



March 29, 2016

Barbara McDowell & Gerald S. Hartman Foundation NCLEJ Interim Report

Overview

In early 2012, NCLEJ and Greater Hartford Legal Aid sued the Connecticut Department of Social Services (*Briggs v. Bremby*) when it was evident that the state was severely delaying and, in some instances, outright denying food stamps to eligible households. In Connecticut, where the cost of living is already quite high, the timely provision of food stamps can make the difference to keep children from going hungry and families from being forced to divert other necessary resources to feed themselves.

Connecticut was doing quite poorly, with more than 40% of the applications for food stamps being processed late, often weeks late. The sources of the delays include problems with document imaging, reliance on call centers, the elimination of brick and mortar offices, the reduction in staffing, and the increase in need following the recession.

The Connecticut Attorney General's office has vigorously opposed all relief at every stage. It has moved to dismiss the claims, resisted discovery, and strenuously opposed class certification and preliminary injunctive relief.

After expensive and time-consuming discovery, we were able to secure a preliminary injunction, which the state immediately appealed to the Circuit. We argued the appeal and, in a first-in-the-nation holding, the Court unanimously ruled in July 2015 that the provisions of the Food Stamp Act under which we filed are enforceable. However, during the time of the appeal, the District Judge stayed further action.

We have been given a trial date in July 2016. The critical issues for the Court will be whether the State has improved sufficiently to relieve it of continued Court oversight. If the Court rules that the defendant has not improved sufficiently, the plaintiffs will secure a permanent injunction and we anticipate a hearing on the scope of that permanent injunction to secure a lasting and durable remedy.

Progress to Date

We are pleased to report that NCLEJ, working in partnership with Greater Hartford Legal Aid, has made considerable progress to securing relief for the class. We have been active on a number of fronts:

- We moved for summary judgment as to the question of whether the State is processing food stamp applications in a timely manner. The argument also addressed Connecticut's failure to have effective monthly reporting. The Court has reserved decision;

- We engaged in extensive discovery – reviewing thousands of pages of documents and conducting two of the four depositions, including of the Commissioner of the State agency. We have learned much about how the State processes applications, the causes of lateness, and the deficiencies of the State’s data reporting systems;
- We have reviewed whether to offer independent expert testimony to help the Court and are determining whether to offer expert rebuttal testimony to address the State’s more than 20 page expert report.

Conclusion

The assistance from the Barbara McDowell and Gerald S. Hartman Foundation, which supports our efforts to enforce the existing preliminary injunction and to secure a permanent injunction, has been critical. This work has been and will continue to be very resource intensive.

As we anticipated, we have incurred and will continue to incur expenses for depositions, a possible expert witness, and other pre-hearing litigation costs. If we are forced to go to a hearing, we will incur considerable additional expense in preparing and litigating the claims.

We could not be more grateful for the Foundation’s assistance and trust that the Foundation knows that it is helping to make a significant difference for the hungry residents of Connecticut.

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