

RETURN DATE: DEC. 3, 2019 : SUPERIOR COURT
VINCENT BENVENUTO : JUD. DIST. OF HARTFORD
VS. : AT HARTFORD
KEVIN BROOKMAN : OCTOBER 29, 2019

COMPLAINT – BILL OF DISCOVERY

1. This is a pre-action discovery petition brought forth pursuant to Connecticut General Statutes § 52-156a.
2. At all times relevant to this action, the Plaintiff was and is a lieutenant in the Hartford Police Department and resident of New York State.
3. The defendant is, and at all times material hereto, has operated “We The People” (hereinafter “The Blog”), a blog discussing recent events and controversies within the Hartford Police Department.
4. The Defendant is aware of the presence of and encourages members of the Hartford Police Department to post information regarding their employment with the Hartford Police Department on The Blog and allows such users to do so anonymously.

5. At all times relevant to this action, all officers of the Hartford Police Department were subject to General Order 3.01a, titled “Use of Social Media by Department Personnel.”
6. Paragraph four (4) of General Order 3.01a prohibits an officer from posting information regarding another officer without permission.
7. Paragraph six (6) of General Order 3.01a prohibits an officer from posting speech on social media that involves themselves or other Department personnel reflecting behavior that would reasonably be considered reckless or irresponsible.
8. Paragraph fifteen (15) of General Order 3.01a forbids any employee of the Hartford Police Department from posting information on any social media account that would “tend to discredit or reflect unfavorably upon the Department or any of the Department’s employees.”
9. Paragraph nineteen (19) of General Order 3.01a informs department personnel that they are prohibited from posting any information regarding a current, past, or pending departmental investigation, or regarding any proceeding arising from “any matter involving the department”, including allegations of misconduct.
10. General Order 3.01a states that Hartford Police personnel who post defamatory information in violation of the social media policy may be subject to civil litigation.

11. At all times relevant to this action, members of the Hartford Police Department were and are subject to Order 4-1, titled Code of Conduct.
12. Article VI, § 6.02 of the Code of Conduct prohibits an officer from using violent, abusive, or profane language with the intent to incite another employee in the public view.
13. Article VI, § 6.04 of the Code of Conduct prohibits an officer from making public statements which are known to be false, or made in reckless disregard of known facts, department policy or business.
14. Article VI, § 6.05 of the Code of Conduct prohibits an officer from using rude, insulting, or offensive language or other offensive behavior by an employee towards a supervisory officer.
15. Article VI, § 6.09 of the Code of Conduct creates a penalty for any officer who intentionally and willfully fails to comply with any lawful orders, procedures, directives, or regulations, oral or written.
16. Article VI, § 6.17 creates a penalty for any officer who refuses to obey a proper order of a supervisor.

17. Beginning on August 5, 2019 and continuing to this day, a variety of untrue and defamatory comments were made regarding the Plaintiff and a variety of other officers of the Hartford Police Department anonymously, including:

- a. An August 5, 2019 thread disparaging the Plaintiff in a discussion regarding an ongoing HPD investigation;
- b. An August 28, 2019 thread accusing the Plaintiff of sleeping during his shift and appearing to accuse the same of impropriety regarding the use of his official vehicle;
- c. An August 29, 2019 comment accusing the Plaintiff of inappropriately leaking police information;
- d. An October 2, 2019 thread attacking the Plaintiff's ability to lead other officers, accusing the Plaintiff of making racist comments towards another officer, and accusing the Plaintiff of ignoring the racist comments made by subordinate officers;
- e. An October 2, 2019 comment making unsubstantiated comments regarding the Plaintiff's job performance while working with the NYPD, and alleging that "[the Plaintiff] was racist so they kept him out of queens [sic] and Bronx;"
- f. An October 18, 2019 comment stating, "All HPD Officers have been ordered not to read your blog by members of the Command Staff, Chief Thody included;"
- g. An October 21, 2019 comment alleging that the Plaintiff has threatened to cut the Defendant's throat, and characterizing the Plaintiff as "a complete disgrace to the badge;"
- h. An October 21, 2019 comment where an anonymous user of the Blog posted using the name "Lt. Vincent Benvenuto" in which the anonymous user

impersonated the Plaintiff and stated that his promotion to Lieutenant was not based on merit.

18. The above comments violated the Hartford Police Code of Conduct and the Connecticut General Statutes, in that:

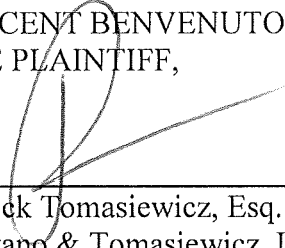
- a. All comments, including the October 21st comment purporting to be authored by the Plaintiff, were posted by anonymous users of The Blog and were not posted with permission of the Plaintiff, in violation of Paragraph four (4) of General Order 3.01a;
- b. The allegations made by anonymous users of The Blog unfairly and untruly painted the Plaintiff as an irresponsible, angry racist, and otherwise stated behavior which could be reasonably construed as reckless and irresponsible in violation of Paragraph six (6) of General Order 3.01a;
- c. The above anonymous comments were made with the intention to discredit the Hartford Police Department generally and also were designed to portray the Plaintiff unfavorably, in violation of Paragraph fifteen (15) of General Order 3.01a;
- d. Several of the above comments, including the August 29th comment which alleged the Plaintiff had “leaked” information regarding a current, past, or pending police matter in violation of Paragraph nineteen (19) of General Order 3.01a;
- e. Several of the above comments, including those made on October 2, accuse the Plaintiff of racism and openly question the Plaintiff’s fitness to be a police officer, in violation of Article VI, §§ 6.02 and 6.05 of the Code of Conduct;
- f. Several of the above comments, including those made on October 2 and October 21, were either patently false or made with a reckless disregard of the actual truth, in violation of Article VI, § 6.04 of the Code of Conduct;

- g. The above comments were made despite officers of the Hartford Police Department having been specifically instructed not to post unauthorized or prohibited information on The Blog, in violation of Article VI, §§ 6.09 and 6.17 of the Code of Conduct;
 - h. The October 21 comment authored by an anonymous user impersonating the Plaintiff was made with the intent to injure the Plaintiff's personal and professional reputation, in violation of C.G.S. § 53a-130;
19. The Plaintiff has experienced significant injury to his personal and professional reputation due to the defamatory statements published on The Blog, all of which identify the Plaintiff by name.
20. The Defendant continues to operate The Blog, allowing additional defamatory comments to be made against the Plaintiff and other officers of the Hartford Police Department.
21. The subscriber information the Plaintiff has requested is material and necessary to determine the source of the defamatory statements.
22. The Plaintiff has a potential cause of action sounding in defamation and criminal impersonation against the soon-to-be identified anonymous parties that will be supported by the materials sought.
23. As the sole party in control of The Blog, the Defendant is the sole party in possession of the information in question.

24. The Plaintiff has no other adequate remedy at law to obtain the materials requested.

25. As this petition is the sole remedy at law that allows the Plaintiff to identify the sources of these defamatory comments, granting this petition will prevent a failure or delay in justice.

VINCENT BENVENUTO
THE PLAINTIFF,



Patrick Tomaszewicz, Esq.
Fazzano & Tomaszewicz, LLC
His Attorney

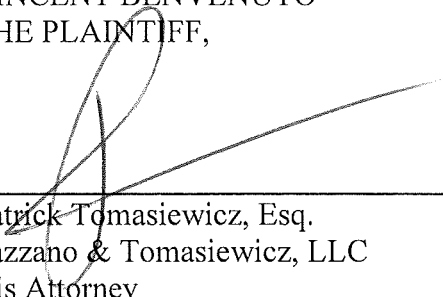
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PRAYER FOR RELIEF

WHEREFORE, the Plaintiff claims:

1. An order of the court requiring the defendant to release the internet protocol (IP) addresses and any other identifying information in his possession relating to anonymous users who have made comments on The Blog regarding the Plaintiff from August 5, 2019 to the date of this Complaint;
2. Any other relief as in law or equity may appertain.

VINCENT BENVENUTO
THE PLAINTIFF,



Patrick Tomaszewicz, Esq.
Fazzano & Tomaszewicz, LLC
His Attorney