

**UNITED STATES DISTRICT COURT  
DISTRICT OF CONNECTICUT**

MACKEEBER ASSOCIATES, LLC,	)	
	)	
<i>Plaintiff,</i>	)	3:25-cv-295 (OAW)
	)	
v.	)	
	)	
TOWN OF SOUTH WINDSOR, ET AL,	)	
	)	
<i>Defendants.</i>	)	

**TEMPORARY RESTRAINING ORDER**

Plaintiff MacKeeber Associates, LLC seeks a temporary restraining order (“TRO”) against Defendants Town of South Windsor (“South Windsor”), Town Manager Michael Maniscalco, Chief Building Official Marc Melanson, and Blight Enforcement Officer Pamela Oliva, to enjoin them from selling or otherwise alienating the real property located at 515 John Fitch Boulevard, South Windsor, Connecticut (“the Property”).<sup>1</sup> ECF No. 13. The court has reviewed the motion, Defendant South Windsor’s objection thereto, ECF No. 14, its supplemental memorandum in opposition, ECF No. 16, Plaintiff’s response, ECF No. 17, and the record in this case.

(a) The court finds that Plaintiff has made the requisite showings to warrant entry of a TRO. Plaintiff has presented sufficiently serious questions going to the merits of its claim that South Windsor violated the Excessive Fines Clause of the Eighth Amendment, so as to make it fair ground for litigation.

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<sup>1</sup> The real property is scheduled to be sold in a public auction on March 13, 2025. ECF No. 16 at 5.

(b) Plaintiff established a threat of irreparable harm if Defendant proceeds with selling the Property. The court finds that the harm Plaintiff is likely to suffer absent a TRO would not be redressed by legal remedies.

(c) Finally, the court finds that the benefits of granting injunctive relief to protect Plaintiff's interests outweigh any harm such relief might cause Defendant.

Accordingly, IT IS HEREBY ORDERED THAT:

1. Plaintiff's Application for Temporary Injunction, ECF No. 13, is **GRANTED**, as modified herein.
  - a. Defendants are restrained and enjoined from enforcing or seeking enforcement of the Certificate of Blight Lien on the real property located at 515 John Fitch Boulevard, South Windsor, Connecticut, and the monetary assessments that the Blight Lien seeks to secure, including but not limited to the current alleged principal amount of said lien, together with any other costs and reasonable attorney's fees.
  - b. Defendants are restrained and enjoined from enforcing or seeking enforcement of the Notice of Levy and Sale of Real Estate, dated January 23, 2025, directed to 515 John Fitch Boulevard, South Windsor, Connecticut.
  - c. Defendants are restrained and enjoined from selling, transferring title or ownership, or otherwise alienating at auction or in any other manner, the real property located at 515 John Fitch Boulevard, South Windsor, Connecticut.

2. Plaintiff's Request for Waiver of Bond, ECF No. 13, is **GRANTED**. Due to the balance of equities, the court will exercise its discretion to dispense with the requirement under Federal Rule of Civil Procedure 65(c) that Plaintiff post security. See *Doctor's Associates, Inc. v. Stuart*, 85 F.3d 975, 985 (2d Cir.1996). The parties are free to argue for a different determination on this point.
3. Plaintiff's Application for Order to Show Cause, ECF No. 13, is **GRANTED**. The parties shall be referred to a United States Magistrate Judge for a hearing to show cause why the terms of the order should not continue as a preliminary injunction pending the determination of the case on the merits.

**IT IS SO ORDERED** in Hartford, Connecticut, this 12<sup>th</sup> day of March, 2025.

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/s/  
OMAR A. WILLIAMS  
UNITED STATES DISTRICT JUDGE