

**APPELLATE COURT
OF THE
STATE OF CONNECTICUT**

AC 42088

NOEMI SOTO

v.

**CHRISTIANS ALLIANCE,
CARE4ONE, INC. AND DAVID RUSSO**

**BRIEF OF THE PLAINTIFF-APPELLANT
WITH SEPARATELY BOUND APPENDIX**

PRO-SE PLAINTIFF-APPELLANT

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STATEMENT OF ISSUES

1. Did the Judge breach the CT Code of Judicial Conduct in granting Defendants motion to dismiss?
2. Can Judicial Power be lawfully delegated in-part or in whole, unto any part of the Executive or Legislative Branch of our government?
3. Can an administrative remedy under the Executive Branch have primary remedial jurisdiction on Judicial Branch matters?

TABLE OF AUTHORITIES

Statutes and Rules

C.G.S § 51-164s. _____ p. 6

C.G.S § 52-1 _____ p. 6

CT. Constitution, Article First. Declaration of Rights. _____ p. 6, 8

CT Code of Judicial Conduct _____ p. 5, 6, 7

CT. Practice Book § 6-1 Statement of Decision. _____ p. 5, 8

Case Law

Amodio v. Amodio

247 Conn. 724, 727-28, 724 A.2d 1084 (1999)_____ p. 6

STATEMENT OF PROCEEDINGS AND FACTS

1. On December 5th, 2017, Pro-Se Plaintiff applied to the Superior Court Judicial District of Middlesex at Middletown for redress of grievance against the defendants for Disparate Treatment regarding their decline of employment.

2. The nature of the complaint centers on: “The preceding scenario, would be understood and for some Christians even valid IF, for example, I were to have sought employment at “Baptist Alliance”... because traditional Baptist doctrine includes very strong bias sentiments against women in position of authority, of which I am... But with all due respect to the Baptist dogma... I sought employment at “Christians Alliance” and my position of authority with BG2G would not be a problem with other Christian Denominations... the bias application of doctrinal beliefs, exclusive to only some Christian dogmas cannot be lawfully applied to employment sought at an All-inclusive Christian Employer.”

3. On March 22nd, 2018_ Pro-Se Plaintiff filed a Motion for Injunction “In hopes to deter fraudulent conveyance activity” after it was brought to her attention that the defendants proceeded with amending their legal business names exactly two weeks from the Return Date of this lawsuit. Defendants-Counsel never responded to motion. Motion was brought up to the Judge on our March 28. Judge neglected to review and refused to look at the motion suggesting Defendants-counsel and Pro-Se Plaintiff verbally discuss the matter; Time lapsed on this matter because, Pro-Se Plaintiff had no knowledge

of the “Claim/Reclaim a Motion process” and assumed that a responding Licensed Professional Attorney, after having been notified of a motion in court, was obligated to respond to the motion with the court.

4. On March 28, 2018_ The Scheduling Order was accepted by the court. Email correspondence between Defendants-Counsel and Pro-Se Plaintiff were exchanged and special interest was communicated regarding the dates associated with Dispositive Motions.

5. By June 26, both Defendants-Counsel and Pro-Se Plaintiff submitted dispositive motions along with Memorandums of Law in Support. Defendant-Counsel submitted a Motion to Dismiss and Pro-Se Plaintiff submitted a Motion for Summary Judgement.

6. Pro-Se Plaintiffs Memorandum of Law in Opposition to Motion to Dismiss was submitted on July 6th with a bona-fide legal question that was also emphasized and reiterated verbatim to the Judge at the oral argument hearing. Judgement of Dismissal was granted in favor of Defendant August 22, 2018;

7. Judgment of Dismissal deliberately failed to encompass a conclusion to each claim of law raised by all parties pursuant to CT PB § 6-1. The appeal process was initiated by Pro-Se Plaintiff-Appellant.

ARGUMENT

The CT Code of Judicial Conduct states in the Preamble (1) and (2):

“Inherent in all the Rules contained in this Code are the precepts that judges, individually and collectively, must respect and honor the judicial

office as a public trust and strive to maintain and enhance confidence in the legal system... They should aspire at all times to conduct that ensures the greatest possible public confidence in their independence, impartiality, integrity, and competence.”

Under our CT constitution, Article First. Declaration of Rights it states:

“All political power is inherent in the people, and all free governments are founded on their authority, and instituted for their benefit”... “All courts shall be open, and every person, shall have remedy by due course of law...right and justice administered without sale, denial or delay.” ... “The citizens have a right... to apply to those invested with the powers of government for redress of grievances...”

Under CT General Statutes it states in sec. 51-164s.

“The Superior Court shall be the sole court of original jurisdiction for all causes of action, except such actions over which the courts of probate have original jurisdiction...”

Under CT General Statutes it states in sec. 52-1 states

“Whenever there is any variance between the rules... the rules of equity shall prevail.”

Under CT Supreme Court Rule:

“A court does not truly lack subject matter jurisdiction if it has competence to entertain the action before it... It is well established that, in determining whether a court has subject matter jurisdiction, every presumption favoring jurisdiction should be indulged.” **Amodio v. Amodio**, 247 Conn. 724, 727-28, 724 A.2nd 1084 (1999)

It was with egregious disregard of these supreme laws of our state and more under U.S. Code that the Superior Court Judge elected to exalt lack of subject matter jurisdiction and grant defendants motion to dismiss.

What then are the people to understand by this rule? Are administrative remedies superior-to or equal-to Constitutional Law, Rights and Privileges? Is the Judge implying he lacks competence to entertain the action? What then is the current standard of competence required to become or sustain a position as a Superior Court Judge in CT?

Under Code of Judicial Conduct. Canon 1. Rule 1.2.

“A judge shall act at all time in a manner that promotes public confidence...and shall avoid impropriety and the appearance of impropriety. The test for appearance of impropriety is whether the conduct would create in reasonable minds a perception that the judge violated this Code or engaged in other conduct that reflects adversely on the judge’s honesty, impartiality, temperament, or fitness to serve as a judge.”

It makes no sense to this Pro-Se Plaintiff Appellant, how Judicial Power in its governmental prestige, reputation of wisdom, delegated power, authority and grandeur, can be rendered impotent by trivial matters of law or technicalities such as what lead to this appeal; Or was this a Crime of Omission? A Color of Law Violation?

Can a Judge be so haughty in their position of power that without fear of consequence or retribution they can, with discrimination, deny and thus delay justice on a US Citizen? Can judicial authority, without fear of consequence or retribution decide, with discrimination, pick and choose whom they will serve? Can a judge who has preferential allegiance with lawyers serve honorably in a public office?

Taking into consideration that I am Pro-Se Appellant, and the fact that I do not fully understand the differential concepts of the “Standard of Review”; and to my understanding, **the standard of review** I believe the court should apply is **Abuse of Discretion**. Was judgment rendered in compliance with CT Code of Judicial Conduct? And was judgment rendered in fulfillment to the Judicial Oath of Office: according to law, and in support of the Constitution of the United States, and the Constitution of the state of Connecticut.

Pursuant to CT PB §. 6-1 the judicial authority’s final judgment failed to encompass a conclusion to the claim of law Pro-Se Plaintiff raised in her Memorandum of Law in Opposition to Motion to Dismiss. The Statement of Issues number 2 and 3 of this appeal, are an amended representation of legal matter presented by Pro-Se Plaintiff to the trial court. The **standard of review** the court should apply on referenced issues is **De Novo**,

CONCLUSION AND STATEMENT OF RELIEF

I am not alone with the questions and sentiments contained herein. For too long the people’s voice has been silenced, and the integrity of our government marred, because of: **unjust** legal remedies and a bias application of Judicial Power. For this reason, Pro-Se Appellant prays that the Court provide an answer to the legal questions listed under this appeal’s Statement of Issues.

Pursuant to the CT Constitution, Article First. Declaration of Rights. Section 10. Pro-Se Appellant Plaintiff also prays this court will put a stop to the

further denial and delay of justice on Plaintiffs complaint and consider rendering a judgement on Plaintiff's Summary Judgement submitted on 6-26-2018.

Respectfully signed by:

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CERTIFICATION

I certify that a copy of this document that I am filing has been delivered to each other counsel and self-represented party of record and I have included their names, addresses, e-mail addresses, and telephone and facsimile numbers, and that the document has been redacted or does not contain any names or other personal identifying information that is prohibited from disclosure by rule, statute, court order or case law, and complies with all applicable rules of appellate procedure.

ADDITIONAL CERTIFICATION

I certify that electronically submitted briefs and appendices have been delivered electronically to the last known e-mail address of each counsel of record for whom an e-mail address has been provided; and do not contain any names or other personal identifying information that is prohibited from disclosure by rule, statute, court order or case law.

I certify that a copy of the brief and appendix has been sent to each counsel of record in compliance with Section 62-7; and that the brief and appendix being filed with the appellate clerk are true copies of the brief and appendix that were submitted electronically pursuant to 67-2(g).

I certify that the brief and appendix have been redacted or do not contain any names or other personal identifying information that is prohibited from disclosure by rule, statute, court order or case law; and that the brief complies with all provisions of this rule.

Respectfully signed by:

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