NO. HHD CV 17-5045184-S	:	SUPERIOR COURT
NOUBOUKPO GUSSESSE	:	J.D. OF HARTFORD
VS.	:	AT HARTFORD
UNIVERSITY OF CONNECTICUT	:	APRIL 5, 2021

MEMORANDUM OF DECISION RE MOTION FOR SUMMARY JUDGMENT

Before the court are the parties' cross motions for summary judgment. The plaintiff argues that there is no genuine issue of material fact that the defendant discriminated against him. The defendant argues that there is no genuine issue of material fact that it denied admission to the plaintiff for a non-discriminatory reason. The plaintiff's motion is denied and the defendant's motion is granted because the defendant has presented uncontroverted evidence that it denied the plaintiff admission for a non-discriminatory reason.

Before the court are the cross motions for summary judgment of the plaintiff, Nouboukpo Gassesse, and the defendant, the University of Connecticut. This action arises out of an appeal of a February 28, 2017 decision of the Commission on Human Rights and Opportunity (CHRO) in which it found no reasonable probable cause that the defendant engaged in racial or educational discrimination when it denied the plaintiff admission into the defendant's doctoral program in linguistics (linguistics program).

In the operative amended complaint filed on August 22, 2019, the plaintiff alleges the following facts. The plaintiff first applied in 2013 for admission the following year into the defendant's linguistics program. The plaintiff alleges that he was declared qualified for admission, but his application was rejected because there was not a faculty advisor matched to

his topic of research. He reapplied to the linguistics program in the following two years with a new topic of research but was still denied admission.

On March 4, 2016, the plaintiff, who is African American, filed a complaint with the CHRO in which he alleged that the defendant discriminated against him based on his race and education in violation of General Statutes §§ 46a-60[1] and 46a-64[2] as enforced through General Statutes § 46a-58 (a). The CHRO decision found no reasonable cause of any racial or educational discriminatory practice by the defendant. On March 2, 2017, the plaintiff obtained a release of jurisdiction from the CHRO and on April 17, 2017, he filed this action appealing the CHRO decision. In the operative amended complaint, the plaintiff further alleges that he was a victim of racial and educational discrimination in violation of § 46a-58 (a) and Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d. He seeks, inter alia, full admission into the linguistics program, one million dollars in damages, and a declaratory judgement finding that the defendant has discriminated against him.

On January 29, 2020, the defendant filed a motion for summary judgement. Due to the defendant citing to evidence found in earlier pleadings and relying on inadmissible evidence, the court (*Schuman, J.*) denied the motion without prejudice. See Doc. #168.86. On September 2, 2020, the plaintiff filed a motion for summary judgement and memorandum in support arguing

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[1] While § 46a-60 is focused on employment discrimination and on the CHRO complaint the plaintiff checked the box for § 46a-60 (a) (1), which focuses on employment discrimination based on pregnancy, this court has previously held that the plaintiff's citation to statutes that refer only to employment discrimination does not prevent him from relying on other statutes proscribing discriminatory practices because the allegations of a pro se petitioner should be liberally construed and incorrect citations to statutes may be excused so long as the rights of opposing parties are not prejudiced. See Memorandum of Decision re Motion to Dismiss, Doc. #135; see also *Kaddah* v. *Commissioner of Correction*, 299 Conn 129, 140, 7 A.3d 911 (2010); *Rocco* v. *Garrison*, 268 Conn 541, 557, 848 A.2d 352 (2004).

[2] General Statutes § 46a-64 provides in relevant part: "(a) It shall be a discriminatory practice in violation of this section . . . (2) to discriminate, segregate or separate on account of race, creed, color, national origin, ancestry, sex, gender identity or expression, marital status, age, lawful source of income, intellectual disability, mental disability, learning disability, physical disability, including, but not limited to, blindness or deafness, or status as a veteran . . . ."

that the defendant could not refute his claims that he was subject to illegal discrimination on the basis of his race and on the basis that he had not attended a top-tier linguistics department. On September 15, 2020, the defendant filed a new version of its motion for summary judgement and memorandum in support arguing that there was no genuine issue of material fact that it denied admission to the plaintiff for a lawful non-discriminatory reason.[3] On January 8, 2021, the defendant filed a memorandum in opposition to the plaintiff's motion for summary judgement. Oral arguments were heard on January 11, 2021.[4]

"[S]ummary judgment shall be rendered forthwith if the pleadings, affidavits and any other proof submitted show that there is no genuine issue as to any material fact and that the moving party is entitled to judgment as a matter of law." (Internal quotation marks omitted.) *Cefaratti* v. *Aranow*, 321 Conn. 637, 645, 138 A.3d 837 (2016). "A motion for summary judgment shall be supported by appropriate documents, including but not limited to affidavits, certified transcripts of testimony under oath, disclosures, written admissions and other supporting documents." Practice Book § 17-45 (a).

"In deciding a motion for summary judgment, the trial court must view the evidence in the light most favorable to the nonmoving party. . . . The party seeking summary judgment has the burden of showing the absence of any genuine issue [of] material facts which, under

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[3] The plaintiff filed an objection to the defendant's motion for summary judgment in which he argued that the defendant should not be allowed to refile its motion because it is a duplicate of the previous motion and does not comply with the terms of the court's previous order. While the court previously denied the objection in order to allow the argument to be heard at oral argument, the plaintiff's objection is without merit because the defendant's current motion for summary judgment is properly supported by admissible evidence and is not a duplicate of the previous motion.

[4] On January 15, 2021, four days after oral arguments were heard, the plaintiff filed two separate memorandums both labeled as opposition to the defendant's motion for summary judgement. The filings were untimely and were filed without permission of the court and will not be considered pursuant to our rules of practice. See Practice Book § 11-10. Further, both memorandums do not alter the merits of the case because, other than an affidavit from the plaintiff that is not enough to oppose summary judgement, neither memorandum contains any evidence to controvert the defendant's motion and the plaintiff merely repeats similar arguments that appear in his original memorandum in support of his motion for summary judgement.

applicable principles of substantive law, entitle him to a judgment as a matter of law . . . and the party opposing such a motion must provide an evidentiary foundation to demonstrate the existence of a genuine issue of material fact." (Internal quotation marks omitted.) *Doe* v. *West Hartford*, 328 Conn. 172, 191, 177 A.3d 1128 (2018). "It is axiomatic that in order to successfully oppose a motion for summary judgment by raising a genuine issue of material fact, the opposing party cannot rely solely on allegations that contradict those offered by the moving party, whether raised at oral argument or in written pleadings; such allegations must be supported by counteraffidavits or other documentary submissions that controvert the evidence offered in support of summary judgment." *GMAC Mortgage, LLC* v. *Ford*, 144 Conn. App. 165, 178, 73 A.3d 742 (2013).

"[B]efore a document may be considered by the court [in connection with] a motion for summary judgment, there must be a preliminary showing of [the document's] genuineness, i.e., that the proffered item of evidence is what its proponent claims it to be. The requirement of authentication applies to all types of evidence, including writings . . . . Documents in support of or in opposition to a motion for summary judgment may be authenticated in a variety of ways, including, but not limited to, a certified copy of a document or the addition of an affidavit by a person with personal knowledge that the offered evidence is a true and accurate representation of what its proponent claims it to be." (Citation omitted; internal quotation marks omitted.) *New Haven* v. *Pantani*, 89 Conn. App. 675, 679, 874 A.2d 849 (2005). "[I]n considering a motion for summary judgment, [i]t is within the court's discretion whether to accept or decline [to accept] . . . supplemental evidence." (Internal quotation marks omitted.) *Bank of America, N.A.* v. *Aubut*, 167 Conn. App. 347, 364, 143 A.3d 638 (2016).

The plaintiff argues that he is entitled to summary judgement because the defendant relies on inadmissible evidence and cannot refute his claims that he was subject to illegal discrimination on the basis of his race. The defendant, however, argues that there is no genuine issue of material fact that it denied the plaintiff admission into the linguistics program for a lawful non-discriminatory reason.[5] The defendant contends that the plaintiff cannot make out a prima facie case of discrimination because he was not qualified for admission because his undergraduate grade point average (GPA) and Graduate Record Examinations (GRE) scores[6] were well below the average of both applicants admitted and denied admission into the linguistics program. The defendant also argues that the plaintiff has shown no evidence of intentional discrimination. In response to the defendant's motion, the plaintiff argues that the defendant is improperly refiling its previous motion for summary judgement and the defendant's reason for denying admission to the plaintiff is just a pretext for discrimination.

Section 46a-58 (a) provides: "It shall be a discriminatory practice in violation of this section for any person to subject, or cause to be subjected, any other person to the deprivation of any rights, privileges or immunities, secured or protected by the Constitution or laws of this state or of the United States, on account of religion, national origin, alienage, color, race, sex, gender identity or expression, sexual orientation, blindness, mental disability, physical disability or status as a veteran."

Title VI provides: "No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to

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[5] The defendant also argues that the court does not have jurisdiction over the claims regarding the first two rejections because the plaintiff failed to exhaust administrative remedies. The court has already rejected this argument twice and will not revisit it. See Doc. ##115, 135.

[6] The parties stipulated on the record at oral argument that the plaintiff's undergraduate GPA was 2.63 and that his GRE score was 137.

discrimination under any program or activity receiving Federal financial assistance." 42 U.S.C. § 2000d. To prevail on a Title VI race discrimination claim, "the plaintiff must show, inter alia, that the defendant discriminated against him on the basis of race . . . that discrimination was intentional . . . and that the discrimination was a 'substantial' or 'motivating factor' for the defendant's actions." (Citations omitted.) *Tolbert* v. *Queens College*, 242 F.3d 58, 69 (2d Cir. 2001). "Title VI itself directly reach[es] only instances of intentional discrimination." (Internal quotation marks omitted.) *Alexander* v. *Sandoval*, 532 U.S. 275, 281, 121 S. Ct. 1511, 149 L. Ed. 2d 517 (2001).

"The framework th[e] court [must] employ[] in assessing disparate treatment discrimination claims under Connecticut law was adapted from the United States Supreme Court's decision in *McDonnell Douglas Corp.* v. *Green*, 411 U.S. 792, 802, 93 S. Ct. 1817, 36 L. Ed. 2d 668 (1973), and its progeny." (Internal quotation marks omitted.) *Feliciano* v. *Autozone, Inc.*, 316 Conn. 65, 73, 111 A.3d 453 (2015). Additionally, "[c]ourts have . . . applied the same burden-shifting framework articulated in *McDonnell Douglas* to disparate treatment claims arising under . . . [42 U.S.C. § 2000d] (Title VI)." *Jackson* v. *University of New Haven*, 228 F. Supp. 2d 156, 159-60 (D. Conn. 2002). "[D]isparate treatment simply refers to those cases where certain individuals are treated differently than others. . . . The principal inquiry of a disparate treatment case is whether the plaintiff was subjected to different treatment because of his . . . protected status." (Internal quotation marks omitted.) *Agosto* v. *Premier Maintenance, Inc.*, 185 Conn. App. 559, 571, 197 A.3d 938 (2018).

"Under the burden-shifting framework of *McDonnell Douglas*, a plaintiff alleging disparate treatment based on race and national origin must first establish a prima facie case of discrimination. . . . The burden then shifts to the defendant to offer a legitimate,

nondiscriminatory rationale for its actions. . . . Finally, if the defendant does offer a non-discriminatory reason for its decision, the burden again shifts to the plaintiff to show that the defendant's stated reason is a mere pretext for discrimination." (Citations omitted.) *Jackson* v. *University of New Haven*, supra, 228 F. Supp. 2d 160.

To the extent the plaintiff's allegations can be construed as a disparate treatment claim in an employment framework, "to establish a prima facie case of discrimination [under the *McDonnell Douglas* analysis] . . . the [plaintiff] must demonstrate that (1) he is in the protected class; (2) he was qualified for the position; (3) he suffered an adverse employment action; and (4) that the adverse action occurred under circumstances giving rise to an inference of discrimination." (Internal quotation marks omitted.) *Jones* v. *Dept. of Child & Families*, 172 Conn. App. 14, 25, 158 A.3d 356 (2017); see *McDonnell Douglas Corp.* v. *Green*, supra, 411 U.S. 802.

In regard to the plaintiff's motion for summary judgement, he has not properly supported his motion with evidence. See Practice Book § 17-45 (a). The plaintiff argues that he is entitled to summary judgment because the defendant relies on inadmissible evidence and cannot refute his claims, however, he has provided no evidence to support his argument that the defendant denied him admission on the basis of his race. The plaintiff attached to his memorandum in support of summary judgment evidence including what is purported to be emails and admission data, but none of the evidence attached, besides an affidavit that merely states that he is familiar with the facts set forth in the defendant's previous motion for summary judgment, is properly authenticated.[7] Accordingly, he has provided no evidence that the defendant treated him differently because of his race or discriminated against in any way.

[7] Even the unauthenticated evidence does not provide any evidence that the plaintiff was qualified for admission and subject to different treatment on the basis of his race or previous education.

To the extent the plaintiff argues that the defendant has discriminated against him because admission data shows that the defendant did not admit any African Americans into the linguistics program in the three years the plaintiff applied, he has not presented any evidence of intentional discrimination and Title VI does not cover disparate impact discrimination. See *Alexander* v. *Sandoval*, supra, 532 U.S. 281. Once again, the exhibits provided in support of his motion are not authenticated, but the defendant has admitted that it did not accept any applicants who self-identified as African American into the linguistics program in the three years the plaintiff applied. The defendant, however, has provided evidence that out of the at least eighty-six applications it received in each of the three relevant years, the plaintiff was the only applicant who self-identified as Black/African America in the first year and in each of the two subsequent years there were only two other applicants who self-identified as Black/African American. The plaintiff has presented no evidence of any African American applicants that were qualified for admission and treated differently because of their race.

Additionally, the plaintiff's argument that the defendant discriminated against him based on his undergraduate transcript not being from a university with a top-tier linguistic department is without merit. The plaintiff does not support his claim with any evidence that he was improperly denied admission on this basis and he cites to no law that prohibits the defendant from making admission decisions based on the pedigree of an undergraduate transcript. His claim that he should be granted admission because the defendant has admitted other students who also did not have a transcript from a top tier linguistic department ignores other admission factors and contradicts his argument that he was discriminated against based on his education.

Accordingly, the plaintiff has not shown that there is no genuine issue of material fact that the defendant discriminated against him based on his race and education and the plaintiff's motion for summary judgement is denied.

The defendant has supported its motion for summary judgment, with the following undisputed evidence. In the three years that the plaintiff applied for admission into the linguistics program, the defendant received between eighty-six and ninety-five applications and it accepted no more than eighteen applicants in any year. The average undergraduate GPA of applicants admitted in the three years the plaintiff applied were 3.78, 3.72, and 3.70. The average undergraduate GPA of applicants who were denied admission during the three years the plaintiff applied were 3.45, 3.41, and 3.50. The plaintiff had an undergraduate GPA of 2.63 and his GRE scores were also below the average of both applicants admitted and denied admission.

Additionally, the defendant has provided two affidavits of Jon Sprouse, an associate professor in the linguistics program who was a member of the admission committee during the time the plaintiff applied for admission into the linguistics program. Sprouse states that the defendant reviewed the plaintiff's application and deemed it not qualified for admission through the standard procedures. He also states that, in addition to the plaintiff's undergraduate GPA being comparatively low, the rest of his application, including letters of recommendation and writing sample, was weak.

Based on this evidence, the defendant has met its burden of showing that there is no genuine issue of material fact that plaintiff was not qualified for admission and was therefore denied admission for a non-discriminatory reason.

In opposition, the plaintiff argues that there is a genuine issue of material fact whether the defendant denied him admission based on his race, but he has presented no authenticated

evidence, or unauthenticated evidence for that matter, that controverts the evidence offered by the defendant. He has not provided any evidence of any individual with GRE scores or an undergraduate GPA as low as his that was admitted into the linguistics program. Rather, he relies solely on allegations and has failed to provide any evidentiary foundation to demonstrate that he was qualified for admission and treated differently because of his race.

The plaintiff argues that he was declared qualified for admission in the initial rejection letter he received and that he was only denied admission because there was not a faculty advisor matched to his topic of research. He contends that he should have been admitted into the linguistics program once he changed his topic in the subsequent two years. Regardless of the fact that not admitting the plaintiff because the defendant did not have an advisor to match the plaintiff's topic of research would be a non-discriminatory reason for denying the plaintiff admission, the plaintiff has presented no evidence that the defendant treated him differently than other similar applicants or relied on the lack of a faculty advisor in a discriminatory way. Further, the defendant has presented evidence that shortly following the first rejection Sprouse explained to the plaintiff that the lack of an advisor was not the only reason the defendant was denied admission and the rejection letter saying the plaintiff was qualified was a computer-generated letter that did not actually reflect his qualifications.

The plaintiff also argues that his GPA and GRE scores are just a pretext for discrimination, however, the plaintiff must present evidence to show that the reason was pretextual and cannot rely merely on allegations and he has not provided evidence to support his allegation. The plaintiff argues that the defendant should not have considered his GRE scores because they were not required for admission into the linguistics program. While the defendant has admitted that GRE scores were not required for admission into the linguistics program, it has

presented evidence that it considers them, if provided, in evaluating an application. More importantly, the plaintiff has not provided evidence of any individual with GRE scores or an undergraduate GPA as low as his that was admitted into the linguistics program and he has not presented any evidence that his lack of qualifications was used a pretext for discrimination.

Lastly, the plaintiff's argument that the defendant only relies on inadmissible evidence is without merit. This appears to be in reference to the defendant's previous motion for summary judgement that was denied without prejudice. The defendant's motion for summary judgement now before the court contains properly authenticated evidence and complies with the rules of practice.

The plaintiff has failed to show that his race was a substantial or motivating factor for the defendant's actions or that he was deprived of any rights or treated differently in any way because of his race. He has failed to prove a prima facie case of discrimination and the defendant has provided evidence of a legitimate non-discriminatory reason for denying the plaintiff admission into the linguistics program. The plaintiff has failed to provide any evidence to controvert the evidence presented by the defendant that shows that the plaintiff was not qualified for admission into the linguistics program. Therefore, there is no genuine issue of material fact that the plaintiff's race was not a factor in the defendant's decision to deny the plaintiff admission and he was denied admission for a legitimate non-discriminatory reason. Accordingly, the defendant is entitled to judgement as a matter of law, and the defendant's motion for summary judgement is granted.

For the foregoing reasons, the plaintiff's motion for summary judgment is denied and the defendant's motion for summary judgment is granted.

THE COURT

Cesar A. Noble
Judge, Superior Court

SUPREME COURT

STATE OF CONNECTICUT

PSC 210367

NOUBOUKPO GASSESSE

v.

UNIVERSITY OF CONNECTICUT

ORDER ON PETITION FOR CERTIFICATION TO APPEAL

The plaintiff's petition for certification to appeal from the Appellate Court, 210 Conn. App. 908 (AC 44663), is denied.

Nouboukpo Gassesse, self represented, in support of the petition.
Darren P. Cunningham, assistant attorney general, in opposition.

Decided May 10, 2022

By the Court,

/s/
Luke Matyi
Assistant Clerk - Appellate

Notice Sent: May 10, 2022
Petition Filed: March 23, 2022
Clerk, Superior Court, HHDCV175045184S
Hon. Cesar A. Noble
Clerk, Appellate Court
Reporter of Judicial Decisions
Staff Attorneys' Office
Counsel of Record

Order On Motion for Reconsideration AC 213299

Docket Number: AC44633
Issue Date: 3/22/2022
Sent By: Supreme/Appellate

Order On Motion for Reconsideration AC 213299

AC44633 NOUBOUKPO GASSESSE v. UNIVERSITY OF CONNECTICUT

Notice Issued: 3/22/2022 3:48:36 PM

Notice Content:

Motion Filed: 3/8/2022
Motion Filed By: Nouboukpo Gassesse
Order Date: 3/18/2022

Order: Denied

Denied..

By the Court
Matyi, Luke P.

Notice sent to Counsel of Record

Hon. Cesar A. Noble

Clerk, Superior Court, HHDCV175045184S

ORDER 435707

DOCKET NO: HHDCV175045184S

SUPERIOR COURT

GASSESSE,NOUBOUKPO
V.
UNIVERSITY OF CONNECTICUT

JUDICIAL DISTRICT OF HARTFORD
AT HARTFORD

11/17/2020

ORDER

ORDER REGARDING:
11/12/2020 364.00 MOTION TO MODIFY SCHEDULING ORDER

The foregoing, having been considered by the Court, is hereby:

ORDER:

The plaintiff has ten days from the filing of the defendant's response to the plaintiff's motion for summary judgment within which to file a reply brief.

Judicial Notice (JDNO) was sent regarding this order.

435707

Judge: CESAR A NOBLE

This document may be signed or verified electronically and has the same validity and status as a document with a physical (pen-to-paper) signature. For more information, see Section I.E. of the *State of Connecticut Superior Court E-Services Procedures and Technical Standards* (https://jud.ct.gov/external/super/E-Services/e-standards.pdf), section 51-193c of the Connecticut General Statutes and Connecticut Practice Book Section 4-4.

This is the letter for NOMA and NOFO. Can you get a signature at the bottom?

<<Date>>

<<Name and address>>

Dear <<First Name>>,

I regret having to write that the University of Connecticut Graduate School has not recommended your acceptance into the <<program>>. While you are qualified for admission, we do not have a faculty member available who matches your area of focus. While we wish it were otherwise, we are unable to extend an offer of admission for this reason.

We do wish you every success in finding a program that suits your needs and thank you for having considered the University of Connecticut for your higher degree.

Sincerely,

Anne Lanzit
Program Administrator
University of Connecticut
Graduate School

HHD CV 17 -5045184-S

Nouboukpo Gassesse

Plaintiff

V.

UNIVERSITY OF CONNECTICUT

Defendant

SUPERIOR COURT OF HARTFORD

JUDICIAL DISTRICT OF HARTFORD

AT HARTFORD

MARCH 19, 2020

DEFENDANT'S OBJECTION TO PLAINTIFF'S MOTION FOR EXTENSION OF TIME

Before the court is the Plaintiff's "MOTION FOR EXTENTION OF TIME" (hereafter "MET"), Doc. 193.00, dated March 9, 2020.

The Plaintiff seeks an extension of time until April 15, 2020 in which to respond to Defendant's motion for summary judgment, Doc. 168.00, filed on January 29, 2020. The Plaintiff was required to notify the court of the deadline for responding, *see* P.B. § 11-1(a), but failed to do so. The Plaintiff's response was due on March 16, 2020. *See* P.B. § 17-45(b). The Plaintiff also failed to discuss his MET with the undersigned and get the undersigned's position.

The Plaintiff argues he needs an extension for two reasons. First, "in order to get a document from the Defendant that can enable plaintiff to fully justify his legal claims." Doc. 193.00 at 1. The document in question is the subject of Plaintiff's motion to compel, Doc. 190.00. Second, the Plaintiff claims he "needs more time to obtain or gather all necessary documents to support his response." Doc. 193.00 at 1. Neither reason justifies the requested extension.

With respect to the Plaintiff's first reason – which relates to his motion to compel – on this same date the Defendant has filed an opposition to the Plaintiff's motion to compel. For the reasons contained therein Plaintiff does not present a compelling reason to delay the filing of his

opposition to summary judgment. Notably, Plaintiff does not need the information he seeks. UConn has already acknowledged in its CHRO and discovery responses that: 1. The two other African American applicants' test scores were higher than those of Plaintiff; and 2. UConn did not admit the two other African American applicants into its doctoral program in Linguistics. Reviewing the actual underlying applications for these applicants will not change the critical information to which UConn has already admitted that Plaintiff now wishes to use to further his claims.

Moreover, as explained in Defendant's objection to Plaintiff's motion to compel, the Plaintiff was denied the documents he sought through *an FOI request* submitted directly to UConn on January 2, 2020. Plaintiff waited until March 6, 2020 – nearly two months – to take any steps to obtain those documents or contest UConn's refusal to provide them under the FOI process. And during this time the Plaintiff has filed numerous pleadings; it cannot be said that he was too busy to try and obtain these materials.

Similarly, the Plaintiff's request that he needs more time to "obtain or gather all necessary documents" is too vague to justify a delay. The Defendant's motion for summary judgment was filed on January 29, 2020. Plaintiff has filed over 10 documents/pleadings in that time, none of which have been successful. Plaintiff has failed to explain why he was unable to obtain the documents he supposedly needs in the time since January 29, 2020. It is also worth noting that the Plaintiff *vehemently* opposed the Defendant's request for a mere two week extension of time to file its motion for summary judgment. *See* Doc. 155.00. Plaintiff seeks an even longer extension.

Finally, at the Plaintiff's request this case has a trial date of September 9, 2020. Should Plaintiff be granted an extension of time until April 15, 2020, any reply brief filed by the

Defendant would likely be less than 120 days before trial. *Cf.* P.B. § 17-44 ("The pendency of a motion for summary judgment shall delay trial only at the discretion of the trial judge.")

The Plaintiff has failed to show good cause requiring an extension of time. Accordingly, his motion should be denied and he should be required to file his opposition forthwith.

DEFENDANT
UNIVERSITY OF CONNECTICUT,

WILLIAM TONG
ATTORNEY GENERAL

BY:/s/Darren P. Cunningham
Darren P. Cunningham
Assistant Attorney General
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Darren.Cunningham@ct.gov

CERTIFICATION

I hereby certify that a copy of the foregoing was mailed, U.S. Mail, postage prepaid, or electronically delivered pursuant to Practice Book § 10-13 to all counsel and pro se parties of record who have given written consent for electronic delivery, on the 19th day of March, 2020, as follows:

Nouboukpo Gassesse
355 Goodrich St., Apt. 1
Hamden, CT 06517

/s/ Darren P. Cunningham
Assistant Attorney General

PETITION FOR CERTIFICATION Yahoo/Sent

Nouboukpo Gassesse <r Wed, Mar 23 at 7:24 PM
To: Darren Cunningham

ATTACHED
Download all attachments as a zip file

MOTION FO... .pdf
312.9kB

APPENDIX ... .pdf
781.3kB