

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

JOHN ANIELLO

Plaintiff,

v.

TOWN OF NEW CANAAN

Defendant.

CIVIL ACTION NO. 3:20-cv-00483

JUNE 15, 2020

MOTION TO DISMISS

The Defendant, Town of New Canaan, hereby moves pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure to dismiss the following counts of the Plaintiff's Complaint for failure to state a claim upon which relief can be granted: the Third Count (intentional infliction of emotional distress); the Fourth and Fifth Counts (hostile work environment, discrimination, and disparate treatment under Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e, *et seq.*, and the Connecticut Fair Employment Practices Act, Conn. Gen. Stat. § 46a-60, *et seq.*, respectively); and the Ninth Count (breach of contract). With respect to the Third Count, the Plaintiff fails to plead conduct amounting to extreme and outrageous conduct under Connecticut law. As for the Fourth and Fifth Counts, the Plaintiff: (1) fails to plead facts showing that he experienced severe and pervasive harassment related to some protected characteristic; (2) fails to plead facts showing that he suffered an adverse employment action under circumstances giving rise to an inference of discrimination on the basis of race,

CERTIFICATE OF SERVICE

I hereby certify that on June 15, 2020, a copy of the foregoing was filed electronically and served by mail on anyone unable to accept electronic filing. Notice of this filing will be sent by e-mail to all parties by operation of the Court's electronic filing system or by mail to anyone unable to accept electronic filing as indicated on the Notice of Electronic Filing. Parties may access this filing through the Court's CM/ECF System.

/s/

Jonathan C. Zellner, Esq.