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|-------------------------------|---|--------------------|
| DOCKET NO: LLI-CV21-5014019-S | : | SUPERIOR COURT     |
|                               | : | J.D. OF LITCHFIELD |
| JON A. GOODWIN                | : | AT TORRINGTON      |
| <i>Plaintiff</i>              | : |                    |
| v.                            | : |                    |
|                               | : |                    |
| RAYMOND J. MILOT, JUNIOR      | : | MAY 7, 2026        |
| <i>Defendant</i>              | : |                    |

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

The Plaintiff, Jon A. Goodwin, respectfully submits this Reply to Defendant’s Response and Objection dated April 28, 2026.

**I. INTRODUCTION**

Defendant’s opposition does not address the central issue raised by Plaintiff’s motion: Connecticut does not recognize a parent-child privilege barring discovery of relevant communications, and the Court’s March 23, 2026, ruling expressly rested on the absence of “a case directly on point” authorizing compelled disclosure of parent-child communications. *See* Exhibit A, p. 40, ln. 11.

Plaintiff’s motion properly identified that legal misapprehension and supplied the authority and factual record requested by the Court in its April 16, 2026, Order (En. 208.20).

Defendant’s objection largely avoids the actual issue presented. Instead, Defendant:

1. repeatedly characterizes the requested discovery as ordinary “family communications”;
2. ignores that the communications are sought as evidence of deletion, concealment, publication, coordination, and preservation-related conduct;
3. fails to identify any Connecticut authority recognizing a parent-child privilege;

4. ignores the recovered text messages already showing deletion directives; and
5. conflates relevance with admissibility.

The motion should therefore be granted.

## **II. DEFENDANT DOES NOT IDENTIFY ANY CONNECTICUT PARENT-CHILD PRIVILEGE**

Defendant's opposition notably cites no Connecticut statute, rule of evidence, or appellate decision recognizing a parent-child privilege.

That omission is dispositive.

"Privileges against forced disclosure are not lightly created nor expansively construed, for they are in derogation of the search for truth." *United States v. Nixon*, 418 U.S. 683, 709–10 (1974). Connecticut law follows the same principle. Connecticut privileges are narrowly construed because they operate to suppress relevant evidence. *See State v. Christian*, 267 Conn. 710, 728 (2004).

Likewise, federal courts have expressly recognized that "other than the spousal privilege, there is no privilege that permits a person not to testify against family members." *In re Grand Jury Subpoena of Dominic A. Santarelli, Jr.*, 740 F.2d 816, 819 (2d Cir. 1984).

Connecticut recognizes specific privileges by statute or firmly established common law, including marital privilege, attorney-client privilege, and certain medical privileges. Defendant identifies no comparable authority for a parent-child privilege because none exists.

The Court's March 23 ruling expressly stated that it will not order a parent to disclose communications they have with their minor children unless you have a case directly on point. Exhibit A, p. 40, ln. 11.

Plaintiff's motion properly addressed that issue by demonstrating:

1. No Connecticut authority recognizes such a privilege;
2. Privileges are disfavored and narrowly construed;
3. Courts decline to create new testimonial privileges absent compelling authority;  
and
4. The requested communications are sought as evidence of conduct, not protected familial confidences.

Defendant's opposition does not rebut any of those points.

Instead, Defendant relies primarily on generalized policy language from *Campos v. Coleman* regarding the importance of the parent-child relationship. But *Campos* did not create a parent-child evidentiary privilege, did not involve civil discovery, and did not hold that parent-child communications are categorically immune from discovery. *Campos v. Coleman*, 319 Conn. 36, 45, 123 A.3d 854, 860 (2015).

A generalized recognition that family relationships are important is not the same thing as a judicially created privilege suppressing relevant evidence.

### **III. PLAINTIFF DOES NOT SEEK ORDINARY "FAMILY COMMUNICATIONS"**

Defendant repeatedly reframes the requested discovery as an intrusion into private family communications. That characterization materially misstates the request.

Plaintiff seeks communications because the existing record already reflects:

1. instructions to delete evidence;
2. concealment-related communications;
3. communications concerning Plaintiff;
4. dissemination of accusations about Plaintiff;
5. communications concerning recordings, videos, and photographs;

6. communications concerning DCF and police involvement; and
7. communications concerning incidents directly pleaded in the Complaint.

The Court itself discussed allegations that Defendant directed his daughter to delete text messages. Exhibit A, pp. 33-34.

Plaintiff's filings identify specific recovered messages including:

- "delete these texts";
- "delete your messages";
- "Delete that";
- "hide it";
- "best to clear this conversation"; and
- "make sure you turn your phone off and hide it."

*See* Plaintiff's Motion for Reconsideration of the Court's March 13, 2026, Discovery Order and to Compel Production (En. 208) at B-1350, B-1411, B-1415, B-1487, B-1489, B-1450, ; and Plaintiff's Brief in Support of Motion to Reargue/Reconsider; Plaintiff's Renewed Motion to Compel Defendant Raymond Milot's Discovery Responses (En. 211) at Ex. D-1410, D-1414, D-1486, D-1488, D-1509.

These are not requests for generalized family intimacy. They are requests for evidence concerning:

- Spoliation;
- Concealment;
- Witness coordination;
- Publication of accusations;
- Surveillance;
- Preservation obligations; and

- Defendant's knowledge and intent.

Nor can Defendant avoid discovery merely by invoking generalized notions of familial privacy. The law distinguishes between genuinely privileged communications and communications sought as evidence of conduct. Here, Plaintiff seeks evidence concerning deletion directives, concealment, dissemination of accusations, preservation-related activity, and litigation conduct. Neither Connecticut law nor federal authority recognizes a privilege allowing a parent to shield such evidence merely because the communications involved a child.

Connecticut discovery rules do not immunize such evidence merely because a child participated in the communication.

#### **IV. DEFENDANT IGNORES THAT THE COURT REQUESTED A SPECIFIC FACTUAL SHOWING — WHICH PLAINTIFF PROVIDED**

The Court's April 16, 2026, Order directed Plaintiff to provide:

1. The specific discovery requests;
2. The specific text messages sought;
3. The relevant time periods;
4. The relevance analysis;
5. Supporting authority; and
6. An affidavit regarding efforts to resolve the dispute.

Plaintiff complied in detail.

Plaintiff's April 30, 2026, submissions:

- Identified the precise categories of communications sought;
- Identified the relevant date ranges;
- Tied the communications to specific counts in the Complaint;

- Identified recovered deletion-related communications;
- Identified Defendant's discovery deficiencies;
- Identified preservation-related conduct;
- Attached supporting authority; and
- Provided an affidavit documenting meet-and-confer efforts.

Defendant's opposition largely ignores those factual showings.

Instead, Defendant continues to characterize the motion as merely "repackaged disagreement." But a motion for reconsideration is proper where a ruling rests upon a material legal or factual misapprehension. Defendant never addresses the actual misapprehension identified here: the apparent treatment of parent-child communications as categorically protected despite the absence of any recognized privilege.

#### **V. DEFENDANT MISCHARACTERIZES PLAINTIFF'S AUTHORITIES**

Defendant argues Plaintiff's cited authorities are "not on point" because some arise in criminal or spoliation contexts. That argument misunderstands why those authorities were cited.

Plaintiff cited:

- Privilege cases to establish that privileges are narrowly construed and not lightly created;
- Spoliation cases to establish the relevance of deletion and preservation-related conduct;
- Discovery cases to establish the breadth of Connecticut discovery; and
- Control-related cases to establish that discovery extends to materials within a party's practical ability to obtain.

Those authorities were not cited for unrelated procedural holdings. They were cited for the governing principles directly implicated here.

For example:

- *Standard Tallow Corp. v. Jowdy* establishes Connecticut’s broad discovery standard;
- *Rosado v. Bridgeport Roman Catholic Diocesan Corp.* addresses functional “control” over discoverable materials;
- *Rizzuto v. Davidson Ladders, Inc.* and *West v. Goodyear Tire & Rubber Co.* address preservation and destruction of evidence; and
- *Olson v. Accessory Controls & Equip. Corp.* and *Blumenthal v. Kimber Mfg., Inc.* address the principle that privilege does not shield communications used to further wrongful conduct.

Defendant offers no competing authority establishing that deletion-related communications between a parent and child become categorically immune from discovery.

## **VI. DEFENDANT’S POSITION WOULD CREATE AN UNBOUNDED PRIVILEGE SHIELDING SPOILIATION**

Defendant’s theory would effectively create a sweeping parent-child privilege that Connecticut has never recognized.

That proposed rule would permit a litigant to shield:

- Deletion directives;
- Concealment instructions;
- Coordinated publication of accusations;
- Litigation-related communications; and

- Spoliation-related conduct

simply because a child participated in the communication.

That is precisely the sort of expansive privilege creation courts repeatedly reject.

As the United States Supreme Court explained:

*Privileges against forced disclosure are not lightly created nor expansively construed, for they are in derogation of the search for truth. United States v. Nixon, 418 U.S. 683, 709–10 (1974).*

Similarly, the Second Circuit has emphasized:

*Other than the spousal privilege, there is no privilege that permits a person not to testify against family members. In re Grand Jury Subpoena of Dominic A. Santarelli, Jr., 740 F.2d 816, 819 (2d Cir. 1984).*

Defendant's position would therefore require this Court to create an entirely new privilege unsupported by Connecticut statute, Connecticut appellate authority, or established common law.

The danger of such a rule is particularly acute where the:

- Parent controls the devices;
- Parent controls the accounts;
- Parent pays for the phones;
- Parent directs deletion of evidence; and
- Communications concern litigation-related conduct.

Recognizing such a privilege would create a uniquely dangerous asymmetry because the very parent accused of wrongdoing could suppress the evidence necessary to prove the misconduct itself.

Nothing in Connecticut law supports such a result.



## **VII. DEFENDANT’S DISCOVERY RESPONSES REMAIN FACIALLY DEFICIENT**

Independent of the parent-child issue, Defendant still has not meaningfully addressed the broader discovery deficiencies identified in Plaintiff’s renewed motion to compel.

As detailed in Plaintiff’s April 30, 2026, filing (En. 211), Defendant repeatedly responded:

- “No knowledge”;
- “N/A”; or
- “Not available”

to interrogatories concerning:

- His own statements;
- His own conduct;
- His own communications;
- Electronic devices;
- ESI;
- Preservation efforts;
- Videos;
- Photographs; and
- Metadata.

Defendant still has not:

1. Described any search conducted;
2. Identified devices searched;
3. Identified accounts searched;

4. Identified custodians consulted;
5. Stated whether responsive materials existed but were deleted;
6. Stated whether backups were searched; or
7. Provided a sworn search certification.

Those deficiencies violate Practice Book §§ 13-7 and 13-10 regardless of the parent-child issue.

### **VIII. AT MINIMUM, IN CAMERA REVIEW IS WARRANTED**

Even if the Court remains concerned about the sensitivity of the communications, Defendant's opposition still provides no basis to deny at least *in camera* review.

Plaintiff has already identified specific:

- Deletion instructions;
- Time periods;
- Incidents;
- Participants; and
- Categories of relevant communications.

At minimum, the existing record establishes a sufficient factual basis for the Court to review the communications privately to determine:

- Relevance;
- Scope;
- Proportionality; and
- Whether the communications involve deletion, concealment, preservation, publication, or other litigation-related conduct.

That approach would protect any legitimate privacy concerns while avoiding the creation of an unsupported categorical privilege.

## IX. CONCLUSION

Defendant's opposition does not identify any Connecticut authority recognizing a parent-child privilege, does not rebut the evidence of deletion-related conduct, and does not meaningfully address the discovery deficiencies identified in Plaintiff's filings.

Plaintiff's motion properly identified a material legal and factual misapprehension reflected in the Court's March 23, 2026, ruling and fully complied with the Court's April 16, 2026, Order.

For the foregoing reasons, Plaintiff respectfully requests that the Court:

1. Grant reconsideration;
2. Compel supplemental discovery responses;
3. Order production of responsive communications and ESI;
4. Require a sworn search certification;
5. Order preservation of relevant devices, accounts, and metadata; and
6. Alternatively, conduct an *in camera* review of the requested materials.

Respectfully submitted,

THE PLAINTIFF,

By: /s/ Jon A. Goodwin

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## CERTIFICATION OF SERVICE

I certify that a copy of this document was mailed or delivered electronically or non-electronically on May 7, 2026, to all attorneys and self-represented parties of record and to all parties who have not appeared in this matter and that written consent for electronic delivery was received from all attorneys and self-represented parties receiving electronic delivery.

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# **Exhibit A**

**To**

**Plaintiff's Reply to Defendant's Response and Objection to Plaintiff's Motion for  
Reconsideration and to Compel Production**

**in**

*Goodwin v. Milot*, No. LLI-CV21-5014019-S  
(Conn. Super. Ct., J.D. of Litchfield Oct. 21, 2021)

**Transcript of March 23, 2026 Hearing; pp. 33-34, 40.**

1           ATTY. SALERNO: Thank you.

2           THE COURT MONITOR: Thank you.

3           ATTY. SALERNO: My understanding was that it was  
4 just a question of what's in the complaint against,  
5 and then the other aspect of this, I just want to  
6 make sure we're very clear because soon we're going  
7 to be heading to trial on this, and I want to make  
8 sure that I file the appropriate motions to preclude  
9 any sort of testimony that would assert any sort of  
10 aspect of that. So thank you, Your Honor.

11          THE COURT: All right. All right. Anything  
12 further, Mr. Goodwin?

13          MR. GOODWIN: Yeah, I'm -- not related to what  
14 we've just discussed here. I think, Your Honor, I  
15 would move, you know, we need to have -- we really  
16 need -- I will file a motion for protective -- or  
17 not -- for an order, a preservation order because  
18 this has really gotten out of hand. There's been  
19 destruction of evidence and attempts to destroy  
20 evidence.

21          THE COURT: In this case?

22          MR. GOODWIN: In this case.

23          THE COURT: I don't want to -- okay. In this  
24 case, what are you alleging has been destroyed and by  
25 whom?

26          MR. GOODWIN: By -- at the direction of Mr.  
27 Milot, did delete text messages to his daughter,

1 instructions to delete text messages to his daughter.  
2 Ms. --

3 THE COURT: And when do you claim that Mr. Milot  
4 made these instructions to his daughter to delete  
5 text messages?

6 MR. GOODWIN: It's in my filings.

7 THE COURT: In your complaint?

8 MR. GOODWIN: Yes, it's in the complaint. It's  
9 also in -- it's also -- there are affidavits and the  
10 actual evidence of these directions of Mr. Milot to  
11 his daughter to delete text messages. And there's --  
12 and realize, Your Honor, I recovered these text  
13 messages from an iPad that Ms. Jowdy owned and Mr.  
14 Milot, who was under instruction from me to preserve  
15 evidence, has not provided any text messages in  
16 discovery even though they've been requested.

17 THE COURT: Attorney Salerno?

18 ATTY. SALERNO: Briefly, Your Honor. I would  
19 like to make sure that we're very clear as to the  
20 destruction of evidence. So the -- as I understand  
21 it, Mr. Goodwin is alleging that Mr. Milot was  
22 directing one of his children to delete a text  
23 message prior to the case's inception, so there's  
24 no -- and I want to be very clear -- there's no  
25 allegation at this point that my office has deleted  
26 information with regard to text messages. So that's  
27 the first part.

1           communications they have by text messages with their  
2           minor children.

3           So, sir, unless you have a case directly on  
4           point, the Court is never going to order that. You  
5           understand?

6           MR. GOODWIN: Right. Well, my complaint states,  
7           Your Honor, that he used his minor children to  
8           further his tortuous conduct.

9           THE COURT: Well, sir, you can bring whatever,  
10          you can file whatever motion you wish. I suggest you  
11          bring -- give me a case directly on point if you're  
12          asking me to order any parent to disclose text  
13          communications with their minor children.

14          Anything further?

15          MR. GOODWIN: Yes, Your Honor. There was never  
16          an objection to that.

17          THE COURT: Well, sir, that was brought to my  
18          attention just now, and I am not -- I am saying you  
19          cannot get that. So that is my ruling.

20          Anything further?

21          ATTY. SALERNO: No, thank you, Your Honor.

22          THE COURT: All right. Court stands adjourned.

23          (End of proceedings.)

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