

UNITED STATES DISTRICT COURT  
DISTRICT OF CONNECTICUT

SIGN PRO, INC., ET AL : NO.: 3:23-cv-00651-SRU  
v. :  
TOWN OF SOUTHLINGTON, ET AL : MARCH 30, 2026

**MOTION FOR SUMMARY JUDGMENT**

Pursuant to Federal Rules of Civil Procedure Rule 56, and Local Rule 56(a), the defendants, Town of Southington, Jeffrey Pooler, Mark Sciota, Victoria Triano, Alex Ricciardone and Paul Chaplinsky (“individual defendants”), hereby move for summary judgment as to the plaintiff’s Third Amended Complaint in its entirety dated June 26, 2025. [Doc. #76.]

As is more particularly set forth in the attached memorandum of law, supporting exhibits and Local Rule 56(a)(1) statement, there is no genuine dispute of material fact and the defendants are entitled to summary judgment because:

1. The plaintiffs’ Substantive Due Process claim against the defendants fails as a matter of law because the Fifth Amendment applies only to the actions of the federal government, and not to the actions of municipality or municipal actors as is in the present case.
2. The plaintiffs’ Substantive Due Process claim against the defendants fails as a matter of law as the plaintiff does not have a property right to permits, including the permits for 161 Canal Street, 1 North Main Street, 685 Queen Street, 1 Center Street, and 36 Queen Street.
3. The plaintiffs’ Substantive Due Process claim against the defendants fails as a matter of law as the plaintiffs were not denied a federally protected property interest.
4. The plaintiffs’ Substantive Due Process claim against the defendants fails as a matter of law because the Town and individual defendants did not

engage in arbitrary and outrageous conduct that would shock the conscience.

5. The plaintiffs' Equal Protection claim against the defendants fails as a matter of law because they failed to identify similarly situated comparators that were treated differently.
6. The plaintiffs' Equal Protection claim against the defendants fails as a matter of law because they failed to show irrational or malicious treatment by the defendants.
7. The plaintiffs cannot establish municipal liability under *Monell* because there is no underlying constitutional violation, no policy, no custom and no action by a final policymaker causing any alleged harm.
8. The plaintiffs' claims against the individual defendants fail as a matter of law because plaintiffs cannot establish the personal involvement of those defendants in any alleged constitutional violation, as required under 42 U.S.C. § 1983.
9. The plaintiffs' municipal estoppel claim fails as a matter of law because plaintiffs cannot identify any clear and definite representation by a municipal official upon which they reasonably relied.
10. The plaintiffs' municipal estoppel claim fails as a matter of law because any reliance by plaintiffs was unreasonable, as plaintiffs are charged with knowledge of applicable statutes, regulations and code requirements governing permitting, inspections, and enforcement.
11. The plaintiffs' municipal estoppel claim fails as a matter of law because the alleged representations were conditional, evolving, and tied to compliance with applicable building and fire codes, and therefore cannot constitute the type of clear and unambiguous municipal representation required to support estoppel.
12. The plaintiffs' municipal estoppel claim fails as a matter of law because plaintiffs cannot demonstrate any substantial detriment resulting from reliance on a municipal representation, where plaintiffs ultimately obtained the permits and approvals they sought upon compliance with applicable requirements.
13. The plaintiffs' municipal estoppel claim fails as a matter of law because estoppel should not be invoked to prevent a municipality from enforcing building and fire safety codes.

14. The individually named defendants are entitled to qualified immunity because plaintiffs cannot establish the violation of any clearly established constitutional right.
15. The individually named defendants are entitled to qualified immunity because the actions at issue involved discretionary decision-making in the administration of building, zoning and fire code requirements, and it was objectively reasonable for them to believe such conduct was lawful.

WHEREFORE, the defendants, Town of Southington, Jeffrey Pooler, Mark Sciota, Victoria Triano, Alex Ricciardone and Paul Chaplinsky, respectfully request that their motion for summary judgment be granted as to all counts and judgment be entered in their favor.

DEFENDANTS,  
TOWN OF SOUTHINGTON, JEFFREY  
POOLER, MARK SCIOTA, VICTORIA  
TRIANO, ALEX RICCIARDONE and PAUL  
CHAPLINSKY

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