

RETURN DATE: AUGUST 23, 2016 : SUPERIOR COURT
:
ROBERT O'CONNELL, INDIVIDUALLY, ET AL:
: J.D. OF FAIRFIELD
:
VS. : AT BRIDGEPORT
:
FAIRFIELD WILDCATS YOUTH FOOTBALL, :
INC., ET AL : JULY 25, 2016

VERIFIED COMPLAINT

FIRST COUNT (INJUNCTION):

1. The Plaintiffs, Robert O'Connell, and Robert O'Connell as parent and next friend for his son, Ryan O'Connell, reside at 40 Farmstead Hill Road, Fairfield, Connecticut.
2. The Defendant, Fairfield County Football League, Inc. ("FCFL"), is a Connecticut domestic non-stock corporation with a business address of: c/o Carmen A. Roda, 32 Woodmont Road, West Haven, Connecticut 06516.
3. FCFL is a youth football league comprised of local member organizations that provide youth tackle football, flag football, and cheer programs in several Fairfield County towns.
4. The Defendant, Fairfield Wildcats Youth Football, Inc. ("Wildcats"), is a Connecticut domestic non-stock corporation with a business address of 919 Catamount Road, Fairfield, Connecticut 06824.
5. Wildcats is a member organization of the FCFL.
6. The Plaintiff, Robert O'Connell, had been a volunteer youth football coach for approximately ten years prior to the commencement of this action, the last three years having served as a volunteer

assistant coach within the Wildcats organization, coaching for teams on which his son, Ryan O'Connell, participated as a player.

7. Prior to the events described in this Verified Complaint, the Plaintiff, Robert O'Connell, had an excellent reputation in the community as a volunteer and coach, having had so many years of successful and positive coaching experiences, enhanced by having played major college football, with no history of disciplinary action of any kind having been imposed upon him by any youth football organization.

8. During the 2015 Wildcats football season, the Plaintiff, Robert O'Connell, served as an Assistant Coach on the Wildcats 6th Grade Team, on which his son, Ryan O'Connell, was a player.

9. During a pre-season jamboree held in late August of 2015, in which the Wildcats 6th Grade Team played in a scrimmage against a New Canaan team (the "Scrimmage"), the Plaintiff, Robert O'Connell, observed situations that compromised the safety of players, including:

- (a) violations of FCFL Policies and Procedures as to player weight limits, weigh-in requirements, failure to enforce position restrictions based on designated weights for grade level of players, and failure to comply with requirements to mark helmets of players in restricted positions and provide a field commissioner to oversee weigh-ins;
- (b) failure to provide numbers on jerseys to aid in identifying player penalties;
- (c) failure of referees to throw any flags, including after players were punched, kicked and cursed at after the whistle; and
- (d) failure to provide field passes to persons authorized by FCFL Policies and Procedures to be

present on the field, sidelines, and areas other than stands, such as coaches, chain workers, play counters and team photographers; and, as a result, areas adjacent to the field and sidelines were crowded with persons unauthorized to be there, including parents and other spectators.

10. During said Scrimmage, the Plaintiff, Robert O'Connell, while acting as Assistant Coach for the Wildcats 6th Grade Team, observed a New Canaan player kick a Wildcats player in the back of the head with great force while the Wildcats player was defenseless on the ground after completion of a play, and in response the Plaintiff reprimanded the offending player and directed him to return to his coaches.

11. Subsequently, the Plaintiff, Robert O'Connell, approached the offending player's coach and informed him of what had just happened, in reply to which the player's coach directed foul language toward the Plaintiff and aggressively approached him whereupon, rather than engage and escalate the situation, the Plaintiff turned and walked away.

12. Soon thereafter, the Plaintiff, Robert O'Connell, learned that Wildcats and/or the FCFL Board of Directors had approved suspensions of said Plaintiff and others, including other coaches, a parent, and a player, for misbehavior during the 6th Grade Scrimmage at the jamboree.

13. Specifically, a one game suspension was imposed upon the Plaintiff, Robert O'Connell, with a "zero tolerance" policy going forward, stated to mean that any additional conduct warranting discipline would result in a one year suspension.

14. Neither the Wildcats nor the FCFL provided the Plaintiff, Robert O'Connell, with an opportunity to be heard prior to rendering the suspension decision.

15. In response to a request for an opportunity to be heard or to appeal the suspension decision, the Plaintiff, Robert O'Connell, was informed by representatives of the Boards of Directors of the Defendants Wildcats and FCFL that if he sought to speak in his own defense he would receive a year-long suspension, and as a result the Plaintiff did not appeal.

16. In the spring of 2016, in anticipation of the upcoming football season and of an anticipated June 2016 meeting of the Wildcats Board of Directors, the Plaintiff, Robert O'Connell, requested that the Wildcats Board of Directors place on the agenda issues related to the safety concerns described above and, in addition, that the Wildcats clarify and correct certain practices and procedures, including requests that the Wildcats:

- (a) post an annual schedule of Board of Directors meetings in advance, providing advance notice to all interested Wildcats families of the date, time and place of meetings;
- (b) post Wildcats By-Laws and board meeting minutes online, password protected, to enable Wildcats families to know the rules of organization prior to board meetings and prior to the start of the season;
- (c) disclose when the By-Laws were last renewed or amended;
- (d) disclose By-Laws provisions regarding procedures for election and removal of board members, and the length of a term of service on the board;
- (e) provide an accounting of all monies distributed during the prior year, including for cash disbursements from the Wildcats debit card, and a copy of the 2015 Wildcats tax return;

- (f) provide written job descriptions for individual board members;
- (g) provide copies of By-Laws, articles of incorporation, and I.R.S. and state determination letters to every board member; and
- (h) consider whether paid coaches should be prohibited from serving on the board of directors due to possible conflict of interest.

17. The Plaintiff, Robert O'Connell, was not provided with notice of the time and place of the June 2016 meeting of the Wildcats Board of Directors, nor was such information made available to the public or to participating Wildcats families at large.

18. Upon information and belief, the requests made by the Plaintiff, Robert O'Connell, regarding safety issues and league policies and practices were not addressed, nor was any action taken thereon, by the Wildcats Board of Directors at its June 2016 meeting or any other time.

19. On June 14, 2016, the Plaintiff, Robert O'Connell, completed online registration and payment for participation by his son, Ryan O'Connell, as a player on the Wildcats 7th Grade Team for the 2016 football season.

20. On or about July 2, 2016, then counsel for the Plaintiff, Robert O'Connell, received a letter from counsel for the Wildcats that was apparently mis-dated as June 2, 2016, providing notice that said Plaintiff had been terminated from coaching any Wildcats teams and would no longer be permitted to attend any games (home or away), practices, fundraisers, board meetings, equipment distribution or any formal or informal scheduled event of the Wildcats, and that a violation of that directive would result in

calls to police for his removal.

21. By letter dated on or about July 7, 2016, counsel for the Wildcats informed then counsel for the Plaintiff, Robert O'Connell, that the Wildcats refused to disclose or provide copies of the organization's By-Laws.

22. On or about July 7, 2016, the Plaintiff, Robert O'Connell, received further notification from the Wildcats, via email, that his participation and membership in the Wildcats had been suspended, and in addition notified him that, due to that suspension, the Wildcats registration for the Plaintiff's son, Ryan O'Connell, had been revoked and that a refund had been processed.

23. The above referenced email further provided that, although the Plaintiff's son, Ryan O'Connell, had permission to participate as a player, his registration had nevertheless been revoked and would have to be reprocessed after application by another authorized legal guardian who was not under suspension.

24. On July 11, 2016, player registration was attempted on behalf of Ryan O'Connell by his mother, who was notified that Ryan O'Connell could only be placed on a wait list, and, moreover, that his registration, if eventually accepted from the waitlist, would be subject to possible imposition of late fees for having registered after July 1, 2016.

25. The FCFL Policies and Procedures manual does not permit the wait listing of players, and instead requires the splitting of teams that surpass maximum roster registrations; for the 7th Grade division, teams must be split when registration reaches 34 (maximum team size is 33); however, the rules

also provide that “under special situations and circumstances”, each town may appeal to increase the mandatory split prior to the first game of the season.

26. Upon information and belief, at least one other player was allowed to register after July 11, 2016 as a full participant on the Wildcats 7th Grade team, and was not placed on a wait list.

27. Upon information and belief, the removal of the Plaintiff’s son, Ryan O’Connell, from the 2016 7th Grade player roster was done maliciously and with intent to harm.

28. To date, despite demand, the Wildcats and the FCFL have failed, neglected and/or refused to grant the Plaintiff’s son, Ryan O’Connell, full status as a participating player for the 2016 football season and have failed, neglected and/or refused to allow him to participate in voluntary pre-season practices.

29. The acts and conduct of the Defendants in connection with the above-described situation is in violation of the By-Laws, Constitution, Policies and Procedures of the FCFL to which the Wildcats is subject.

30. As a result of the above described wrongful acts and conduct of the Defendants, FCFL and Wildcats, the Plaintiff, Robert O’Connell, has suffered injury, including considerable stress and damage to his reputation.

31. As a result of the above described wrongful acts and conduct of the Defendants, FCFL and Wildcats, the Plaintiff’s son, Ryan O’Connell, has suffered injury, including stress resulting from his wrongful preclusion from participation on the Wildcats 7th Grade team and from the wrongful suspension of his father from eligibility to coach his team.

32. The above described acts and conduct of the Defendants have caused, and unless enjoined and restrained will continue to cause, irreparable injury and harm to the Plaintiff, Robert O'Connell, and to his son, Ryan O'Connell, for which there is no adequate remedy at law.

SECOND COUNT (DEFAMATION):

1.-32. Paragraphs 1 through 32 of the First Count are hereby made Paragraphs 1 through 32 of the Second Count as though fully set forth herein.

33. The Plaintiff, Robert O'Connell, is now and at all times prior to the events described herein, had always enjoyed a good reputation, both generally within the community and also, specifically, in his capacity as an assistant youth football coach.

34. The aforementioned 6th Grade Scrimmage between the Fairfield Wildcats and New Canaan was recorded on film, videotape, or by digital or electronic means (hereinafter, the "film").

35. On September 9, 2016, the Wildcats Board of Directors held a special meeting at Tomlinson Middle School in Fairfield, Connecticut, to which Wildcats 6th Grade team parents were specifically invited, the purpose of which was to discuss the suspension decisions made by the FCFL Board related to the Scrimmage.

36. Approximately forty to fifty persons attended said meeting, including Wildcats board members, parents of the Wildcats 6th Grade team, and others.

37. At that time, the Defendant, Timothy Ihlefeld, Vice President of the Wildcats and a member of the 2016 Wildcats Board of Directors, announced, both in advance of the meeting as well as at the

meeting, that he intended to show the film of the Scrimmage at the meeting, and alleged that said film would show the Plaintiff, Robert O'Connell, engaging in improper conduct at the Scrimmage, including physically going after a New Canaan player.

38. Prior to said meeting, the Wildcats Board of Directors sent an email to Wildcats 6th Grade Head Coach Greg Coughlan which included an attachment that was alleged to be a film of the Scrimmage, but that could not be opened for viewing.

39. At the meeting, in anticipation that a film of the Scrimmage would be shown to attendees that had been alleged to show him engaged in improper conduct, the Plaintiff, Robert O'Connell, without having had an opportunity to view said film, explained that during the Scrimmage he had defended a Fairfield player after the Fairfield player was kicked in the head by a New Canaan player, but that he had neither threatened nor touched the New Canaan player, nor had he used foul language in responding to and reprimanding the New Canaan player for his offensive conduct.

40. Thereafter, the Defendant, Timothy Ihlefeld, despite having stated his intent to show the film of the Scrimmage at said meeting to demonstrate that the Plaintiff, Robert O'Connell, had engaged in misconduct, he instead did not show the complete film of the Scrimmage and ended the showing prior to the portion of the Scrimmage wherein the alleged incident of misconduct involving the Plaintiff had occurred.

41. Upon information and belief, a film that had been presented for review to FCFL board members and that may have been a basis for imposing penalties including the one-game suspension of the

Plaintiff, Robert O'Connell, did not actually contain complete footage of the Scrimmage, and instead was heavily edited, allegedly by the New Canaan team, with plays shown out of order and incidents of misconduct by New Canaan players and coaches having been deleted, with the result that the edited film created a false and misleading impression of what actually occurred at the Scrimmage and, specifically, a false and misleading impression of the conduct of the Plaintiff, Robert O'Connell.

42. Upon information and belief, the Scrimmage film had initially been available to be viewed online, but was quickly removed and made unavailable for online viewing, contrary to the usual custom and practice of making all FCFL scrimmages and games available for online viewing.

43. To date, despite repeated demand, the Plaintiff has never been provided any opportunity to view a complete and unedited copy of the Scrimmage film.

44. When provided the opportunity to view the edited version of the Scrimmage film, the Plaintiff, Robert O'Connell, observed that it did not depict any evidence of him engaging in any misconduct, and that, specifically, it did not depict him engaging in any wrongful conduct; instead, the portion of the recording corresponding to the time frame of the play in question (Play #26) does not depict the Plaintiff anywhere near a New Canaan player, and only shows the Plaintiff approaching the New Canaan coach subsequent to which the two appeared to engage in a verbal interchange that is not audible in the film, and the Plaintiff then returning to be surrounded by his own team's players.

45. The false and misleading statements made by Wildcats Vice President Timothy Ihlefeld, and the showing of the edited film of the Scrimmage created a false and misleading impression about the acts

and conduct of the Plaintiff, Robert O'Connell.

46. In addition, the Defendant, Clarence "Buddy" Zachary, President of the Wildcats and a member of the 2016 Wildcats Board of Directors, also made false and misleading statements to other Wildcats board members and parents, and to members of the FCFL Board of Directors regarding alleged misconduct by the Plaintiff during the Scrimmage, including by falsely publishing in an email directed to the entire Wildcats league that the Plaintiff had used foul language during the Scrimmage that was directed at a New Canaan player and at a New Canaan coach.

47. When the Plaintiff, Robert O'Connell, approached the Defendant, Clarence "Buddy" Zachary, to attempt to clarify that he had not, in fact, used foul language during the Scrimmage and to note that the film of the Scrimmage does not depict any misconduct on the part of the Plaintiff, the Defendant, Clarence "Buddy" Zachary, became enraged and verbally assaulted the Plaintiff with a barrage of cursing, despite their presence on a practice field during a team practice session, and despite the fact that FCFL and Wildcats codes of conduct and policies and practices specifically prohibit such conduct and provide that such conduct is sanctionable.

48. The false and misleading oral statements, written statements and film made by the various Defendants as described above referred to the Plaintiff, Robert O'Connell, by name or were stated in a way that made his identity known or readily ascertainable, and were so understood by those who heard, read and viewed said statements and film.

49. Said false and misleading statements and film harmed the reputation for good character long

enjoyed by the Plaintiff, Robert O'Connell, in his capacity as a coach, parent, and member of the community, and exposed him to hatred, contempt and ridicule, and were, as such, libelous and defamatory.

WHEREFORE, the Plaintiff claims:

AS TO THE FIRST COUNT:

1. A temporary and permanent injunction enjoining, prohibiting and restraining the Defendants from neglecting, failing and refusing to allow the Plaintiff's son, Ryan O'Connell, to participate as a player on the 2016 Wildcats 7th Grade team roster;
2. A temporary and permanent injunction mandating that the Defendants revoke the decision to suspend the membership and participant status of the Plaintiff, Robert O'Connell;
3. A temporary and permanent injunction mandating that the Defendants restore the eligibility of the Plaintiff, Robert O'Connell, to serve as a coach for Wildcats teams;
4. A temporary and permanent injunction mandating that the Defendants comply with and enforce all FCFL Policies and Procedures related to participant safety, including pre-game weigh-in requirements, enforcement of position restrictions and helmet marking rules based on player weight, provision of numbers on player jerseys during scrimmages, requiring referees to throw flags on penalties during scrimmages, and prohibiting unauthorized persons without field passes from being present in restricted areas on field and sidelines;
5. A temporary and permanent injunction mandating that the Defendants comply with provisions of the FCFL Policies and Procedures, FCFL By-Laws and the FCFL Constitution regarding meeting notice requirements, election of board members, keeping of minutes, and requirements to provide participants, parents and coaches with notice of disciplinary actions and of procedures for appeal and

review by the board of such actions; and

6. Such other and further relief as in law or equity may appertain.

AS TO THE SECOND COUNT:

1. Compensatory damages;
2. Punitive damages;
3. Costs of suit; and
4. Such other and further relief as in law or equity may appertain.

THE PLAINTIFFS,

BY



JOEL Z. GREEN
GREEN AND GROSS, P.C.

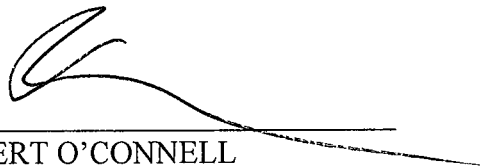
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VERIFICATION

STATE OF CONNECTICUT:
: ss. Bridgeport July 25, 2016
COUNTY OF FAIRFIELD :

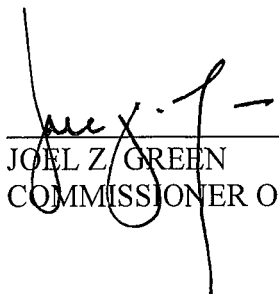
Personally appeared Robert O'Connell, who, being duly sworn, does depose and say:

1. I am over the age of eighteen years and believe in the obligation of an oath.
2. I have reviewed the Verified Complaint in this action and verify that all of the allegations in the Verified Complaint are true.



ROBERT O'CONNELL

Subscribed and sworn to before me this 25th day of July, 2016.



JOEL Z. GREEN
COMMISSIONER OF THE SUPERIOR COURT