

DOCKET NO. LLI-CV-21-5013836-S	:	SUPERIOR COURT
	:	
MACCHIAROLI, ANTHONY	:	JUDICIAL DISTRICT OF
	:	LITCHFIELD
	:	
v.	:	AT TORRINGTON
	:	
	:	
GRECO, DAVE, ET AL.	:	DECEMBER 30, 2022

**PLAINTIFF’S REPLY BRIEF IN SUPPORT OF CLAIM
REGARDING DISCONTINUANCE OF COOK ROAD**

Plaintiff Anthony Macchiaroli (“Plaintiff”) respectfully submits this Reply Brief in support of his claim that Defendants David and Angela Greco, Dark Entry Forest, and David Colbert (collectively, “Defendants”) did not, and cannot, meet their burden of proving that the Town of Cornwall (the “Town”) strictly complied with the statutory requirements for discontinuing Cook Road.

I. ARGUMENT

The Defendants’ briefs do not point to any new evidence beyond the Town meeting minutes in the record. For the reasons set forth in the Plaintiff’s initial brief, these Town meeting minutes standing alone do not satisfy the statutory requirements. The Defendants also cite to several cases arguing that these cases support their position; but these cases are all distinguishable because they do not deal with a record similar to the factual record in this case before this Court. For example, in Savalle v. Hilzinger, 123 Conn. App. 174 (2010), the issue of any action (or not) by the selectmen was not argued before the Appellate Court and the statement in the decision about the selectmen’s action is dicta and does not countermand any of the authorities cited by the Plaintiff. Similarly, Mackie v. Hull, 69 Conn. App. 538 (2002) supports

the Plaintiff's position for the reasons set forth in his initial brief, and the Defendants' attempt to distinguish it relies entirely on its mistaken characterization of the Town meeting minutes.

The Defendants also argue that the road was abandoned, but there is nothing in the record to support this position including when it allegedly occurred.

The Defendants' entire position relies on its argument that the Town Meeting minutes constitute evidence of the Selectmen's action to discontinue the road. The minutes do not carry this burden however for all the reasons stated in the Plaintiff's initial brief. Once that conclusion is accepted, all of the remainder of the Defendants' arguments necessarily fail.

THE PLAINTIFF,

ANTHONY MACCHIAROLI

By /s/ William S. Fish, Jr.
William S. Fish, Jr.
Christopher H.M. Carter (PHV)
David A. DeBassio
Hinckley, Allen & Snyder LLP
20 Church Street, 18th Floor
Hartford, CT 06103-1221
Phone: (860) 331-2764
Fax: (860) 278-3802
Juris No. 428858
ccarter@hinckleyallen.com
wfish@hinckleyallen.com
ddebassio@hinckleyallen.com

CERTIFICATION

I hereby certify that a copy of the foregoing was sent via electronic mail on this 30th day of December, 2022 to the following counsel of record:

Kent Mancini
Cramer & Anderson
46 West Street
P.O. Box 278
Litchfield, Connecticut 06759
kmancini@crameranderson.com

Shelby L. Dattilo
Thomas C. Blatchley
Gordon & Rees LLP,
95 Glastonbury Boulevard, Suite 206
Glastonbury, CT 06033
sdattilo@grsm.com
tblatchley@grsm.com

Frank J. Garofalo III, AAG
Office of the Attorney General
110 Sherman Street, Hartford, CT 06105
Frank.Garofalo@ct.gov

Keith Ainsworth
51 Elm Street, Suite 201
New Haven, CT 06510
keithainsworth@live.com

/s/ William S. Fish, Jr.

William S. Fish, Jr.