin color by denying him promotion to Fire Captain on Jan. 9, 2023. Such disparate

treatment on account of race/color is a violation of the Connecticut Fair Employment Practices Act.

18. As a result of the Defendant's discriminatory conduct, the Plaintiff has suffered economic losses and emotional distress.

19. The Plaintiff retired from the Hamden Fire Department on May 1, 2024. The aforementioned emotional distress was a major contributing factor to his decision to retire.

20. The Plaintiff timely filed his administrative complaint with the Connecticut Commission of Human Rights and Opportunities ("CHRO") and the Equal Employment Opportunities Commission ("EEOC") within 300 days of the adverse employment action.

21. The Plaintiff received Release of Jurisdiction letters from the CHRO on April 30, 2025, copies of which are annexed hereto as Exhibit I.

22. The Plaintiff brings this action within 90 days of receiving the Release of Jurisdiction from the CHRO and within two years of the filing of his complaint with the CHRO.

PRAYER FOR RELIEF

WHEREFORE, the Plaintiff claims:

- A. Monetary damages;
- B. Attorney fees;
- C. Punitive damages;
- D. Such other relief as required by law, justice and equity.

THE PLAINTIFF

By: _____

Christopher DeMatteo
Pattis & Paz, LLC
383 Orange St., First Floor
New Haven, CT 06511
Tel: (203) 393-3017
Fax: (203) 393-9745
cdematteo@pattispazlaw.com

A jury trial is demanded.

Please enter the appearance of Pattis & Paz, LLC on behalf of the Plaintiff.

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**NEW HAVEN JUDICIAL DISTRICT
AT NEW HAVEN**

TOWN OF HAMDEN

JUNE 19, 2025

STATEMENT OF AMOUNT DEMANDED

The amount in demand is greater than \$15,000, exclusive of interests and costs.

THE PLAINTIFF

By: 

Christopher DeMatteo
Pattis & Paz, LLC
383 Orange St., First Floor
New Haven, CT 06511
Tel: (203) 393-3017
Fax: (203) 393-9745
cdematteo@pattispazlaw.com

EXHIBIT I

STATE OF CONNECTICUT
COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES

James McCarthy III
COMPLAINANT

vs.

CHRO No. 2430237
EEOC No. 16A202400420

Town of Hamden
RESPONDENT


RELEASE OF JURISDICTION

The Commission on Human Rights and Opportunities hereby releases its jurisdiction over the above-identified complaint. The Complainant is authorized to commence a civil action in accordance with CONN. GEN. STAT. § 46a-100 against the Respondent in the Superior Court for the judicial district in which the discriminatory practice is alleged to have occurred, in which the Respondent transacts business or in which the Complainant resides. If this action involves a state agency or official, it may be brought in the Superior Court for the judicial district of Hartford.

A copy of any civil action brought pursuant to this release must be served on the Commission at ROJ@ct.gov or at 450 Columbus Blvd., Suite 2, Hartford, CT 06103 at the same time all other parties are served. Electronic service is preferred. **THE COMMISSION MUST BE SERVED BECAUSE IT HAS A RIGHT TO INTERVENE IN ANY ACTION BASED ON A RELEASE OF JURISDICTION PURSUANT TO CONN. GEN. STAT. § 46a-103.**

The Complainant must bring an action in Superior Court within 90 days of receipt of this release and within two years of the date of filing the complaint with the Commission unless circumstances tolling the statute of limitations are present.

DATE: April 30, 2025



Tanya A. Hughes, Executive Director

cc:

Complainant's Attorney: Christopher DeMatteo, Esq.
discovery@pattislaw.com

Respondent's Atty.: Dennis Durao, Esq.
ddurao@kt-lawfirm.com

Case File

STATE OF CONNECTICUT
COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES

James McCarthy III
COMPLAINANT

vs.

CHRO No. 2430238
EEOC No. 16A202400421

Hamden Fire Department
RESPONDENT

RELEASE OF JURISDICTION

The Commission on Human Rights and Opportunities hereby releases its jurisdiction over the above-identified complaint. The Complainant is authorized to commence a civil action in accordance with CONN. GEN. STAT. § 46a-100 against the Respondent in the Superior Court for the judicial district in which the discriminatory practice is alleged to have occurred, in which the Respondent transacts business or in which the Complainant resides. If this action involves a state agency or official, it may be brought in the Superior Court for the judicial district of Hartford.

A copy of any civil action brought pursuant to this release must be served on the Commission at ROJ@ct.gov or at 450 Columbus Blvd., Suite 2, Hartford, CT 06103 at the same time all other parties are served. Electronic service is preferred. **THE COMMISSION MUST BE SERVED BECAUSE IT HAS A RIGHT TO INTERVENE IN ANY ACTION BASED ON A RELEASE OF JURISDICTION PURSUANT TO CONN. GEN. STAT. § 46a-103.**

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Tanya A. Hughes, Executive Director

DATE: April 30, 2025

cc:

Complainant's Attorney: Christopher DeMatteo, Esq.
discovery@pattislaw.com

Respondent's Atty.: Dennis Durao, Esq.
ddurao@kt-lawfirm.com

Case File

TOWN CLERK
HAMDEN, CT
2025 JUN 20 P 2:49
RECEIVED AND FILED BY
JENNIFER WILKINS