

DOCKET NO.: LLI-CV21-5014019-S : SUPERIOR COURT
GOODWIN, JON A. : JUDICIAL DISTRICT OF
VS. : LITCHFIELD
MILOT, RAYMOND J : AT TORRINGTON
APRIL 28, 2026

**DEFENDANT’S RESPONSE AND OBJECTION TO PLAINTIFFS
MOTION FOR RECONSIDERATION AND TO COMPEL PRODUCTION**

The Defendant, Raymond J. Milot , through undersigned counsel, hereby responds to the Plaintiffs’ Motion for Reconsideration and to Compel Production dated April 13, 2026, as follows:

I. Introduction

Plaintiffs Motion for Reconsideration is not a proper request under Connecticut law. It does not identify any controlling law or material fact that the Court overlooked. Instead, it repeats prior arguments, reframes them as “misapprehensions,” and seeks to expand discovery beyond what this Court has already considered and rejected.

Plaintiff attempts to use sweeping subpoena applications directed at nonparties to obtain the very materials this Court declined to compel. These production demands themselves are facially overbroad, speculative, and improper. Connecticut law makes clear that a motion for reconsideration is not a vehicle for a dissatisfied party to take a second bite of the apple.

For these reasons, the Motion for Reconsideration and the accompanying subpoena applications should be denied in their entirety.

II. Standard For Reconsideration

A motion for reconsideration or reargument is “proper when intended to demonstrate to the court that there is some principle of law which would have a controlling effect, and which has been overlooked, or that there has been a misapprehension of facts.” *State Marshal Assn. of Connecticut v. Johnson*, 198 Conn. App. 392, 427, 234 A.3d 111 (2020) (quoting *Carriage House I-Enfield Assn., Inc. v. Johnston*, 160 Conn. App. 226, 236-37, 124 A.3d 952 (2015)).

However, such a motion “is not to be used as an opportunity to have a second bite of the apple or to present additional cases or briefs which could have been presented at the time of the original argument”. *Id.*

Reconsideration is appropriate only where the moving party demonstrates that the Court overlooked controlling law or material facts, or clear error warranting correction. The Plaintiff does not adequately assert as such. Instead, Plaintiffs’ motion merely asserts previously rejected arguments and expresses disagreements with the Court’s ruling and therefore, must be denied.

III. Plaintiff Improperly Seeks to Relitigate Issues Already Decided

Despite Plaintiffs assertion that he does not seek to relitigate prior

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arguments his motion does exactly that.

Plaintiff again challenges:

- The court's treatment of the requested communication;
- The scope of permissible discovery, and;
- The Court's refusal to compel disclosure of communications involving Defendant and his children.

These are the same issues previously raised and decided. Labeling this argument as "misapprehension" is an attempt to take a second bite of the apple, repackage it, and sell it as something new. Under the governing standard set forth above, this alone requires denial of the motion.

IV. Plaintiff's Authorities Are Not on Point and Do Not Support Relief Requested

Plaintiff's reliance on the cited case law is misplaced. The authorities cited address legal issues and procedural contexts that are materially distinguishable from the present dispute and do not support the relief sought.

First, several of Plaintiff's cited cases arise in criminal contexts or involve constitutional protections and evidentiary privileges, including *State v. Christian*, 267 Conn. 710, 728, 841 A.2d 1158 (2004) (quoting *State v. Montgomery*, 254 Conn. 694, 724, 759 A.2d 995 (2000)); *State v. Littlejohn*, 199 Conn. 631, 509 A.2d

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1376 (1986). Those cases concern issues such as marital privilege, admissibility of evidence, and constitutional safeguards in criminal proceedings. They do not address civil discovery standards, nor do they provide any guidance on whether a party may compel discovery from non-parties, particularly minor children, in a civil matter.

Second, Plaintiff relies on cases addressing spoliation and evidentiary sanctions, including *West v. Goodyear Tire & Rubber Co.* 167 F.3d 776, 779 (2d Cir. 1999); *Rizzuto v. Davidson Ladders, Inc.*, 280 Conn. 225, 258–63, 905 A.2d 1165 (2006). Those cases concern the consequences of destroyed or unavailable evidence. They do not address whether requested discovery is permissible in the first instance and therefore have no bearing on the issues before this court.

Third, Plaintiff cites procedural and jurisdictional cases, including *Rosado v. Bridgeport Roman Catholic Diocesan Corp.*, 276 Conn. 168, 222–23, 884 A.2d 981 (2005); *Opaku v. Grant*, 63 Conn. App. 686, 692–93, 779 A.2d 981 (2001), which involve post-judgment procedure, continuing jurisdiction, or motions to open. These cases do not govern discovery disputes and do not authorize the use of a motion for reconsideration to obtain discovery that has already been denied.

In short, Plaintiffs authorities are not on point, do not address the issue presented here and fail to support the relief requested.

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V. No Misapprehension of Law or Fact

Plaintiff contends that the Court misapplied Connecticut law by treating the requested materials as protected family communications and by limiting discovery accordingly. This argument, on its face fails to establish any misapprehension of law or fact.

The court acted well within its discretion in limiting discovery based on the nature of the materials sought, primarily the communications involving Defendant and his children. In doing so, the Court expressly recognized the unique and protected nature of the parent child relationship, citing *Campos v. Coleman*, 319 Conn. 36, 45, 47 123 A.3d 854, 860 (2015), which describes that relationship as “the earliest and most hallowed of the ties that bind humanity”.

Consistent with that Principle, the Court declined to compel disclosure of communications between a parent and minor children absent controlling authority directly on point. Plaintiff has provided no such authority.

Plaintiffs’ argument that the requested materials constitute “evidence of conduct” rather than communications does not alter the Court’s analysis. The requests remain directed at private communications involving Defendant’s children and continue to lack the specificity and evidentiary foundations the Court requires.

Moreover, the Court did not deny discovery outright, but instead required

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Plaintiff to make a specific supported showing before any such materials could be compelled. This directive reflects a proper exercise of the Court's discretion to ensure that discovery is relevant and proportional, particularly where it implies sensitive familial communication and non-parties.

At most, Plaintiff disagrees with the Court's discretion to define the proper scope of discovery. Plaintiffs' disagreement with that outcome does not constitute a basis for reconsideration.

VI. The Subpoena Applications Are Improper and Should Be Denied

Plaintiff seeks to revisit these same issues through a motion for reconsideration and subpoenas on matters the Court has already addressed, merely because he disagrees with this Court's ruling. This is explicitly improper and precisely the "second bite of the apple" Courts reject.

This Court declined to permit discovery of communication between Defendant and his children. Despite this clear statement by the Court, Plaintiff now seeks to accomplish indirectly, through subpoenas, what the Court has already prohibited directly. This is an improper end run around on the Courts prior decision and should not be permitted.

Even putting aside this procedural defect, Plaintiff has not demonstrated that

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compelling testimony from the Milot children is warranted. Plaintiff only offers speculative assertions regarding relevance and fails to identify any information that is both necessary and unavailable through other means.

Courts are particularly cautious when discovery intrudes on the parent child relationship, as recognized:

“The parent-child relationship...is the earliest and most hallowed of the ties that bind humanity...unique in its emotional closeness, in its value to society and its generation of enforceable legal rights and obligations.” (Campos v. Coleman, 319 Conn. 36, 45-47 (2015)).

This principle reinforces the court’s prior limitation on such discovery and underscores why Plaintiff’s requests are improper.

Accordingly, because (1) the Plaintiff has failed to provide direct and on point case law, and (2) the requested discovery is both unnecessary and unduly intrusive, the request to Subpoena the Milot children should be denied.

VII. CONCLUSION

Plaintiffs Motion for Reconsideration and to Compel Production is procedurally improper and substantively unsupported. It does not identify any overlooked law or misapprehended fact, relies on inapposite authority, and improperly seeks to relitigate issues already decided by the Court.

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Because the motion is nothing more than an attempt to obtain a second bite at the apple and to circumvent discovery rulings, it should be denied in its entirety.

The Defendant

By: RS
Robert A. Salerno
His Attorney

ORAL ARGUMENT **NOT** REQUESTED
TESTIMONY **NOT** REQUIRED

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ORDER

After hearing had, the foregoing Motion is hereby ordered:

GRANTED/DENIED _____.

BY THE COURT

CERTIFICATION OF SERVICE

I hereby certify that a copy of the foregoing was sent to the following counsel and/or pro se parties of record by first class mail, postage prepaid, and/or fax or email this 28th day of April, 2026: Jon A. Goodwin jgoodwin@protonmail.com; Law Office of John R. Williams jrw@johnrwilliams.com

/s/430824

Robert A. Salerno
Commissioner of the Superior Court