

NO. LLI-CV-21-5014019-S

JON A. GOODWIN : SUPERIOR COURT
VS. : J. D. OF LITCHFIELD
RAYMOND J. MILOT, JUNIOR, ET AL. FEBRUARY 3, 2022

**REPLY TO BRIEF OF DEFENDANT IURATO IN OPPOSITION TO
PLAINTIFF’S MOTION FOR PERMISSION TO CONDUCT LIMITED
DISCOVERY REGARDING HER SPECIAL MOTION TO DISMISS**

The defendant Iurato has objected to the plaintiff’s statutory motion for permission to depose her. She asserts three grounds, i.e., that good cause has not been shown, that the discovery sought is not “specified and limited,” and finally that it is contrary to the intent and purpose of the Anti-SLAPP statute to allow any discovery.

Responding to defendant Iurato’s arguments in reverse order:

Argument Three: Defendant’s argument that limited discovery defeats the purpose of the statute should be addressed to the legislature, which chose to make the right to seek limited discovery a part of the very statute in question.

Argument Two: Defendant claims that the discovery which the plaintiff seeks permission to conduct is not “specified and limited,” but the request itself expressly states that the plaintiff wishes to depose the defendant only “concerning the matters set forth in [her] Special Motion[] to Dismiss....” The

essence of that motion is that she acted in good faith solely as a mandated reporter, and not as an advocate. The plaintiff believes, based on other events, that both defendant Iurato and defendant Khalil were in fact significantly engaged on behalf of one side in a highly contentious matter in the Juvenile Court arising out of a marriage dissolution. As defendant Iurato concedes, she already has the protection of the mandated reporter statute, under which she alleges that she filed the document at issue, which provides immunity to any mandated reporter who makes a mandated report in good faith. The issue is whether the defendant did act in good faith when she took the action in question. See, e.g., Chain v. Biddle, 1999 WL 179623, 24 Conn. L. Rptr. 201; Greco v. Anderson, 2000 WL 1763732, 28 Conn. L. Rptr. 605. Her good faith also is an essential element of her anti-SLAPP motion. Elementary fairness requires that the plaintiff be afforded a limited opportunity to explore that issue before the defendant's motion is heard, particularly since her motion seeks harsh economic sanctions against the plaintiff.

For the same reason, permitting the plaintiff to have access to the related records at DCF and the Juvenile Court.

Argument One: The very nature of the underlying matters which gave rise to the present lawsuit demonstrates the good cause for granting the plaintiff's motion. Ultimately, this matter involves a bitter post-dissolution custody battle.

Conclusion

THE PLAINTIFF

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CERTIFICATION OF SERVICE

On the above date, copies hereof were sent to: Rebecca Mayo Goodrich, LLC, P. O. Box 1420, New Milford, CT 06076, rmg@mayogoodrichlaw.com; DanaherLagnese PC, 21 Oak Street, Suite 700, Hartford, CT 06106, jkocienda@danaherlagnese.com; Samantha C. Wong, Esq., Assistant Attorney General, 110 Sherman Street, Hartford, CT 06105, samantha.wong@ct.gov; Stockman O'Connor Connors PLLC, 10 Middle Street, 11th Floor, Bridgeport, CT 06604; estockman@stockmanconnors.com;

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