

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

MARK BRAULT and
CAROL BRAULT

VS.

CONNECTICUT DEPARTMENT OF
ENERGY AND ENVIRONMENTAL
PROTECTION

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CIVIL ACTION NO.

MAY 30, 2023

COMPLAINT

1. This is an action for prospective injunctive relief to redress the deprivation of rights secured to the plaintiffs by the Constitution and laws of the United States. The defendant is conducting warrantless ground-level photographic surveillance of the interior of the plaintiffs' property.

2. Jurisdiction of this court is invoked under the provisions of Sections 1331, 1343(3) and 1367(a) of Title 28 and Sections 1983 and 1988 of Title 42 of the United States Code.

3. The defendant is an agency of the State of Connecticut and at all times mentioned herein was acting under color of law.

4. The plaintiffs are the owners of a parcel of real property located at 217 Hi View Road, Hartland, Connecticut, Parcel Nos. 26-23-011 and 25-29-003.

This property is a forested area of more than 114 acres upon which is located the plaintiffs' home. It is clearly posted with "no trespassing" signs.

5. At all times mentioned herein, the defendant knew that the plaintiffs owned and resided on the said property.

6. During all times mentioned in this complaint, the defendant knew that bears, including a bear the defendant had tagged as Number 119, frequented the said property.

7. On an unknown date prior to May 20, 2023, but subsequent to January 1, 2023, the defendant affixed a collar to Bear Number 119 which contained a camera. The defendant thereupon released the camera-carrying bear in the vicinity of the plaintiffs' property.

8. At approximately 9:30 a.m. on May 20, 2023, Bear Number 119 approached to within 200 yards of the plaintiffs' residence, which is located near the center of their property. It was wearing the aforesaid camera at the time and, upon information and belief, that camera was activated and taking and transmitting pictures or video of the interior of the plaintiffs' property to the defendant.

9. Upon information and belief, the defendant did not have a search warrant authorizing or permitting photographic surveillance of the interior of the property of the plaintiffs.

10. The aforesaid warrantless surveillance of the interior of the plaintiffs' residential property is ongoing and inflicts irreparable injury upon the plaintiffs in violation of the Fourth Amendment to the United States Constitution.

WHEREFORE, the plaintiffs ask the Court to issue a prospective injunction against the defendant requiring the defendant immediately to remove and disable the cameras from all tagged bears within ten miles of the plaintiffs' residence, to destroy all photographic evidence gathered by the aforesaid surveillance, and to cease and desist from conducting such warrantless surveillance in the future.

THE PLAINTIFFS

BY: /s/ John R. Williams
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CIVIL ACTION NO.

25
MAY, 2023

AFFIDAVIT IN SUPPORT OF INJUNCTION

STATE OF CONNECTICUT)

COUNTY OF HARTFORD)

SS: Hartland

1. My name is Mark Brault. I am over the age of 18 and I understand the meaning of an oath.

2. My wife, Carol, and I are the owners of a parcel of real property located at 217 Hi View Road, West Hartland, Connecticut, Parcel Nos. 26-23-011 and 25-29-003. This property is a forested area of over 114 acres upon which is located our home. It is clearly posted with "no trespassing" signs.

3. I am a defendant in a civil suit in the Connecticut Superior Court at Torrington bearing Docket Number LLI-CV-21-6026840-S. In that suit, the Town

of Hartland is seeking an injunction against my wife and me in which the Town alleges that I have intentionally fed bears on my property. That allegation is not true. The trial has ended and we are awaiting a ruling by the court.

4. In that trial, representatives of the defendant in this case have attended and participated.

5. In that trial, it has been established that the defendant traps and tags bears in the Town of West Hartland and adjacent areas to our property. There has been testimony that one such bear has been tagged Number 119 by the defendant. There has been evidence in that trial that Bear Number 119 frequents our property and other properties in the area.

6. At approximately 9:30 a.m. on May 20, 2023, I observed Bear Number 119 near the center of our property, within 200 yards of our residence. I observed that the bear was wearing a video camera at the time which was affixed to a collar which the defendant apparently had placed on the bear. I have known that bear for a long time. I know it frequents my property and adjacent properties. I know that it was tagged by the defendant previously, but not collared.

7. I took photographs of the bear and those photographs are attached to this affidavit.

8. I have not ever given the defendant permission to enter any part of my

property and the defendant has not ever notified me that bears which it knows frequent my property are being equipped with video surveillance devices.


MARK BRAULT

Subscribed and sworn to before me this 25TH day of May, 2023.


~~Notary Public~~
Commissioner of the Superior Court





