

NO: MMX-FA05-4002759S : SUPERIOR COURT  
SCOTT EIGNER : JUDICIAL DISTRICT  
OF MIDDLESEX  
v. : AT MIDDLETOWN, CONNECTICUT  
ANDREA EIGNER : AUGUST 12, 2013

BEFORE THE HONORABLE GERARD I. ADELMAN, JUDGE

A P P E A R A N C E S :

Representing the Defendant:

ANDREA EIGNER, Self-Represented Litigant

Former Guardian ad Litem:

ATTORNEY SUE COUSINEAU

Recorded By:  
Carrie Bogdan

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Carrie Bogdan  
Court Recording Monitor  
1 Court Street  
Middletown, CT 06457

1 THE COURT: All right, number 52, Eigner versus  
2 Eigner.

3 ATTY. COUSINEAU: They're getting Mrs. Eigner  
4 from the hall, Your Honor. She's approaching.

5 For the record, Sue Cousineau, I was the  
6 guardian ad litem in this matter. This is my request  
7 for a status conference concerning fees due me from  
8 Mrs. Eigner.

9 THE COURT: All right.

10 MS. EIGNER: Excuse me, Your Honor, since I have  
11 a Federal lawsuit in on you I think that you need to  
12 recuse yourself.

13 THE COURT: I'm not aware of a Federal lawsuit.

14 MS. EIGNER: You've been served.

15 THE COURT: I've never been served.

16 MS. EIGNER: Attorney Jane Rosenberg is handling  
17 your case.

18 ATTY. COUSINEAU: Your Honor, I think what Mrs.  
19 Eigner is referring to is she has a Federal lawsuit.  
20 I think she moved to amend the suit to include you,  
21 I don't think that has been ruled on yet. That's my  
22 read of the docket.

23 THE COURT: I'm just, I've never been notified  
24 of --

25 ATTY. COUSINEAU: Right.

26 MS. EIGNER: It went in months ago. When you  
27 told me I couldn't talk about my son to God.

1 THE COURT: Right. I remember that.

2 MS. EIGNER: That I couldn't talk God to my son.

3 And you broke my -- you violated my First  
4 Amendment Rights.

5 THE COURT: That's your allegation.

6 MS. EIGNER: Just like the rest of the judges in  
7 here.

8 THE COURT: Okay.

9 MS. EIGNER: So, your name has been added.

10 THE COURT: So, do you have some evidence that  
11 there's a lawsuit pending?

12 MS. EIGNER: I do.

13 THE COURT: Okay.

14 MS. EIGNER: I do.

15 THE COURT: What do you have?

16 MS. EIGNER: I don't have it with me but I can  
17 give you the number. You know, and you need to  
18 recuse yourself. And as far as I know that you're  
19 being investigated by the FBI also. So, this is not  
20 proper for you to hear the case.

21 THE COURT: Well, ma'am, under the Rules of  
22 Ethics that judges follow an allegation is not  
23 sufficient grounds for bias.

24 MS. EIGNER: It's not allegation. I've been  
25 working with legislatures here in Connecticut. They  
26 uncovered the investigation on you. Judge Gerald  
27 Adelman.

1 THE COURT: It's Gerard Adelman.

2 MS. EIGNER: Whatever your name is, your name is  
3 in there okay.

4 THE COURT: Okay.

5 MS. EIGNER: You're being investigated.

6 THE COURT: Okay. I can't find any grounds for  
7 bias ma'am.

8 MS. EIGNER: Well, it is bias.

9 THE COURT: I get allegations made against me  
10 all the time.

11 MS. EIGNER: Well, FBI has it in their hands  
12 now. It's a matter of time you won't be on the seat,  
13 so.

14 THE COURT: That's fine.

15 MS. EIGNER: And you won't be hearing my case.

16 THE COURT: Well, I'm hearing this one.  
17 Ma'am, sit down please.

18 All right. What's the motion?

19 ATTY. COUSINEAU: Yes, Your Honor. It's my  
20 request for a status conference. Ms. Eigner has an  
21 outstanding balance of \$6,064.37. She filed  
22 bankruptcy in this matter and in February I received  
23 a discharge of debtor.

24 However, as the Court is aware, as I wrote and  
25 indicated to Mrs. Eigner, my GAL fees are not  
26 dischargeable in bankruptcy. The discharge form  
27 lists the exceptions on the back, debts that are not

1 discharged just because she listed me on her  
2 application does not mean that it's discharged.

3 MS. EIGNER: I have her name here.

4 ATTY. COUSINEAU: If I could please finish  
5 ma'am.

6 MS. EIGNER: Go ahead.

7 ATTY. COUSINEAU: In response to my letter  
8 indicating that I am not discharged and she should  
9 please make arrangements to clear the balance she  
10 filed an amendment to that Federal lawsuit where I am  
11 also a defendant. I don't mean also, Your Honor, I  
12 am a defendant clearly. And she has filed a request  
13 to dismiss my status conference with the Federal  
14 Court, but I stand by my claim. I had information  
15 that Ms. Eigner was not working for a while so I did  
16 not pursue the debt. I thought that when she had, by  
17 her judgment, she has to either sell the marital home  
18 or refinance it when the youngest is 18, even though  
19 she doesn't have custody of the children that order  
20 is still in effect. I thought I would just wait  
21 until then to get paid.

22 But now she has reported to the Federal Court  
23 that she's working and she's making some additional  
24 payments on her mortgage so she has funds and I --

25 MS. EIGNER: They're not additional.

26 ATTY. COUSINEAU: Ma'am --

27 THE COURT: Ma'am, you'll have an opportunity --

1 MS. EIGNER: They're not additional.

2 THE COURT: Ma'am. You will have your  
3 opportunity to speak. Please don't interrupt --

4 MS. EIGNER: Please don't yell at me.

5 THE COURT: Please do not interrupt the  
6 others --

7 MS. EIGNER: I understand.

8 THE COURT: Please have a seat. Have a seat and  
9 you'll have your opportunity to speak. Thank you.

10 ATTY. COUSINEAU: So I'm looking for payment.  
11 This debt is years that I have been patient, given  
12 the fact that she has been unemployed, and now that  
13 she's working I'd like some orders.

14 THE COURT: Thank you.

15 Ms. Eigner, your turn.

16 MS. EIGNER: Yes, I have a certificate of notice  
17 from the Bankruptcy Court with Sue Cousineau's name  
18 as being discharged and my discharge attached.

19 I don't see any reason I should -- besides the  
20 fact that it was discharged, why I should pay someone  
21 who assisted in legally kidnapping my child in 2008.

22 And it's not funny with a smirk on your face  
23 it's not funny.

24 THE COURT: Ma'am, please address just the  
25 Court.

26 MS. EIGNER: Okay. It's serious. She assisted  
27 in the legal kidnapping of my little boy and this

1 court has allowed it. And they've all participated  
2 with her. Okay. There is no reason for a mother to  
3 lose her child because people want to make money in  
4 this court. And here is the certificate. Could you  
5 please bring that to the Judge?

6 THE COURT: Mark it as Defendant's Exhibit A.

7 MS. EIGNER: You know, and I find it --

8 THE COURT: I assume you've seen this counsel?

9 ATTY. COUSINEAU: I've seen the discharge but  
10 the discharge doesn't list me. I received it from  
11 the Bankruptcy Court.

12 MS. EIGNER: Well, it does list you.

13 THE COURT: Ms. Eigner, I'm not going to tell  
14 you again. You speak when it's your turn, you do not  
15 interrupt. Is that clear?

16 MS. EIGNER: Oh, it's clear.

17 THE COURT: Thank you.

18 ATTY. COUSINEAU: Your Honor, it's the same that  
19 I've received in other cases and I had consulted with  
20 Attorney David Shaiken, who is a bankruptcy attorney,  
21 this is what you get. It just says the dischargeable  
22 debts are discharged. It lists exceptions on the  
23 back, debts that are not discharged. Domestic  
24 support obligations is listed under C. And the  
25 bankruptcy code, section 101(14a)(n) defines domestic  
26 support obligation. And I believe the Court's aware  
27 of the case law in Connecticut that the guardian ad

1 litem fees are not dischargeable in bankruptcy.

2 THE COURT: I do have, I'm looking at  
3 Defendant's Exhibit A, it is a standard discharge  
4 notice in a Chapter 7 bankruptcy signed by the  
5 Honorable Lorraine Weil. And there's a certificate  
6 of notice attached indicating the notice was sent to  
7 the following persons, one of whom is Attorney  
8 Cousineau.

9 Ms. Eigner, Attorney Cousineau is correct in the  
10 State of Connecticut and in Federal bankruptcy law  
11 the guardian's fees are considered a form of child  
12 support and are not dischargeable in bankruptcy. So  
13 I --

14 MS. EIGNER: Well, they must have thought it was  
15 because they discharged it.

16 THE COURT: Well, as you might see it's a form  
17 and so if you list somebody and you file the right  
18 papers then everybody gets a discharge notice. That  
19 doesn't necessarily mean the debts themselves are  
20 discharged.

21 MS. EIGNER: Well, I understand that, okay, at  
22 this point, for now. I'll get the money back from  
23 her later when I win my Federal suit.

24 THE COURT: So the question is are you working  
25 now?

26 MS. EIGNER: I am. But, I have to pay for my  
27 home and other bills.

1 THE COURT: Well, why don't you fill out a  
2 financial affidavit so the Court can make an  
3 appropriate ruling based on --

4 MS. EIGNER: But I still feel that I shouldn't  
5 have to pay someone who aided in the illegal  
6 kidnapping of my son and she's a disgrace and a  
7 serious liability to our society and she should be  
8 disbarred from her position as GAL and attorney and  
9 she will be very shortly. One way or another.

10 THE COURT: Well, ma'am, why don't you fill out  
11 your financial affidavit and bring it back in and the  
12 Court will consider your situation.

13 ATTY. COUSINEAU: And Your Honor, just to point  
14 out, I think the orders were already entered in 2008  
15 so it's not we're asking you to enter orders for the  
16 fees.

17 (Family Short Calendar continues, not required  
18 for transcription.)

19 THE COURT: All right. 52, Eigner versus  
20 Eigner.

21 ATTY. COUSINEAU: For the record, Sue Cousineau,  
22 guardian ad litem, former guardian ad litem.

23 THE COURT: All right. Now, in the abundance of  
24 fairness, Ms. Eigner let me point out to you that, as  
25 I did earlier this morning, but in more detail, under  
26 our Connecticut Practice Book Section 1-22(b) that  
27 once a judicial authority is made aware that there is

1           some sort of complaint or lawsuit then even though  
2           there is no motion filed I'm going to assume that  
3           their comments this morning are in the form of a  
4           motion for me to recuse myself.

5           Understand that the mere filing of a complaint  
6           or a lawsuit, in and of itself, according to our  
7           Practice Book, does not disqualify the judge. There  
8           has to be a finding that there's been some bias  
9           against you.

10           So, as far as I can recall you were only in  
11           front of me that one time when I told you that --  
12           when I suspended the access since you were unwilling  
13           to follow the rules of the supervised visitation.

14           So, what claim of bias do you have to make me  
15           consider recusing myself?

16           MS. EIGNER: Well, you clearly violated my First  
17           Amendment Rights by telling me I could not speak of  
18           God to my child and you acknowledged that in the  
19           courtroom. And that would be a true violation where  
20           it would call for you to be added, and you were given  
21           a summons through Jane Rosenberg, it was sent out  
22           months ago, and why she didn't -- she's your attorney  
23           why she didn't inform you --

24           THE COURT: Well, ma'am, what I'm telling you  
25           is --

26           MS. EIGNER: -- I don't know.

27           THE COURT: I'm assuming, for a moment, that

1 everything you say is true.

2 MS. EIGNER: Well, it is.

3 THE COURT: You've added me to your Federal  
4 lawsuit. But the rules of -- the fact that you may  
5 or may not have -- let's assume you have for the sake  
6 of this proceeding. So you filed a lawsuit against  
7 me that, in and of itself, is not grounds for me to  
8 recuse myself. There has to be some evidence that  
9 I'm biased against you. The fact that I ruled  
10 against you, in and of itself, is not bias. I simply  
11 ruled against you.

12 MS. EIGNER: You ruled against me and my God.  
13 And you're saying that I cannot teach my child, talk  
14 to my child about God, that's bias, that is bias in  
15 God's eyes and in my eyes. And if there's anything  
16 else on earth that can be said that would be the most  
17 bias thing that anybody could ever say. So, Your  
18 Honor, yes, that is bias.

19 THE COURT: Okay. Is there any other evidence  
20 of bias that you can bring to my attention?

21 MS. EIGNER: Well, I'll let you know. I'm sure  
22 it's there, probably just ask your attorney in the  
23 documents.

24 THE COURT: Well, I'm asking you --

25 MS. EIGNER: I don't have the forms with me --

26 THE COURT: -- ma'am --

27 MS. EIGNER: -- it was a nice --

1 THE COURT: -- if you want me to recuse myself  
2 you need to present me with some --

3 MS. EIGNER: I believe that that's enough for  
4 you to recuse yourself because you threw my religion  
5 First Amendment Rights at me again, like the other  
6 attorneys did, like the other judges did who are on  
7 the lawsuit. And, you know, breaking the law would  
8 be a good reason to recuse yourself.

9 THE COURT: Okay. Anything else?

10 MS. EIGNER: As far as that goes?

11 THE COURT: Yes.

12 MS. EIGNER: I have something else to say it  
13 doesn't have anything to do with that.

14 THE COURT: Okay. Well, I cannot find any  
15 reason to recuse myself based on the fact that I  
16 ruled against you for violating the rules of your  
17 supervised visitation. So, the sua sponte motion  
18 that I recognized to recuse myself is denied.

19 All right. As to the -- have you completed a  
20 financial affidavit?

21 MS. EIGNER: I have. And that will also be  
22 reported to the Federal judge, all of this, what we  
23 just talked about. Because everything that's  
24 happening in this court he's getting copies of  
25 everything.

26 ATTY. COUSINEAU: Your Honor, I think she has,  
27 but I don't think she's had -- that's the copy

1 Andrea, you want to give him the original?

2 MS. EIGNER: Oh, okay.

3 ATTY. COUSINEAU: I don't know that she's had  
4 her acknowledgment taken. Did you have someone take  
5 your acknowledgment?

6 MS. EIGNER: On this?

7 ATTY. COUSINEAU: Right. You don't have a court  
8 signature. Did you do that?

9 MS. EIGNER: No.

10 ATTY. COUSINEAU: Right. So you have to swear  
11 in front of the clerk.

12 MS. EIGNER: Can we do that now?

13 THE COURT: Yes.

14 THE CLERK: Please raise your right hand. Do  
15 you solemnly swear or solemnly and sincerely affirm,  
16 as the case may be, that the information you provided  
17 in your financial affidavit is true to the best of  
18 your knowledge so help you God or under penalty of  
19 perjury?

20 MS. EIGNER: I do.

21 THE CLERK: Just please resign, cross out your  
22 name and then sign above and below it.

23 MS. EIGNER: Your Honor.

24 THE COURT: Yes.

25 MS. EIGNER: I have something else to say here.  
26 I have a person here who is a witness to the  
27 character, Sue Cousineau, and I'd like to have her

1 speak.

2 THE COURT: Ma'am, the issue before the Court,  
3 looking back in the file I see that on February 1<sup>st</sup>,  
4 2011 Judge Abrams granted a motion for order to pay  
5 fees. Is that the most recent order?

6 ATTY. COUSINEAU: I think that it is, Your  
7 Honor, yes.

8 THE COURT: And so the order granted the fact  
9 that there was an original balance of \$3,949.37 that  
10 you were ordered to pay immediately. And then a  
11 finding that there was an additional 2,175. So, the  
12 issue of the guardian's fees has been resolved and  
13 that it's not under appeal as far as I know.

14 MS. EIGNER: Well, Your Honor, she can testify  
15 to the fact that Sue Cousineau assists and collects  
16 fees for the kidnapping of children in this court.

17 THE COURT: I understand your position, ma'am.  
18 What I'm telling you is that issue has already been  
19 decided a year and a half ago. And there's no appeal  
20 pending on it.

21 MS. EIGNER: I have a motion to dismiss and so  
22 this witness would attest to the fact that she's  
23 collecting fees in kidnapping in this court.

24 THE COURT: Your motion to dismiss is denied.  
25 There's an order that has not been appealed, it's  
26 simply a matter whether you've paid the fee or you  
27 haven't paid it. And if you haven't paid it what

1 arrangements will be made to pay it.

2 That ship has sailed, so to speak. The issue  
3 was resolved in February of 2011.

4 MS. EIGNER: I'll get the payment back through  
5 the Federal suit plus some for damages.

6 THE COURT: So do you have any proposal for when  
7 and how you might pay the fees you owe her?

8 MS. EIGNER: I don't know. I am trying to  
9 renegotiate with the bank, I've made a couple  
10 payments to them as trial payments. And they're  
11 going to try to get my percentage down so that I can  
12 afford to pay my bills, my interest rate, they drop  
13 it, then maybe I'll have a chance of paying some of  
14 these bills. But, you know, I'll give her what I  
15 can, I guess, for now. I don't know.

16 ATTY. COUSINEAU: Your Honor, I have just a  
17 question on her financial affidavit. She doesn't  
18 list a value or a mortgage on her property but just  
19 lists \$50,000.00 in equity. From the documentation  
20 that she's provided it looks like her mortgage is  
21 80,000 -- \$81,000.00, that's documentation that she  
22 has given me. When we search her home on Zillow the  
23 estimate is \$369,000.00 for that home. So, I am  
24 wondering where she came up with 50,000 even in  
25 equity in her home. It appears that she probably has  
26 a lot more equity than that.

27 MS. EIGNER: I was told that because the house

1 is getting older it's devaluating. And the pricing  
2 since that estimate came out is lower. And also the  
3 ex would get half of that and real estate fees too.

4 So, when you deduct everything with the amount  
5 that I owe on the house that's about all I would have  
6 left.

7 ATTY. COUSINEAU: And I just don't find that to  
8 be a credible amount. It's probably twice that.

9 THE COURT: The house is -- what do you think  
10 the house is worth, ma'am?

11 MS. EIGNER: Well, I think it's worth about a  
12 little over 250. And like I said, I'm trying to  
13 refinance with the bank and buy out my ex so that  
14 he'll stop harassing me. And with that, you know.

15 THE COURT: What value did you list it on the  
16 bankruptcy for the house?

17 MS. EIGNER: I don't have it with me.

18 THE COURT: You don't recall?

19 MS. EIGNER: What?

20 THE COURT: You don't recall?

21 MS. EIGNER: Probably 250.

22 THE COURT: And how much is your mortgage? How  
23 much is the balance of your mortgage?

24 MS. EIGNER: 150. But I want to try to get the  
25 bank to give me some additional so that I can pay him  
26 off.

27 ATTY. COUSINEAU: Your Honor, that might be the

1 amount she's asking for. But the amount of the  
2 mortgage, this is documents that she filed herself in  
3 a motion to amend her Federal complaint lists it as  
4 \$80,612.82 as of --

5 THE COURT: The equity?

6 ATTY. COUSINEAU: -- as of July.

7 THE COURT: What was 80,000?

8 ATTY. COUSINEAU: The principal balance.  
9 80,612.

10 THE COURT: Oh.

11 MS. EIGNER: I'll pay her what I can. I'm going  
12 to find a way to pay my bills and I'll give her what  
13 I can. Like I said I'll get it back from her once  
14 the lawsuit goes through. I'll give her something,  
15 whatever I can.

16 ATTY. COUSINEAU: Your Honor, pay me what she  
17 can in the past has been five dollars here, 10  
18 dollars there, like --

19 MS. EIGNER: I had no job because of you I had  
20 no job.

21 THE COURT: Ma'am, just speak to me please.

22 MS. EIGNER: Because of her I had no job.

23 THE COURT: So at this point you have no debts  
24 other than your mortgage?

25 MS. EIGNER: She tried to destroy my life.

26 THE COURT: I'm sorry?

27 MS. EIGNER: Because she tried to destroy my

1 life by taking my son.

2 THE COURT: Ma'am, please just answer my  
3 question.

4 MS. EIGNER: Well, that's why I had no job.

5 THE COURT: You have no debts. Other than your  
6 mortgage you have no debts.

7 MS. EIGNER: The Bankruptcy Court has excused  
8 them. Discharged them.

9 THE COURT: Do you have a credit card?

10 MS. EIGNER: No.

11 THE COURT: And well the Court's going to find  
12 that you owe the guardian \$6,124.37 as of February  
13 1<sup>st</sup>, 2011. I'm going to order you to pay \$100.00 a  
14 month to the guardian. I'm going to have the debt  
15 accrue 10 percent interest under the statute while  
16 you're making the payment.

17 And so I'm going to have you come back in three  
18 months to -- I'm going to have you come back every  
19 three months to check on the status of your ability  
20 to pay.

21 MS. EIGNER: And every time I take time off of  
22 work I don't get paid.

23 THE COURT: Well then that's all the reason to  
24 get some funds from someplace else.

25 MS. EIGNER: There are none.

26 THE COURT: Maybe you need to refinance the  
27 house or --

1 MS. FIGNER: Because of Sue Cousineau assisting  
2 in the kidnapping all of my inheritance is gone. My  
3 ISP is gone because of her and all her people that  
4 she had in the circle.

5 THE COURT: I'm going to continue the case until  
6 Monday, November 4<sup>th</sup>, for a status on the payments.  
7 \$100.00 a month starting September. 10 percent  
8 interest accrues starting September on 6,124.37.

9 Good luck.

10 ATTY. COUSINEAU: Thank you, Your Honor.

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NO: MMX-FA05-4002759S : SUPERIOR COURT  
SCOTT EIGNER : JUDICIAL DISTRICT  
OF MIDDLESEX  
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ANDREA EIGNER : AUGUST 12, 2013

C E R T I F I C A T I O N

I hereby certify the foregoing pages are a true and correct transcription of the audio recording of the above-referenced case, heard in Superior Court, Judicial District of Middlesex, Middletown, Connecticut, before the Honorable Gerard I. Adelman, on the 12<sup>th</sup> day of August, 2013.

Dated this 19<sup>th</sup> day of August, 2013 in Middletown, Connecticut.

  
Carrie Bogdan  
Court Recording Monitor