

RETURN DATE: August 16, 2011

SUPERIOR COURT

MARIE MENARD  
Plaintiff

J. D. OF FAIRFIELD

At BRIDGEPORT

v.

STRATFORD BOARD OF EDUCATION,  
IRENE CORNISH (Official and Individual  
Capacity)  
Defendants

JULY 18, 2011

## **COMPLAINT**

### **I. INTRODUCTION**

The Plaintiff, Marie Menard, brings this civil action for violation of her rights secured and protected by the 42 U. S. C. § 1983 and the Fourteenth Amendment to the U. S. Constitution, for violation of her civil rights and Intentional Infliction of Emotional Distress. Plaintiff seeks compensatory and punitive damages, as well as attorney's fees and costs.

### **II. PARTIES**

1. The Plaintiff, Marie Menard, (hereafter referred to as "Menard"), was and has been at all times material herein, a resident of the Town of Stratford.

2. The Stratford Board of Education, (hereafter referred to as "Board"), was at all relevant times mentioned herein, a local board of education which is organized and existing pursuant to statutory mandates found in the laws of the State of Connecticut, and has been charged with the responsibility for the control and management of the schools and the business and activities conducted therein, which are located within its jurisdiction, including Chapel School, in Stratford, Connecticut.

3. At all times mentioned herein Irene Cornish (hereafter referred to as "Cornish") was Superintendent of the Stratford Board of Education

### **III. STATEMENT OF FACTS**

4. Since on or about 1983 Menard has been the owner of residential real estate located at 4865 Main Street, in the Town of Stratford, Connecticut. At all times since 1983 Menard has resided at the Main Street address.

5. Since purchasing her residence in the Town of Stratford in 1983 Menard has paid real property taxes each year. Said real property taxes included taxes payable to the Town for support of the public education system.

6. During all times material herein, the Town of Stratford received funding from the United States government for support of its public schools.

7. During all times material herein, the Town of Stratford received funding from the State of Connecticut for support of its public schools.

8. Most recently, during school year 2009/2010 A. D. and D. S., Menard's minor grandsons, attended public schools in the Town of Stratford.

9. At all relevant times mentioned herein and pursuant to Connecticut General Statutes Section 10-184, Menard's two minor grandchildren were in mandatory attendance at Chapel School, in Stratford, Connecticut.

10. On May 19, 2010 by written communication, Stratford School Superintendent Irene Cornish informed Menard that the School Board intended to pursue criminal and civil fraud charges against her purportedly because her two minor grandson sons attended the Stratford Public Schools illegally.

11. Cornish further informed Menard that she intended to pursue restitution in the amount of \$60,420 for the school years June 2007 through May 2010 for the two children.

12. On or about October 20, 2010 Menard learned that a warrant had been issued for her arrest. She then appeared at the Police Headquarters and was arrested by the Town of Stratford Police and charged with Larceny in the First Degree and Conspiracy to Commit Larceny in the First Degree. Menard was photographed, fingerprinted and charged with Larceny and Conspiracy to commit Larceny in the First Degree.

13. On October 20, 2010 Menard's daughter, Anna Wade was also arrested, photographed, fingerprinted and charged with Larceny and Conspiracy to commit Larceny in the First Degree.

14. As a result of her arrest and criminal prosecution, Menard has been forced to undergo Accelerated Rehabilitation and payment of restitution of \$19,500. Menard has also been required to expend a large sum of money in payment of attorney's fees for representation in this matter.

15. Upon information and belief other parents of children enrolled in the Stratford Public Schools, who were found by the School Board to not be residents of the town, have not been criminally prosecuted.

16. Many parents of children enrolled in the Stratford Public Schools do not pay taxes of any kind to the town, however, their children are able to obtain a free public education in Stratford Public Schools.

17. Menard was not accorded a residency hearing as required by Connecticut General Statutes § 1-186.

**IV. COUNT ONE: EQUAL PROTECTION 42 U. S. C. § 1983 (As to Board)**

1-17. Paragraphs 1 through 17 are hereby incorporated by reference and made paragraph 1 through 17 of this First Count.

18. By instituting criminal charges against Menard when other similarly situated persons were not prosecuted, Defendants have violated Plaintiff's right to the equal protection of the laws.

19. By terminating Plaintiff's right to have her grandsons educated in the public schools of the Town of Stratford, she has been treated differently than other similarly situated persons, in violation of her right to equal protection of the laws.

20. There is no rational basis for the different treatment accorded to Menard as compared with other similarly situated persons.

21. The Defendants have engaged in selective enforcement of its rules regarding eligibility for enrollment in Town of Stratford Public Schools. Such selective enforcement has been conducted with malice or bad faith intent to injure Menard

22. Plaintiff has been damaged thereby.

**V. COUNT TWO: DUE PROCESS 42 U.S.C. § 1983 (As to Board)**

1-17. Paragraphs 1 through 17 are hereby incorporated by reference and made paragraph 1 through 17 of this Second Count.

18. Defendants' conduct of terminating the right of Menard's grandsons to a free public education in the schools of the Town of Stratford was in violation of her right to due process.

19. Defendants terminated Menard's grandson's enrollment in the Stratford Public Schools without according her the required due process of a residency hearing.

20. Plaintiff was damaged thereby.

**VI. COUNT THREE: INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS  
(As to Irene Cornish in her Individual Capacity)**

1-17. Paragraphs 1 through 17 are hereby incorporated by reference and made paragraph 1 through 17 of this Third Count.

18. The conduct of Cornish alleged in paragraphs 9 and 10 was extreme and outrageous.

19. The conduct of Cornish was intended to cause, did cause, and continues to cause Menard severe emotional distress.

20. Menard has been damaged thereby.

WHEREFORE, Plaintiff prays that the Court grant such relief as may be deemed appropriate, including but not limited to:

- (a) Compensatory damages;
- (b) Costs
- (c) Injunctive relief
- (d) Punitive damages (as to Cornish)

**JURY DEMAND**

Plaintiff demands a trial by jury on all issues.

FOR THE PLAINTIFF

BY: \_\_\_\_\_

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**STATEMENT OF AMOUNT IN DEMAND**

The amount in demand is in excess of \$15,000 exclusive of interest and costs.

FOR THE PLAINTIFF

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