

DOCKET NO: HHBCV216066444S

SUPERIOR COURT

KAPLAN WALKER, ROBERT LISA  
V.  
TOWN OF CLINTON Et AlJUDICIAL DISTRICT OF NEW BRITAIN  
AT NEW BRITAIN

4/8/2022

ORDERORDER REGARDING:  
04/05/2022 111.00 MOTION FOR ORDER

The foregoing, having been considered by the Court, is hereby:

ORDER:

This matter is a real property tax appeal which asserts claims of over-taxation pursuant to CGS 12-117a and CGS 12-119. In such a tax appeal, the proper valuation of the property is the primary issue to be decided. The plaintiffs have had the property at issue appraised. The defendant town seeks an order from the court compelling the plaintiff to allow the town's appraiser to inspect the property. The plaintiff has opposed the town's motion and has refused to allow an inspection of the property.

In view of CGS 12-62(a)(3) and the constitutional privacy rights of the plaintiff, the court will not compel an inspection. However, if the plaintiff chooses to refuse to allow the defendant town's expert to inspect the property, both inside and out, the court may consider precluding the plaintiff from entering evidence of an appraisal of the property and may consider whether an inference concerning the valuation of the property should be imposed.

The plaintiff has purposefully engaged in civil litigation with the town concerning the proper valuation of the property. An inspection of the property, both inside and out, is important in accurately assessing the valuation of the property. Fundamental fairness, general discovery principles, Practice Book Section 13-9, and the interests of justice require that the defendant be allowed to inspect the property at issue when the primary issue in the litigation is the value of the property. While the court will not compel an inspection, if an inspection is refused, the court may be required take action to ensure that litigation is fundamentally fair, that the discovery rules are respected, and that justice is served. Achieving those goals may necessitate evidentiary rulings, including preclusion, evidentiary inferences, or even dismissal of the action.

The town's appraisal report is due on May 2, 2022. The plaintiff must decide whether or not it will allow an inspection. If the plaintiff decides to allow the inspection, the plaintiff should allow it to occur on or before April 25, 2022 so that the town can timely produce its report.

Judicial Notice (JDNO) was sent regarding this order.

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Judge: JOHN LOUIS CORDANI

This document may be signed or verified electronically and has the same validity and status as a document with a physical (pen-to-paper) signature. For more information, see Section I.E. of the *State of Connecticut Superior Court E-Services Procedures and Technical Standards* (<https://jud.ct.gov/external/super/E-Services/e-standards.pdf>), section 51-193c of the Connecticut General Statutes and Connecticut Practice Book Section 4-4.