

1 TO: THE STATE OF CONNECTICUT - JUDICIARY COMMITTEE

2
3 FROM: PETER T. SZYMONIK

4 GLASTONBURY, CT

5
6 DATE: 10 APRIL 2014

7 RE: TESTIMONY IN OPPOSITION OF MR. DIANA'S JUDICIAL NOMINATION

8
9 My name is Peter Szymonik, I am a Polish immigrant and have lived in
10 Connecticut most of my life. I have spent most of my career working in or
11 for the legal industry and worked for six years at the same law firm which
12 produced Sen. Blumenthal, Justice Bright, former Supreme Court Justice
13 McLachlan and Chief State Justice Rogers. This law firm prided and
14 distinguished itself by requiring the highest possible level of ethical
15 standards and professional behavior from its partners, attorneys and staff.

16 Over the course of my career, I have worked with literally hundreds of
17 law firms and attorneys and sat on and chaired many local and national legal
18 industry committees. I am an expert in legal operations, legal bill review,
19 legal spend management and business process improvement.

20 I respectfully submit to the Judiciary Committee testimony in
21 opposition of the nomination of Mr. Leo Diana to become a judge the state's
22 Superior Court for the following reasons.

23 In 2005, I was wrongfully terminated for taking an ethical stand at a
24 former employer in what would eventually become a precedent setting
25 employment litigation case. When it became apparent that I would prevail in
26 this case towards the end of 2006, my former wife of 16 years unexpectedly
27 filed for divorce and started a campaign to financially terrorize and seize
28 my assets from me.

1 Our divorce was finalized in early 2008, but not before I was left
2 financially devastated due to my ex's relentless court filings. I was left
3 unemployed, all of my retirement and savings accounts were depleted, my
4 previously stellar credit ratings were destroyed and my home of 13 years
5 entered foreclosure. However and during this same time, a settlement was
6 achieved in my litigation case.

7 State law is clear that marital property may only be divided at the
8 time of the divorce. **Property may not be further divided once the divorce is**
9 **final.** In our case and in 2008, my ex specifically waived all rights to any
10 assets I might receive after the divorce was final.

11 In early 2010, I was scheduled receive such assets from a trust fund
12 established in my name at the time of the divorce - and when this asset was
13 properly divided.

14 Unfortunately, I was forced to expend over \$13,000 in arbitration costs
15 to secure the release of this asset, which was not released to me until early
16 2011.

17 Due to the downturn in the economy, the ongoing impact of my employment
18 litigation, and the impact of my ex's relentless filings against me, I lost
19 my home and struggled with unemployment, all while providing primary care for
20 my two young sons, one with special needs. I desperately needed the funds
21 from this asset I waited years for to pay off my mounting debts and to stave
22 off bankruptcy.

23 However, Mr. Diana, who represented my ex at the time (and who was also
24 a Guardian ad Litem), worked with the former Guardian ad Litem in our case,
25 Mr. Barry Armata, and Judge Adelman, to take advantage of me and my Pro Se
26 status. They worked together to illegally seize and further divide my asset
27 and property - three years after the divorce. This in order to personally
28 enrich themselves and at my and my sons' expense.

1 Mr. Armata, the former Guardian ad Litem, suddenly appeared in the case
2 when he was made aware by Mr. Diana that the asset I had waited three years
3 for was becoming available to me.

4 Mr. Armata, had been completely disengaged from the case and ignored
5 repeatedly violations of orders and reports of abuse of my sons for over two
6 years, doing no work on any kind on the case.

7 Mr. Diana, upon becoming aware that this asset was being released to
8 me, filed a motion with Judge Adelman just prior to the assets release,
9 demanding that the entirety of my asset be immediately seized and handed over
10 him.

11 Judge Adelman (formerly a Guardian ad Litem) illegally ordered this
12 seizure and misdirection of my property. Judge Adelman ordered this seizure
13 of my property even though there was no prejudgment remedy request before the
14 court, there was no legal or statutory grounds for the family court to seize
15 my property, and the amount of the asset substantially exceeded what I owed
16 to my ex at the time.

17 My motions challenging what the family court was ordering, citing case
18 law around the issue, and explaining that the Court was forcing me to be in
19 contempt by not offering me access to the funds I needed to pay my ex, were
20 immediately dismissed and denied without a proper hearing.

21 Each motion was immediately returned to me with a single word "Denied"
22 with no explanation.

23 After my property was misdirected, I achieved a settlement agreement
24 with my ex (and with Mr. Diana's assistance.) However, Mr. Armata refused to
25 sign off on a settlement agreement unless he was guaranteed to be paid
26 \$10,000, again, never once submitting an invoice or explaining what he should
27 be paid for

1 Mr. Armata further demanded that Mr. Diana be paid \$10,000 - as well as
2 that my litigation attorney be paid (over whom the family court had no
3 jurisdiction.) Mr. Armata worked with Mr. Diana and Judge Adelman to extort
4 money from me, knowing my dire financial situation and that I would be
5 immediately forced into bankruptcy and assume substantial new debts from
6 penalties owed, if I did not agree to his demands.

7 Mr. Armata and Mr. Diana slapped together a hand written "Agreement of
8 the Parties" literally minutes before Judge Taylor demanded that we appear
9 before him to report status and they forced me to sign this agreement under
10 extreme duress and with no opportunity for a critical review of the
11 agreement's terms. (During a subsequent hearing, Judge Taylor noted the
12 error of his entering the agreement without considering the substantial tax
13 implications it imposed on me and burdened me with - which came to over
14 \$22,000 in taxes owed.)

15 This important asset which I waited for three years for, which my ex
16 waived all rights to in 2008 and which I was forced to expend over \$13,000 to
17 secure the release of - **was further and illegally divided by the family court**
18 **as a result of Mr. Armata, Mr. Diana and Judge Adelman - all GALs, working to**
19 **take advantage of me and my Pro Se status.** I never held my asset and check
20 in my hands.

21 Mr. Armata walked away with \$10,000 for work he did not perform. Mr.
22 Diana, was handed the balance and improperly paid himself \$10,000 from my
23 asset. My litigation attorney took \$15,000 for himself.

24 I received less than \$38,000 and was left with a \$22,000 tax bill, on
25 top of the \$13,000 I paid to secure the release of the asset. In essence,
26 everything was taken from me by these attorney-GALs. I was left with
27 literally nothing for the years of very hard work invested in securing this
28 asset.

1 Mr. Diana was fully aware of the impact of all of this would have on me
2 and my ability to continue providing for my sons. He expressed no concern in
3 this regard. Mr. Diana was made aware of the illegal nature of these
4 proceedings. He expressed no concern in this regard. Mr. Diana was fully
5 aware that Mr. Armata was demanding to be paid for work he did not perform.
6 Mr. Diana expressed no concern in this regard.

7 During the course of these events and in subsequent conversations, I
8 came to know Mr. Diana on a more personal level. I came to believe that he
9 was a decent man and I appreciated that he needed to represent the best
10 interests of his client.

11 However, his willingness to engage and participate in unethical and
12 illegal activities to personally enrich himself at the expense of my family -
13 represents a serious error in judgment and character and is not reflective of
14 an individual who is qualified to make life altering decisions from the
15 bench.

16 For this reason, I respectfully submit that Mr. Diana should not
17 elevated to a judicial position in this state.