

UNITED STATES DISTRICT COURT  
DISTRICT OF CONNECTICUT

PANSY ROAD, LLC :  
 :  
 Plaintiff, :  
 :  
 V. : Civil No. 3:05-CV-916 (RNC)  
 :  
 TOWN PLAN & ZONING COMM'N OF :  
 THE TOWN OF FAIRFIELD, ET AL., :  
 :  
 Defendants. :

RULING AND ORDER

Defendant Flatto's motion to dismiss counts one through four (Doc. # 11) is granted, in the absence of opposition, for substantially the reasons stated in his supporting memorandum of law.

The complaint alleges that defendant, a selectman of the Town of Fairfield, violated plaintiff's constitutional rights by writing letters to the Town Plan and Zoning Commission, and speaking at a public hearing, in opposition to plaintiff's subdivision proposal. No constitutional provision gives plaintiff a right "to prevent legislators from exercising their [First Amendment] rights merely to express their views." X-Men Sec., Inc. v. Pataki, 196 F.3d 56, 71-72 (2d Cir. 1999) (holding that "speech by persons who are not decisionmakers and who merely engage in advocacy without threats, intimidation, or coercion is protected by the First Amendment"); see also Zapata v. Burns, 207 Conn. 496, 504-05 (1988) (noting that the "equal protection provisions of the federal and state constitutions have the same

meaning and limitations") (internal quotation omitted); State v. Brigandi, 186 Conn. 521, 542 (1982) (stating that "the due process clauses of both the United States and Connecticut constitutions have the same meaning and impose similar limitations"). Plaintiff's claims against this defendant therefore fail as a matter of law.

Accordingly, defendant's motion to dismiss is granted, and counts one through four of the complaint are dismissed as to defendant Flatto.

So ordered.

Dated at Hartford, Connecticut this \_\_\_\_\_ day of May, 2006.

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Robert N. Chatigny  
United States District Judge