

60%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

LOCAL RULE 56(a)(1) STATEMENT

Pursuant to Rule 56(a)1 of the Local Rules of Civil Procedure, the defendants, Town of Southington, Jeffrey Pooler, Mark Sciota, Victoria Triano, Alex Ricciardone and Paul Chaplinsky, respectfully submit the following statement of undisputed material facts in support of their Motion for Summary Judgment:

I. PERMITTING PROCESS, UNIFORM ENFORCEMENT AND PLAINTIFF CONDUCT

1. The Town of Southington reviews sign permit applications pursuant to applicable building and zoning code requirements through a structured permitting process, including submission through the Town's permit portal, and evaluates each application based on the specific facts and technical requirements of the project. See Pooler Dep., Ex. 1 at 18:10–25; 25:1–20; 184:14–20; 120:10–130:5; See Riccio Dep., Ex. 2 at 34:23–25; 35:1–5; 30:5–45:20; Sciota Dep., Ex. 3 at 74:13–16; See LaMontagne Dep., Ex. 4 at 27:18–23; 28:5–8; 25:10–35:25; Reimondo Dep., Ex. 5 at 23:8–23; 25:23–26; 43:19–20; Hammersley Dep., Ex. 6 at 41:6–13; 30:1–40:25.
2. Where necessary to determine compliance, the Town requires additional documentation, including engineering certifications or revised

submissions, permits applicants to revise or resubmit materials to address identified deficiencies, and requires compliance where work is performed without permits, including through applications or issuance of violations.

See Becker Dep., Ex. 7 at 41:11–14; 41:10–15; See Riccio Dep., Ex. 2 at 8:1–8; 30:5–45:20; See Pooler Dep., Ex. 1 at 205:8–13; 205:20–21; 190:1–210:25; Reimondo Dep., Ex. 5 at 43:19–20.

3. The Building Official did not intentionally treat Plaintiffs differently from other applicants, and no Town official instructed him to do so. See Pooler Dep., Ex. 1 at 7:12–19; 45:21–46:2; Sciota Dep., Ex. 3 at 74:1–16.
4. The Building Department experienced a backlog of permit applications during the relevant time period, reflecting ordinary administrative conditions rather than targeted conduct. Pooler Dep., Ex. 1 at 14:11–14; 14:5–20; Riccio Dep., Ex. 2 at 39:14–19; Ricciardone Dep. (2025), Ex. 8 at 16:10–17:24; Ricciardone Dep. (2024), Ex. 9 at 40:10–50:25.
5. Town Manager was unaware of any concern or pattern that the Building Official treated one contractor differently from another. See Sciota Dep., Ex. 3 at 74:1–6; 60:10–80:25.
6. Town Council members and other appointed officials do not control permitting or enforcement decisions, which are handled through the Town's administrative structure and chain of command, and act, at most, as conduits for constituent complaints. See Triano Dep., Ex. 10 at 23:18–25; 24:1–6; 40:1–80:25; Chaplinsky Dep., Ex. 11 at 20:13–22; 109:6–18; 40:1–100:25; LaMontagne Dep., Ex. 4 at 29:1–4; 30:15–18; Hammersley

Dep., Ex. 6 at 32:3–6; 33:15–17; 30:1–40:25; See Riccio Dep., Ex. 2 at 35:15–23; 36:19–23.

7. The Building Official acknowledged that some installations may occur without permits, and where permit requirements are not met, applicants are required to come into compliance through the permitting process. See Pooler Dep., Ex. 1 at 205:8–10; 205:20–21; 130:5–140:5.
8. The conduct of the Town's Building Department and Building Official with respect to permit review, code interpretation, inspections, and enforcement was consistent with accepted practices of Connecticut-licensed building officials. See Expert Report of Milton Gregory Grew, Ex. 12 at 3–4; See Riccio Dep., Ex. 2 at 34:23–25; 30:5–45:20.
9. Plaintiffs submitted numerous permit applications to the Town in connection with their business, and the Town processed and issued determinations on those applications through its permitting system. See Ex. 13 Permit Records Summary; Becker Dep., Ex. 7 at 41:10–15; 35:22–36:2; Rappoccio Dep. 2025, Ex. 14 at 90:10–120:25.
10. Where applications did not meet applicable requirements, Plaintiffs were informed of deficiencies and provided opportunities to bring applications into compliance through submission of additional materials, and ultimately obtained approvals for sign-related work upon compliance with applicable building and zoning requirements. See Ex. 16 Calvanese Ricciardone Email (July 21, 2022); Pooler Dep., Ex. 1 at 205:20–21; 25:1–20; See Ex.

13 Permit Records Summary; Becker Dep., Ex. 7 at 35:22–36:2;
Rappoccio Dep. 2025, Ex. 14 at 90:10–120:25.

11. Plaintiffs were able to submit applications, supplement materials, and pursue approvals through the Town's permitting process, including during periods in which communications were managed through counsel or Town management. See Ex. 13 Permit Records Summary; Becker Dep., Ex. 7 at 41:10–15; Pooler Dep., Ex. 1 at 25:1–20; Ricciardone Dep. (2024), Ex. ___ at 38:1–5; Triano Dep., Ex. 10 at 208:1–10; 145:22–146:7; Calvanese Email (July 21, 2022) Ex. 16; Sciota Dep., Ex. 3 at 63:3–7; Ricciardone Dep. (2025), Ex. 8 at 44:12–14.
12. Plaintiffs repeatedly communicated complaints to Town officials regarding perceived enforcement and permitting practices involving other businesses, requested information regarding alleged violators and enforcement activity, and submitted requests for records and information. See Ex. 17 Email from Peter Rappoccio (May 5, 2022); Hammersley Dep., Ex. 7 at 28:9–13; 46:23–25; 30:1–60:25; Sciota Dep., Ex. 3 at 70:1–95:25; See Ex. 18 FOIA Email re Apple Valley.
13. Plaintiffs' communications included broad allegations of misconduct and challenges to the validity of the Town's permitting and enforcement processes, including accusations that actions taken by Town officials were improper or fraudulent, and Plaintiffs continued to challenge the Town's actions both before and after receiving permits and approvals. See Ex. 18, FOIA Emails re Apple Valley; Ex. 19 Apple Valley Con't Emails;

Hammersley Dep., Ex. 6 at 30:1–60:25; See Ex. 17, Email from Peter Rappoccio (May 5, 2022); Rappoccio Dep. 2025, Ex. 14 at 180:1–210:25.

14. Town officials responded to Plaintiffs' communications and, in certain instances, structured communications through designated intermediaries, Town management, or counsel to manage the volume and nature of the interactions. See Ricciardone Dep. 2024, Ex. 9 at 38:1–5; Triano Dep., Ex. 10 at 208:1–10; Sciota Dep., Ex. 3 at 70:1–95:25; Hammersley Dep., Ex. 7 at 40:1–10.
15. Plaintiffs did not identify any similarly situated contractor who was permitted to perform comparable work without complying with applicable permitting and code requirements and admitted that no such company exists. See Peter Rappoccio Dep. (2025), Ex. 14 at 87:18-88:15; 287:23–25; 288:1; 280:1–290:25.
16. Plaintiffs operated their own business pursuant to internal pricing practices, including the application of a consistent markup structure, which reflects individualized business decision-making separate from the Town's permitting and enforcement processes. See Peter Rappoccio Dep. (2026), Ex. 15 at 11:11–23; Peter Rappoccio Dep. (2025), Ex. 14 at 80:3-25.
17. Plaintiffs obtained approvals for all sign-related work for which they applied upon compliance with applicable building and zoning requirements. See Ex. 13 Permit Records Summary; Becker Dep., Ex. 7 at 35:22–36:2; Rappoccio Dep. 2025, Ex. 14 at 90:10–120:25.

18. Plaintiffs lacked knowledge of the pricing practices or business models of other contractors. See Peter Rappoccio Dep. (2026), Ex. 15 at 12:15–20; 12:21–13:10; 5:1–25:25. Rappoccio Dep. 2025, Ex. 14 at 280:–288.
19. Plaintiffs cannot identify any measurable economic harm caused by the Town's permitting or enforcement practices, and claimed damages are speculative and unsupported by evidence. See Peter Rappoccio Dep. (2026), Ex. 15 generally, and specifically at 12:15–20; 12:21–13:10; 5:1–25:25; See Ex. 20, M. Campbell Expert Report.

II. PROJECT-SPECIFIC APPLICATIONS

A. 1 North Main Street (Apple Valley Pharmacy)

20. Plaintiffs applied for a permit for a signage project at 1 North Main Street, which was initially denied based on applicable zoning restrictions. See Doc. 76, Third Amended Complaint ¶ 82; Apple Valley Permit Application, Ex. 21; Apple Valley Permit Letter, Ex. 22.
21. The Building Official identified issues concerning electrical components of the sign, including whether a timer or disconnect switch was required and whether the prior sign was grandfathered. See Third Amended Complaint ¶ 83; Pooler Dep., Ex. 1 at 184:14–20; Apple Valley Grandfathered Emails, Ex. 12.
22. The zoning permit was approved and a Certificate of Approval was issued upon compliance on May 18, 2022. See Amended

Complaint ¶¶ 85; Apple Valley Certificate of Approval, Ex. 24; Permit Records Sheet, Ex. 13.

23. Plaintiffs continued to challenge the Town's actions and submitted communications alleging misconduct even after approval was granted because, among other issues Plaintiffs had, the date of approval did not align with the date of posting on the municipal portal. See Amended Complaint ¶¶ 85; See Apple Valley Grandfathered Emails, Ex. 23; See Apple Valley Continued Emails, Ex. 19.

B. 1 Center Street (M&T Bank)

24. Plaintiffs performed signage work at 1 Center Street without first obtaining the required permit. See Bank Email re Violation, Ex. 25 (describing choice to not procure permits to see Town Reaction).
25. Plaintiffs were aware of permitting requirements but proceeded without obtaining a permit. See Pooler Dep., Ex. 1 at 184:14–20; Bank Email re Violation, Ex. 25.
26. The Town issued a violation consistent with standard enforcement practices. See Notice of Violation, Ex. 26; See Pooler Dep., Ex. 1 at 205:9–13; 205:20–21.
27. Plaintiffs subsequently applied for and obtained the required permits. See Ex. 13, Permit Records Summary Spreadsheet.
28. Plaintiffs refused to provide access necessary for inspection of the work. See Bank Emails re Inspection Means, Ex. 27; LaMontagne

Dep., Ex. 4 at 32:14–19; 36:22–24 (regarding applicant inspection responsibilities); See Lavallee Dep., Ex. 28 at 35:10-15.

29. The Connecticut State Building Code requires permit holders to provide access and means for inspection. See Conn. State Building Code, Ex. 29 at § 110.5.
30. The Town offered alternative means of inspection to facilitate compliance. See Bank Emails re Inspection Means, Ex. 27.

C. 865 Queen Street (Calvanese Plaza Awnings)

31. Plaintiffs submitted an application for signage and awnings at the Calvanese Plaza. See Calvanese Emails (July 21, 2022), Ex. 30.
32. The Building Official initially raised concerns regarding wind and load requirements under the building code. See Calvanese App Package, Ex 31, Pooler Dep., Ex. 1 at 244:24-245:2._
33. The Town worked with Plaintiffs to achieve compliance based on these concerns. Ex. 16 Calvanese Ricciardone Email; Ex. 32 Calvanese Package Approved.
34. Upon identification of a code exception, the Building Official acknowledged his initial interpretation was incorrect. See Ex. 30, Calvanese Exception Emails; Pooler Dep., Ex. 1 at 245:3-6; See Chaplinsky Dep., Ex. 11 at 38:1-19.
35. The Town continued the permitting process and addressed separate structural concerns. See Pooler Dep., Ex. 1 at 245:7--25.

36. The Town allowed the project to proceed under the applicable exception and provided permits. See Chaplinsky Dep., Ex. 11 at 38:1-19; See Ex. 13 Permit Records Summary Spreadsheet.

D. 36 Queen Street (Riverstone Square)

37. Plaintiffs submitted plans that lacked sufficient structural detail and consisted of non-engineered drawings. See Pooler Dep., Ex. 1 at 250:24–251:3; 251:13-17; Peter Rappoccio Dep. 2025, Ex. 14 at 131:18–23; 132:18–22.
38. The Building Official identified structural concerns and requested additional information multiple times. See Pooler Dep., Ex. 1 at 250:6–10; 251:1–6.
39. The requirement for engineered drawings was made pursuant to the Building Official's discretion and safety considerations. See Pooler Dep., Ex. 1 at 250:1–2; 192:23–193:2; See Ex. 34, Riverstone Sketch.
40. The project involved unique structural conditions not present in other installations. See Pooler Dep., Ex. 1 at 251:13–17.
41. Plaintiffs obtained and submitted stamped engineering drawings to proceed, which reflected structural and safety requirements for the installation. See Peter Rappoccio Dep. 2025, Ex. 14 at 132:21–24; 133:1–4; Reola Dep., Ex. 33 at 33-34; Riverstone Sketch, Ex. 34.

E. 161 Canal Street (Sign Pro Garage)

44. On November 16, 2020, by and through their engineering contractor, Gary Reola, Plaintiffs applied for a building permit for property located at 161 Canal Street in Southington, Connecticut, indicating it was for "construction of new 15,000 sq.ft. low hazard-equipment storage facility." See Ex. 35, Bldg Permit (161 Canal St)
45. The Town conducted plan review in connection with that application and, by letter dated December 14, 2020, noted that there could be "no parking of commercial motor vehicles" pursuant to IBC § 903.2.10.1. See Ex. 36, Plan Review (161 Canal Street).
46. Plaintiffs' engineering contractor, Gary Reola, designed the building and prepared submissions to the Town based on the understanding that the structure would be used for equipment storage, which he understood to exclude vehicle storage. See Reola Dep., Ex. 33 at 27:21–25; 28:1–6.
47. Following review, the Town issued a permit for the project consistent with the represented use. See Ex. 37, Permit (Jan. 4, 2021).
48. Plaintiffs' testimony establishes that, notwithstanding the "equipment storage" designation, 161 Canal Street was used to store commercial vehicles as a core function of their operations, with indoor vehicle storage preferred for their fleet of 20-25 vehicles and various machinery whenever possible and space permits. See

Peter Rappoccio Dep. 2025, Ex. 14 at 154:12-168:24; Peter Rappoccio Dep. 2026, Ex. 15 at 49-61:8; Suzanne Rappoccio Dep., Ex. 39 at 14:12–21; 14-17.

49. The storage of commercial motor vehicles implicates different fire protection requirements than general storage. See Ex. 36 at p. 2, Plan Review (161 Canal Street).
50. The Fire Department reviewed the project and determined that the building "was suppose[d] to only hold non-combustible building materials for signs per owner conversation" and "cannot house service vehicles without a fire sprinkler system." See Ex. 38, Fire Department Plan Review (161 Canal Street).
51. Plaintiffs considered alternative storage options and understood storage of vehicles would present liability issues. See Ex. 14 Rap. Depo 2025 at 167:17-20; Ex. 40 LF GR Engineering; Ex. 41 GR Affidavit.
52. On September 27, 2021, the Town issued a certificate of occupancy approving a "low hazard equipment storage facility," but expressly providing "No storage of any motor vehicles, commercial or otherwise, unless sprinkler systems is installed and approved." See Ex. 42 Certificate of Occupancy (Sept. 27, 2021).
53. On December 28, 2021, the Town issued a subsequent certificate of occupancy approving: "Change of use to S2 with sprinklers to

allow commercial vehicle storage in areas exceeding 5,000 square feet." See Ex. 43, Certificate of Occupancy (Dec. 28, 2021).

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