

MMX-CV-17-5010256-S

NOEMI SOTO

VS.

CHRISTIANS ALLIANCE,

CARE4ONE, INC.,

DAVID RUSSO

STATE OF CONNCETICUT

SUPERIOR COURT

JUDICIAL DISTRICT OF MIDDLESEX

AT MIDDLETOWN

JULY 6, 2018

MEMORANDUM OF LAW IN OPPOSITION OF DEFENDANTS'

MOTION TO DISMISS

1. STATEMENTS OF LAW:

US CONSTITUTION ARTICLE 3:

Section 1. The judicial Power of the United States, shall be vested in one Supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish...

Section 2. The **judicial Power** shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority;...

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State of Connecticut

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28 USC 452:

All courts of the United States shall be deemed always open for the purpose of filing proper papers, issuing and returning process, and making motions and orders. The continued existence or expiration of a session of a court in no way affects the power of the court to do any act or take any proceeding.

28 USC 1331:

The district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States.

28 USC 1343:

(a) The district courts shall have original jurisdiction of any civil action authorized by law to be commenced by any person:

- (1) To recover damages for injury to his person or property, or because of the deprivation of any right or privilege of a citizen of the United States, by any act done in furtherance of any conspiracy mentioned in section 1985 of Title 42;
- (2) To recover damages from any person who fails to prevent or to aid in preventing any wrongs mentioned in section 1985 of Title 42 which he had knowledge were about to occur and power to prevent;

(3) To redress the deprivation, under color of any State law, statute, ordinance, regulation, custom or usage, of any right, privilege or immunity secured by the Constitution of the United States or by any Act of Congress providing for equal rights of citizens or of all persons within the jurisdiction of the United States;

(4) To recover damages or to secure equitable or other relief under any Act of Congress providing for the protection of civil rights, including the right to vote.

CONSTITUTION OF THE STATE OF CONNECTICUT

ARTICLE FIRST. Declaration Of Rights

Sec. 2. All political power is inherent in the people, and all free governments are founded on their authority, and instituted for their benefit; and they have at all times an undeniable and indefeasible right to alter their form of government in such manner as they may think expedient.

Sec. 10. All courts shall be open, and every person, for an injury done to him in his person, property or reputation, shall have remedy by due course of law, and right and justice administered without sale, denial or delay.

Sec. 14. The citizens have a right, in a peaceable manner, to assemble for their common good, and to apply to those invested with the powers of government, for

redress of grievances, or other proper purposes, by petition, address or remonstrance.

ARTICLE SECOND. Of The Distribution Of Powers.

The powers of government shall be divided into three distinct departments, and each of them confided to a separate magistracy, to wit, those which are legislative, to one; those which are executive, to another; and those which are judicial, to another.

CT General Statutes:

§ 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, as provided by statute. All jurisdiction heretofore conferred upon and exercised by the Court of Common Pleas and the Juvenile Court prior to July 1, 1978 shall be transferred to the Superior Court on July 1, 1978.

§ 52-1. The Superior Court may administer legal and equitable rights and apply legal and equitable remedies in favor of either party in one and the same civil action so that legal and equitable rights of the parties may be enforced and protected in one action. Whenever there is any variance between the rules of

equity and the rules of the common law in reference to the same matter, the rules of equity shall prevail.

CT Judicial Branch, Law Libraries, 2018 Edition, **MOTION TO DISMISS**, Prepared by Connecticut Judicial Branch, Superior Court Operations, Judge Support Services, Law Library Services Unit, lawlibrarians@jud.ct.gov

SECTION 1: LACK OF SUBJECT MATTER JURISDICTION

DEFINITIONS: Subject Matter Jurisdiction: “involves the authority of a court to adjudicate the type of controversy presented by the action before it.... A court does not truly lack subject matter jurisdiction if it has competence to entertain the action before it... Once it is determined that a tribunal has authority or competence to decide the class of cases to which the action belongs, the issue of subject matter jurisdiction is resolved in favor of entertaining the action.... 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.2d 1084 (1999).

2. ARGUMENT:

According to Black's Law Dictionary, **Judicial Power** is the "Authority, both constitutional and legal, given to the courts and its judges (1) to preside over and render judgment on court-worthy cases; (2) to enforce or void statutes and laws when scope or constitutionality are questioned (3) to interpret statutes and laws when disputes arise."

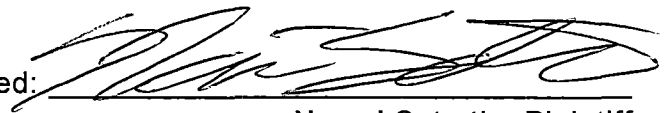
Both the United States and Connecticut Constitutional Laws clearly allocates judicial Power and original jurisdiction of civil actions to this Court under the Judicial Branch of our Government. The law is also clear that (1) The Judicial Courts power was instituted for the benefit of the people, (2) Every person shall have justice administered without denial or delay; and (3) The citizens have a right to apply to those invested with the powers of government for redress of grievances.

Our Connecticut Constitution, under Article Second, requires that the powers of government be divided into three distinct departments, identified as Legislative, Executive and Judicial; each of them confided to a separate magistracy, I question the Scope of Connecticut's Commission on Human Rights and Opportunities having primary remedial jurisdiction for a constitutional matter when its Powers are under the Executive Branch of our states government.

3. CONCLUSION:

Unless this court feels that it does not have competence to entertain this action
Motion to Dismiss by the Defendants must be denied.

Signed: _____



Noemi Soto the Plaintiff
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CERTIFICATION

I certify that a copy of this document was or will immediately be mailed or delivered electronically or non-electronically on this 6th day of July, 2018, to all attorneys and self-represented parties of record in this matter and that written consent for electronic delivery was received from all attorneys and self-represented parties receiving electronic delivery.

Michael G. Tansley
500 Chase Parkway
Waterbury, CT. 06708
Juris No. 402499

Signed: _____



Noemi Soto
Self-Represented Plaintiff