

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF CONNECTICUT

John Grande v. Hartford Board of Education et al.

Grande · No. 3:24-CV-00010 (SFR) · Decided February 10, 2026

SUMMARY

The United States District Court for the District of Connecticut denied defendants Tracy Avicolli and Edward Wilson, Jr.’s motion for reconsideration of the denial of summary judgment on qualified-immunity grounds. The court held that defendants identified no overlooked controlling law, new evidence, or clear error, and that disputed factual issues concerning their motive in disciplining John Grande prevented resolution of qualified immunity at the summary-judgment stage. The court noted that defendants could raise qualified-immunity and Garcetti-Pickering defenses at trial.

CASE DETAILS

COURT	United States District Court for the District of Connecticut
WRITING FOR THE COURT	Sarah F. Russell
JURISDICTION	United States District Court for the District of Connecticut
DECIDED	February 10, 2026
DOCKET	3:24-CV-00010 (SFR)
DISPOSITION	other
PROCEDURAL POSTURE	Defendants Tracy Avicolli and Edward Wilson, Jr. moved for reconsideration of the court's denial of their motion for summary judgment on Count One, insofar as the court denied qualified immunity to them in their individual capacities.
STANDARD OF REVIEW	A motion for reconsideration is governed by a strict standard and is generally denied unless the movant identifies controlling decisions or data the court overlooked, an intervening change in controlling law, newly available evidence, clear error, or manifest injustice. The motion may not be used to relitigate issues or present arguments already considered.
PRECEDENTIAL VALUE	unpublished district court memorandum and order

TOPICS

- motion for reconsideration
- summary judgment
- first amendment
- free speech
- civil procedure

PRACTICE AREAS

civil procedure

constitutional law

civil rights

employment law

QUESTIONS PRESENTED

1. Whether defendants identified a basis warranting reconsideration of the prior denial of summary judgment on qualified-immunity grounds.
2. Whether disputed factual issues concerning the defendants' motive in investigating and disciplining Grande precluded resolution of qualified immunity at the summary-judgment stage.

HOLDINGS

1. Reconsideration was unwarranted because defendants identified no overlooked controlling authority, new evidence, clear legal error, or manifest injustice; they merely repeated an argument previously considered.
2. Qualified immunity could not be resolved in defendants' favor at summary judgment because disputed facts concerning whether Grande was disciplined for disruptive or inappropriate language or because of the viewpoint he expressed remained material to the constitutional and clearly-established-right inquiries.

KEY QUOTATIONS

“A motion for reconsideration “will generally be denied unless the [movant] can point to controlling decisions or data that the court overlooked—matters, in other words, that might reasonably be expected to alter the conclusion reached by the court.”” (II)

“A motion for reconsideration is “not a vehicle for relitigating old issues, presenting the case under new theories, securing a rehearing on the merits, or otherwise taking a second bite at the apple.”” (II)

“The Opinion simply determined that these issues turn on disputed issues of fact and could not be resolved at this stage of the case.” (III)

FACTUAL BACKGROUND

Grande alleged that school officials retaliated against him and compelled speech in violation of the First Amendment. The defendants maintained that Grande was disciplined for using inappropriate language, while Grande contended that he was disciplined because of the viewpoint he expressed, including concerns about gender or race discrimination in the workplace. The court previously found disputed facts concerning whether the investigation and discipline were motivated by disruption concerns or by disagreement with Grande's viewpoint.

PROCEDURAL HISTORY

Grande brought First Amendment retaliation and compelled-speech claims against the Hartford Board of Education and several officials. The court previously granted summary judgment to the defendants on the compelled-speech claim and partially granted summary judgment on the retaliation claim, but denied summary

judgment to Avicolli and Wilson in their individual capacities because disputed factual issues precluded resolution of qualified immunity at summary judgment. Avicolli and Wilson sought reconsideration, arguing that the court defined the clearly established right too generally and that denial of qualified immunity would cause manifest injustice. The court denied reconsideration.

DISPOSITION

other

CASES CITED

- Shrader v. CSX Transportation, Inc., 70 F.3d 255, 257 (2d Cir. 1995)
- Virgin Atlantic Airways, Ltd. v. National Mediation Board, 956 F.2d 1245, 1255 (2d Cir. 1992)
- Analytical Surveys, Inc. v. Tonga Partners, L.P., 684 F.3d 36, 52 (2d Cir. 2012)
- Range Road Music, Inc. v. Music Sales Corp., 90 F. Supp. 2d 390, 391-92 (S.D.N.Y. 2000)
- Taylor v. Barkes, 575 U.S. 822 (2015)
- City of Escondido v. Emmons, 586 U.S. 38 (2019)
- Eaton v. Estabrook, 144 F.4th 80 (2d Cir. 2025)
- Neubecker v. New York State, 387 F. Supp. 3d 302, 305 (W.D.N.Y. 2019)
- Blinkoff v. City of Torrington, No. 3:21-CV-1516 (SRU), 2025 WL 3216068, at *3 (D. Conn. Nov. 17, 2025)

OPINION

UNITED STATES DISTRICT COURT DISTRICT OF CONNECTICUT -----
----- x JOHN GRANDE,: Plaintiff,: v.: 3:24-CV-00010 (SFR)
HARTFORD BOARD OF EDUCATION ET AL,: Defendants.: -----
----- x MEMORANDUM & ORDER Defendants Tracy Avicolli and Edward Wilson, Jr. (“Defendants”) have moved for reconsideration of my Opinion denying their motion for summary judgment on Count One of Plaintiff John Grande’s complaint on qualified immunity grounds.

Defs.’ Partial Motion for Reconsideration as to Ruling on Motion for Summary Judgment Denying Qualified Immunity to Avicolli and Wilson (“Defs.’ Mot.”). ECF No. 49. For the reasons discussed below, I deny Defendants’ motion for reconsideration.

I. BACKGROUND Grande filed this action on January 3, 2024, asserting claims of retaliation and compelled speech in violation of the First Amendment against the Hartford Board of Education and officials Leslie Torres-Rodriguez, Edward Wilson, Jr., and Tracy Avicolli. ECF No. 1. I assume the parties’ familiarity with the factual and procedural background of this case.

All defendants moved for summary judgment on both the retaliation claim (Count One) and the compelled speech claim (Count Two). ECF No. 41. In an Opinion dated September 9, 2025, I

granted the motion for summary judgment as to all defendants on Count Two. Regarding Count One, I granted the motion for summary judgment as to Wilson and Avicolli in their official capacities and as to Torres-Rodriguez in her official and individual capacity.

I denied summary judgment without prejudice on Count One as to the Hartford Board of Education. Finally, I denied the motion for summary judgment on Count One as to Wilson and Avicolli in their individual capacities. See Opinion, ECF No. 48.

On September 16, 2025, Wilson and Avicolli filed a motion seeking reconsideration of my Opinion on the issue of qualified immunity. Defs.' Mot. Grande filed his response on November 24, 2025. Pl.'s Response re Motion for Reconsideration ("Pl.'s Resp."), ECF No. 51. II. LEGAL STANDARD Local Rule of Civil Procedure 7(c) permits a party to file a motion for reconsideration within seven days of the filing of the decision from which the party seeks relief.

D. Conn. Local R. Civ. P. 7(c). The Second Circuit has repeatedly held that "[t]he standard for granting... a motion [for reconsideration] is strict." *Shrader v. CSX Transp., Inc.*, 70 F.3d 255, 257 (2d Cir. 1995). A motion for reconsideration "will generally be denied unless the [movant] can point to controlling decisions or data that the court overlooked—matters, in other words, that might reasonably be expected to alter the conclusion reached by the court." *Id.* Courts have granted motions for reconsideration in limited circumstances, including: (1) where there has been an "intervening change of controlling law"; (2) where new evidence has become available; or (3) where there is a "need to correct a clear error or prevent manifest injustice." *Virgin Atl.*

Airways, Ltd. v. Nat'l Mediation Bd., 956 F.2d 1245, 1255 (2d Cir. 1992) (internal quotation marks omitted). A motion for reconsideration is "not a vehicle for relitigating old issues, presenting the case under new theories, securing a rehearing on the merits, or otherwise taking a second bite at the apple." *Analytical Surveys, Inc. v. Tonga Partners, L.P.*, 684 F.3d 36, 52 (2d Cir.

2012) (citation and internal quotation marks omitted). "Such motions must be narrowly construed and strictly applied in order to discourage litigants from making repetitive arguments on issues that have been thoroughly considered by the court." *Range Road Music, Inc. v. Music Sales Corp.*, 90 F. Supp. 2d 390, 391-92 (S.D.N.Y. 2000). III. DISCUSSION Defendants argue that I should set aside my denial of summary judgment on qualified immunity grounds to avoid the "manifest injustice" of subjecting Defendants to potential personal liability "for doing their jobs as administrators of the District." Defs.' Mot.

3. Defendants assert that the Opinion defined "the clearly established right with a high level of generality," contrary to Supreme Court case law. Defs.' Mot. 4. In the Opinion, I concluded that it "is clearly established by Second Circuit and Supreme Court cases that raising concerns about gender or race discrimination [in] the workplace is speech about a matter of public concern, particularly when the concern extends beyond an individual plaintiff's situation." Opinion 35.

But according to Defendants, “[t]he real question the Court should have asked is whether there was a clearly established law that prohibited the Individual Defendants from investigating and addressing a complaint of inappropriate language during this type of professional setting.” Defs.’ Mot. 4. Defendants’ argument reveals precisely why the qualified immunity issue could not be resolved prior to trial.

Whereas Defendants assert that Grande was disciplined because of “inappropriate language,” Grande maintains he was disciplined because of the viewpoint he expressed. I determined that Defendants’ motive in disciplining Grande could not be resolved on the record before me because of disputed issues of fact, and thus qualified immunity was unavailable at the summary judgment stage of the case.

See Opinion 37 (stating that qualified immunity was unavailable, in part, because “Grande has demonstrated issues of fact as to whether the investigation and discipline were based on concerns about disruption or instead based on the viewpoint he expressed”) Defendants’ motion discusses the Supreme Court’s decisions in *Taylor v. Barkes*, 575 U.S. 822 (2015) and *City of Escondido v. Emmons*, 586 U.S. 38 (2019), which I considered and cited, along with the Second Circuit’s recent qualified immunity decision in *Eaton v. Estabrook*, 144 F.4th 80 (2d Cir.

2025)—which itself relies on Supreme Court and Second Circuit precedent related to defining a “clearly established right” for purposes of qualified immunity analysis. Opinion 34. Defendants point to no overlooked case law nor raise any argument that I failed to consider in my decision to deny summary judgment.

The fact that Defendants disagree with my analysis in denying summary judgment does not present grounds for reconsideration. See, e.g., *Neubecker v. New York State*, 387 F. Supp. 3d 302, 305 (W.D.N.Y. 2019) (“Defendant’s motion raises no new facts regarding this issue and offers no legitimate basis for reconsideration.

To the contrary, Defendant merely cites the same district court case that it cited in its original motion papers.”). Defendants argue that the Opinion is manifestly unjust because they could face potential personal liability for performing their jobs. But Defendants may still raise defenses at trial, including qualified immunity and Garcetti-Pickering arguments.

The Opinion simply determined that these issues turn on disputed issues of fact and could not be resolved at this stage of the case. If it is determined after trial that Defendants violated Grande’s clearly established First Amendment rights, the imposition of liability is not a manifest injustice.

In sum, Defendants have not pointed to obvious legal error or new information “that might reasonably be expected to alter [my] conclusion.” *Shrader*, 70 F.3d at 257; *Blinkoff v. City of Torrington*, No. 3:21-CV-1516 (SRU), 2025 WL 3216068, at *3 (D. Conn. Nov. 17, 2025). Instead, Defendants assert an argument that I have already thoroughly considered.

Therefore, Defendants have failed to meet the strict standard required for granting a motion for reconsideration. IV. CONCLUSION Accordingly, for the reasons discussed above, I deny Defendants' motion for reconsideration. SO ORDERED. New Haven, Connecticut February 10, 2026 /s/Sarah F. Russell SARAH F. RUSSELL United States District Judge

Retrieved from lawtools.ai · <https://lawtools.ai/cases/state/united-states-district-court-for-the-district-of-connecticut-united-states-district-court-for-the-di/2026/john-grande-v-hartford-board-of-education-et-al-5j65pe04>