

SUMMONS - CIVIL

JD-CV-1 Rev. 2-20
C.G.S. §§ 51-346, 51-347, 51-349, 51-350, 52-45a, 52-48, 52-259;
P.B. §§ 3-1 through 3-21, 8-1, 10-13

For information on
ADA accommodations,
contact a court clerk or
go to: www.jud.ct.gov/ADA.

STATE OF CONNECTICUT
SUPERIOR COURT
www.jud.ct.gov



Instructions are on page 2.

- Select if amount, legal interest, or property in demand, not including interest and costs, is LESS than \$2,500.
- Select if amount, legal interest, or property in demand, not including interest and costs, is \$2,500 or MORE.
- Select if claiming other relief in addition to, or in place of, money or damages.

TO: Any proper officer

By authority of the State of Connecticut, you are hereby commanded to make due and legal service of this summons and attached complaint.

Address of court clerk (Number, street, town and zip code) 95 Washington Street, Hartford, CT 06106		Telephone number of clerk (860) 548 - 2700	Return Date (Must be a Tuesday) 06/15/2021
<input checked="" type="checkbox"/> Judicial District	G.A. Number: _____	At (City/Town) Hartford	Case type code (See list on page 2) Major: M Minor: 50
<input type="checkbox"/> Housing Session			

For the plaintiff(s) enter the appearance of:

Name and address of attorney, law firm or plaintiff if self-represented (Number, street, town and zip code) Richard P. Weinstein, Esq., Weinstein & Wisser, P.C., 29 S. Main St., Ste. 207, West Hartford, 06107	Juris number (if attorney or law firm) 045674
Telephone number (860) 561 - 2628	Signature of plaintiff (if self-represented)

The attorney or law firm appearing for the plaintiff, or the plaintiff if self-represented, agrees to accept papers (service) electronically in this case under Section 10-13 of the Connecticut Practice Book. Yes No

E-mail address for delivery of papers under Section 10-13 of the Connecticut Practice Book (if agreed)
rpw@weinsteinwisser.com

Parties	Name (Last, First, Middle Initial) and address of each party (Number; street; P.O. Box; town; state; zip; country, if not USA)	
First plaintiff	Name: JETOBRA, INC. Address: 700 Connecticut Boulevard, East Hartford, CT 06108	P-01
Additional plaintiff	Name: Address:	P-02
First defendant	Name: TESLA, INC. Address: Agent for Service: CT Corporation System, 67 Burnside Avenue, East Hartford, CT 06108	D-01
Additional defendant	Name: INSITE DEVELOPMENT SERVICES, LLC Address: 1400 16th Street, Suite 300, Oak Brook, IL 60523	D-02
Additional defendant	Name: Address:	D-03
Additional defendant	Name: Address:	D-04
Total number of plaintiffs: 1		Total number of defendants: 2
<input type="checkbox"/> Form JD-CV-2 attached for additional parties		

Notice to each defendant

1. **You are being sued.** This is a summons in a lawsuit. The complaint attached states the claims the plaintiff is making against you.
2. To receive further notices, you or your attorney must file an *Appearance* (form JD-CL-12) with the clerk at the address above. Generally, it must be filed on or before the second day after the Return Date. The Return Date is not a hearing date. You do not have to come to court on the Return Date unless you receive a separate notice telling you to appear.
3. If you or your attorney do not file an *Appearance* on time, a default judgment may be entered against you. You can get an *Appearance* form at the court address above, or on-line at <https://jud.ct.gov/webforms/>.
4. If you believe that you have insurance that may cover the claim being made against you in this lawsuit, you should immediately contact your insurance representative. Other actions you may take are described in the Connecticut Practice Book, which may be found in a superior court law library or on-line at <https://www.jud.ct.gov/pb.htm>.
5. If you have questions about the summons and complaint, you should talk to an attorney.

The court staff is not allowed to give advice on legal matters.

Date 05/27/2021	Signed (Sign and select proper box) 	<input checked="" type="checkbox"/> Commissioner of Superior Court <input type="checkbox"/> Clerk	Name of person signing Richard P. Weinstein, Esq.
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If this summons is signed by a Clerk: a. The signing has been done so that the plaintiff(s) will not be denied access to the courts. b. It is the responsibility of the plaintiff(s) to ensure that service is made in the manner provided by law. c. The court staff is not permitted to give any legal advice in connection with any lawsuit. d. The Clerk signing this summons at the request of the plaintiff(s) is not responsible in any way for any errors or omissions in the summons, any allegations contained in the complaint, or the service of the summons or complaint.	<i>For Court Use Only</i>		
	File Date		
I certify I have read and understand the above:	Signed (Self-represented plaintiff)	Date	Docket Number

Instructions

1. Type or print legibly. If you are a self-represented party, this summons must be signed by a clerk of the court.
2. If there is more than one defendant, make a copy of the summons for each additional defendant. Each defendant must receive a copy of this summons. Each copy of the summons must show who signed the summons and when it was signed. If there are more than two plaintiffs or more than four defendants, complete the Civil Summons Continuation of Parties (form JD-CV-2) and attach it to the original and all copies of the summons.
3. Attach the summons to the complaint, and attach a copy of the summons to each copy of the complaint. Include a copy of the Civil Summons Continuation of Parties form, if applicable.
4. After service has been made by a proper officer, file the original papers and the officer's return of service with the clerk of the court.
5. Use this summons for the case type codes shown below.

Do not use this summons for the following actions:

- | | |
|--|---|
| <ul style="list-style-type: none"> (a) Family matters (for example divorce, child support, custody, paternity, and visitation matters) (b) Any actions or proceedings in which an attachment, garnishment or replevy is sought (c) Applications for change of name (d) Probate appeals | <ul style="list-style-type: none"> (e) Administrative appeals (f) Proceedings pertaining to arbitration (g) Summary Process (Eviction) actions (h) Entry and Detainer proceedings (i) Housing Code Enforcement actions |
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Case Type Codes

MAJOR DESCRIPTION	CODE Major/Minor	MINOR DESCRIPTION	MAJOR DESCRIPTION	CODE Major/Minor	MINOR DESCRIPTION	
Contracts	C 00	Construction - All other	Property	P 00	Foreclosure	
	C 10	Construction - State and Local		P 10	Partition	
	C 20	Insurance Policy		P 20	Quiet Title/Discharge of Mortgage or Lien	
	C 30	Specific Performance		P 30	Asset Forfeiture	
	C 40	Collections		P 90	All other	
	C 50	Uninsured/Underinsured Motorist Coverage				
	C 60	Uniform Limited Liability Company Act – C.G.S. 34-243				
	C 90	All other				
Eminent Domain	E 00	State Highway Condemnation	Torts (Other than Vehicular)	T 02	Defective Premises - Private - Snow or Ice	
	E 10	Redevelopment Condemnation		T 03	Defective Premises - Private - Other	
	E 20	Other State or Municipal Agencies		T 11	Defective Premises - Public - Snow or Ice	
	E 30	Public Utilities & Gas Transmission Companies		T 12	Defective Premises - Public - Other	
	E 90	All other		T 20	Products Liability - Other than Vehicular	
Housing	H 10	Housing - Return of Security Deposit		T 28	Malpractice - Medical	
	H 12	Housing - Rent and/or Damages		T 29	Malpractice - Legal	
	H 40	Housing - Housing - Audita Querela/Injunction		T 30	Malpractice - All other	
	H 50	Housing - Administrative Appeal		T 40	Assault and Battery	
	H 60	Housing - Municipal Enforcement		T 50	Defamation	
	H 90	Housing - All Other		T 61	Animals - Dog	
				T 69	Animals - Other	
Miscellaneous	M 00	Injunction		T 70	False Arrest	
	M 10	Receivership	T 71	Fire Damage		
	M 15	Receivership for Abandoned/Blighted Property	T 90	All other		
	M 20	Mandamus	Vehicular Torts	V 01	Motor Vehicles* - Driver and/or Passenger(s) vs. Driver(s)	
	M 30	Habeas Corpus (extradition, release from Penal Institution)		V 04	Motor Vehicles* - Pedestrian vs. Driver	
	M 40	Arbitration		V 05	Motor Vehicles* - Property Damage only	
	M 50	Declaratory Judgment		V 06	Motor Vehicle* - Products Liability Including Warranty	
	M 63	Bar Discipline		V 09	Motor Vehicle* - All other	
	M 66	Department of Labor Unemployment Compensation Enforcement		V 10	Boats	
	M 68	Bar Discipline - Inactive Status		V 20	Airplanes	
	M 70	Municipal Ordinance and Regulation Enforcement		V 30	Railroads	
	M 80	Foreign Civil Judgments - C.G.S. 52-604 & C.G.S. 50a-30		V 40	Snowmobiles	
	M 83	Small Claims Transfer to Regular Docket		V 90	All other	
	M 84	Foreign Protective Order			*Motor Vehicles include cars, trucks, motorcycles, and motor scooters.	
	M 89	CHRO Action in the Public Interest - P.A. 19-93		Wills, Estates and Trusts	W 10	Construction of Wills and Trusts
	M 90	All other			W 90	All other

RETURN DATE: JUNE 15, 2021 : SUPERIOR COURT
JETOBRA, INC. : J.D. OF HARTFORD
V. : AT HARTFORD
TESLA, INC. AND
INSITE DEVELOPMENT SERVICES, LLC : MAY 27, 2021

COMPLAINT

COUNT ONE

1. The plaintiff owns multiple automobile dealerships on Connecticut Boulevard in East Hartford, Connecticut, including Lexus, Audi, Porsche, Ford and Lincoln, and has been in the automobile business with family predecessor companies for approximately 100 years. Additionally, the plaintiff owns three other dealerships in Simsbury, a dealership in Waterbury, Connecticut, and a dealership in New London, Connecticut. All of plaintiff's dealerships are lawfully licensed new and used car automobile dealerships operating under the laws and regulations promulgated in the State of Connecticut for new and used car dealers. All of the plaintiff's dealerships are franchised through a manufacturer in accordance with the requirements of Connecticut law. All new and used car dealers in the State of Connecticut are licensed franchise dealers.

2. The defendant Tesla, Inc. (“Tesla”) is an automobile manufacturer, but seeks to open up a business in East Hartford, Connecticut in close proximity to the plaintiff’s dealerships for the sale of new automobiles, trucks and service in violation of Connecticut law as it will not be subject to the control and regulations of the Department of Motor Vehicles of the State of Connecticut.

3. Upon information and belief, Tesla entered into a purchase contract with Clayton and Edith Gengras in regard to property known as 300 Connecticut Boulevard in East Hartford, Connecticut.

4. The defendant InSite Development Services, LLC (“Insite”) applied to the defendant Planning and Zoning Commission for East Hartford for a site plan modification and special use permit for “electric car showroom and service center” to be owned and operated by the defendant Tesla.

5. While the application was dated March 3, 2021, the hearing on the application was not held until April 14, 2021. The application referred to Section 403.1.a.13 of the Zoning Regulations of the Town of East Hartford, but ultimately the commission granted a Special Use Permit pursuant to § 403.2.1 for use of “an electric car manufacturer as a service center and showroom to conduct repairs, maintenance, charging and storage of new and preowned

vehicles” and a site plan approval pursuant to § 210.2.d for business signage for “Tesla Service Center and Showroom.”

6. In regard to the application filed by the defendant InSite, that entity was involuntarily dissolved by the Secretary of State of Illinois on March 16, 2021, and thereafter legally lacked standing to pursue its application at the time of the April 14, 2021 hearing. Insite was acting apparently on behalf of its undisclosed principal, the defendant Tesla.

7. In regard to both Special Use Permit and Site Plan Application Approval, the commission reflected as follows: “In evaluating this Application, the Planning and Zoning Commission has relied upon the information provided by the Applicant and if such information subsequently proves to be false, deceptive, incomplete and/or inaccurate, this permit shall be modified, suspended or revoked.”

8. Upon information and belief, no public notice was given by the Planning and Zoning Commission (“PZC”) properly referencing the zoning sections relied upon by the commission to grant the Special Use Permit and Site Plan Application.

9. Further, the Zoning Regulations of the Town of East Hartford provide in § 224.1 a restriction or prohibition on permits or certificates of zoning compliance for exhibition and storage of used motor vehicles or parts

of new or used motor vehicles unless the display, exhibit or storage is in conjunction with bona fide franchise sales agency engaged in the sale of new motor vehicles.

10. Tesla would not and could not satisfy that section aforesaid of the Zoning Regulations, as it is the manufacturer and not a franchisee.

11. The plaintiff has made the PZC aware of the improprieties in regard to the application and the proceedings of the commission granting Special Use Permit and Site Plan Application, but the defendant PZC has declined to take any action in regard to its granting of same, notwithstanding the improprieties aforesaid.

12. There are extensive laws and regulations which govern automobile dealerships in the State of Connecticut, including those promulgated by the Department of Motor Vehicles and its commissioner, as well as the statutory provisions included in C.G.S. § 14-54 *et seq.* Said regulations do not permit a manufacturer to sell motor vehicles directly to the consuming public.

13. The drawings provided in connection with the application submitted by InSite on behalf of Tesla referenced new automobile and truck sales and services, clearly reflecting that it is the intention of Tesla to directly or indirectly sell new and/or used automobiles, in violation of the Connecticut

statutes as made and provided, and thereby seeking to avoid the regulations imposed by the Commissioner of Motor Vehicles.

14. The Permit and Application upon which Tesla intends to open up its facility and do business with the consuming public will allow it to operate and compete directly with the plaintiff and its franchised automobile dealerships, all to the special loss and damage of the plaintiff.

15. A dispute exists as to whether or not the defendant Tesla can in fact operate a service center and showroom pursuant to the Special Use Permit and the Site Plan Application issued by the defendant PZC, and in violation of state laws promulgated in regard to new and used car dealers in the state of Connecticut.

16. Plaintiff seeks a declaratory judgment that the defendant Tesla cannot so operate as aforesaid, since Tesla as a manufacturer is not permitted under Connecticut law to operate a new and used car dealership.

COUNT TWO

1-15. Plaintiff hereby incorporates paragraphs 1 through 15 of Count One as paragraphs 1 through 15 of this Count Two, as if fully set forth herein.

16. At all times relevant hereto, the conduct of the defendants offended public policy; was immoral, oppressive, unethical and unscrupulous; and caused substantial injury to consumers, competitors and other

businessmen; thereby violating the Connecticut Unfair Trade Practices Act ("CUTPA") C.G.S. § 42-110a, *et seq.*, as made and provided, resulting in ascertainable losses to the plaintiff as set forth herein.

17. The plaintiff has forwarded a copy of this complaint to the Connecticut Attorney General's office and the Commissioner of Consumer Protection, as required by C.G.S. § 42-110g(c).

WHEREFORE the plaintiff claims:

1. Declaratory judgment as to:
 - a. whether or not the defendant Tesla can operate to display new and preowned vehicles;
 - b. whether or not the defendant Tesla can install signage referencing Tesla Service Center and Showroom;
 - c. whether or not the defendant Tesla can sell directly or indirectly new or used vehicles through its proposed East Hartford facility;
2. A temporary and permit injunction precluding Tesla from selling directly or indirectly new or used cars in the State of Connecticut;
3. Damages;
4. Damages pursuant to C.G.S. § 42-110g;
5. Punitive damages pursuant to C.G.S. § 42-110g(a);
6. Attorney's fees pursuant to C.G.S. § 42-110g(d); and
7. Such other legal and equitable relief as the court deems appropriate.

PLAINTIFF,

By



Richard P. Weinstein, Esquire
WEINSTEIN & WISSER, P.C.
29 South Main Street, Suite 207
West Hartford, CT 06107
Telephone 860-561-2628
Email: rpw@weinsteinwisser.com
Juris No. 45674

RETURN DATE: JUNE 15, 2021 : SUPERIOR COURT
JETOBRA, INC. : J.D. OF HARTFORD
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STATEMENT OF AMOUNT IN DEMAND

The amount in demand is greater than Fifteen Thousand and 00/100
(\$15,000.00) Dollars, exclusive of interest and costs.

PLAINTIFF,



By _____
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