

On August 31, 2022, the complainant's motion to compel was granted in part, and the respondent was given until September 26, 2022 to comply with the order to produce documents. The order specifically advised the respondent that:

As set forth in General Statute §46a-84 (h), the respondent's failure to comply with this order for production may result in sanctions. The presiding officer "may issue a nonmonetary order that the presiding officer deems just and appropriate, including, but not limited to, an order (1) finding that the matters that are the subject of the order are established in accordance with the claim of the party requesting such order, (2) prohibiting the party who has failed to comply with such order from introducing designated matters into evidence, (3) limiting the participation of the noncomplying party with regard to issues or facts relating to the order, and (4) drawing an adverse inference against the noncomplying party.

On October 17, 2022, the complainant filed a motion for sanctions. In her motion, the complainant stated that the respondent had not complied produced any documents in compliance with the order. Objections to the motion for sanctions were due on or before October 31, 2022. The respondent filed no objections.

Therefore,

1. The respondent is prohibited from offering into evidence documents that would have been responsive to the order without the consent of the complainant.
2. As a result of the respondent's failure to comply with the order regarding the complainant's request number 7, the adverse inference is drawn that the respondent discriminatorily inflated the rents of two-bedroom apartments it offered to the complainant to prevent the complainant from renting the apartment.
3. As a result of the respondent's failure to comply with the order regarding the complainant's request number 8, the adverse inference is drawn that there are

apartments in the building which would reasonably accommodate the complainant's disability.

4. As a result of the respondent's failure to comply with the order regarding the complainant's requests number 16 and 23, the adverse inference is drawn that there the respondent failed to show the complainant available apartments that would have reasonably accommodated her disability.
5. As previously ordered, on or before November 28, 2022, each party shall:
 - a. File and serve copies of the exhibits the party intends to offer at the hearing. Parties shall submit duplicate copies of their exhibits, one as an exhibit for the public hearing record file and one for the presiding referee. Exhibits shall be in three-ring binders with designating tabs. Exhibits shall be identified both with a number and a short prefix identifying the party offering the exhibit, R for the respondent, CHRO for the commission and C for the complainant.
 - b. Exhibits should not include personal identifying information, and if any such personal identifying information is present, the person filing the paper shall redact it from any papers filed, unless otherwise required by law or ordered by the presiding referee. "Personal identifying Information" means an individual's date of birth, motor vehicle operator's license number, Social Security number, other government-issued identification number, health insurance identification number, or any financial account number, security code or personal identification number (PIN). The responsibility for redacting personal identifying

information rests solely with the person filing the paper. OPH need not review any filed paper for compliance.

- c. **NOTE:** Because of telework policies, if a party is going to file exhibits in person, it must contact the Office of Public Hearings by email (officeofpublichearings@ct.gov) to schedule an appointment to ensure that a staff member is onsite to receive the exhibits.
- d. File and serve a list of the party's proposed witnesses, their addresses, summary of proposed testimony and, for each expert witness, a statement of the area of expertise and the credentials supporting that witness's qualifications as an expert. Parties are not required to identify witnesses who may testify for the purposes of impeachment or rebuttal. Witnesses not listed, except for impeachment and rebuttal, may not be permitted to testify except for good cause shown.
- e. File and serve a list of all exhibits the party intends to offer at the hearing. The list of exhibits shall include the length (number of pages) of the exhibit. Each proposed exhibit shall be identified both with a number and with a short prefix identifying the party offering the exhibit, e.g., CHRO-1 for commission, C-1 for complainant, R-1 for respondent. Exhibits not premarked and disclosed shall not be received into evidence except for good cause shown.
- f. Failure by any party to file and serve its list of witnesses and/or exhibits and/or to serve its proposed exhibits at the time ordered may result in that party's

being precluded from calling witnesses and/or offering exhibits in its case-in-chief.

6. As previously ordered, on or before December 12, 2022, the parties shall file and serve any objection to an opposing party's proposed exhibits or witnesses and the grounds for the objection. Failure to timely object may result in waiver of any objections proposed exhibit or witness. All exhibits not objected to may be considered full exhibits and may be so marked on the first day of the public hearing.
7. As previously ordered, a telephonic prehearing conference is scheduled for January 20, 2023 at 10:00 AM. The conference will be conducted telephonically. The parties are instructed to call 1.866.741.9936 and enter participant code 7022515 at the scheduled date and time.

/s/ Jon P. FitzGerald
Hon. Jon P. FitzGerald
Presiding Human Rights Referee